

HONG KONG GOVERNMENT DENIES THAT NEW LAWS ARE NEEDED TO TACKLE MODERN SLAVERY

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Legal Briefings

In a previous [post](#), we reported on a proposal by Hong Kong Legislative Councillors Dennis Kwok and Kenneth Leung that Hong Kong adopt new legislation on Modern Slavery, modelled on the UK Modern Slavery Act 2015.

The Modern Slavery Bill ("**Draft Bill**") was discussed by the Panel on Security of the Legislative Council on 5 June 2018.

The Draft Bill introduces and defines serious criminal offences of slavery, servitude, forced or compulsory labour, human trafficking, forced marriage, illicit sex tourism and related offences. Bodies corporate and partnerships conducting business in Hong Kong whose annual turnover exceeds a threshold amount would also be required to publish a slavery and human trafficking statement, including to detail the steps they had taken to ensure that modern slavery was not occurring in their business or supply chain.

During the discussion of the Draft Bill in the Panel hearing, the proposers of the Draft Bill emphasized the importance of consolidated legislation to effectively combat modern slavery effectively and to plug loopholes in the existing legal framework, including:

- the inability to trace and freeze proceeds of crime relating to human trafficking overseas;
- failure of the existing legislative framework to cover all forms of modern slavery;

- inadequate penalties; and
- lack of protections for victims.

The Government indicated that it does not support the Draft Bill on the basis that the Government considers the existing legal framework to be adequate.

During the discussion several Panel members expressed concern that Hong Kong has been placed on the Tier 2 Watch List in the Trafficking in Persons Report of the US State Department in 2016 and 2017. The Government stated it was not in a position to comment on the US classification.

There was no discussion during the Panel session on the proposed introduction of a requirement for commercial entities to publish an annual slavery and human trafficking statement, based on the equivalent requirement under the UK Modern Slavery Act 2015.

The proposers of the Draft Bill intend to table it for debate in the Legislative Council but in the absence of Government support it is unlikely to be passed into law at this stage.

Meanwhile, it is expected that a Modern Slavery Bill will be tabled for debate in the Australian parliament in the coming weeks and is likely to pass into law with bipartisan support.

KEY CONTACTS

If you have any questions, or would like to know how this might affect your business, phone, or email these key contacts.



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