

立法會
Legislative Council

LC Paper No. CB(2)2820/07-08
(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE/1

Panel on Security

**Minutes of special meeting
held on Monday, 5 May 2008, at 2:30 pm
in the Chamber of the Legislative Council Building**

- Members present** : Hon LAU Kong-wah, JP (Chairman)
Hon James TO Kun-sun (Deputy Chairman)
Hon Albert HO Chun-yan
Dr Hon LUI Ming-wah, SBS, JP
Hon Margaret NG
Hon CHEUNG Man-kwong
Hon WONG Yung-kan, SBS, JP
Hon Howard YOUNG, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon CHIM Pui-chung
- Members attending** : Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
- Members absent** : Dr Hon Philip WONG Yu-hong, GBS
Hon Daniel LAM Wai-keung, SBS, JP
Hon LEUNG Kwok-hung
- Public Officers attending** : Mrs Apollonia LIU
Principal Assistant Secretary for Security

Miss Linda LEUNG
Assistant Secretary for Security

Mr NG Kam-wing
Chief Superintendent (Crime Support)(Crime Wing)
Hong Kong Police Force

Mr LEE Kwan-hing
Senior Superintendent (Crime Support)(Crime Wing)
Hong Kong Police Force

Miss Agnes CHAN
Senior Government Counsel

**Attendance
by invitation**

: Zi Teng

Miss LAM Yee-ling
Coordinator

Ms YIP Yee-chun
Project Officer

Migrant Support Network

Miss LEUNG Yuet-kwan
Project Officer

Miss CHUNG Sze-wan
Project Officer

JJJ Association

Miss YIM Yuet-ngor
Project Officer

Ms LEE Yuk-lan
Project Officer

Action for REACH OUT

Miss Kendy YIM
Executive Director

Shirley
Volunteer

Association Concerning Sexual Violence Against Women

Miss Linda WONG
Executive Director

Miss Arnie LEE
Counsellor

Midnight Blue

Jimmy
Representative

Eric
Representative

Hong Kong Women Christian Council

Miss LOH Yuen-ching
Executive Secretary

Civil Human Rights Front

Miss CHAN Man-wai
Member

Clerk in attendance : Mrs Sharon TONG
Chief Council Secretary (2)1

Staff in attendance : Mr Raymond LAM
Senior Council Secretary (2) 5

Miss Helen DIN
Legislative Assistant (2) 1

Action

I. Policy and measures for enhancing the safety of sex workers
(LC Paper No. CB(2)1742/07-08(01))

Views of deputations

Action for REACH OUT

(LC Paper Nos. CB(2)1462/07-08(01), CB(2)1562/07-08(01) and
CB(2)1742/07-08(03))

Action

Miss Kendy YIM and Shirley presented the views of Action for REACH OUT as detailed in its submissions.

Association Concerning Sexual Violence Against Women
(LC Paper No CB(2)1742/07-08(06))

2. Miss Linda WONG and Miss Arnie LEE presented the views of the Association Concerning Sexual Violence Against Women as detailed in its submission.

Midnight Blue
(LC Paper Nos. CB(2)1387/07-08(01) and CB(2)1838/07-08(01))

3. Eric presented the views of Midnight Blue as detailed in its submission and further submission tabled at the meeting.

(Post-meeting note: The further submission tabled at the meeting was circulated to members vide LC Paper No. CB(2)1838/07-08 on 6 May 2008.)

Hong Kong Women Christian Council
(LC Paper No. CB(2)1785/07-08(02))

4. Miss LOH Yuen-ching presented the views of Hong Kong Women Christian Council as detailed in its submission tabled at the meeting.

(Post-meeting note: The submission tabled at the meeting was circulated to members vide LC Paper No. CB(2)1838/07-08 on 6 May 2008.)

Civil Human Rights Front
(LC Paper No. CB(2)1785/07-08(03))

5. Miss CHAN Man-wai presented the views of Civil Human Rights Front as detailed in its submission tabled at the meeting.

(Post-meeting note: The submission tabled at the meeting was circulated to members vide LC Paper No. CB(2)1838/07-08 on 6 May 2008.)

Zi Teng
(LC Paper Nos. CB(2)1748/07-08(02) and CB(2)1785/07-08(01))

6. Miss LAM Yee-ling and Ms YIP Yee-chun presented the views of Zi Teng as detailed in its submissions.

7. Members noted a further submission from Zi Teng, which was tabled at the meeting and restricted to the reference of Members only.

Action

(*Post-meeting note*: The further submission tabled at the meeting was circulated to members vide LC Paper No. CB(2)1839/07-08 on 6 May 2008.)

Migrant Support Network

(LC Paper Nos. CB(2)1742/07-08(02) and CB(2)1785/07-08(01))

8. Miss LEUNG Yuet-kwan and Miss CHUNG Sze-wan presented the views of Migrant Support Network as detailed in its submissions.

JJJ Association

(LC Paper Nos. CB(2)1742/07-08(02) and CB(2)1785/07-08(01))

9. Miss YIM Yuet-ngor and Ms LEE Yuk-lan presented the views of JJJ Association as detailed in its submissions.

Discussion

10. Principal Assistant Secretary for Security (PAS(S)) briefed Members on the Administration's paper on its policy and measures for enhancing the safety of sex workers. Regarding the issues raised by deputations, she said that the Police's internal guidelines governing anti-vice operations had been revised in late 2007. Under the revised guidelines, officers at the rank of Deputy District Commander or Senior Superintendent of Police were designated a more active role in supervising such undercover operations. Training for frontline Police officers had also been strengthened in the area of manner and attitude towards sex workers.

11. Chief Superintendent of Police (Crime Support)(Crime Wing) (CSP) highlighted the Police's response to issues raised by deputations as follows -

- (a) Since 1 May 2008, the Task Force Sub-units of different Police districts had disseminated their respective telephone contacts to sex workers within their districts to facilitate sex workers to seek Police assistance where necessary;
- (b) Since mid-April 2008, information on crime reported to have occurred inside one sex worker apartments had been provided to sex workers associations and concern groups for dissemination to sex workers to enhance their vigilance;
- (c) The Police had held regular meetings with sex workers associations and concern groups to provide advice on the protection of the personal safety of sex workers and the following regular meeting was to be held in mid-June 2008;
- (d) The Police's enforcement actions were not directed at sex workers,

Action

but the prevention of the exploitation of women and girls for the purposes of prostitution, combating organised prostitution activities and lessening the nuisance that vice activities might cause to members of the public;

- (e) Any sex worker who felt aggrieved or dissatisfied with the manner of Police officers could lodge a complaint with his office or the Complaints Against Police Office;
- (f) The relaxation of prostitution-related legislation would have an adverse effect on the prevention of crime; and
- (g) It was not illegal for a landlord to let his premises for use as a "one sex worker apartment" per se. However, some landlords had been found operating vice establishments with criminal syndicates under the guise of "one sex worker apartment".

Admin

12. The Deputy Chairman said that it was the first time when he heard of the Police stating that some vice establishments were controlled by criminal syndicates. He requested the Police to provide information on the number of "one sex worker apartment" operated in breach of, and those operated without breaching, the laws of Hong Kong. CSP agreed to provide the requested statistics in writing.

13. The Deputy Chairman asked whether the Police would take steps to change the attitude of Police officers towards sex workers and launch undercover operations to monitor the manner of frontline Police officers.

14. CSP responded that the Police was reviewing its training programmes to see how training for frontline Police officers could be enhanced in respect of the manner and attitude of frontline officers towards sex workers. He said that all activities at the report rooms of Police stations were video-recorded.

15. Miss CHOY So-yuk expressed concern that while the deputations urged the Police to provide them with telephone contacts to facilitate their contact with the Police, they seemed to lack confidence in the Police, especially in its handling of crime reports from sex workers. She asked how the problem could be addressed.

16. Miss LAM Yee-ling said that Police officers handling the report of crime from sex workers should focus on obtaining information about the crime concerned rather than the name and telephone number of the landlord of the "one sex worker apartment".

17. CSP said that since 1 May 2008, the Task Force Sub-units of different Police districts had provided their respective telephone contacts to sex workers operating in their districts to facilitate the sex workers to seek Police assistance

Action

when necessary.

18. Miss CHOY So-yuk asked whether it was necessary for undercover Police officers to receive some form of sex service before identifying whether a sex worker was a visitor in breach of the conditions of stay or an underage person.

19. CSP responded that the Police officers would usually undertake undercover operations in respect of "one sex worker apartment" when the sex worker concerned was suspected to be in breach of the law.

20. Dr Fernando CHEUNG said that the Police should review the effectiveness of the measures introduced to enhance the safety of sex workers. He pointed out that according to the submission from Miss CHOY Yuk-ping of the Chinese University of Hong Kong, sex workers were found in many types of premises, such as karaoke bars and night clubs. He requested the Police to provide information on -

- (a) the total number of sex workers in Hong Kong and their characteristics; and
- (b) the number of undercover operations involving "one sex worker apartment" and the manpower deployed by the Police in such operations.

Admin

21. CSP agreed to provide the requested statistics and review the effectiveness of the measures introduced by the Police to enhance the safety of sex workers. He said that there were about 2 000 "one sex worker apartments" in Hong Kong.

22. Dr Fernando CHEUNG asked when the Administration would reform legislation relating to "one sex worker apartment" and whether two sex workers would be allowed to work in one apartment.

23. PAS(S) responded that the law as it currently stood had struck a reasonable balance, taking account of the human rights and privacy of sex workers, the well being of other members of the community as well as the prevailing moral values of the community.

24. Mr Howard YOUNG expressed concern about a case quoted by JJJ Association where a sex worker was robbed and the robber was subsequently arrested and sentenced to imprisonment without requiring the sex worker to appear before the court. He asked whether this was in line with the usual practice for prosecution.

25. CSP responded that the Police had requested the association concerned at a meeting on 18 March 2008 to provide more information about the case.

Action

However, the Police had not yet received further information on the case from the association. He said that a witness might not be required to appear before the court, if the arrested person admitted the commission of the offence concerned. The Chairman asked JJJ Association to provide the Police report number of the case concerned to the Police for follow-up.

26. Mr Howard YOUNG said that many of the attending deputations seemed to be unaware of the telephone contacts established in various Police districts. He asked how sex workers would be made aware of these telephone numbers.

27. CSP responded that the establishment of telephone contacts was proposed by sex workers associations and concern groups in a recent meeting with the Police. He said that such contact numbers were distributed by Police officers of the Task Force Sub-units of different Police districts who were designated for the liaison work to sex workers operating in their respective districts.

28. Mr Tommy CHEUNG said that he had heard of many complaints about the poor manner of Police officers when conducting liquor licences inspections. He asked whether the Police considered it necessary to improve the manner of frontline Police officers.

29. CSP responded that there was always room for improvement in respect of Police procedures and the manner of Police officers in discharging duties. He informed Members that the Police management had asked the Police Training School to review the training programmes for Police officers with regard to their manner when discharging duties.

30. Mr Tommy CHEUNG asked whether guidelines were issued to Police officers undertaking undercover operations against vice activities. He also asked whether the Police's measures were adequate for protecting sex workers.

31. CSP responded that the Police's guidelines governing anti-vice operations strictly forbid sexual intercourse and oral sex. The receiving of sex service in undercover operations (for evidential purposes) required the approval of a Police officer at the rank of Senior Superintendent of Police or above. He added that the Police would provide sex workers with more information on precautions to be taken to protect their personal safety. However, it should be noted that the mode of operation of "one sex worker apartment" was in conflict with the general principles of crime prevention.

32. Mr Albert HO asked why it was necessary for Police officers to visit one sex worker apartments, if the sex workers concerned were not in breach of the law.

Action

33. CSP responded that visits were made by the Police to one sex worker apartments for crime prevention purpose, such as when there were reports that the sex worker in an apartment was not eligible for working in Hong Kong or when crime was reported in the building in which the one sex worker apartment was located. Statistics on the number of one sex worker apartments were also collated through visits to these apartments for briefing the District Councils and the District Fight Crime Committees.

34. Mr Albert HO expressed concern that some sex workers had complained of Police officers forcing them to provide the names and contact telephone numbers of the landlords of their apartments and subsequently asked the landlords to terminate the tenancy of the apartment concerned. He asked whether it was the Police's policy to force one sex worker apartments out of business.

35. CSP responded that the Police did not have such a policy. He said that in the absence of adequate information, it was difficult to investigate the allegations of depositions. He asked the depositions concerned to provide more information about the cases, such as the Police report numbers, for follow-up by the Police.

36. Ms Emily LAU said that the Police should hold its next meeting with sex workers associations and concern groups as soon as possible and inform the Panel of its further measures, if any, to protect the safety of sex workers.

37. Ms Emily LAU asked whether the attending depositions were supportive of the suggestion of Action for REACH OUT to amend existing prostitution-related legislation and whether there was a consensus view on the issue in the community.

38. Miss LAM Yee-ling said that discussion should commence on the reform of existing prostitution-related legislation to strike a better balance between the rights of sex workers and other members of the community.

39. PAS(S) reiterated that the law as it currently stood had struck a reasonable balance, taking account of the human rights and privacy of sex workers, the well being of other members of the community as well as the prevailing moral values of the community.

40. Mr CHEUNG Man-kwong expressed grave concern about the allegations of depositions regarding the Police's manner in the handling of sex workers. Besides the training of Police officers, he asked whether immediate steps would be taken to change the attitude of Police officers towards sex workers.

Action

41. CSP noted the concerns of Mr CHEUNG Man-kwong. He said that the issues raised at the meeting with sex workers associations would be conveyed to frontline commanders for their necessary actions.

42. Ms Margaret NG said that as the operation of one sex worker apartment was not in breach of the law, the Police and sex workers should cooperate to combat crime against sex workers. She considered that the Administration should review existing prostitution-related legislation with a view to creating a safer working environment for sex workers, facilitating the combating of crime against sex workers and striking a better balance between the interest of sex workers and other members of the public.

43. CSP responded that there had been many successful prosecutions under the existing prostitution-related legislation and this proved the effectiveness of the legislation. He stressed that the Police was very concerned about the safety of sex workers.

44. The Chairman, Mr CHEUNG Man-kwong and Ms Emily LAU asked Zi Teng to provide the Police report numbers of the 248 cases referred to in its further submission to the Police or to the Panel for onward submission to the Police for follow-up. Mr CHEUNG Man-kwong added that the Police should, upon the provision of further information on the cases by Zi Teng, provide a response in respect of the cases.

Admin

45. Ms Emily LAU and Ms Margaret NG suggested that the issue of review of legislation relating to "one sex worker apartment" should be followed up by the Panel. The Chairman said that the suggestion might be discussed at the Panel meeting to be held the following day.

46. The meeting ended at 4:35 pm.