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Mr Raymond Lam
Clerk to LegCo Panel on Security
Legislative Council
3/F Citibank Tower
3 Garden Road
Central

Dear Mr Lam,

Legislative Council Panel on Security

**Policy and Measures for Enhancing the Safety of Sex Workers and
Review of Legislation Relating to “One Sex Worker Apartment”**

At its meetings held on 5 May and 8 July 2008, the LegCo Panel on Security (the Panel) discussed the policy and measures for enhancing the safety of sex workers as well as legislation relating to “one sex worker apartment”. Arising from the discussion, Members requested the Administration to provide a written response on the following issues –

- (a) the number of “one sex worker apartment” operating illegally and those operating without contravening the laws of Hong Kong;
- (b) the number of sex workers in Hong Kong and their characteristics;
- (c) the manpower deployed by the Police for undercover operations involving “one sex worker apartment” and the number of such operations;
- (d) the number of cases involving the provision of sex service by two sex workers in one apartment in 2007, the number of prosecutions as well as the rate of successful prosecution in respect of these cases; and

(e) Security Bureau to consider taking the lead to review, in conjunction with other relevant bureaux, legislation relating to “one sex worker apartment”.

2. On item (a), the Police do not have comprehensive statistics on the number of “one sex worker apartment” in Hong Kong, but observe that the number fluctuates from time to time. For example, as at September 2008, the Police estimated that there were approximately 1 500 one sex worker apartments in Hong Kong.

3. On item (b), it is illegal to offer prostitution services in premises other than those used by a single sex worker for the purpose. The Police estimated that as at September 2008, there were about 1 500 sex workers working in one sex worker apartments and they were mostly Hong Kong residents. The Police do not have statistics on individuals who offer sexual services illegally.

4. On item (c), the Police started to collate statistics on the number of undercover operations against vice activities resulting in prosecution since late 2007. From October 2007 up to June 2008, the Police have conducted 723 undercover operations which led to prosecution against the vice activities so revealed. The Police do not collate statistics regarding the manpower deployed for undercover operations.

5. On item (d), during the period from January 2007 to June 2008, there were 9 cases involving the provision of sexual services by two sex workers in one apartment. 24 persons were arrested, 22 of whom were prosecuted and subsequently convicted.

6. On item (e), we have sought the views of relevant bureaux and departments. As mentioned in our paper which was discussed at the Panel meeting held on 8 July 2008 (LC Paper No. CB(2)2481/07-08(04)), the objectives of the existing prostitution-related offences are to prevent the exploitation of others for the purposes of prostitution, to combat organized prostitution activities and to minimise any nuisance which may be caused by such vice activities to members of the public. Any proposal to amend the existing prostitution-related laws must be carefully considered so as to ensure that the laws can continue to meet the afore-mentioned objectives. In this regard, we have already examined the prostitution-related offences which deputations attending the Panel meeting on 5 May 2008 had proposed to repeal or amend. In paragraphs 5 to 16 of LC Paper No. CB(2)2481/07-08(04), we explained our views why those provisions were necessary and should be retained given our policy objectives mentioned above.

7. The current legislative regime allows the operation of “one sex worker apartments” while criminalising the operation of vice activities involving more than one sex worker. This arrangement strikes a reasonable balance between the human rights and privacy of sex workers, the well-being of other members of the community and the prevailing moral values of the community. Relaxation of the existing prostitution-related legislation to allow more than one sex worker to operate in an apartment could upset this balance. Nor do the prevailing community mood and social values indicate that there is broadly-based support for any major changes to the control of vice businesses at this juncture. Moreover, at present on-street promotion of prostitution business frequently leads to public complaints of harassment, particularly in districts where prostitution activities are more prevalent. The proposal of allowing two sex workers in an apartment may not be conducive to addressing such complaints. To the contrary, this might be received as causing greater nuisance to the neighbourhood and lead to general concerns about proper building management.

8. From the law and order perspective, the existing vice-related offences help contain the opportunity for organized crime groups or individuals involved in illegal activities to exploit sex workers for their own gain. Decriminalising “two sex worker apartments” would make it more difficult for the Police to combat the activities of vice syndicates.

9. Taking the above considerations into account, we do not consider it appropriate to introduce major changes to the existing legislative regime regarding the control of prostitution-related activities, not from a law and order perspective. We have, nevertheless, taken note of the concerns raised by Members and sex workers groups regarding the safety of sex workers operating in one sex workers apartments. The Police have taken the initiative to maintain and enhance direct communication with sex workers and relevant concern groups so as to ensure their safety. The special measures taken by the Police are set out in our paper presented for discussion at the Special Meeting of the Panel on 5 May 2008 (LC Paper No. CB(2) 1742/07-08(01)). The Police will continue with their efforts in this regard.

Yours sincerely,

(Apollonia LIU)
for Secretary for Security