

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1636/08-09  
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by the Administration)

Ref : CB2/PS/1/08

**Panel on Security**

**Subcommittee on  
Police's Handling of Sex Workers and Searches of Detainees**

**Minutes of meeting  
held on Monday, 27 April 2009, at 8:30 am  
in Conference Room A of the Legislative Council Building**

- Members present** : Hon James TO Kun-sun (Chairman)  
Hon Albert HO Chun-yan  
Dr Hon Philip WONG Yu-hong, GBS  
Hon LAU Kong-wah, JP  
Hon Emily LAU Wai-hing, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon WONG Yuk-man
- Members attending** : Hon Albert CHAN Wai-yip  
Hon LEUNG Kwok-hung  
Hon Cyd HO Sau-lan
- Members absent** : Hon WONG Yung-kan, SBS, JP  
Hon Abraham SHEK Lai-him, SBS, JP  
Hon WONG Kwok-kin, BBS
- Public Officers attending** : Item I  
Mrs Apollonia LIU  
Principal Assistant Secretary for Security  
  
Ms Emily MO  
Assistant Secretary for Security

Mr Alan YU  
Assistant Commissioner of Police (Support) (Acting)

Mr NG Sai-kuen  
Chief Superintendent of Police (Crime HQ) (Crime Wing)

Mr Matthew Darron LINDSAY  
Superintendent of Police (General) (Support Branch)

Mr Eddy SIT  
Chief Inspector Custody Management and Detention  
(Support)

Mr Eddy TONG  
Chief Inspector, Crime HQ(1) (HQ Group) (Crime Wing)

**Clerk in attendance** : Mr Raymond LAM  
Chief Council Secretary (2) 1

**Staff in attendance** : Mr LEE Yu-sung  
Senior Assistant Legal Adviser 1

Miss Josephine SO  
Senior Council Secretary (2) 1

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## **I. Meeting with the Administration**

The Subcommittee deliberated (index of proceedings attached at **Annex**).

2. The Subcommittee requested the Administration to -
  - (a) confirm whether the Police had conducted custody searches involving "full removal of underwear" on those protesters arrested in the Lee Tung Street incident;
  - (b) provide further information regarding the searches conducted on those 15 protesters arrested in the Lee Tung Street incident, including the reasons for and the scope of the searches conducted on them;
  - (c) provide the report on the internal review conducted by the Police regarding the Lee Tung Street incident;

- (d) in respect of the 1 750 one sex worker apartments in Hong Kong as of March 2009, to provide information on their distribution among the different districts of Hong Kong;
- (e) provide information on :
  - (i) the number of sex workers who were found working in an apartment with another sex worker and were prosecuted for keeping a vice establishment;
  - (ii) the number of persons other than sex workers charged with the same offence;
- (f) provide further information on whether those 20 persons referred to in paragraph 11 of the Administration's paper (LC Paper No. CB(2)1408/08-09(01)) were all arrested by the Police, and the reasons for conducting searches on them;
- (g) provide the number and frequency of visits by Police officers to one sex worker apartments by district in the previous year, and the purpose of such visits; and
- (h) follow up and investigate into the complaint case cited by Mr Albert CHAN where officers in the Tin Shui Wai Police Station were alleged to have conducted unreasonable and unnecessary searches involving complete removal of clothing on a woman who was arrested for wounding others.

3. Members agreed that the Research and Library Services Division should try obtaining summaries of facts and judgments in order to provide the Subcommittee with information on the number of prosecutions in the past three to five years involving cases in which a sex worker operated alone in an apartment but was asked by the undercover Police officer in the anti-vice operation to arrange an additional sex worker to provide service together, and was subsequently charged with the offence of keeping a vice establishment under the Crimes Ordinance (Cap. 200).

4. The Police advised that it would further explore the deployment of millimetre wave scanner to assist Police officers in conducting custody searches.

## **II. Date of next meeting**

5. Members agreed that a closed door briefing on the need to conduct undercover operations against vice activities would be arranged by the

Administration. The LegCo Secretariat would liaise with the Administration on the date and time for holding the briefing. The Chairman said that the next meeting should be scheduled after the closed door briefing.

6. The meeting ended at 10:40 am.

Council Business Division 2  
Legislative Council Secretariat  
21 May 2009

**Proceedings of meeting of the  
Subcommittee on Police's Handling of Sex Workers and Searches of Detainees  
on Monday, 27 April 2009, at 8:30 am  
in Conference Room A of the Legislative Council Building**

<b>Time Marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action Required</b>
000000 - 001018	Chairman	Opening remarks	
001019 - 002600	Chairman Admin	Administration's response to issues raised by members at the Subcommittee meeting held on 31 March 2009 (LC Paper No. CB(2)1408/08-09(01))	
002601 - 003541	Hon LAU Kong-wah Admin Chairman	<p>Possibility of using advanced technology and devices, e.g. millimeter wave scanner, to assist Police officers in the conduct of body searches; findings of the study conducted by the Police in this respect (Annex C to LC Paper No. CB(2)1169/08-09(01))</p> <p>The suggestion of employing other means of enforcement, such as interception of communications or covert surveillance, to combat vice activities (Paragraph 8 of LC Paper No. CB(2)1408/08-09(01))</p>	
003542 - 004913	Hon Emily LAU Admin Chairman	<p>Advised that the Police would arrange a closed door briefing to brief members on the need to conduct undercover operations against vice activities and other related issues, including the number of undercover operations against organized prostitution activities which resulted in successful prosecution in the previous year</p> <p>The Administration's response to members' proposal of establishing a licensing or registration system to regulate vice activities and one sex worker apartments so as to minimize the need for enforcement actions against sex workers who were not controlled by organized crime groups</p>	<b>Admin to arrange a closed door briefing</b>

Time Marker	Speaker(s)	Subject(s)	Action Required
		<p>Reasons why statistics on cases in which Police officers were authorized to receive masturbation service during undercover operations against vice activities could only be provided 12 months after the operations had completed; the disclosure of such information before such time frame would compromise the operational effectiveness of investigations</p> <p>Advised that during the period between January and March 2009, the Police had searched a total of 20 persons other than detainees inside the Police stations; five of these cases of search involved full removal of underwear, and the persons were searched for drugs</p>	
004914 - 010039	Hon Audrey EU Admin Chairman Hon WONG Yuk-man	<p>Purpose of the closed door briefing - the Police would take the opportunity to brief members on the need to conduct undercover operations against vice activities and provide an overview of those operations against organized prostitution activities which resulted in successful prosecution</p> <p>Measures adopted by the Police since early 2008 to enhance the safety of sex workers working in one sex worker apartments -</p> <ul style="list-style-type: none"> <li>(a) establishment of a mechanism to disseminate timely crime information to sex workers so as to enhance their vigilance and safeguard their personal safety;</li> <li>(b) setting up of contact points at district level so that district Police officers could contact sex workers in the same district directly; and</li> <li>(c) provision of advice on protecting the personal safety of sex workers</li> </ul> <p>How the new guidelines on custody search introduced by the Police in July</p>	

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		<p>2008 would have been applied in the Lee Tung Street incident, if they had already been put in place by the time the incident took place, i.e. October 2007</p> <p>Sought clarification whether the Police had conducted custody searches involving "full removal of underwear" on those protesters arrested in the Lee Tung Street incident; requested the Police to provide further information regarding the searches conducted on those 15 protesters, including the reasons for and the scope of the searches conducted on them</p>	<p><b>Admin to provide the requested information (paragraphs 2(a) &amp; (b) of the minutes refer)</b></p>
<p>010040-011200</p>	<p>Hon WONG Yuk-man Chairman Admin</p>	<p>Expressed strong dissatisfaction with the Administration's response to issues raised by members at previous Subcommittee meetings, in particular the findings of the internal review conducted by the Police regarding the Lee Tung Street incident</p> <p>Reiterated deep concern about possible abuse of power by Police officers in the course of taking enforcement actions against sex workers working in one sex worker apartments</p> <p>Sought information on the number of sex workers working in one sex worker apartments with other sex workers on a shared basis who were prosecuted for "keeping a vice establishment", and also the number of persons other than sex workers charged with the same offence</p>	<p><b>Admin to provide the requested information (paragraphs 2(d) &amp; (e) of the minutes refer)</b></p>
<p>011201 - 014139</p>	<p>Hon Albert HO Chairman Admin</p>	<p>Suggested that the Research and Library Services Division should try obtaining summaries of facts and judgments in order to provide the Subcommittee with information on the number of prosecutions in the past three to five years involving cases in which a sex worker operated alone in</p>	



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		<p>workers apartments in Hong Kong; in 2008, 86 persons were arrested in such apartments; among those 73 women arrested for engaging in illegal vice activities, five of them were illegal immigrants, 26 two-way permit holders and 15 People's Republic of China passport holders</p> <p>Explained that under the existing laws, the operation of one sex worker apartment was not illegal. Police's anti-vice operations were directed at persons controlling vice activities and operating vice establishments, rather than the sex workers unless the latter were involved in illegal activities</p>	<p><b>information (paragraph 2(g) of the minutes refers)</b></p>
<p>014140 - 015054</p>	<p>Hon Cyd HO Chairman Admin</p>	<p>Expressed support for the proposal to establish a licensing or registration system to regulate vice activities and one sex worker apartments so as to minimize the need for enforcement actions against sex workers who were not controlled by organized crime groups</p> <p>Requested that the report on the internal review conducted by the Police regarding the Lee Tung Street incident should be provided to the Subcommittee</p> <p>Circumstances necessitating visits or inspections on one sex worker apartments</p>	<p><b>Admin to provide the requested information (paragraph 2(c) of the minutes refers)</b></p> <p><b>Admin to provide the requested information (paragraph 2(g) of the minutes refers)</b></p>
<p>015055 - 020725</p>	<p>Hon LEUNG Kwok-hung Admin Chairman</p>	<p>Reiterated concern about possible abuse of power by Police officers in the Lee Tung Street incident; queried the justifications for conducting searches involving full removal of underwear on those protesters arrested for causing obstruction to a public place and obstructing a Police officer in the execution of duty</p>	

Time Marker	Speaker(s)	Subject(s)	Action Required
		<p>Propriety of conferring the power to authorize a search on a detainee involving full removal of underwear on the Duty Officer of a Police station</p> <p>Expressed concern about possible abuse of power by Police officers in the course of taking enforcement actions against sex workers working in one sex worker apartments</p> <p>Whether the Administration would make reference to the practices in other places, such as Taiwan, in considering whether improvements should be made to the existing legislation governing vice activities and sex workers</p> <p>Police's criteria for overnight detention of arrested persons (Paragraphs 24 &amp; 25 of LC Paper No. CB(2)1169/08-09(01))</p> <p>Stressed that the Police attached great emphasis on the proper conduct of Police officers; the Police management would not condone abuses, if any, committed by Police officers during anti-vice undercover operations</p> <p>Stressed that under the existing law, the act of prostitution itself was not illegal, nor was the operation of one sex worker apartment per se prohibited.</p>	
020726 - 021125	Hon Albert CHAN Chairman Admin Hon Albert HO	Citing a complaint case where officers in the Tin Shui Wai Police Station (TSWPS) were alleged to have conducted unreasonable and unnecessary searches involving complete removal of clothing on a woman who was arrested for wounding others. During her detention, this woman was searched for three times within six hours, and one of the searches was conducted in the presence of third parties	<b>Admin to take follow-up action as per paragraph 2(h) of the minutes</b>

<b>Time Marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action Required</b>
		Requested that the Administration should follow up and investigate into the complaint	
021126 - 021154	Chairman	Date of next meeting	

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21 May 2009