

政府總部  
香港下亞厘畢道



GOVERNMENT SECRETARIAT  
LOWER ALBERT ROAD  
HONG KONG

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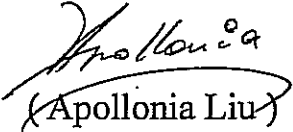
Mr Raymond Lam  
Clerk to Subcommittee on Police's Handling of  
Sex Workers and Searches of Detainees  
Legislative Council  
3<sup>rd</sup> Floor, Citibank Tower  
3 Garden Road  
Central  
Hong Kong

Dear Mr Lam,

**Follow Up to the Subcommittee Meeting held on 27 April 2009**

Thank you for your letter of 30 April 2009, requesting for a copy of the judgment in respect of a case involving an anti-vice operation in which the accused was finally acquitted of the charges. The accused in the case in question was acquitted on 13 August 2008 following trial at the Kowloon City Magistrate's Court. As the case was heard in a Magistrate's Court, the Court ruling was delivered orally without any written judgment. This notwithstanding and in an attempt to provide further information on the case to Members of the Subcommittee, the Police have prepared a note at the Annex based on statements taken in respect of the case and the prosecution's record on the court hearing.

Yours sincerely,

  
(Apollonia Liu)  
for Secretary for Security

C.C.

CP

(Attn : Mr Ng Sai Kuen)

Fax : 2528 2284

1. 2008年12月15日  
2. 2008年12月16日  
3. 2008年12月17日  
4. 2008年12月18日  
5. 2008年12月19日  
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15. 2008年12月29日  
16. 2008年12月30日  
17. 2008年12月31日

2009年1月1日

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**Note on a sex worker acquitted on 13 August 2008  
from the charges in a court case**

Allegations

At a press conference held on 3 October 2008, a sex worker concern group made various allegations against the Police for inappropriate handling of sex workers during anti-vice operations. According to the media reports, the group mentioned that a sex worker arrested during an anti-vice operation of the Police was acquitted of the charges laid against her due to fabrication of evidence and false statements made up by the Police. The group claimed that when the sex worker returned to an apartment after shopping, the Police were taking arrest action against another sex worker in another room in the same apartment. The Police allegedly arrested the sex worker who had just returned to the apartment for the offence of "soliciting for an immoral purpose". The group further alleged that the acquittal stemmed from the fact that the sex worker concerned was forced to sign a caution statement which showed the name and details of another person although she had pointed this out to the police officer taking the statement.

Case Synopsis

2. Yau Tsim Police District mounted an anti-vice operation on 14 July 2008. Before the operation, the Police received intelligence that some Mainland sex workers had been soliciting customers on the street, offering sexual services in a nearby multi-cubicle apartment. According to the statements taken in respect of the case, during the afore-mentioned undercover operation, an undercover officer posing as a customer was solicited for sexual service by a Mainland female (Female X). The officer was handed over to another Mainland female (Female Y) who then led him to a multi-cubicle apartment in the vicinity for sexual services. Once inside the premises, the officer revealed his police identity and arrested Female Y for the offences of "soliciting for an immoral purpose" and "breach of condition of stay". Based on the information provided by the undercover officer, Female X was also arrested in the vicinity and she was brought to the multi-cubicle apartment where she was identified by the undercover officer.

3. Meanwhile, a third Mainland female (Female Z), who was the sex worker referred to in paragraph 1 above, led a man (Male X) into the same multi-cubicle apartment. Upon enquiry by the undercover officer, Male X revealed that he was solicited for sexual service by Female Z on the street and was led to the multi-cubicle apartment for sexual service. The undercover officer then arrested Female Z for the offences of "soliciting for an immoral purpose" and "breach of condition of stay". However, in taking a statement from Male X, the undercover officer concerned erroneously put down in that statement the name of Female X although he recorded the names of the three Mainland females arrested correctly in his own statement.

4. Female Z denied having committed the offences mentioned in paragraph 3 above under caution, and pleaded not guilty to the two charges when she first appeared at Kowloon City Magistrate's Court on 15 July 2008. According to the prosecution's record on the court hearing, the court ruled a case to answer despite the plea of Female Z. However, Male X was unable to identify Female Z during the trial on 13 August 2008. Female Z was subsequently acquitted due to the mistake made by the undercover officer in Male X's statement in respect of Female Z's identity, and the failure of Male X to identify Female Z during the trial.