

立法會 *Legislative Council*

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Panel on Security

Background brief prepared by the Legislative Council Secretariat for the meeting on 10 July 2018

Combating illegal prostitution activities

Purpose

This paper summarizes past discussions of the Panel on Security ("the Panel") on issues relating to the Administration's work in combating illegal prostitution activities.

Background

2. According to the Administration, the act of prostitution itself is not illegal, nor is the operation of "one sex worker apartment" per se prohibited under the existing law. However, there are a number of provisions in existing legislation that may be invoked against the crimes of controlling of prostitution and to lessen the possible nuisance to members of the public. Related offences that are stipulated under Part XII of the Crimes Ordinance (Cap. 200) include "soliciting for an immoral purpose", "control over persons for the purpose of unlawful sexual intercourse or prostitution", "living on earnings of prostitution of others", "causing prostitution" and "keeping a vice establishment". The maximum penalty of the above offences ranges from a fine of \$10,000 and imprisonment of six months to imprisonment of 14 years. Under the Crimes Ordinance, any person who permits or lets premises for use as a vice establishment shall be charged with the offence of "letting premises for use as a vice establishment", "tenant etc. permitting premises or vessel to be kept as a vice establishment" or "tenant etc. permitting premises or vessel to be used for prostitution", and shall be liable on conviction to a maximum imprisonment of seven years.

3. Illegal prostitution may also involve other unlawful acts. Under section 41 of the Immigration Ordinance (Cap. 115), any person who comes to Hong Kong as a visitor and engages in acts in breach of the conditions of stay, including taking up unlawful employment involving sex work, shall be guilty of an offence and shall be liable on conviction to a fine of \$50,000 and imprisonment of two years. In addition, alteration of a unit into several "separate rooms" without permission involves the alteration of a building and may contravene the Buildings Ordinance (Cap. 123). Operating in "sublet rooms" may also contravene the Hotel and Guesthouse Accommodation Ordinance (Cap. 349).

Deliberations of the Panel

4. The Administration's work in combating illegal prostitution activities had been discussed by the Panel at its meeting on 12 April 2016. The deliberations are summarized in the following paragraphs.

Police's measures to combat illegal prostitution activities

5. Members noted with concern that the number of persons arrested for taking up unlawful employment involving sex work had increased in recent years. As the problem of sex workers soliciting in public places caused much nuisance to the public, members were concerned about the effectiveness of measures in place to combat illegal prostitution activities.

6. According to the Administration, the Police had implemented different measures to combat the problem of sex workers soliciting in public places. These included stepping up the patrol of black spots where street sex workers were found soliciting in public places, deploying undercover police officers to conduct covert operations to arrest street sex workers who "solicit for an immoral purpose" in public places, maintaining contact with and collecting intelligence from owners' corporations of buildings, property management companies and security personnel, as well as advising them on building security so as to lessen nuisance caused by prostitution activities.

7. Noting that the number of persons arrested for procuring or controlling prostitution and keeping a vice establishment had decreased, some members were concerned about the Police's effort in conducting inspection of vice establishments and places to detect prostitution activities. The Administration explained that the decrease in number of persons arrested for procuring or controlling prostitution and keeping a vice establishment was mainly due to changes in the modus operandi from traditional fixed location vice

establishments to shifting locations and using online platforms.

8. Members were also advised that the Police would launch joint operations with the Immigration Department to combat sex workers who allegedly breached their conditions of stay. Some members sought information on whether the exit endorsements of Mainland residents would be cancelled after they were convicted of taking up unlawful employment involving sex work in Hong Kong. The Administration advised that the particulars of convicted Mainland residents, including those taking up unlawful employment involving sex work in Hong Kong, which was in the region of about 4 000 persons per year, were passed to the relevant Mainland authorities for consideration of cancelling their exit endorsements and prohibiting them from visiting Hong Kong for at least two years.

Adequacy of existing legislation against illegal prostitution activities

9. On members' concern about the need to amend the law to facilitate combating illegal prostitution activities, the Administration advised that existing legislation was adequate for combating illegal prostitution activities and the problem was under control. The conviction rate in relation to illegal prostitution was high and most of the convicted persons were sentenced to imprisonment.

10. The Administration further advised that it would continue to exchange intelligence with Mainland and overseas law enforcement agencies as well as foreign consulates in Hong Kong to combat organized prostitution and human trafficking activities.

Possibility of establishment of a red light district

11. A member suggested that consideration should be given to establishing a "red light district" similar to that in Amsterdam to address problems relating to illegal prostitution activities. According to the Administration, the establishment of a "red light district" involved a major policy change which would require in-depth discussion in the community. Overseas experience indicated that even after a "red light district" was established, problems such as extortion, triad involvement, exploitation of underaged girls, or control over persons for the purpose of unlawful sexual intercourse or prostitution still existed. In the view of the Administration, the problem of illegal prostitution activities in Hong Kong was kept under control and many people would not accept the establishment of a "red light district" near where they lived. There was no need to establish a "red light district".

Relevant papers

12. A list of relevant papers on the Legislative Council website is in the **Appendix**.

Council Business Division 2
Legislative Council Secretariat
4 July 2018

**Relevant papers on
combating illegal prostitution activities**

Committee	Date of meeting	Paper
Legislative Council	26.11.2008	Official Record of Proceedings (Question 10)
Legislative Council	4.11.2009	Official Record of Proceedings (Question 16)
Legislative Council	10.6.2015	Official Record of Proceedings (Question 15)
Panel on Security	12.4.2016 (Item V)	Agenda Minutes

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