

For discussion on
12 April 2016

Legislative Council Panel on Security

Policy and measures to combat illegal prostitution activities

Introduction

This paper sets out the Government's policy and measures to combat illegal prostitution activities.

Illegal prostitution-related offences

2. There are a number of provisions in the current legislation in Hong Kong that may be invoked against the crimes of controlling of prostitution and to lessen the possible nuisance to members of the public. These provisions confer adequate enforcement power upon law enforcement agencies. 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.

3. Besides, 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. Under the current legislation, "vice-establishment" refers to premises which are used wholly or mainly for organising or arranging of prostitution, or used wholly or mainly for the purpose of prostitution by two or more persons. If the offence of "keeping a vice establishment" or one of the three offences mentioned above is committed within a specified period and such an offence is connected with the same premises, the Police may apply to the court for a closure order under section 153A of the Crimes Ordinance to close the premises in question for six months, as a deterrent to tenants, occupiers or persons-in-charge of the premises.

4. Illegal prostitution may also involve other unlawful acts. In accordance with 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. 249), etc.

Policy and measures to combat illegal prostitution activities

5. The Police are committed to combating illegal prostitution activities. The primary objectives of the Police’s enforcement actions are to prevent exploitation of others for the purposes of prostitution, combat organised prostitution activities, and lessen the nuisance to members of the public that vice activities may cause. Hence, the targets of the Police’s actions are people who control sex workers for prostitution and keep vice establishments, instead of sex workers, unless the latter are involved in other offences, including “soliciting for an immoral purpose” in public places or breaching the conditions of stay.

6. As organised vice offence is one of the sources of triad income, the Police have been taking proactive enforcement actions, including investigating and confiscating proceeds of crime, to cope with the Commissioner’s Operational Priorities to target “triads, syndicated and organised crime”. The organised vice offences involved mainly include “keeping a vice establishment” and “controlling of prostitution”.

7. As regards the daily enforcement, in addition to stepping up patrols by uniformed officers at black spots, the Police have been taking intelligence-led enforcement actions, and maintaining contact and exchanging intelligence with law enforcement agencies outside Hong Kong for the purpose of tackling cross-border organised prostitution activities. Having regard to the law and order as well as manpower situation in each district, the Police will continue to actively combat illegal prostitution and the related activities. The Police may also launch joint operations with other relevant departments depending on the circumstances and needs, and may adjust their strategies flexibly for effective law enforcement.

8. With a view to effectively deterring Mainland visitors from entering Hong Kong in an attempt to take up illegal employment, including taking up unlawful employment involving sex work, the Immigration Department (ImmD) will continue to exchange intelligence with the Mainland authorities. Furthermore, in accordance with the established mechanism, the ImmD will pass the particulars of convicted Mainland residents to the Mainland authorities concerned for cancellation of their exit endorsements and prohibition from visiting Hong Kong for two years.

Problem of sex workers soliciting in public places and hence causing nuisance to the public

9. The Police spare no efforts in implementing different measures to combat illegal vice activities, and directly or indirectly help solve the problem of sex workers soliciting in public places and hence causing nuisance to the public. These measures include :

- (a) stepping up the patrol of black spots where street sex workers are found soliciting so as to prevent them from doing so in public places;
- (b) deploying undercover police officers to conduct covert operations to arrest street sex workers who “solicit for an immoral purpose” in public places;
- (c) launching joint operations between the Police and the ImmD to combat sex workers who allegedly breach their conditions of stay, given that many street sex workers are visitors;
- (d) strengthening inspection of vice establishments and places where sex workers conduct prostitution activities;
- (e) 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 the nuisance that prostitution activities may cause;
- (f) encouraging members of the public to report organised or illegal prostitution activities to the Police to enable immediate and appropriate follow-up actions by the Police; and

- (g) exchanging intelligence with Mainland and overseas law enforcement agencies as well as the foreign consulates in Hong Kong to combat organised prostitution and human trafficking activities.

Effectiveness of enforcement actions

10. The number of persons arrested by the Police for being involved in “procuring/controlling of prostitution” and “keeping a vice establishment” in the past five years is at **Annex A**. Annual statistics of persons arrested for being suspected of taking up unlawful employment involving sex work by year are at **Annex B**.

Conclusion

11. The Police will continue to actively combat illegal prostitution and adjust their strategies according to circumstances to ensure effective law enforcement. The Police will also continue to combat illegal prostitution through a multi-agency approach, and maintain contact and exchange intelligence with Mainland law enforcement agencies, law enforcement agencies of overseas countries and their consulates in Hong Kong to combat organised prostitution.

**Security Bureau
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Annex A

Number of persons arrested by the Police for being involved in “procuring/controlling of prostitution” and “keeping a vice establishment” in the past five years

	2011	2012	2013	2014	2015
procuring/controlling of prostitution*	54	66	77	31	56
keeping a vice establishment	285	342	243	164	163

- * The offence of “procuring/controlling of prostitution” includes “control over persons for the purpose of unlawful sexual intercourse or prostitution”, “causing prostitution” and “living on earnings of prostitution of others”, etc.

Annex B

Number of persons arrested for being suspected of taking up unlawful employment involving sex work in the past five years

Year	Number of Arrestees
2011	3 939
2012	3 619
2013	3 829
2014	4 133
2015	4 589

Note: The above arrestees include those having contravened the conditions of stay (such as overstaying) and those who were illegal immigrants.