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Panel on Security

**Information note prepared by the Legislative Council Secretariat
for the meeting on 12 April 2016**

Policy and measures to combat illegal prostitution activities

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. There are, however, various prostitution-related offences stipulated under Part XII of the Crimes Ordinance (Cap. 200), including "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", with the objective of:

- (a) preventing the exploitation of others for the purposes of prostitution;
- (b) combating organized prostitution activities; and
- (c) lessening the nuisance to members of the public that vice activities may cause.

The maximum penalty of the above offences ranges from a fine of \$10,000 and imprisonment of six months to imprisonment of 14 years. The targets of police 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.

2. The Panel on Security ("the Panel") has not specifically discussed the Administration's policy and measures to combat illegal prostitution activities. However, in view of the nuisance caused to residents by prostitution activities in some districts, Members have raised questions on the

enforcement against illegal prostitution activities at the Council meetings of 10 June and 28 October 2015. The questions raised by Members and the Administration's replies are in **Appendices I** and **II** respectively.

3. The Administration will brief the Panel on its policy and measures to combat illegal prostitution activities at the meeting on 12 April 2016.

Council Business Division 2
Legislative Council Secretariat
6 April 2016

Appendix I

Press Releases

LCQ15: Combating illegal prostitution

Following is a question by the Hon Leung Che-cheung and a written reply by the Secretary for Security, Mr Lai Tung-kwok, in the Legislative Council today (June 10):

Question:

Some residents of old districts have relayed to me that the problem of prostitution in the districts is serious, causing nuisance to the residents. In this connection, will the Government inform this Council of the following in the past three years:

(1) the number of anti-vice operations mounted by the Police, with a breakdown by District Council district or police district;

(2) the respective numbers of persons arrested in anti-vice operations for (i) allegedly soliciting for immoral purposes and (ii) allegedly breaching their conditions of stay for engaging in prostitution, with a breakdown by District Council district or police district;

(3) the number of persons arrested by the Police for allegedly controlling over persons for the purpose of prostitution, and the penalties generally imposed on those convicted;

(4) the number and male-to-female ratio of persons under the age of 16 or students found to be engaging in prostitution activities by the Police during anti-vice operations, with a breakdown by age group; how the Police handled these persons; and

(5) the measures taken by the authorities to combat prostitution activities organised through the Internet; whether they have assessed the effectiveness of such measures; if they have assessed, of the outcome?

Reply:

President,

The Police are highly concerned about and are committed to the combat of illegal prostitution. 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, various prostitution-related offences are stipulated under Part XII of the Crimes Ordinance (Cap. 200), including "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. The Police have all along been taking proactive enforcement actions against such offences, targeting in particular persons controlling sex workers for prostitution and operating vice establishments.

My reply to various parts of the Hon Leung's question is as follows:

(1) to (4) In the past three years, figures of persons arrested by the Police for having involved in two types of offences, i.e. "procuring/controlling of prostitution" and "keeping a vice establishment" are at Annex 1, while figures of prosecution and conviction of relevant offences under the Crimes Ordinance are at Annex 2. According to the Immigration Department's records, the relevant number of persons arrested for being suspected of taking up unlawful employment (sex work) in the past three years is at Annex 3. However, the Police do not have the number of anti-vice operations conducted and statistical figures by police district.

All along, the Police spare no efforts in the combat of all kinds of illegal prostitution activities, especially prostitution activities organised by syndicates and those involving underage persons. In case underage persons are found to be involving in prostitution activities, the Police will adopt appropriate measures, including contemplation of an application for a care order or a protection order from the court in the light of actual circumstances. On another front, the Police will tackle the issue by cultivating proper values among young persons, which includes organising talks in primary and secondary schools, as a means to render assistance to school authorities in handling related problems. The Police will also maintain close contact with Internet Service Providers (ISPs) and persons-in-charge of websites frequently visited by youngsters. For instance, warning notices targeting "compensating dating" will be posted at such websites.

(5) To combat the conduct of illegal prostitution activities via the Internet, the Police will maintain close contact with persons-in-charge of websites for gathering intelligence. The Police will carry out enforcement actions as appropriate upon identification of suspicious websites, chat rooms or discussion forums. Taking a police operation against illegal prostitution activities in January 2015 as an example, a total of 12 persons were arrested for having involved in offences such as "control over persons for the purpose of prostitution", "causing prostitution" and "living on earnings of prostitution of others", with over \$1.8 million of criminal proceeds having been frozen as a consequence. Amongst the arrestees, one male and one female were suspected to have provided information of female prostitutes via a social networking website to male members and charged fees in the process. For the purpose of effective law enforcement, the Police will continue to actively combat illegal prostitution activities and adjust their strategies according to circumstances.

Ends/Wednesday, June 10, 2015
Issued at HKT 16:57

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Annex 1 to LCQ15

Number of persons arrested by the Police for having involved in two types of offences, i.e. “procuring/controlling of prostitution” and “keeping a vice establishment” in the past three years

	2012	2013	2014
Procuring/controlling of prostitution *	66	77	31
Keeping a vice establishment	342	243	164

*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 2 to LCQ15**Figures^{Note 1} of prosecution and conviction of relevant offences under the Crimes Ordinance in the past three years**

	2012	2013	2014
Control over persons for the purpose of unlawful sexual intercourse or prostitution (Section 130)			
- <i>Prosecution</i>	19	22	12
- <i>Conviction : immediate imprisonment</i>	11	16	7
<i>Others</i> ^{Note 2}	3	5	0
Causing prostitution (Section 131)			
- <i>Prosecution</i>	5	2	7
- <i>Conviction : immediate imprisonment</i>	3	2	4
<i>Others</i>	1	0	2
Living on earnings of prostitution of others (Section 137)			
- <i>Prosecution</i>	20	40	16
- <i>Conviction : immediate imprisonment</i>	11	26	13
<i>Others</i>	4	4	1
Keeping a vice establishment (Section 139)			
- <i>Prosecution</i>	280	226	159
- <i>Conviction : immediate imprisonment</i>	232	189	133
<i>Others</i>	41	24	16

Note 1: The respective year of the figures represents the year in which the trial was concluded. The year in which a case was prosecuted may be different from the year in which the trial was concluded.

Note 2: Including suspension of imprisonment, issue of probation order or community service order.

Annex 3 to LCQ15**Number of persons arrested for being suspected of taking up unlawful employment (sex work) in the past three years**

Year	Number of Arrestees
2012	3 619
2013	3 829
2014	4 133

Note: The above number includes persons who have contravened the conditions of stay (such as overstaying) and illegal immigrants.

Appendix II

Press Releases

LCQ5: Combating illegal prostitution

Following is a question by the Hon Chan Han-pan and a reply by the Secretary for Security, Mr Lai Tung-kwok, in the Legislative Council today (October 28):

Question:

The solicitation on the streets (on-street solicitation) by sex workers coming to Hong Kong from the Mainland to engage in prostitution activities has caused great distress to residents of certain districts over the years. The authorities have conducted numerous law enforcement operations but with little effect. Some residents have relayed to me that their daily lives as well as the overall image of the community have been adversely affected. In this connection, will the Government inform this Council:

(1) of the number of law enforcement operations conducted against on-street solicitation in each of the past five years; whether the authorities have monitored if on-street solicitation revived after the law enforcement operations; if they have monitored, of the details; if not, the reasons for that; the number of cases in which prosecutions were instituted against the owners who let their flats to other persons for the purpose of prostitution in each of the past five years, as well as the effectiveness of such prosecution actions;

(2) given that on-street solicitation continues to exist despite repeated crackdowns, whether the authorities will consider raising the penalties by amending the legislation for greater deterrent effect, and introducing new measures for curbing such activities; if they will consider, of the details; if not, the reasons for that; whether they have plans to step up investigations to crack down on crime syndicates that control prostitution by sex workers so as to reduce on-street solicitation; if they have such plans, of the details; if not, the reasons for that; and

(3) of the number of visitors to Hong Kong arrested in each of the past five years for engaging in prostitution activities and, among them, the number of persons who were engaged in on-street solicitation; whether the authorities have stepped up interception of persons suspected to be entering Hong Kong for engaging in prostitution activities; if they have, of the details; if not, the reasons for that?

Reply:

President,

The Police are highly concerned about and are committed to the combat of illegal prostitution. The primary objectives of police 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. The act of prostitution itself is not illegal; the targets of police 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. In addition to stepping up patrols by uniformed officers at black spots, the Police have been taking intelligence-led enforcement actions. The Police will, having regard to the law and order as well as manpower situation in each district, continue to tackle the problem in a rigorous manner.

My reply to various parts of the Hon Chan's question is as follows.

(1) & (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" by conferring adequate enforcement power upon law enforcement agencies. Related offences that are stipulated under Part XII of the Crimes Ordinance (Cap. 200) include "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. The Police have all along been taking proactive enforcement actions against such offences, and, for the purpose of tackling cross-border organised prostitution activities, maintain contact and exchange intelligence with law enforcement agencies outside Hong Kong. Furthermore, as a deterrent to the illegal act of "soliciting for an immoral purpose" in public places, the Police shall, in addition to stepping up patrol at relevant black spots, take intelligence-led enforcement actions.

Figures of persons arrested by the Police for being involved in "procuring/controlling of prostitution" and "keeping a vice establishment" in the past five years are at Annex 1. The Police do not maintain statistics on the number of anti-vice operations conducted.

With regard to the premises connected with the keeping of a vice establishment, the Police shall keep a close watch on the activities therein and issue warnings to the owners where appropriate, reminding them that it is against the law to permit their premises to be used for habitual prostitution. 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. In the past five years, there were a total of 17 prosecutions involving the above three offences, among which, 11 were convicted. Furthermore, 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.

We note that illegal prostitution may also involve other unlawful acts, such as operation of an unlicensed guesthouse, illegal alteration of a unit and breach of conditions of stay. In this connection, the Police may launch a joint operation with other relevant departments depending on the circumstances and

needs, and may adjust their strategies as appropriate for effective law enforcement.

(3) The Immigration Department (ImmD) is committed to the combat and prevention of acts in breach of the conditions of stay by people coming to Hong Kong as visitors, including taking up unlawful employment involving sex work. The measures and enforcement actions taken by the ImmD are as follows:

(a) to scrutinise visit visa/entry permit applications and reject applications if the applicant's purpose of visiting Hong Kong are found to be in doubt;

(b) to perform immigration control at various control points to prevent visitors from entering Hong Kong to engage in activities not commensurate with the conditions of stay;

(c) to enhance intelligence collection and initiate enforcement operations against doubtful intermediaries or agents;

(d) to step up investigation and prosecution actions against persons engaging in acts in breach of the conditions of stay and also the intermediaries or agents which aid and abet them;

(e) to step up joint enforcement actions with other law enforcement agencies; and

(f) to enhance publicity to remind the public that hiring illegal workers is a criminal offence and that employers have to inspect travel documents of non-Hong Kong permanent resident job seekers before hiring them; and encourage the public to report illegal employment via hotline, facsimile, mail or on-line platform.

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 ImmD will continue to exchange intelligence with the Mainland authorities. Furthermore, in accordance with the established mechanism, the ImmD will pass the particulars of the convicted Mainland residents to the Mainland authorities concerned for cancellation of their exit endorsements and such residents shall be prohibited from visiting Hong Kong for two years.

Annual statistics of persons arrested for being suspected of taking up unlawful employment involving sex work in the past five years are at Annex 2. Visitors who are not prosecuted but reasonably suspected to have engaged in activities against the Immigration Ordinance (Cap. 115) will be subject to ImmD's examination upon their subsequent visits to Hong Kong. If their purposes of visiting Hong Kong are found to be in doubt, they will be refused entry and immediately removed from Hong Kong.

The ImmD handles each and every visit visa/entry permit application in a stringent manner and in accordance with prevailing policies. Applicants must meet normal immigration requirements, including having no criminal record, raising no security or criminal concerns to the Hong Kong Special Administrative Region and so forth, as well as meeting the relevant specific eligibility criteria before a visit visa/entry permit is considered. If the applicant has any adverse records or breaches, the ImmD will, in the light of individual circumstances, consider refusing the application.

Thank you, President.

Ends/Wednesday, October 28, 2015
Issued at HKT 16:57

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Annex 1

**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	January to August 2015
Procuring/controlling of prostitution *	54	66	77	31	31
Keeping a vice establishment	285	342	243	164	122

* 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 2**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 (January to September)	3 373

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