



Prevention and control of HIV/AIDS

(A paper submitted by Action for REACH OUT to Panel on Health Services of the Legislative Council on 5 March 2007)

Action for REACH OUT understands that “Draft Recommended HIV/AIDS Strategies for Hong Kong 2007 – 2011” was released by the Advisory Council on AIDS (ACA) in early January 2007. We highly appreciate the effort made by ACA and Department of Health throughout the preparation and consultation process. For the implementation of the strategies, we eagerly anticipate that HWFB and the Panel on Health services would play a more active role in initiating and monitoring cross-bureau coordination. Here we would like to bring to your attention a number of issues that are of our serious concern.

The government's commitment and cross-unit cooperation for the strategies' implementation

We understand that ACA, as an advisory body, may have difficulties in translating the strategies into concrete action plan and continuously monitoring its implementation without full support by all relevant government departments. We are looking forward to a stronger commitment to be made by HWFB in ensuring the implementation, review and evaluation of the strategies with cross-bureau/departmental support. We also believe that the Legislative Council is with the responsibility for monitoring the implementation of the strategies.

Measures that jeopardize public health

We are deeply concerned that possession of condoms and lubricants is continuously used as supporting evidence for arresting and prosecuting sex workers. It is an act that violates basic human rights of individuals. It also undermines the effectiveness of the safer sex campaign and could very probably bring severe damages to the public health.

In spite of the written reply by the Secretary for Security (see appendix 1), we insist that the government should immediately conduct a cross-bureau investigation to review the law enforcers' practice and its impact on violation of human rights and public health. Adequate action has to be taken accordingly.

We also request the government and the Legislative Council to review the policy that requires non-local residents to pay HK\$700 for using services provide by Social Hygiene Clinic which is

free for all local residents. We believe that such measure would discourage non-local residents from acquiring STDs/HIV testing and undermine the effort made by NGOs and the government in combating HIV/AIDS.

Representation of ACA

We realize that no frontline NGO workers or people living with HIV/AIDS are included in the main committee of ACA. We are also concerned that the appointment process is in lack of transparency. We urge the government to open a channel for NGOs and people living with HIV/AIDS to formally participate in ACA, so that their voices can be heard and joint effort could be made in combating HIV/AIDS and safeguarding public health of the society.

(Appendix 1)

LCQ17: Police anti-vice operations

Following is a written reply by the Secretary for Security, Mr Ambrose S K Lee, to a question by the Hon Emily Lau on anti-vice operations in the Legislative Council (January 24):

Question:

It was reported that the Police arrested a number of Mainland women in an anti-vice operation on November 18 last year. The Police suspected that they were engaging in prostitution on grounds that when intercepted, they were found to be carrying such items as condoms or lubricants but could not give reasonable explanation. In this connection, will the Executive Authorities inform this Council:

(a) of the number of persons arrested on the above grounds by the Police in the past three years and, among them, the number of those subsequently charged with the relevant offences;

(b) whether it is stipulated in the Police's internal guidelines on anti-vice operations issued to police officers that an arrest may be made on the above grounds; if so, when such grounds for arrest was added to the guidelines; if not, whether the authorities have assessed if it is lawful to make an arrest on such grounds; and

(c) whether only Mainland women are arrested on such grounds; if so, whether the authorities have assessed if this practice constitutes discrimination; if not, of the categories of people whom the Police may arrest on such grounds?

Reply:

Madam President,

The Police will not make an arrest solely on the ground that items such as condoms or lubricants are seized from the person concerned, and they have not issued this type of internal guidelines. The Police will only make an arrest when the requirements under the law are met (such as when it is reasonably suspected that a person has committed an offence).

Under the laws of Hong Kong, prostitution itself is not an offence. However, activities related to prostitution, including controlling persons for the purpose of prostitution, operating a vice establishment and living on the earnings of prostitution of others, are criminal offences. Visitors to Hong Kong who engage in vice activities in Hong Kong also violate the Immigration Ordinance due to the breach of their conditions of stay. In law enforcement actions taken by the Police, or in joint operations conducted by the Police and the Immigration Department to combat offences against the Immigration Ordinance, the law enforcement officers will take into account evidence collected at the scene of investigation, including exhibits and circumstantial evidence, when considering whether a person has allegedly committed an offence, including whether there are visitors to Hong Kong who have engaged in activities such as prostitution in breach of their conditions of stay. The nature of such law enforcement operation does not involve discrimination against any person.

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