

## **AFRO e-Newsletter (March 2009)**

### **1) SEX INDUSTRY BIZ NEWS**

#### **1.1) Hair-salons and massage parlours targeted!**

Recently, some hair salons in Yau Ma Tei and Jordan have been targeted by the police. During undercover actions, police officers visited hair salons in pairs and requested more than one worker there to offer “full service” which the police refer to as a massage and a “hand job”. Thereafter, the police arrest those who work in the hair salons and charge them for managing or assisting in managing a vice establishment.

In our understanding, among those who work in those hair salons in Yau MaTei and Jordan, some simply provide massage services and no sexual service is involved, while some do provide massage and sexual services (such as “hand-jobs”) at the same time. Most of the workers in those hair salons are women newly migrated to Hong Kong who have little knowledge about Hong Kong Laws. Some may have broken the law even without knowing it.

The following is a brief introduction which we hope can help workers in hair salons and the public better understand the related laws. At the same time, we urge the government to review and reform the existing Massage Establishments Ordinance and “vice establishment” related laws, so that workers in hair salons/massage parlours and sex workers can self employ or co-work in a small scale and make a living legally.

#### About providing massage service without a license (Chapter 266 Massage Establishment Ordinance)

According to the law, apart from licensed hospitals, maternity homes, clinics, establishments for physiotherapy, and premises for Chinese medicine and chiropractic services operated by registered Chinese medicine practitioners and chiropractors, a license is required for any premises that provides “full-body massage” (meaning a massage service or treatment provided to a person covering that part of his body below the shoulders and above the knees, including or excluding arms) to a customer by a person of the opposite sex.

As for a hair salon or beauty parlour, the Ordinance does not apply if the massage is administered in the premises in full view of customers resorting thereto.

Any person who on any occasion operates, keeps, manages, assists in any capacity in the operation of, or assists in the management of, a massage establishment for the operation of which a license is not in force commits an offence. On first conviction, the maximum penalty is a fine of \$50,000 and imprisonment for 6 months. On a second or subsequent conviction, the maximum penalty can be a fine of \$100,000 and imprisonment for 2 years.

It is declared that “not knowing that the operation of the massage establishment was not licensed” shall not be a defence.

#### About vice establishments (Sections 139, 143, 144, 145 etc. Chapter 200 Crimes Ordinance)

According to the law, any premises at which more than one person (female or male) would provide sexual services (vaginal sex, oral sex, hand job, or anal sex etc.) can be considered a vice establishment.

A person shall be guilty if he/she keeps, manages or assists in the management, or is in charge or control of a vice establishment. The maximum penalty is imprisonment for 10 years. Receiving a

guest and arranging him/her to be seated may be considered assisting in managing a vice establishment, if it is done with an aim to facilitate the guest to obtain sexual services.

Even if management and arrangement for sexual services is not involved, a person, as the owner, or tenant, or agent, or occupier, or person in charge of any premises shall be guilty, if he/she lets, or permits or suffers the whole or part of the premises to be kept as a vice establishment or to be used for habitual prostitution. The maximum penalty is imprisonment for 7 years.

Living on earnings of prostitution of others  
(Section 137, Chapter 200 Crime Ordinance)

A person may be charged for "Living on earnings of prostitution of others" if he/she shares another person's income which is made from providing sexual services. The maximum penalty is 10 years.

Breach of Condition of stay  
(Chapter 115 Immigration Ordinance)

It is illegal for a non-I.D. card holder to work in Hong Kong, and for a work visa holder to engage in any form of work that deviates from the purposes they claimed for visa application. The maximum penalty for breaching condition of stay is a fine of \$50,000 and imprisonment for 2 years.

## **1.2) Photos taken for sex workers' website were reused in magazine**

We have recently received an enquiry from a sex worker whether it was legal that her photos taken for an advertisement on a sex workers' website, which had already been closed, can be reused in a magazine. After consulting lawyers, we believe that the copyright of the photos are owned by the photographer or the company that employed him/her if it is so stated in his/her employment contract. The copyright owner has the right to transfer the photos to others for reusing/reprinting. It would be difficult for the person whose image is in the photos to pursue this case.

We urge all sex workers working in one-woman-apartments to pay close attention to this issue so as to protect themselves. We recommend sex workers to request a formal contract/agreement that states clearly about the copyright and ownership of the photos and digital files whenever they are to use services of this kind of websites such as photo taking and uploading.

(All enquires are welcome, please call 27701002.)

## **2) AFRO's NEWS READING**

### **2.1) Copycat gets life for prostitute murder**

[http://www.thestandard.com.hk/news\\_detail.asp?pp\\_cat=11&art\\_id=79212&sid=22996880&cont\\_type=1](http://www.thestandard.com.hk/news_detail.asp?pp_cat=11&art_id=79212&sid=22996880&cont_type=1)

Nickkita Lau  
06 March 2009

A copycat robber who strangled a prostitute in her flat was jailed for life yesterday, after a High Court jury unanimously found him guilty of murder.

Lam Pui-fung, 31, had wanted to plead guilty to the lesser offense of manslaughter in the death of Amy Tam Siu-fong, 27, at her flat on Electric Road in March 2008.

However, prosecutors refused to accept the plea, and stuck to the murder charge.

Lam, who had admitted robbing the woman, said he had read about "one-woman brothel robberies" in the newspapers, and decided to become a copycat.

He had lost all his money gambling at the racetrack, and was desperate for cash, the court heard.

He visited Tam's flat in North Point, posing as a customer and agreed to pay her HK\$350 for sex, then grabbed her by the neck from behind as she stepped out of the shower.

Tam lost consciousness within one or two minutes, and her limp body was dragged into the bathroom. The accused then took two of the woman's mobile phones, Octopus card, and some jewelry before fleeing.

Lam quickly sold one of the phones for HK\$700, and the rest of the items a few days later. He put the money into his betting account, but lost it all.

A fellow prostitute, surnamed Cheung, called Tam many times on the night of March 16, but kept getting her voicemail. She went to the flat the next day with a friend, and hired a locksmith to gain entry. Tam was found naked in the bathroom, with her face inside the toilet bowl.

Lam was arrested five days later at his Chai Wan home.

Judge Verina Bokhary sentenced him to life imprisonment for murder, and four years, eight months for robbery.

## **2.2) Six years jail for robbing prostitutes**

<http://www.rthk.org.hk/rthk/news/englishnews/news.htm?englishnews&20090320&56&567861>  
20-3-09

A teenager has been sentenced to six years in jail for robbing seven prostitutes. Deputy High Court judge Gareth Lugar-Mawson told Li Ka-chun, 18, that his crimes were very serious. He said that although the victims were not injured, they were traumatised. The judge said that the sentence had taken into account his guilty plea and the absence of any criminal record. Although reports suggested that he should be sent to a detention centre, the judge disagreed. He said a jail sentence would better reflect the seriousness of the offences. The robberies took place last June in in Sheung Wan, Tsuen Wan and Sham Shui Po. In some of the cases the teenager - who was carrying a knife - robbed the women after having sex with them.

## **3) FUTURE WORK**

### **3.1) Talk on legal issues**

Recently we have received enquiries from workers in hair salons about laws concerning their work places. We have therefore invited Mr. Lawrence Lau, a barrister-at-law, to come to our centre on 8 April and give a talk. We believe that it would enhance our sisters' understanding on related laws and regulations and clarify some common misunderstandings.

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