

AFRO e-Newsletter (June 2009)

1) SEX INDUSTRY BIZ NEWS

1.1) Traps on Lease and Rental

Recently girls' business has been severely hit by financial tsunami, plus the swine flu outbreak, which puts more difficulties on their business. Some of them choose to take a break, yet do not want to pay the rent for a vacant flat. Therefore, they will rent it to other girls, who work temporarily. Some girls may even post an advertisement to recruit a tenant.

However, according to Chapter 200 Crimes Ordinance Section 145 "Tenant etc. permitting premises or vessel to be used for prostitution", it is illegal to sublet a flat to another sex worker. We would like to remind all sex workers to pay more attention to it. Do not openly display advertisement of "one-woman-apartment" subletting.

In addition, most of the girls do not stipulate a contract with the landlord when renting a flat, usually only base on verbal agreement and therefore ignore the details of the tenancy. We suggest girls to make a clear stipulation with the landlord on the following:

- 1 The exact amount of rent
- 2 Rental term
- 3 The condition of deposit return after lease term
- 4 The calculation and payment of the utilities
- 5 The liability for damage on any electronic appliances and renovation if included

Verbal agreement is also protected by the law; therefore agreements should be complied after stipulating with the landlord.

1.2) Subcommittee on Police's Handling of Sex Workers and Searches of Detainees under Panel of Security has already held their 6th meeting on the 24th June 2009. Our colleague Connie and two intern students have also sat in the meeting, and summarized the meeting as follows:

- 1 The average number of searches per month

Police stated in the meeting that the average number of searches on detainees per month is 2500. The custody search form, which meant to be given to the detainees

before the searches, is to notify the procedures and reasons of conducting searches and is currently printed in 15 languages

The number of cases involving the level III searches (strip-searches) is gradually falling in the past six months, in which 90% of the cases were offences related to drugs. The police explained it was because of the strengthening on the monitoring, to avoid the abuse of search procedures from the police officers.

However, Legislative Councillor Emily LAU Wai-hing said continuous monitoring on figures of July to September is needed to make the conclusion.

2 Consideration about amending or loosening the laws

Responding to complaints against anti-vice undercover operation which involved police officers inducing two sex workers to provide services at the same, the Police have revealed some statistical figures in the meeting. In 2008, there were 13,352 anti-vice operations in total, wherein 1,186 of them were undercover operations. Among those undercover operations, 868 of them were successfully arrested and 318 cases resulted in failure of arrestment. In cases successfully arrested, 318 of them involved organised crime.

Legislative Councillor Albert HO Chun-yan said that the numbers did not reflect the reality. For example he had doubt about the actual meaning of “Organised crime”. Two sex workers might choose to work together for personal safety. Would it be necessary for the government to amend some of the laws? HO suggested the Subcommittee to include consideration about amending or loosening the laws before submitting the report.

President of the Subcommittee, Legislative Councillor James TO Kun-sun agreed, and pointed out the loosening of inferior criminal offenses against sex workers should be considered.

2) **WORK REPORT**

2.1) **A talk by the Complaint against Police Office (CAPO)**

Facilitated by the Crime Prevention Bureau of the Hong Kong Police Force, a talk was given by the CAPO to Zi Teng, AFRO and Midnight Blue on 12 June 2009, on the proper procedure of CAPO handling a complaint against a police officer, the role of the Independent Police Complaints Police Council (IPCC), the protection for a complainant etc.

In spite of the short notice, the event successfully attracted a lot of sex workers. Apparently, they were all very much concerned about the topics. However, the talk focused a lot on describing the existing mechanism for handling complaints against police, and introducing the role of the IPCC. It was too much about theories and principles and somehow failed to respond to the questions raised by sex workers, regarding the very real and concrete problems that arose from CAPO handling complaint cases in reality.

AFRO has sent a letter to the CAPO afterwards, to reiterate the observed problems and demand for improvement:

- I) CAPO officers do not distribute “A Guide for Complainants”, “Performance Pledge” (leaflet) and “IPCC Observers Scheme”(leaflet) to complainants timely and on the spot (even at the Complaints Against Police Reporting Centre).
- II) Criteria used to identify a complaint as a case that can be informally resolved is unclear.
- III) Complainants are not informed of the details of verbal or written warnings that the complained police officers have received.
- IV) Complainants are harassed by police officers.

(The letter from AFRO to CAPO will be uploaded to AFRO’s website www.afro.org.hk.)

3 AFRO’s NEWS READING

Red-light areas set to get green light

http://www.thestandard.com.hk/news_detail.asp?pp_cat=10&art_id=83947&sid=24341482&con_type=1&d_str=20090625&sear_year=2009

Thursday, June 25, 2009

The Standard

Taiwan is planning to decriminalize prostitution by revising laws punishing sex workers and is considering allowing red-light districts, the Cabinet said yesterday.

The proposal came after a meeting of the Cabinet's human rights committee, which also called for the drafting of new rules and other supporting measures within six months to regulate the sex trade.

Sex workers' opinions should be included in the law-making process while the health department can offer them free screening for sexually transmitted diseases, a Cabinet statement said.

Prostitutes had successfully campaigned to be given the same protection as their clients, said government spokesman Su Jun-pin.

"Now the client gets off free, but the prostitute gets punished, and that's not fair," he added.

The committee also suggested that the establishment of red-light districts should be decided by regional governments and councils.

Under existing laws, prostitutes face detention of three days or a fine of up to NT\$30,000 (HK\$6,900) if they are caught providing sexual services. Their clients go unpunished.

While there is no official figures on the scale of Taiwan's sex industry, it is estimated to involve hundreds of thousands of people and generate an annual revenue of up to NT\$60 billion.

About 50 prostitutes are licensed nationwide under laws enacted in 1956. However, the government has since stopped issuing licenses.