Should Prostitution Be Legalized In Hong Kong?

A Study on the Feasibility and Effects on Legalizing Prostitution in Hong Kong

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ABSTRACT

Each year, many people are arrested for engaging in sex trade activities, such as keeping a vice establishment for the purpose of prostitution\(^1\), knowingly living on earnings of prostitution\(^2\), soliciting for immoral purpose\(^3\) or controlling individuals for purpose of unlawful sexual intercourse or prostitution\(^4\). Also, the number of prostitution is increasing enormously each year and seems to be more serious than ever before.

Prostitution was legalized in many countries, for example, Netherlands. The feasibility of using their policies on prostitution in Hong Kong will be examined in this project. This project also examines the current situation of prostitution in Hong Kong and the possibility and effects of legalizing prostitution in Hong Kong.

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\(^1\) Cap 200, Crimes Ordinance s 139
\(^2\) Cap 200, Crimes Ordinance s 137
\(^3\) Cap 200, Crimes Ordinance s 147
\(^4\) Cap 200, Crimes Ordinance s 130
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SHOULD PROSTITUTION BE LEGALIZED IN HONG KONG?

A Study on the feasibility and effect on legalizing prostitution in Hong Kong

1. INTRODUCTION

The sex trade in Asia is expanding because of greater mobility, and changing sexual attitudes and economies. Each year, many people are arrested for engaging in sex trade activities in Hong Kong, such as keeping a vice establishment for the purpose of prostitution, knowingly living on earnings of prostitution, soliciting for immoral purpose or controlling individuals for purpose of unlawful sexual intercourse or prostitution. Also, the number of prostitution is increasing enormously each year and seems to be more serious than ever before.

The majority of them were arrested in Mong Kok, Sham Shui Po, Yuen Long and Tsuen Wan districts. Apart from providing sexual services at unlicensed massage establishments, guesthouses and one-prostitute apartments, some of them were found soliciting customers on streets, causing nuisance to members of the public.

It is discovered that organized crimes were heavily involved in brothels. Many women are forced to engage in prostitution for income. This causes crimes as well as social and moral problems.

The prevalence of prostitution is already last for many years in Hong Kong.
Hong Kong Government dedicated to control prostitution and used many methods to investigate the prostitution activities, especially the large organized prostitution activities and the illegal immigrants who act as a prostitute in Hong Kong. In the Commissioner’s operational targets 2005, the commissioner set a target to attack the crimes committed by illegal immigrants and mainland visitors by step up overt and covert operations at all levels.\textsuperscript{10}

Though some governments are still trying to crack down on prostitution, others are realizing that it is better to legalize and license it than to suffer the ill effects of driving it underground.\textsuperscript{11} Prostitution was legalized in many countries, for example, Netherlands. Should prostitution be legalized in Hong Kong? Can their policies used on prostitution suitable to use in Hong Kong? Any effects will be occur when Hong Kong legalize prostitution?
2. CURRENT SITUATION

Zi Teng (a Hong Kong Sex Workers Concern Organization) states that there are 200,000 women are working as prostitutes and most of them are at middle age. The main reason of the middle-age women work as prostitute is the financial problem. Most of them are the mothers of the single-parent family. They are unemployed and claim that the financial support from the government are not enough, being prostitution is just a driven choice.  

There are not only local but also migrant sex workers from various foreign countries working in Hong Kong. Most of them come from Mainland China, Thailand, Philippines, Russia, etc.

There are various kinds of sex work in Hong Kong. They included street workers, work by their own (One-Woman Brothel), escort services, working at Karaokes, Nightclubs, Massage and Sauna centres etc. Even some under-age girls are prostituting themselves at Internet Computer Services Centres (commonly known as Internet cafes).

2.1 Arrested Figure

The police arrested 5,142, 8,970 and 11,222 persons who were suspected of involving in prostitution in 2001, 2002 and 2003 respectively. Among them, the numbers of local residents arrested who were suspected of involving in prostitution
were 54, 97 and 132 for 2001, 2002 and 2003 respectively. In respect of mainland visitors, according to figures from the Immigration Department, 3 057, 6 826 and 10 863 persons were arrested in the past three years respectively for suspected involvement in prostitution. In 2003, among those arrested, Two-way Permit holders accounted for 96% in total. Among them, 2 080, 4 768 and 6 152 were prosecuted, while the remainder were repatriated or arranged to return to the Mainland immediately.\textsuperscript{15}

\subsection*{2.2 Two-Way Permit Holders & Individual Visits Scheme}

The data show that Mainland Chinese now dominate the prostitution workforce in the sex trade.\textsuperscript{16} Hong Kong sex market is their major target to earn money and remit back to Mainland China. The number of the Mainland women involved prostitution activities who were prosecuted and convicted for the breach of condition of stay\textsuperscript{17} or illegal remaining in 2000 have increased 71 percent when compared with the number in 1991\textsuperscript{18}, the problem is aggravating and caring by the Hong Kong Government. The police have also stepped up enforcement action against black spots of vice activities. Apart from increasing inspection of vice establishments and initiating various enforcement operations, the police have also conducted joint operations with the Immigration Department against premises suspected for accommodating mainland women for vice activities. In addition to strengthening local
enforcement action, the law enforcement departments have also maintained close co-operation with their mainland counterparts to combat such illegal activities effectively.\textsuperscript{19}

The scheme of Individual Visits is for the Mainland residents who wish to come to Hong Kong for sightseeing purpose in individual capacity are required to obtain an Exit-entry Permit for travelling to and from Hong Kong and Macau. Among them, 45 percent of the arrested visitors were involving in prostitution.\textsuperscript{20} Is it a channel to help Mainland Chinese to come to Hong Kong and work as a prostitute?

Action against this kind of trafficking tends to be limited to arresting the women who, on conviction of the offence, ‘Breach of Condition of Stay’\textsuperscript{21}, are immediately sentenced to three months imprisonment, or fifteen months if they have entered Hong Kong illegally.\textsuperscript{22}

\textbf{2.3 Changing Format to avoid arrest}

In Hong Kong, working as a prostitute is not illegal, ‘One-Woman Brothel’ is allowed. Many prostitution organizers try to find out the loopholes to escape from arrest. The apartment was divided into rooms and rent out to the prostitutes. It operates as a vice establishment.\textsuperscript{23} Each room only allow one prostitute to work in, it seems like a ‘One-Woman Brothel’, but it is more apparent than real. This Crime Ordinance\textsuperscript{24} may be a loophole to help the organizers to operate a ‘legal’ vice
establishment.

Customers can use high-tech device, 3G mobile phone to have video conference with the prostitute and select the favourite one. It can avoid arrested by another Crime Ordinance, ‘Soliciting for an immoral purpose’.

3. DEFINITION

3.1 Definition of Prostitute

According Chapter 200 Crime Ordinance Section 117 Part XII Sexual and related offences interpretation, Prostitute means a prostitute of either sex.

3.2 Definition of Vice Establishment

The premises to be a vice establishment in terms of Section 117(3) (b) states that Premises, vessel or any place shall not be treated as a vice establishment for the purposes of this Part unless the premises, vessel or place are or is used wholly or mainly by two or more persons for the purposes of prostitution; or the premises, vessel or place are or is used wholly or mainly for or in connection with the organizing or arranging of prostitution.
4. EXISTING LEGISLATION ON PROSTITUTION IN HONG KONG

According to the existing legislation in Hong Kong, working as a prostitute is not illegal, because Hong Kong Government use along the England’s restriction policy to control prostitution. There are six main Ordinances related to Prostitution in Hong Kong. The existing ordinances are to be aimed at those behaviors that affect and destroy the public steadiness and social order and punish those third parties who live on earnings of and control over prostitution of others. The sex work itself certainly does not offend any criminal ordinance. However, nearly all sex work related activities are restrained or banned by legal regulation. It is a question whether it is sufficient enough to prevent all unlawful and immoral prostitution activities effectively or forbid organized criminal activities.

These policies are respect the individual right and want to prevent the organized crime that relating to prostitution and the effect on the public order.

From the Hong Kong case analysis (Appendix 1), there are three ordinances that are mainly convicted by the criminals. They are ‘Living on the earning on prostitution’, ‘Keeping a vice establishment’ and ‘Managing or assisting in the management of a vice establishment’. Keeping, managing or assisting in the management of a vice establishment shall be liable on summary conviction to
imprisonment for 3 years or on conviction on indictment to imprisonment for 10 years. If the court is decided to send the defendant to imprisonment instantly, the imprisonment range would be three months to eighteen months. The most common punishment is three to six months imprisonment. Is it too lenient to the criminals? Is it enough to inhibit the organizers to organize a vice establishment again?

‘Soliciting for immoral purpose’ is another Crime Ordinance that is commonly convicted. A person who in a public place or in view of the public solicits for any immoral purpose; or loiters for the purpose of soliciting for any immoral purpose, shall be guilty of an offence and shall be liable on conviction to a fine of $10000 and to imprisonment for 6 months. Customers and prostitutes may convict this ordinance even without sexual activities.
5. EXISTING POLICIES ON PROSTITUTION IN HONG KONG

Actions taken by the Police in preventing, deterring and combating vice activities include:

(i) Taking proactive measures to arrest and prosecute "pimps";

(ii) Stepping up intelligence gathering and where appropriate taking joint actions with other departments to arrest and prosecute people who contravene the Crimes Ordinance by committing offences such as "living on the earnings of prostitution" or "keeping a vice establishment";

(iii) Promoting and encouraging community bodies, such as District Councils, District Fight Crime Committees, schools and non-governmental organizations to assist in publicity efforts and in encouraging the public to join hand with the Police in the fight against vice activities; and

(iv) Taking proactive measures to exercise powers under the Organized and Serious Crimes Ordinance to deter vice syndicates, such as seeking enhanced court sentencing and confiscation of proceeds of crime.

At present, Hong Kong Police plans police visits to check out on prostitution activities. However, these visits are not effective and seem to be normal to prostitutes.
There are three main types of Police visits. Firstly, Police officers enter the premise in order to ‘check the license’. There is, literally speaking, no license to check. The term ‘checking the license’ is basically a general term referring to a visit from police. Police officers will normally search the tenant’s lease, collect information on the landlord and record the prostitutes’ ID number and other information. If they found a woman and her client in the middle of a transaction, they will immediately press charges on the woman, although they had not witnessed the act of solicitation. In some cases, police officers will only verbally warn the women to move out. The second type of police visit is by standing in front of the door of the premises preventing clients from entering. They may also guard the main entrance of the building to deter potential clients. The third type is entrapment exercise. A male police officer will come disguised as a potential customer. No matter who initiates the soliciting, once the transaction starts, the woman will be arrested. These methods seem to be not sufficient to prevent and control over the prostitution in Hong Kong.

From the Hong Kong case analysis (Appendix 1), most of the prostitutes or organizers were discovered by the undercover police officers. The undercover police officers acted as ‘Genuine’ customers to negotiate the sex transaction with the organizers, pimps, brothel owners and prostitutes. When the prostitute provided sexual services, there were enough evidences to prosecute the brothel owners, pimps
or prostitutes. But it wastes human resources to tackle illegal activities.

The police are committed to curbing prostitution in vice establishment. Different district squads held many large scale operations non-periodically to mop-up illegal prostitution activities. Many related parties who involved in the activities were arrested.\textsuperscript{36} It helps to demolish large scale gangster.\textsuperscript{37} Could these operations discourage the gangster to organize illegal prostitution activities again?

6. OTHER COUNTRIES POLICIES

6.1 Netherlands

Netherlands legalized prostitution in October, 2000. The laws in the Netherlands now will control and regulate the exploitation of prostitution, improve the prosecution of involuntary exploitation, protect minors, protect the position of prostitutes, combat the criminal affairs related to prostitution, and combat the presence of illegal aliens in prostitution.\textsuperscript{38} Since Dutch brothel girls are now legitimate workers, they have had to start paying income tax, boosting the government's coffers.\textsuperscript{39}

6.2 Germany

In Germany, a recent development in Germany is the legalization of prostitution, which came into force in 2002.\textsuperscript{40} The new law also legalizes pimping, making it legal to sell women. Supposedly this applies only to pimping that is "not coerced".\textsuperscript{41} Prostitutes also have the right to unemployment benefits, sick pay and a pension,
according to the law.\textsuperscript{42}

\textbf{6.3 Nevada}

The Nevada Revised Statutes (NRS) have only two sections related to prostitution. The first is the section that in effect legalizes prostitution; the law does so by prohibiting the licensing of prostitution from counties with populations of over 400,000. This law leaves open the possibility for legal prostitution in Nevada counties with populations below this limit. The second section of Nevada’s law on prostitution regulates pandering, pimping, zoning, advertising, and sexually transmitted diseases. With the exception of prohibitions on brothel advertising, the rationale for these regulations is almost exclusively based upon the rhetoric of risk and violence associated with prostitution.\textsuperscript{43}

Although prostitution is now legal in some Nevada counties, strict requirements are imposed. For example, it is a misdemeanor to practice prostitution outside of a licensed brothel. Likewise, there are laws which prevent the exploitation of prostitutes. It is prohibited for anyone to live off the earnings of a prostitute. Procuring another person for the purposes of prostitution is also forbidden.\textsuperscript{44}

In Nevada, Nevada state law mandates that prostitutes be tested and verified as healthy prior to beginning work; they are then tested on a weekly basis for some Sexually Transmitted Infections and on a monthly basis for others. In addition,
condom use is mandatory for all forms of sexual encounters; this law is posted outside the entrance of each brothel to inform potential customers of this rule and to advertise the implicit perception of safety it provides. All of the women we interviewed were passionate about expressing their support for these laws. For example, they insisted that they always use condoms, whether the client prefers to or not. They regulate and zone prostitution away from so called respectable areas of communities, and they address concerns over the spread of disease.

7. ARGUMENTS FOR LEGALIZING PROSTITUTION

7.1 Human Right

Many prostitutes claim that being prostitute is their owner human right, it should not be criminalized. They said that although ‘One-Woman Brothel’ is not illegal, other laws that are claimed to stop the exploitation and controlling of the third parties. The laws are usually against the sex workers and pushing them to a poorer working condition.\(^45\) They claim that discreet transaction between two people in private. If there's no evidence that it harms others, then the state should let them get on with it. People should be allowed to buy and sell whatever they like, including their own bodies.\(^46\)
7.2 Boost Government Income

Since prostitutes are legitimate workers, they have had to start paying income tax, boosting the government's coffers.\textsuperscript{47} For the government, legalizing an industry that fuels a large part of the underground economy would bring more income. \textsuperscript{48} They believe the money should not bypass the state treasury. The prostitution business should pay taxes.\textsuperscript{49} In Netherlands, the sex industry constitutes 5\% of the GDP.\textsuperscript{50} According to the World Health Organization report, the sex industry in Asia is extremely profitable, with the sex sector's annual earnings accounting for an estimated 1-14\% of gross domestic product in Indonesia, Malaysia, the Philippines, Thailand, and Japan.\textsuperscript{51} Before legalizing, money is spent on law enforcement efforts to catch prostitutes and their customers. Once caught, justice departments have to process these people through very expensive systems.\textsuperscript{52} After legalizing, all these spend would no longer be appeared.

7.3 Prevent AIDS and Sexual Transmitted Infections

In many countries that have legalized prostitution, prostitutes also needed to have mandatory health test regularly to assure the prostitutes without infected by Acquired Immune Deficiency Syndrome (AIDS) and Sexually Transmitted Infections.\textsuperscript{53} In addition, condom use is mandatory for all forms of sexual encounters.\textsuperscript{54} Also, it is
strictly control the infected prostitutes to work as prostitutes any more. AIDS and Sexually Transmitted Infections can be prevented to spread to the community seriously.

7.4 Prevent Prostitute Exploitation

Most of the prostitutes are not willing to work as a prostitute, working as prostitutes only because of financial problems or without any other skills to rely on. Prostitutes are exploited by the brothel owner or pimps. After legalization, brothels would have to be regulated and supervised and introduce registration requirements for persons in prostitution.\textsuperscript{55} There was supervision, registration, and administrative control of prostitution, the working condition may be monitored by the police. Legal status would allow actually sex workers protection from the exploitation of their bosses and customers.\textsuperscript{56}

7.5 Maintain Public Order

Many prostitutes solicit or loiter for the purpose of prostitution on the street. Women maybe asked for price by the men who want sexual services and men maybe also solicited by the prostitutes.\textsuperscript{57} All this disturbs maybe stopped by legalizing prostitution and regulating prostitutes to work in Red Light District. As brothel are regulated and mainly concentrated in the red light district, nuisance maybe cleaned out in other district.
7.6 Protect Women and Minors

Many women and minors are forced by organized crime group to be prostitutes. Some of them are illegal immigrants or debtors of the gangsters. They are organized by the gangsters to provide sexual services to earn money for them. These underground activities harm to all women and minors not only in Hong Kong. After legalization, brothel and prostitutes are regulated and supervised by the police, thus, the police can monitor all these underground activities.

8. ARGUMENTS AGAINST LEGALIZING PROSTITUTION

8.1 Moral Problems

Some social scientists define the predatory behaviors of men. Buying women in prostitution as normal, maintaining that prostitution is simply part of human nature. Prostitution as a form of labor (sex work) where considered as an unpleasant job but not different from other kinds of unpleasant jobs, such as factory work. From this perspective, prostituted women are viewed as simply another category of workers with special problems and needs.\(^{58}\)

The spread of consumer cultures has had a dramatic impact, with sex becoming increasingly commercialized.\(^{59}\) It cannot compare a woman's body to, for example, a shoelace, that can be bought wherever.\(^{60}\) Trafficking and prostitution are literally embodied in the use of women and young girls for commercial sexual exploitation.
The commercialization of women’s bodies is tolerated and indeed encouraged to satisfy male sexual needs and desires and defended as a resolution to problems of male sexuality and sexual identity and the relational problems of men. Generations of men in Victoria have now learned that it is acceptable to treat women as objects for their sexual use. Women's bodies and emotions must belong to them alone. They must not be traded or sold.

8.2 Social Effects

Legalization allows men to feel more justified and confident in their prostitution behaviour. Prostitution is an industry that arises from women’s low social status and the relegation of women to the role of sex objects. Legalizing prostitution maintains that low status and makes it much harder for women to assert that they should be treated with dignity and respect. More than 70 percent of interviewees state that they mind their spouses to have sex with the prostitutes. As the sex industry expands it has a greater destructive effect on women’s relationships with men.

Prostitutes and pimps even are chosen as ideal occupations by the secondary students in New Zealand where has legalized prostitution. More youngsters treat prostitution as a normal occupation after legalization, their future aspect will be affected. If a state permits prostitution to flourish, a certain portion of each generation of young women will be lost. The social structure will be destroyed by such values.
8.3 AIDS and Sexual Transmitted Infections cannot be prevented

The World Health Organization adviser stated that the Asia region's "rapidly growing" sex industry is threatening HIV/AIDS control efforts. The unidirectional fear of prostitutes infecting the general public is evident in mandatory HIV/AIDS and other STI testing requirements and legal penalties established by some legalized countries. There are yet to be any regulations that attempt to test prostitutes' customers as similar sites of contagion. Instead of reducing the incidence of sexually transmitted diseases (STDs), as was originally claimed, brothels were concentrated centers of STDs where such diseases were most likely to be contracted. The brothels were difficult to control, and the medical and social regulations that were supposed to make them easier to manage were impossible to enforce.

8.4 Sex Trafficking and Organized Crime cannot be prevented

Over the last decade, as pimping became legalized and then brothels decriminalized in the Netherlands in 2000, the sex industry expanded 25 percent. Most of them are women from other countries who have in all likelihood been trafficked into the Netherlands. A report done for the governmental Budapest Group stated that 80% of women in the brothels in the Netherlands are trafficked from other countries.

As prostitution has been transformed into sex work, and pimps into entrepreneurs,
so too this potential solution transforms trafficking into voluntary migration for sex work.\textsuperscript{71}

Organized-crime groups continue to traffic women and children and run illegal prostitution operations along side the legal businesses. Organized crime controls the "industry" and, in a legalized regime, it will have an enhanced capacity to do so.\textsuperscript{72}

A cash business that the police in Netherlands say is often used for money laundering, arms sales, drug sales and the often brutal exploitation of prostitutes, including minors and illegal immigrants.\textsuperscript{73} It only allows criminals and members of organized crime rings to become legitimate businessmen and work hand-in-hand with the state in marketing women's bodies.\textsuperscript{74} More and more Eastern European, African and Asian teenagers are being smuggled into Western Europe, often to work in the sex industry of Germany, the Netherlands, Italy and Belgium left no doubt that trafficking in teenagers was on the rise throughout the 15-member European Union.\textsuperscript{75}

Trafficked women and children are kept in conditions of slavery, and trafficking has increased to supply the new brothels. Child prostitution has grown markedly in the state that has legalized compared with other states in Australia. Legalization has brought with it an explosion in the trafficking of women into prostitution by organized crime. Recently it has been revealed that Victorian sex “businessmen” are involved in the lucrative international sex trade run by crime syndicates which is
worth $A30 million in Australia. An Australian Institute of Criminology study estimated that Australian brothels earned $1 million a week from this illegal trade.\textsuperscript{76}

Organized crime has not invaded the Nevada licensed prostitute business on any significant scale.\textsuperscript{77} As long as prostitution is tolerated, and governments permit it to be practiced as a legal and valid employment alternative, trafficking in and violence against women will continue.\textsuperscript{78}

\textbf{8.5 Public Order still be affected}

Commercial sex as evidence of generalized social disorder and that seek not to eliminate but to control and hide prostitutes from public life. Most laws legalizing and regulating prostitution are framed by this rhetoric. The contagion of visible and unregulated prostitution still threatens the stability of communities.\textsuperscript{79} Although some restriction is to protect the general public from exposure to the brothels, regulations were passed prohibiting the location of any brothel within 400 yards of a school or religious organization,\textsuperscript{80} it still affect atmosphere and public order of the whole countries, especially small countries.
8.6 Cannot Boost the Government Income

German lawmakers thought they were going to get hundreds of millions of euros in tax revenue when they legalized prostitution and brothels in 2002. But keeping with the criminal nature of prostitution, the newly redefined "business owners" and "freelance staff" in brothels will not pay up. Problems with tax evasion and illegal immigrants are rampant. Only 5%-10% of the estimated 20,000 prostitutes in the Netherlands pay taxes, according to Mariska Majoor, a former sex worker who now heads the Prostitution Information Centre in Amsterdam. The prostitution owners do not want to pay tax, because he is an employer and therefore has to pay social service costs for the prostitutes. Many of the prostitutes will not want to pay tax, so, they will still work underground.
9. CONCLUSION

There are different legislations on prostitution in different countries. It can mainly classify into four types. They are Legalization (state licensing and regulation); Abolitionist Approaches (laws punishing third parties, not the prostitutes themselves); Criminalization (prohibiting solicitation and punishing all parties, including prostitutes, pimps, and, potentially, customers); and Decriminalization (regulating prostitutes as independent businesses). 84

In Hong Kong, prostitution itself is not illegal, the existing ordinances are to be aimed at those behaviors that affect and destroy the public steadiness and social order and punish those third parties who live on earnings of and control over prostitution of others.

Discussions and debates on the topic of legalizing prostitution have been last for many years, but it seems have no conclusion and the Hong Kong Government did not change any legislations.

Although many western countries have legalized prostitution, should Hong Kong follow other to legalize it?

Cultural difference should be considered. Chinese traditional values are rooted in Hong Kong, prostitution is defined as a scabby and immoral job. Being a prostitute seems to be discriminated and degraded by the public. Even Hong Kong is an
international metropolitan, Hong Kong people are also affected by the Chinese traditional values deeply. Legalizing prostitution seems to give an affirmation to prostitutes and defined prostitution as a normal occupation. It violates the morality and destroys the values that are rooted in the Hong Kong people. Over 70 percent of interviewees agree that prostitution activities destroy the social ethos. Even now is twenty-first century, most of the Hong Kong people still adhere to conservative concept and resist to accept prostitution is a normal and moral occupation. Legalizing prostitution will be face resistances in Hong Kong. For example, The Society of Truth and Light (A non-profit making organization that concerning mass media, sex culture and social ethics) and some religious organizations are also disagree with the legalization of prostitution. In the Bible, prostitution is not allowed, having sex with the person who is not their own spouse or without marital relations are also not allowed. If Hong Kong proposes to legalize prostitution, it must arouse many repercussions by these organizations.

Prostitutes strongly disagree with the discrimination and degradation of them from the society. They claim that it is their human right and own freedom. People should have a right to exploit their body for monetary gain. Prostitutes and their customers are in the mutually satisfactory relationship. Each dollar they earned is harsh and earned by their own abilities. They should have their own legal status and
their occupation should be normalized as other normal job in the society. They suggested that sex workers should be guaranteed the full rights and benefits of workers. And basic legal knowledge, information on occupational safety, survival kits and techniques to handle abuse are needed. Even though, prostitution itself is not illegal in Hong Kong, they claim that they are always being disturbed by the police visit. It is harmed to their human right and freedom and they are being discriminated by the police. Is it the legislation that allows prostitution itself is not illegal not enough to give freedom and human right to the prostitutes? This legislation has already given respect to them. The police visit is only for prohibiting the illegal activities that involved in the prostitution. Is it equal to exploit their human right and freedom and discriminate them as a prostitute?

When prostitution is legalized, the new generation and men will think that it is acceptable to treat women as objects for their sexual use. The number of the sexual transaction provided by the prostitution will increase dramatically because of the legalization. Family problems will be occurred and matrimony will be affected. The new generation will treat prostitution as a way to earn money and the values of them will be destroyed. The whole family structure will be collapsed.

Alighting on the debates that concerning the suggestion of Red Light District in Hong Kong. Some people agree with this suggestion and believe that Red Light
District can manage prostitutes well in one area and protect the public order. Many western countries have set Red light District for the prostitution, all the prostitutes and brothels must be licensed and regulated by the authority. The Nevada legislature enacted laws regulating the licensing, location and advertising of brothels. To protect the general public from exposure to the brothels, regulations were passed prohibiting the location of any brothel within 400 yards of a school or religious organization. They do not allow other brothels and prostitutes having transaction outside the Red Light District.

In Hong Kong, it is not possible to assign a special district for Red Light District. Hong Kong's population has increased steadily over the past decade, reaching about 6.8 million by 2003. Hong Kong is one of the most densely populated areas in the world, with an overall density of some 6,250 people per square kilometer. Such densely populated area as Hong Kong, residential area are pervaded in everywhere, it is not possible to assign an area that away from the public residence. Near 90 percent of interviewees think that Red Light District should be set away from the residential area. So, the public must disagree with the Red Light District that set near their residence.

Besides the location problem, the management problems are needed to concern. How to manage the brothels and prostitutes only work in the Red light District? How
to detect any brothels and prostitutes that work outside the Red light District? How to avoid triad society involved into the prostitution activities? If all the brothels and prostitutes are licensed, how to avoid the brothels and prostitutes that without licenses to work in the Red Light District? From the experience of other countries that have legalized prostitution, management problems are difficult to solve and other problems will be occurred. For example, organized crime, exploitation of women and children and the triad society that involved in the prostitution activities\textsuperscript{95}.

Can legalization of prostitution eliminate the organized crimes and the exploitations of women and children that are forced to be prostitutes or being exploited by the pimps and brothel owners? From the Australia’s experience, legalized brothels were supposed to provide women with protection from the rapes, beatings and murders that are the hazards of street prostitution. Street prostituted women still suffer extreme violence on the streets of Victoria. It is commercial sexual violence. The acts that men buy the right to perform on prostituted women include all the forms of sexual violence that feminists are seeking to eliminate from women’s beds, homes, workplaces, streets.\textsuperscript{96} Once prostitution is legitimized as an acceptable commercial practice, few ethical barriers exist to prevent newly brutal forms of exploitation.\textsuperscript{97} Also, Organized crime has not invaded the Nevada licensed prostitute business on any significant scale.\textsuperscript{98} As long as prostitution is tolerated, and
governments permit it to be practiced as a legal and valid employment alternative, trafficking in and violence against women will continue. How to decide an efficient and effective policy to protect women and children that being exploited?

The problems of the illegal immigrants and two-way permit holders to work as prostitutes in Hong Kong are also needed to solve. They fear being sent out of the country if they register, so they will conceal themselves in the licensed brothel, is it easy to find them out by the police?

When legalized prostitution, can it avoid AIDS and other sexual transmitted infections? Although, the health of the prostitutes can be checked regularly, if they lie to their customers that they have license and health check, the vigilance of the customers will be reduced. Is it more easily to infect these diseases when they think it is safer after legalization?

Is prostitution inevitable, then it must be legalized? Literatures and the experience of other countries have told us that legalization is not the best solution of prostitution problems.
10. RECOMMENDATIONS

From the perspective of the prostitutes, Zi Teng states that they basically favour tolerance to prohibition, and total decriminalization to legalization regarding the issue of sex work. Certain criminal penalties should be fully reviewed, included ‘Letting premises for use as a vice establishment’\textsuperscript{100}, ‘Tenant etc. permitting premises or vessel to be kept as a vice establishment’\textsuperscript{101} and ‘Tenant etc. permitting premises or vessel to be used for prostitution’\textsuperscript{102}. 70 percent of the respondents from their research seem to be willing to pay taxes if some of the ordinances are abolished.\textsuperscript{103} All these suggestions are favour to them to operate their business smoothly. Is it good to the whole society and good to control crimes that involving in the prostitution activities?

65 percent of the Hong Kong people in the research that made by Sum Shui Po district thought that Hong Kong Government do not monitor prostitution well. Over 60 percent of the interviewees thought that prostitution should be prohibited totally in Hong Kong. Over 90 percent thought that Government should eradicate the control of the prostitution by the triad society.\textsuperscript{104}

There are a number of key common challenges are to safeguard women involved in prostitution, reduce the harm they experience, tackle the concurrent behaviours such as drug misuse and help them towards exiting prostitution; to protect residential and commercial communities from the effects of soliciting and prostitution; to prevent
children and young people who may be vulnerable to becoming involved in prostitution from taking that step; to influence the attitudes which lead to the abuse of women sexually and physically through street prostitution.\textsuperscript{105}

In Hong Kong, Prostitution itself is not illegal, this have respected to the human right and freedom of the prostitutes. All other ordinances are used to protect the victims that exploited by the third parties that involved in the prostitution activities and the public orders. Legalization is not the only solution to the problems that arise from the prostitution activities. The possible effects of legalizing prostitution are too large. Hong Kong may burden the costs of these effects and the image of Hong Kong may be damaged.

The existing ordinances and policies may be not enough to solve the organized crimes and the public disorder that related to the prostitution, at least this can resist the rampanty of the crimes. More frequent police checks and harsher punishment of the criminals can hinder them from violating the law. Simultaneously, people are still finding the loopholes of the ordinances to avoid arrested by the police. Although these actions may need more human resources and money to do so, at least the Hong Kong Police can show out the strongly standpoint to attack all the crimes that related to prostitution. Hong Kong government should fill in all these loopholes by legislation continuously. Prostitution can never be eradicated, reduce the effects and harms to the
whole society is the ultimate goals of the Hong Kong Government and Hong Kong Police.
ENDNOTES


6 Cap 200, Crimes Ordinance s 139
7 Cap 200, Crimes Ordinance s 137
8 Cap 200, Crimes Ordinance s 147
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17 Chapter 115, Immigration Ordinance, Section 41, Breach of condition of stay


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## Appendix 1

### Case Analysis

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<th>Charged Crimes Ordinance related to prostitution</th>
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<td>Not provided</td>
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<td>Forcing a woman as a prostitute</td>
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<td>Statute &amp; Sections</td>
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<td>21.</td>
<td>CACC139/1978 CHIU YIU-HUNG AND OTHERS v. THE QUEEN</td>
<td>Aiding and abetting the keeping of a brothel</td>
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<td>CAAR18/1985 ATTORNEY GENERAL v. CHAN SHUM FU</td>
<td>Keeping a vice establishment, permitting girls under the age of 16 to be on premises for prostitution and unlawful sexual intercourse with a girl under the age of 16</td>
<td>Cap. 200 Section 139(a), Cap. 200 Section 141 and Cap. 200 Section 124</td>
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<td>23.</td>
<td>CACC308/1985 THE QUEEN v. WONG WAI-CHIU AND ANOTHER</td>
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<td>Permit part of the premises to be used for the purposes of habitual prostitution</td>
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<td>31. CACC762/1980 SHENG MING-HUEI AND ANOTHER v. THE QUEEN</td>
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<td>Cap. 200 Section 129(1)</td>
<td>Not provided</td>
<td>Appeal is dismissed</td>
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<tr>
<td>33. CACC459/1995 THE QUEEN v. CHONG CHUN LUNG and Another</td>
<td>Controlling a woman for the purpose of prostitution, living on the earnings of prostitution and aiding and abetting an illegal immigrant to remain in Hong Kong</td>
<td>Cap. 200 Section 130(a) (ii), Cap. 200 Section 137(1) and Cap. 200 Section 139(a)</td>
<td>The illegal immigrant report to Hong Kong police</td>
<td>16 months' imprisonment to run concurrently on the charges of controlling women, 8 months' imprisonment on the charges of living on the earnings of prostitution and 12 months' imprisonment for the aiding and abetting charges. Total sentence for each applicant of three</td>
</tr>
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</table>
| 34. | CACC358/1998  
HKSAR v. TONG KAM WAI | Living on the earnings of prostitution | Cap. 200 Section 137(1) | Undercover police | Appeal is dismissed  
2 years’ imprisonment and 3 years’ imprisonment, run consecutively to the 2 year terms, resulting to a total of 5 years imprisonment |
| 35. | CACC250/1991  
THE QUEEN v.  
CHAN WING LUNG AND ANOTHER | Controlling women and living on the earnings of prostitution which is under the age of 16 | Cap. 200 Section 130(a) (ii) | Not provided | Appeal is refused  
8 months imprisonment |
| 36. | CACC193/1982  
SHING HING SANG AND ANOTHER v. THE QUEEN | Count 1 - Claiming to be an office bearer of an unlawful society.  
Count 2 - Criminal intimidation.  
Count 3 - Criminal intimidation.  
Count 4 - Rape.  
Count 5 - Exercising, control over a | Cap. 200 Section 130(a) (ii)  
Cap. 200 Section 137(1) | Victim got in touch with police | The four years imposed on Count 5 will run consecutively to the three-year sentences imposed on Counts 2, 3, 8 and 10, so that serve a total of seven years' imprisonment |
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<td>39.</td>
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<td>CACC623/1998 HKSAR v. PANG</td>
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<td>Not provided</td>
<td>Appeal is dismissed Sentenced to 18 months</td>
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<td>Case Reference</td>
<td>Defendant</td>
<td>Offence Description</td>
<td>Legislation</td>
<td>Sentence</td>
<td>Result</td>
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<tr>
<td>41. CACC5/1994</td>
<td>CHAN HOR NAM v. R.</td>
<td>Brought a Thai woman into Hong Kong for the purpose of prostitution and lived on the earnings of the prostitution</td>
<td>Cap. 200 Section 129(1) Cap. 200 Section 137(1)</td>
<td>Not provided</td>
<td>Appeal is dismissed. imprisonment for two years six months on the first charge and four months, consecutive to the first, on the second charge making a total of two years 10 months</td>
<td></td>
</tr>
<tr>
<td>42. CACC5/1992</td>
<td>R. v. WONG WING CHIUN</td>
<td>Living wholly or in part on the earnings of prostitution</td>
<td>Cap. 200 Section 137(1)</td>
<td>Witness had identified the defendant</td>
<td>Appeal against conviction was refused</td>
<td></td>
</tr>
<tr>
<td>43. CACC415/1991</td>
<td>R. v. LAM PING-KEUNG</td>
<td>Permitting a girl under 16 years of age to be on premises managed by defendant, for the purposes of prostitution, managing a vice establishment and living on the earnings of prostitution</td>
<td>Cap. 200 Section 141 Cap. 200 Section 139(1)(b) Cap. 200 137(1)</td>
<td>When the police party looking for a missing person</td>
<td>Allowed the appeal in respect of the 1st charge and dismissed it in respect of the remaining five charges. 18 months’ imprisonment on the 3rd charge and to one year's imprisonment on each of the other charges, all the sentences to run concurrently</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Case Number</td>
<td>Case Title</td>
<td>Alleged Offence</td>
<td>Related Code</td>
<td>Evidence</td>
<td>Outcomes</td>
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<td>44.</td>
<td>HCMA240/1986</td>
<td>THE QUEEN v. KO CHI KUN (D2)</td>
<td>Assisting in the Management of a Vice Establishment</td>
<td>Cap. 200 Section 139(b)</td>
<td>&quot;Genuine&quot; customers</td>
<td>The appeal is dismissed</td>
</tr>
<tr>
<td>45.</td>
<td>HCMA883/1989</td>
<td>THE QUEEN v. HUNG SAN</td>
<td>Assisting in the Management of a Vice Establishment</td>
<td>Cap. 200 Section 139(b)</td>
<td>Undercover Police</td>
<td>The appeal is dismissed</td>
</tr>
<tr>
<td>46.</td>
<td>HCMA751/1996</td>
<td>R. v. LI KWAI HUNG and Another</td>
<td>Managing a vice establishment</td>
<td>Visited the premises in question, posing as customers</td>
<td>The appeal is dismissed. Sentenced to 3 months imprisonment and ordered to pay $5,000 as costs</td>
<td></td>
</tr>
<tr>
<td>47.</td>
<td>CACC73/1996</td>
<td>R. v. WONG KWOK WA</td>
<td>Controlling a person for the purpose of prostitution and unlawfully imprisoning the same person</td>
<td>Not provided</td>
<td>The appeal is dismissed. sentenced to concurrent terms of 2½years imprisonment</td>
<td></td>
</tr>
<tr>
<td>48.</td>
<td>CACC703/1996</td>
<td>HKSAR v. LEUNG KWOK HUNG</td>
<td>Living wholly or in part on the earnings of prostitution</td>
<td>Under police surveillance</td>
<td>The appeal is refused</td>
<td></td>
</tr>
<tr>
<td>49.</td>
<td>CACC70/1995</td>
<td>R. v. AU SING KEE and Another</td>
<td>Living wholly or in part on the earnings of prostitution and procuring a woman under the age of</td>
<td>Not provided</td>
<td>The appeal is dismissed</td>
<td></td>
</tr>
<tr>
<td>Case Number</td>
<td>Description</td>
<td>Related Laws</td>
<td>Summary</td>
<td>Court Decision</td>
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<td>CACC582/1996</td>
<td>Managing a vice establishment and living on the earnings of prostitution.</td>
<td>Cap. 200 Section 139(b) Cap. 200 Section 137(1)</td>
<td>The police were keeping the premises under surveillance, then raided the premises and had all along been a customer.</td>
<td>The appeal is refused. Sentenced to 15 months on the first charge, 12 months on the second and the sentences were ordered to be concurrent.</td>
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<tr>
<td>CACC298/1971</td>
<td>Knowingly living on the earnings of prostitution.</td>
<td>Cap. 200 Section 137(1)</td>
<td>Not provided</td>
<td>The appeal is dismissed. And gets at the Training Centre he will be released after a comparatively short time: if he does not show a good response to the treatment he receives, he may be detained there for 3 years.</td>
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</tr>
<tr>
<td>CACC179/1990</td>
<td>Living on the earnings of prostitution and having sexual intercourse with a girl under the age</td>
<td>Cap. 200 Section 137(1) Cap. 200</td>
<td>Not provided</td>
<td>The appeal is dismissed.</td>
<td></td>
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<tr>
<td>No.</td>
<td>Case Reference</td>
<td>Parties</td>
<td>Charges</td>
<td>Law</td>
<td>Reasons</td>
<td>Sentence</td>
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</tbody>
</table>
| 53. | CACC158/1996  
R. v. WONG FU KEUNG | of 16 years. | Assisting the passage within Hong Kong of unauthorised entrants, namely two young women from China and trafficking in persons to Hong Kong by bringing those two women into Hong Kong for the purpose of prostitution | Immigration Ordinance, Cap. 115. s.37D(1)(a) Crimes Ordinance, Cap. 200s. 129(1) | Not provided | The appeal is dismissed. Total of three years' imprisonment by way of concurrent terms of three years on the 1st charge and 21/2 years on the 2nd charge. |
| 54. | CACC545/2003  
HKSAR v. CHOI KONG | 10 counts of conspiracy to keep a vice establishment related to 10 different establishments. And deal with property representing the proceeds of an indictable offence. | Crimes Ordinance, Cap.200 Sections 139(1) (a), 159A and 159C | An undercover police officer who applied for a job as a keeper | The appeal is dismissed. Sentenced to a total of five years imprisonment. |
| 55. | CACC127/1986  
THE QUEEN v. YIP YAN | False imprisonment, blackmail and living on the earnings of prostitution. And in association to organise various prostitutes. | Cap. 200 Section 137(1) | Not provided | The appeal is refused. Three sentences of 9 months all to run consecutively. |
<table>
<thead>
<tr>
<th>Case Number</th>
<th>Parties</th>
<th>Offence</th>
<th>Section(s)</th>
<th>Police Officer</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>56. HCMA869/1999</td>
<td>HKSAR v. YU KIN CHIU</td>
<td>Soliciting for an Immoral Purpose and Living on the Earnings of Prostitution of Others.</td>
<td>Cap.200 Section 147 Cap. 200 Section 137(1)</td>
<td>Undercover police officer</td>
<td>The appeal is dismissed. 1 month on the soliciting charge and 3 months on each of the living on the earnings charges; the sentences being concurrent.</td>
</tr>
<tr>
<td>57. HCMA181/2000</td>
<td>HKSAR v. LAM ALBEACHAT</td>
<td>Assisting in the management of a vice establishment</td>
<td>Cap. 200 Section 139(b)</td>
<td>&quot;Genuine&quot; customers</td>
<td>The appeal is dismissed. Sentenced to five months' imprisonment.</td>
</tr>
<tr>
<td>58. HCMA659/1988</td>
<td>THE QUEEN v. CHONG HUNG CHAO (A2) AND OTHERS</td>
<td>Assisting in the management of a vice establishment</td>
<td>Cap. 200 Section 139(b)</td>
<td>Undercover police officer visited the premises</td>
<td>The appeal is dismissed.</td>
</tr>
<tr>
<td>59. HCMA306/1999</td>
<td>HKSAR v. TAM WAI TIN</td>
<td>Managing a vice establishment</td>
<td>Cap. 200 Section 139(b)</td>
<td>Plain-clothes police officers</td>
<td>The appeal is dismissed.</td>
</tr>
<tr>
<td>60. HCMA352/2002</td>
<td>HKSAR v. CHEUNG KING</td>
<td>Living on the earnings of prostitution</td>
<td>Cap. 200 Section 137(1)</td>
<td>An undercover police officer</td>
<td>The appeal is dismissed.</td>
</tr>
<tr>
<td>No.</td>
<td>Case No.</td>
<td>Description</td>
<td>Cap. 200 Section</td>
<td>Law Enforcement Officer</td>
<td>Appeal Outcome</td>
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<tr>
<td>61.</td>
<td>HCMA1204/1996</td>
<td>Control over other for prostitution and living on earnings of prostitution</td>
<td>137(1)</td>
<td>An undercover police officer</td>
<td>The appeal is dismissed.</td>
</tr>
<tr>
<td></td>
<td>R. v. IP SAU MING</td>
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<td>137(2)</td>
<td></td>
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<tr>
<td>62.</td>
<td>HCMA718/1996</td>
<td>Two charges of managing a vice establishment; two charges of living on the</td>
<td>139(b)</td>
<td>Police officer acting</td>
<td>The appeal is dismissed.</td>
</tr>
<tr>
<td></td>
<td>R. v. CHEUNG YUK CHUN</td>
<td>earnings of prostitution and one charge of aiding and abetting the unlawful</td>
<td>137(1)</td>
<td>as an undercover agent</td>
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<td></td>
<td></td>
<td>remaining of an illegal immigrant.</td>
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<td>to see if the premises</td>
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<td>were being operated as a</td>
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<td>vice establishment.</td>
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<td></td>
<td>And police raiding</td>
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<td></td>
<td>party</td>
<td></td>
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<tr>
<td>63.</td>
<td>CACC631/1981</td>
<td>Managing a vice establishment</td>
<td>139(b)</td>
<td>Visits made by Police</td>
<td>The appeal is dismissed.</td>
</tr>
<tr>
<td></td>
<td>LIN YU-TSAI AND OTHERS</td>
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<td>Officers</td>
<td></td>
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<td></td>
<td>v. THE QUEEN</td>
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<tr>
<td>64.</td>
<td>CACC380/1995</td>
<td>A charge of managing a vice establishment and a charge of living on the</td>
<td>139(b)</td>
<td>Not provided</td>
<td>The appeal is dismissed.</td>
</tr>
<tr>
<td></td>
<td>R. v. HUI WAI MAN</td>
<td>earnings of prostitution.</td>
<td>137(1)</td>
<td></td>
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</tr>
<tr>
<td>No.</td>
<td>Case Number</td>
<td>Offences Described</td>
<td>Relevant Legislation</td>
<td>Sentence</td>
<td>Disposition</td>
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<td>65.</td>
<td>CACC319/1992</td>
<td>Two charges of living on the earnings of prostitution. And unlawful sexual intercourse with a girl under 16 years</td>
<td>Cap. 200 Section 137(1) Cap. 200 Section 124(1)</td>
<td>Not provided.</td>
<td>The appeal is dismissed.</td>
</tr>
<tr>
<td>66.</td>
<td>CACC284/1996</td>
<td>Keeping a vice establishment, living on the earnings of a prostitute and assisting unauthorised entrants to remain in Hong Kong</td>
<td>Cap.200 Section 139(1)(a) Cap.200 Section 137 (1) Immigration Ordinance Cap. 115 s. 37DA(1)</td>
<td>Not provided.</td>
<td>The appeal is dismissed.</td>
</tr>
</tbody>
</table>
| 67. | CACC189/1999 | Living on the immoral earnings of prostitution | Cap.200 Section 137 (1) | Not provided. | The appeal is dismissed.  

Sentenced to undergo a period of training at a training centre. |
| 68. | CACC119/1988 | 1st Charge - keeping a vice establishment.;  
2nd Charge - unlawfully possessing | Crimes Ordinance s. 139(a), s.24(a), | Not provided. | The appeal is dismissed.  

3 years imprisonment on the 1st Charge and to 2 years imprisonment |
<table>
<thead>
<tr>
<th>Part I poisons</th>
<th>3rd Charge - criminal intimidation;</th>
<th>4th Charge - unlawful sexual intercourse with a girl under 16 years;</th>
<th>5th Charge - living on the earnings of prostitution</th>
<th>s. 124(1), s.137(1) Pharmacy and Poisons Ordinance s. 23(1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>69. HCMA000061/1998 HKSAR v. HEUNG WING KEUNG and Another</td>
<td>Managing a Vice Establishment and Assisting in the Management of a Vice Establishment.</td>
<td>Cap.200 Section 139(a)</td>
<td>Undercover Police Officers</td>
<td>The appeal is dismissed.</td>
</tr>
<tr>
<td>70. CACC000178/2003 HKSAR v. CHIU KWOK HO</td>
<td>Bringing a woman into Hong Kong for the purpose of prostitution and assisted in the management of premises kept as a vice establishment; and exercised control over the same woman, for the purpose of prostitution.</td>
<td>Cap. 200 Section 129(1) Cap. 200 Section 139(b) Cap. 200 Section 130(a) (ii)</td>
<td>Not provided.</td>
<td>The appeal is dismissed.</td>
</tr>
<tr>
<td>Case Number</td>
<td>Party Details</td>
<td>Charges</td>
<td>Statutory Section(s)</td>
<td>Officers</td>
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<tr>
<td>71. CAAR 000002/2003</td>
<td>Secretary for Justice v. Lee Cho Keung and Others</td>
<td>Manage premises as a vice establishment; and live on the earnings of prostitution.</td>
<td>Cap. 200 Section 139(a) Cap. 200 Section 137(1)</td>
<td>Undercover Police Officers</td>
</tr>
<tr>
<td>72. HCMA 00950/2003</td>
<td>HKSAR v. Ma Pik Ki</td>
<td>Assisting in the management of premises kept as a vice establishment</td>
<td>Cap. 200 Section 139(b)</td>
<td>Two undercover Police Officers</td>
</tr>
<tr>
<td>73. CACC000309/1996</td>
<td>R. v. Chan So Hing</td>
<td>Keeping a vice establishment, controlling a person for the purpose of prostitution and living on the earnings of prostitution</td>
<td>Cap. 200 Section 139(1)(a) Cap. 200 Section 130(a) (ii) Cap. 200</td>
<td>A police raid was conducted on the premises after two police officers had attended the premises as decoys. Sexual services had</td>
</tr>
<tr>
<td></td>
<td>Reference</td>
<td>Case Description</td>
<td>Section 137 (1)</td>
<td>Criminal Offence(s)</td>
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<td>74.</td>
<td>CACC000243/1991 R. v. LAW KIN MING AND ANOTHER</td>
<td>Keeping a vice establishment, and living on the earnings of prostitution aiding and abetting the remaining of illegal immigrants</td>
<td>Cap.200 Section 139(1)(a) Cap.200 Section 137 (1) Immigration Ordinance (Cap. 115) Section 38(1)(b)</td>
<td>Police raid</td>
</tr>
<tr>
<td>75.</td>
<td>HCCT000024/2002 THE INCORPORATED OWNERS OF GOLDEN PLAZA v. HA HAU KWAN</td>
<td>Operate the premise as a brothel or vice establishment</td>
<td>Cap.200 Section 139(1)(a)</td>
<td>Not provided.</td>
</tr>
<tr>
<td>No.</td>
<td>HCMA Number</td>
<td>Party</td>
<td>Charges</td>
<td>Section</td>
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<tr>
<td>76</td>
<td>HCMA000061/1998</td>
<td>HKSAR v. HEUNG WING KEUNG and Another</td>
<td>Managing a Vice Establishment</td>
<td>Cap. 200 Section 139(1)(b)</td>
</tr>
<tr>
<td>77</td>
<td>HCMA361/2002</td>
<td>HKSAR v. TSUI MAN</td>
<td>Soliciting for an immoral purpose and breach of a condition of stay</td>
<td>Cap.200 Section 147(1)(a) Immigration Ordinance (Cap. 115A) Section 2</td>
</tr>
<tr>
<td>78</td>
<td>HCMA000706/2003</td>
<td>香港特別行政區政府 訴 吳膺青</td>
<td>Managing a Vice Establishment</td>
<td>Cap.200 Section 139(1)(b)</td>
</tr>
<tr>
<td>79</td>
<td>HCMA000388/2001</td>
<td>香港特別行政區政府 訴 溫奕德</td>
<td>Publicly display signs advertising prostitution</td>
<td>Cap.200 Section 147(1)(a)</td>
</tr>
<tr>
<td>80. HCMA000467/2000</td>
<td>Soliciting for an Immoral Purpose Breach of condition of stay</td>
<td>Cap.200 Section 147(1)(a) Immigration Ordinance (Cap. 115A) Section 2</td>
<td>&quot;Genuine&quot; customers</td>
<td>The appeal is allowed. A reduction in sentence from 6 months to 4 months' imprisonment</td>
</tr>
<tr>
<td>81. HCMA001233/2001</td>
<td>Without authorization by the governor to stay and want to be a prostitute in Hong Kong</td>
<td>Immigration Ordinance (Cap. 115) Section 38(1)(b)</td>
<td>&quot;Genuine&quot; customers</td>
<td>The appeal is not allowed. Sentence to 15 months’ imprisonment.</td>
</tr>
<tr>
<td>82. HCMA000922/2001</td>
<td>Managing a Vice Establishment</td>
<td>Cap.200 Section 139(1)(b)</td>
<td>&quot;Genuine&quot; customers</td>
<td>The appeal is allowed. A reduction in sentence from months to 2 months' imprisonment and 2 years suspended sentence.</td>
</tr>
<tr>
<td>83. HCMA001238/2003</td>
<td>Managing a Vice Establishment</td>
<td>Cap.200 Section 139(1)(b)</td>
<td>Not provided.</td>
<td>The appeal is dismissed. 8 months’ imprisonment.</td>
</tr>
<tr>
<td>84. HCMA000441/2003</td>
<td>Managing a Vice Establishment</td>
<td>Cap.200 Section 139(1)(b)</td>
<td>&quot;Genuine&quot; customers</td>
<td>The appeal is allowed. A reduction in sentence from 9 months to 6 months' imprisonment</td>
</tr>
<tr>
<td>85. HCMA000063/2004</td>
<td>Managing a Vice Establishment</td>
<td>Cap.200</td>
<td>&quot;Genuine&quot;</td>
<td>The appeal is dismissed.</td>
</tr>
<tr>
<td>Case Number</td>
<td>Description</td>
<td>Section</td>
<td>Type of Customer</td>
<td>Sentence</td>
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<tr>
<td>86. HCMA000531/2003</td>
<td>Managing a Vice Establishment</td>
<td>Cap.200 Section 139(1)(b)</td>
<td>&quot;Genuine&quot; customers</td>
<td>The appeal is allowed. A reduction in sentence from 15 months to 12 months' imprisonment</td>
</tr>
<tr>
<td>87. CACC000077/2003</td>
<td>Blackmail and handling stolen goods</td>
<td>Cap.200 Section 137(1)</td>
<td>Not provided.</td>
<td>The appeal is allowed. A reduction in sentence from 4 years and 6 months to 3 years and 8 months’ imprisonment</td>
</tr>
<tr>
<td>88. CACC000045/2001</td>
<td>Bringing a woman into Hong Kong for the purpose of prostitution</td>
<td>Cap. 200 Section 129(1)</td>
<td>Not provided.</td>
<td>The appeal is dismissed. 2 years and 10 months’ imprisonment.</td>
</tr>
<tr>
<td>89. HCMA882/2003</td>
<td>Two charges and three charges of Managing a Vice Establishment</td>
<td>Cap.200 Section 139(1)(b)</td>
<td>Two undercover Police Officers</td>
<td>The appeal is dismissed.</td>
</tr>
<tr>
<td>90. HCMA184/2004</td>
<td>Keeping a Vice Establishment And managed a massage parlor without license</td>
<td>Cap.200 Section 139(1)(a)</td>
<td>Undercover Police Officers</td>
<td>The appeal is dismissed. 6 months’ imprisonment for each charge,</td>
</tr>
<tr>
<td>Case No.</td>
<td>Facts</td>
<td>Charges</td>
<td>Sentence</td>
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<tr>
<td>91. CACC4/2000</td>
<td>Trafficking in persons to Hong Kong, Control over persons for purpose of unlawful sexual intercourse or prostitution and living on the earnings of prostitution</td>
<td>Cap. 200 Section 129, Cap. 200 Section 137(1)</td>
<td>Not provided</td>
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<td></td>
<td>The appeal is dismissed. Total 4 years’ imprisonment</td>
<td></td>
</tr>
<tr>
<td>92. HCMA12/2002</td>
<td>Keeping a Vice Establishment and Managing a Vice Establishment</td>
<td>Cap. 200 Section 139(1)(a), Cap. 200 Section 139(1)(b)</td>
<td>&quot;Genuine&quot; customers</td>
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<td>The appeal is allowed. 3 months’ imprisonment and suspended sentence 18 months. Fined $5000</td>
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<tr>
<td>93. HCMA840/2003</td>
<td>Soliciting for an Immoral Purpose and Living on the Earnings of Prostitution of Others.</td>
<td>Cap. 200 Section 147, Cap. 200 Section 137(1)</td>
<td>&quot;Genuine&quot; customers</td>
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<td></td>
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<td></td>
<td>The appeal is dismissed. 9 months’ imprisonment.</td>
<td></td>
</tr>
<tr>
<td>94. HCMA735/2003</td>
<td>Two charges of Managing a Vice Establishment</td>
<td>Cap. 200 Section</td>
<td>&quot;Genuine&quot; customers</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>The appeal is dismissed. 6 months’ imprisonment for each</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Case Number</td>
<td>Party</td>
<td>Charge</td>
<td>Sections</td>
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<td>95.</td>
<td>HCMA441/2003</td>
<td>府訴葉應棠</td>
<td>Two charges of Managing a Vice Establishment</td>
<td>Cap.200 Section 139(1)(b)</td>
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<td>96.</td>
<td>HCMA336/2003</td>
<td>府訴鐘志偉</td>
<td>Managing a Vice Establishment</td>
<td>Cap.200 Section 139(1)(b)</td>
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<td>97.</td>
<td>HCMA946/2004</td>
<td>香港特別行政區政府訴陳麗晶</td>
<td>Soliciting for an Immoral Purpose and Living on the Earnings of Prostitution of Others.</td>
<td>Cap.200 Section 147 Cap.200 Section 137 (1)</td>
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<td>98.</td>
<td>HCMA553/2001</td>
<td>香港特別行政區政府訴張維萍</td>
<td>Managing a Vice Establishment</td>
<td>Cap.200 Section 139(1)(b)</td>
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<td>99.</td>
<td>HCMA489/2002</td>
<td>香港特別行政區政府訴鄭澤潮</td>
<td>Managing a Vice Establishment</td>
<td>Cap.200 Section 139(1)(b)</td>
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<tr>
<td>100.</td>
<td>HCMA214/2002</td>
<td>香港特別行政區政府</td>
<td>Without authorization by the governor to stay and want to be a</td>
<td>Immigration Ordinance</td>
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</tbody>
</table>
| 府訴 張小蓮 | prostitute in Hong Kong | (Cap. 115)  
Section 38(1)(b) |