

INSIGHT

Law and disorder

Lijia Zhang says the impunity with which police officers abuse their power often means a life of misery for China's sex workers, who operate without recourse to proper legal protection

One recent afternoon, 10 "working girls" gathered in a northern Chinese city at the offices of a non-governmental organisation, one of the few in the country that has dedicated itself to helping female sex workers. The women, mostly in their middle to late 30s, chatted away as they enjoyed a rare break from their daily grind at massage or beauty parlours. They come mostly from poverty-stricken villages in China's hinterland.

Organised by the NGO, the gathering was to commemorate International Day for the Elimination of Violence against Women and, more importantly, to share experiences and learn how to deal with the women's biggest problem – the police.

After the Communists took power in 1949, they launched a series of campaigns that succeeded in all but eliminating prostitution in China. However, prostitution has made a spectacular resurgence in the past two decades due to growing wealth and looser social controls, even though it is still illegal. Campaigns of "Sweeping away Yellow" (the colour representing prostitution) come and go in waves.

At the gathering, one woman from Sichuan (四川) tearfully described how a client got her drunk before raping her. When she complained to the owner of the massage parlour, the businesswoman blamed her for not having charged the client. "Yong Gan", the head of the NGO and a former prostitute herself, said that violence poses the biggest threat to sex workers. Some clients feel they can do whatever they want to the girls.

The vast majority of prostitutes in China work independently, without a pimp or organisation controlling them. That means there's no protection, either, from clients or the much more common threat – violence at the hands of the police.

One Hubei (湖北) woman who calls herself Mei told how one night last month, three policemen raided her massage parlour and claimed to have found evidence that she had sold sex that night. Mei was taken to a police station and interrogated, but denied the charge. To force her to confess, she was hit and kicked before being sprayed with a high-pressure water jet.

After two of the policemen left, the third said that he was seeking money, and asked how much she could pay. Mei, knowing that it was common practice to pay a fine or bribe, said she could afford 2,000 yuan (HK\$2,500). The policeman then coerced her into having sex before she was released the next morning. Mei thought that was the end of it but, a few days later, the officer turned up and demanded his money.



I've heard many similar stories during my research for a book on the daily life of working girls. One woman in Shenzhen told me how, after she had lost consciousness from a beating, a policeman poured mustard in her nose to wake her up. Another talked about her near-death experience after a plastic bag was placed over her head and her nose was pinched.

Last month, Yong Gan learned that a woman had died of a heart attack at a police station. Her family was convinced she had been tortured. Many such women, particularly those working in low-class establishments, live in constant fear of police raids, arrests and the inevitable acts of humiliation and violence that follow.

"This violence is very common because there is no recourse – the police hold all the power, and the girls, at the lowest rung of the social ladder, have none," according to

The major problem is the vagueness surrounding the legality of prostitution

Richard Burger, author of *Behind the Red Door: Sex in China*. The major problem is the vagueness surrounding the legality of prostitution. In theory, prostitutes should be treated as criminals only if they sell sex while knowingly carrying a venereal disease, or if a minor under the age of 14 is involved – whereas those involved in organising prostitution activities can be severely punished.

As prostitution has expanded, various laws and regulations have been passed since 1987. In 1991, for example, the "Decision on Strictly Forbidding the Buying and Selling of Sex" was introduced, under which those convicted were subject to a jail term of between six months and two years. It followed the Chinese system of *shourong jiaoyu* – or administrative sanctions – which is similar to the notorious *laogai* system of forced labour camps, where people are jailed without trial for minor offences.

Then in 2005, a new regulation was brought in to clarify and reduce the penalties: those involved in buying or selling sex would face between 10 and 15 days' detention, with a possible fine of up to 5,000 yuan. For less serious offences, a maximum of five days' detention and a fine of up to 500 yuan was stipulated.

However, in reality, the new law hasn't replaced the older one. In addition, local

authorities follow their own provincial rulings. All this, together with the lack of supervision and transparency, leaves plenty of scope for corruption and abuse of power.

International NGOs and human rights organisations have hit out at Beijing for failing to comply with the UN Convention on the Elimination of All Forms of Discrimination against Women. Some have even called for prostitution to be legalised. Yong Gan, however, knows that's unrealistic. "The working girls are not even treated as human beings in China," she said.

Her organisation, founded in 2008 with funding from an international charity, offers free condoms to the women, educates them about safe sex and provides support. Right now, she says, they are also trying to arm the women with knowledge of the law and tactics for avoiding trouble. For the women, the NGO is a place to turn to in times of need. But the NGO stands on a fragile base; it also exists in a grey zone – which is why Yong Gan doesn't even dare reveal the identity of her organisation.

Without the rule of law in China, the elimination of violence against working girls seems a distant dream.

Lijia Zhang is a Beijing-based writer, commentator and author of *Socialism is Great! A Worker's Memoir of the New China*

Public progress

Louisa Mitchell says civic groups' good work behind the scenes to advance the rights of people with disabilities needs government support

Did you notice all the events taking place in Hong Kong last week to mark the International Day of Persons with Disabilities? No? Me neither.

Led by their governments, groups around the world held events and launched initiatives to recognise the UN-sanctioned day and mark their country's progress in supporting the rights of people with disabilities. In Australia, disability awards were presented by the prime minister, draft legislation for a disability insurance scheme was introduced and hundreds of community events were held.

In Britain, the government has pledged to uphold the legacy of the 2012 Paralympic Games. Local councils organised events, as did companies like Microsoft, which provided training on assistive technology. In the US, President Barack Obama called on Americans "to observe this day with appropriate ceremonies, activities and programmes".

Some may think it's inappropriate to compare these countries with Hong Kong. I disagree; they are the appropriate comparisons for a global city. Global cities embrace diversity as part of 21st-century living.

I recognise, however, that this is not the most rigorous way to assess a country's approach to disability. This day is often criticised as a public relations exercise for governments.

The irony of the Hong Kong situation is that while there were no Obama-style proclamations by our chief executive or high-profile events – other than a Hong Kong Council of Social Service ceremony the previous week for its caring employers award – considerable work is being done under the public radar to improve the lot of people with disabilities.

In September, Hong Kong had its hearing with the UN Committee on the Rights of Persons with Disabilities regarding its implementation of the related UN convention. A working group of representatives from non-governmental organisations attended and has been pushing the government to respond to the subsequent recommendations. They have raised issues in the Legislative Council and requested additional items to be included in the general household survey to improve information for policy planning.

Last month, the Equal Opportunities Commission released the results of an assessment of special education. It makes for depressing reading, highlighting multiple problems. But this and other studies can form the basis of a campaign to improve services for children with disabilities. The Education Bureau has said it would review services.

Last week, the non-governmental organisation Community Business, which promotes corporate social responsibility, held a web-based presentation with a different disability expert every day.

When our chief executive took office, he committed to "serve all the seven million people in Hong Kong" and to "protect the rights of the people". With all this activity below the public radar, if he shows some leadership and honours these commitments, we should, next December 3, be able to hold public events that mark significant progress for improving the lives of people with disabilities. And, thanks to those working on the ground, they won't be merely a public relations stunt.

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Is Leung fit to lead? That's the only question really answered by Legco grilling

Chief Executive Leung Chun-ying had previously denied any wrongdoing over claims about illegal structures at his homes. But in the end, he still had to admit that it was his fault.

It seems clear that Leung was forced to attend the question-and-answer session in the Legislative Council on Monday. He was most likely coerced by his cabinet – that is, executive councillors and top officials. He might also have been nudged by the central government's liaison office in Hong Kong.

His body language at the hearing was outwardly defensive, showing his reluctance to face the grilling by lawmakers. It was painfully obvious that his answers were scripted; he was well prepared and well rehearsed for the 90-minute session. But no matter how he answered, it all sounded the same and could be summed up with one word – negligence. He apologised numerous times and admitted his negligence again and again.

As a Chinese saying goes, "The fox will eventually show its tail", which means it will ultimately show its true colours and intentions. Leung, it seems, will continue to choose to lie instead of telling the truth. And without integrity, how can we believe anything he says from now on?

The question is, do Hong Kong people have to accept such a person as their leader? The answer is a definite no.

Hongkongers will not tolerate him any more. The central government shouldn't support a person with no integrity to lead Hong Kong. Allowing him to stay will do us no good and will only

Albert Cheng wonders how the people of Hong Kong can believe anything the chief executive says, now that his integrity lies in tatters



create more stumbling blocks in the implementation of government policies in the future.

At Monday's Legco session, 11 pro-establishment and 11 democratic lawmakers put many questions to Leung. All the democrats were understandably hostile and took the opportunity

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to grill him. Even pro-government lawmakers were aggressive and unsympathetic, with the exception of Dr Priscilla Leung Mei-fun, Ann Chiang Lai-wan and "yes man" Chan Kin-por, who tried to defend the chief executive.

During Wednesday's debate on a motion of no confidence, sparked by the controversies, the Civic Party's Alan Leong Kah-kit summed it up perfectly by saying: "Leung has been betrayed and deserted by his followers" and "he gets what he deserves."

Meanwhile, Liberal Party lawmaker James Tien Pei-chun

showed his true colours by abstaining from voting, saying the party had decided to give Leung a chance.

Many questions remain unanswered, issues are unresolved. First, Leung said that, following legal advice, he could not comment on the illegal structures at his home during the judicial review of his election victory. This was wrong. Then he said he never knew there were illegal structures at his home on The Peak. That's very hard to believe; as a professional surveyor, surely there's no way he failed to notice the illegal structures.

Furthermore, he tried to blame the media, saying he had invited reporters to his home on numerous occasions. If he knew there were illegal structures, he wouldn't have done so. He also said even the reporters had failed to notice these structures.

Another suspicious point was that he sealed an unauthorised storage space with a wall in November last year, the same month he declared his candidacy.

It was most ridiculous to see Secretary for Development Paul Chan Mo-po make excuses for Leung by telling Legco that the construction of that wall didn't need permission from the Buildings Department. If the wall didn't need a permit, what about the unauthorised storage space behind it? That explains why Leung has

been so protective towards Chan despite all the scandal surrounding him.

Some questions that still need to be answered include: who are the professionals Leung hired to look into the illegal structures case and what are their conclusions? Do they really exist?

What role did Chief Secretary Carrie Lam Cheng Yuet-ngor and Director of Buildings Au Choi-kai play in the whole controversy? They battered Henry Tang Ying-yen, Leung's election rival, when he was found to have illegal structures at his Kowloon Tong mansion. So, why would they spare their boss when illegal construction work was discovered at his home?

Also, when Fanny Law Fan Chiu-fun, who headed the office of the chief executive-elect, accompanied buildings inspectors to Leung's home to assess the illegal structures, what role did she play at that point? Did she exert pressure on the inspectors to influence the outcome?

Hongkongers have lost patience with Leung and his governing team, and don't trust them any more. This mistrust has even extended to the executive branch of government. If Leung is not fit to govern, he should step down.

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Claims of foreign meddling simply fuel a vicious circle

Bernard Chan says the key lies in focusing on public's greatest concerns

Are foreign forces interfering in Hong Kong? Several commentators in the pro-Beijing media, including an official in Beijing, have suggested in recent weeks that they are. At the 18th Communist Party Congress, President Hu Jintao (胡锦涛) mentioned national sovereignty and security with respect to Hong Kong for the first time, and also strengthened previous comments about the possible threat of external forces here.

What are we in Hong Kong to make of this? Some members of the pro-democracy camp fiercely rejected the idea that foreign interference was taking place. They also warned that these remarks could signal a coming clampdown on the local opposition and civil rights. In the pro-Beijing camp, some outspoken patriots gave the impression that they see hostile foreign forces already influencing the local opposition and want something to be done. A few have developed theories about an opposition plot to take over Hong Kong in 2017.

For quite a few years, we have read or heard occasional allegations about certain figures being manipulated by foreign forces. Obviously, it depends how we define "forces". Would that include ideas or values? Many opposition figures – like a lot of us here – are influenced by Western education and ideas. Our local leaders always make a point of praising Hong Kong values, even though hard-line mainland commentators oppose similar "universal" values pushed by the West.

The truth is, no one knows how much or little overseas interests are active in the local political or civic scenes – and in a big international city, it is probably impossible to measure. However, we are seeing a dangerous cycle. Activists do or say things that alarm pro-Beijing figures, who warn of foreign influences or threats to national interests. The activists are then alarmed and see a threat to civil liberties, and so it goes on.

One root cause of this is the

To some, colonial flag wavers and protesters against national education are irrational

rise of vocal anti-mainland sentiment and the public opposition to the proposed moral and national education curriculum for schools.

The video of Hong Kong people hurling abuse at the parallel traders in Sheung Shui was shocking, and the sight of people waving colonial-era flags equally surprising. But it is not necessarily sinister and foreign. The influx of mainland visitors has affected some local residents' quality of life so much that they are genuinely angry. The flags were meant to shock, and maybe it worked; the government acted fast.

The national education plan should probably have been dropped as soon as scare stories about brainwashing children took off. It should be clear now that sensitive policies can no longer be developed without a solid buy-in from the community from the start.

Some people might think mainland and local pro-Beijing figures are overreacting when they talk about foreign interference. But to others, it is the colonial flag wavers and protesters against national education who are irrational. We have to accept that, in the near term at least, there is deep suspicion between the two sides.

The danger is that patriotic hardliners could fall into a trap. The more the allegations of foreign interference, the more the risk of provoking opposition groups into claiming that Beijing is preparing to clamp down on civil liberties here. This creates further distrust and fear in the community and is a recipe for more activities like colonial flag-waving. This mood is also reported in the overseas media, and Hong Kong's reputation as a business centre and modern, open community suffers. This is the last thing we need.

Much of what looks like "foreign interference" is almost certainly home-grown protest. The best way to break this cycle is surely for the Hong Kong government to focus hard on the livelihood and other issues – mainland-linked or not – that the public most worry about.

Bernard Chan is a member of the Executive Council