

# Illegal worker jailed

A Pakistani illegal worker holding a recognisance form was jailed at Shatin Magistrates' Courts yesterday (May 14).

Immigration Department (ImmD) investigators received a referral from the Hong Kong Police Force to further investigate an illegal employment case in April. Enforcement officers arrested a male Pakistani worker, aged 39, conveying vegetables in Kwai Fong. Upon identity checking, he was found to be a holder of a recognisance form issued by ImmD, which prohibits him from taking employment, and further investigation revealed that he was a non-refoulement claimant.

The illegal worker was charged at Shatin Magistrates' Courts yesterday with taking employment after landing in Hong Kong unlawfully and remaining in Hong Kong without the authority of the Director of Immigration or while being a person in respect of whom a removal order or deportation order was in force. He pleaded guilty to the charge and was sentenced to 15 months' imprisonment.

The ImmD spokesman warned that, as stipulated in section 38AA of the Immigration Ordinance, illegal immigrants or people who are the subject of a removal order or a deportation order are prohibited from taking any employment, whether paid or unpaid, or establishing or joining in any business. Offenders are liable upon conviction to a maximum fine of \$50,000 and up to three years' imprisonment. The Court of Appeal has issued a guideline ruling that a sentence of 15 months' imprisonment should be applied in such cases.

The spokesman reiterated that it is a serious offence to employ people who are not lawfully employable. The maximum penalty is imprisonment for three years and a fine of \$350,000. The High Court has laid down sentencing guidelines that the employer of an illegal worker should be given an immediate custodial sentence. According to the court sentencing, employers must take all practicable steps to determine whether a person is lawfully employable prior to employment. Apart from inspecting a prospective employee's identity card, the employer has the explicit duty to make enquiries regarding the person and ensure that the answers would not cast any reasonable doubt concerning the lawful employability of the person. The court will not accept failure to do so as a defence in proceedings. It is also an offence if an employer fails to inspect the job seeker's valid travel document if the job seeker does not have a Hong Kong permanent identity card. The maximum penalty for failing to inspect such a document is imprisonment for one year and a fine of \$150,000.

Under the existing mechanism, the ImmD will, as a standard procedure, conduct initial screening of vulnerable persons, including illegal workers, illegal immigrants, sex workers and foreign domestic helpers, who are arrested during any operation with a view to ascertaining whether they are

trafficking in persons (TIP) victims. When any TIP indicator is revealed in the initial screening, the officers will conduct a full debriefing and identification by using a standardised checklist to ascertain the presence of TIP elements, such as threat and coercion in the recruitment phase, and the nature of exploitation. Identified TIP victims will be provided with various forms of support and assistance, including urgent interference, medical services, counselling, shelter, temporary accommodation and other supporting services. The ImmD calls on TIP victims to report crimes to the relevant departments.

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## LCQ2: Caring and Sharing Scheme

Following is a question by the Hon Paul Tse and a written reply by the Secretary for Financial Services and the Treasury, Mr James Lau, in the Legislative Council today (May 15):

Question:

The Government announced in March last year the Caring and Sharing Scheme, under which each eligible member of the public would be granted a sum of up to \$4,000. The Working Family Allowance Office (WFAO), which is responsible for implementing the Scheme, has anticipated that an administrative cost of \$300 million will be incurred and the recruitment of more than 700 non-civil service contract staff members is needed for handling the relevant work. It has been reported that while the WFAO received a total of over 3.2 million applications when applications closed at the end of last month, it approved only 70 000 applications or so (i.e. 2.2 per cent of the total number of applications) by the beginning of this month. It is estimated that the WFAO will take 357 more days to complete the processing of all the applications. Quite a number of members of the public have criticised that this Scheme for cash handout has been administered with surprisingly low efficiency, and is a waste of public money and time. Besides, some of the contract staff members have found it hard to stand the work pressure involved (as each person is required to input the information of more than 200 applications each day), resulting in an upsurge of resignations, which may possibly cause the time needed for completing the processing of the applications to be lengthened. In this connection, will the Government inform this Council:

(1) whether it has set a deadline for completing the processing of all the applications; if so, of the deadline, and whether it has assessed if additional staff members have to be recruited, so as to ensure that all applications will be processed by the deadline; if so, of the details; if not, whether it will conduct an assessment immediately;

(2) as there has been an upsurge of resignations of contract staff, whether it has gained an understanding of the causes, and considered recruiting

additional staff so as to share the heavy workload and boost staff morale; if so, of the details; if not, the reasons for that;

(3) as it has been reported that some people called upon, on the Internet, those persons who had been admitted to Hong Kong from the Mainland to study or work (commonly known as "drifters in Hong Kong") to submit their applications regardless of whether they were eligible or not, thereby pushing up the number of applications significantly, whether it has compiled statistics on the percentage of those applications submitted by this kind of ineligible persons in the total number of applications;

(4) as the Caring and Sharing Scheme, originally intended for sharing the fruit of Hong Kong's economic success with the public, has attracted fierce criticisms from the public, whether the Government has learnt a lesson, and assessed if it has overestimated the administrative efficiency of government departments and the competence of its officials; whether the civil service college, upon its commissioning in future, will cite the implementation of this Scheme as a negative example; and

(5) as it is learnt that earlier on, Mr Tang Lung-wai, a Hong Kong permanent resident who has been sent to jail in the Philippines, submitted an application through his family members, of the current progress for vetting and approval of his application; whether the Government will approve his application expeditiously, so as to alleviate his imminent financial hardship?

Reply:

President,

The Caring and Sharing Scheme, announced by the Government last year, is implemented by the Working Family Allowance Office (WFAO) of the Working Family and Student Financial Assistance Agency. The application period of the Scheme is from February 1 to April 30, 2019. The WFAO received a total of around 3.44 million applications. In respect of the applications received, the WFAO will conduct data matching with relevant government departments, vet the applications against the eligibility criteria and disburse payments to successful applicants. As at May 10, the WFAO has issued acknowledgements to 3.39 million applications and instructed banks to disburse payments and encash cash cheques for about 112 000 successful applications.

In consultation with relevant bureaux and departments, my reply to the various parts of the question is as follows:

(1) and (2) The WFAO aims to complete the processing of all applications by the end of this year.

As at May 10, about 700 staff were recruited for the implementation of the Scheme. A total of some 30 staff have resigned so far and the reasons for their resignation are not known. The WFAO has not required its staff to fulfill a daily quota of work. The WFAO will flexibly deploy its manpower to vet the applications and disburse payments with a view to completing the task

properly and expeditiously, as well as review its manpower and staffing requirements from time to time. Additional staff will be recruited as and when necessary.

(3) One of the eligibility criteria under the Scheme is that applicants must hold a Hong Kong Identity Card as at December 31, 2018. They include new arrivals, but exclude Hong Kong non-permanent residents who have been admitted to Hong Kong to work, study, or receive training and their dependants, and exclude individuals who have entered Hong Kong as visitors. Such information has been published as early as April last year and uploaded onto the website of the Scheme. Upon receipt of the applications, the WFAO will conduct data matching with relevant government departments, including the Immigration Department, to verify the information and ascertain the applicants' eligibility. As it takes time for the WFAO to process the applications received, the number of applications submitted by ineligible persons is not available at this stage.

(4) The Government apologises for the public discontent on the implementation of the Scheme. As the WFAO needs to process and acknowledge a huge number of applications, which involves calculations of tax rebates, rates concessions, etc., it needs time to complete the relevant procedures. Since the launch of the Scheme, the Government has continued to roll out improvement measures to facilitate application submission and payment collection by members of the public.

Although the Scheme is a one-off measure, the Government will learn from this experience to strive for improvement.

The Civil Service Training and Development Institute will regularly review the training needs of civil servants and provide appropriate training programmes to help them cope with different challenges in work.

(5) Hong Kong residents who are detained or serving sentences outside Hong Kong are considered as meeting the requirement of ordinarily residing in Hong Kong under the Scheme as long as they have not emigrated. They are eligible for application if they meet other criteria under the Scheme. The Government will not discuss any cases in public but the WFAO will follow up on and process the applications received as soon as possible.

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**Ombudsman probes Food and  
Environmental Hygiene Department's  
monitoring of outsourced street**

# cleansing services and Government's management of public toilets (with photos)

The following is issued on behalf of the Office of The Ombudsman:

The Ombudsman, Ms Winnie Chiu, today (May 15) announced two direct investigations to examine: (1) the monitoring of outsourced street cleansing services by the Food and Environmental Hygiene Department (FEHD); and (2) the Government's management of public toilets.

Street cleansing services are provided by the FEHD via contractors hired through a tendering mechanism ("outsourced contractors"). There are public views that the "lowest bid wins" principle adopted throughout the years in tendering exercises for street cleansing services has led to poor services, which have come under frequent criticism. Moreover, some people consider the FEHD's monitoring of the performance of outsourced contractors inadequate, that piles of rubbish can often be seen on streets, and that cleansing services at environmental hygiene black spots still need strengthening.

As regards the management of public toilets, about 800 public toilets in the territory are under the FEHD's management. Their daily cleansing and minor repairs are taken up by the department's outsourced contractors. Repairs and maintenance works of larger scales are normally referred to the Architectural Services Department (ArchSD) for follow-up. Meanwhile, the FEHD makes recommendations to the ArchSD every year to renovate certain public toilets, taking into account the maintenance conditions, usage rates and locations (whether a toilet is located near a tourist attraction) of each public toilet. Nevertheless, there are media reports from time to time that some public toilets have poor hygiene conditions or are dilapidated, and damaged facilities often take a long time to repair. These situations have not only caused inconvenience to the public but also affected tourists' impressions of Hong Kong.

Ms Chiu said, "The cleanliness of streets and the hygiene conditions of public toilets are closely related to our daily life. They also have impacts on the reputation of Hong Kong as a world city. We are initiating these two direct investigations to examine the Government's mechanisms and practices with regard to the monitoring of outsourced street cleansing services and the management of public toilets, with a view to making recommendations to the Government for improvement where necessary."

The Ombudsman now invites members of the public to send information and their views on the above two topics in writing to the Office of The Ombudsman by June 16, 2019:

Address: 30/F, China Merchants Tower, Shun Tak Centre, 168-200 Connaught Road Central, Hong Kong

Fax: 2882 8149

Email: [complaints@ombudsman.hk](mailto:complaints@ombudsman.hk)



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## Red flag hoisted at Big Wave Bay Beach

Attention TV/radio announcers:

Please broadcast the following as soon as possible:

Here is an item of interest to swimmers.

The Leisure and Cultural Services Department announced today (May 15) that due to inclement weather, the red flag has been hoisted at Big Wave Bay Beach in Southern District, Hong Kong Island. Beach-goers are advised not to swim at the beach.

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## Red flag hoisted at Shek O Beach

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Please broadcast the following as soon as possible:

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