

Public housing resident convicted for making false statement knowingly

A spokesman for the Housing Department (HD) today (January 22) reminded residents of public rental housing (PRH) estates to truthfully declare their income and assets.

A PRH resident living at Fu Shan Estate in Wong Tai Sin, who did not declare his ownership of a domestic property on an income and asset declaration form in 2018, was convicted at Kowloon City Magistrates' Courts yesterday. The presiding magistrate ordered him to pay a fine of \$5,000 and also sentenced him to one month's imprisonment (suspended for 18 months).

In this case, the PRH resident declared on an income and asset declaration form in May 2018 that he did not own a domestic property in Hong Kong. Subsequent investigation revealed that he had concealed his joint ownership of a domestic property in Sai Ying Pun during the declaration period. The resident was prosecuted by the Housing Department for making a false statement knowingly, contrary to Section 26(1)(a) of the Housing Ordinance.

The spokesman said that households should complete the income and asset declaration forms accurately, as doing so provides the foundation for the assessment of rent and their eligibility for continuing residence. Before making the declarations, households should read the content and completion guidelines of the income and asset declaration form carefully and compute their income and assets in accordance with the methods specified therein. Otherwise, they may be prosecuted for making false statement knowingly, contrary to Section 26(1)(a) of the Housing Ordinance (if convicted, the maximum penalty is a \$50,000 fine and imprisonment for six months) or being prosecuted for neglecting to furnish information as specified in a declaration form, contrary to Section 27(a) of the Housing Ordinance (if convicted, the maximum penalty is a \$25,000 fine and imprisonment for three months).

In addition, the HD will take action to recover the undercharged rent incurred due to the inaccurate information. According to the revised Well-off Tenants Policies endorsed in December 2016, PRH households with domestic property ownership in Hong Kong will be required to vacate their PRH flats, irrespective of their levels of household income or assets.

Hong Kong, China – Georgia Free Trade

Agreement to enter into force on February 13

The Hong Kong, China – Georgia Free Trade Agreement will enter into force on February 13, giving Hong Kong exporters and service providers the legal certainty of favourable treatment and market access to Georgia.

"The Agreement, signed on June 28, 2018, is comprehensive in scope, encompassing trade in goods, trade in services, admission of investment, dispute settlement mechanisms, etc. It is the first free trade agreement which Hong Kong signed with a country in the Caucasus.

"With Georgia being a gateway to the Caucasus, this Agreement not only enhances trade and investment flows between Hong Kong and Georgia, but also paves the way for the business community to tap into opportunities in the Caucasus under the Belt and Road Initiative," the Secretary for Commerce and Economic Development, Mr Edward Yau, said today (January 22).

Mr Yau noted that the current-term Government has signed three free trade agreements (FTAs) with 12 economies (the 10 member states of the Association of Southeast Asian Nations, Georgia and the Macao Special Administrative Region). It has also concluded negotiations for FTAs with Australia and the Maldives.

"To help Hong Kong enterprises and investors expand their markets and further reinforce Hong Kong's status as an international trade and investment hub, we will continue our efforts in expanding our worldwide network of economic and trade connections through actively seeking to negotiate and forge FTAs and Investment Agreements with economies that have strong economic and trade connections with us, markets with development potential or at strategic locations, and like-minded trading partners," Mr Yau said.

On trade in goods, Georgia will eliminate import tariffs on more than 96 per cent of its tariff lines for Hong Kong's originating products upon the entry into force of the Agreement.

As regards trade in services, which includes supplies of services through establishing commercial presence, commitments made by Georgia cover sectors in which Hong Kong has traditional strengths or has potential for further development, including financial services, telecommunications services, various business services, wholesale and retailing services, arbitration services, audio-visual services, construction and related engineering services, environmental services, various transport services and printing and publishing services.

On investment in non-services sectors, Georgia will accord Hong Kong investors with treatment and other safeguards that are no less favourable than those enjoyed by its local investors. This will enhance investors'

confidence and facilitate two-way investment flows between Hong Kong and Georgia.

The Agreement also contains provisions to ensure effective protection of intellectual property rights, promote competition, and enhance protection of the environment. The two sides have agreed to establish a transparent mechanism for consultations and settlement of possible disputes arising under the Agreement.

To help Hong Kong exporters make good use of the preferential tariff treatment under the Agreement, the Trade and Industry Department (TID) has issued trade circulars today to inform the trade of the relevant preferential rules of origin and the related requirements. The Agreement, including its full text, is available on the TID's website (www.tid.gov.hk/english/ita/fta/hkgefta/index.html), and the circulars can be accessed at www.tid.gov.hk/english/aboutus/tradecircular/coc/2019/coc2019.html.

Special traffic arrangements for race meeting in Happy Valley tomorrow

Special traffic arrangements will be implemented in Happy Valley tomorrow (January 23). The arrangements will come into effect one and a half hours before the start of the first race and will last until the crowds have dispersed after the race meeting.

A. Traffic arrangements before the commencement of the first race

1. Road closure

Southbound Wong Nai Chung Road between Queen's Road East and the up-ramp outside Hong Kong Jockey Club (HKJC) will be closed except for vehicles heading for Aberdeen Tunnel.

2. Traffic diversions

- Southbound Wong Nai Chung Road between Village Road and the up-ramp outside HKJC will be re-routed one way northbound;
- Vehicles from eastbound Queen's Road East heading for Wan Chai and Happy Valley will be diverted to turn left to Morrison Hill Road;
- Traffic along southbound Morrison Hill Road heading for Happy Valley will be diverted via Sports Road and Wong Nai Chung Road;
- Traffic along Queen's Road East cannot turn right to Wong Nai Chung Road except for vehicles heading to Aberdeen Tunnel;
- Traffic from Cross Harbour Tunnel heading for Queen's Road East will be diverted via the down-ramp leading from southbound Canal Road flyover to

Morrison Hill Road to turn right at the junction of Wong Nai Chung Road and Queen's Road East; and

– Traffic from Cross Harbour Tunnel heading for Happy Valley or Racecourse will be diverted via the down-ramp leading from southbound Canal Road flyover to Canal Road East, southbound Morrison Hill Road, Sports Road and Wong Nai Chung Road.

B. Traffic arrangements before the conclusion of race meeting

1. Road closure

The following roads will be closed from 35 minutes before the start of the last race:

- The up-ramp on Wong Nai Chung Road outside HKJC leading to Aberdeen Tunnel;
- Southbound Wong Nai Chung Road between Queen's Road East and the up-ramp leading to Aberdeen Tunnel;
- Southbound Wong Nai Chung Road between Village Road and the Public Stands of HKJC;
- Westbound Leighton Road between Wong Nai Chung Road and Canal Road East; and
- Southbound Morrison Hill Road between Leighton Road and Queen's Road East.

In addition, southbound Wong Nai Chung Road between the up-ramp leading to Aberdeen Tunnel and the Public Stands of HKJC will be closed from about 10 minutes before the start of the last race.

2. Traffic diversions

The following traffic arrangements will be implemented from 35 minutes before the start of the last race:

- Eastbound Queen's Road East at its junction with Morrison Hill Road will be reduced to one-lane traffic heading for northbound Canal Road flyover;
- Vehicles from Cross Harbour Tunnel heading for Wan Chai will be diverted via the down-ramp leading from Canal Road East, U-turn slip road beneath Canal Road flyover, Canal Road West and Hennessy Road;
- Vehicles from Cross Harbour Tunnel heading for Happy Valley will be diverted via the down-ramp leading from Canal Road East, eastbound Leighton Road and Wong Nai Chung Road;
- Traffic on southbound Morrison Hill Road will be diverted to turn left to eastbound Leighton Road;
- Traffic along southbound Morrison Hill Road heading for Happy Valley will be diverted via eastbound Leighton Road and Wong Nai Chung Road; and
- Traffic along westbound Leighton Road will be diverted to Wong Nai Chung Road.

C. Learner drivers prohibition

Learner drivers will be prohibited to turn left from Caroline Hill Road to Leighton Road between one and a half hours before the start of the first race and one hour after the last race. In addition, learner drivers will be prohibited from accessing the following roads within the above period of

time:

- Shan Kwong Road between Yik Yam Street and Wong Nai Chung Road;
- Village Road between its upper and lower junctions with Shan Kwong Road;
- Percival Street between Hennessy Road and Leighton Road;
- Canal Road East; and
- The service road leading from Gloucester Road to Canal Road flyover.

D. Suspension of parking spaces

Parking spaces on southbound Wong Nai Chung Road between Sports Road and Blue Pool Road will be suspended from 11am to 7pm during day racing, from 4.30pm to 11.59pm during evening racing, and from 5pm to 11.59pm during night racing.

Any vehicles found illegally parked within the precincts of the above affected areas will be towed away without prior notice.

Actual implementation of road closure and traffic diversion will be made by the Police at the time depending on traffic conditions in the areas. Motorists should exercise tolerance and patience, and follow the instructions of Police on site.

Transcript of remarks by STH

Following is the transcript of remarks by the Secretary for Transport and Housing, Mr Frank Chan Fan, after attending a radio programme this morning (January 22):

Reporter: Why are you still so hopeful that the non-binding motion will be passed tomorrow when so many lawmakers have already said they won't support it?

Secretary for Transport and Housing: We are making every endeavour to persuade or gain the support of our friends in the legislature. We fully appreciate that we are facing an uphill battle to get the motion passed. But at the same time, if the motion is good for Hong Kong in terms of economic, social and environmental development in the longer term, there is every reason for us to continue making our best effort to convince them.

Reporter: To what extent do you think the congestion problem at the new Central-Wan Chai Bypass has had made it more difficult for lawmakers to support this non-binding motion?

Secretary for Transport and Housing: I would respect whatever reason they mention, but I would expect them to appreciate any major infrastructure, at the point of commissioning, there would be a teething and familiarisation

process. Given more time, I would expect the situation to be much improved. Particularly, when the second stage of the entire Central-Wan Chai Bypass is to be commissioned in a month's time, it would be fair to make further comments when the entire bypass is completed.

(Please also refer to the Chinese portion of the transcript.)

Illegal worker jailed

An Indian illegal worker holding a recognisance form was jailed by Shatin Magistrates' Courts yesterday (January 21).

During operation "Twilight" on November 28, 2018, Immigration Department (ImmD) investigators raided an office building in Causeway Bay. A male Indian illegal worker, aged 23, was arrested. When intercepted he was working as a renovation worker. Upon identity checking, he produced for inspection a recognisance form issued by the ImmD, which prohibits him from taking employment. 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 on 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.