

Managers of unlicensed guesthouses fined

Two men and a woman were charged with contravening the Hotel and Guesthouse Accommodation Ordinance at the Kowloon City Magistrates' Courts today (November 21). The woman was sentenced to one month's imprisonment, suspended for one year, and fined \$3,000. The two men were fined \$6,000 each.

The courts heard that in April this year, officers of the Office of the Licensing Authority (OLA), the Home Affairs Department, inspected three suspected unlicensed guesthouses on Shanghai Street, Portland Street and Mong Kok Road in Mong Kok. During the inspections, the OLA officers posed as lodgers and successfully rented rooms in these guesthouses on a daily basis.

According to the OLA's records, these guesthouses did not possess licences under the Ordinance on the days of inspection. The men and woman responsible for managing the premises were charged with contravening section 5(1) of the Ordinance.

A department spokesman stressed that operating or managing an unlicensed guesthouse is a criminal offence and will lead to a criminal record. Upon conviction, the offender is liable to a maximum fine of \$200,000 and two years' imprisonment.

The spokesman appealed to anyone with information about suspected unlicensed guesthouses to report it to the OLA through the hotline (Tel: 2881 7498), by email (hadlaeng@had.gov.hk), by fax (2504 5805) using the report form downloaded from the OLA website (www.hadla.gov.hk), or through the mobile application "Hong Kong Licensed Hotels and Guesthouses".

CHP investigates influenza A outbreak at primary school in Eastern District

The Centre for Health Protection (CHP) of the Department of Health is today (November 21) investigating an influenza A outbreak at a primary school in Eastern District, and again reminded the public to maintain strict personal and environmental hygiene against influenza.

The outbreak involves 10 boys and nine girls aged 10 to 11, as well as one female staff member, who developed cough, sore throat and fever since November 13. All of them sought medical attention and none required hospitalisation. They are now in a stable condition.

The nasopharyngeal swab of four students tested positive for influenza A virus.

Officers of the CHP have conducted a site visit and advised the school to adopt necessary infection control measures against respiratory infections. The school has been put under medical surveillance.

A spokesman for the CHP said, "To prevent outbreaks of influenza and other respiratory infections, it is of prime importance that children with fever, regardless of the presence of respiratory symptoms, should not be allowed to attend school. They should seek medical advice and avoid school till 48 hours after the fever has subsided. Schools should also measure and record students' body temperature properly."

Schools are reminded to follow the [Guidelines on Prevention of Communicable Diseases](#) on preventive and control measures as well as management of outbreaks, which should be reported to the CHP for prompt follow-up.

"Influenza can cause serious illnesses in high-risk individuals and even healthy persons. Given that influenza vaccines are safe and effective, all persons aged 6 months or above, except those with known contraindications, are recommended to receive Seasonal Influenza Vaccine(SIV) for personal protection," the spokesman said.

Based on past epidemiological patterns, the winter influenza season usually occurs from January to March/April each year. As it takes about two weeks to develop antibodies, we urge eligible persons to receive SIV early for protection against seasonal influenza. Vaccination among family members is key to protecting their personal and family's health."

Besides receiving seasonal influenza vaccine for personal protection, the public should maintain good personal and environmental hygiene for protection against influenza and other respiratory illnesses. For more information, please visit the CHP's [influenza page](#) and weekly [Flu Express](#).

[Fraudulent website related to China CITIC Bank International Limited](#)

The following is issued on behalf of the Hong Kong Monetary Authority:

The Hong Kong Monetary Authority (HKMA) wishes to alert members of the public to a press release issued by China CITIC Bank International Limited on fraudulent website, which has been reported to the HKMA. Hyperlink to the press release is available on [the HKMA website](#) for ease of reference by

members of the public.

Anyone who has provided his or her personal information to the website concerned or has conducted any financial transactions through the website should contact the bank concerned using the contact information provided in the press release, and report to the Police or contact the Cyber Security and Technology Crime Bureau of the Hong Kong Police Force at 2860 5012.

LCQ10: Painting shells of live turtles with oil paints

Following is a question by the Dr Hon Chiang Lai-wan and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (November 21):

Question:

It has been reported that painting the shells of live red-eared sliders (painted turtles) with colourful oil paints has become popular overseas in recent years, and this trend has spread to Hong Kong in recent months. Painted turtles are available for sale in some shops, and a red-eared slider fully painted in gold colour was found by some members of the public in a pond in Kowloon Park. Some experts have pointed out that the harmful substances in paints will enter the bloodstream of turtles through the shells; paints will hinder turtles' absorption of sunlight, making it difficult for them to produce vitamin D and hence affecting their bone structures; and paints applied on the noses and heads of turtles may cause turtles to suffocate to death because of blockage of their airways. In this connection, will the Government inform this Council:

(1) of the number of complaints relating to painted turtles received in the past 12 months, and whether follow-up actions were taken, by the authorities; if so, of the details; if not, the reasons for that;

(2) whether the acts of painting the shells of live turtles with oil paints and selling painted turtles are subject to regulation under the existing legislation; if so, of the details; if not, the reasons for that; and

(3) whether it has taken measures to curb the trend of painting the shells of live turtles with oil paints, e.g. calling upon members of the public and shops not to buy or sell painted turtles; if so, of the details; if not, the reasons for that?

Reply:

President,

My reply to various parts of the question is as follows:

(1) In the past 12 months, the Agriculture, Fisheries and Conservation Department (AFCD) has received a public enquiry about painted turtles being sold in shops. After receiving the enquiry, AFCD immediately contacted and inspected all licensed shops selling pet turtles over the territory, and did not find any act of selling painted turtles. AFCD also visited the Kowloon Park and did not find any painted turtles there.

(2) and (3) All animal traders are required to obtain a licence for their operations from the Director of Agriculture, Fisheries and Conservation under the Public Health (Animals and Birds) (Trading and Breeding) Regulations (Cap. 139B). AFCD also issues codes of practice (CoPs) to licenced animal traders, requiring them, among others, to observe the relevant regulations on prevention of cruelty to animals. Any breach of the CoPs may be considered as a breach of the licence condition, and that AFCD may take further action. Applying oil paints on turtles is not encouraged by AFCD for the sake of animal health. AFCD will advise licenced animal traders against selling painted turtles during inspections.

If the substances in paints have negative impact on the health of turtles, the act of painting may constitute a breach of the Prevention of Cruelty to Animals Ordinance (Cap. 169). Any person who cruelly treats an animal and causes it unnecessary suffering commits an offence and is liable on conviction to a maximum fine of \$200,000 and imprisonment for up to three years. AFCD or other related departments will take follow-up actions upon receiving reports of cruelty to animals.

AFCD will continue to enhance public education to promote messages on responsible pet ownership and prevention of cruelty to animals. To further safeguard animal welfare, as announced by the Chief Executive in her 2018 Policy Address, the Government is mapping out the major direction and drawing up preliminary proposals for amending the legislation related to animal welfare, with a view to consulting the public early next year. The proposals include introducing a positive duty of care on animal keepers and exploring raising the penalties for acts of cruelty to animals.

LCQ11: Combating “bogus marriage”

Following is a question by the Hon Jeremy Tam and a written reply by the Acting Secretary for Security, Mr Sonny Au, in the Legislative Council today (November 21):

Question:

It has been reported that some cross-boundary "bogus marriage" syndicates provide one-stop services. Such services include: arranging

"bogus marriage" for their clients to facilitate their application for Permits for Proceeding to Hong Kong and Macao (commonly known as One-way Permits (OWPs)), and taking care of the divorce procedure on behalf of their clients after they come to settle in Hong Kong. On combating "bogus marriage", will the Government inform this Council:

(1) of the number of divorces and the divorce rate in each of the past five years in respect of those couples who were both Hong Kong permanent residents (HKPRs), with a breakdown by duration of marriage (namely, two years or below, three to four years, five to six years and seven to nine years);

(2) whether it will start compiling statistics on the number of divorces and divorce rates in respect of those couples one party to which is a person who came to Hong Kong for settlement on OWPs, broken down by such persons' year of residence (namely, two years or below, three to four years, five to six years and seven to nine years) in Hong Kong, for comparison with the corresponding figures in (1); if so, of the details; if not, the reasons for that;

(3) whether OWP holders who have settled in Hong Kong for less than seven years will, for the reason of their divorce with HKPRs, have their Hong Kong identity cards and residence status invalidated by the Immigration Department (ImmD) and be subject to repatriation to their places of origin;

(4) among the 1 542 suspected "bogus marriage" cases investigated by ImmD in the past three years, of the number of those in which ImmD decided, after proactively analysing the relevant situation, to initiate investigations;

(5) of the statistics on convictions in each of the past five years involving offences related to "bogus marriage" (set out in the table below); and

Year	Number of defendants convicted on own plea (A)	Number of defendants convicted after trial (B)	Number of defendants acquitted after trial (C)	Conviction rate after trial (B)/[(B)+(C)]	Conviction rate including guilty plea [(A)+(B)]/[(A)+(B)+(C)]
Magistrates' Court					
2013					
2014					
2015					
2016					
2017					
District Court					
2013					
2014					
2015					
2016					

2017					
Court of First Instance					
2013					
2014					
2015					
2016					
2017					

(6) of the number of spot checks by home visits conducted by ImmD in the past five years for investigating suspected "bogus marriage" cases; the respective numbers of offenders who were arrested, prosecuted and convicted as a result of the evidence obtained from (i) such operations and (ii) all operations other than such operations, and the percentages of those figures in the total number of suspected "bogus marriage" cases?

Reply:

President,

The Government has always been concerned about "bogus marriages". The Immigration Department (ImmD) set up a special task force in 2006 to step up enforcement actions to combat such offences to prevent persons seeking entry into Hong Kong by means of "bogus marriages" and intermediaries aiding others to seek entry into Hong Kong through such means. When suspected "bogus marriage" cases are identified, ImmD will conduct in-depth investigations on parties alleged to arrange and participate in "bogus marriages", collect evidence and initiate prosecution.

Any persons who make use of "bogus marriage" to obtain the requisite documents for the purpose of entering Hong Kong, or any persons who facilitate others to achieve such purpose through arranging "bogus marriages" for them, shall be guilty of an offence. In the course of contracting "bogus marriages" and applying for entries into Hong Kong through such marriages, the persons involved may have committed offences such as conspiracy to defraud, making false representation to ImmD officers, making a false oath, giving false declaration, bigamy, etc., and are liable on conviction to imprisonment for up to 14 years.

The reply to the questions raised by the Hon Tam is as follows:

(1) and (2) To get a divorce in Hong Kong, one should file a petition or an application for divorce to the court, and it does not need to be processed by marriage registries under ImmD. In consultation with the Census and Statistics Department (C&SD) and the Judiciary, it is noted that they do not maintain the statistics mentioned in the question. ImmD also does not have relevant figures. In fact, ImmD has conducted investigations into suspected "bogus marriage" cases via different channels and has been closely monitoring the latest practice and trends of arranging "bogus marriage" by illegal

intermediaries and "bogus marriage" syndicates. From experience, collecting the divorce-related statistics requested in the question serves no direct purpose in assisting the enforcement authorities to detect suspected persons participating in "bogus marriages" as well as verifying the husband-and-wife relationships of the persons concerned in the course of investigation. At present, therefore, we have no plan to compile such statistical figures. According to the records stated in the feature article named "Marriage and Divorce Trends in Hong Kong, 1991 to 2016" published by C&SD in January 2018, the numbers of divorce decrees granted between 2012 and 2016 are as follows:

Year	Number of divorce decrees granted
2012	21 125
2013	22 271
2014	20 019
2015	20 075
2016	17 196

(3) and (4) ImmD has an established mechanism for handling cases of obtaining One-way Permits (OWPs) by fraudulent means. ImmD will also initiate investigation into doubtful marriages, receive intelligence and collect evidence from various sources and through different channels in order to investigate thoroughly the parties to suspected "bogus marriage" cases and the intermediaries involved. The relevant persons will be prosecuted when there is sufficient evidence. Once a case is substantiated, ImmD can declare the invalidation of a person's Hong Kong Identity Card, regardless of whether that person is a holder of Hong Kong Permanent Identity Card or has settled in Hong Kong for less than seven years and has divorced his/her Hong Kong permanent resident spouse. In addition, regardless of his/her years of residence in Hong Kong, ImmD has the authority to remove him/her from Hong Kong. ImmD does not maintain the relevant statistical figures mentioned in the question.

In processing OWP applications under the category of "reunion with spouses" and in case the husband-and-wife relationship is in doubt, the Mainland authorities will pass the particulars of the applicants and their spouses in Hong Kong to ImmD for verification of the personal particulars of the Hong Kong residents, their certificates of registration of marriage in Hong Kong or other relevant records. When suspected cases of "bogus marriage" or bigamy are identified, ImmD will initiate follow-up actions and notify the Mainland authorities of the verification results for follow-up.

ImmD has always been collecting intelligence of suspected "bogus marriage" through different channels and will initiate investigation and detect "bogus marriage" cases. In the 1 542 suspected "bogus marriage" cases investigated in the past three years, ImmD initiated investigations after proactively conducting in-depth analysis of information and intelligence gathered via different channels, which include but are not limited to the

following:

- (i) when conducting immigration examinations on arriving passengers, ImmD critically scrutinises doubtful visitors coming to visit their spouses in Hong Kong on strength of "exit endorsement for visiting relatives" and will refuse their entries if their purposes of visit are in doubt;
- (ii) pays particular attention to Mainland residents holding "exit endorsement for visiting relatives" during anti-illegal worker operations;
- (iii) marriage registries step up examination on suspicious marriage registrations; and
- (iv) initiates investigation into criminal syndicates which publish advertisements with wordings such as "making quick cash" and "intermediary for Mainland-Hong Kong marriages" to allure people to engage in "bogus marriage" on social networking and instant messaging mobile applications, as well as newspapers and web pages.

In addition, in processing OWP applications under the category of "reunion with spouses" and in case the husband-and-wife relationship is in doubt, the Mainland authorities will pass the particulars of the applicants and their spouses in Hong Kong to ImmD for investigation. ImmD also from time to time receives suspected "bogus marriage" cases referred from other government departments in Hong Kong or reported by the public.

When suspected "bogus marriage" cases are identified, regardless of their sources, ImmD will proactively collect evidence through various channels, conduct thorough investigations on parties to the suspected "bogus marriage" and relevant intermediaries, and prosecute offenders where there is sufficient evidence.

(5) From 2013 to 2017, ImmD investigated into a total of 2 744 suspected cases of "bogus marriage", 5 208 persons were arrested as a result, out of which 606 persons were successfully convicted. Relevant statistics with breakdown by year is at the table below. In criminal prosecutions, the court requires the highest standard of proof of "beyond reasonable doubt". As it is not easy to prove the false husband-and-wife relationship, many difficulties have to be overcome in the course of adducing the proof. Therefore, not all cases can be successfully prosecuted. ImmD has to rely on corroborating evidence, such as the movement records of the couple and the statements of other witnesses and parties to the cases to instigate prosecutions against such offences. ImmD does not maintain other statistics with breakdown mentioned in the question.

Year	No. of cases	No. of persons arrested	No. of persons successfully prosecuted
2013	515	1 102	188
2014	687	1 096	122
2015	461	1 016	113
2016	507	979	98

2017	574	1 015	85
Total	2 744	5 208	606

Note: The year of initiating investigation and completing prosecution against all parties to the cases may be different. As such, the number of persons successfully prosecuted generally does not correspond to the number of cases in the same year.

(6) In general, in handling suspected "bogus marriage" cases, the enforcement officers of ImmD will collect evidence through different channels, including carrying out spot checks by home visits, collecting circumstantial evidence and proof, conducting separate interviews with persons involved, etc, to verify the husband-and-wife relationships of the persons in the cases. In view of the uniqueness of each "bogus marriage" case, appropriate ways of collecting evidence and the evidence needed vary. The investigation officers will apply different and possibly more than one investigation methods according to the background and circumstances of each case. ImmD does not maintain the relevant statistical figures mentioned in the question.

To more effectively combat "bogus marriage", ImmD will continue to take various investigation actions with flexibility and skills in view of the trend of "bogus marriages" and circumstances of individual cases. ImmD will also continue to be committed to combating offences related to "bogus marriage" by stepping up enforcement, publicity, intelligence analysis and cross-boundary co-operation with a view to bringing the offenders to justice.