

## Twenty-six immigration offenders arrested (with photos)

The Immigration Department (Immd) mounted a joint operation with the Hong Kong Police Force and the Labour Department codenamed "Sahara" yesterday (October 10) to combat illegal employment activities in Mong Kok, Sham Shui Po and Tsui Sha Tsui districts. A total of 13 illegal workers, 12 suspected employers and an overstayer were arrested.

During operation "Sahara", enforcement officers raided 1 176 target locations including restaurants, guest houses, motels, street stalls, shops, a salon and residential flats. Thirteen illegal workers and 12 employers were arrested. The illegal workers comprised 10 men and three women, aged 22 to 47. Among them, seven men and a woman were holders of recognisance forms, which prohibit them from taking any employment. Meanwhile, 10 men and two women, aged from 21 to 92, were suspected of employing the illegal workers. A female overstayer, aged 36, was also arrested.

"Any person who contravenes a condition of stay in force in respect of him shall be guilty of an offence. Also, visitors are not allowed to take employment in Hong Kong, whether paid or unpaid, without the permission of the Director of Immigration. Offenders are liable to prosecution and upon conviction face a maximum fine of \$50,000 and up to two years' imprisonment. Aiders and abettors are also liable to prosecution and penalties," an Immd spokesman said.

The 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. It is an offence to use or possess a forged Hong Kong identity card or a Hong Kong identity card related to another person. Offenders are liable to prosecution and a maximum penalty of a \$100,000 fine and up to 10 years' imprisonment.

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 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, as a standard procedure, will 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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## [Renovation works contractors of Eaton Hotel Hong Kong convicted for violating environmental legislation](#)

IBI Limited, the renovation works contractor of Eaton Hotel Hong Kong at Nathan Road in Tsim Sha Tsui, caused dust dispersion when loading and unloading construction waste into a skip near the hotel. The contractor was convicted at Kwun Tong Magistrates' Courts today (October 11) for contravening the Air Pollution Control (Construction Dust) Regulation. The

works contractor and its sub-contractor were also convicted on October 4 for the illegal installation of a signboard using powered mechanical equipment during night-time, which contravened the Noise Control Ordinance (NCO). The contractor and its sub-contractor were fined a total of \$40,000 for these two cases.

The Environmental Protection Department (EPD) received a complaint in March this year that several skips were placed at the roadside near the hotel for loading of construction waste generated by the renovation works of the hotel, which caused dust dispersion and affected pedestrians and nearby residents. EPD enforcement officers conducted an investigation on-site and found that the contractor concerned had not taken any precautionary measures to control the spread of dust when loading and unloading construction waste, causing dust dispersion. During the same period of time, the contractor and its sub-contractor were also found to install a signboard using an electric drill after 7pm and caused noise nuisance to nearby residents. The contractor concerned did not apply for the relevant construction noise permit (CNP) before the commencement of the works. Upon investigation and evidence gathering, the EPD subsequently prosecuted the contractor and its sub-contractor accordingly.

The spokesman said that renovation works contractors should comply with the Regulation and the NCO to avoid affecting nearby residents and the environment. Anyone who violates the Regulation is liable to a fine of \$25,000 for the first offence, while first-time offenders who violate the NCO are liable to a maximum fine of \$100,000. A maximum fine of \$200,000 may be imposed on second or subsequent convictions.

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## **Post of Equal Opportunities Commission Chairperson open for applications**

The post of the Chairperson of the Equal Opportunities Commission (EOC) is open for applications from tomorrow (October 12).

The advertisement for the post, which sets out details of requirements for potential candidates, will be published in newspapers tomorrow. Applicants should be Hong Kong permanent residents and have:

- (a) a good general education;
- (b) a strong commitment to promoting equal opportunities and building an inclusive, barrier-free and harmonious society;
- (c) at least 15 years of relevant experience in public administration, professional practice or private sector management at a senior level; experience in leading and managing a sizable public or private organisation

would be an advantage;

(d) clear vision, impeccable integrity, good leadership qualities particularly in steering a diverse governing board, management skills, mature personality;

(e) a solid track record in public or community service in Hong Kong; and

(f) strong language and communication skills, including good command of Chinese and English.

All applications should be submitted to Korn/Ferry International (HK) Limited (15/F, St George's Building, 2 Ice House Street, Central, Hong Kong), the agency for this recruitment exercise, by November 2.

The term of office of the incumbent EOC Chairperson, Professor Alfred Chan, will expire on April 10, 2019. Under the Sex Discrimination Ordinance, the appointment authority for the EOC Chairperson rests with the Chief Executive. A Selection Board will recommend the most suitable candidate to the Chief Executive for appointment. The Board is chaired by Mr Bernard Chan, and its members comprise Dr Lam Ching Choi, Ms Shalini Mahtani, Professor Daniel Shek, the Secretary for Labour and Welfare, and the Secretary for Constitutional and Mainland Affairs.

The EOC is an independent statutory body established under the Sex Discrimination Ordinance. Its functions include working towards the elimination of discrimination, promoting equality of opportunity and harmony, working towards elimination of harassment and vilification, handling complaints, assisting persons aggrieved by discrimination by way of conciliation and other assistance, and issuing and revising codes of practice, under the four existing anti-discrimination ordinances in the areas of sex, disability, family status and race.

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## Illegal worker jailed

A Pakistani illegal worker holding a recognisance form was jailed by Shatin Magistrates' Courts yesterday (October 10).

During operation "Twilight" on August 6, Immigration Department (ImmD) investigators raided a loading area of an industrial building in Tuen Mun. A male Pakistani illegal worker, aged 35, was arrested. When intercepted he was conveying goods. 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. An employer suspected of employing the illegal worker was arrested and the investigation is ongoing.

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 17 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.

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## EPD makes three successful prosecutions against illegal removal of asbestos roofs

Diamond Light Construction & Metal Works Co, Kai Cheung Engineering and Yih Ding Investment Company Limited illegally carried out demolition of asbestos building structures or hired non-registered contractor to carry out removal works. They were convicted from Monday (October 8) to today (October 11) at Eastern Magistrates' Courts, Fanling Magistrates' Courts and Kwun Tong Magistrates' Courts respectively for contravening the Air Pollution Control Ordinance (APCO) and were fined a total of \$38,000.

An Environmental Protection Department (EPD) spokesman said that complaints were received from members of the public from March to May this year about the illegal demolition of asbestos building structures at the back alley of a ground floor shop at Po Shing Mansion in Tsuen Wan; a ground floor shop at Tsui Yuen Mansion at Waterloo Road in Mong Kok; and a village house at Ho King Terrace in Peng Chau. The EPD conducted investigations and found that the asbestos removal works at all three locations were not carried out in accordance with the statutory requirements, as no registered asbestos contractors were hired to conduct the removal works and the EPD had not been notified prior to the commencement of the works. After evidence collection, the EPD initiated prosecutions against the contractors and the property owners under the APCO.

â€‹The spokesman said that to safeguard public health, asbestos abatement works at commercial and industrial buildings or residential buildings must be carried out by a registered asbestos contractor in accordance with the statutory requirements and the code of practice on asbestos control to prevent the release of asbestos fibres from affecting the workers and public health. Offenders are liable to a maximum fine of \$200,000 and six months' imprisonment. Anyone failing to give not less than 28 days' written notice to the EPD of the commencement date of the asbestos abatement work is also liable to a maximum fine of \$200,000.

The spokesman urged members of the public to report to the department if they witness any illegal asbestos abatement works. They can call the EPD departmental hotline at 2838 3111 to help combat illegal behaviour.