

Three illegal workers jailed

Three illegal workers, comprising two Indians and a Bangladeshi, were jailed by Shatin Magistrates' Courts yesterday (August 20).

During a joint operation conducted by the Immigration Department (ImmD), the Hong Kong Police Force and the Labour Department codenamed "Champion" on June 12, enforcement officers raided a food shop in Tseung Kwan O. A male Indian illegal worker, aged 41, was arrested. When intercepted he was preparing food. 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.

In addition, during another joint operation conducted by the ImmD and the Hong Kong Police Force codenamed "Champion" on June 13, one male Bangladeshi illegal worker, aged 40, was arrested in Kwai Chung. 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.

Furthermore, ImmD investigators received a referral from the Hong Kong Police Force to further investigate an illegal employment case in June. Enforcement officers arrested a male Indian worker, aged 34, who was found conveying vegetables in Tai Po. 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 three illegal workers were 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. After trial, they were 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.

Transcript of remarks by CE at media session before ExCo meeting (with video)

Following is the transcript of remarks by the Chief Executive, Mrs Carrie Lam, at a media session before the Executive Council meeting this morning (August 21):

Reporter: Will the Government consider upping regulations for contractors, seeing how, in the MTR projects, contractors such as Leighton have not been co-operating with the investigation following disclosure of scandals, and also the M+ project?

Chief Executive: Well, first of all, let me say that the Government takes it very seriously about the quality, the professionalism and the integrity of our capital works contractors. As I have said, following the incidents

concerning the Shatin to Central Link, we will take follow-up action in a very serious and comprehensive manner, so where contractors belong to our list of contractors – they are recognised and admitted into a list of contractors for tendering government projects – we have what we call regulatory actions and these actions are undertaken by the Development Bureau. I understand that they have been following up very diligently, and as soon as we are in the position to announce the regulatory actions that we are going to take with regard to some of these contractors, we will certainly announce it in public.

Reporter: Mrs Lam, the independence advocate Chan Ho-tin has urged the US President Donald Trump to, you know, review the Hong Kong-US Policy Act and also to kick China and Hong Kong out of the WTO. Do you think that his action is appropriate?

Chief Executive: Of course such action is not appropriate and just describing it as inappropriate perhaps has not reflected the public outcry and anger with that sort of actions. Whether you support "One Country, Two Systems" or you don't, living in Hong Kong, I think everybody should take the interests of Hong Kong into heart. So, for somebody to advocate that a foreign government should penalise or punish Hong Kong is really, I just don't know what sort of adjectives to use to describe this sort of actions. But I notice that many people in society, including those which are normally very moderate commentators, said that this sort of actions should never have happened in Hong Kong. So I think the strong sentiments have been expressed by members of the public and I can only say that this is deeply regretted and, as I said, I don't think any sensible, reasonable person in Hong Kong will condone that sort of activities.

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

[Designated spots to set up street counters for non-profit making activities available online](#)

Information about designated spots available for application for setting up street counters to hold non-profit making activities across the territory have been uploaded onto the GeoInfo Map (www.map.gov.hk) today (August 21).

A spokesperson for the Lands Department (LandsD) said organisers can check the designated spots available for application for setting up street counters to hold non-profit making activities by temporary occupation of Government land in various districts by browsing the GeoInfo Map. To facilitate submission of applications, the guidelines on holding relevant

activities, together with application details, can be viewed at the LandsD's website (www.landsd.gov.hk/en/legco/publications.htm).

The LandsD will update the website information as appropriate in view of the latest position.

Missing man in Tsuen Wan located

A man who went missing in Tsuen Wan has been located.

Leung Wa-kan, aged 55, went missing after he was last seen in a hostel on Tsuen King Circuit on August 14 morning. Staff of the hostel made a report to Police on the same day.

The man was located on Kwai Fuk Road in Tsing Yi in small hours today (August 21). He sustained no injuries and no suspicious circumstances were detected.

Missing man in Chai Wan located

A man who went missing in Chai Wan has been located.

Kan Shou, aged 89, went missing after he left his residence on Kornhill Road on August 19 afternoon. His family made a report to Police on the same day.

The man was located on Ngau Pei Sha Street yesterday night (August 20). He sustained no injuries and no suspicious circumstances were detected.