

Contractors of carriageway resurfacing works in Siu Sai Wan Road convicted for illegally carrying out construction works at night

The contractors of carriageway resurfacing works in Siu Sai Wan Road, Chiu Hing Construction & Transportation Company Limited and Wah Fung Engineering Company Limited, failed to comply with the requirements of the construction noise permit (CNP) and caused noise nuisance to nearby residents. They were fined a total of \$20,000 by Eastern Magistrates' Courts today (June 25) for contravening the Noise Control Ordinance (NCO).

The Environmental Protection Department (EPD) received several reports from members of the public in January that the night time works at Siu Sai Wan Road caused noise nuisance. The EPD's site inspection revealed that the contractor did not comply with the CNP requirements while carrying out carriageway resurfacing works during restricted hours, which included the use of multiple items of powered mechanical equipment concurrently and without using noise enclosures. The EPD immediately revoked the CNP of the construction site and informed the Highways Department. The two contractors concerned were then prosecuted by the EPD after evidence gathering.

The NCO aims to protect the public from disturbance of rest. An EPD spokesman stressed that construction contractors should schedule works for the daytime and non-general holidays as far as possible, so as to minimise noise nuisance to the surroundings. If the construction works have to be conducted during the restricted hours (between 7pm and 7am on the following day, or at any time on a general holiday), the contractor has to obtain prior approval from the EPD. Only specified powered mechanical equipment can be used for the construction works and contractors must also implement noise mitigation measures to minimise noise nuisance as stipulated by the CNP. Otherwise, it constitutes an offence. First-time offenders are liable to a maximum fine of \$100,000. A maximum fine of \$200,000 may be imposed on second or subsequent conviction.

Consultation on review of self-financing post-secondary education

starts

The Task Force on Review of Self-financing Post-secondary Education released a consultation document today (June 25) to solicit views from members of the public on its preliminary recommendations.

The Chairman of the Task Force, Professor Anthony Cheung, said that the review is premised on the belief that nurturing talent is crucial to the continued development of society, and education is an important social investment. When deliberating on the further development of self-financing post-secondary education, the Task Force has followed the guiding principles of "providing student-oriented quality education", "meeting societal needs and developing Hong Kong's advantages", and "facilitating diversified development of post-secondary education". The Task Force is determined to address the issues concerned through this comprehensive review.

The Task Force considers that the Government should conduct a comprehensive review of policy and measures in support of privately-run institutions in order to further achieve its policy objective of "parallel development". The Task Force also endorses that the self-financing post-secondary education sector should be complementary to the publicly-funded sector, and should maintain its role in providing flexible options and adding diversity to the higher education sector as a whole. To meet the societal needs for talent, the Task Force considers that it is the Government's responsibility to assist in improving the quality of self-financing post-secondary programmes and enhancing the overall academic capacity of privately-run institutions. In addition, there is a need for the self-financing post-secondary sector to conduct reforms so that its development will evolve in tandem with the times.

The Task Force recommends the Government to enhance its support for the self-financing institutions with the following major preliminary recommendations: encourage the self-financing post-secondary institutions to identify their roles and positioning in the higher education landscape; formulate clear policies to improve the quality and governance of self-financing institutions; review and update relevant legislation to foster the development of the self-financing sector; enhance and align the regulatory framework for all institutions providing self-financing locally accredited local programmes at sub-degree and/or undergraduate levels; and strengthen the role and functions of the Committee on Self-financing Post-secondary Education. The Task Force also sees the need to reposition Associate Degree and Higher Diploma qualifications and review their curriculum framework and relevance, as well as to further promote Higher Diploma education's importance in promoting the economic development of Hong Kong. In regard to stepping up support measures for self-financing institutions and students, the Task Force will seek views on the various recommendations for further discussion. The consultation document has been uploaded to the website of the Education Bureau: www.edb.gov.hk/en/about-edb/press/consultation/index.html.

The Task Force will conduct consultation sessions to collect views from key stakeholders. Members of the public are welcome to tender their views to the Task Force by e-mail to taskforce_sfpe@edb.gov.hk.

The consultation exercise will close on August 31. The Task Force will duly consider the views received. It plans to publish its final review report and make recommendations to the Government by the end of 2018.

To follow up on the announcement in the Chief Executive's 2017 Policy Address, a task force was set up by the Education Bureau to consider issues pertinent to the development of the self-financing post-secondary education sector. Over the past several months, the Task Force, chaired by Professor Cheung, has looked into issues such as the role of the self-financing post-secondary education sector, the regulatory regime and support for the sector, and the future of sub-degree education. Making reference to overseas experience and taking into account the views of stakeholders, the Task Force has consolidated its initial observations and recommendations on the issues concerned in the consultation document.

Three illegal workers and an illegal immigrant jailed

Three illegal workers comprising an Indian, a Nepalese and a Vietnamese and a Vietnamese illegal immigrant were jailed at Shatin and Tuen Mun Magistrates' Courts on June 22 and 23 respectively.

During an anti-illegal worker operation conducted on May 10, Immigration Department (ImmD) investigators raided a restaurant in Wan Chai. A female Indian illegal worker and a male Nepalese illegal worker, aged 27 and 33, were arrested. When intercepted they were washing dishes. Upon identity checking, they produced for inspection recognisance forms issued by the ImmD, which prohibit them from taking employment. Further investigation revealed that they were non-refoulement claimants. Meanwhile, an employer suspected of employing the illegal workers was arrested and the investigation is ongoing.

In addition, during operation "Twilight" conducted on May 23, ImmD investigators raided a restaurant in Causeway Bay. A male Vietnamese illegal worker aged 27 was arrested. When intercepted he was performing kitchen work. 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. Meanwhile, an employer suspected of employing the illegal worker was arrested and the investigation is ongoing.

Furthermore, during a joint operation conducted by the ImmD and the Hong

Kong Police Force codenamed "Champion" on June 20, one male Vietnamese illegal immigrant, aged 40, was arrested in Mong Kok. Upon identity checking, he could not provide any proof of identity. Further investigation revealed that he was an illegal immigrant.

The three illegal workers were charged at Shatin Magistrates' Courts on June 22 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 the trial, they were sentenced to imprisonment ranging from 15 months to 17 months. The illegal immigrant was charged at Tuen Mun Magistrates' Courts on June 23 with remaining in Hong Kong without the authority of the Director after landing in Hong Kong unlawfully and breaching a deportation order. He pleaded guilty to the charges and was sentenced for each to 15 months' imprisonment of which part of the sentence is to run consecutively, making a total of 18 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 also warned that it is an offence for any person in respect of whom a deportation order is in force in Hong Kong to contravene the order. Offenders are liable upon conviction to up to seven years' imprisonment. Furthermore, it is an offence for any person to have landed in Hong Kong unlawfully, and to remain in Hong Kong without the authority of the Director. Offenders are liable upon conviction to a maximum fine of \$25,000 and up to three 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 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.

Temporary suspension of Mobile Library 4 and 11 services

Mobile Libraries 4 and 11 will suspend services during designated periods in July for routine maintenance, a Leisure and Cultural Services Department spokesman announced today (June 25).

Mobile Library 11 will suspend services from July 2 to 7. The affected service points are Easeful Court in Tsing Yi; Cho Yiu Chuen, Kwai Shing West Estate and Kwai Shing East Estate in Kwai Chung; Sun Chui Estate in Sha Tin; Po Tin Estate in Tuen Mun; and Tin Wah Estate in Tin Shui Wai. For enquiries about Mobile Library 11 services, please call 2479 1055.

Mobile Library 4 will suspend services from July 11 to 17. The affected service points are Yat Tung Estate in Tung Chung, Discovery Bay, Pui O, Shui Hau and Tong Fuk. For enquiries about Mobile Library 4 services, please call 2984 9417.

Readers are welcome to use other public libraries during the service suspension periods. They may also renew library materials by telephoning 2698 0002 or 2827 2833, or via www.hkpl.gov.hk.

Contractors of rooftop works at Hing Tung Shopping Centre in Shau Kei Wan

convicted for illegal discharge of wastewater

The contractors of rooftop works at Hing Tung Shopping Centre in Shau Kei Wan illegally discharged wastewater into the communal storm drain and polluted Shau Kei Wan Typhoon Shelter. The contractor, Sinochem (HK) Enterprises Limited, and its sub-contractor were convicted and fined a total of \$16,000 by Eastern Magistrates' Courts today (June 25) for contravening the Water Pollution Control Ordinance (WPCO).

The Environmental Protection Department (EPD) spokesman said that the department received complaints from members of the public this January that milky wastewater was discharged into Shau Kei Wan Typhoon Shelter. Upon investigation and evidence collection by the EPD, it was confirmed that the wastewater originated from resurfacing works at the rooftop of Hing Tung Shopping Centre. During the works period, the contractor failed to take appropriate wastewater discharge measures, resulting in the runoff of waterproof materials through the storm drain into Shau Kei Wan Typhoon Shelter. The EPD subsequently prosecuted both involved contractors according to the WPCO.

The wastewater generated from construction sites is regulated under the WPCO. The spokesman reminded all construction contractors to take appropriate measures to prevent any untreated wastewater or construction materials from being discharged into storm drains to protect the environment. Under the WPCO, it is an offence for anyone to discharge wastewater into storm drains. First-time offenders are liable to a maximum fine of \$200,000 and six months' imprisonment.