

LCQ17: Immigration Department remains vigilant in monitoring “bogus marriages” concerned parties if they are involved in other crimes

Following is a question by the Hon Kenneth Leung and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (May 23):

Question:

It has been reported that some human trafficking offenders arranged bogus marriages for to-be-trafficked persons to enable them to meet the eligibility requirements for entry into certain countries, and then force the trafficked persons to take up illegal employment or engage in prostitution activities in such countries. Regarding bogus marriage-related offences involving human trafficking, will the Government inform this Council:

(1) of the respective numbers of persons who were alleged to have entered into bogus marriages and, on this account, were (i) arrested and (ii) convicted in Hong Kong for the related offences in each year since 2008, with a breakdown by their nationality and gender;

(2) of the respective numbers of persons who were alleged to have arranged bogus marriages for other persons and, on this account, were (i) arrested and (ii) convicted in Hong Kong for the related offences in each year since 2008, with a breakdown by their nationality and gender; the nationalities of the persons for whom they mainly arranged bogus marriages;

(3) as the authorities have pointed out in a paper submitted recently to the Panel on Security of this Council that in respect of persons who had gained entry into Hong Kong by means of bogus marriages, the main purpose of their coming to Hong Kong was to take up illegal employment, among the persons who were arrested or convicted for bogus marriage-related offences mentioned in (1), of the respective numbers of those who were alleged to have also (i) committed the offence of taking up illegal employment, and (ii) engaged in prostitution activities, with a breakdown by their nationality and gender; whether the authorities have, during investigation of these cases, discovered if (a) these persons were forced to work in Hong Kong and were subjected to manipulation, and (b) organised crimes or human trafficking were/was involved in such cases;

(4) given that paragraph 18 of the Prosecution Code of the Department of Justice (DoJ) provides guidelines and pointers to prosecutors in respect of offences relating to the exploitation of persons and the trafficking of them for that purpose, of the number of times for which DoJ handled cases pursuant to this code when instituting prosecutions in the past five years; among such

cases, of the number of those which involved bogus marriage-related offences; and

(5) of the authorities' measures to combat bogus marriage-related offences involving human trafficking, and to prevent such crimes from happening in Hong Kong?

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.

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

(1) and (2) From 2008 to 2017, ImmD investigated a total of 6 971 suspected cases of "bogus marriage". A total of 10 649 persons were arrested, out of which 1 733 persons were successfully prosecuted and convicted. Relevant statistics breakdown by year is as follows:

Year	Number of cases	Number of arrestees	Number of persons successfully prosecuted
2008	874	908	259
2009	1 033	728	180
2010	1 283	1 504	185
2011	605	1 242	263
2012	432	1 059	240
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	6 971	10 649	1 733

Among the 10 649 persons arrested, 277 were arrested for allegedly arranging "bogus marriages" for others or participating in "bogus marriages"

at the same time, the remaining 10 372 were alleged to have participated in "bogus marriages". Among the above 1 733 persons successfully convicted, 985 were male and 748 were female; 1 280 were Hong Kong residents and 453 were non-Hong Kong residents. Persons successfully convicted mentioned above include intermediaries and parties to "bogus marriages". ImmD does not maintain other statistical breakdown mentioned in the question. As seen from past cases, "bogus marriages" involved both local and non-local residents, and the non-local residents involved mostly Mainland residents.

(3) ImmD does not maintain the figures of persons who were arrested or convicted for offences relating to "bogus marriage" and were alleged to have committed the offence of taking up illegal employment or engaging in prostitution activities at the same time. ImmD so far has not identified any "bogus marriage" case involving trafficking in persons (TIP). If there is any information (including the statements of parties concerned) which indicates that human trafficking offence may be involved in such a case, ImmD will investigate on the case in accordance with the established mechanism.

(4) According to information provided by the Department of Justice (DoJ), where there is a claim that a defendant or intended defendant is a victim of human trafficking, or that a case may involve human exploitation/ TIP elements, the law enforcement agencies will draw the prosecutor's attention to such claims or elements. In appropriate cases, the prosecutor may also draw the law enforcement agencies' attention to such claims or elements in the files submitted for legal advice.

In making a prosecutorial decision, a prosecutor would assess the merits of each claim with a high level of sensitivity, understanding and awareness of the human exploitation/TIP considerations in accordance with paragraph 18 of the Prosecution Code. As all prosecutors are expected to give due consideration to such claims or elements in each case as appropriate, the DoJ has not specifically maintained statistics on the number of cases in which paragraph 18 of the Prosecution Code has been considered.

(5) As mentioned in part 3 of this reply, ImmD so far has not identified any "bogus marriage" case involving TIP. Having said that, ImmD will remain vigilant in monitoring the parties concerned to see if they are involved in other crimes while combatting "bogus marriages". When suspected TIP cases are identified, ImmD will take a series of measures with related law enforcement agencies to enhance victim identification, protection and support, investigation as well as enforcement on the crimes involving TIP.

In fact, the Government has always attached great importance to anti-TIP work, responding to this evolving international issue through targeted and multi-pronged measures (which are now under continuous review and updating) in areas including victim identification, law enforcement, prosecution, victim protection, enhancement in staff training and forming partnership with international and local and overseas stakeholders.

At present, our legislation has provided an adequate and solid legal framework to effectively combat TIP crimes. Although Hong Kong does not have a single legislation prohibiting TIP and the Palermo Protocol has not been

applied here, the legislation of Hong Kong has already covered the conduct of TIP as defined in the Palermo Protocol, mainly including the following six aspects:

(i) Crimes Ordinance (Cap 200) prohibits TIP to or from Hong Kong for the purpose of prostitution; harbouring another person or exercising control or direction over another person for the purpose of that person's prostitution or that that person shall do unlawful sexual acts with others; and any other person from procuring another person to become a prostitute or cause prostitution of that person in Hong Kong or elsewhere. It also prohibits other crimes including rape, procuring another person by threats to do unlawful sexual acts with others and criminal intimidation. Moreover, there are provisions under the Crimes Ordinance that provide extra-territorial effect against certain sexual offences committed against children outside Hong Kong, including related arrangements and advertisements, making them punishable in Hong Kong;

(ii) Human Organ Transplant Ordinance (Cap 465) prohibits commercial dealings in human organs;

(iii) Prevention of Child Pornography Ordinance (Cap 579) prohibits printing, making, producing, reproducing, copying, importing or exporting, publishing and possessing child pornography;

(iv) Immigration Ordinance (Cap 115) prohibits arrangement for an unauthorised entrant to Hong Kong and employing illegal workers;

(v) Employment Ordinance (Cap 57) imposes criminal liability on employers involved in non-payment, under-payment of wages or delay in payment of wages, failure to grant rest days and statutory holidays to employees; and

(vi) other relevant ordinances which prohibit such crimes as assault, forcible taking or detention of persons with intent to sell him or her, child abduction, deception and blackmail, etc.

The most serious penalty for certain offences above is life imprisonment.

The Government established a high-level Steering Committee to Tackle TIP and to Enhance Protection of Foreign Domestic Helpers in Hong Kong (Steering Committee), chaired by the Chief Secretary for Administration, in March 2018 to tackle TIP and enhance protection of foreign domestic helpers (FDHs) working in Hong Kong through a multi-pronged approach. The Steering Committee has endorsed a comprehensive "Action Plan to Tackle TIP and to Enhance Protection of FDHs in Hong Kong" (Action Plan), which outlines a package of multi-faceted measures that are comprehensive, strategic and targeted, and which cover victim identification, protection and support, investigation, enforcement, prosecution and prevention as well as partnership with different stakeholders.

In addition to the ongoing measures, the Action Plan will include several major new initiatives, including appointing dedicated teams or

officers in the relevant law enforcement agencies, such as Hong Kong Police Force, ImmD and the Hong Kong Customs and Excise Department, to handle cases relating to TIP and exploitation of FDHs. The Steering Committee will monitor the full implementation of the Action Plan and ensure the provision of adequate resources to the relevant bureaux and departments for the effective implementation of the Action Plan.

When implementing the Action Plan, the Government will work closely with the civil society, other sectors of the community and other governments; run targeted awareness campaigns via a wide range of suitable channels, including websites, social media, posters, leaflets, etc. to raise public awareness of TIP and exploitation of FDHs, and to promote available victim protection services. The Government will also review the implementation of the Action Plan from time to time and identify further initiatives as and when necessary.

HAD to open temporary night heat shelters

The Home Affairs Department will open 15 temporary night heat shelters tonight (May 23) for people in need of the service.

The shelters will be open from 10.30pm until 8am tomorrow.

For further information, please call the department's enquiry hotline before midnight on 2835 1473.

The 15 temporary night heat shelters are located at:

Hong Kong Districts:

Central and Western –
Sai Ying Pun Community Complex Community Hall
3/F, Sai Ying Pun Community Complex,
2 High Street, Sai Ying Pun

Eastern/Wan Chai –
Causeway Bay Community Centre
7 Fook Yum Road, Causeway Bay

Kowloon Districts:

Kowloon City –

Hung Hom Community Hall
1/F, Kowloon City Government Offices,
42 Bailey Street, Hung Hom

Kwun Tong –
Lam Tin (West) Estate Community Centre
71 Kai Tin Road, Lam Tin

Sham Shui Po –
Shek Kip Mei Community Hall
G/F, Block 42, Shek Kip Mei Estate, Sham Shui Po

Wong Tai Sin –
Tsz Wan Shan (South) Estate Community Centre
45 Wan Wah Street, Tsz Wan Shan

Yau Tsim Mong –
Henry G Leong Yaumatei Community Centre
60 Public Square Street, Yau Ma Tei

New Territories Districts:

Kwai Tsing –
Kwai Shing Community Hall
Podium, Block 6, Kwai Shing West Estate, Kwai Chung

North –
Cheung Wah Community Hall
Cheung Wah Estate, Fanling

Sha Tin –
Lung Hang Estate Community Centre
Lung Hang Estate, Sha Tin

Tai Po –
Tai Po Community Centre
2 Heung Sze Wui Street, Tai Po

Tsuen Wan –
Lei Muk Shue Community Hall
G/F, Hong Shue House, Lei Muk Shue Estate, Tsuen Wan

Tuen Mun –
Butterfly Bay Community Centre
Butterfly Estate (near Tip Sum House), Tuen Mun

Yuen Long –
Long Ping Community Hall
Long Ping Estate, Yuen Long

Second low-floor wheelchair accessible public light bus to commence service next Monday (with photo)

The Transport Department (TD) today (May 23) announced that the second low-floor wheelchair accessible Public Light Bus (PLB) will be put into service from next Monday (May 28) on New Territories green minibus (GMB) route No. 808 (Kam Ying Court – Prince of Wales Hospital) for an on-the-spot trial operation.

A spokesman for the TD said, "Further to the Government's commencement of the low-floor wheelchair accessible PLB trial scheme on Hong Kong Island GMB route No. 54M (Kennedy Town Station – Queen Mary Hospital), we are glad that the second wheelchair accessible PLB will be put into service next week. This can further facilitate wheelchair users to use PLB services."

The second low-floor PLB has space for one wheelchair. It will operate from 8.30am to 8.05pm from Monday to Friday (except public holidays). There will be no services on Saturdays, Sundays and public holidays. The operator will display the detailed service timetable at the stops of the GMB route.

As with the arrangements for the first low-floor PLB, the operator will provide a telephone reservation service for wheelchair users. Passengers may call the operator hotline (9163 8589) to reserve the wheelchair space up to 14 days in advance and at least one working day before taking the service. Wheelchair passengers with a reservation may use the service with one accompanying person, and have to state their request when making the reservation.

The spokesman added, "Since the telephone reservation service will enable wheelchair passengers using the low-floor PLB, we encourage wheelchair passengers to make use of the reservation service as far as possible."

The trial scheme will be extended to another hospital route travelling via St Teresa's Hospital in Kowloon later this year. The TD will continue to closely monitor the operation of the low-floor PLBs. The TD plans to review the operational effectiveness of the trial scheme by end-2018 and will discuss with the trade on further promoting low-floor PLBs if the trial scheme proves them to be feasible and desirable.



LCQ15: Measures to boost supply of industrial lands

Following is a question by the Hon Jimmy Ng and a written reply by the Acting Secretary for Development, Mr Liu Chun-san, in the Legislative Council today (May 23):

Question:

According to the findings of a consultancy study entitled Review of Land Requirement for Grade A Offices, Business and Industrial Uses, commissioned by the Planning Department, there will be shortfalls of respectively 8.9, 53.6 and 17.4 hectares in lands for Central Business District (CBD) Grade A Offices, Industries and Special Industries uses in the long term (up to 2041), among which the shortfall in lands for industrial uses being the most acute. However, there will be surpluses of respectively 10.5 and 32.3 hectares of lands for non-CBD Grade A office and general business uses over the same period. Regarding measures to boost the supply of industrial lands, will the Government inform this Council:

(1) given that some industrial buildings have been converted into or redeveloped one by one for non-industrial uses in recent years, whether the authorities have other supply of new industrial lands apart from the new sources of supply from Hung Shui Kiu New Development Area, Yuen Long South and Stonecutters Island, and have planned for more industrial areas to increase the supply of industrial lands, so as to tie in with the re-industrialisation policy actively promoted by the Government in recent years; if so, of the details, including (i) the geographical distribution of such industrial lands, (ii) the relevant work schedules, and (iii) the total area of industrial lands expected to be provided; if not, the reasons for that;

(2) whether the authorities will consider converting the lands for non-CBD

Grade A office and general business uses, which will be in surplus, into lands for CBD Grade A Offices, Industrial and Special Industrial uses; if so, of the details; if not, the reasons for that;

(3) given that in view of the increase in labour costs on the Mainland, the continued appreciation of Renminbi against Hong Kong dollars, and the Hong Kong Government's determination to vigorously promote innovation and technology in recent years, quite a number of Hong Kong manufacturers who have set up factories on the Mainland intend to relocate their high value-added manufacturing processes back to Hong Kong, whether the authorities will review and revise the definition of "industrial use", so as to increase the supply of industrial lands; if so, of the details, and whether they will plan afresh the industrial lands in the territory in accordance with the new definition of industrial use, so as to encourage manufacturers to return to Hong Kong and promote the development of Hong Kong industries; and

(4) as I have learnt that although owners of private lots may apply to the Lands Department for lease modification or short term waiver in order to change the uses of the lots concerned to uses not permitted under the leases, the time taken for the vetting and approval of such applications is quite long and several government departments are involved, whether the authorities will consider setting up a dedicated inter-departmental taskforce to handle such applications, so as to enhance the efficiency of the vetting and approval process; if so, of the details; if not, the reasons for that?

Reply:

President,

To facilitate the update of the territorial development strategy for Hong Kong under the "Hong Kong 2030+: Towards A Planning Vision and Strategy Transcending 2030", the Planning Department completed a consultancy study titled "Review of Land Requirement for Grade A Offices, Business and Industrial Uses" in 2017. The review covered a broad land supply and demand forecast of five market-driven economic uses (i.e. Central Business District (CBD) Grade A Office, Non-CBD Grade A Office, General Business, Industry and Special Industry) and anticipated that there would be shortfalls in the land for CBD Grade A Office, Industry and Special Industry uses in the short, medium and long term.

The aforesaid broad land supply and demand forecast only reflected the known situation at the time when the estimation was made. Given that land use planning is an on-going process, and that the changing Hong Kong's domestic economy and external economic environment will affect the demand for each type of economic land, the Government will assess timely the latest land requirement for different uses and facilities (including industrial use) and appropriate conceptual spatial planning strategies. This will help meet the projected demand and provide space for the sustainable development of Hong Kong's diversified economy.

I respond to the different parts of the question as follows:

(1) To sustain Hong Kong's competitiveness and seize new development opportunities, the Government will continue to put up industrial sites for sale in order to increase the supply. In the years 2016-17 and 2017-18, we sold three industrial sites (two in Kwai Chung and one in Tsuen Wan) providing a total gross floor area (GFA) of about 70 700 square metres. Early this month, we sold a logistics site in Tuen Mun, which provides a GFA of about 79 000 sq m. The Government will put up an industrial site in Fanling for sale in the first quarter of 2018-19 to provide a GFA of about 18 300 sq m. The Government will continue to earmark industrial land in existing and proposed development projects.

Besides, according to the Innovation and Technology Bureau (ITB), the Government's policy objective of "re-industrialisation" is to develop high-end and less land-intensive manufacturing based on new technologies and smart production, thereby seeking a new edge for our economy growth. To meet the "re-industrialisation" policy and innovation and technology (I&T) development, the Government has reserved land of suitable size for industrial estates and I&T-related development. These sites are zoned "Other Specified Uses" (OU) annotated "Industrial Estate", "Research and Development" and "Business and Technology" zones, etc. The Government will continue to review the demand for I&T land from time to time to meet the development of relevant industries.

(2) General Business uses are mainly located in existing industrial buildings/industrial-office (I-O) buildings, followed by Non-Grade A Office buildings. While industrial uses are allowed in industrial/I-O buildings in general, most of such existing industrial/I-O buildings will likely be put to General Business uses under the current market situation. Moreover, Non-CBD Grade A Office or Non-Grade A Office sites are mostly located outside industrial areas. As the internal design, layout and structure of these buildings and the ancillary facilities are mainly to support non-industrial uses including office, these sites are not suitable for conversion to an industrial use.

Owing to the unique locational and operational requirements (such as higher loading, higher ceiling, larger floor plate, more reliable power supply with back-up power and/or dust free environment, etc.), Special Industry uses (including modern logistics and data centres) are usually set up at purpose-built premises. Industrial buildings and I-O buildings currently with General Business uses are normally not suitable for conversion to a Special Industry use.

As regards the supply of Grade A Office, the floor space of CBD and Non-CBD Grade A Offices is to a certain extent interchangeable through market forces. The shortage of CBD Grade A Office will drive up the rent of the district, causing some users to move to Non-CBD Grade A Office for business. This market reaction will help alleviate the shortfall of CBD Grade A Office in the short and medium term.

(3) For the planning regime, the Town Planning Board (TPB) reviews and

revises the definition of land uses under statutory plans from time to time with reference to the prevailing social and economic needs. The current definition of "Industrial Use" on statutory plans is now extended to cover such uses as training, research, design and development, quality control and packaging related to industrial processes, as well as some emerging uses such as hydroponics, aquaculture, etc. Besides, uses that are always permitted under the "Industrial" zone have been widened to include "Office Related to Industrial Use", "Information Technology and Telecommunications Industries" and "Research, Design and Development Centre". Apart from updating and expanding the definition of "Industrial Use", TPB introduced the "OU" annotated "Business" (OU(B)) zone to provide greater flexibility for the uses of existing industrial land. For old industrial buildings within areas zoned "OU(B)" on statutory plans, redevelopment or wholesale conversion into commercial and non-polluting industrial uses (including offices, information technology, telecommunications and other creative industries) does not require application to TPB.

During the sale of new industrial sites, the Lands Department (LandsD) will determine the uses of the lot under the land lease with reference to those permitted under the relevant statutory plan. Taking the three aforementioned industrial sites sold in the past two years as examples, besides the industrial use, other uses such as office in direct support of an industrial operation, information technology and telecommunications industries, research, design and development centre, laboratory, inspection and testing centre, audio-visual recording studio, media design and media production, etc. are permitted under the lease conditions.

According to ITB, it is providing comprehensive support in respect of land, technical skills, funding and talent to encourage enterprises to relocate high value-added manufacturing processes back to Hong Kong, thereby promoting "re-industrialisation". This includes building an Advanced Manufacturing Centre and a Data Technology Hub in the Tseung Kwan O Industrial Estate; facilitating enterprises in moving towards high value-added production and gradually upgrading to Industry 4.0 through the Hong Kong Productivity Council; engaging in research and development (R&D) related to "re-industrialisation" through five R&D Centres, and financing enterprises to carry out R&D work through the Innovation and Technology Fund.

(4) Generally, private land owners may make waiver applications to LandsD for implementing uses not permitted under the land lease in their industrial buildings or lots, such as those uses having secured TPB's approval. In the past years, LandsD promulgated a number of streamlining measures to expedite the approval process including introduction of fees at standard rates for waiver applications in relation to information technology and telecommunications industries and industries generally permitted in an "Industrial" zone under statutory plans in 2001 and 2003 respectively. In promoting the policy for data centre development, the Government introduced a measure in 2012 to exempt the waiver fee for converting old industrial buildings into data centres and introduced another measure in 2016 to exempt the waiver fee for setting up testing and calibration laboratories in industrial buildings. In May 2016, LandsD introduced further streamlining

procedures to reduce the processing time of waiver applications for data centres such that valid applications may be approved within two weeks upon receipt. As LandsD is implementing the above measures to streamline approval processes, there is no plan to set up a dedicated task force to handle waiver applications.

Appeal for information on missing man in Wong Tai Sin (with photo)

Police today (May 23) appealed to the public for information on a man who went missing in Wong Tai Sin.

Yeung Kwong-yin, aged 60, went missing after he left a clinic on Hammer Hill Road on January 24 afternoon. His family made a report to Police on the next day (January 25).

He is about 1.73 metres tall, 63 kilograms in weight and of normal build. He has a square face with yellow complexion and short straight white hair. He was last seen wearing a green jacket with checkered pattern, grey pants, grey sports shoes and carrying a green waist bag.

Anyone who knows the whereabouts of the missing man or may have seen him is urged to contact the Regional Missing Person Unit of Kowloon East on 3661 0316 or 9886 0060 or email to rmpu-ke-2@police.gov.hk, or contact any police station.

