

# Illegal worker jailed

A Vietnamese illegal worker was jailed by Shatin Magistrates' Courts yesterday (April 25).

During operation "Twilight" on April 23, Immigration Department (ImmD) investigators raided a restaurant in Yuen Long. One female Vietnamese illegal worker, aged 48, was arrested. When intercepted she was working as a dish washing worker. One 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. She pleaded guilty to the charge and was sentenced to 15 months' imprisonment. Meanwhile, she was also charged with one count of using a forged Hong Kong identity card and one count of possessing a forged Hong Kong identity card. She was sentenced to 15 months and 12 months' imprisonment respectively. All sentences are to run concurrently, making a total of 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. Under the prevailing laws, 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 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.

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## Seventeen immigration offenders arrested

The Immigration Department (ImmD) mounted a territory-wide anti-illegal worker operation codenamed "Twilight" from April 23 to 25. A total of 12 illegal workers and five suspected employers were arrested.

During the operation, ImmD Task Force officers raided 33 target locations including a bar, a car park, factories, restaurants, shopping malls and a shop. Twelve illegal workers and five employers were arrested. The illegal workers comprised five men and seven women, aged 20 to 54. Among them, a man and four women were holders of recognisance forms, which prohibit them from taking any employment. Furthermore, two of the men and five of the women were suspected of using and being in possession of forged Hong Kong identity cards. Meanwhile, four men and a woman, aged 38 to 50, were suspected of employing the illegal workers.

"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.

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## **Lifesaving services suspended at Lo So Shing Beach**

Attention TV/radio announcers:

Please broadcast the following as soon as possible and repeat it at regular intervals:

The Leisure and Cultural Services Department announced today (April 26) that due to an insufficient number of lifeguards on duty, the lifesaving services at Lo So Shing Beach in Islands District is suspended until further notice.

First aid service will be maintained at the beach.

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## **Oil spill sighted at Silver Mine Bay Beach**

Attention TV/radio announcers:

Please broadcast the following as soon as possible:

Here is an item of interest to swimmers.

The Leisure and Cultural Services Department said today (April 26) that because of an oil spill, the red flag has been hoisted at Silver Mine Bay Beach in Islands District. The beach has been closed until further notice. Beach-goers are advised not to swim at the beach.

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## **Tenders invited for government property tenancy**

The Government Property Agency is inviting tenders for a one-year tenancy of Shop No. 17 on Podium Level 2 of Shun Lee Disciplined Services Quarters, 32 Lee On Road, Kwun Tong, Kowloon.

The premises should only be used for (i) retail or provision of services (excluding TV or Internet game centre, off-course betting centre and mahjong school); or (ii) eating outlet; or (iii) the combination of both (i) and (ii).

The tender notice was uploaded today (April 26) to the Agency's website: [www.gpa.gov.hk](http://www.gpa.gov.hk). Tender documents are available for collection at the Government Property Agency, 31/F, Revenue Tower, 5 Gloucester Road, Wan Chai, during office hours (8.30am to 5.45pm from Mondays to Fridays). The documents can also be downloaded from the Agency's website.

Interested tenderers who wish to inspect the site should make prior

appointment with the Government Property Agency by calling 2594 7654 on or before May 9 this year.

Tenderers must submit their tenders by placing them in the Government Logistics Department Tender Box situated on the ground floor, North Point Government Offices, 333 Java Road, North Point, before noon on May 21 this year. Late tenders will not be accepted.