

LegCo continues to deal with the Employment (Amendment) Bill 2019

The following is issued on behalf of the Legislative Council Secretariat:

The Legislative Council (LegCo) will hold a meeting tomorrow (January 15) at 11am in the Chamber of the LegCo Complex. During the meeting, Members will continue to deal with the Employment (Amendment) Bill 2019. The Statute Law (Miscellaneous Provisions) Bill 2019 will be introduced into the Council for the First Reading and the Second Reading. The Second Reading debate on the Bill will be adjourned.

On Members' motions, Mr Lam Cheuk-ting and Ms Claudia Mo will move two separate motions under the Legislative Council (Powers and Privileges) Ordinance, in relation to the incident of assaults occurred in Yuen Long Station of West Rail Line of the MTR Corporation Limited on July 21, 2019. The motions are set out in Appendices 1 and 2 respectively.

Mr Alvin Yeung, Dr Kwok Ka-ki and Mr Kwong Chun-yu will move three separate motions under Article 73(5) and (10) of the Basic Law and the Legislative Council (Powers and Privileges) Ordinance, in relation to the incident of assaults occurred in Prince Edward Station of the MTR Corporation Limited on August 31, 2019. The motions are set out in Appendices 3-5 respectively.

Ms Tanya Chan, Dr Kwok Ka-ki, Dr Fernando Cheung and Mr Kenneth Leung will move seven separate motions under Article 73(5) and (10) of the Basic Law and the Legislative Council (Powers and Privileges) Ordinance, in relation to the Police's handling of protesters and persons performing duties in the protests during the "anti-extradition to China" movement. The motions are set out in Appendices 6-12 respectively.

Mr Chung Kwok-pan and Dr Priscilla Leung will move two separate motions under the Legislative Council (Powers and Privileges) Ordinance, in relation to the causes and consequences of the social conflicts or disturbances arising from the amendments to the Fugitive Offenders Ordinance and related matters. The motions are set out in Appendices 13 and 14 respectively. Mr James To will move an amendment to Dr Priscilla Leung's motion.

Mr Charles Peter Mok and Mr Jeremy Tam will also move two separate motions under Article 73(5) and (10) of the Basic Law to summon persons concerned to produce papers and testify. The motions are set out in Appendices 15 and 16 respectively.

Meanwhile, Mr Dennis Kwok will move a motion on no confidence in the Fifth Term Government of the Hong Kong Special Administrative Region as set out in Appendix 17. Ms Claudia Mo will move an amendment to Mr Dennis Kwok's motion.

Mr Ho Kai-ming will move a motion on ensuring children's right to play for them to grow up happily. The motion is set out in Appendix 18. Mr Ip Kin-yuen, Dr Kwok Ka-ki, Dr Fernando Cheung, Dr Chiang Lai-wan and Mr Hui Chi-fung will move separate amendments to Mr Ho Kai-ming's motion.

During the meeting, Members will also ask the Government 22 questions on various policy areas, six of which require oral replies.

The agenda of the above meeting can be obtained via the LegCo Website (www.legco.gov.hk). Please note that the agenda is subject to change, and the latest information about the agenda could be found on the LegCo Website.

Members of the public are welcome to observe the proceedings of the meeting from the public galleries of the Chamber of the LegCo Complex. They may reserve seats by calling 3919 3399 during office hours. Members of the public can also watch or listen to the meeting via the Webcast system on the LegCo Website.

Illegal worker jailed

A Bangladeshi illegal worker holding a recognisance form was jailed by Shatin Magistrates' Courts yesterday (January 13).

During operation "Twilight" conducted on January 9, Immigration Department (ImmD) investigators raided a restaurant in Yuen Long. A male Bangladeshi, aged 31, was arrested while working as a dish-washing worker. 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 also 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 15 months' imprisonment. Meanwhile, he was also charged with one count of using a forged Hong Kong identity card and was sentenced to 15 months' imprisonment. 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 an 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 intervention, medical services, counselling, shelter, temporary accommodation and other supporting services. The ImmD calls on TIP victims to report crimes to the relevant departments.

Red flags hoisted at Silverstrand Beach and Clear Water Bay Second 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 announced today (January 14) that due to big waves, red flags have been hoisted at Silverstrand Beach and Clear Water Bay Second Beach in Sai Kung District. Beach-goers are advised not to swim at these beaches.

Key statistics on service demand of A&E Departments and occupancy rates in public hospitals

The following is issued on behalf of the Hospital Authority:

During the winter surge, the Hospital Authority is closely monitoring the service demand of Accident and Emergency Departments and the occupancy rates in public hospitals. Key service statistics are being issued daily for public information. Details are in the appended table.

Fatal traffic accident in Central

Police are investigating a fatal traffic accident in Central last night (January 13) in which a 45-year-old man died.

At about 11.35pm yesterday, a taxi driven by a 60-year-old man was travelling along Connaught Road Central towards Western district. When reaching the junction of Connaught Road Central and Jackson Road, it reportedly knocked down the 45-year-old man who was crossing the road.

Sustaining serious head injury, the 45-year-old man was rushed to Ruttonjee Hospital in unconscious state and was certified dead at 0.30am today (January 14).

Investigation by the Special Investigation Team of Traffic, Hong Kong Island is underway.

Anyone who witnessed the accident or has any information to offer is urged to contact the investigating officers on 3660 6814 or 3660 6848.