

# Judicial appointments

The following is issued on behalf of the Judiciary:

The Judiciary today (January 3) announced six judicial appointments covering the District Court and Magistrates' Courts.

The appointments include the Chief District Judge, the Chief Magistrate and four Permanent Magistrates. All appointments are made by the Chief Executive on the recommendation of the Judicial Officers Recommendation Commission. They will take effect from January 6, 2020.

## Chief District Judge

His Honour Judge Justin Ko King-sau is appointed as the Chief District Judge.

## Chief Magistrate

Mr Victor So Wai-tak is appointed as the Chief Magistrate.

## Permanent Magistrates

Ms Lau Suk-han, Mr Andrew Mok Tze-chung, Miss Frances Leung Nga-yan and Mr Arthur Lam Hei-wei are appointed as Permanent Magistrates.

Further judicial appointments will be announced in due course.

The biographical notes of the appointees are as follows:

### His Honour Judge Justin Ko King-sau

His Honour Judge Ko was born in Hong Kong in 1967. He read law at the University of Birmingham in the United Kingdom and graduated with an LL.B. in 1992. After completing the Bar Finals Examination in the United Kingdom, he was called to the Bar in England and Wales (Lincoln's Inn) and in Hong Kong in 1993. He was in private practice until he joined the Judiciary as Permanent Magistrate in 2002. He was appointed as District Judge in 2009.

### Mr Victor So Wai-tak

Mr So was born in Hong Kong in 1972. He obtained an LL.B. and a P.C.LL. from the University of Hong Kong in 1996 and 1997 respectively. He was called to the Bar in Hong Kong in 1997. He was in private practice from 1998 until he joined the Judiciary as Permanent Magistrate in 2009. He was appointed as Principal Magistrate in 2017.

### Ms Lau Suk-han

Ms Lau was born in Hong Kong. She obtained a Bachelor of Arts Degree in Philosophy from the Chinese University of Hong Kong in 1995, an LL.B. from

the University of London (External) in 2003 and a P.C.LL. from the University of Hong Kong in 2004. She was called to the Bar in Hong Kong in 2005 and was admitted as a solicitor in Hong Kong in 2010. She joined the Department of Justice as Court Prosecutor from 1997 to 2008. She has been in private practice from 2010 until she joined the Judiciary as Special Magistrate in 2012.

Mr Andrew Mok Tze-chung

Mr Mok was born in Hong Kong in 1975. He obtained a Bachelor of Science Degree from Queen's University in Canada in 1997. He obtained an LL.B. from the University of London (External) in 2005 and a P.C.LL. from the University of Hong Kong in 2007. He was called to the Bar in Hong Kong in 2008. He has been in private practice from 2008 until he joined the Judiciary as Special Magistrate in 2014.

Miss Frances Leung Nga-yan

Miss Leung was born in Hong Kong in 1976. She obtained a Bachelor of Arts Degree from Queen's University in Canada in 2000. She obtained an LL.B. and a P.C.LL. from the City University of Hong Kong in 2003 and 2004 respectively. She was called to the Bar in Hong Kong in 2005. She has been in private practice from 2005 until she joined the Judiciary as Special Magistrate in 2014.

Mr Arthur Lam Hei-wei

Mr Lam was born in Hong Kong in 1981. He obtained a Bachelor of Arts Degree from the University of Waterloo in Canada in 2003. He obtained a Juris Doctor Degree and a P.C.LL. from the City University of Hong Kong in 2006 and 2007 respectively. He was called to the Bar in Hong Kong in 2008. He has been in private practice from 2008 until he joined the Judiciary as Special Magistrate in 2014.

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## **Auctions of traditional vehicle registration marks to be held on January 18 and 19**

The Transport Department today (January 3) announced that two auctions of traditional vehicle registration marks will be held on January 18 (Saturday) and 19 (Sunday) in Meeting Rooms N201 and S221, L2, Hong Kong Convention and Exhibition Centre, Wan Chai, respectively.

"A total of 340 vehicle registration marks will be put up for public sale at each auction. The lists of marks have been uploaded to the

department's website, [www.td.gov.hk](http://www.td.gov.hk)," a department spokesman said.

Applicants who have paid a deposit of \$1,000 to reserve a mark for auction should also participate in the bidding (including the first bid at the reserve price of \$1,000). Otherwise, the mark may be sold to another bidder at the reserve price.

People who wish to participate in the bidding at the auction should take note of the following important points:

(a) Successful bidders are required to produce the following documents for completion of registration and payment procedures immediately after the successful bidding:

(i) the identity document of the successful bidder;  
(ii) the identity document of the purchaser if it is different from the successful bidder;  
(iii) a copy of the Certificate of Incorporation if the purchaser is a body corporate; and  
(iv) a crossed cheque made payable to "The Government of the Hong Kong Special Administrative Region" or "The Government of the HKSAR". (For an auctioned mark paid for by cheque, the first three working days after the date of auction will be required for cheque clearance confirmation before processing of the application for mark assignment can be completed.) Successful bidders can also pay through the Easy Pay System (EPS). Payment by post-dated cheques, cash or other methods will not be accepted.

(b) Purchasers must make payment of the purchase price through EPS or by crossed cheque and complete the Memorandum of Sale of Registration Mark immediately after the bidding. Subsequent alteration of the particulars in the memorandum will not be permitted.

(c) A vehicle registration mark can only be assigned to a motor vehicle which is registered in the name of the purchaser. The Certificate of Incorporation must be produced immediately by the purchaser if a vehicle registration mark purchased is to be registered under the name of a body corporate.

(d) Special registration marks are non-transferable. Where the ownership of a motor vehicle with a special registration mark is transferred, the allocation of the special registration mark shall be cancelled.

(e) The purchaser shall, within 12 months after the date of auction, apply to the Commissioner for Transport for the registration mark to be assigned to a motor vehicle registered in the name of the purchaser. If the purchaser fails to assign the registration mark within 12 months, allocation of the mark will be cancelled and arranged for re-allocation in accordance with the statutory provision without prior notice to the purchaser.

For other auction details, please refer to the Guidance Notes – Auction of Vehicle Registration Marks, which can be downloaded from the department's website, [www.td.gov.hk](http://www.td.gov.hk).

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## Illegal worker jailed

A Vietnamese illegal worker holding a recognisance form was jailed by Shatin Magistrates' Courts yesterday (January 2).

During an anti-illegal worker operation conducted on December 30, 2019, Immigration Department (ImmD) investigators raided a restaurant in Tin Shui Wai. A female Vietnamese, aged 54, was arrested while working as a dish-washing worker. Upon identity checking, she produced for inspection a recognisance form issued by the ImmD, which prohibits her from taking employment. Further investigation revealed that she 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. She pleaded guilty to the charge and was 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 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.

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## Twenty-eight persons arrested during anti-illegal worker operations

The Immigration Department (ImmD) mounted territory-wide anti-illegal worker operations codenamed "Twilight" on December 30, 2019, and January 2, 2020. A total of 20 suspected illegal workers and eight suspected employers were arrested.

During the operations, ImmD Task Force officers raided 30 target locations including construction sites, a hostel, an industrial building, a massage parlour, premises under renovation, restaurants, a shop and a warehouse. The suspected illegal workers comprised eight men and 12 women, aged 30 to 65. Among them, two women were holders of recognisance forms, which prohibit them from taking any employment. In addition, two men and three women were suspected of using and being in possession of forged Hong Kong identity cards. Meanwhile, five men and three women, aged 44 to 73, were suspected of employing the suspected 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.

The 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. 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 screenings 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 threats 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.

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## [SED on principals' handling of complaints against teachers' misconduct](#)

Following is the transcript of remarks by the Secretary for Education, Mr Kevin Yeung, at a media session after attending a meeting of the Legislative Council Panel on Education today (January 3):

Reporter: Secretary, under what circumstances would these school principals ...

under sanction and is it really fair to them when they just helped their employees in a way? Second question, yesterday the Education Bureau had accused the largest teachers' union in Hong Kong of creating white terror. Is that really a fair remark and a fair criticism to them for just expressing some real concerns to their constituency or the people they are representing and they are just voicing out from teachers in general? Thank you.

Secretary for Education: According to the Education Ordinance, the Permanent Secretary for Education has the power to withdraw her approval for the appointment of principals. One of the considerations is whether the principal has satisfactorily carried out his or her duties. So, in principle, according to the law, the Government of course has that power. But, as I said, in the course, for example, of investigating some of the complaints concerning teachers, what we are asking is asking the principals who is the head of the school to carry out a thorough investigation on the complaint and let us have the report. This is of course one of the duties of the principal is to manage his or her team and that included ensuring that his or her team is professionally competent. So I think, that is one of the duties that he or she has to fulfil. And we will of course, when we consider whether a principal is fulfilling his or her duties satisfactorily, we need to consider the whole scenario, not just one particular case. As I replied to another reporter, at present, so far we found the response from the principals are very positive in terms of fulfilling their duties to do the investigations and at present we have not been carrying out any investigations against principals on this particular matter.

On the other issue that you raised about the PTU (Hong Kong Professional Teachers' Union), I think the point that we have to make is in their statements or their sayings, some of them are not factually correct especially concerning what we have been talking in the past few days which I think actually what they say is causing disturbance to the teaching profession. That's why we made a strong statement last night against what they have said. What we have been doing, I think, is to protect the professionalism of teachers. Most of our teachers and principals are professional teachers. They are doing their parts diligently to help our students to understand and to learn. We appreciate what most of our teachers and principals have done over the past few months. They have spent great efforts in helping students. But at the same time, factually there are some complaints against teachers. After investigations, we did find some teachers are not performing what they should be doing. So we made the cases known to the public because I think it's also the public's concerns, also your concerns about what's happening in the education sector. But interpreting things that as a white terror, I think, definitely it is not the fact. So that's why we have to state that clear.

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