

Manager of unlicensed guesthouse fined

A man was fined \$5,000 at the Eastern Magistrates' Courts today (December 10) for contravening the Hotel and Guesthouse Accommodation Ordinance.

The courts heard that in June this year, officers of the Office of the Licensing Authority (OLA), the Home Affairs Department, inspected a suspected unlicensed guesthouse on King's Road in North Point. During the inspection, the OLA officers posed as lodgers and successfully rented a capsule-like accommodation in the guesthouse on a daily basis.

According to the OLA's record, the guesthouse did not possess a licence under the Ordinance on the day of inspection. The man responsible for managing the premises was charged with contravening section 5(1) of the Ordinance.

A department spokesman stressed that operating or managing an unlicensed guesthouse is a criminal offence and can lead to a criminal record. Upon conviction, the offender is liable to a maximum fine of \$200,000 and two years' imprisonment.

The spokesman appealed to anyone with information about suspected unlicensed guesthouses to report it to the OLA through the hotline (tel: 2881 7498), by email (hadlaenq@had.gov.hk), by fax (2504 5805) using the report form downloaded from the OLA website (www.hadla.gov.hk), or through the mobile application "Hong Kong Licensed Hotels and Guesthouses".

Vegetable chain stall in Yau Ma Tei convicted of causing noise nuisance when playing promotional recordings

A vegetable chain stall in Yau Ma Tei operated by Farmer House Food Company Limited was convicted and fined \$5,400 at Kwun Tong Magistrates' Courts today (December 10) for contravening the Noise Control Ordinance (NCO) by causing noise nuisance to nearby residents with loudspeakers constantly playing promotional recordings.

A spokesman for the Environmental Protection Department (EPD) said that the department received complaints from members of the public and a District Council member in June and July respectively about a vegetable chain stall on Reclamation Street in Yau Ma Tei persistently playing loud promotional

recordings with loudspeakers, causing nuisance to nearby residents. Staff of the EPD confirmed that the noise from the aforementioned vegetable chain stall was causing nuisance after conducting investigation and on-site assessment. The department subsequently prosecuted the stall under the NCO.

Since January 2018, the EPD has stepped up combating noise nuisance caused by stalls playing promotional recordings and there have been a total of 56 convictions with fines of \$297,200 in total. In addition to prosecuting non-compliant companies, the EPD will also prosecute their directors in accordance with the law with a view to stiffening penalties and strengthening the deterrent effect.

The spokesman reminded persons responsible for retail stores and market stalls that when they play promotional recordings to attract customers, they must contain the volume within their store area as far as possible and should not cause noise nuisance to people outside their stores or nearby residents. Otherwise, it constitutes an offence. Offenders are liable to a maximum fine of \$10,000. As for operators or directors of stores with repeated contraventions, they will also be criminally liable for the offence once convicted.

[CE to go on duty visit to Beijing](#)

The Chief Executive, Mrs Carrie Lam, will pay a duty visit to Beijing from December 14 to 17 to brief state leaders on the latest economic, social and political situation in Hong Kong. The Director of the Chief Executive's Office, Mr Chan Kwok-ki, will join the visit.

During Mrs Lam's absence, the Chief Secretary for Administration, Mr Matthew Cheung Kin-chung, will be the Acting Chief Executive.

[Illegal worker jailed](#)

A Filipino illegal worker holding a recognisance form was jailed by Shatin Magistrates' Courts today (December 10).

During an anti-illegal worker operation mounted on October 14, Immigration Department (ImmD) investigators raided a restaurant in Lai Chi Kok. A female Filipino, aged 28, was arrested. 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 today due to taking up employment in Hong Kong without the authority of the Director of Immigration while being a person in respect of whom a removal 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 on 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.

Yuen Long chicken farms convicted of illegal livestock waste discharge

The person-in-charge of a chicken farm in Ha Che Tsuen in Pat Heung, Yuen Long, was convicted of violating the Waste Disposal (Livestock Waste) Regulations by discharging untreated livestock waste into nearby watercourses and was fined \$10,000 by the Fanling Magistrates' Courts today (December 10).

Another chicken farm in Ha Che Tsuen in Pat Heung, Yuen Long, was convicted of the same offence and fined \$20,000 by the court last month.

A spokesman for the Environmental Protection Department (EPD) said that the department is very concerned about illegal sewage discharge from livestock farms along the Kam Tin River, which has seriously polluted the watercourse there. Besides strengthening daily inspections, a series of night ambush operations were arranged after examining public complaints and intelligence in April and June this year.

During the period, EPD officers successfully intercepted livestock waste being discharged from the drainage outlets of the two chicken farms into the river. Test results of the sewage samples confirmed that their five-day biochemical oxygen demand had respectively exceeded the legal discharge standards by 183 and 214 times, and suspended solid concentration by 113 and 152 times.

The EPD subsequently prosecuted the person-in-charge of the livestock farms in accordance with the Waste Disposal (Livestock Waste) Regulations and reported the cases to the Agriculture, Fisheries and Conservation Department accordingly for follow-up actions.

The spokesman reminded owners and staff members of livestock farms in the New Territories that discharging untreated livestock waste into nearby watercourses will lead to serious water pollution and odour nuisance. They should properly operate treatment facilities for wastewater generated from livestock waste and should not discharge untreated livestock waste into nearby watercourses. Offenders are liable to a maximum fine of \$50,000 and a daily fine of \$5,000 for a continuing offence. The department will continue to conduct surprise inspections at illegal discharge black spots to combat irregularities of livestock farms in various districts.

More information about the livestock waste control scheme is available on the EPD's website:

www.epd.gov.hk/epd/english/laws_regulations/enforcement/lwis.html.