

# Illegal worker jailed

A Vietnamese illegal worker was jailed by Shatin Magistrates' Courts yesterday (August 28).

During operation "Twilight" conducted on August 6, Immigration Department (ImmD) investigators raided a restaurant in Prince Edward. A female Vietnamese, aged 33, was arrested while working as a dish washing worker. An employer suspected of employing the illegal worker was also arrested and an 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 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 the 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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## **Cancellation of programme: “Awakening Lion” by Guangzhou Song and Dance Troupe**

The Leisure and Cultural Services Department has announced that the Beyond Multi-arts Series performance of "Awakening Lion" by the Guangzhou Song and Dance Troupe originally scheduled for September 27 to 29 (Friday to Sunday) at the Auditorium of Sha Tin Town Hall has been cancelled.

Ticket holders are advised to take their original intact tickets (with stubs) for cash refunds at the following locations from 10am to 9.30pm daily during the period specified below:

September 20 to October 11

URBTIX box office of the Hong Kong Cultural Centre

URBTIX box office of Hong Kong City Hall

URBTIX box office of Sha Tin Town Hall

The deadline for refunds is October 11 (Friday). Late applications will not be accepted. For enquiries, please call 2268 7323.

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## **Applications invited for second batch of regular quota of cross-boundary coach services using Heung Yuen Wai Control Point**

The Transport Department (TD) today (August 29) announced that eligible operators are invited to apply for the second batch of the regular quota for Guangdong/Hong Kong cross-boundary coach services using the Heung Yuen Wai

Control Point (100 in total). The deadline for application is 5pm on September 19 (Thursday).

A new quota of 85 for Guangdong/Hong Kong cross-boundary coach services will be jointly issued by the governments of Guangdong and Hong Kong. Moreover, the two governments are also accepting applications from eligible operators under the existing cross-boundary coach regular quota using the Man Kam To Control Point or the Sha Tau Kok Control Point to switch and use the Heung Yuen Wai Control Point. The cross-boundary coach quota for switching is 15. The first batch under the regular quota (100 quotas in total, including 77 new quotas and 23 for switching) were issued in June this year.

Applicants shall be in the name of a Guangdong/Hong Kong joint venture and submit their application forms respectively to the TD and the Land and Air Ports Administration Division of the Department of Commerce of Guangdong Province before the deadline. If an applicant fails to submit the application form with identical content to the two governments concurrently, the application may not be considered.

The application form can be downloaded from the TD's website ([www.td.gov.hk](http://www.td.gov.hk)).

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## **Red flag hoisted at Trio 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 (August 29) that due to big waves, the red flag has been hoisted at Trio Beach in Sai Kung District. Beach-goers are advised not to swim at the beach.

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## **Red flags hoisted at several beaches**

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 (August 29) that due to big waves, red flags have been hoisted at Stanley Main Beach, Turtle Cove Beach, Shek O Beach and Big Wave Bay Beach in Southern District, Hong Kong Island; Cheung Chau Tung Wan Beach, Upper Cheung Sha Beach, Lower Cheung Sha Beach and Tong Fuk Beach in Islands District; and Hap Mun Bay Beach, Silverstrand Beach, Clear Water Bay First Beach and Clear Water Bay Second Beach in Sai Kung District. Beach-goers are advised not to swim at these beaches.