

Five illegal workers jailed

Five illegal workers comprising three Vietnamese, a Gambian and a Bangladeshi were jailed by Shatin Magistrates' Courts on September 7.

During joint operations conducted by the Immigration Department (ImmD) and the Hong Kong Police Force codenamed "Champion" on June 20 and July 16, enforcement officers raided a Mong Kok stall and the airport cargo terminal. A male Gambian illegal worker, aged 31, and a male Bangladeshi illegal worker, aged 41, were arrested. When intercepted, they were both conveying goods. Upon identity checking, they produced for inspection a recognisance forms issued by the ImmD, which prohibit them from taking employment. Further investigation revealed that they were non-refoulement claimants. An employer suspected of employing the illegal worker was arrested and the investigation is ongoing.

In addition, during an anti-illegal worker operation mounted on September 5, ImmD investigators raided a restaurant in Yuen Long. Two male Vietnamese illegal workers and a female Vietnamese illegal worker, aged 28 to 38, were arrested. When intercepted, they were washing dishes. Upon identity checking, they were found to be illegal immigrants. An employer suspected of employing the illegal workers was arrested and the investigation is ongoing.

The five illegal workers were charged at Shatin Magistrates' Courts on September 7 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. After trial, they were sentenced to imprisonment ranging from 15 months to 22 months and 14 days. In addition, three of them were also charged with remaining in Hong Kong without the authority of the Director and were sentenced to 15 months' imprisonment. All sentences are to run concurrently.

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 also warned that it is an offence for any person to have landed in Hong Kong unlawfully, and to remain in Hong Kong without the authority of the Director. Offenders are liable upon conviction to a maximum fine of \$25,000 and up to three 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.

Home Ownership Scheme applicant convicted by court for false statement

"The Housing Department (HD) always spares no effort in combating false declarations made during applications for subsidised housing," an HD spokesman said today (September 10).

An applicant for the purchase of a flat under the Home Ownership Scheme (HOS) was sentenced to a community service order of 160 hours today for making statements to the Hong Kong Housing Authority (HA) on the application and declaration forms which she knew to be false or misleading as to a material particular by understating the net asset value of her deposits and assets to the HD.

In this case, the defendant, who applied for the purchase of a flat under the HOS by White Form in 2017, understated the net asset value of her deposits and assets on an application form and a declaration form

respectively. However, the HD found that she actually understated the net asset value of her deposits and assets by around \$0.7 million in each declaration period respectively.

The defendant was later prosecuted by the HD for making statements to the HA which she knew to be false or misleading as to a material particular, contrary to Section 26(2) of the Housing Ordinance. The defendant pleaded guilty at the Kowloon City Magistrates' Courts on August 27. The magistrate considered a fine as punishment would not reflect the gravity of the offence. He ordered the defendant to be detained until September 10 for sentencing and to obtain a Community Service Orders report. After making reference to the Community Service Orders report, the defendant was sentenced to a community service order of 160 hours today.

The spokesman reminded all subsidised sale flat applicants of the legislative requirements, whereby if they make statements to the HA which they know to be false or misleading as to a material particular, contrary to Section 26(2) of the Housing Ordinance, they shall be guilty of an offence and shall be liable on conviction to a fine of up to \$500,000 and imprisonment for one year.

If they have already purchased and completed the assignment of the subsidised sale flats, pursuant to Section 26B of the Housing Ordinance, the court may order the purchaser to forfeit to the HA a sum equivalent to the difference between the original purchase price of the flat and the market value at the date of the order. If the estate in which the subsidised sale flat is located is incomplete, the HA may rescind the agreement for sale and purchase previously signed with the purchaser and forfeit the deposit paid by them in accordance with the related clause therein.

Quarterly business receipts indices for service industries for second quarter of 2018

Business receipts in value terms of all major service industries showed increases of different magnitudes in the second quarter of 2018 when compared with the second quarter of 2017, according to the provisional figures of business receipts indices released today (September 10) by the Census and Statistics Department (C&SD).

Comparing the second quarter of 2018 with the second quarter of 2017, double-digit increases were recorded in business receipts of the accommodation services (+16.5%), retail (+12.4%), and warehousing and storage (+12.2%) industries.

Analysed by service domain, business receipts of the tourism, convention and exhibition services domain increased by 13.6% year-on-year during the same period, while those of the computer and information technology services domain also increased by 2.9% year-on-year.

On a seasonally adjusted quarter-to-quarter comparison, business receipts in value terms of a number of major service industries recorded increases of different magnitudes in the second quarter of 2018 when compared with the first quarter of 2018. In particular, business receipts of the accommodation services industry increased by 6.1% quarter-to-quarter. On the other hand, the financing (except banking) industry registered a decrease of 9.1% in business receipts during the same period.

Comparing the second quarter of 2018 with the first quarter of 2018 and on a seasonally adjusted basis, business receipts of the tourism, convention and exhibition services domain increased by 0.8%, while those of the computer and information technology services domain also increased by 1.1%.

Table 1 presents the business receipts indices and their corresponding year-on-year rates of change in respect of selected service industries and service domains for the recent five quarters, while Table 2 shows the corresponding quarter-to-quarter rates of change in the business receipts indices based on the seasonally adjusted series.

The revised figures of business receipts indices for the second quarter of 2018 will be released at the website of the C&SD (www.censtatd.gov.hk/hkstat/sub/sp70.jsp?subjectID=7&tableID=093&ID=0&productType=8) and relevant publications of the C&SD starting from October 19, 2018.

Data for compiling the business receipts indices are mainly based on the Quarterly Survey of Service Industries conducted by the C&SD, supplemented by relevant data provided by the Hong Kong Monetary Authority and the Hong Kong Tourism Board.

A service domain differs from a service industry in that it comprises those economic activities which straddle different industries but are somehow related to a common theme. It may include all activities carried out by all establishments in a service industry that is closely related to the domain. For a service industry that is less closely related, however, only a portion of the establishments in the industry or even only part of the economic activities of the establishments is related to the domain. Taking the tourism, convention and exhibition services domain as an example, it includes all services of hotels and travel agents, and some (those involving visitors as customers) but not all of the services of restaurants, retailers and transport operators.

The classification of service industries follows the Hong Kong Standard Industrial Classification Version 2.0, which is used in various economic surveys for classifying economic units into different industry classes.

More detailed statistics are given in the report "Quarterly Business Receipts Indices for Service Industries, Second Quarter 2018". Users can download this publication free of charge at the website of the C&SD (www.censtatd.gov.hk/hkstat/sub/sp70.jsp?productCode=B1080006).

Members of the public who have enquiries about the business receipts indices may contact the Business Services Statistics Section of the C&SD (Tel: 3903 7267 or email : business-receipts@censtatd.gov.hk).

Application for list of establishments from Central Register of Establishments

The Census and Statistics Department maintains a computerised Central Register of Establishments which contains information relating to some 410 000 active establishments in Hong Kong. Information kept in the Register is updated on a quarterly basis through feedback from various surveys of the department and administrative returns from relevant government departments. Information in respect of the second quarter of 2018 is now updated in the Register.

The Register serves mainly as the sampling frame for various economic surveys conducted by the department. In addition, many other government departments and private organisations also make use of the disclosable particulars kept in the Register for their surveys, publicity, business promotion, customer classification and research work. These disclosable particulars cover the name, address, type of business and employment size class of the establishments. They are available to the public in the following two forms.

20% sample listing

A sample listing containing 20% of the records randomly selected from the Register, together with disclosable particulars of the establishments, is available to users. Users may apply for all or part of the records in the 20% sample listing in writing by providing the following information:

- * Particulars of the applicant (including name, position, organisation, address, telephone, fax and email);

- * Details of the project (including name, purpose, expected completion date, and specifications of information required such as industries, employment sizes and districts); and

* Medium of delivering the information (e.g. photocopy or CD-R and file format such as Visual FoxPro, Excel or text, if applicable).

The application can be faxed to 2827 2296, emailed to cre@censtatd.gov.hk or posted to the Employment Statistics and Central Register of Establishments Section, Census and Statistics Department, 20/F, Wanchai Tower, 12 Harbour Road, Wan Chai, Hong Kong.

The information can be supplied in the form of CD-R or photocopies at the following rates:

- * CD-R – a charge of about \$1,540 per listing, compiled to the user's requirements (exact amount depending on the complexity of the job concerned);
- * Photocopies – a ready, standard listing is available for photocopying (in part if desired). A charge of \$1.30 per page is levied.

Matching operation with specified establishments

Users may apply to conduct matching operations for a list of establishments in their databases and then extract disclosable particulars for the matched establishments from the Register. The matching operation will be done using the application program supplied by the user and conducted on the computing facilities in the Department. Both the name and address of establishment will be used as matching keys.

Users may apply for this service item by submitting a proposal of the matching operation to the department. The proposal should cover the intended use of the information derived from the matching operation, the specifications of the establishment database provided by the user, the details of the matching process and the specifications of the output data.

The information can be supplied in the form of CD-R. A charge will be levied at the following rates:

- * a minimum charge of about \$4,800 for the service required (exact amount depending on the complexity of the matching operation conducted); plus
- * \$1 per matched record with information supplied to the user.

Enquiries

Further details about the above service items can be obtained from the Employment Statistics and Central Register of Establishments Section of the department at Tel: 2582 4760; fax: 2827 2296 or email: cre@censtatd.gov.hk.

Update on cases of Legionnaires' disease

The Centre for Health Protection (CHP) of the Department of Health today (September 10) reported the latest number of cases of Legionnaires' disease (LD), and stressed the importance of using and maintaining properly designed man-made water systems, and that susceptible groups should strictly observe relevant precautions.

From September 2 to 8, four community-acquired LD cases were reported. They are:

1. A male patient, aged 65 with underlying illnesses, who lives in Block 4, Bauhinia Garden, 11 Tong Chun Street, Sai Kung;
2. A male patient, aged 73 with underlying illnesses, who lives in Godfrey Centre, 175-185 Lai Chi Kok Road, Mong Kok;
3. A male patient, aged 54 with good past health, who lives in Block 29, Park Island, 8 Pak Lai Road, Tsuen Wan; and
4. A male patient, aged 61 with underlying illnesses, who lives in Oi Tai House, Fu Tai Estate, 9 Tuen Kwai Road, Tuen Mun.

"Epidemiological investigations are ongoing to identify potential sources of infection, high-risk exposure and clusters, if any," a spokesman for the CHP said.

As of September 8, 67 LD cases had been reported in 2018. In 2017 and 2016, there were 72 and 75 cases respectively.

"Men, people aged over 50, smokers, alcoholics and persons with weakened immunity are more susceptible to LD. Some situations may also increase the risk of infection, including poor maintenance of water systems leading to stagnant water; living in areas with old water systems, cooling towers or fountains; using electric water heaters, whirlpools and spas or hot water spring spas; and recent stays in hotels or vessels," the spokesman said.

Legionellae are found in various environmental settings and grow well in warm water (20 to 45 degrees Celsius). They can be found in aqueous environments such as water tanks, hot and cold water systems, cooling towers, whirlpools and spas, water fountains and home apparatus which support breathing. People may get infected when they breathe in contaminated droplets (aerosols) and mist generated by artificial water systems, or when handling garden soil, compost and potting mixes.

Immunocompromised persons should:

1. Use sterile or boiled water for drinking, tooth brushing and mouth rinsing;

2. Avoid using humidifiers, or other mist- or aerosol-generating devices. A shower may also generate small aerosols; and
3. If using these devices, fill the water tank with only sterile or cooled freshly boiled water, and not tap water. Also, clean and maintain them regularly according to manufacturers' instructions. Never leave stagnant water. Empty the water tank, wipe all surfaces dry, and change the water daily.

The public should observe the health advice below:

- Observe personal hygiene;
- Do not smoke and avoid alcohol;
- Strainers in water taps and shower heads should be inspected, cleaned, descaled and disinfected regularly or at a frequency recommended by the manufacturer;
- If a fresh water plumbing system is properly maintained, it is not necessary to install domestic water filters. Use of water filters is not encouraged as clogging occurs easily, which can promote growth of micro-organisms. In case water filters are used, the pore size should be 0.2 micrometres (μm) and the filter needs to be changed periodically according to the manufacturer's recommendations;
- Drain and clean water tanks of buildings at least quarterly;
- Drain or purge for at least one minute the infrequently used water outlets (e.g. water taps, shower heads and hot water outlets) and stagnant points of the pipework weekly or before use;
- Seek and follow medical advice regarding the use and maintenance of home respiratory devices and use only sterile (not distilled or tap) water to clean and fill the reservoir. Clean and maintain them regularly according to the manufacturer's instructions. After cleaning/disinfection, rinse the device with sterile water, cooled freshly boiled water or water filtered with 0.2- μm filters. Never leave stagnant water. Empty the water tank, keep all surfaces dry, and change the water daily; and
- When handling garden soil, compost and potting mixes:
 1. Water gardens and compost gently using low pressure;
 2. Open composted potting mixes slowly and make sure the opening is directed away from the face;
 3. Wet the soil to reduce dust when potting plants; and
 4. Avoid working in poorly ventilated places such as enclosed greenhouses.

The public may visit the CHP's [LD page](#), the [Code of Practice for Prevention of LD](#) and the [Housekeeping Guidelines for Cold and Hot Water Systems for Building Management](#) of the Prevention of LD Committee, and the CHP's [risk-based strategy](#) for prevention and control of LD.