

# Thirty-one immigration offenders arrested

The Immigration Department (ImmD) mounted a series of territory-wide anti-illegal worker operations, including an operation codenamed "Twilight" and joint operations with the Hong Kong Police Force and the Labour Department codenamed "Champion", from July 23 to 26. A total of 23 illegal workers, seven suspected employers and one overstayer were arrested.

During operation "Twilight", ImmD Task Force officers raided 165 target locations including construction sites, food stalls, an industrial building, a make-up institute, an office, a residential building, a residential flat, restaurants, street stalls and a village house. A total of 13 illegal workers and five employers were arrested. The illegal workers comprised seven men and six women, aged 19 to 54. Among them, one woman was a holder of a recognisance form, which prohibits her from taking any employment. Furthermore, four women were suspected of using and being in possession of forged Hong Kong identity cards. Meanwhile, three men and two women, aged 40 to 57, were suspected of employing the illegal workers.

During operation "Champion", enforcement officers raided 11 target locations in Mongkok, Yau Ma Tei and Tsim Sha Tsui, including massage parlours and restaurants. Ten illegal workers and two employers were arrested. The illegal workers comprised five men and five women, aged 25 to 51. Meanwhile, one man and one woman, aged 31 and 33, were suspected of employing the illegal workers. Furthermore, a male overstayer, aged 40, was arrested.

"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 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.

---

## Thirty-one immigration offenders arrested

The Immigration Department (ImmD) mounted a series of territory-wide anti-illegal worker operations, including an operation codenamed "Twilight" and joint operations with the Hong Kong Police Force and the Labour Department codenamed "Champion", from July 23 to 26. A total of 23 illegal workers, seven suspected employers and one overstayer were arrested.

During operation "Twilight", ImmD Task Force officers raided 165 target locations including construction sites, food stalls, an industrial building, a make-up institute, an office, a residential building, a residential flat, restaurants, street stalls and a village house. A total of 13 illegal workers and five employers were arrested. The illegal workers comprised seven men and six women, aged 19 to 54. Among them, one woman was a holder of a

recognisance form, which prohibits her from taking any employment. Furthermore, four women were suspected of using and being in possession of forged Hong Kong identity cards. Meanwhile, three men and two women, aged 40 to 57, were suspected of employing the illegal workers.

During operation "Champion", enforcement officers raided 11 target locations in Mongkok, Yau Ma Tei and Tsim Sha Tsui, including massage parlours and restaurants. Ten illegal workers and two employers were arrested. The illegal workers comprised five men and five women, aged 25 to 51. Meanwhile, one man and one woman, aged 31 and 33, were suspected of employing the illegal workers. Furthermore, a male overstayer, aged 40, was arrested.

"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 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.

---

## **Appointment of Chief Executive Officer of Insurance Authority**

The Government announced today (July 27) the appointment of the Chief Executive Officer (CEO) of the Insurance Authority (IA).

The Chief Executive has appointed Mr Clement Cheung Wan-ching as the CEO and a Member of the IA for a period of two years from August 15, 2018, to August 14, 2020. The appointment was made under section 4AA(1) of the Insurance Ordinance (Cap. 41) and section 3(2) of Schedule 1B of the Ordinance.

Mr Cheung was selected through a competitive process by a selection board chaired by the Chairman of the IA.

Announcing the appointment today, the Financial Secretary, Mr Paul Chan, said, "Mr Cheung has extensive experience in public administration. Given his direct regulatory experience and close working relationship with the industry while being the Commissioner of Insurance from 2006 to 2009, we are confident that Mr Cheung would discharge the role and functions as CEO competently in ensuring the smooth commencement of the statutory licensing regime for insurance intermediaries and the sustainable development of the industry."

The IA, a statutory body established under the Ordinance, is a new insurance regulator independent of the Government. It assumed the statutory functions on the regulation of insurance companies on June 26, 2017. The IA is expected to take over the supervision of insurance intermediaries from the three Self-Regulatory Organisations in 2019.

### **Profile of Mr Clement Cheung Wan-ching**

---

Mr Cheung joined the Government in 1983 and served in various bureaux

and departments. He was Director of the Hong Kong Economic and Trade Office in Singapore from August 1998, Deputy Secretary for Works (later renamed Deputy Secretary for the Environment, Transport and Works (Works)) from October 2001, Commissioner of Insurance from July 2006, Postmaster General from September 2009, and Commissioner of Customs and Excise from September 2011. His last role held was Secretary for the Civil Service from 2015 to 2017.

---

## **Independent Review Committee on Hong Kong's Franchised Bus Service to hold hearings to receive oral evidence from invited parties**

The following is issued on behalf of the Independent Review Committee on Hong Kong's Franchised Bus Service:

The Independent Review Committee on Hong Kong's Franchised Bus Service will hold hearings to receive oral evidence from nominated representatives of the interested parties as follows:

<b>Date/Time</b>	<b>Venue</b>	<b>Interested Parties</b>
July 30 (Monday) (10am to 5.30pm, with a break between 1pm and 2.30pm)	Auditorium of the Central Government Offices, 2 Tim Mei Avenue, Tamar	Trade unions, representatives of: (AM session) Motor Transport Workers General Union, including its sub-unions: • Citybus Branch; • KMB Branch; • Long Win Bus Branch; • New Lantau Bus Branch; and • New World Bus Branch  (PM session) The Federation of Bus Industry Trade Unions, including its members: • KMB Staff Union; • New World First Bus Company Staff Union; and • Citybus Limited Employees Union

		KMB Employees Union;
July 31 (Tuesday) (10am to 5.30pm, with a break between 1pm and 2.30pm)	Auditorium of the Central Government Offices, 2 Tim Mei Avenue, Tamar	Staff Rights Association of KMB;  Monthly-Rated Drivers Union; and  Part-time Drivers Union
August 1 (Wednesday) (10am to 4.30pm, with a break between 1pm to 2.30pm)	Auditorium of the Central Government Offices, 2 Tim Mei Avenue, Tamar	Ms Debby Wong and Mr Kelvin Yeung, employees of the Kowloon Motor Bus Company (1933) Limited; and  Mr Raymond Cheng, a former employee of the Kowloon Motor Bus Company (1933) Limited

The Committee's rules of procedure for the receipt of oral evidence and notice to the public attending the hearings to receive oral evidence are available on the Committee's website ([www.irc-bus.gov.hk/eng/press.html](http://www.irc-bus.gov.hk/eng/press.html)).

Having received and considered written submissions from various interested parties, and in order to obtain further information, the Committee is in the process of inviting specific interested parties to give oral evidence to the Committee through nominated representatives. Eight hearings have been held so far to receive oral evidence from:

(A) Representatives of –

- the Transport and Housing Bureau;
- the Transport Department;
- the New World First Bus Services Limited and Citybus Limited;
- the New Lantao Bus Company (1973) Limited;
- Tai Po, Shatin and Sham Shui Po District Councils;
- ZF Friedrichshafen AG and Openmatics s.r.o.; and
- the Community for Road Safety.

(B) Mr Alok Jain, a former employee of the Kowloon Motor Bus Company (1933) Limited.

A transcript of that evidence (and a translation in Chinese) is available on the Committee's website ([www.irc-bus.gov.hk/eng/transcripts.html](http://www.irc-bus.gov.hk/eng/transcripts.html)).

The Committee wishes to invite family members of the victims and passengers on board the bus involved in the fatal incident on Tai Po Road, and other recent serious incidents involving franchised bus services, to attend the hearings, and invites them to contact the Secretariat in advance of the hearings if they wish to attend. Except for seats reserved for such

persons as well as the media and specifically identified interested parties, all available seats in the hearing venues will be open to the public on a first-come, first-served basis. A registration counter will open at 9.30am on July 30, July 31 and August 1.

Enquiries regarding the hearings may be directed to the Secretariat of the Committee at 2867 5324.

---

## **Tenders invited for a licence for two automatic vending machines**

The Government Property Agency is inviting tenders for a three-year licence for the installation and operation of a total of two automatic vending machines on Portions of the Inbound Section and Outbound Section of the Passenger Terminal Building in Lok Ma Chau Control Point, Lok Ma Chau, New Territories, for the sale of non-alcoholic drinks.

The tender notices were uploaded today (July 27) to the Agency's website: [www.gpa.gov.hk](http://www.gpa.gov.hk). Tender documents are available for collection at the Government Property Agency, 31/F, Revenue Tower, 5 Gloucester Road, Wan Chai, during office hours (8.30am to 5.45pm from Mondays to Fridays). The documents can also be downloaded from the Agency's website.

Interested tenderers who wish to inspect the site should make a prior appointment with the Government Property Agency by calling 2594 7697 on or before August 3.

Tenderers must submit their tenders by placing them in the Government Logistics Department Tender Box on the ground floor, North Point Government Offices, 333 Java Road, North Point, before noon on August 23, 2018. Late tenders will not be accepted.