

Illegal worker jailed

A Sri Lankan illegal worker holding a recognisance form was jailed at Tuen Mun Magistrates' Courts on January 26.

Immigration Department (ImmD) investigators received a referral from the Hong Kong Police Force to further investigate an illegal employment case in January. Enforcement officers arrested one Sri Lankan man, aged 39, conveying goods in Kwai Chung. Upon identity checking, he was found to be a holder of a recognisance form issued by the ImmD, which prohibits him from taking employment, and further investigation revealed that he was a non-refoulement claimant.

The illegal worker was charged at Tuen Mun Magistrates' Courts on January 26 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. He 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 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.

Transcript of remarks by SLW on adjusting eligible age for elderly CSSA

Following is the transcript of remarks by the Secretary for Labour and Welfare, Dr Law Chi-kwong, on adjusting the eligible age for elderly Comprehensive Social Security Assistance (CSSA) after attending a special meeting of the Panel on Welfare Services of the Legislative Council today (January 28):

Reporter: All the political parties are actually asking the Government to shelve the age change. Why does that not warrant the Government to consider shelving the whole idea?

Secretary for Labour and Welfare: The policy decision has been made for more than two years already. The discussion has been thoroughly discussed and options have been considered, and the Government considered the present decision is proper. The only thing that we need to improve is the way that we are going to deliver, and to help those who are needing help to assist them to find jobs. I think that is the reason why we are making some of the refinements, so to speak, to accommodate the views of the community.

Reporter: Even though you are worsening the relationship with all the political parties, it is still good for you to go ahead with this policy change?

Secretary for Labour and Welfare: We will try our very best to improve the working relationship between the executive and the legislature.

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

Effective Exchange Rate Index

The effective exchange rate index for the Hong Kong dollar on Monday, January 28, 2019 is 103.3 (down 0.2 against last Saturday's index).

The effective exchange rate index for the Hong Kong dollar on Saturday, January 26, 2019 was 103.5 (down 0.2 against last Friday's index).

Hong Kong Customs successfully prosecutes nail parlour staff member for engaging in misleading omission commercial practice

Hong Kong Customs has successfully prosecuted a manicurist of a nail parlour for engaging in misleading omission commercial practice under the Trade Descriptions Ordinance (TDO). The manicurist was sentenced today (January 28) at Tuen Mun Magistrates' Courts to carrying out community service of 80 hours. She was also ordered to pay the victim \$300 in compensation.

Hong Kong Customs earlier received information alleging that a staff member of a nail parlour had engaged in unfair trade practices in the sale of nail beautifying services. After investigation, the manicurist was suspected of misleading a customer to believe that a series of nail treatments were included in the purchased treatment plan. After delivering some of the treatments, the manicurist told the customer that additional charges would be required to complete the remaining procedures. A prosecution was subsequently made.

Customs reminds traders to comply with the requirements of the TDO and consumers to procure services at reputable shops.

Under the TDO, any trader commits an offence of engaging in a commercial practice that omits or hides material information or provides material information in a manner that is unclear, unintelligible, ambiguous or untimely and as a result causes, or is likely to cause, an average consumer to make a transactional decision commits an offence. The maximum penalty upon conviction is a fine of \$500,000 and imprisonment for five years.

Members of the public may report any suspected violations of the TDO to the Customs' 24-hour hotline 2545 6182 or its dedicated crime-reporting email account (crimereport@customs.gov.hk).

Cross-boundary passenger traffic estimation and arrangements for Lunar New Year festive period

The Immigration Department (ImmD) estimates that around 7.32 million passengers (including Hong Kong residents and visitors) will pass through Hong Kong's sea, land and air control points during the upcoming Lunar New Year festive period (from February 4 to 10). Among them, about 75 per cent, or around 5.47 million passengers, will pass through land boundary control points. The number of outbound passengers will be at its highest on February 6 (Wednesday) with over 454 000 passengers departing Hong Kong, while the number of inbound passengers using land boundary control points will reach its peak on February 7 (Thursday), with around 506 000 passengers arriving in Hong Kong.

Lo Wu will be the busiest control point, and it is estimated that there will be around 1.69 million passengers, with a daily average of about 242 000 passengers, travelling via this control point during the festive period. The passenger traffic at the Shenzhen Bay and Lok Ma Chau Spur Line control points will also be heavy, with daily average forecasts of about 141 000 and 132 000 passengers respectively.

To cope with the anticipated heavy traffic during the festive period, the ImmD has redeployed additional staff to reinforce various control points and has minimised leave for frontline officers for flexible deployment and operation of extra clearance counters and kiosks. Additional security guards will also be deployed to provide crowd management support.

Furthermore, the ImmD, the Police, the Customs and Excise Department and the MTR Corporation Limited will set up a joint command centre at Lo Wu Control Point to make necessary arrangements. The ImmD will also establish close communication with the Mainland frontier inspection authorities. To ensure smooth passenger traffic flow, passenger conditions will be closely monitored and appropriate traffic diversion plans will be adopted when necessary.

To avoid congestion and a longer than usual waiting time for immigration clearance, the ImmD advises all land boundary passengers to plan in advance and avoid making their journeys during busy periods, and to keep track of radio and TV broadcasts on traffic conditions at the various control points. The expected busy times at boundary control points are available on the website of the ImmD at www.immd.gov.hk. Furthermore, passengers may also check the estimated waiting times of all land boundary control points at any time or place via the Immigration Mobile Application (ImmD Mobile App). They can then plan their trips effectively and save time queuing up at control

points. The ImmD Mobile App can be downloaded free of charge from the Apple App Store (supports iOS version 9.0 or above) and Google Play (supports Android version 5.0 or above). The links for downloading can also be found on the ImmD website, www.immd.gov.hk. In addition, information on public transport services to and from various control points is available on the Transport Department website at www.td.gov.hk.

The ImmD will upload daily passenger statistics for the above festive period to its website at www.immd.gov.hk for public reference.

For travellers making journeys to the Mainland, the ImmD reminds them to carry their proof of identity and valid travel documents for crossing the boundary. Hong Kong residents should also check the validity of their Home Visit Permits. Non-permanent residents must carry their valid smart identity card as well as their Document of Identity for Visa Purposes or valid travel document.

Holders of the acknowledgement receipt issued due to reported loss or replacement of their Hong Kong identity cards, or children under 11 years old who hold Hong Kong identity cards, should carry a valid travel document or Re-entry Permit.

About 700 e-Channels have been installed at various control points. Hong Kong residents enrolled for the Express e-Channel should re-enrol if they have been issued with a new identity card. Furthermore, re-enrolment is required for enrolled Mainland visitors holding a booklet-type Exit-entry Permit for Travelling to and from Hong Kong and Macao who have changed their enrolment information, e.g. having renewed their exit endorsement. Eligible Mainland holders of the electronic Exit-entry Permit for Travelling to and from Hong Kong and Macao (e-EEP) can enrol for the e-Channel service by using their e-EEP and undergoing the enrolment process at a traditional entry counter on their first visit to Hong Kong. Eligible Mainland visitors who have renewed their e-EEP have to go through the aforesaid enrolment process again before they can use the e-Channel.

In addition, all control points have introduced self-service departure for visitors to Hong Kong (Smart Departure) which provides greater travel convenience for visitors. The service employs facial recognition technology for identity verification, which allows eligible visitors holding electronic travel documents to perform self-service departure clearance through Smart Departure e-Channels without prior enrolment.

Hong Kong residents who require assistance while travelling outside Hong Kong may call the 24-hour hotline of the Assistance to Hong Kong Residents Unit of the ImmD at (852) 1868.