

Two illegal workers jailed

Two illegal workers comprising a Pakistani and an Indian were jailed by Shatin Magistrates' Courts yesterday (October 30).

Immigration Department (ImmD) investigators received a referral from the Hong Kong Police Force to further investigate an illegal employment case in April. Enforcement officers arrested a male Pakistani worker, aged 43, who was conveying goods in a car park in Kwai Chung. Upon identity checking, he produced for inspection a recognisance form issued by the ImmD, which prohibits him from taking employment. Further investigation revealed that he was a non-refoulement claimant. An employer suspected of employing the illegal worker was also arrested and the investigation is ongoing.

In addition, during a joint operation conducted by the ImmD and the Hong Kong Police Force codenamed "Powerplayer" on June 27, enforcement officers raided a restaurant in Tsim Sha Tsui. One male Indian illegal worker, aged 25, was arrested. When intercepted, he was working as a kitchen worker. Upon identity checking, he produced for inspection a recognisance form issued by the ImmD, which prohibits him from taking employment. Further investigation revealed that he was a non-refoulement claimant. An employer suspected of employing the illegal worker was also arrested and investigation is ongoing.

The two illegal workers were 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. After trial, they were sentenced to 16 months and 26 days' and 22 months and two weeks' imprisonment respectively.

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 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 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.

LCQ19: Quality Migrant Admission Scheme

Following is a question by the Hon Chan Chi-chuen and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (October 31):

Question:

It has been reported that a Mainland company is suspected of pirating a foreign company's software in developing its software and it made exaggerated statements in promoting the software. The person-in-charge of that company was granted approval in 2012 for coming to Hong Kong for settlement under the Quality Migrant Admission Scheme (the Scheme). Besides, the media have uncovered a number of exaggerated and misrepresented statements in the curriculum vitae of that person uploaded onto the company's website. Quite a number of members of the public doubt whether the Immigration Department (ImmD) stringently scrutinised the information submitted by the applicants when it processed applications under the Scheme in the past. In this connection, will the Government inform this Council:

(1) whether ImmD contacted the relevant organisations or institutions in the past five years for the purpose of verifying the information submitted by the applicants under the Scheme; if so, of the number of applications refused by ImmD in each of the past five years on the grounds that the applicants had submitted false or misrepresented information;

(2) whether ImmD will conduct sampling reviews on the authenticity of the information submitted, by persons who have been granted approval for coming to Hong Kong for settlement, in their applications under the Scheme; if so, of the details; if not, the reasons for that; and

(3) whether, under the existing mechanism, ImmD may revoke the resident status of those persons found to have poor conduct or bad reputation after they have been granted approval for coming to Hong Kong for settlement under the Scheme, so as to ensure that Hong Kong's reputation will not be tarnished; if not, of the reasons for that?

Reply:

President,

The reply to Hon Chan's question is as follows:

The Immigration Department (ImmD) has always assessed applications for visas or entry permits for employment according to the laws and established policies. In processing each application, ImmD will examine whether the applicant meets the specific eligibility criteria under the relevant admission scheme or arrangement and normal immigration requirements, and will take into account the individual circumstances of each application, so as to ensure that only applicants who are in compliance with immigration policies will be admitted into Hong Kong.

The Quality Migrant Admission Scheme (QMAS) aims to attract highly skilled or talented persons to settle in Hong Kong, which is a quota-based admission scheme. During each selection exercise, applicants who satisfy both the prerequisites and the passing mark (under the General Point Test) or the one point-scoring factor (under the Achievement-based Points Test) will be assessed further by the Advisory Committee on Admission of Quality Migrants and Professionals (the Advisory Committee). The Advisory Committee considers the socio-economic needs of Hong Kong, the sectoral mix of candidates and other relevant factors, and recommends to ImmD how best to allocate available quota in each selection exercise.

(1) and (2) In processing each application, ImmD has adopted stringent standard in verifying qualification proof submitted by applicants. ImmD requires QMAS applicants to submit relevant proof of educational qualifications, working experience and professional qualifications, etc. to establish his/her meeting of the prerequisites and eligibility for relevant scores under the respective point-scoring factors. For proof of academic qualifications, ImmD will request the applicants to apply to relevant authorised institutions (such as respective education department or authorities, the Hong Kong Council for Accreditation of Academic and Vocational Qualifications, or the relevant educational institutions) for verification of his/ her academic qualifications, and send the verification results to ImmD directly for examination. As for the documentary proof of other professional qualifications, ImmD may request the applicants to submit the documentary proof of professional qualifications validated by relevant notaries public, so as to determine the authenticity of the documents.

Applicants who are allotted a quota in the selection exercise are required to present originals of all documents submitted during the application (including supporting documents to demonstrate relevant work experience) to ImmD for verification. In addition, if ImmD receives any report on furnishing false information or making false representation, ImmD will conduct detailed investigation into the doubtful cases.

Regarding the QMAS application, from 2014 to September 2018, ImmD has investigated 12 QMAS applications suspected to have furnished false information or made false representation. Among these 12 doubtful cases, all applications were either withdrawn by the applicants or not processed further due to insufficient information. Nine cases are still under criminal investigation.

(3) It is an offence for any persons to furnish false information or make false representation to ImmD in their applications for visas or entry permits. Apart from rejecting such applications, ImmD will also initiate criminal investigations into the cases concerned. Upon conviction, offenders are liable to a maximum fine of \$150,000 and imprisonment for 14 years. In addition, it is also an offence to make, possess or use false instruments. Upon conviction, offenders are liable to a maximum penalty of 14 years' imprisonment. Should any person be found to have obtained his visa or entry permit to Hong Kong by illegal means, the visa or entry permit so obtained will become null and void according to the law, and the person concerned will be subject to removal back to his place of origin. Even if the person has ordinarily resided in Hong Kong for a continuous period of seven years or more and obtained the right of abode in Hong Kong, his right of abode in Hong Kong will be declared invalid according to the law, and he will be subject to removal back to his place of origin.

[Appointment to Advisory Committee on Cruise Industry announced](#)

The Government today (October 31) announced the appointment of a new member, Ms Crystal Campbell, head of an international cruise company in Hong Kong, to the Advisory Committee on Cruise Industry (ACCI) with effect from November 1, 2018, to January 27, 2020.

The membership of the ACCI with effect from November 1, 2018, is as follows:

Chairman

—

Commissioner for Tourism

Members

Ms Crystal Campbell
Mr Chan Kam-foo
Mrs Nancy Chung Yiu Choi-yuk
Mr Anthony Lau Chun-hon
Mr Samuel Lau Wing-kee
Ms Eunice Lee Sau-yan
Ms Astor Ng Ching-han
Mr Ng Hi-on
Mr Blondel So King-tak
Mr Hazen Tang Tim-wan
Mr James Wong Cheuk-on
Mr Jason Wong Chun-tat
Mr Balwin Yeung Pok-hung

The ACCI was established in January 2008 to advise the Government on measures to enhance the development of Hong Kong as a regional cruise hub.

"We will continue to work in close collaboration with the ACCI and other key stakeholders in the cruise trade and travel industry to promote cruise tourism in Hong Kong, leveraging on the opportunities presented by the new cross-boundary transport infrastructure, and strengthen Hong Kong's position as a leading cruise hub in the region," a spokesman for the Commerce and Economic Development Bureau said.

[Schedule for issuing press releases on statistical data](#)

Following is a reminder of the press releases on statistical data to be issued between November 2018 and January 2019. The schedules for issuing press releases on statistical data in 2018 and 2019 were provided to the media in September 2017 and September 2018 respectively. No change has been made to the original schedules.

November 2018

=====

Date	Press Release
1	Retail sales statistics for September 2018
5	Restaurant receipts and purchases statistics for third quarter 2018
15	Volume and price statistics of external merchandise

trade for September 2018

16 Gross Domestic Product for third quarter 2018 : data contained in the press

release entitled "Economic Situation in the Third Quarter of 2018 and Latest GDP and

Price Forecasts for 2018" issued by the Office of the Government Economist under

the Financial Secretary's Office (Note)

16 Unemployment and underemployment statistics for August – October 2018

20 Consumer Price Index for October 2018

26 External merchandise trade statistics for October 2018

30 Retail sales statistics for October 2018

December 2018

=====

Date Press Release

—

6 Statistics on vessels, port cargo and containers for third quarter 2018

10 Quarterly business receipts indices for service industries for third quarter 2018

11 Construction output statistics for third quarter 2018

11 Statistics on trade involving outward processing in the mainland of China for third quarter 2018

14 Index of industrial production and producer price index for the industrial sector for third quarter 2018

17 Gross National Income and external primary income flows for third quarter 2018

18 Unemployment and underemployment statistics for September – November 2018

18 Employment and vacancies statistics for September 2018

20 Consumer Price Index for November 2018

- 20 Volume and price statistics of external merchandise trade for October 2018
- 20 Chain volume measures of Gross Domestic Product by economic activity for third quarter 2018
- 21 Balance of Payments and International Investment Position statistics for third quarter 2018
- 27 External merchandise trade statistics for November 2018
- 28 Wage and payroll statistics for September 2018

January 2019
 =====

Date	Press Release
—	———
3	Retail sales statistics for November 2018
17 Dec 2018	Unemployment and underemployment statistics for Oct – Dec 2018
17	Volume and price statistics of external merchandise trade for November 2018
18	Business expectations for first quarter 2019
22	Consumer Price Index for December 2018
28	External merchandise trade statistics for December 2018
30	Retail sales statistics for December 2018

Note: The Office of the Government Economist under the Financial Secretary's Office will issue a press release on the "Third Quarter Economic Report 2018" and final update of the GDP and price forecasts for 2018 as a whole. The GDP for the third quarter of 2018 will also be released there. No separate press release on the GDP for the third quarter of 2018 will be issued by the Census and Statistics Department on that day.

The schedule for regular press releases in the other months of 2019 can be downloaded from the website of the Census and Statistics Department (www.censtatd.gov.hk/press_release/index.jsp).

[HK SAR Government welcomes issuance of bills in Hong Kong by People's Bank of China](#)

The People's Bank of China announced today (October 31) that it will issue Renminbi (RMB) bills totalling RMB20 billion in Hong Kong next week, of which RMB10 billion will be issued in a three-month tenor and the remaining RMB10 billion in a one-year tenor.

The Financial Secretary, Mr Paul Chan, said, "The Government of the Hong Kong Special Administrative Region welcomes the issuance of RMB bills in Hong Kong by the People's Bank of China. This reinforces Hong Kong's status as the global offshore RMB business hub, promotes the internationalisation of the RMB, and is conducive to the development of the debt market in Hong Kong. Currently, payment of profits tax is exempted in respect of interest income or trading profits derived from the sovereign bonds issued in Hong Kong by the Central People's Government. We will study to extend the scope of exemption to cover the debt instruments issued in Hong Kong by the People's Bank of China."