

Illegal worker jailed

A Pakistani illegal worker holding a recognisance form was jailed by Shatin Magistrates' Courts yesterday (October 29).

During operation "Twilight" on September 26, Immigration Department (ImmD) investigators raided a tailor shop in Tsim Sha Tsui. A male Pakistani illegal worker, aged 37, was arrested. When intercepted he was working as odd-job 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 arrested and the 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. He pleaded guilty to the charge and was sentenced to 18 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 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.

Hong Kong Customs combats unfair trade practices at fitness centre

Hong Kong Customs today (October 29) arrested a male director, a female director and five male staff members of a fitness centre suspected of engaging in aggressive commercial practices in the course of selling fitness service, in contravention of the Trade Descriptions Ordinance (TDO).

Customs earlier received information alleging that staff members of a fitness centre in Mong Kok imposed undue influence in selling fitness services to three customers who were forced to procure fitness club membership valued at \$9,600, \$19,200 and \$36,000 respectively.

After investigation, Customs officers today arrested six men and one woman, aged between 20 and 27.

Investigation is ongoing and the arrested persons have been released on bail pending further investigation.

Customs reminds traders to comply with the requirements of the TDO and consumers to procure services at reputable shops. Before making the purchase decision, consumers should not easily provide their identity cards or credit cards to a salesperson. Consumers should firmly refuse signing any sales documents if they have no intention to purchase.

Under the TDO, any trader commits an offence of engaging in aggressive commercial practices if harassment, coercion or undue influence is used to impair consumer's freedom of choice or conduct, causing the consumer to make a transactional decision. The maximum penalty upon conviction is a fine of \$500,000 and imprisonment for five years. The management staff will also be liable if the offence is committed with their consent or connivance or is attributed to their neglect.

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).

[CE starts her visit to Japan \(with photos\)](#)

The Chief Executive, Mrs Carrie Lam, started her five-day visit programme in Japan after arriving in Tokyo this afternoon (October 29).

Accompanied by the Secretary for Commerce and Economic Development, Mr Edward Yau, Mrs Lam met with the Governor of Tokyo, Ms Yuriko Koike. Mrs Lam said that she, the first woman Chief Executive of the Hong Kong Special Administrative Region (HKSAR), was very pleased to meet with the first woman Governor of Tokyo. Mrs Lam pointed out that Tokyo and Hong Kong have a lot in common and both are important business hubs and financial centres, and said that exchanges between the governments of the two places have been more frequent and officials of the Government of the HKSAR attend large-scale conferences in Tokyo from time to time. Mrs Lam added that Tokyo is a popular destination for Hong Kong tourists with more than a quarter of Hong Kong tourists bound for Japan visiting Tokyo last year, and said that she hopes the Tokyo government would continue its support for the work of the Hong Kong Economic and Trade Office (Tokyo) so that exchanges and co-operation between the two places in different aspects can be strengthened.

Mrs Lam and Mr Yau then attended a dinner hosted by the Japan-Hong Kong Parliamentarian League (JHKPL) to exchange views with more than 20 members of the JHKPL on affairs concerning Hong Kong and Japan. Noting that the JHKPL has been Hong Kong's important ally in promoting bilateral relations between the two places since its establishment in 1992, she thanked the Chairman of the JHKPL, Mr Wataru Takeshita, and its past chairmen and all the members for their support for Hong Kong over the years and expressed the hope that they will continue to follow Hong Kong's development.

Mrs Lam will continue her visit tomorrow (October 30).



[Youth Development Commission convenes third meeting](#)

The Chief Secretary for Administration, Mr Matthew Cheung Kin-chung, chaired the third meeting of the Youth Development Commission (YDC) today (October 29). At the meeting, members took note of the various new initiatives to support youth development promulgated in the "The Chief Executive's 2018 Policy Address", as well as the Government's strategy to step up youth life planning work.

Members noted the various new initiatives to support youth development promulgated in the "The Chief Executive's 2018 Policy Address". They agreed with the Government's overall vision and direction in promoting youth development and, through a multi-pronged approach, understanding young people's thoughts, creating more space for them to unleash their potential and facilitating their upward mobility.

On youth innovation and entrepreneurship, the YDC agreed that the development of the Guangdong-Hong Kong-Macao Greater Bay Area could enable Hong Kong's young people to grasp more opportunities. The YDC suggested that the Government should thoroughly consider the needs of youth entrepreneurs

while reviewing the Youth Development Fund (YDF) to provide entrepreneurial support that better meets their needs. The Task Force on Youth Development Fund and Programme will conduct a review of the YDF, including consulting youth entrepreneurs and relevant stakeholders to better understand their views on the operation of the YDF.

The YDC agreed to promote cross-bureau and cross-sectoral collaboration to strengthen youth life-planning work by deepening life-planning work at schools, fostering collaboration between non-governmental organisations (NGOs) and schools, and encouraging the participation of the business sector. In particular, the YDC endorsed the allocation of additional resources to enhance the Funding Scheme on Youth Life Planning Activities starting from 2019-20, thereby strengthening synergy between NGOs and schools. The Task Force on Youth Development Fund and Programmes will follow up on the relevant work and consider factors such as strengthening promotion to schools and reviewing the funding limit and period of funded projects.

The meeting noted the enhancement measures to be implemented during the new cycle of three funding schemes, namely the Funding Scheme for Youth Internship in the Mainland, the Funding Scheme for Youth Exchange in the Mainland and the Funding Scheme for International Youth Exchange. Measures include: under the new cycle of the Funding Scheme for Youth Internship in the Mainland and Funding Scheme for Youth Exchange in the Mainland, NGOs with satisfactory track record and meeting specified criteria may apply for three-year funding through a single application; the maximum fundable duration of internship projects will be extended; a new funding item for accompanying staff in an exchange project will be introduced; the matching grant mandatory requirement under the Funding Scheme for International Youth Exchange will be removed; and the age requirements for participants under the various schemes will be rationalised.

The Funding Scheme for Youth Internship in the Mainland 2019-20 is now inviting applications. The application deadline is November 19, 2018. For details, please visit www.ydc.gov.hk.

The YDC Youth Ambassadors Scheme 2019 has launched recruitment and is now inviting relevant NGOs, post-secondary education institutions, etc, to nominate qualified young people to join the scheme. The nomination deadline is November 16, 2018. Through the scheme, the YDC hopes to identify and nurture, in a systematic manner, more young talents who are committed to and passionate about serving the community.

The YDC will soon launch youth engagement activities to strengthen communications with young people. The first school exchange session will be held in early November. Members will interact with students to learn about their views on the work of the YDC and other youth development issues of their concern.

LegCo to consider Inland Revenue (Amendment) (No. 4) Bill 2018

The following is issued on behalf of the Legislative Council Secretariat:

The Legislative Council (LegCo) will hold a meeting on Wednesday (October 31) at 11am in the Chamber of the LegCo Complex. During the meeting, the Second Reading debate on the Inland Revenue (Amendment) (No. 4) Bill 2018 will resume. If the Bill is supported by Members and receives its Second Reading, it will stand committed to the committee of the whole Council. After the committee of the whole Council has completed consideration of the Bill and its report is adopted by the Council, the Bill will be set down for the Third Reading.

The Supplementary Appropriation (2017-2018) Bill and the Inland Revenue (Amendment) (No. 6) Bill 2018 will be introduced into the Council for the First Reading and the Second Reading. The Second Reading debate on the Bills will be adjourned.

On Members' motions, Mr Kenneth Leung will move two proposed resolutions under section 34(4) of the Interpretation and General Clauses Ordinance respectively. The first proposed resolution is to extend the period for amending the Tax Reserve Certificates (Rate of Interest) (Consolidation) (Amendment) Notice 2018 laid on the table of the Council on October 10, 2018 to the meeting of November 28, 2018. The second proposed resolution is to extend the period for amending the Inland Revenue (Double Taxation Relief and Prevention of Fiscal Evasion with respect to Taxes on Income) (Republic of India) Order and the Inland Revenue (Double Taxation Relief with respect to Taxes on Income and Prevention of Tax Evasion and Avoidance) (Republic of Finland) Order laid on the table of the Council on October 10, 2018 to the meeting of November 28, 2018.

Ms Claudia Mo will move a motion under Article 73(5) and (10) of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. The motion states: "That, pursuant to Article 73(5) and (10) of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, this Council summons the Secretary for Security, Mr John Lee and the Director of Immigration, Mr Erick Tsang, to attend before the Council on November 21, 2018 to produce all relevant papers, books, records or documents and to testify or give evidence in relation to the incident of the Hong Kong Special Administrative Region (HKSAR) Government's refusal to renew, for no reason, the work visa of Mr Victor Mallet, Vice President of the Foreign Correspondents' Club, Hong Kong and Asia news editor of the Financial Times, thereby causing concerns locally and internationally that the HKSAR Government suppresses freedom of the press and freedom of speech through political means."

Ms Mo will also move a motion under the Legislative Council (Powers and Privileges) Ordinance. The motion states: "That this Council appoints a

select committee to inquire into the incident of serious land subsidence of buildings near the construction site of To Kwa Wan station of the Shatin to Central Link, and whether the incident involved ineffective monitoring by the Hong Kong Special Administrative Region Government and the MTR Corporation Limited and their deliberate concealment of the land subsidence problem, and other related matters; and that in the performance of its duties the committee be authorised under section 9(2) of the Legislative Council (Powers and Privileges) Ordinance (Cap 382) to exercise the powers conferred by section 9(1) of that Ordinance."

Mr Lam Cheuk-ting will move a motion under the Legislative Council (Powers and Privileges) Ordinance. The motion states: "That this Council appoints a select committee to inquire into matters relating to the MTR Corporation Limited's alleged concealment of the substandard construction works and alternations to the construction drawings of the Shatin to Central Link (SCL), alleged failure to suspend the construction works and notify the public when the settlement of some monitoring points is found to have exceeded the pre-set trigger levels during the construction of eight stations along SCL, and subsequent proposal of relaxing the pre-set trigger levels for temporary suspension of works of the monitoring points near the construction site of the Exhibition Centre Station of SCL, and other related matters, and that in the performance of its duties the committee be authorised under section 9(2) of the Legislative Council (Powers and Privileges) Ordinance (Cap 382) to exercise the powers conferred by section 9(1) of that Ordinance."

In addition, Mr Michael Tien will move a motion on restructuring the governance of MTR Corporation Limited. The motion states: "That the MTR Corporation Limited (MTRCL) has built and operates 11 railways in Hong Kong, and in the future, seven new railway projects will most likely be assigned to MTRCL; the people of Hong Kong heavily rely on the railway system as a mode of transport, but in recent years, there have been strong views in society on the service quality, corporate governance and supervision of works of MTRCL; the Hong Kong SAR Government as the majority shareholder of MTRCL has a major responsibility of monitoring MTRCL in providing to the public the safest railway services and infrastructure of the best quality; in this connection, this Council urges the SAR Government to adopt the following measures to restructure the governance of MTRCL to restore public confidence in MTRCL:

(1) setting up an independent railway development department – given that at present, a railway from planning to construction involves various government departments, including the Electrical and Mechanical Services Department, the Civil Engineering and Development Department, the Buildings Department and the Highways Department, resulting in fragmentation of responsibilities and inefficiency; besides, responsible for all the works of roads, tunnels, bridges, etc. in Hong Kong, the Highways Department can hardly attend to everything at the same time, thus giving rise to problems in the regulation of railways; hence, the SAR Government should set up an independent railway development department dedicated to railway works and directly responsible to the Secretary for Transport and Housing;

(2) planning new development areas in tandem with their ancillary railway

facilities – in planning some of the new development areas in the past, since the SAR Government did not concurrently consider ancillary transport facilities, serious traffic problems arose in such areas, and the SAR Government then constructed railways in a rush, thus causing the works quality to fall; hence, new development areas and ancillary railway facilities should be planned in tandem in order to prevent the quality of railway projects from being affected by very tight work schedules;

(3) urging MTRCL to regularly review its investment strategy of updating the signalling system – in the past, repeated serious disruptions of MTR train services were caused by the ageing signalling system; hence, MTRCL should regularly upgrade the signalling system to the latest version, rather than refusing to upgrade the signalling system on the ground of the cost being the prime factor of consideration, so as to ensure provision of stable and reliable public transport services to passengers;

(4) rationalising the appointment of the Chairman and the Chief Executive Officer of MTRCL – to cope with the foreseeable railway projects, either of the Chairman and the Chief Executive Officer of MTRCL, being the two highest persons-in-charge, should have an engineering background to facilitate monitoring of the works progress at the highest level;

(5) supervising MTRCL in reviewing the criteria of its internal tendering system – when drawing up the criteria of its internal tendering system, MTRCL should study following the criteria of the tendering system of the SAR Government which draw greater reference from the past performance, cooperative attitude, accountability performance of tenderers, etc., rather than overstressing the principle of 'the lowest bid wins' and the number of times the tenderers were awarded railway projects in the past as priority considerations, so as to avoid monopolisation;

(6) requiring MTRCL to strengthen the project management notification system – MTRCL should draw up specific and transparent notification criteria and make improvements on two levels: on the first level, requiring frontline site staff to report to the management in higher ranks the site conditions, including but not limited to issuing to contractors non-conformance notices/reports for any work that does not comply with plans and works requirements, and on the second level, reporting to the Government all construction problems in respect of repeated mistakes without rectification, delays in resolving such problems and suspected violations of statutory requirements; and

(7) raising MTRCL's requirements for supervision of the works of contractors – MTRCL should draw reference from the requirements of the SAR Government in supervising public works, including considering the introduction of the Contractor Management Handbook for public works to conduct regular assessments on the quality, progress and safety of works, environmental protection, management and attitude of the persons-in-charge of projects, subcontracting of works, performance of procurement, etc., and requiring resident site staff to conduct thorough on-site supervision, thereby effecting more stringent supervision of railway projects."

Mr Luk Chung-hung, Mr Chan Han-pan, Dr Kwok Ka-ki and Mr Lam will move separate amendments to Mr Tien's motion.

Mr Chan Chi-chuen will move a motion on studying the formulation of policies for homosexual couples to enter into a union. The motion states: "That this Council urges the Government to study the formulation of policies for homosexual couples to enter into a union so that they can enjoy equal rights as heterosexual couples."

Dr Priscilla Leung, Mr Au Nok-hin and Mr Gary Fan will move separate amendments to Mr Chan Chi-chuen's motion.

During the meeting, the Chief Secretary for Administration will present the Government Minute in response to the Report of the Public Accounts Committee No. 69A and No. 70 of May and July 2018 and address the Council.

Members will also ask the Government 22 questions on various policy areas, six of which require oral replies.

The agenda of the above meeting can be obtained via the LegCo Website (www.legco.gov.hk). Please note that the agenda is subject to change, and the latest information about the agenda could be found on the LegCo Website.

Members of the public are welcome to observe the proceedings of the meeting from the public galleries of the Chamber of the LegCo Complex. They may reserve seats by calling 3919 3399 during office hours. Members of the public can also watch or listen to the meeting via the "Webcast" system on the LegCo Website.