

Thirty-two immigration offenders arrested

The Immigration Department (ImmD) mounted a series of territory-wide anti-illegal worker operations, including operations codenamed "Twilight", and joint operations with the Hong Kong Police Force and the Labour Department on August 6, 8 and 9. A total of 24 illegal workers and eight suspected employers were arrested.

During operation "Twilight", ImmD Task Force officers raided 27 target locations including garbage collection depots, industrial buildings, offices, residential buildings, restaurants, retail shops, shopping malls and village houses. Nine illegal workers and six employers were arrested. The illegal workers comprised eight men and one woman, aged 20 to 63. Among them, a man was a holder of a recognisance form, which prohibits him from taking any employment. In addition, a woman was suspected of using and being in possession of a forged Hong Kong identity card. Meanwhile, five men and a woman, aged 36 to 68, were suspected of employing the illegal workers.

Furthermore, during operations with other law enforcement agents, officers raided 82 target locations in Wan Chai, Eastern District, Western district and Mong Kok including bakery shops, factories, massage parlours, residential buildings, restaurants, salons and warehouses. Fifteen illegal workers and two employers were arrested. The illegal workers comprised three men and 12 women, aged 25 to 52. Among them, a man and a woman were holders of recognisance forms, which prohibit them from taking any employment. Meanwhile, a man and a woman, aged 51 and 40, were suspected of employing the illegal workers.

"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, as a standard procedure, will 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.

Meetings of Legislative Council Committees

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

No open or closed meetings of the Legislative Council (LegCo) Committees will be held in the LegCo Complex during the week from August 13 to 17.

Grant approved for Gansu flood victims in Mainland

The Government of the Hong Kong Special Administrative Region has accepted the advice of the Disaster Relief Fund Advisory Committee and approved from the Disaster Relief Fund a grant of \$655,000 to Oxfam Hong Kong for providing relief to flood victims in Gansu Province in the Mainland.

Announcing the grant today (August 10), a spokesman for the Government said that the grant will be used to provide flour and cooking oil to the victims. The Committee hopes the grant would facilitate the provision of timely relief to the victims and help them restore their normal living.

"To ensure that the money is used for the designated purposes, Oxfam Hong Kong will be asked to submit an evaluation report and an audited account on the use of the grant after the relief project has been completed," the spokesman said.

Grading of beach water quality released

The Environmental Protection Department (EPD) today (August 10) released the latest grading of water quality of 38 gazetted beaches and one non-gazetted beach (Discovery Bay) that are open for swimming.

Twenty-three beaches were rated as good (Grade 1), 15 as fair (Grade 2) and one as poor (Grade 3).

Grade 1 beaches are:

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Grade 2 Beaches

Grade 2 beaches are:

Anglers' Beach
Approach Beach

Kadoorie Beach
Lido Beach

Big Wave Bay Beach	Ma Wan Tung Wan Beach
Butterfly Beach	Shek O Beach
Casam Beach	Silver Mine Bay Beach
Clear Water Bay First Beach	Stanley Main Beach
Discovery Bay	Ting Kau Beach
Hoi Mei Wan Beach	

Grade 3 beach is:

Castle Peak Beach

Compared with the grading released last week, Clear Water Bay Second Beach and Silverstrand Beach have been upgraded from Grade 2 to Grade 1; Ting Kau Beach from Grade 3 to Grade 2. Stanley Main Beach has been changed from Grade 1 to Grade 2.

"The changes are generally within the normal range of fluctuation of the bacteriological water quality of the beaches," an EPD spokesman said.

Under the present grading system, beaches are classified into four grades according to the level of E. coli in the water. Grades are calculated on the basis of the geometric mean of the E. coli counts on the five most recent sampling occasions.

While the ratings represent the general water quality at the beaches, the EPD spokesman reminded members of the public that water quality could be temporarily affected during and after periods of heavy rain. Bathers should avoid swimming at beaches for up to three days after a storm or heavy rainfall.

A summary of beach grades is published weekly before the weekend. The latest beach grades based on the most current data may be obtained from the department's websites on Beach Water Quality (www.beachwq.gov.hk and www.epd.gov.hk/epd/beach) or the beach hotline, 2511 6666.

[Make prior work arrangements for rainstorms](#)

The Labour Department (LD) today (August 10) reminded employers to make prior work arrangements for staff in times of rainstorms as soon as possible.

"To avoid disputes and confusion, employers should make prior work arrangements for staff and contingency measures in times of rainstorms," an LD spokesman said.

"In working out and enforcing the arrangements, employers should give prime consideration to employees' safety both in the workplace and during their journeys to and from work, and adopt a flexible approach. Whenever possible, they should consult their staff."

The work arrangements should cover the following matters:

- * Whether employees are required to report for duty when different rainstorm warnings are issued;
- * After a rainstorm warning is cancelled, the time for staff who have not reported for duty to resume work and the arrangements;
- * How wages and allowances (if any) will be calculated for staff who are required to report for duty and those who are late for work or absent from work during rainstorms; and
- * For employees who are required to travel to and from workplaces during rainstorms, whether transport facilities will be provided to them and, if so, the arrangements.

"Employers should make realistic assessments of the requirements for essential staff and require only absolutely essential staff to report for duty in adverse weather conditions. If an Amber, Red or Black Rainstorm Warning is issued during working hours, employees working indoors should remain on duty as usual and stay where they are unless it is dangerous to do so. Supervisors of employees working outdoors in exposed areas should suspend outdoor duties as soon as practicable. They should arrange for their employees to take shelter temporarily and resume duty when weather conditions permit. When the Black Rainstorm Warning is issued, those employees should not resume duty until the warning is lowered and weather conditions permit. If the Black Rainstorm Warning remains in force at the end of working hours, for safety reasons, employers should provide employees with an area in the workplace as temporary shelter for them to stay if they want to.

"If possible, employers should provide transport services for employees who are still required to travel to and from workplaces when the Black Rainstorm Warning is in force, or give them a special travelling allowance as encouragement.

"For staff who have practical difficulties in resuming work promptly upon cancellation of a rainstorm warning, employers should give due consideration to the circumstances of individual employees and handle each case flexibly.

"As rainstorms are natural occurrences that cannot be avoided, employers should not deduct wages of employees who are absent from or late for work because of inclement weather. Neither should employers dismiss an employee summarily based on these grounds," he said.

The spokesman also reminded employers to observe the statutory liabilities and requirements under the Employment Ordinance, the Occupational Safety and Health Ordinance, the Employees' Compensation Ordinance and the Minimum Wage Ordinance.

Employers should not deduct the annual leave, statutory holidays or rest days employees are entitled to under the Employment Ordinance so as to compensate for the loss of working hours resulting from employees' failure to report for duty upon the announcement of a Black Rainstorm Warning. An employer who without reasonable excuse fails to comply with relevant provisions under the Employment Ordinance is liable to prosecution.

Employers should also note that they have an obligation to maintain a safe workplace for their employees under the Occupational Safety and Health Ordinance.

"If employees are required to work in times of rainstorms, employers should ensure that the risks at work are properly controlled and reduced to levels that are as low as reasonably practicable," the spokesman said.

Under the Employees' Compensation Ordinance, employers are liable to pay compensation for deaths or injuries incurred when employees are travelling by a direct route from their residences to workplaces, or from workplaces back to residences after work, four hours before or after working hours on a day when Typhoon Signal No. 8 or above or a Red or Black Rainstorm Warning is in force.

To provide practical guidelines and samples of work arrangements for the reference of employers and employees, the LD has issued the booklet "Code of Practice in times of Typhoons and Rainstorms". The code can be obtained from the branch offices of the Labour Relations Division or downloaded from the department's webpage (www.labour.gov.hk/eng/public/wcp/Rainstorm.pdf).