

Two foreign domestic helpers jailed for performing illegal work

One foreign domestic helper and one overstaying former foreign domestic helper were jailed by the Shatin Magistrates' Courts today (November 8) for performing illegal work.

During an anti-illegal worker operation conducted on November 6, Immigration Department (ImmD) officers from the Foreign Domestic Helpers Special Investigation Section raided multiple target locations including restaurants and grocery shops in the Islands District. Two Filipino males and one Filipino female, aged between 45 to 63, of which two were found to be current foreign domestic helpers while one of them was found to be a former foreign domestic helper who has overstayed in Hong Kong, were arrested while working as movers of food ingredients and as a dish-washing worker. Three employers suspected of employing the three illegal workers were also arrested.

Two of the arrested illegal workers were charged at the Shatin Magistrates' Courts today with breaching their condition of stay, and taking employment while being a person who, having been given permission to land in Hong Kong, had remained in Hong Kong in breach of their limit of stay imposed in relation to the permission and overstaying in Hong Kong respectively. Both of them pleaded guilty to all charges and were sentenced to a total of 14 months' imprisonment and six weeks' imprisonment respectively. The investigation against the remaining arrestees is ongoing, and more persons involved in the case may be arrested.

"A helper should only perform domestic duties for the employer specified in the contract. The helper should not take up any other employment, including part-time domestic duties, with any other person. The employer should not require or allow the helper to carry out any work for any other person," an ImmD spokesman said.

The spokesman also said, "Any person who contravenes a condition of stay in force in respect of him/her 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."

The spokesman warned, "As stipulated in section 38AA of the Immigration Ordinance, an illegal immigrant, a person who is the subject of a removal order or a deportation order, an overstayer or a person who was refused permission to land is 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 spokesman reiterated that it is a serious offence to employ people who are not lawfully employable. Under the Immigration Ordinance, the maximum penalty for an employer employing a person who is not lawfully employable, i.e. an illegal immigrant, a person who is the subject of a removal order or a deportation order, an overstayer or a person who was refused permission to land, has been significantly increased from a fine of \$350,000 and three years' imprisonment to a fine of \$500,000 and 10 years' imprisonment to reflect the gravity of such offences. The director, manager, secretary, partner, etc, of the company concerned may also bear criminal liability. 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. Offenders are liable upon conviction to a maximum fine of \$150,000 and to imprisonment for one year. In that connection, the spokesman would like to remind all employers not to defy the law by employing illegal workers. The ImmD will continue to take resolute enforcement action to combat such offences.

Under the existing mechanism, the ImmD will, as a standard procedure, conduct an 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 ImmD officers will conduct a full debriefing and identification by using a standardised checklist to ascertain the presence of TIP elements, such as threats 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 intervention, medical services, counselling, shelter or temporary accommodation and other supporting services. The ImmD calls on TIP victims to report crimes to the relevant departments immediately.

Sample from Mai Po Nature Reserve tests positive for H5N1 virus

The Agriculture, Fisheries and Conservation Department (AFCD) was

notified today (November 8) by the University of Hong Kong (HKU) that an environmental sample taken from the Mai Po Nature Reserve (MPNR) tested positive for H5N1 subtype highly pathogenic avian influenza virus.

In collaboration with the AFCD, a research team of the School of Public Health, HKU, collects samples from the MPNR regularly for avian influenza surveillance. One of the environmental samples collected on November 6 has been confirmed to be positive for H5N1 virus.

An AFCD spokesman said the World Wide Fund for Nature Hong Kong, the managing organisation of the MPNR, has stepped up cleansing and disinfection of tourist facilities including bird hides and floating boardwalk. Disinfectant carpet has been placed at the entrance of the MPNR for visitors to disinfect the soles of their shoes. In addition, the AFCD is closely monitoring the situation of the birds in the MPNR and has put up notices to remind visitors to pay attention to personal hygiene.

There are no chicken farms within three kilometres of where the sample has been collected. The AFCD has strengthened avian influenza surveillance and been closely monitoring the situation of the local poultry farms and wholesale market. Poultry farmers, pet bird shop owners, and licence holders of bird exhibitions are reminded from time to time to ensure that proper precautions against avian influenza have been implemented.

"People should avoid contact with wild birds and live poultry as well as their droppings. They should clean their hands thoroughly after coming into contact with them. The public can call 1823 for the AFCD's follow-up if they come across birds suspected to be sick or dead, including the carcasses of wild birds and poultry," the spokesman said.

The Food and Environmental Hygiene Department (FEHD) will continue to be vigilant over live poultry stalls. It will also remind stall operators to maintain good hygiene.

The Department of Health will keep up with its health education to remind members of the public to maintain strict personal and environmental hygiene to prevent avian influenza.

The AFCD, the FEHD, the Customs and Excise Department and the Police will strive to deter the illegal import of poultry and birds into Hong Kong to minimise the risk of avian influenza outbreaks caused by imported poultry and birds that have not gone through inspection and quarantine.

All relevant government departments will continue to be highly vigilant and strictly enforce preventive measures against avian influenza. Health advice about preventing avian influenza is available on the AFCD website at www.afcd.gov.hk/english/quarantine/qua_live/H5N1_healthadvice.html.

[Update on cluster of Candida auris cases in Kowloon Hospital](#)

The following is issued on behalf of the Hospital Authority:

Regarding an earlier announcement on Candida auris carrier cases, the spokesperson for Kowloon Hospital gave the following update today (November 8):

Following a contact tracing investigation, two more patients, males aged 79 and 83 in the respiratory medicine ward, were identified as carriers of Candida auris while not having signs of infection. One patient has been discharged. The other is now being treated in isolation and is in stable condition.

The hospital will continue the contact tracing investigation of close contacts of the patients in accordance with the prevailing guidelines. A series of enhanced infection control measures have already been adopted to prevent the spread of Candida auris:

1. Thorough cleaning and disinfection of the ward concerned;
2. Enhanced admission screening for patients and environmental screening procedures; and
3. Application of stringent contact precautions and enhance hand hygiene of staff and patients.

The hospital will continue the enhanced infection control measures and closely monitor the situation of the ward concerned. The case has been reported to the Hospital Authority Head Office and the Centre for Health Protection of the Department of Health for necessary follow-up.

[Working Group on Developing Tourist Hotspots holds first meeting \(with photo\)](#)

The Working Group on Developing Tourist Hotspots, led by the Deputy Chief Secretary for Administration, Mr Cheuk Wing-hing, held its first meeting today (November 8). During the meeting, Mr Cheuk led members of the Working Group to discuss how to identify and develop tourist hotspots of high popularity and with strong appeal in various districts, as well as the

subsequent work plan of the Working Group.

Mr Cheuk said, "Hong Kong is a cosmopolitan city where East meets West and is endowed with a wealth of tourism resources, including cuisines, unique district characteristics, stunning shorelines of Victoria Harbour, natural beauty, clansmen culture, film and television culture, historic buildings and more. Today, the Working Group discussed the prerequisites for tourist hotspots, such as whether they have Hong Kong characteristics, the potential to attract both locals and tourists, and room for developing necessary transportation and ancillary facilities. The Working Group also discussed several preliminary proposals. The Working Group will collect views and suggestions on tourist hotspots through the 18 District Offices and select suitable projects for development.

"We will seek views and gather opinions from the 18 districts and various sectors of the community to develop innovative, appealing and executable projects. We will then consolidate resources and efforts from the community to take forward the projects to put into practice the goal of 'tourism is everywhere in Hong Kong'."

He added, "The Working Group will, within six months, identify the projects to be undertaken along with a relevant timeline for implementation and major tasks to be carried out."

Other members of the Working Group include the Secretary for Culture, Sports and Tourism (deputy leader), the Secretary for Commerce and Economic Development, the Secretary for Development, the Secretary for Environment and Ecology, the Secretary for Home and Youth Affairs, the Secretary for Security, the Secretary for Transport and Logistics, the Director of Home Affairs, the Director of Leisure and Cultural Services and the Commissioner for Tourism.



[Development Bureau imposes regulating](#)

actions on contractor involved in fatal industrial incident at non-governmental construction site in Chek Lap Kok

A spokesman for the Development Bureau (DEVB) said today (November 8) that the contractor involved in the fatal industrial incident at a non-governmental construction site in Chek Lap Kok yesterday (November 7) was under the List of Approved Contractors for Public Works (the List).

The DEVB, being the party to procure services for public works, attaches great importance to the site safety performance of all construction sites under the purview of contractors on the List (regardless of whether the sites are governmental construction sites or not). The DEVB issued a notification to the contractor concerned today to suspend it from tendering for public works contracts in the buildings category with immediate effect pursuant to the regulating regime. The contractor concerned has to conduct an independent safety audit to review its safety management system. Taking cognisance of the outcome of the independent safety audit, the contractor is required to submit an improvement action plan and implement improvement measures, with a view to demonstrating that it has an effective safety management system before the lifting of the suspension from tendering can be considered. The suspension from tendering is not only confined to future tender exercises, but is also applicable to tender exercises with procedures initiated but not concluded.

The Labour Department is investigating this industrial incident and will handle it in accordance with the law. Subject to the investigation findings, the DEVB may impose further regulating actions on the contractor concerned later on, including extension of the period of suspension from tendering for public works contracts and even removal from the List.