

Three illegal workers jailed

Three Vietnamese illegal workers were jailed by Shatin Magistrates' Courts yesterday (November 20).

During operation "Fastrack" conducted on September 16, Immigration Department (ImmD) investigators raided a massage shop in Causeway Bay. A female Vietnamese illegal worker, aged 36, was arrested while working as a masseuse. Upon identity checking, she produced for inspection a recognisance form issued by the ImmD, which prohibits her from taking employment. Further investigation revealed that she was a non-refoulement claimant. An employer suspected of employing the illegal worker was arrested and the investigation is ongoing.

In addition, during an anti-illegal worker operation conducted on November 18, ImmD investigators raided a restaurant in Tuen Mun. A female Vietnamese illegal worker, aged 39, was arrested while working as a dish-washing worker. Upon identity checking, she produced for inspection a recognisance form issued by the ImmD, which prohibits her from taking employment. Further investigation revealed that she was a non-refoulement claimant. An employer suspected of employing the illegal worker was also arrested and the investigation is ongoing.

Furthermore, during operation "Twilight" conducted on November 18, ImmD investigators raided a restaurant in Kwun Tong. A female Vietnamese illegal worker, aged 42, was arrested while working as a dish-washing worker. An employer suspected of employing the illegal worker was also arrested and the investigation is ongoing.

The three 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. Among them, two of the illegal workers pleaded guilty to the charge and were sentenced to 15 months' imprisonment while the other one was convicted and sentenced to 22 months and 2 weeks' imprisonment after trial.

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 intervention, medical services, counselling, shelter, temporary accommodation and other supporting services. The ImmD calls on TIP victims to report crimes to the relevant departments.

Correctional officers stop person in custody attempting suicide by hanging

Correctional Services officers stopped a 29-year-old female person in custody attempting suicide by hanging in Tai Lam Centre for Women today (November 21).

At 2am today, a correctional officer found the person in custody attempting suicide by hanging herself with a bed sheet tied to the grille bar of a cell. The officer immediately called for reinforcements and stopped the act. The person in custody was found conscious. After receiving examination and treatment in the institution hospital, she was referred to a public hospital for further treatment. A clinical psychologist of the department will follow up on the case.

A spokesman for the Correctional Services Department said, "The department uses all possible measures to prevent persons in custody from attempting suicide or self-harm. These measures include administrative

arrangements, improvement of institution facilities, staff training and first aid services."

The person in custody was sentenced to imprisonment for the offence of trafficking in a dangerous drug in October 2018.

Red fire danger warning

Attention duty announcers, radio and TV stations:

The fire danger situation today (November 21) is red and fire risk is extreme. The countryside is extremely vulnerable to fire. If you are planning to spend the day in the countryside, please take pre-cooked food for a picnic and take all measures to prevent hill fires. The penalty for lighting fires illegally in the countryside is \$25,000 and a year's imprisonment.

The Government arranges free shuttle services for Yuen Long District

In view of the temporary closure of West Rail Line Yuen Long Station from 2pm today (November 21), the Home Affairs Department (HAD) will arrange free shuttle services from 2pm to 7pm today between West Rail Yuen Long Station and Long Ping Station.

â€‹The HAD may adjust the services in response to the latest road conditions. Please pay attention to press announcement.

Mainland and Hong Kong sign Agreement Concerning Amendment to the CEPA Agreement on Trade in Services

The Chief Executive, Mrs Carrie Lam, witnessed the signing of the Agreement Concerning Amendment to the Mainland and Hong Kong Closer Economic

Partnership Arrangement (CEPA) Agreement on Trade in Services (Amendment Agreement) by the Financial Secretary, Mr Paul Chan, and the Vice Minister of Commerce, Mr Wang Bingnan, today (November 21).

The Hong Kong Special Administrative Region Government and the Ministry of Commerce agreed to enhance the level of liberalisation on trade in services of the Mainland for Hong Kong under the framework of CEPA. The Amendment Agreement updates the commitments on liberalisation and facilitation of trade in services under the Agreement on Trade in Services implemented in June 2016. It lowers the market access thresholds in the Mainland for Hong Kong enterprises and professionals in response to proposals of the Hong Kong business community for more participation in the development of the Mainland market.

The Amendment Agreement introduces new liberalisation measures in a number of important services sectors such as financial services, legal services, construction and related engineering services, testing and certification, television, motion pictures and tourism services, making it easier for Hong Kong service suppliers to set up enterprises and develop business in the Mainland, allowing more Hong Kong professionals to obtain qualifications to practise in the Mainland, and allowing more of Hong Kong's quality services to be provided to the Mainland market. The liberalisation measures take various forms, including removing or relaxing restrictions on equity shareholding, capital requirements and business scope in the establishment of enterprises; relaxing qualification requirements for provision of services by Hong Kong professionals; and relaxing the quantitative and other restrictions for Hong Kong's exports of services to the Mainland market. Examples of the liberalisation measures applicable to the whole Mainland are as follows:

- (a) Financial services: To support Mainland insurance companies issuing catastrophe bonds in the Hong Kong market and relax relevant requirements. The measure can promote the development of the insurance and bond markets in Hong Kong.
- (b) Legal services: To remove the restriction on the minimum capital input ratio of the Hong Kong side for partnership associations set up by Hong Kong and Mainland law firms. The measure is beneficial to small and medium-sized law firms in entering the Mainland legal services market by way of partnership associations.
- (c) Construction and related engineering services: To renew the expired agreements for mutual recognition of professional qualifications, including agreements of structural engineers, planners, building surveyors and architects, providing Hong Kong professionals with more room for development.
- (d) Testing and certification: To expand the scope of testing of products under the China Compulsory Certification (CCC) System that can be undertaken by qualified testing organisations in Hong Kong in co-operation with designated Mainland organisations from those processed or manufactured in the Mainland or processed in Hong Kong to CCC products processed or manufactured in any place. The measure will enable testing organisations in Hong Kong to

provide quality testing services for the huge Mainland consumer goods market (including products imported from other places).

(e) Television: There will be no restriction on the quantity of Hong Kong-produced television dramas and animation television programmes imported by television stations, audiovisual websites and cable television networks in the Mainland. The measure will facilitate the entry of Hong Kong-produced television dramas and animation television programmes into the Mainland market.

(f) Motion pictures: For motion pictures co-produced by Hong Kong and the Mainland, there will be no restriction on the percentage of Hong Kong principal creative personnel and artistes as well as the Mainland-related content. The fees for establishing the Mainland and Hong Kong co-production motion picture projects will also be waived. The measures will help enhance the flexibility of producing co-productions.

In addition, the Amendment Agreement introduces some liberalisation measures for pilot implementation in the nine Pearl River Delta municipalities of the Guangdong-Hong Kong-Macao Greater Bay Area. For example, in the sector of tourism services, the 144-hour visa-exemption transit policy would be enhanced for foreign group tours entering the Pearl River Delta Area and Shantou from Hong Kong through increasing the number of inbound control points and expanding the area allowed to stay. The measure can facilitate Hong Kong's tourism trade to develop more multi-destination products targeting foreign visitors, which can attract more overseas travellers to visit Hong Kong and the Mainland via Hong Kong.

The Amendment Agreement will be implemented on June 1, 2020. Details and the latest information on CEPA can be found on the Trade and Industry Department website at www.tid.gov.hk/english/cepa/index.html.