

## Licence renewal of employment agency refused

A spokesman for the Labour Department (LD) today (February 20) reminded operators of employment agencies (EAs) to conduct their business in compliance with the law and the Code of Practice for EAs at all times.

The LD recently refused to renew the licence of an EA named JK Company (located in Mong Kok), which has failed to meet the standards set out in the Code in many aspects, such as failing to draw up service agreements with foreign domestic helpers (FDHs) and their employers.

The spokesman said, “The Code sets out the salient legislative requirements that EA operators must observe in operating their business, as well as the minimum standards which the Commissioner for Labour expects of EAs. The Employment Agencies Administration (EAA) of the LD conducts regular and surprise inspections of EAs and issues warning letters to EAs for contraventions of the Code, so as to rectify any irregularities detected. As JK Company failed to comply with the Code despite warnings, the commissioner refused to renew the EA’s licence on the grounds that the licensee concerned was not a fit and proper person to operate an EA under section 53(1)(c)(v) of the Employment Ordinance (EO).”

He added, “According to the Employment (Amendment) Ordinance 2018 (the Ordinance) that came into effect on February 9, sections 53(1)(c)(iva), 53(1)(d)(iii) and 53(1)(e)(ii) further empower the commissioner to refuse to issue or renew a licence, or to revoke a licence, if the licensee or the person intending to be the licensee, or a related person of or an individual employed by the licensee or the person intending to be the licensee, has not complied with a code of practice issued under section 62A(1) of the Ordinance.”

This is the first refusal to renew an EA licence this year. In 2017, an EA named Java Maid Recruitment Service (located in Causeway Bay) had its licence revoked after its licensee was convicted of overcharging a job seeker, and a further four EAs named Sunday Employment Agency (located in Prince Edward), Chun Hing Agency (located in Sham Shui Po), In On Domestic Employment (located in Kwai Chung) and Festival City Employment Service Co Limited (located in Tai Wai) also had their licences revoked for contravening the Code by luring employers of FDHs to recover their fees paid by deducting part of wages from FDHs, withholding passports from FDHs without reasonable excuse, failing to draw up service agreements with job seekers and employers, and greatly failing to meet the standards set out in the Code, and therefore the licensees were considered not fit and proper to operate an EA. Another EA (only a Chinese name is available, please refer to the Chinese version of the press release) (located in Mong Kok) also had its licence renewal refused because its nominated operator was an undischarged bankrupt.

For enquiries or complaints about unlicensed operation, overcharging job seekers’ commission by EAs and the Code, please call the EAA at 2115 3667, or

visit its office at Unit 906, 9/F, One Mong Kok Road Commercial Centre, 1 Mong Kok Road, Kowloon.

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## Unlicensed food factory raided in Hung Shui Kiu, Yuen Long (with photo)

The Food and Environmental Hygiene Department (FEHD) raided an unlicensed food factory on a premises at the junction of Hung Shui Kiu Tin Sam Road and Hung Yuen Road in Hung Shui Kiu, Yuen Long, last night (February 19).

The unlicensed food factory was operated with a number of handcart stalls selling cooked food. Fifteen stalls were found on the premises with five being operated. During the operation, FEHD officers seized all the handcart stalls, about 160 kilograms of raw and cooked food, and large quantities of cooking utensils. Two men and one woman, who were suspected to be operators of the five stalls, were arrested and charged with operating an unlicensed food factory.

Under the Food Business Regulation (Cap 132X), anyone operating an unlicensed food factory commits an offence and is liable to a maximum fine of \$50,000 and imprisonment for six months upon conviction.

“The FEHD will continue to take stringent enforcement action against unlicensed food business,” a spokesman for the FEHD said.

“Members of the public can report any suspected unlicensed food business by calling the FEHD hotline 2868 0000.”



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## **MD announcement**

Attention duty announcers, radio and TV stations:

Please broadcast the following as soon as possible and repeat it at suitable intervals:

The Marine Department today (February 20) reminded masters, coxswains and persons-in-charge of vessels navigating in Hong Kong waters to proceed at a safe speed and exercise extreme caution because restricted visibility of less than 2 nautical miles has been reported.

Appropriate sound signals shall be made when underway or at anchor. All vessels must comply with the International Regulations for Preventing Collision at Sea.

Also, when radar is used without the benefit of adequate plotting facilities, the information obtained from the equipment is rather limited and should be construed accordingly.

Visibility reports are broadcast by the Vessel Traffic Centre (VTC) on VHF channels 12, 14 and 67.

In the event of an accident, a report shall be made immediately to the VTC at Tel: 2233 7801.

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## **Two illegal workers jailed**

Two illegal workers comprising a Bangladeshi and a Vietnamese holding recognisance forms were jailed at Shatin and Kowloon City Magistrates' Courts on February 15 and 17 respectively.

Immigration Department (ImmD) investigators received a referral from the Hong Kong Police Force to further investigate an illegal employment case in January. Enforcement officers arrested a male Bangladeshi worker, aged 37, conveying goods in Fo Tan. 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.

In addition, during operation "Twilight" conducted on February 13, ImmD investigators raided a warehouse in Kwai Chung. A male Vietnamese illegal worker, aged 34, was arrested. When intercepted, he was found working as a

loading 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. In addition, he was also suspected of using and being in possession of a forged identity card. Two employers suspected of employing the illegal worker were arrested and the investigation is ongoing.

The two illegal workers were charged at Shatin and Kowloon City Magistrates' Courts on February 15 and 17 respectively 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. They pleaded guilty to the charge and were sentenced to 15 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.

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## [CHP investigates case of severe paediatric influenza A infection](#)

The Centre for Health Protection (CHP) of the Department of Health is today (February 20) investigating a case of severe paediatric influenza A infection.

A 7-year-old boy, who lives in the Mainland and has had good past health, travelled to Hong Kong on February 15 and presented with fever, cough and muscle pain since February 18. He developed seizures the next day and was admitted to Queen Mary Hospital. His nasopharyngeal aspirate tested positive for influenza A (H1) virus upon laboratory testing. The clinical diagnosis was influenza A infection complicated with encephalopathy. He is now in a stable condition.

Initial enquiries revealed that the patient had not received seasonal influenza vaccination for the current season. His home contacts and travel collaterals are asymptomatic so far. Investigations are ongoing.

Meanwhile, in view of the continuous high level of seasonal influenza activity locally and the end of the Lunar New Year holiday for schools soon, the CHP today issued letters to schools to appeal for heightened vigilance and reinforcement of preventive measures to mitigate the impact of seasonal influenza.

A spokesman for the CHP said, "To prevent outbreaks of influenza and other respiratory infections, it is of prime importance that children with fever, regardless of the presence of respiratory symptoms, should not be allowed to attend school. They should seek medical advice and avoid school till 48 hours after the fever has subsided. Schools should also measure and record students' body temperature properly."

Schools are reminded to follow the [Guidelines on Prevention of Communicable Diseases](#) on preventive and control measures as well as management of outbreaks, which should be reported to the CHP for prompt follow-up.

The public should also maintain good personal and environmental hygiene for protection against influenza and other respiratory illnesses:

- Receive seasonal influenza vaccination for personal protection;
- Wash hands with liquid soap and water properly whenever possibly contaminated;
- When hands are not visibly soiled, clean them with 70 to 80 per cent

alcohol-based handrub as an effective alternative;

- Wash or clean hands frequently, especially before touching the mouth, nose or eyes, or after touching public installations such as handrails or door knobs;
- Cover the nose and mouth when sneezing or coughing, and wash hands thoroughly afterwards;
- Dispose of soiled tissue paper properly in a lidded rubbish bin;
- Put on a surgical mask when respiratory symptoms develop;
- Maintain good indoor ventilation;
- Avoid going to crowded or poorly ventilated public places; high-risk individuals may consider putting on surgical masks when staying in such places; and
- Maintain a balanced diet, exercise regularly, take adequate rest, do not smoke and avoid overstress.

For more information, please visit the CHP's [influenza page](#) and weekly [Flu Express](#).