

Hong Kong resident and Mainland visitor jailed for conspiracy to defraud and other offences

A Mainland female resident and her Hong Kong male resident spouse were sentenced to 13 months' and 16 months and two weeks' imprisonment respectively, and were each fined \$1,000, due to conspiracy to use false identity to enter Hong Kong, and making false statements upon birth registration, application of re-entry permit and Hong Kong identity card of their son.

The 52-year-old female defendant arrived in Hong Kong on the strength of the "Tanqin" exit endorsement claiming to visit the 63-year-old male defendant in March this year. The Immigration Department (ImmD) asked the female defendant about her purpose of visit. As the ImmD cast doubt on her matrimonial relationship, the female defendant was refused permission to land. The ImmD then launched an investigation against them.

During the investigation, the female defendant stated that she and the male defendant were genuine couples, and she gave birth to a son with the male defendant in Hong Kong in March 2010. Upon further enquiry, the female defendant admitted that she had been refused to enter Hong Kong in 2007. With the fear that she might not be allowed to enter Hong Kong, after discussion with the male defendant, the female defendant had assumed a false identity to enter Hong Kong in the company of the male defendant for multiple occasions between 2009 and 2017, upon which she made false representations to Immigration staff. After giving birth to their son in Hong Kong in 2010, both defendants knowingly made false statement by using the false identity of the female defendant during birth registration and the subsequent re-entry permit application of their son. The male defendant also admitted to have made false statement by using the false identity of the female defendant during the application of Hong Kong identity card of their son.

Both defendants were charged with one count of conspiracy to defraud, one count of making false statement for the purpose of obtaining a re-entry permit and one count of making false statement with intent to have the same inserted in a register of births. The male defendant was also charged with one count of furnishing false particulars to a registration officer. Both defendants pleaded guilty to the charges and were sentenced to 16 months and two weeks' imprisonment plus a fine of \$1,000 and 13 months' imprisonment plus a fine of \$1,000 respectively at the Shatin Magistrates' Courts yesterday (August 10).

"Under the laws of Hong Kong, any person who makes false statement to an Immigration officer commits an offence. Offenders are liable to prosecution and, upon conviction, subject to the maximum penalty of a fine of \$150,000 and imprisonment for 14 years, aiders and abettors are also liable to

prosecution and the same penalties. Also, any person who furnishes false particulars to a registration officer commits an offence. Upon conviction, offenders are subject to the maximum penalty of a fine of \$50,000 and imprisonment for two years. On the other hand, any person who makes any false statement with intent to have the same inserted in any register of births and deaths commits an offence, and, upon conviction, are subject to a fine and imprisonment for seven years." an ImmD spokesman said.

The spokesman warned that conspiracy to defraud is a serious offence. Under the Crimes Ordinance, offenders are liable to prosecution and upon conviction, the maximum penalty is imprisonment for 14 years.