

Hong Kong resident jailed for attempting to obtain services by deception and making false statutory declaration

A Hong Kong resident was charged with one count of attempting to obtain services by deception and one count of making false statutory declaration. The defendant pleaded guilty to the charges at the Shatin Magistrates' Courts yesterday (November 25). He was sentenced to 12 months' imprisonment for each charge, and the sentences are to run concurrently.

The 64-year-old male Hong Kong resident defendant married a 28-year-old Mainland woman in Hong Kong in September 2019. Subsequently, the Mainland woman successfully obtained a Confirmation Certificate on Delivery Booking from a private hospital for delivery services by virtue of her marital relationship with the defendant. The Mainland woman arrived in Hong Kong in March 2020. Upon her application of extension of stay in June 2020, the Immigration Department (ImmD) cast doubts on their marital relationship and the parentage of the expectant baby concerning the defendant, and the application for extension of stay was refused, which led to an investigation against the defendant and the Mainland pregnant woman. The Mainland pregnant woman could not give birth in Hong Kong eventually.

During the investigation, the defendant admitted that he made a false declaration at the Home Affairs Department, claiming to be the biological father of the expectant baby even though he knew that the expectant baby was not born to him, in order to enable the Mainland pregnant woman to obtain a Confirmation Certificate on Delivery Booking for delivery in Hong Kong.

"The Immigration Department is concerned about the situation of non-local pregnant women seeking to give birth in Hong Kong by illegal means. While great efforts are made to intercept non-local pregnant women without a confinement booking at the control points, vigorous enforcement actions have also been taken to combat related immigration offences committed by non-local pregnant women and their abettors," an Immigration Department spokesman said.

The spokesman warned that under the Theft Ordinance, a person who by any deception dishonestly obtains services from another shall be guilty of an offence and shall be liable, upon conviction, to the maximum penalty of imprisonment for 10 years. Moreover, under the Crimes Ordinance, a person who knowingly and wilfully makes a false statutory declaration shall be liable to prosecution and, upon conviction, to the maximum penalty of imprisonment for two years.