

Three illegal workers jailed

Three illegal workers, comprising an Indian, a Thai and a Vietnamese holding recognisance forms, were jailed by Shatin Magistrates' Courts on July 6.

Immigration Department (ImmD) investigators received a referral from the Hong Kong Police Force to further investigate an illegal employment case in May. Enforcement officers arrested a male Indian worker, aged 25, who was found doing renovation work in a shop in Yuen Long. 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.

Furthermore, during operation "Twilight" conducted on July 3, ImmD investigators raided a restaurant in Tsuen Wan. A male Thai illegal worker and a male Vietnamese illegal worker, aged 32 and 44, were arrested. When intercepted they were cooking and doing cleaning work respectively. Upon identity checking, they produced for inspection recognisance forms issued by the ImmD, which prohibit them from taking employment. Further investigation revealed that they were non-refoulement claimants. In addition, one of them was also suspected of using and being in possession of a forged identity card. Two employers suspected of employing the illegal workers were arrested and the investigations are ongoing.

The three illegal workers were charged at Shatin Magistrates' Courts on July 6 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 charges and were sentenced to 15 months' imprisonment. In addition, one of them was also charged with using a forged Hong Kong identity card and was sentenced to 15 months' imprisonment. All sentences are to run concurrently, making a total of 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 also warned that it is an offence to use or possess a forged Hong Kong identity card or an identity card relating to other person. Offenders are liable to prosecution and a maximum penalty of a \$100,000 fine and up to 10 years' imprisonment.

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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Beware of unexpected mobile data roaming charges when travelling abroad during summer holidays

The Office of the Communications Authority (OFCA) today (July 9) reminded consumers to be cautious about the use of mobile data roaming service while travelling abroad during the summer holidays so as to avoid "mobile bill shock", i.e. unexpectedly high mobile data roaming charges.

"Smart phones, tablets and other mobile devices are essentials for most consumers when they travel outside Hong Kong nowadays. Irrespective of the types of mobile devices they use, consumers are reminded that when accessing mobile data service outside Hong Kong, they would incur mobile data roaming charges which are in general a lot higher than local mobile data charges. In addition, downloading of large files/video clips, video streaming, access to mobile online games or automatic update of applications (apps) may consume unexpectedly large volumes of mobile data and result in a hefty bill," a spokesman for OFCA said.

For their peace of mind when travelling abroad, OFCA advises consumers to consider adopting the following measures to avoid mobile bill shock:

If mobile data roaming service is not required, consumers may:

- before leaving Hong Kong, disable both the mobile data service and data roaming service functions on their mobile devices; and
- request their operators to temporarily suspend mobile data roaming service before departure (currently, many operators can arrange suspension of roaming service for their customers, and some also allow suspension of mobile data roaming service while keeping voice roaming

intact).

If mobile data roaming service is required, consumers may:

- before departure, check with their operators the availability of mobile data roaming service and roaming partners available for their choice at the destination, as well as the details of the service charges;
- consider choosing a charge-capped data roaming service plan;
- when choosing a daily-rated data roaming service plan (day pass), be mindful of how the daily rate is charged, by checking its starting and ending time, whether the same charge applies to all destinations, and whether the plan is only applicable to a designated network;
- consider hiring pocket Wi-Fi devices or purchasing pre-paid SIM cards that can be used at the destination;
- while accessing the Internet or using apps via a Wi-Fi connection, check frequently to ensure that their mobile devices are not switched to mobile data services; and
- to avoid accidental use of mobile data roaming service, consider (a) deactivating the auto download or auto play functions for multimedia contents in some apps, especially social media apps; and (b) switching off the automatic update functions for emails, apps and other software.

"At present, some operators will proactively activate the data roaming service for their customers. If consumers do not need the service, they should contact their operators to deactivate it so as to avoid using the data roaming service inadvertently. In some circumstances, such as upon arrival at the destinations, consumers may receive notifications generated by individual mobile apps, or greetings and promotional messages from the destination roaming operator or the home network operator, some of which may provide instructions that guide the consumers to select their suggested services. Consumers should be alert before responding to such instructions or click the hyperlinks provided, as mobile data connection may be activated upon such an act, and high data roaming charges may be incurred as a result," the spokesman added.

Additional consumer alerts on smart use of mobile data roaming service and data roaming day passes can be accessed via the following links:

- www.ofca.gov.hk/en/consumer_focus/education_corner/alerts/mds/unexpected/index.html
 - www.ofca.gov.hk/en/consumer_focus/education_corner/guide/advice_roaming/smart_use/index.html.
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Red flag hoisted at Silverstrand Beach

Attention TV/radio announcers:

Please broadcast the following as soon as possible:

Here is an item of interest to swimmers.

The Leisure and Cultural Services Department announced today (July 9) that due to big waves, the red flag has been hoisted at Silverstrand Beach in Sai Kung District. Beach-goers are advised not to swim at the beach.

DGIP visits Japan and Korea to promote Hong Kong's role in Guangdong-Hong Kong-Macao Bay Area

The Director-General of Investment Promotion, Mr Stephen Phillips, today (July 9) embarked on visits to Tokyo, Japan and Seoul, Korea to update the local business communities on the opportunities Hong Kong has to offer in the Guangdong-Hong Kong-Macao Bay Area (Bay Area) development.

Mr Phillips will speak at two seminars. The first seminar, entitled "'Belt and Road' and 'Greater Bay Area' Initiatives – Hong Kong's Important Role and Business Opportunities for Japanese Companies" is jointly organised by Invest Hong Kong and Hong Kong Economic and Trade Office in Tokyo and will take place on July 11. On July 12, he will speak at a seminar in Seoul entitled "Smart Innovative Hong Kong and the Guangdong-Hong Kong-Macao Bay Area", organised in collaboration with the Korea Trade-Investment Promotion Agency (KOTRA). During his stay in the two cities, Mr Phillips will also meet with business leaders from a wide range of sectors.

Speaking of the upcoming event, the Principal Hong Kong Economic and Trade Representative, Tokyo, Ms Shirley Yung, said, "Hong Kong has maintained very close and friendly relationships with Japan and Korea for many years. Through the two seminars in Tokyo and Seoul, we hope that Japanese and Korean companies will gain a better understanding of Hong Kong's many advantages and opportunities, and leverage on Hong Kong's strategic location to further expand their businesses."

Mr Phillips said, "Hong Kong sees unprecedented business opportunities lying ahead in the context of China's Belt and Road Initiative and the Guangdong-Hong Kong-Macao Bay Area development strategy. This is the most opportune time for foreign investors to come and leverage Hong Kong's

advantages to drive business growth arising from these huge opportunities."

The Belt and Road Initiative offers the long-term prospect of transnational and intercontinental connectivity, and will give rise to rewarding business prospects including new air, sea and land routes, additional ports, rails and roads connecting different regions, economic and trade pacts, and increased investment flow.

The Bay Area will serve as a powerful connection point for the Belt and Road. A cluster of nine flourishing cities in Guangdong Province together with Hong Kong and Macao Special Administrative Regions, the Bay Area has a collective population of over 68 million and a combined GDP of some US\$1.5 trillion.

The "one country, two systems" arrangement ensures that Hong Kong retains its enduring advantages, including the rule of law and the independence of judiciary, free market mechanism, low tax regime, free flow of capital and information. "This makes Hong Kong an international city in China that can help connect the country with the rest of the world," Mr Phillips said.

He noted that the city can also help the country's drive to become a leading technology nation, especially in the context of the Bay Area development. Hong Kong has a very strong research and development capacity, which combined with Shenzhen's advanced manufacturing, will turn the Bay Area into an international innovation and technology hub, he said.

About Invest Hong Kong

Invest Hong Kong is the department of the Hong Kong Special Administrative Region Government to attract foreign direct investment and support overseas and Mainland businesses to set up or expand in Hong Kong. It provides free advice and customised services for overseas and Mainland companies enrolled as its clients. For more information, please visit www.investhk.gov.hk.