

# Eight landlords of subdivided units under regulated tenancies convicted of contravening relevant statutory requirements

Eight landlords of subdivided units (SDUs), who contravened Part IVA of the Landlord and Tenant (Consolidation) Ordinance (Cap. 7) (the Ordinance) pleaded guilty and were fined a total of \$51,500 today (July 5) at the Eastern Magistrates' Courts. Since the Ordinance has come into force, the Rating and Valuation Department (RVD) has successfully prosecuted 307 cases involving a total of 263 SDU landlords, with fines ranging from \$400 to \$28,000, amounting to a total of \$607,110.

The offences of these landlords include (1) failing to submit a Notice of Tenancy (Form AR2) to the Commissioner of Rating and Valuation within 60 days after the term of the regulated tenancy commenced; (2) failing to produce copies of the bills and provide an account in writing when requiring the tenant to pay for the reimbursement of the apportioned water and/or electricity charges; and (3) failing to provide the tenant with a rent receipt. One of the landlords committed 35 offences under (1) above and was fined \$28,000.

The RVD earlier discovered that the landlords failed to comply with the relevant requirements under the Ordinance. Upon an in-depth investigation and evidence collection, the RVD prosecuted against the landlords.

A spokesman for the RVD reiterated that SDU landlords must comply with the relevant requirements under the Ordinance, and also reminded SDU tenants of their rights under the Ordinance. He also stressed that the RVD will continue to take resolute enforcement action against any contraventions of the Ordinance. Apart from following up on reported cases, the RVD has been adopting a multipronged approach to proactively identify, investigate and follow up on cases concerning landlords who are suspected of contravening the Ordinance. In particular, the RVD has been requiring landlords of regulated tenancies to provide information and reference documents of their tenancies for checking whether the landlords concerned have complied with the requirements of the Ordinance. If a landlord, without reasonable excuse, refuses to provide the relevant information or neglects the RVD's request, the landlord commits an offence and is liable to a maximum fine at level 3 (\$10,000) and to imprisonment for three months. Depending on the actual circumstances, and having regard to the information and evidence collected, the RVD will take appropriate actions on individual cases, including instigating prosecution against suspected contraventions of the Ordinance.

To help curb illegal acts as soon as possible, members of the public should report to the RVD promptly any suspected cases of contravening the

relevant requirements. Reporting can be made through the telephone hotline (2150 8303), by email ([enquiries@rvd.gov.hk](mailto:enquiries@rvd.gov.hk)), by fax (2116 4920), by post (15/F, Cheung Sha Wan Government Offices, 303 Cheung Sha Wan Road, Kowloon), or in person (visiting the Tenancy Services Section office of the RVD at Room 3816-22, 38/F, Immigration Tower, 7 Gloucester Road, Wan Chai, Hong Kong, and please call 2150 8303 to make an appointment). Furthermore, the RVD has provided a form (Form AR4) ([www.rvd.gov.hk/doc/en/forms/ar4.pdf](http://www.rvd.gov.hk/doc/en/forms/ar4.pdf)) on its website to facilitate SDU tenants' reporting to the RVD.

The RVD reminds that pursuant to the Ordinance, a regulated cycle of regulated tenancies is to comprise two consecutive regulated tenancies (i.e. the first-term tenancy and second-term tenancy) for an SDU, and the term of each regulated tenancy is two years. A tenant of a first-term tenancy for an SDU is entitled to be granted a second-term tenancy of the regulated cycle, thus enjoying a total of four years of security of tenure. Since the first batch of regulated tenancies has already approached their second-term tenancies, the RVD has started a new round of publicity and education work in order to assist SDU landlords and tenants to understand the important matters pertaining to the second-term tenancy, and procedures that need to be followed about two months prior to the commencement of the purported second-term tenancy. In addition, the RVD has started issuing letters enclosing relevant information to the concerned landlords and tenants of regulated tenancies in batches, according to the expiry time of their first-term tenancies, to remind them about their respective obligations and rights under the Ordinance. These landlords and tenants may also visit the dedicated page for the second-term tenancy on the RVD's website ([www.rvd.gov.hk/en/tenancy\\_matters/second\\_term\\_tenancy.html](http://www.rvd.gov.hk/en/tenancy_matters/second_term_tenancy.html)) for the relevant information, including a concise guide, brochures, tutorial videos and frequently asked questions, etc. SDU landlords and tenants are also advised to familiarise themselves with the relevant statutory requirements and maintain close communication regarding the second-term tenancy for handling the matters properly and in a timely manner according to the Ordinance.

For enquiries related to regulated tenancies, please call the telephone hotline (2150 8303) or visit the RVD's webpage ([www.rvd.gov.hk/en/our\\_services/part\\_iva.html](http://www.rvd.gov.hk/en/our_services/part_iva.html)) for the relevant information.

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**[Special meeting of Pest Control Steering Committee convened to enhance inter-departmental collaboration in preventing spread of local dengue](#)**

## fever cases (with photo)

In response to the two epidemiologically linked local cases of dengue fever (DF) recorded earlier at Tin Shui (1) Estate in Tin Shui Wai, the interdepartmental Pest Control Steering Committee (PCSC) convened a special meeting today (July 5) to discuss the implementation of further measures to prevent the spread of local DF cases. The departments also reported the anti-mosquito work in premises under their respective management.

The Secretary for Environment and Ecology, Mr Tse Chin-wan, attended the meeting. Mr Tse said, "Aedes albopictus is a kind of mosquito that can transmit DF. It is now a critical moment to control the local DF outbreak. All bureaux and departments must carry out prompt, continuous, intensive and effective anti-mosquito operations to stop the further spread of DF and prevent it from becoming an endemic disease.

"Apart from strengthening anti-mosquito work, it is also important to enhance public awareness of mosquito prevention and control. By closely liaising with the relevant government departments and local organisations, the Food and Environmental Hygiene Department (FEHD) will widely distribute anti-mosquito posters and pamphlets through their communication networks to urge members of the public to stay alert and support the anti-mosquito work."

The Centre for Health Protection (CHP) of the Department of Health explained to the attendees the details of the local DF cases and the CHP's risk assessment. According to the current epidemiological information, the outbreak of local DF is still at an early stage, which is a critical moment. Effective anti-mosquito operations must be carried out at this stage to prevent further spread of DF.

The FEHD reported to various departments the targeted mosquito control operations conducted over the past month in response to the two local DF cases that occurred in Tin Shui Wai. The FEHD and relevant departments have intensified mosquito control work in the residences, workplaces and locations visited by the patients during the incubation period and after illness onset. These efforts include:

- conducting fogging operations in the scrubby areas within a 250-metre radius of the related locations and placing mosquito trapping devices to eradicate adult mosquitoes;
- carrying out inspection, removing stagnant water, applying insecticide and disposing of abandoned water containers weekly to prevent mosquito breeding;
- trimming of grass to remove the potential habitat of mosquitoes and facilitate mosquito control work; and
- stepping up publicity and education work, including organising health talks, deploying the Mobile Education Centre and distributing leaflets.

At the meeting, the FEHD urged all departments to actively take anti-mosquito measures and carry out intensive mosquito control operations in areas under their purview with a view to reducing the risk of DF transmission. Each department has also outlined a target list, encompassing all potential mosquito breeding places that are close to densely populated areas within their jurisdiction, for regular fogging operations.

The meeting was chaired by the Under Secretary for Environment and Ecology, Miss Diane Wong. Government bureaux, departments and organisations attending the meeting were the Agriculture, Fisheries and Conservation Department; the Architectural Services Department; the Buildings Department; the Civil Engineering and Development Department; the Development Bureau; the Department of Health; the Drainage Services Department; the Education Bureau; the Electrical and Mechanical Services Department; the FEHD; the Government Property Agency; the Hospital Authority; the Home Affairs Department; the Housing Department (HD); the Highways Department; the Information Services Department; the Lands Department; the Leisure and Cultural Services Department (LCSD); the Marine Department; the Social Welfare Department; the Transport Department; and the Water Supplies Department.

The Secretary for Environment and Ecology, Mr Tse Chin-wan, the Permanent Secretary for Environment and Ecology (Food), Miss Vivian Lau, and the Acting Director of Food and Environmental Hygiene, Mr Arsene Yiu, visited Tin Shui Estate in Tin Shui Wai and the vicinity yesterday (July 4) to inspect the mosquito control work carried out by relevant government departments for prevention of DF.

In order to prevent any outbreak of local DF, the HD, the FEHD and the LCSD have immediately stepped up anti-mosquito work in the vicinity of Tin Shui (1) Estate in Tin Shui Wai and places visited by the patients. These efforts are now being expanded to other areas in Tin Shui Wai and will continue for a period of time. The CHP also held health talks jointly with the FEHD in the district.

Apart from maintaining strict environmental hygiene, the public should take heed of the following advice on mosquito control:

- Thoroughly check all gully traps, roof gutters, surface channels and drains to prevent blockage;
- Scrub and clean drains and surface channels with an alkaline detergent compound at least once a week to remove any deposited mosquito eggs;
- Properly dispose of refuse, such as soft drink cans, empty bottles and boxes, in covered litter containers;
- Completely change the water of flowers and plants at least once a week. The use of saucers should be avoided if possible;
- Level irregular ground surfaces before the rainy season;
- Avoid staying in shrubby areas;
- Take personal protective measures such as wearing light-coloured long-sleeved clothes and trousers and apply insect repellent containing DEET

to clothing and uncovered areas of the body when doing outdoor activities; and

- Seek medical advice promptly if experiencing DF symptoms (including high fever, severe headache, pain behind the eyes, muscle and joint pain, nausea, vomiting, swollen lymph nodes and rash).

To reduce the risk of infections spread by mosquitoes, apart from [general measures](#), travellers returning from affected areas should apply insect repellent for 14 days (DF) or at least 21 days (Zika Virus Infection) upon arrival in Hong Kong. If feeling unwell, seek medical advice promptly and provide travel details to the doctor. DEET-containing insect repellents are effective and the public should take heed of the tips below:

- Read the label instructions carefully first;
- Apply right before entering an area with risk of mosquito bites;
- Apply on exposed skin and clothing;
- Use DEET of up to 30 per cent for pregnant women and up to 10 per cent for children\*;
- Apply sunscreen first, then insect repellent; and
- Re-apply only when needed and follow the instructions.

\*For children who travel to countries or areas where mosquito-borne diseases are endemic or epidemic and where exposure is likely, those aged 2 months or above can use DEET-containing insect repellents with a DEET concentration of up to 30 per cent.

The public should call 1823 in case of mosquito problems and may visit the following pages for more information: the DF pages of the [CHP](#) and the [Travel Health Service](#), the latest [Travel Health News](#), [tips for using insect repellents](#), and the CHP [Facebook Page](#) and [YouTube Channel](#), as well as the Guidebook on Control and Prevention of Mosquito Breeding of the FEHD.



## 19 persons arrested during anti-illegal worker operations (with photo)

The Immigration Department (ImmD) mounted a series of territory-wide anti-illegal worker operations codenamed "Contribute", "Fastrack", "Lightshadow" and "Twilight", and a joint operation with the Hong Kong Police Force codenamed "Windsand" for three consecutive days from July 2 to yesterday (July 4). A total of 16 suspected illegal workers and three suspected employers were arrested.

During the anti-illegal worker operations, ImmD Task Force officers raided 56 target locations including massage parlours, premises under renovation and restaurants. Sixteen suspected illegal workers and three suspected employers were arrested. The arrested suspected illegal workers comprised seven men and nine women, aged 19 to 54. Among the arrested persons, one man and one woman were holders of recognisance forms, which prohibit them from taking any employment. One man and two women, aged 46 to 48, were suspected of employing the illegal workers and were also arrested.

An ImmD spokesman said, "Any person who contravenes a condition of stay in force in respect of him or her shall be guilty of an offence. Also, visitors are not allowed to take employment in Hong Kong, whether paid or unpaid, without the permission of the Director of Immigration. Offenders are liable to prosecution and upon conviction face a maximum fine of \$50,000 and up to two years' imprisonment. Aiders and abettors are also liable to prosecution and penalties."

The spokesman warned, "As stipulated in section 38AA of the Immigration Ordinance, an illegal immigrant, a person who is the subject of a removal order or a deportation order, an overstayer or a person who was refused permission to land is 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 spokesman reiterated that it is a serious offence to employ people who are not lawfully employable. Under the Immigration Ordinance, the maximum penalty for an employer employing a person who is not lawfully employable, i.e. an illegal immigrant, a person who is the subject of a removal order or a deportation order, an overstayer or a person who was refused permission to land, has been significantly increased from a fine of \$350,000 and three years' imprisonment to a fine of \$500,000 and 10 years' imprisonment to reflect the gravity of such offences. The director, manager, secretary, partner, etc, of the company concerned may also bear criminal liability. 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. Offenders are liable upon conviction to a maximum fine of \$150,000 and to imprisonment for one year. In that connection, the spokesman reminded all employers not to defy the law by employing illegal workers. The ImmD will continue to take resolute enforcement action to combat such offences.

Under the existing mechanism, the ImmD will, as a standard procedure, conduct an initial screening of 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 ImmD officers will conduct a full debriefing and identification by using a standardised checklist to ascertain the presence of TIP elements, such as threats 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 or temporary accommodation and other supporting services. The ImmD calls on TIP victims to report crimes to the relevant departments immediately.



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## [Inspection of aquatic products imported from Japan](#)

In response to the Japanese Government's plan to discharge nuclear-contaminated water at the Fukushima Nuclear Power Station, the Director of Food and Environmental Hygiene issued a Food Safety Order which prohibits all

aquatic products, sea salt and seaweeds originating from the 10 metropolis/prefectures, namely Tokyo, Fukushima, Ibaraki, Miyagi, Chiba, Gunma, Tochigi, Niigata, Nagano and Saitama, from being imported into and supplied in Hong Kong.

For other Japanese aquatic products, sea salt and seaweeds that are not prohibited from being imported into Hong Kong, the Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department will conduct comprehensive radiological tests to verify that the radiation levels of these products do not exceed the guideline levels before they are allowed to be supplied in the market.

As the discharge of nuclear-contaminated water is unprecedented and will continue for 30 years or more, the Government will closely monitor and step up the testing arrangements. Should anomalies be detected, the Government does not preclude further tightening the scope of the import ban.

From noon on July 4 to noon today (July 5), the CFS conducted tests on the radiological levels of 225 food samples imported from Japan, which were of the "aquatic and related products, seaweeds and sea salt" category. No sample was found to have exceeded the safety limit. Details can be found on the CFS's thematic website titled "Control Measures on Foods Imported from Japan"

([www.cfs.gov.hk/english/programme/programme\\_rafs/programme\\_rafs\\_fc\\_01\\_30\\_Nuclear\\_Event\\_and\\_Food\\_Safety.html](http://www.cfs.gov.hk/english/programme/programme_rafs/programme_rafs_fc_01_30_Nuclear_Event_and_Food_Safety.html)).

In parallel, the Agriculture, Fisheries and Conservation Department (AFCD) has also tested 50 samples of local catch for radiological levels. All the samples passed the tests. Details can be found on the AFCD's website ([www.afcd.gov.hk/english/fisheries/Radiological\\_testing/Radiological\\_Test.html](http://www.afcd.gov.hk/english/fisheries/Radiological_testing/Radiological_Test.html)).

The Hong Kong Observatory (HKO) has also enhanced the environmental monitoring of the local waters. No anomaly has been detected so far. For details, please refer to the HKO's website ([www.hko.gov.hk/en/radiation/monitoring/seawater.html](http://www.hko.gov.hk/en/radiation/monitoring/seawater.html)).

From August 24 to noon today, the CFS and the AFCD have conducted tests on the radiological levels of 65 089 samples of food imported from Japan (including 41 907 samples of aquatic and related products, seaweeds and sea salt) and 15 692 samples of local catch respectively. All the samples passed the tests.

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## [Monetary Authority takes disciplinary](#)



# action against DBS Bank (Hong Kong) Limited for contraventions of Anti-Money Laundering and Counter-Terrorist Financing Ordinance

The following is issued on behalf of the Hong Kong Monetary Authority:

The Hong Kong Monetary Authority (HKMA) announced today (July 5) that it had completed an investigation and disciplinary proceedings for DBS Bank (Hong Kong) Limited (DBSHK) under the Anti-Money Laundering and Counter-Terrorist Financing Ordinance (Chapter 615 of the Laws of Hong Kong) (AMLO) (Note 1). The Monetary Authority (MA) has imposed a pecuniary penalty of HK\$10,000,000 against DBSHK for contraventions of the AMLO.

The disciplinary action (Note 2) follows an investigation by the HKMA on DBSHK's systems and controls for compliance with the AMLO. The control deficiencies identified in the investigation relate to DBSHK's failure to continuously monitor business relationships and conduct enhanced due diligence in high risk situations during various periods between April 2012 and April 2019, as well as its failure to keep records in respect of some of the customers. DBSHK also failed to maintain effective procedures for carrying out its duties under the AMLO in relation to the aforementioned control deficiencies during this period.

In deciding the disciplinary action, the MA has taken into account all relevant circumstances and factors, including the following:

- (a) the seriousness of the investigation findings;
- (b) the need to send a clear deterrent message to the industry about the importance of effective controls and procedures to address money laundering and terrorist financing risks;
- (c) remedial actions have been taken to address the deficiencies identified and efforts have been made to improve the bank's anti-money laundering and counter-financing of terrorism controls; and
- (d) DBSHK has no previous disciplinary record in relation to the AMLO and co-operated with the HKMA during the investigation and enforcement proceedings.

The Executive Director (Enforcement and AML) of the HKMA, Mr Raymond Chan, said, "The HKMA requires banks to put in place effective customer due diligence measures to combat money laundering and terrorist financing. These measures should be subject to regular review to ensure that they remain effective."

Note 1: Prior to March 1, 2018, the short title of Chapter 615 of the Laws of Hong Kong was the Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) Ordinance.

Note 2: The disciplinary action is taken under section 21 of the AMLO. The

AMLO imposes customer due diligence and record-keeping requirements on specified financial institutions, including Authorized Institutions, and designated non-financial businesses and professions. As regards Authorized Institutions, the MA is the relevant authority under the AMLO.