

Illegal worker jailed

A Vietnamese illegal worker holding a recognisance form was jailed by Shatin Magistrates' Courts yesterday (July 3).

During operation "Twilight" on May 28, Immigration Department (ImmD) investigators raided a restaurant in Yuen Long. A male Vietnamese illegal worker, aged 54, was arrested. When intercepted he was washing dishes. 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. An employer suspected of employing the illegal worker was arrested and the investigation is ongoing.

The illegal worker was charged at Shatin Magistrates' Courts yesterday 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. After trial, he was sentenced to 15 months' imprisonment. In addition, he 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.

Entries invited for Catering Industry Safety Award Scheme

Local catering establishments are invited to participate in the Catering Industry Safety Award Scheme jointly organised by the Labour Department (LD) and the Occupational Safety and Health Council. Entries will be accepted from today (July 4) until July 19.

Launched in 1999, the scheme aims to enhance the occupational safety and health (OSH) awareness of employers, employees and stakeholders in the catering industry as well as the general public. By commending good OSH performance of catering establishments, supervisors and workers, the scheme aims to inculcate a good OSH culture in the catering industry.

All catering establishments in Hong Kong are welcome to join the competition, which is divided into four categories: the Catering Establishment Award, Supervisor Award, Safe Worker Award, and Safe Use of Personal Protective Equipment (PPE) Award. The last award is newly launched this year to encourage proper use of PPE by workers and recognise their OSH performance.

The Catering Establishment category will be divided into seven sub-categories: Chinese restaurants, restaurants (non-Chinese), hotels with kitchen, fast food shops serving Western food, fast food shops serving Chinese and general categories of food, cafés, and light refreshment eating places and canteens.

Participating establishments are required to hold valid licences issued by the Food and Environmental Hygiene Department (FEHD) on or before August 9 and throughout the competition period, and their licences should not have been suspended by the FEHD for whatever reason in the 12 months preceding August 9 and until the announcement of the competition results. Also, they should not have recorded any serious or fatal industrial accidents or received any Suspension Notices issued by the LD in the 12 months preceding the enrolment deadline.

Two special awards, namely the Group Safety Performance Award and Safety Awareness Award will continue to be featured this year. The former is open to catering groups with more than one eligible outlet taking part in the preliminary assessment of the same sub-category of the Catering Establishment Award. To encourage participation of small-scale establishments, those catering establishments with no more than three outlets and which have undergone preliminary assessment in the Catering Establishment category but do not win any awards, will be presented Safety Awareness Awards.

Each of the seven sub-categories of the Catering Establishment Award and the Group Safety Performance Award will have gold, silver, bronze and meritorious prizes. Winners of the Safety Awareness Awards, the Supervisor Awards, the Safe Worker Awards and the Safe Use of PPE Awards will also be awarded.

Preliminary assessment of entries, covering mainly the physical condition of the workplace, will take place from late July to mid-August. Final assessment, which covers the safety management systems of catering establishments, will be conducted from late August to early September.

To enhance the OSH awareness of the public and reduce the number of industrial accidents in the catering industry, the scheme will also feature a number of publicity functions, including a safety quiz for members of the public aged over 15 as well as catering establishments and related training bodies in the industry. The deadline for enrolment in the quiz is August 2.

The Catering Industry Safety Award Scheme is co-organised and sponsored by the Occupational Deafness Compensation Board. Other co-organisers are the Hong Kong Catering Industry Association, the Hong Kong Hotels Association, the Hong Kong Federation of Restaurants and Related Trades, the Association of Restaurant Managers, the Institution of Dining Art, the Association for Hong Kong Catering Services Management, the Food and Beverage Management and Professional Staff Association and the Eating Establishment Employees General Union.

Enrolment forms and brochures of the scheme and the safety quiz can be obtained from the LD's Occupational Safety and Health Branch offices and the Occupational Safety and Health Council on 19/F, China United Centre, 28 Marble Road, North Point, or downloaded from the LD's website www.labour.gov.hk. Enquiries can be made on 2852 3567 or 2852 3565.

Agenda of today's LegCo meeting revised

The following is issued on behalf of the Legislative Council Secretariat:

The agenda of the Legislative Council (LegCo) meeting, scheduled for today (July 4) at 11.30am (or immediately after the meeting for the Chief Executive's Question Time to be held at 11am) in the Chamber of the LegCo Complex, has been revised. In addition to the original items, the President of LegCo has given permission for Mr Kwong Chun-yu to move a motion for the adjournment of the Council under Rule 16(4) of the Rules of Procedure. The motion states: "That this Council do now adjourn for the purpose of debating the following issue: subsidence of viaduct piers of Yuen Long section of MTR West Rail Line."

For the latest agenda items of today's LegCo meeting, please refer to the LegCo Website:
www.legco.gov.hk/yr17-18/english/counmtg/agenda/cm20180704.htm.

Red flags hoisted at some beaches

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 4) that due to big waves, red flags have been hoisted at Hung Shing Yeh Beach, Lo So Shing Beach, Pui O Beach, Lower Cheung Sha Beach and Tong Fuk Beach in Islands District. Beach-goers are advised not to swim at these beaches.

CE's Statement on Pre-ExCo Meeting

Media Arrangement

With reference to her remarks at today's (July 3) pre-ExCo meeting media session on simultaneous interpretation and time in answering reporters' questions, the Chief Executive, Mrs Carrie Lam, makes the following statement:

In all my media sessions, I have been answering questions in the language in which they are asked (Cantonese, Putonghua or English), and I will continue to do so. There is no question of the Government or myself attaching less importance to the use of English. Indeed, since taking office as Chief Executive, I have made sure that important statements are made or released in both languages, such as my announcement (at a pre-ExCo meeting media session on June 12) of the plan to set up a Commission of Inquiry on certain works at the Hung Hom Station of the Shatin Central Link and my speech at the reception to celebrate the 21st Anniversary of the Establishment of the HKSAR on July 1. When a question was asked in English at the media stand-up today, I naturally responded in English. There should be no doubt about my commitment to responding to questions from reporters in the same language that the question is asked.

My remarks on simultaneous interpretation and time in answering questions made during today's usual pre-ExCo meeting media session were prompted by the consideration that such sessions, unlike a press conference, are of short duration (normally lasting 10 to 15 minutes before ExCo meeting commences) and during which reporters often have questions on a wide range of topical issues. If reporters ask the same question in different languages (be it Cantonese, Putonghua or English), and the same reply given also in different languages, that would take up time that might otherwise be used for reporters to raise other questions of interest. Those remarks were not targeted at the English language.

That said, having taken advice from my Information Services Department colleagues, I have no intention to change the way these pre-ExCo meeting media sessions are to be conducted. I apologise for any confusion thus caused.