

Illegal worker jailed

A Nepalese illegal worker holding a recognisance form was jailed at Shatin Magistrates' Courts yesterday (June 25).

During a joint operation conducted by the Immigration Department (ImmD), the Hong Kong Police Force and the Labour Department codenamed "Champion" on May 17, enforcement officers raided a restaurant in Sheung Wan. A male Nepalese illegal worker, aged 29, was arrested. When intercepted he was serving customers. 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.

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.

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 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.

Fatal traffic accident in Mong Kok

Police are investigating a fatal traffic accident in Mong Kok today (June 26), in which an 87-year-old woman died.

At about 4.43am, a medium goods vehicle (MGV) driven by a 40-year-old man reportedly knocked down the 87-year-old woman when it reversed on Cheung Wong Road near Shamchun Street junction.

Sustaining injury on head, the woman was certified dead at scene.

The MGV driver was arrested for dangerous driving causing death and is being detained for further enquiries.

Investigation by the Special Investigation Team of Traffic, Kowloon West is underway.

Anyone who witnessed the accident or has any information to offer is urged to contact the investigating officers on 3661 9000 or 3661 9058.

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Ombudsman invites public views on Education Bureau's mechanism for approving applications for school fee revision

The following is issued on behalf of the Office of The Ombudsman:

The Ombudsman, Ms Connie Lau, today (June 26) invited members of the public to provide information and/or views on the mechanism of the Education Bureau (EDB) for approving applications for school fee revision.

According to information published by the EDB in September 2017, a total of 147 Direct Subsidy Scheme (DSS)/private/international schools had been granted approval by the EDB to increase their school fees for the 2017/18 school year. Some schools charge an annual school fee of over \$200,000. The EDB says that it has established procedures for approving applications for school fee revision submitted by DSS/private/international schools. Nevertheless, there are concerns in the community that the bureau's approval mechanism is lax and lacks transparency, such that those schools can often easily obtain approval to raise their school fees, thereby placing a heavy financial burden on parents.

Ms Lau said, "Parents have been relying on the EDB to scrutinise the schools' budgets and their justifications for fee increase. The bureau should ensure that the levels of fee increase are reasonable and protect the interests of students and their parents. If schools are at liberty to unreasonably hike their school fees year after year, that would bring about a heavy financial burden for parents to bear. We are, therefore, very concerned about whether the EDB has in place a sufficiently strict mechanism and proper procedures for approving applications for school fee revision."

The Office of The Ombudsman has initiated a direct investigation into

the EDB's criteria and procedures for approving applications for school fee revision, and the bureau's regulatory system for school fees collected by schools. The Office will also examine whether there are inadequacies in the EDB's current approval mechanism and administrative procedures, with a view to making recommendations to the bureau for improvement.

To make the investigation more comprehensive, The Ombudsman now invites members of the public, particularly parents, parents' associations, the education sector and sponsoring bodies, to send information and/or views in writing to the Office of The Ombudsman by July 26, 2018:

Address: 30/F, China Merchants Tower, Shun Tak Centre, 168-200 Connaught Road Central, Hong Kong

Fax: 2882 8149

Email: complaints@ombudsman.hk

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