

Nineteen immigration offenders arrested

The Immigration Department (ImmD) mounted a territory-wide anti-illegal worker operation codenamed "Twilight" from June 4 to 7. A total of 14 illegal workers and five suspected employers were arrested.

During the operation, ImmD Task Force officers raided 23 target locations including beach, a commercial building, a factory, food stalls, a game centre, residential buildings and restaurants. A total of 14 illegal workers and five employers were arrested. The illegal workers comprised nine men and five women, aged 24 to 58. Among them, two men were holders of recognisance forms, which prohibit them from taking any employment. Three men and five women were suspected of using and being in possession of forged Hong Kong identity cards. Meanwhile, three men and two women, aged 26 to 44, were suspected of employing the illegal workers.

"Any person who contravenes a condition of stay in force in respect of him 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," an ImmD spokesman said.

The 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. It is an offence to use or possess a forged Hong Kong identity card or a Hong Kong identity card related to another 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 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 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.

Red tide sighted

A red tide has been sighted over the past week, an inter-departmental red tide working group reported today (June 8).

The red tide was spotted by staff of the Agriculture, Fisheries and Conservation Department (AFCD) on June 4 at the Cheung Sha Wan fish culture zone.

The red tide still persists. No associated death of fish has been reported.

A spokesman for the working group said, "The red tide was formed by *Takayama tuberculata*, which is not commonly found in Hong Kong waters and is non-toxic."

The AFCD urged mariculturists at the Cheung Sha Wan fish culture zone to monitor the situation closely and increase aeration where necessary.

Red tide is a natural phenomenon. The AFCD's proactive phytoplankton monitoring programme will continue to monitor red tide occurrences to minimise the impact on the mariculture industry and the public.

Draft Sha Tin Outline Zoning Plan approved

The Chief Executive in Council has approved the draft Sha Tin Outline Zoning Plan (OZP).

"The approved OZP provides a statutory land use framework to guide development and redevelopment within the Sha Tin area," a spokesman for the Town Planning Board said today (June 8).

The planning scheme area covers an area of about 2 777 hectares. Its inner core lies at the bottom of Sha Tin Valley, which is separated from Kowloon by a range of hills dominated by Lion Rock and Sugar Loaf Peak. These hills form a natural barrier to the expansion of the Sha Tin New Town towards the south and southeast.

Major land use zones include "Residential (Group A)" (about 250.27 hectares), "Residential (Group B)" (about 195.52 hectares) and "Residential (Group C)" (about 0.95 hectares) for high, medium and low-density residential developments respectively.

"Comprehensive Development Area" (about 17.21 hectares) is intended for comprehensive development/redevelopment for commercial and/or residential uses with the provision of open space and other supporting facilities. Other land use zones include "Commercial" (about 6.60 hectares), "Commercial/Residential" (14.55 hectares) and "Industrial" (about 42.69 hectares) for relevant developments.

About 190.30 hectares of land are zoned "Village Type Development" to designate both existing recognised villages and areas of land suitable for village expansion.

About 291.93 hectares of land are zoned "Government, Institution or Community" primarily for the provision of government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. About 253.68 hectares of land are zoned "Open Space" to provide outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

About 215.85 hectares of land are zoned "Other Specified Uses", mainly for railway station and railway depot development, business, cemetery and columbarium uses.

About 979.67 hectares of land are zoned "Green Belt" to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets.

The approved Sha Tin OZP No. S/ST/34 is now available for public inspection during office hours at the Secretariat of the Board; the Planning Enquiry Counters of the Planning Department in North Point and Sha Tin; the Sha Tin, Tai Po and North District Planning Office; the Sha Tin District Office; and the Sha Tin Rural Committee.

Copies of the approved OZP are available for sale at the Map Publications Centres in North Point and Yau Ma Tei. The electronic version of the plan can be viewed at the Board's website (www.info.gov.hk/tpb).

Approved Sai Ying Pun and Sheung Wan Outline Zoning Plan referred back for amendment

The Town Planning Board announced today (June 8) that the Chief Executive in Council has referred the approved Sai Ying Pun and Sheung Wan Outline Zoning Plan (OZP) to the Board for amendment to reflect the latest land use proposals.

The OZP incorporating the respective amendments will be exhibited for public inspection under the provisions of the Town Planning Ordinance.

The Sai Ying Pun and Sheung Wan OZP was last approved by the Chief Executive in Council in December 2017.

Two illegal workers jailed

Two Vietnamese illegal workers holding recognisance forms were jailed by Shatin Magistrates' Courts yesterday (June 7).

During operation "Twilight" conducted on June 5, Immigration Department (ImmD) investigators raided a housing estate in Tai Wai. Two male Vietnamese illegal workers, aged 44 and 54, were arrested. When intercepted they were doing cleaning work. 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, they were also suspected of using and being in possession of forged identity cards. One employer suspected of employing the illegal workers was arrested and the investigation is ongoing.

The two illegal workers were 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. They pleaded guilty to the charges and were sentenced to 15 months' imprisonment. In addition, they were also charged with one count of being in possession of a forged identity card and one count of using a forged identity card. They were each sentenced to 12 months and 15 months' imprisonment, of which part of the sentence is to run consecutively, making a total of 18 months' imprisonment each.

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.