

## Two illegal workers jailed

Two illegal workers, comprising one Indonesian and one Vietnamese, were jailed at Shatin and Tuen Mun Magistrates' Courts on June 1 and 2 respectively.

During a joint operation conducted by the Immigration Department (ImmD) and the Hong Kong Police Force codenamed "Champion" on March 7, ImmD investigators raided a restaurant in Mong Kok. One female Indonesian illegal worker, aged 35, was arrested. When intercepted she was washing dishes. Upon identity checking, she produced for inspection a recognisance form issued by the ImmD, which prohibits her from taking employment. Further investigation revealed that she was a non-refoulement claimant. One employer suspected of employing the illegal worker was arrested and the investigation is ongoing.

Moreover, during operation "Twilight" conducted on May 31, ImmD investigators raided a restaurant in Tuen Mun. A female Vietnamese illegal worker, aged 54, was arrested. When intercepted she was washing dishes. Upon identity checking, she produced for inspection a recognisance form issued by the ImmD, which prohibits her from taking employment. Further investigation revealed that she was a non-refoulement claimant. In addition, she was also suspected of using and being in possession of a forged identity card.

The two illegal workers were charged at Shatin and Tuen Mun Magistrates' Courts on June 1 and 2 respectively 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 were sentenced to 22 months and two weeks' imprisonment and 15 months' imprisonment respectively. In addition, one of them was also charged with using a forged Hong Kong identity card and was sentenced to 15 months' imprisonment. All her 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 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.

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## [Update on cases of Legionnaires' disease](#)

The Centre for Health Protection (CHP) of the Department of Health today (June 4) reported the latest number of cases of Legionnaires' disease (LD), and stressed the importance of using and maintaining properly designed man-made water systems, and that susceptible groups should strictly observe relevant precautions.

From May 27 to June 2, two community-acquired LD cases were reported. Both patients have underlying illnesses.

The first patient, a 70-year-old man, lives in Tower 3, Park Central, 9 Tong Tak Street, Sai Kung District, while the second patient, an 85-year-old woman, lives in Tat Cheung House, Po Tat Estate, Po Lam Road, Kwun Tong District.

"Epidemiological investigations are ongoing to identify potential sources of infection, high-risk exposure and clusters, if any," a spokesman

for the CHP said.

As of June 2, 21 LD cases had been reported in 2018. In 2017 and 2016, there were 72 and 75 cases respectively.

"Men, people aged over 50, smokers, alcoholics and persons with weakened immunity are more susceptible to LD. Some situations may also increase the risk of infection, including poor maintenance of water systems leading to stagnant water; living in areas with old water systems, cooling towers or fountains; using electric water heaters, whirlpools and spas or hot water spring spas; and recent stays in hotels or vessels," the spokesman said.

Legionellae are found in various environmental settings and grow well in warm water (20 to 45 degrees Celsius). They can be found in aqueous environments such as water tanks, hot and cold water systems, cooling towers, whirlpools and spas, water fountains and home apparatus which support breathing. People may get infected when they breathe in contaminated droplets (aerosols) and mist generated by artificial water systems, or when handling garden soil, compost and potting mixes.

Immunocompromised persons should:

- Use sterile or boiled water for drinking, tooth brushing and mouth rinsing;
- Avoid using humidifiers, or other mist- or aerosol-generating devices. A shower may also generate small aerosols; and
- If using these devices, fill the water tank with only sterile or cooled freshly boiled water, and not tap water. Also, clean and maintain them regularly according to manufacturers' instructions. Never leave stagnant water. Empty the water tank, wipe all surfaces dry, and change the water daily.

The public should observe the health advice below:

- Observe personal hygiene;
- Do not smoke and avoid alcohol;
- Remove strainers in water taps and shower heads quarterly for cleaning;
- If a fresh water plumbing system is properly maintained, it is not necessary to install domestic water filters. Use of water filters is not encouraged as clogging occurs easily, which can promote growth of micro-organisms. In case water filters are used, the pore size should be 0.2 micrometres ( $\mu\text{m}$ ) and they need to be changed periodically;
- Drain and clean water tanks of buildings at least quarterly;
- Drain or purge for at least one minute the infrequently used water outlets (e.g. water taps, shower heads and hot water outlets) and stagnant points of the pipework weekly or before use;
- Seek and follow medical advice regarding the use and maintenance of home respiratory devices and use only sterile (not distilled or tap) water to clean and fill the reservoir. Clean and maintain them regularly according to the manufacturer's instructions. After

cleaning/disinfection, rinse the device with sterile water, cooled freshly boiled water or water filtered with 0.2-µm filters. Never leave stagnant water. Empty the water tank, keep all surfaces dry, and change the water daily; and

- When handling garden soil, compost and potting mixes:

1. Water gardens and compost gently using low pressure;
2. Open composted potting mixes slowly and make sure the opening is directed away from the face;
3. Wet the soil to reduce dust when potting plants; and
4. Avoid working in poorly ventilated places such as enclosed greenhouses.

The public may visit the CHP's [LD page](#), the [Code of Practice for Prevention of LD](#) and the [Housekeeping Guidelines for Cold and Hot Water Systems for Building Management](#) of the Prevention of LD Committee, and the CHP's [risk-based strategy](#) for prevention and control of LD.

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## **Communications Authority makes available 5 GHz shared band for provision of higher speed public mobile services**

The following is issued on behalf of the Communications Authority:

The Communications Authority (CA) announced today (June 4) its decision to make available 580 MHz of spectrum in the 5 GHz band (consisting of four sub-bands of frequencies in 5150 – 5250 MHz, 5250 – 5350 MHz, 5470 – 5725 MHz and 5725 – 5850 MHz) (the 5 GHz Shared Band) for the provision of public mobile services on a shared basis, as well as the associated regulatory and licensing regime.

"The CA's decision will enable Hong Kong to become one of the first few economies in the world to adopt advanced mobile technologies, such as Licensed Assisted Access, in the 5 GHz Shared Band for the provision of higher speed public mobile services. With a total bandwidth of 580 MHz, this represents a significant addition to the existing total capacity of the 552 MHz of spectrum in the sub-3 GHz bands already assigned to mobile network operators (MNOs). Mobile users will stand to benefit from the increased service quality and capacity to be provided by MNOs through the use of the 5 GHz Shared Band," a spokesman for the CA said.

The CA conducted a public consultation in February 2018 on its proposal to make available the 5 GHz Shared Band for the provision of public mobile services on a shared basis. The proposal received general support from the

industry.

"With immediate effect, MNOs may apply to the CA for the use of the band concerned on a shared basis to provide public mobile services through necessary amendments to their unified carrier licences," the spokesman said.

"The CA has been actively exploring ways to make available additional spectrum for the provision of public mobile services. The CA will continue to closely monitor the market and technology developments and will make available other suitable spectrum in a timely manner to further enhance the development of the mobile industry in Hong Kong for the benefits of our mobile users," the spokesman added.

For details of the CA's decision on the use of the 5 GHz Shared Band for the provision of public mobile services, please refer to the CA Statement published by the CA today, which is available at the CA's website:

[www.coms-auth.hk/filemanager/statement/en/upload/451/ca\\_statements20180604\\_en.pdf](http://www.coms-auth.hk/filemanager/statement/en/upload/451/ca_statements20180604_en.pdf).

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## **Ombudsman probes Government's handling of two trees in front of Tang Chi Ngong Building of University of Hong Kong**

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

The Ombudsman, Ms Connie Lau, today (June 4) announced her Office's initiation of a direct investigation to examine whether there was maladministration in the Government's decisions and actions in respect of its felling of two trees in front of Tang Chi Ngong Building of the University of Hong Kong on May 20, 2018.

The felling of the two banyan trees by the Lands Department (LandsD) has attracted wide media coverage and public debate. Some criticised that the departments concerned had not taken due care of the health conditions of the two trees, nor had they sufficiently consulted relevant experts and the local community.

In this light, The Ombudsman has decided to investigate whether the decisions and actions of the departments concerned, namely LandsD, the Home Affairs Department (HAD) and the Tree Management Office (TMO) of the Development Bureau, were in line with the relevant policies and procedures. This direct investigation will cover:

- (1) how LandsD had looked after the two trees, and whether its decision to fell the trees had sufficient grounds;
- (2) the role and involvement of the TMO in the incident;
- (3) whether the HAD had duly assisted in conducting local consultation; and
- (4) whether there are inadequacies and areas for improvement on the part of the departments concerned.

Back in June 2016, the Office of The Ombudsman published two direct investigation reports entitled "Government's Handling of Four Stonewall Trees along Bonham Road" and "Government's Tree Management Regime and Practices", and made a number of recommendations to the Government for improvement. The Office has been monitoring the progress of implementation of those recommendations by the departments concerned.

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## **Red flags hoisted at several 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 (June 4) that due to big waves, red flags have been hoisted at Stanley Main Beach, Shek O Beach and Big Wave Bay Beach in Southern District, Hong Kong Island; Silverstrand Beach, Clear Water Bay First Beach and Clear Water Bay Second Beach in Sai Kung District. Beach-goers are advised not to swim at these beaches.