

A staff of an employment agency convicted

A staff of an employment agency (EA staff) was convicted of aiding and abetting a foreign domestic helper (FDH) breaching condition of stay and overcharging a FDH, and was sentenced to 140 hours' community service order and a fine of \$8,000 today (May 31) at Shatin Magistrates' Courts. The Court also ordered the EA staff to refund the excessive placement fee to the FDH concerned.

In 2019, the Immigration Department (ImmD) received a referral of complaint from the Labour Department (LD) indicating that an EA staff requested a FDH, after entering Hong Kong, to perform domestic duties at the EA staff's residence for two weeks before she was arranged to work for the employer as specified in the employment contract. Acting on the referral, the ImmD thus commenced the investigation. At the same time, the LD initiated investigation against the EA staff as the complaint also involved excessive commission charged by the EA staff to the concerned FDH. After investigation, the ImmD and LD decided to instigate prosecution against the EA staff. After trial, the EA staff was convicted and sentenced today.

The Government spokesman said, "FDHs should only perform domestic duties specified in the employment contract as approved by the Director of Immigration, and should not take up any duties other than those stipulated in the employment contract. Otherwise, they will breach their condition of stay. Offenders as well as aiders and abettors are liable to prosecution and upon conviction to a maximum fine of \$50,000 and imprisonment for two years."

The Government spokesman also emphasised, "Under the Employment Ordinance, an employment agency (EA) licensee or his/her associate, or a person purporting to act in such capacities, is not allowed to collect from a job seeker any fees or charges other than the prescribed commission, which is an amount not exceeding 10 per cent of the first month's salary of the job seeker upon successful placement. Besides, the EAs should operate in full compliance with the law and the Code of Practice for Employment Agencies at all times. Failure to do so may lead to prosecution and/or revocation of licence. The Employment (Amendment) Ordinance 2018, effective since February 9, 2018, has raised the maximum penalty for overcharging job seekers to a fine of \$350,000 and imprisonment for three years."

Members of the public can report immigration-related crimes by 24-hour Immigration Offences Hotline 2824 1551, fax 2824 1166, email anti_crime@immd.gov.hk or visit the ImmD website www.immd.gov.hk by completing the Online Immigration Offences Report Form.

For enquiries or complaints about unlicensed operations or overcharging by EAs, please call the Employment Agencies Administration of the LD at 2115 3667, or visit its office at Unit 906, 9/F, One Mong Kok Road Commercial

Centre, 1 Mong Kok Road, Kowloon.