

Forgery-cum-illegal worker syndicate neutralised by Immigration Department

The Immigration Department (ImmD) has conducted an operation codenamed "Pathcatcher" since December 2019 and successfully neutralised a forgery-cum-illegal worker syndicate. The core syndicate member, a female Mainlander aged 56, was convicted of four counts of conspiracy to make false instruments, and was sentenced to 16 months' imprisonment at the District Court today (May 7). The defendant had been sentenced to 15 months' imprisonment upon conviction of possessing forged HKICs, possessing a false instrument and breach of condition of stay at the Magistrates' Courts earlier.

The other core syndicate members, including two male Mainlanders aged 29 and 35, were each sentenced to 32 months' imprisonment upon conviction of conspiracy to transfer forged HKICs, possessing forged HKICs and breach of condition of stay at the District Court on October 30, 2020. In addition, the 17 arrestees involved in the case were also sentenced upon conviction of conspiracy to use or possess forged HKICs, using or possessing forged HKICs or breach of condition of stay respectively at the Magistrates' Courts earlier.

The ImmD received a report in late 2019 that three forged HKICs were concealed in two postal envelopes. During an investigation, ImmD investigators successfully identified a forgery-cum-illegal worker syndicate which provided a one-stop service to recruit Mainlanders for seeking illegal employment in Hong Kong and provided them with forged HKICs. The investigation also revealed that the syndicate would arrange jobs and lodging for the illegal workers, and make profits from them for such arrangements.

After an in-depth investigation and intelligence analysis, the ImmD had launched enforcement actions codenamed "Pathcatcher" since December 2019. A total of 21 target locations were raided, including 13 residential addresses and eight working places. A total of 27 persons (comprising 19 Mainlanders and eight Hong Kong residents) with ages ranging from 30 to 71 were apprehended, including three core syndicate members from the Mainland. A total of 13 forged HKICs were also unearthed in the operation. A considerable amount of forged HKIC images were detected in the arrestees' mobile phones. It is believed that the syndicate has been smashed by this large-scale operation. The department will continue to co-operate with various law enforcement agencies to counter cross-border criminal activities.

The ImmD spokesman warned that, under the laws of Hong Kong, anyone who uses or possesses a forged HKIC commits an offence. Offenders are liable to prosecution and, upon conviction, a maximum penalty of a fine of \$100,000 and 10 years' imprisonment. Any person who without lawful authority or reasonable excuse transfers to another person an HKIC commits an offence. Offenders are liable to prosecution and, upon conviction, a maximum penalty of a fine of \$100,000 and 10 years' imprisonment. Moreover, 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.

The spokesman said 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 an 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 threats 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 intervention, medical services, counselling, shelter, temporary accommodation and other supporting services. The ImmD calls on TIP victims to report crimes to the relevant departments.