

# HKSAR Government vehemently objects to United States Trafficking in Persons Report 2022

The Government of the Hong Kong Special Administrative Region (HKSAR) today (July 20) vehemently objects to the biased and unfair assessment of the United States Trafficking in Persons Report 2022 (Report) of the Department of State of the United States (US).

A Government spokesman said, "Trafficking in persons (TIP) is never a prevalent problem in Hong Kong and there has never been any sign that Hong Kong is being actively used by syndicates as a destination or transit point for TIP. The rating of Hong Kong at Tier 2 Watch List in the Report is unfair and not substantiated by facts."

The HKSAR Government has all along been making proactive and multi-pronged efforts in the fight against TIP, and injected an enormous amount of resources to combat TIP and enhance the protection and well-being of foreign domestic helpers (FDHs) in Hong Kong. A high-level Steering Committee to Tackle TIP and to Enhance Protection of FDHs was established in March 2018 and it promulgated the Action Plan to Tackle TIP and to Enhance Protection of FDHs in Hong Kong (Action Plan) with multi-faceted and targeted measures, covering victim identification, investigation, enforcement, prosecution, victim protection and support, prevention, and partnership with different stakeholders. By end of 2019, all measures in the Action Plan have been firmly in place.

The spokesman said that the Government had sustained its anti-TIP efforts despite the challenges brought by the COVID-19 pandemic over the past two years. In particular, coverage of the initial screening of TIP victims has been fully extended since end 2019 to cover all cases involving persons vulnerable to TIP risks, including illegal immigrants, sex workers, illegal workers, FDHs and imported workers, which have come to the attention of the Hong Kong Police Force, the Immigration Department (ImmD), the Customs and Excise Department and the Labour Department (LD). In 2021, the number of initial screenings conducted by the various departments was around 7 700, a three-fold increase when compared with the number conducted in 2016, with only one victim identified. In 2020, three victims were identified from the 6 900 initial screening conducted.

"Facts speak louder than words. Despite the intensified screening efforts, only a handful of TIP victims were identified. The very small number and percentage of victims identified thus far has once again reinforced our observation that TIP is never a prevalent problem in Hong Kong. It is baseless and unfair to cast doubt on the quality of our screenings and discredit our screening procedure merely because of the low number of victims so identified. In fact, the victim identified in 2021 was initially screened

by the FDH Special Investigation Section of ImmD, which was established in December 2019 to step up scrutiny of FDH visa applications to facilitate identification of potential TIP victims and cases of exploited FDHs. This speaks for itself the effectiveness of the new strategy in strengthening victim identification," the spokesman said.

"Under the two-week rule, in case of contract termination, FDHs must leave Hong Kong within two weeks from the date of early termination of contract. The main purpose of the two-week rule is to allow sufficient time for FDHs to prepare their departure. The rule has allowed sufficient flexibility to cater for exceptional circumstances. For example, for FDHs whose contracts are terminated early as they had been abused or exploited, they could apply for change of employer in Hong Kong without first returning to their places of origin. Exploitation of FDHs is never tolerated in Hong Kong. FDHs abused or exploited should not feel inhibited from lodging complaints against their employers."

"On the claim about the lack of a composite trafficking legislation in Hong Kong, the HKSAR Government maintains the view that our current legislative framework, which comprises over 50 legal provisions against various TIP conducts, provides a comprehensive package of safeguards comparable to composite TIP laws found in other jurisdictions, and has served Hong Kong well. Every jurisdiction should have its latitude to determine the best legal framework to tackle the issue and there is simply no one-size-fits-all solution. There is no indication to suggest that the effectiveness of our anti-TIP efforts has been undermined without a composite trafficking legislation."

The law enforcement agencies remain vigilant in their investigation and enforcement efforts. In 2021, the Police conducted a total of 60 anti-vice operations, representing an increase of 46 per cent when compared with the preceding year. In the same year, a total of 278 persons were arrested for the offence of keeping a vice establishment or prostitution-related crimes under the Crimes Ordinance (Cap. 200).

Meanwhile, 26 FDH employers were prosecuted in 2021 for aiding and abetting their FDHs in breaching their conditions of stay, and 20 FDH employers were prosecuted for other offences such as common assault, assault occasioning actual bodily harm, indecent assault and criminal intimidation. LD also continued to take rigorous enforcement actions against employment agencies (EAs) in breach of the Employment Ordinance (Cap. 57), the Employment Agency Regulations (Cap. 57A) and the Code of Practice for EAs. About 2 000 regular and surprise inspections of EAs were conducted each year to ensure that EAs operate in compliance with the law. In 2021, LD successfully prosecuted five EAs, including one for overcharging job-seekers, two for unlicensed operation and two for other offences. In the same year, it revoked or refused to issue the licences of seven EAs.

The spokesman also stressed, "It should be pointed out that the four categories of offences of endangering national security which the Hong Kong National Security Law provides, are clearly defined with the elements of the

offences, the penalties, mitigation factors and consequences clearly prescribed. Any law enforcement actions taken by Hong Kong law enforcement agencies are based on evidence, strictly according to the law, for the acts of the persons concerned. Acts and activities endangering national security are distinctly different from normal interactions. Law-abiding people will not unwittingly violate the law. The US Department of State's comments on the Hong Kong National Security Law in the Report clearly do not reflect the facts."

The HKSAR Government has also continued to strengthen anti-TIP training to the frontline officers, with around 1 700 officials having attended TIP-related training in 2021.

The spokesman stressed, "Although our all-out efforts in the fight against TIP have not been received due and fair recognition, the HKSAR Government, as a responsible member of the international community, will continue its firm commitment to combatting TIP and contributing to the global efforts for this important cause."