

LCQ11: Employment of illegal workers by furniture direct selling factories

Following is a question by the Hon Shiu Ka-fai and a written reply by the Secretary for Security, Mr Tang Ping-keung, in the Legislative Council today (January 31):

Question:

Some members of the local renovation and design trades have relayed that in recent years, some so-called "furniture direct selling factories" that attract customers via channels such as cross-border e-commerce platforms and social platforms have reduced their operating costs by employing illegal workers to install furniture on-site for customers, thereby lowering the prices of their goods to attract customers. Such a practice has posed unfair competition to the local shops that operate by employing legal workers in compliance with relevant laws and regulations. In this connection, will the Government inform this Council:

- (1) whether it is aware of the aforesaid situation; if so, of the corresponding actions or measures taken in the past three years; if not, the reasons for that;
- (2) of the respective numbers of persons arrested and prosecuted in relation to employment of illegal workers by the aforesaid factories in each of the past three years, with a breakdown by the identity of those persons (such as illegal workers and employers);
- (3) whether the customers concerned need to bear any legal liabilities; and
- (4) as whether it will consider other effective measures to combat the aforesaid situation?

Reply:

President,

The Government is committed to combatting illegal employment, with a view to protecting job opportunities for the local workforce. It is a serious offence to engage in illegal employment. Employers, illegal workers as well as aiders and abettors of illegal employment will be liable to prosecution in accordance with the Immigration Ordinance (IO). The IO has different provisions targeting relevant offences committed by different groups of persons. Visitors, illegal immigrants and non-refoulement claimants, etc., are prohibited from taking any employment, whether paid or unpaid, or establishing or joining in any business. Aiders and abettors are liable to the same penalties. In addition, the Government amended the IO in 2021 by significantly increasing the maximum penalty of employers of illegal workers

to a fine of \$500,000 and 10 years' imprisonment with a view to reflecting the gravity of such offences.

Since the resumption to full normalcy after the pandemic, different economic activities (including renovation and furniture installation) have also been on the rise. The Immigration Department (ImmD) is aware of the one-stop service mode of furniture direct-selling mentioned in the question, with individual service providers offering "one-stop shop" services at a "factory direct-selling price". Among them, there are online businesses operated from or out of Hong Kong. In fact, it is very common for different industries to operate online stores, and some provide cross-border services. In this regard, ImmD has established the Cybercrime and Forensics Investigation Group in 2021, which is dedicated to assisting frontline investigators in collecting digital evidence so as to strengthen the ability in case investigation and evidence collection, with a view to coping with criminals who may use well-developed technologies to commit immigration-related offences and some potential complicated crimes in the future, such as using online social platforms or instant messaging applications to organise, arrange, and incite the public to commit serious crimes like illegal employment.

The Government's reply to the question raised by the Hon Shiu Ka-fai is as follows:

(1) and (4) ImmD closely monitors the trend of illegal employment related crimes and timely conducts enforcement actions against illegal employment in different industries. From 2021 to 2023, ImmD conducted 23 operations, codenamed "Contribute", which targeted at renovation related illegal employment. Among which, some 60 per cent of the operations were conducted after the pandemic and a total of 12 persons (including nine illegal workers and three employers) were arrested. In addition, ImmD conducted 3 574 anti-illegal employment operations codenamed "Twilight" during the same period to combat illegal employment in different industries. The targeted locations included renovation sites, and a total of 840 illegal workers and 286 employers were arrested. At the same time, labour inspectors of the Labour Department (LD) will, through regular workplace inspections, check employees' proof of identity and records of employees kept by employers under Part IVB of the IO. Cases of suspected illegal employment detected will be referred to relevant law enforcement agencies (LEAs) for follow-up. In 2021, 2022 and 2023, LD referred a total of 150, 99 and 123 suspected illegal workers respectively to relevant LEAs for follow-up.

LEAs will continue to closely monitor the trend of illegal employment related crimes. If any relevant black spots are identified, such as housing estates which are nearly ready for move-in, LEAs will step up inspections and enhance publicity efforts to educate prospective residents not to employ illegal workers for renovation and furniture installation, etc., with a view to raising public awareness and strengthening education.

At the same time, ImmD has stepped up the publicity campaign in order to let the employers understand the serious consequences of employing illegal

workers, and raise public awareness of not employing illegal workers. For example, ImmD has deployed officers and promotional vehicles to black spots of illegal employment from time to time to distribute "Don't Employ Illegal Workers" leaflets to employers. The employers are provided with information on how to identify persons who are lawfully employable and are reminded to inspect the original Hong Kong Identity Cards of job seekers. Information and videos about not to employ illegal workers and the points to note for employers before employing a job seeker are uploaded on ImmD's website for public reference. ImmD has also disseminated the message of "Employing Illegal Workers Is an Offence" through ImmD's official account on social media platforms. Besides, ImmD has set up a dedicated hotline (2824 1551) and email account (anti-crime@immd.gov.hk) for the public to report illegal employment.

(2) According to ImmD's information, the number of illegal workers and the number of employers of illegal workers arrested and prosecuted over the past three years are tabulated below:

Year	Number of illegal workers arrested	Number of illegal workers prosecuted	Number of employers of illegal workers arrested	Number of employers of illegal workers prosecuted
2021	1 103	815	604	185
2022	886	539	448	138
2023	1 304	943	502	109
Total	3 293	2 297	1 554	432

Notes:

(1) persons prosecuted may not be arrested in the same year.
(2) the number of arrests and prosecutions in "Contribute" and "Twilight" operations are included. ImmD does not maintain breakdown of prosecution figures by codenamed operations.

(3) As the circumstances of each case are different, ImmD officers will take into consideration all the relevant evidence and case details when taking enforcement actions and before making a decision. When necessary, advice from the Department of Justice will be sought on whether to proceed with prosecution. ImmD also appeals to the customers to stay alert and to call ImmD's hotline (2824 1551) for enquiry if in doubt about whether a service provider can be lawfully employable in Hong Kong.

Regarding customers' relevant legal liability, generally speaking, a customer who knowingly employs illegal workers via any service provider to provide service in his or her Hong Kong premises, or who does not take all practicable steps to ascertain whether a worker is lawfully employable in Hong Kong (such as inspecting his or her identity card) before allowing the worker concerned (if confirmed to be an illegal worker subsequently) to work in his or her Hong Kong premises, may be arrested and prosecuted for aiding

and abetting a person to breach the condition of stay or to commit an offence contrary to section 38AA of the IO.

ImmD reiterates that employing someone who is not lawfully employable and aiding and abetting others for taking up illegal employment, establishing or joining in any business are serious crimes. ImmD also reminds the public to stay alert and not to defy the law.

ImmD will continue to closely monitor the trend of illegal employment related crimes, step up enforcement actions against illegal employment, disseminate the serious consequences of employing illegal workers on multiple fronts, raise public awareness of not to employ illegal workers and take resolute enforcement action to combat such offences.