

LCQ4: Using false information for applying for entry to Hong Kong

Following is a question by Professor the Hon Chan Wing-kwong and a reply by the Acting Secretary for Security, Mr Michael Cheuk, in the Legislative Council today (December 18):

Question:

It has been reported that some unscrupulous and unlawful intermediaries on the Mainland have been soliciting businesses by spreading rumours on social media platforms about various talent admission schemes of the Hong Kong Special Administrative Region (HKSAR) Government, going as far as falsifying academic qualifications and proofs of employment for clients to facilitate their applications for study or employment in Hong Kong or visa renewal, so as to reap a profit. In this connection, will the Government inform this Council:

(1) of the number of cases involving the use of false information by applicants applying for entry to Hong Kong for employment or renewal of employment visas under various talent admission schemes in the past three years, as well as the types of applications involved and the follow-up actions taken in respect of such cases; the relevant figures on applications for study in Hong Kong which involved the use of false information and the follow-up actions taken;

(2) of the measures in place to prevent the use of false information by applicants for entry to Hong Kong under various talent admission schemes; and

(3) whether it will step up co-operation with the relevant Mainland authorities to combat the illegal acts of unlawful intermediaries; if so, of the details?

Reply:

President,

The continuous development of Hong Kong requires adequate human resources. The current-term Government has actively launched a number of measures to trawl for talents, including the Top Talent Pass Scheme (TTPS), and has also enhanced various talent admission schemes, including the Immigration Arrangement for Non-local Graduates, to expand the local talent pool. The Government attaches great importance to the problem of lawbreakers attempting to apply for study or employment in Hong Kong by falsifying academic qualifications or proofs of employment. All relevant bureaux and departments are performing their respective duties and actively handling relevant matters, and will continue to strictly enforce the law.

The Immigration Department (ImmD) has put in place mechanisms for assessing each visa or entry permit application under the talent admission schemes in a rigorous manner. It is an offence for any person or company to furnish false information or make false representation to the ImmD in visa or entry permit applications. Offenders are liable on conviction to a maximum fine of \$150,000 and imprisonment for 14 years. Any person who makes, uses or possesses false instruments or copies of false instruments commits an offence, and is liable on conviction to a maximum penalty of imprisonment for 14 years. Aiders and abettors are also liable to prosecution and penalties.

In addition, should any person be unveiled for obtaining his visa or entry permit to Hong Kong by illegal means, the visa or entry permit so obtained will become null and void according to the law, and the person will be subject to removal back to his place of origin. Even if the person has obtained the right of abode in Hong Kong, it will be declared invalid according to the law, and he will be subject to removal back to his place of origin.

In view of the situation of unscrupulous intermediary agencies falsifying academic qualifications, the Education Bureau (EDB) has requested post-secondary institutions to adopt enhancement measures, such as requiring applicants to submit verification proof by third-party authorities before admission as the circumstances may require, so as to further ensure the authenticity of the academic qualifications obtained. Various post-secondary institutions in Hong Kong have made it clear that they have not granted any intermediary agencies for overseas studies any degree of authority for admission. They have also reminded, from time to time, persons who intend to study in Hong Kong not to easily and blindly believe in the agencies' claim of so-called "guaranteed admission", and reiterated that furnishing false information is a serious criminal offense in Hong Kong. Relevant institutions will diligently undertake their gatekeeping responsibilities and clearly demonstrate their zero tolerance stance against falsifying or furnishing fraudulent academic qualifications. Upon discovery of any violations, post-secondary institutions will take immediate and decisive disciplinary actions, including rescission of admission offers or expulsion, and refer such cases to law enforcement agencies (LEAs) for follow-up action as appropriate.

In consultation with the Labour and Welfare Bureau, the EDB, the ImmD and the Hong Kong Police Force (HKPF), my reply to the question raised by Professor the Hon Chan Wing-kwong is as follows:

(1) The ImmD has been assessing each application for student visa or visa to Hong Kong under the talent admission schemes in a rigorous manner. LEAs will conduct thorough investigations and take resolute enforcement actions against suspected cases involving furnishing fraudulent academic qualifications or other false proofs. From January 2022 to December 2024, 25 persons were arrested on suspicion of using fraudulent academic qualifications to enrol in local post-secondary institutions. Eight persons have been charged, three of whom have been convicted and five have been released on bail pending trial. The cases of the other 17 persons are under investigation. Among the convicted persons, the highest sentence was imprisonment for 17 weeks. The

ImmD has declared the visas or entry permits of these convicted persons invalid according to the law.

(2) When processing each visa or entry permit application to Hong Kong, the ImmD will conduct random checks and verification on the information and documents submitted by the applicant as necessary, including verifying the applicant's status with the organisation that issued the document. The ImmD will also conduct surprise inspections from time to time, including on-site verifications against the employing company on the operating model, financial status and employee information, so as to determine the authenticity of the information provided by the applicant or his employing company when applying for a visa or entry permit and extension of stay.

On the other hand, the ImmD has completed a comprehensive review on the relevant visa policy. Apart from stepping up random checks on general employment visa applications, the ImmD requires all applicants of Categories B and C under the TTPS and the Quality Migrant Admission Scheme to submit verification proof of academic qualifications issued by designated third-party credential verification organisations or the awarding institutions. The updated requirements are clearly set out on the ImmD's website.

The ImmD has also actively publicised to the public and intermediary agencies, through various channels such as the Hong Kong Economic and Trade Offices, press releases, social media and talks, that furnishing false information or making false representations to the ImmD are serious criminal offences punishable by imprisonment. The public has been urged not to defy the law. The Government constantly reminds those who are interested to come to Hong Kong for employment or establishing businesses that they do not need to apply through intermediaries. They are also advised not to easily and blindly believe in claims made by intermediaries, such as the so-called "guaranteed success in application". Applicants are reminded that it is a serious criminal offence to provide false information and offenders are liable to criminal sanctions.

(3) The above relevant bureaux and departments have been maintaining close communication with the relevant Mainland authorities.

The HKPF has been working closely with the relevant Mainland enforcement authorities in timely referral of information of Mainland intermediary agencies involving in cases of fraudulent academic qualifications in Hong Kong to the relevant Mainland authorities for follow-up. As at December 2024, the HKPF had referred information of a total of 14 suspected unscrupulous Mainland intermediary agencies or intermediaries to the relevant Mainland authorities for follow-up.

The ImmD and the relevant Mainland authorities have established communication mechanism and maintained close intelligence exchanges and co-operations. In respect of the recent cases involving false proofs and unscrupulous intermediaries, the ImmD has been maintaining close communication and exchanging intelligence with the relevant Mainland authorities.

The Mainland and Hong Kong will conduct joint enforcement action against relevant illegal acts in a timely manner.