

LCQ7: Crackdown on illegal workers

Following is a question by the Hon Stanley Ng and a written reply by the Secretary for Security, Mr Tang Ping-keung, in the Legislative Council today (November 29):

Question:

Earlier on, the Immigration Department (ImmD) neutralised an illegal worker syndicate which had arranged for illegal workers to take up employment at more than 50 restaurants. In addition, it has been reported that some "snake-heads" have used guerrilla tactics to arrange for illegal workers to work on a casual basis in different work premises. In this connection, will the Government inform this Council:

(1) of the respective numbers of illegal workers and employers of illegal workers prosecuted in each of the past five years and this year to date, as well as the penalties imposed by the court on the convicted persons;

(2) of the number of crackdown operations conducted by the Government against illegal workers in each of the past five years and this year to date, as well as the average manpower from the Police and the ImmD deployed in each of such operations; whether it has reviewed the adequacy of the manpower deployed in such operations;

(3) whether it has assessed the changes in the employment of illegal workers since the introduction of the Enhanced Supplementary Labour Scheme; and

(4) whether it has studied how to step up the crackdown on illegal workers?

Reply:

President,

The Government is committed to combatting illegal employment, with a view to protecting job opportunities for local workers. The Government's reply to the question raised by the Hon Stanley Ng is as follows:

(1) According to the record of the Immigration Department (ImmD), the number of illegal workers prosecuted and the number of employers of illegal workers prosecuted are tabulated below:

| Year | Number of illegal workers prosecuted | Number of employers of illegal workers prosecuted |
|------|--------------------------------------|---|
| 2018 | 1 341 | 283 |
| 2019 | 1 157 | 246 |
| 2020 | 615 | 164 |

| | | |
|--------------------------------|-----|-----|
| 2021 | 815 | 185 |
| 2022 | 539 | 138 |
| 2023 (January – October) | 747 | 95 |

From 2018 to end-October this year, illegal workers and employers of illegal workers who were convicted had been sentenced to imprisonment or fine. In terms of imprisonment period, illegal workers were sentenced to imprisonment ranging from 10 days to 40 months, whereas employers of illegal workers were sentenced to imprisonment ranging from seven days to nine months. In terms of fines, illegal workers were fined ranging from \$1,000 to \$30,000, whereas employers of illegal workers were fined ranging from \$1,000 to \$400,000.

(2) According to the ImmD's record, the number of anti-illegal worker operations (including joint operations with the Hong Kong Police Force (Police)) is tabulated below:

Table 1

| Year | Number of operations |
|---------------------------|----------------------|
| 2018 | 16 108 |
| 2019 | 14 147 |
| 2020 | 13 612 |
| 2021 | 16 132 |
| 2022 | 15 759 |
| 2023 (January to October) | 14 628 |
| Total | 90 386 |

According to the Police's record, the number of anti-illegal worker operations by the Police is tabulated below:

Table 2

| Year | Number of operations [Note] |
|---------------------------|-----------------------------|
| 2018 | 171 |
| 2019 | 89 |
| 2020 | 36 |
| 2021 | 163 |
| 2022 | 130 |
| 2023 (January to October) | 124 |
| Total | 713 |

Note: the above operation figures include the joint operations with the ImmD, which may have been reflected in Table 1. The Police do not maintain the breakdown of the relevant joint operations.

The ImmD and the Police will, depending on operational needs, risk assessment and other considerations, flexibly arrange sufficient manpower to continuously conduct intelligence-led enforcement operations against illegal employment related activities. Law enforcement agencies will continue to monitor illegal employment activities in Hong Kong, conduct joint operations when necessary to vigorously combat relevant crimes, and regularly review and adjust manpower strategies.

The number of staff deployed in each operation of the ImmD and the Police involves details of operations which should not be disclosed.

(3) and (4) To alleviate the manpower shortage in various sectors, the Labour Department (LD) on September 4, 2023 launched the Enhanced Supplementary Labour Scheme (ESLS) to enhance the coverage and operation of the Supplementary Labour Scheme (SLS), including suspending the general exclusion of the 26 job categories as well as unskilled/low-skilled posts from the SLS for two years.

If an employer has violated relevant labour/immigration laws, terms of the Standard Employment Contract or the ESLS requirements, administrative sanction in the form of withdrawal of approval granted to import workers and debarment from participation in the ESLS for up to two years will be imposed. According to the information provided by the LD, since the launch of ESLS on September 4, 2023 till end-October, there was no administrative sanction case involving employers having breached immigration laws.

The ImmD will continue to spare no effort in mounting territory-wide operations against illegal employment in full swing and conduct joint enforcement operations with the Police where necessary. The ImmD continues to step up enforcement actions against illegal workers, and conducted a monthly average of nearly 1 500 operations against illegal employment from January to October 2023, representing around 10 per cent increase compared with the monthly average of such operations in 2021 and 2022.

The Police has all along been closely monitoring the trend of illegal workers related offences, and make assessment and appropriate deployment, including strengthening intelligence collection, conducting inspections on black spots where illegal workers work and gather (such as construction sites and restaurants, etc), as well as maintaining close liaison with relevant Government departments, exchanging intelligence timely and conducting joint enforcement operations, for example, the interdepartmental anti-crime and anti-illegal worker joint operations codenamed "Champion" and "Powerplayer" with the ImmD and the LD, in order to combat illegal workers and relevant illegal activities in Hong Kong.

The Government will continue to closely monitor the situation of illegal employment, and timely conduct necessary enforcement operations, with a view to safeguarding the stability of local employment market and protecting workers' rights.