

LCQ9: Crackdown on illegal workers

Following is a question by the Hon Chau Siu-chung and a written reply by the Secretary for Security, Mr Tang Ping-keung, in the Legislative Council today (July 3):

Question:

Regarding the crackdown on illegal workers, will the Government inform this Council:

(1) of the respective staffing establishment and strength of the Immigration Department (ImmD) responsible for carrying out frontline enforcement actions against illegal workers or illegal employment in each of the past five years and this year to date;

(2) of the respective numbers of illegal workers who were (i) arrested, (ii) prosecuted, and (iii) convicted in each of the past five years and this year to date, and set out in the table below a breakdown by the type of illegal workers;

Type of illegal workers	2019					Since 2024		
	(i)	(ii)	(iii)	(i)	(ii)	(iii)	(i)	(ii)	(iii)
Visitors									
Illegal immigrants									
Foreign domestic helpers (FDHs)									
Imported workers who are subject to specific employment conditions (except FDHs)									
Others (if applicable)									

(3) of the average penalties imposed on the convicted illegal workers mentioned in (2), and the jobs in which such convicted persons were engaged, with a breakdown by job type;

(4) as it is learnt that ImmD will exercise stringent controls at various immigration control points to identify dubious visitors intending to work illegally in Hong Kong and prevent those people from entering Hong Kong, of the respective numbers of dubious visitors identified and refused entry by the ImmD in each of the past five years and this year to date;

(5) of the respective numbers of employers arrested, prosecuted for and convicted of employing illegal workers in each of the past five years and this year to date, as well as the average penalties imposed on those convicted employers;

(6) as it is learnt that the ImmD will seek legal advice from the Department of Justice and consider whether an application for sentence review or the lodging of appeal should be made if there are reasons to believe that the sentence imposed on employers convicted of employing illegal workers is clearly inadequate, whether the ImmD has applied for sentence review or lodged appeals against the convicted persons mentioned in (5); if so, of the details; if not, the reasons for that;

(7) given that the ImmD has set up channels such as a 24-hour reporting hotline, email and online form for members of the public to report activities relating to suspected illegal employment, of the respective numbers of such reports received by the ImmD in each of the past five years and this year to date and, among them, the number of those on which follow-up actions were taken; among the reported cases on which follow-up actions were taken, of the average time from the receipt of the reports to the taking of follow-up actions, as well as the respective numbers of illegal workers and their employers who were arrested; whether the Government will consider stepping up publicity to encourage different stakeholders (including members of the public and frontline property management staff, etc.) to report suspected illegal employment; and

(8) as it has been reported that in recent years, some individuals or companies have been offering household cleaning services at low prices on the Internet to solicit business, which may involve illegal workers employed at low costs, what targeted measures the Government has put in place to address the problem, and whether it will consider stepping up the collection of evidence by way of posing as clients to enhance the effectiveness of investigation and law enforcement?

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). Visitors and illegal immigrants (IIs), and more, 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. The reply to the Hon Chau Siu-chung's question is as follows:

(1) Since 2019, the staff establishment of all investigation sections under the Enforcement Branch of the Immigration Department (ImmD) (including only disciplined posts) is tabulated below:

Year (as at January 1 of that year)	Staff establishment of all investigation sections under the Enforcement Branch (including only disciplined posts)
2019	361
2020	413
2021	442
2022	442
2023	442
2024 (as at June 1)	443

As combatting on illegal employment is part of the regular duties of the relevant investigation sections of the ImmD, the above staff concerned also undertake enforcement duties relating to the investigation of other immigration offences. Moreover, the ImmD has always flexibly deployed manpower to carry out related work in combatting illegal employment having regard to the operational needs. The actual number of staff deployed in enforcement operations against illegal employment involves details of operations which should not be disclosed.

(2) According to the ImmD's record, the numbers of illegal workers arrested, prosecuted and convicted are tabulated below with breakdown by immigration status:

Illegal workers	2019			2020		
	Arrested	Prosecuted	Convicted	Arrested	Prosecuted	Convicted
Visitors	1 327	873	832	502	379	368
Illegal immigrants (IIs)	182	163	146	147	152	120
Foreign domestic helpers (FDHs)	150	112	105	120	74	62
Imported workers who are subject to specific employment conditions (except FDHs)	4	2	1	11	6	4

Others (if applicable)	25	7	11	45	4	1
Total	1 688	1 157	1 095	825	615	555

Illegal workers	2021			2022		
	Arrested	Prosecuted	Convicted	Arrested	Prosecuted	Convicted
Visitors	417	303	234	265	147	116
IIs	307	281	188	221	131	113
FDHs	270	219	175	318	242	224
Imported workers who are subject to specific employment conditions (except FDHs)	16	4	2	12	7	2
Others (if applicable)	93	8	1	70	12	2
Total	1 103	815	600	886	539	457

Illegal workers	2023			2024 (as at end-May)		
	Arrested	Prosecuted	Convicted	Arrested	Prosecuted	Convicted
Visitors	679	476	435	274	231	211
IIs	146	100	95	48	46	38
FDHs	415	343	318	121	96	74
Imported workers who are subject to specific employment conditions (except FDHs)	6	5	3	4	4	2
Others (if applicable)	58	19	18	17	0	0
Total	1 304	943	869	464	377	325

Note: persons prosecuted/convicted may not be arrested/prosecuted in the same year.

(3) From 2019 to end-May this year, the majority of the convicted illegal workers were sentenced to imprisonment with terms ranging from 10 days to 40 months. The ImmD does not maintain the breakdown of statistics on the work type of the convicted illegal workers.

(4) The ImmD is responsible for exercising immigration control, whose officers take into account various factors on a case-by-case basis when examining arriving visitors, including their purpose of visit and whether they meet the general immigration requirements (for example, whether they hold a valid travel document or an entry permit with adequate returnability to their places of origin), etc. The ImmD does not maintain statistics on the number of visitors denied entry with intention for working illegally in Hong Kong.

(5) & (6) According to the ImmD's record, the numbers of employers of illegal workers arrested, prosecuted and convicted are tabulated below:

Year	Number of employers of illegal workers		
	Arrested	Prosecuted	Convicted
2019	674	246	196
2020	486	164	104
2021	604	185	105
2022	448	138	85
2023	502	109	99
2024 (as at end-May)	213	70	52

Note: persons prosecuted/convicted may not be arrested/prosecuted in the same year.

From 2019 to end-May this year, the majority of the convicted employers of illegal workers were sentenced to imprisonment or fine, with imprisonment terms ranging from four weeks to around 19 months, and fines ranging from \$1,000 to \$100,000.

We believe that the amended IO in 2021, which increased the penalty of employers of illegal workers, has already carried a deterrent effect. One of the employers was convicted in court in February 2024 for employing persons not lawfully employable and sentenced to 19 months' imprisonment. The sentence reflected the gravity of employing illegal workers. The ImmD will continue to pay close attention to sentences imposed by the courts, with due regard to the individual circumstances and severity of each case. If necessary, the ImmD will consult the Department of Justice on the appropriateness of a review of sentence before applying to the original

magistrate or the Court of Appeal of the High Court for a sentence review. There is one review case under processing as of now.

(7) The ImmD has set up a dedicated hotline (2824 1551), email account (anti-crime@immd.gov.hk) and Online Reporting of Immigration Offences (www.immd.gov.hk/eng/online-services/) for the public to report illegal employment. From 2019 to end-May this year, the number of reports against suspected employment of illegal workers received by the ImmD is tabulated below:

Year	Number of reports against suspected employment of illegal workers
2019	6 167
2020	4 288
2021	5 604
2022	4 558
2023	6 024
2024 (As at end-May)	3 052

The ImmD will handle each report against illegal employment in accordance with established procedures and mechanisms. The ImmD does not maintain the breakdown of statistics on the average time required for actions to be taken to follow up on a received report, and the numbers of illegal workers and employers of illegal workers arrested arising from the reports.

The ImmD has all along been proactively stepping up the publicity campaign on multiple fronts in order to enhance employers' understanding of the serious consequences of employing illegal workers, and raise public awareness of not employing illegal workers. The 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 for verification. For example, acting on the latest crime trend and relevant black spots of illegal employment activities, the ImmD's officers have stepped up inspections at new housing estates which are ready for move-in, and actively initiated publicity to educate residents of housing estates not to employ illegal workers for domestic work, renovation and furniture installation, and more, with a view to raising public awareness.

In addition, information and videos about not to employ illegal workers and the points to note for employers before employing a job seeker are uploaded on the ImmD's website for public reference. The ImmD has also disseminated the message of "Employing Illegal Workers Is an Offence" through

the ImmD's official account on social media platforms.

(8) The ImmD is aware that some lawbreakers have touted for business in the Internet by operating online stores. The ImmD will definitely take resolute enforcement actions to combat such illegal acts. For example, the ImmD recently discovered that some Mainland companies had been utilising social media platforms to advertise cleaning services in Hong Kong. After intelligence analysis and in-depth investigation, the ImmD's investigation officers identified a Mainland company which arranged for illegal workers to perform domestic and office cleaning work in Hong Kong. In June this year, an anti-illegal worker operation codenamed Netstrike was mounted by deploying officers-in-disguise to contact the person-in-charge of the identified Mainland cleaning service company suspected of having arranged for illegal workers to work in Hong Kong. During the operation, a person-in-charge of the Mainland cleaning company and three Mainland illegal workers were arrested.

The 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 ImmD will continue to step up enforcement actions against illegal employment, including conducting target-oriented cyber patrols, 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.