

Person convicted of managing unlicensed employment agency

The Labour Department (LD) reminds any person who wishes to operate an employment agency (EA) to be properly licensed before operation or he/she may face prosecution.

The reminder follows the conviction of a person, who was fined \$100,000 at Fanling Magistrates' Courts today (December 31), for managing an EA without a valid licence (in Fanling under the business name Sincere Honest Employment Centre Limited).

In August 2018, the Employment Agencies Administration (EAA) of the LD received a complaint against the company concerned from an employer seeking to engage a foreign domestic helper. As investigation revealed sufficient evidence that the company had operated an EA without a licence and the complainant was willing to act as prosecution witness, the LD decided to take out prosecution against the company and a responsible person of the company.

Sincere Honest Employment Centre Limited was earlier convicted at the Fanling Magistrates' Courts for operating an EA without a valid licence and was fined \$20,000. Today, a responsible person of the company was also convicted of managing the unlicensed EA.

According to the law, any establishment or person operating a business in Hong Kong for the purpose of obtaining employment for another person or supplying personnel to an employer is subject to the regulation of Part XII of the Employment Ordinance (EO) and the Employment Agency Regulations. Irrespective of the modus operandi or the job types involved, all EAs must obtain a licence issued by the LD before undertaking any EA activities. Except the holder of an EA licence or an associate of the licence holder, no one shall operate, manage or assist in the management of an EA, or else he/she may face prosecution.

LD reminds EAs to operate in full compliance with the law as well as the Code of Practice for EAs at all times. Failure to do so may lead to prosecution and/or revocation of licence. The Employment (Amendment) Ordinance 2018 enacted on February 9, 2018, has raised the penalty for the offences of unlicensed operation of EAs and overcharging job-seekers commissions to a maximum fine of \$350,000 and imprisonment for three years.

For enquiries or complaints about unlicensed operation or overcharging of commissions by EAs, please call EAA of the LD at 2115 3667 or visit its office at Unit 906, 9/F, One Mong Kok Road Commercial Centre, 1 Mong Kok Road, Kowloon.