

Response to US Trafficking in Persons Report 2018

In response to the US Department of State's "Trafficking in Persons (TIP) Report 2018" (the US TIP Report 2018), a Government spokesman said today (June 29) that the Hong Kong Special Administrative Region (HKSAR) Government took strong exception to the Report's grading on Hong Kong.

"The US Department of State's continued disregard of HKSAR Government's determined, persistent and reinforced efforts in combatting TIP is most deplorable and unacceptable."

"We strongly disagree with the US TIP Report 2018. It contains criticisms not founded on facts and allegations not supported by evidence," the spokesman stressed.

"TIP is a heinous crime that has never been tolerated in Hong Kong. Hong Kong's long and well-established legal framework, stringent enforcement actions by our professional and highly effective law enforcement agencies (LEAs), independent judicial system, respect for the rule of law in society, as well as our clean and efficient government have placed us on a solid footing to combat TIP. We have all along maintained close liaison with foreign consulates, the local civil society and international counterparts to fight against the crime," the spokesman added.

"The HKSAR Government has always been fully committed to working with the international community in combatting TIP through multi-faceted measures."

"As one of the busiest transport hubs and freest port in the world, we fully recognise the need for maintaining vigilance against the threat of TIP."

"The Report ignores Hong Kong's rigorous legislative regime, containing over 50 legal provisions against various TIP conducts that form a comprehensive package of safeguards comparable to composite TIP laws found in other jurisdictions. The Report also ignores the heightened coordination, awareness and capacity building among Government departments to step up enforcement actions on all fronts against TIP-related crimes."

"The US TIP Report 2018 treats Hong Kong unfairly. As in the past, the 2018 Report has once again demonstrated US Department of State's failure in providing an accurate or objective assessment of Hong Kong's commitment and efforts to combat TIP and protect foreign domestic helpers (FDHs) against exploitation. For example, the acknowledgement in the Report that the Government demonstrated significant efforts to eliminate trafficking and the allegation that we did not demonstrate increasing efforts compared to the previous report period are clearly self-contradictory."

"In 2017, the Government continued to expand the victim screening mechanism to more police districts, and further to the Customs and Excise Department as well. As a result, the number of vulnerable persons screened under the mechanism has increased by 87 per cent, from 2 515 in 2016 to 4 710 in 2017. Among them, only nine persons were identified as victims, i.e. less than 0.2 per cent of the screenings conducted. This is consistent with the fact that TIP is not prevalent in Hong Kong. Accusing Hong Kong of not taking the initiative in identifying and protecting TIP victims because of the low number of victims identified is simply illogical."

"Contrary to the bare assertions in the Report, LEAs have always been active in taking enforcement actions to combat TIP, including reports and referrals from non-governmental organisations (NGOs). In 2017, the Police conducted a total of 247 anti-vice operations to combat the TIP and vice syndicates. In particular, a syndicate mastermind was successfully prosecuted and convicted of eight counts of 'Trafficking in persons for the purpose of prostitution' and two counts of 'Keeping a vice establishment' a year ago. She was sentenced to a total of 18 months' imprisonment and the syndicate was thoroughly smashed."

Besides, the HKSAR Government attaches great importance to protection of the rights and interest of FDHs. In 2017, in a case whereby an FDH was deployed by an employment agent and an employer to work in Shenzhen, both the employment agent and the employer were convicted of "conspiracy to defraud" after trial and sentenced to six months' imprisonment.

In 2017, the Labour Department (LD) conducted 1 846 inspections, amongst which 1 515 were inspections to employment agencies (EAs) providing job placement service for FDHs. In the same year, LD successfully prosecuted 11 EAs for overcharging, unlicensed operation, etc. LD also revoked the licences of six EAs with malpractices in the same year.

The spokesman pointed out that, despite the unfounded and unfair criticisms, the HKSAR Government will continue to implement with earnest efforts concrete and robust actions against TIP and enhance protection for FDHs as set out in the Action Plan to Tackle TIP and to Enhance Protection of FDHs in Hong Kong promulgated in March this year. As an example, the spokesman supplemented that the penalties for an employment agency convicted of overcharging the commission payable by an FDH had gone up significantly to a maximum fine of \$350,000 and imprisonment for three years.

In March 2018, the HKSAR Government set up a high-level inter-bureau / departmental Steering Committee to Tackle TIP and to Enhance Protection of FDHs (Steering Committee) under the chairmanship of the Chief Secretary for Administration. The Steering Committee ensures that policy steer on the overall strategy and strategic measures to tackle TIP and enhance protection of FDHs are available to relevant bureaux and departments (B/Ds) from the most senior echelon of the Government and that sufficient resources are provided to B/Ds.

At the same time, the HKSAR Government promulgated the Action Plan to Tackle TIP and to Enhance Protection of FDHs in Hong Kong (Action Plan),

which outlines a package of multi-faceted measures that are comprehensive, strategic and targeted, covering areas including victim identification, investigation, enforcement, prosecution, victim protection and support, prevention, and partnership with different stakeholders. In addition to more than 20 ongoing measures, the Action Plan includes several major new initiatives, including:

- (a) extending the victim screening mechanism to the LD;
- (b) extending the Police's victim screening mechanism to all 24 police districts;
- (c) appointing dedicated teams or officers in the relevant LEAs to handle cases relating to TIP and exploitation of FDHs;
- (d) appointing dedicated teams or officers in the relevant LD divisions to ensure the effective implementation of measures to enhance protection of FDHs;
- (e) strengthening support for the designated co-ordinator of human exploitation cases in the Department of Justice;
- (f) setting up a dedicated hotline with interpretation services to provide support services to FDHs; and
- (g) engaging with the governments of major FDH source countries and launch public education campaigns through the relevant Economic and Trade Offices.

The spokesman reiterated that the setting up of the Steering Committee and the promulgation of the Action Plan clearly demonstrates the HKSAR Government's continuous and strong commitment and resolve in combatting TIP and protecting FDHs. Many of the new measures will take effect within 2018.

The Government also calls on NGOs or any member of the public to come forward to report any suspected cases of TIP or exploitation of FDHs to the authorities without delay, so that prompt actions could be taken. "As set out in the Action Plan, we will continue to engage with NGOs to regularly exchange views on issues concerning TIP and protection of FDHs. In this regard, a meeting between representatives of all relevant government bureau and departments and representatives of 14 NGOs was held in May 2018 to exchange views on the Action Plan. Similar efforts will certainly continue," the spokesman added.

"HKSAR Government's continuous commitment and all-out efforts to combat TIP have not received due and fair recognition. Despite this, we will take forward our action plan and do what is appropriate for Hong Kong," the spokesman added.