

Three illegal workers jailed (with photo)

The Immigration Department (ImmD) mounted an anti-illegal worker operation to combat illegal workers providing cross-boundary purchasing and delivery services in Hong Kong on October 15. Three Mainland visitors, suspected of being illegal workers, were arrested.

Immigration officers found that social media platforms have been utilised by individuals from the Mainland to advertise cross-boundary purchasing and delivery services in Hong Kong. After an in-depth investigation and intelligence analysis, ImmD officers identified several suspected illegal delivery workers and initiated an operation. Officers disguised themselves as customers to book cross-boundary purchasing and delivery services from these Mainland delivery workers. The suspects were subsequently arrested while providing cross-boundary delivery services in Hong Kong. The arrested illegal workers comprised two men and one woman, aged 32 to 33.

The illegal workers were charged at the Shatin Magistrates' Courts yesterday (October 17) with breaching the conditions of their stay. They pleaded guilty to the charges and were sentenced to two months' imprisonment.

"The ImmD will continue to strengthen enforcement actions against illegal employment and seek various means to publicise the serious consequences of employing illegal workers in order to raise public awareness of the issue. The ImmD will conduct target-oriented cyber patrols and take prompt enforcement actions if any person is found organising, arranging or instigating others to commit serious crimes such as employing illegal workers," an ImmD spokesman said.

The spokesman warned, "Any person who contravenes a condition of stay in force in respect of him/her shall be guilty of an offence. Also, visitors are not allowed to take employment in Hong Kong, whether paid or unpaid, or establish or join in any business, without the permission of the Director of Immigration. Offenders are liable to prosecution and upon conviction face a maximum fine of \$50,000 and up to two years' imprisonment. Aiders and abettors are also liable to prosecution and penalties."

The spokesman reiterated that it is a serious offence to employ people who are not lawfully employable. Under the Immigration Ordinance, the maximum penalty for an employer employing a person who is not lawfully employable, i.e. an illegal immigrant, a person who is the subject of a removal order or a deportation order, an overstayer or a person who was refused permission to land, has been significantly increased from a fine of \$350,000 and three years' imprisonment to a fine of \$500,000 and 10 years' imprisonment to reflect the gravity of such offences. The director, manager, secretary, partner, etc, of the company concerned may also bear criminal liability. The

High Court has laid down sentencing guidelines that the employer of an illegal worker should be given an immediate custodial sentence. According to the court sentencing, employers must take all practicable steps to determine whether a person is lawfully employable prior to employment. Apart from inspecting a prospective employee's identity card, the employer has the explicit duty to make enquiries regarding the person and ensure that the answers would not cast any reasonable doubt concerning the lawful employability of the person. The court will not accept failure to do so as a defence in proceedings. It is also an offence if an employer fails to inspect the job seeker's valid travel document if the job seeker does not have a Hong Kong permanent identity card. Offenders are liable upon conviction to a maximum fine of \$150,000 and to imprisonment for one year. In that connection, the spokesman would like to remind all employers not to defy the law by employing illegal workers. The ImmD will continue to take resolute enforcement action to combat such offences.

