

Twenty-nine immigration offenders arrested

The Immigration Department (ImmD) mounted a series of territory-wide anti-illegal worker operations, including an operation codenamed "Twilight," and joint operations with the Hong Kong Police Force and the Labour Department codenamed "Champion", from August 13 to 16. A total of 18 illegal workers, seven suspected employers and four overstayers were arrested.

During operation "Twilight", ImmD Task Force officers raided 88 target locations including restaurants, retail shops, construction sites, residential flats, residential buildings and industrial buildings. Ten illegal workers and three employers were arrested. The illegal workers comprised seven men and three women, aged 19 to 40. Among them, a man and two women were suspected of using and being in possession of forged Hong Kong identity cards. Meanwhile, three men, aged 28 to 50, were suspected of employing the illegal workers.

Furthermore, during operation "Champion", enforcement officers raided 46 target locations in Sha Tin, Kwai Chung, Tsing Yi, Cheung Sha Wan, Lai Chi Kok, Yau Ma Tei and Tsim Sha Tsui districts, including restaurants, massage parlours, markets and fish stalls. Eight illegal workers, four employers and four overstayers were arrested. The overstayers comprised three men and a woman, aged 27 to 32. The illegal workers comprised three men and five women, aged 40 to 57. Meanwhile, four women, aged 41 to 56, were suspected of employing the illegal workers.

"Any person who contravenes a condition of stay in force in respect of him shall be guilty of an offence. Also, visitors are not allowed to take employment in Hong Kong, whether paid or unpaid, 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," an ImmD spokesman said.

The spokesman warned that it is an offence to use or possess a forged Hong Kong identity card or a Hong Kong identity card related to another person. Offenders are liable to prosecution and a maximum penalty of a \$100,000 fine and up to 10 years' imprisonment.

The spokesman reiterated that it is a serious offence to employ people who are not lawfully employable. The maximum penalty is imprisonment for three years and a fine of \$350,000. The High Court has laid down sentencing guidelines that the employer of an illegal worker should be given an immediate custodial sentence. According to 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. The maximum penalty for failing to inspect such a document is imprisonment for one year and a fine of \$150,000.

Under the existing mechanism, the ImmD, as a standard procedure, will conduct initial screening of vulnerable persons, including illegal workers, illegal immigrants, sex workers and foreign domestic helpers, who are arrested during any operation with a view to ascertaining whether they are trafficking in persons (TIP) victims. When any TIP indicator is revealed in the initial screening, the officers will conduct a full debriefing and identification by using a standardised checklist to ascertain the presence of TIP elements, such as threat and coercion in the recruitment phase and the nature of exploitation. Identified TIP victims will be provided with various forms of support and assistance, including urgent interference, medical services, counselling, shelter, temporary accommodation and other supporting services. The ImmD calls on TIP victims to report crimes to the relevant departments.