

Twenty-six persons arrested during anti-illegal worker operations (with photos)

The Immigration Department (ImmD) mounted a series of territory-wide anti-illegal worker operations, including joint operations with the Hong Kong Police Force codenamed "Champion" and a joint anti-illegal worker operation with the Food and Environmental Hygiene Department, from April 25 to yesterday (April 29). A total of 19 suspected illegal workers and five suspected employers were arrested. Two suspected aiders and abettors were also arrested.

During anti-illegal worker operations, ImmD Task Force officers raided 89 target locations including a commercial building, a garbage collection depot, a massage parlour, an office, a retail shop, residential buildings and restaurants. Thirteen suspected illegal workers, three suspected employers and two suspected aiders and abettors were arrested. The suspected illegal workers comprised four men and nine women, aged 34 to 56. Among them, three women were holders of recognisance forms, which prohibit them from taking any employment. In addition, a woman was suspected of using and being in possession of a forged Hong Kong identity card. Meanwhile, two men and a woman, aged 50 to 63, were suspected of employing the illegal workers. Also, a man and a woman, aged 48 and 58, suspected of aiding and abetting a person who breached his condition of stay in Hong Kong, were also arrested.

In addition, among the "Champion" operations, enforcement officers raided 128 target locations in Kowloon East, Kwai Chung, Tsing Yi and Tsuen Wan District including a construction site, logistics centres, wet markets and warehouses. Three suspected illegal workers and two suspected employers were arrested. The suspected illegal workers comprised two men and a woman, aged 20 to 51. Among them, two men were holders of recognisance forms, which prohibit them from taking any employment. In addition, a man was suspected of using and being in possession of a false instrument. Meanwhile, a man and a woman, aged 60 and 46, were suspected of employing the illegal workers.

Furthermore, during a joint anti-illegal worker operation with the Food and Environmental Hygiene Department, enforcement officers raided two target locations in Sham Shui Po. Three suspected illegal workers were arrested. The suspected illegal workers comprised three women, aged 31 to 42.

"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, as stipulated in section 38AA of the Immigration Ordinance, illegal immigrants or people who are the subject of a removal order or a deportation order are prohibited from taking any employment, whether paid or unpaid, or establishing or joining in any business. Offenders are liable upon conviction to a maximum fine of \$50,000 and up to three years' imprisonment. The Court of Appeal has issued a guideline ruling that a sentence of 15 months' imprisonment should be applied in such cases. Under the prevailing laws, 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. In addition, it is an offence to use or possess a false instrument, or make false representation to an Immigration Officer. Offenders are liable to prosecution and a maximum penalty of \$150,000 and up to 14 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 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. 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 will, as a standard procedure, conduct an 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 threats 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 intervention, medical services, counselling, shelter, temporary accommodation and other supporting services. The ImmD calls on TIP victims to report crimes to the relevant departments.

