

Two core members of forgery-cum-illegal worker syndicate jailed

Two male Mainlanders were convicted of conspiracy to transfer forged Hong Kong identity cards (HKICs), possessing forged HKIC and breach of condition of stay and were each sentenced to 32 months' imprisonment today (October 30) at the District Court.

The Immigration Department conducted an operation in late 2019, and successfully neutralised a forgery-cum-illegal worker syndicate. The syndicate provided Mainlanders with forged HKICs for seeking illegal employment in Hong Kong. During the operation, the Immigration Department investigators apprehended two core syndicate members, aged 29 and 35, a total of 13 forged HKICs were also unearthed. Investigation against other suspects is ongoing by the Immigration Department.

Under the laws of Hong Kong, anyone who uses or possesses a forged identity card commits an offence. Offenders are liable to prosecution and, upon conviction, a maximum penalty of a fine of \$100,000 and 10 years' imprisonment. Moreover, 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.

The Immigration Department appeals 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 Immigration Department will, as a standard procedure, conduct initial screening on 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 Immigration Department calls on TIP victims to report crimes to the relevant departments.