

Third Meeting of the Economic and Employment Council

Agenda Item 4 : Measures to Tackle Illegal Employment

Purpose

The Government has been sparing no effort in combating illegal employment on all fronts to protect job opportunities for the local workforce. This paper gives an account of the measures taken. In sum, the measures revolve around the three major themes of tackling the problem at source, ensuring effective law enforcement and stepping up publicity and education.

Tackling the Problem at Source

2. To more effectively deter Mainland visitors from entering Hong Kong for illegal employment, the law enforcement departments concerned will continue to strengthen exchange of intelligence with Mainland authorities. Particulars of Mainland visitors who were found or suspected of having worked illegally in Hong Kong will be passed to Mainland authorities so that they can more strictly scrutinize subsequent applications from the persons concerned to visit Hong Kong. Consideration may be given by Mainland authorities to refusing issuing visit endorsements to these persons for a certain period of time. As a further measure to prevent possible abuse, Mainland authorities have also tightened up the issuing of endorsements for business and visiting relatives which entitle the holder to stay in Hong Kong for a relatively longer period of time. With effect from 19 February 2004, all residents of Guangdong intending to visit close relatives¹ (except applicant who is above the age of 60 or below 16) should apply for endorsements under the Individual Visitors Scheme. Guangdong authorities also introduced with effect from 1 March 2004 a new type of endorsement for business which permits a single trip, allowing the holder to stay in Hong Kong for 7 days on each visit.

¹ Close relatives include siblings, uncles, aunties, nephews, nieces, cousins and their children and spouse. The new arrangement does not affect Mainland residents visiting direct relatives in Hong Kong which include the applicant's spouse, parents (and parents-in-law), children and their spouse, grand-parents, grand-children and their spouse, and great grand-parents.

3. The frontline officers of Immigration Department (ImmD) at various control points will, while striving to facilitate Mainland and foreign visitors, also keep a watchful eye on suspicious visitors. Close examination will be conducted as and when necessary to prevent any persons with dubious intentions from entering Hong Kong. In addition, ImmD will introduce the Facial Recognition System by the end of 2004 to assist officers to check the identities of doubtful visitors. With the system in place, officers who have doubt on a particular passenger's identity may scan the biodata page of the concerned passenger's travel document for matching with any known facial records in the system. Through the system, officers would be able to accurately confirm whether the identity of a particular passenger matches that of a person with previous adverse record stored in the system. The system will also assist ImmD officers to detect persons who seek to use fake travel document or impersonate another person to enter Hong Kong.

Ensuring Effective Law Enforcement

4. To combat crimes and illegal employment more effectively, an Inter-departmental Task Force was set up in April 2003 to devise specific strategies, coordinate joint operations amongst various departments and enhance the gathering and exchange of intelligence. The Task Force is chaired by the Deputy Commissioner of Police (Operations). Its membership includes the Security Bureau, ImmD, Labour Department, Customs and Excise Department, Correctional Services Department and other departments concerned.

5. With the co-ordination by the Task Force, all concerned departments will continue to step up enforcement operations against illegal workers. In 2003, the ImmD conducted 5 739 operations against illegal workers, including 98 joint operations with the Police and Labour Department, and arrested over 5 000 illegal workers and 1 000 employers. Up to end July 2004, the ImmD conducted 4 329 operations, including 56 joint operations, and apprehended over 3 000 illegal workers and 700 employers. Statistics on the number of operations and arrests in the past 3 years are shown at **Annex**.

6. Furthermore, since mid-January 2003, ImmD has been carrying out a series of continuing operations codenamed “Contribute” to crackdown on illegal workers engaging in interior renovation and building maintenance works as well as on their employers. The scope of these operations also covers small houses under construction and on-site maintenance works. As at 31 July 2004, ImmD has conducted a total of 545 operations and arrested 420 illegal workers and 48 employers. The Labour Department also frequently checks on construction sites. As at end July 2004, the Labour Department conducted 329 such checks, inspected the proof of identity of 3 054 employees and referred 6 suspected cases of illegal employment to the ImmD for follow-up investigation.

7. As part of its efforts to combat illegal employment and the use of forged Hong Kong identity cards, ImmD conducted 2 operations codenamed “Breakthrough” in July and August 2004, each lasting for 3 days. In these operations, Immigration Officers acting on intelligence raided over 100 target premises throughout the territory, including restaurants, cooked food stalls, markets, construction sites, hair salons, unlicensed cooked food factories and flats under renovation. A total of 145 illegal workers and 34 employers were apprehended. The operations also resulted in the seizure of 20 Hong Kong identity cards that were suspected to be forgeries, and the recovery of 2 Hong Kong identity cards that had been reported to be lost.

8. The Labour Department conducts checks on establishments of different economic sectors and inspects the proof of identity of employees as well as the employment records kept by the employers in order to prevent the employment of illegal workers. As at end July 2004, Labour Department conducted 66 722 checks and inspected the proof of identity of 103 664 employees, detecting a total of 429 suspected illegal workers.

9. Apart from arresting lawbreakers on-the-spot at workplaces, the law enforcement departments also collect intelligence and conduct raids on the hideouts and places frequented by illegal workers. From January 2003 to July 2004, ImmD and the Police conducted 21 joint operations codenamed “TAGUS” against illegal workers in suspected gathering places in Yuen Long, Sheung Shui and Tin Shui Wai. In those operations, 1 132 Mainlanders suspected of working illegally were arrested.

Stepping up Publicity and Education

10. Apart from intensifying law enforcement, ImmD and the Labour Department have stepped up publicity and education against illegal workers. For instance, ImmD met the Hong Kong Association of Property Management Companies last year to work out guidelines on preventing illegal workers from taking up decoration works in housing estates. Management offices of housing estates were requested to issue decoration workers with permits bearing the seal of the office and the photograph of the worker concerned. Since the implementation of this measure, the number of complaints and illegal workers found engaging in decoration works in large housing estates has decreased. ImmD is progressively extending this measure to single-block buildings. With the assistance of the Home Affairs Department, ImmD has organized seminars for and distributed guidelines to owners' corporations and property management officers in various districts. Furthermore, ImmD has briefed safety officers and sub-contractors of construction companies about the security features of identity cards so as to prevent illegal workers from seeking employment in construction sites with forged identity cards.

11. Separately, from November 2003 till July 2004, Labour Department distributed leaflets to over 168 000 households and shops in residential buildings, as well as contractors of minor demolition works and drainage maintenance projects. The leaflets quote actual cases of imprisonment of employers of illegal workers to generate deterrent effect. Furthermore, Labour Department maintains close liaison with various labour unions and encourages them to provide information on illegal workers. Briefs on latest imprisonment cases and the results of the efforts of related Government departments in combating illegal employment are reported in periodicals. Labour Department also promulgates the 24-hour complaint hotline to encourage the public to report illegal workers.

Sentencing of Illegal Workers and Employers

12. Apart from the main measures referred to above, the Government will continue to pay attention to the sentencing of illegal workers and their employers. In cases where the sentences are apparently inadequate, the Government will raise the cases with Department of Justice for consideration

of applying for sentencing review or appeal where appropriate. It is observed that recently the court has meted out heavier sentences to illegal workers and employers. A total of 1 696 illegal workers were sentenced to jail (for up to 10 months) in the first half of 2004, representing a three-fold increase when compared with 373 persons in the corresponding period in 2003. As for employers, 115 were imprisoned (for up to 15 months) in the first half of 2004, representing a five-fold increase when compared with the 19 employers imprisoned in the corresponding period last year.

Conclusion

13. Combating illegal employment remains one of the top priorities of the Government and the Administration will continue to tackle the problem at root and from all fronts.

Security Bureau

Economic Development and Labour Bureau

September 2004

**Statistics of Immigration Department on
Anti-illegal Workers Operations and Arrests Made**

	2001	2002	2003	2004*
No. of Operations (Joint Operations)	2 896 (61)	3 580 (73)	5 739 (98)	4 329 (56)
Illegal Workers Arrested	2 681	3 534	5 317	3 078
Employers Arrested	968	918	1 078	747

* up to 31 July 2004