14 persons arrested during anti-illegal worker operations (with photo)

The Immigration Department (ImmD) mounted a series of territory-wide anti-illegal worker operations codenamed "Twilight", and a joint operation with the Hong Kong Police Force codenamed "Champion", for four consecutive days from March 24 to yesterday (March 27). A total of seven suspected illegal workers, four suspected employers and three overstayers were arrested.

During the anti-illegal worker operations, ImmD Task Force officers raided 24 target locations including commercial buildings, retail stores, residential buildings, and restaurants, and arrested six suspected illegal workers. The arrested suspected illegal workers comprised two men and four women, aged 50 to 66. Among them, one woman was a holder of recognisance form, which prohibits her from taking any employment. In addition, one man and two women were suspected of using and being in possession of a forged Hong Kong identity card. Two men and one woman, aged 28 to 53, were suspected of employing the illegal workers. One male and two females, aged 42 to 59, who were overstayers, were also arrested.

During operation "Champion", enforcement officers raided 19 target locations in Eastern district. One suspected illegal worker and one suspected employer were arrested. The arrested suspected illegal worker was a man, aged 24. The 26-year-old man, who was suspected of employing the illegal worker, was also arrested.

An ImmD spokesman said, "Any person who contravenes a condition of stay in force in respect of him or her 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. 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 upon conviction face a maximum fine of $100,000 and up to 10 years' imprisonment."

The spokesman warned, "As stipulated in section 38AA of the Immigration Ordinance, 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 is 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. As stipulated in section 20(1)(a) of the Immigration Ordinance, the Chief Executive may make a deportation order against an immigrant, prohibiting the immigrant from being in Hong Kong at any time thereafter if the immigrant has been found guilty in Hong Kong of an offence punishable by imprisonment for

not less than two years."

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 reminded all employers not to defy the law by employing illegal workers. The ImmD will continue to take resolute enforcement action to combat such offences.

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 ImmD 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 or temporary accommodation and other supporting services. The ImmD calls on TIP victims to report crimes to the relevant departments immediately.

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