

LCQ15: Illegal stay and employment of foreign domestic helpers in Hong Kong

Following is a question by Dr the Hon Ngan Man-yu and a written reply by the Secretary for Security, Mr Tang Ping-keung, in the Legislative Council today (March 26):

Question:

Under the laws of Hong Kong, a foreign domestic helper (FDH) whose contract is terminated prematurely is permitted to remain in Hong Kong for 14 days after the termination of the contract or the remainder of the permitted stay, whichever is earlier. However, my office has recently received a number of requests for assistance involving FDHs who, after being dismissed, were suspected of making false accusations against their employers of maltreating them or child abuse, etc., in order to apply to the Immigration Department (ImmD) for extension of stay in Hong Kong as visitors and take up illegal employment. In this connection, will the Government inform this Council:

(1) at present under what circumstances may FDHs' applications for extension of the limit of their stay in Hong Kong as visitors be accepted by the ImmD after they have been dismissed by their employers; of the relevant procedures, requirements, and restrictions and validity period of their visas (e.g. whether they are allowed to work with their visas and whether they can re-enter Hong Kong after leaving);

(2) of the number of applications received by the ImmD for extension of the limit of stay in Hong Kong as visitors in the past three years, together with a breakdown by the type of applicants, reasons for extension of stay, and the outcome of the applications (including the number of approved and rejected cases); and among them the number of such cases involving FDHs;

(3) of the number of law enforcement operations conducted by the departments concerned in the past three years to combat illegal workers, and the respective results of such law enforcement operations; the number of illegal workers found during the law enforcement operations who were FDHs and those who had extended their stay in Hong Kong as visitors, and the respective results of such law enforcement operations; and

(4) whether the Government has considered stepping up cooperation with other departments to further combat the situation of FDHs overstaying in Hong Kong and engaging in illegal employment, and reviewed the existing mechanism for FDHs to extend the limit of their stay in Hong Kong as visitors and considered revising the related policies, so as to prevent FDHs from engaging in illegal activities by abusing the mechanism; if so, of the details; if not, the reasons for that?

Reply:

President,

Having consulted the Labour Department (LD) and the Immigration Department (ImmD), my reply is as follows:

(1) In accordance with the prevailing foreign domestic helper (FDH) policy of the Government, an FDH shall leave Hong Kong upon completion of employment contract or within two weeks from the date of contract termination, whichever is the earlier. The main purpose of this "two-week rule" is to allow sufficient time for FDHs to prepare for their departure, during which they are not allowed to take up any employment, whether paid or unpaid.

FDHs will only be allowed to extend their stay in Hong Kong as visitors in exceptional circumstances. Such exceptional circumstances include where an FDH has to attend a tribunal hearing because of labour or monetary disputes, and where an FDH has to stay in Hong Kong to assist in criminal investigations, etc. In this connection, the FDH is required to submit an application for extension of stay to the ImmD. He/She must provide supporting documents (e.g. documents issued by the LD or the Labour Tribunal to prove that his/her labour dispute case has been accepted or is being processed) before the application will be considered. The duration of extension of stay granted will be determined based on the relevant purpose of stay and individual circumstances. The ImmD will continue to exercise stringent gate-keeping and thoroughly examine every application from FDHs for extension of stay in Hong Kong as visitors.

After leaving Hong Kong, these FDHs may re-enter Hong Kong as visitors, no different from other visitors.

Under the Immigration Ordinance (Cap. 115), any person (including FDH) who takes up any employment, whether paid or unpaid, in contravention of the condition of stay during his/her stay in Hong Kong as a visitor shall be guilty of an offence. Upon conviction, he/she is liable to a maximum fine of \$50,000 and up to two years' imprisonment.

(2) The statistics on the number of applications received by the ImmD for extension of stay in Hong Kong as visitors in the past three years are tabulated below:

Year	2022	2023	2024
Number of applications (applications involving FDHs)	684 096 (7 673)	334 861 (5 506)	303 385 (7 625)

Number of approved applications (applications involving FDHs)	635 104 (4 710)	314 240 (3 898)	278 537 (6 153)
Number of rejected applications (applications involving FDHs)	9 216 (2 690)	4 339 (1 445)	2 808 (1 235)

Note 1: Applications processed in a year may not totally be those received in the same year.

Note 2: The figures only reflect the number of applications but not the actual number of applicants. An applicant may apply for extension of stay more than once.

The ImmD does not maintain other statistical breakdowns mentioned in the question.

(3) and (4) As mentioned above, under the prevailing policy, FDHs will be allowed to extend their stay in Hong Kong as visitors only under exceptional circumstances, and during the extended stay, they are not allowed to take up any employment. We will keep reviewing the relevant policy to ensure its continued effectiveness.

The Government has been adopting a multi-pronged strategy, including increase in penalty, strict law enforcement, and conducting publicity and education, so as to combat illegal employment (including FDHs taking up illegal employment during their stay in Hong Kong as visitors). Details are as follows:

(i) Increase in penalty

It is a serious offence to engage in illegal employment. Illegal workers, employers as well as aiders and abettors of illegal employment will be liable to prosecution in accordance with the Immigration Ordinance. The Government amended the Immigration Ordinance in 2021 by increasing the penalty on employers of illegal workers so as to reflect the gravity of the offence. Under the amended 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 ten years' imprisonment. The High Court has laid down sentencing guidelines that the employer of an illegal worker should be given an immediate custodial sentence.

(ii) Strict law enforcement

Various law enforcement agencies (LEAs) (including the ImmD, the Hong Kong Police Force (HKPF) and the LD) have been proactively collecting intelligence and conducting joint operations to raid premises suspected of having illegal employment activities in order to combat the employment of illegal workers.

To specifically tackle FDHs in breach of condition of stay and the relevant employers' violations, the ImmD will timely conduct various special operations to raid the black spots of illegal employment according to intelligence. Apart from prosecuting FDHs in breach of condition of stay, the ImmD will also take law enforcement actions against intermediaries or agents that aid and abet these FDHs.

According to the ImmD's record, the number of law enforcement operations against illegal workers (including joint operations with other departments including the HKPF, etc.) in the past three years is tabulated below:

Year	Number of operations
2022	15 759
2023	17 248
2024	17 906
2025 (as at February)	2 863

Besides, when conducting regular workplace inspections to enforce labour laws, the LD will check employees' proof of identity and records of employees kept by employers under the power conferred by Part IVB of the Immigration Ordinance to deter employers from employing illegal workers. Cases of suspected illegal employment detected will be referred to relevant LEAs for follow-up. The number of referrals by the LD in the past three years is as follows:

Year	Number of suspected illegal employment cases referred to relevant LEAs
2022	99
2023	123
2024	137
2025 (as at end of February)	25

The numbers of FDHs arrested, prosecuted and convicted for illegal

employment in the past three years are tabulated below:

Year	FDHs^		
	Arrested	Prosecuted	Convicted
2022	318	242	224
2023	415	343	318
2024	326	267	216
2025 (as at February)	47	35	23

^ Refers to FDHs or overstaying former FDHs at the time of arrest

Note: Persons prosecuted/convicted may not be arrested/prosecuted in the same year.

(iii) Publicity and education

In addition to sparing no effort to take law enforcement actions, the Government has all along been co-operating, and will continue to actively co-operate, with the relevant Consulates-General in Hong Kong to step up publicity and education for newly arrived FDHs about the fact that illegal employment in Hong Kong is a serious offence liable to imprisonment. The LD also promulgated the revised Code of Practice for Employment Agencies in May 2024, requiring employment agencies to thoroughly brief FDH job seekers on FDH-related immigration regulations.

The ImmD does not maintain other statistical breakdowns mentioned in the question.

[Red flags lowered at Deep Water Bay Beach and Repulse Bay Beach](#)

Attention TV/radio announcers:

Please broadcast the following as soon as possible:

Here is an item of interest to swimmers.

The Leisure and Cultural Services Department announced today (March 26)

that the red flags at Deep Water Bay Beach and Repulse Bay Beach in Southern District, Hong Kong Island, have been lowered.

The red flags were hoisted earlier because of emergency repair works on the sewer carried out near the beaches.

[LCQ17: Hong Kong Diploma of Secondary Education Examination programme offered outside Hong Kong](#)

Following is a question by Professor the Hon William Wong and a written reply by the Secretary for Education, Dr Choi Yuk-lin, in the Legislative Council today (Mar 26):

Question:

It is learnt that the Hong Kong Diploma of Secondary Education Examination (HKDSE) is widely recognised, and its multiple pathways have attracted quite a number of students outside Hong Kong to register for it. To meet the needs of students, the Hong Kong Examinations and Assessment Authority has accepted four Mainland schools in the Guangdong-Hong Kong-Macao Greater Bay Area as "Participating Schools" and allowed them to present their eligible candidates to register for the HKDSE as school candidates. These "Participating Schools" have been accredited by the Hong Kong Council for Accreditation of Academic and Vocational Qualifications as meeting the requirements for offering HKDSE programmes. In addition, other eligible students may register for the HKDSE as private candidates. There are views that, on the contrary, the quality and qualifications of teachers of HKDSE programmes offered by non-"Participating Schools" and other training institutions outside Hong Kong vary, and problems even frequently arise in some training courses for the HKDSE operated under affiliated overseas organisations, not only affecting the students but also tarnishing the image of the HKDSE. In this connection, will the Government inform this Council:

(1) of the number of cases with people outside Hong Kong registering for the HKDSE as private candidates were rejected in the past three years, and the reasons for that; among such cases, the respective numbers of review applications involved and successful review applications;

(2) of the following information on the requests for assistance or complaints received by the authorities in the past three years in relation to training programmes for the HKDSE offered outside Hong Kong: (i) the number of cases received, (ii) the main details of the cases, (iii) the specific follow-up measures taken by the authorities, (iv) the number of cases for which follow-

up actions were completed, and (v) the time taken by the authorities to complete the follow-up actions on these cases; and

(3) whether the authorities have considered setting up a qualification accreditation system for teachers, teaching materials and curricula of the HKDSE programmes offered outside Hong Kong; if so, of the specific standards and procedures; if not, the reasons for that?

Reply:

President,

The Hong Kong Diploma of Secondary Education Examination (HKDSE) is a widely recognised academic qualification in Hong Kong and abroad. Apart from using the HKDSE results for further studies or employment in Hong Kong, candidates can apply for direct admission to non-local universities or post-secondary institutions. Post-secondary institutions worldwide accept applications from students using their HKDSE results. More than 1 000 of them have published their entry requirements for HKDSE holders on the website of the Hong Kong Examinations and Assessment Authority (HKEAA) and the number of overseas institutions doing so is steadily increasing.

The reply to the question raised by Professor the Hon William Wong is set out below:

(1) In the past three years, there were 11 (2023), 52 (2024) and 77 (2025) cases in which applications from persons outside Hong Kong for entry to the HKDSE as private candidates were rejected. It is because the applicants concerned failed to meet the requirements of the examination regulations of the HKDSE for private candidates.

As at March 18, 2025, there were a total of 199 cases for review of the application for the 2025 HKDSE by persons outside Hong Kong, of which 169 were successful, with the vast majority involving the submission of additional supplementary information. For the 2024 HKDSE, there was only one case for review of the application by a person outside Hong Kong, which was successful. There was no application for review for the 2023 HKDSE.

(2) In the past three years, the Education Bureau has not received any requests for assistance or complaints relating to training programmes for the HKDSE conducted outside Hong Kong.

(3) The entry qualifications for the HKDSE are categorised into school candidates and private candidates. School candidates should be bona fide Secondary Six (or Secondary Six equivalent) students of HKDSE "Participating Schools" and studying at the registered address of the schools as per the record of the HKEAA. If a school for Hong Kong children/Hong Kong and Macao children in the Greater Bay Area in the Mainland intends to become a HKDSE "Participating School", for recommending its bona fide Secondary Six students to sit for the HKDSE as school candidates, it has to obtain the approval of the relevant Mainland authorities and the consent of the HKEAA. In order to

meet the requirements for the implementation of the Hong Kong curriculum, the schools concerned must make complementary efforts in terms of the quality of teaching and learning and the administration of the senior secondary schools. It should also be fully accredited by, among others, the Hong Kong Council for Accreditation of Academic and Vocational Qualifications on its curriculum and operation to demonstrate that it is comparable to a registered school in Hong Kong before it can apply to the HKEAA to become a "Participating School" in the HKDSE. Since there is already a well-established system for schools to become "Participating Schools" in the HKDSE, the Education Bureau does not consider it necessary to set up other accreditation system for HKDSE programmes outside Hong Kong at this stage.

LCQ8: United States' imposition of additional duty on products of Hong Kong

Following is a question by the Hon Tommy Cheung and a written reply by the Acting Secretary for Commerce and Economic Development, Dr Bernard Chan, in the Legislative Council today (March 26):

Question:

The United States (US) Government has imposed additional duties on products from China, and Hong Kong products are likewise subject to such additional duties. As at the fourth of this month, a cumulative 20 per cent duty has been imposed on Hong Kong products. In this connection, will the Government inform this Council:

- (1) of the Government's progress in filing a complaint regarding the matter with the World Trade Organization to defend Hong Kong's legitimate rights; whether it has estimated how long it will take to process the complaint;
- (2) whether the Government will consider working with the country to take countermeasures, including imposing additional duties on certain US products and placing some US enterprises on the export control list; if so, of the details; if not, the reasons for that; and
- (3) how the Government assesses the impacts of the additional duties on the exports of Hong Kong products, and of the proactive corresponding measures to minimise the negative impacts and identify new opportunities?

Reply:

President,

The United States (US)'s imposition of additional tariffs on products of Hong Kong undermines the rule-based multilateral trading system, is grossly inconsistent with the relevant World Trade Organization (WTO) rules and ignores Hong Kong's status as a separate customs territory as stipulated in Article 116 of the Basic Law and recognised by the WTO. As announced earlier, the Hong Kong Special Administrative Region (HKSAR) Government will file a complaint against the US's measure in accordance with the WTO dispute settlement mechanism. We are now mapping out the strategy and taking forward the relevant work progressively. Generally speaking, the time required for handling individual WTO dispute cases would depend on different factors such as the complexity of the case, the progress and outcome of the consultations between the disputing parties involved, etc. With reference to previous cases, the time required is generally measured in years, and there is no specific time limit.

The US's additional 20 per cent tariffs on Hong Kong products would inevitably affect export of Hong Kong products to the US, particularly in the short term. That said, the domestic exports value of Hong Kong products to the US is relatively small in terms of Hong Kong's total trade value. In 2024, the domestic exports value of relevant products to the US was about HK\$5.9 billion, accounting for about 0.1 per cent of Hong Kong's total exports value and about 0.06 per cent of Hong Kong's total trade value. Given the foregoing, it is estimated that the US's tariff measures on Hong Kong products would have a limited impact on Hong Kong's overall merchandise trade. On the other hand, Hong Kong enterprises have responded to market changes through various arrangements, such as reintegrating supply chains, and exploring different emerging markets as well as different means including e-commerce in recent years. It is expected that the above measures would offset, to a certain extent, the possible impact brought about by the US tariffs.

As the founding member of the WTO, Hong Kong has been a staunch supporter of a rule-based multilateral trading system, and commended by WTO members on various occasions for our continued adoption of free and open trade policies. We are one of the most open economies welcoming trade and investments, and have never imposed any tariffs on imported goods. Notwithstanding this, to tackle unfair trade practices targeting Hong Kong and in light of the evolving international trade landscape, the HKSAR Government has been actively expanding the economic and trade network and exploring development opportunities in markets with potential, especially emerging markets. At the same time, in order to help the trade cope with the various challenges (including the impact of the US's tariffs), the HKSAR Government has been providing assistance to the trade, including keeping them abreast of the latest developments through disseminating relevant trade information to the trade via different channels and implementing various funding schemes to assist the trade in enhancing their competitiveness and exploring diversified markets.

The HKSAR Government will continue with the relevant work. In the meantime, we will closely monitor the situation with a view to considering

further follow-up.

LCQ12: Employment Support under the Comprehensive Social Security Assistance Scheme

Following is a question by the Hon Chan Kin-por and a written reply by the Secretary for Labour and Welfare, Mr Chris Sun, in the Legislative Council today (March 26):

Question:

According to the paper submitted by the Government to the Panel on Welfare Services of this Council on November 22 last year, the Employment Support Services (EmSS) under the Comprehensive Social Security Assistance (CSSA) Scheme will expire in September this year, and the Social Welfare Department (SWD) will replace the EmSS with the Support Programme for the Unemployed (SPU) for two years to assist recipients to enhance employability, better integrate into society and reduce reliance on the CSSA. In this connection, will the Government inform this Council:

(1) of the number of able-bodied persons receiving the CSSA due to unemployment or low income and their average duration on the CSSA in each year since 2023;

(2) given that, as advised by the Government at the meeting of the Panel on Welfare Services of this Council on November 22 last year, the non-governmental organizations commissioned by the SWD to operate the EmSS are required during the contract period from April 1, 2020 to September 30, 2025 to assist at least 25 per cent of EmSS recipients in successfully securing employment or returning to mainstream education for at least one month, and at least 20 per cent of EmSS recipients to do the same for three months, but the respective percentages only stood at 22.8 per cent and 17.9 per cent as at September 30 last year, temporarily failing to meet the service performance requirements, of the counter-measures taken by the Government in this connection, and whether it has evaluated the effectiveness of the services concerned;

(3) as there are views pointing out that the objectives of the EmSS and SPU differ from one another in that while the former provides counselling services to recipients and requires them to make sustained job-seeking efforts, the latter focuses on ensuring meaningful engagement of participants through unpaid work, whether the Government will set service performance requirements for the SPU to make it distinct from the EmSS; and

(4) given the views that the Government used to measure the effectiveness of the EmSS by "the number of successful job placements", neglecting the evaluation of employment quality (e.g. wages and job stability), whether the Government has considered including more specific data (e.g. proportions of those still remaining in the job at least one, three and six months after taking up employment, wage levels, and numbers of working hours) in its analysis of the long-term effectiveness of SPU, so as to ensure that future policy adjustments can be made based on empirical evidence?

Reply:

President,

As part of Hong Kong's social security system, the Comprehensive Social Security Assistance (CSSA) Scheme provides a safety net of last resort for people who cannot support themselves financially due to old age, ill health, disability, single parenthood, unemployment, low earnings or for other reasons to help them meet their basic needs. There are stringent means tests under the CSSA Scheme to ensure that finite public resources are targeted at catering for needy persons.

The CSSA Scheme not only provides cash assistance to needy persons, but also encourages able-bodied recipients with work ability to overcome employment barriers to achieve self-reliance. In April 2020, the Social Welfare Department (SWD) launched the enhanced Employment Support Services (EmSS) by commissioning non-governmental organisations (NGOs) to provide intensive counselling services to recipients, and enhancing the efficacy of NGOs in delivering the relevant services by leveraging the resources of the Labour Department (LD) and the Employees Retraining Board (ERB).

In general, unemployed able-bodied CSSA recipients aged 15 to 59 are required to receive the EmSS unless they have justifiable reasons for not being able to work (such as pursuing studies, or having to look after young children, sick or disabled family members at home). EmSS recipients need to comply with a number of obligations, mainly in terms of meeting NGO case managers and seeking employment continuously, failing which will result in CSSA stoppage for the relevant recipient and his/her household. Unemployed able-bodied CSSA recipients aged 60 to 64 may receive the EmSS on a voluntary basis.

I reply to the four parts of the question raised by Member as follows:

(1) The number of unemployed CSSA recipients and their average duration of receiving the CSSA in 2023-24 and 2024-25 are set out in Table 1 at Annex. The number of low-earning CSSA recipients and their average duration of receiving the CSSA in 2023-24 and 2024-25 are set out in Table 2 at Annex.

(2) to (4) The five-and-a-half year EmSS contract period will end in September 2025. During the contract period (i.e., from April 1, 2020 to September 30, 2025), NGOs are required to assist at least 25 per cent of

the unemployed able-bodied EmSS recipients to secure employment or return to mainstream education for at least one month, and at least 20 per cent of these recipients to do the same for at least three months. As at December 31, 2024, these percentages stood at 23.1 per cent and 18.2 per cent respectively, which were close to meeting the performance requirements. The SWD will continue to closely monitor the NGOs' service performance in the remainder of the contract period (i.e. January to September 2025).

Taking into account the past experience of the EmSS, public views on the EmSS as well as the labour market situation in recent years, the SWD will replace the EmSS with the Support Programme for the Unemployed (SPU) starting October 2025. The SPU will be operated on a pilot basis for two years by NGOs and/or other organisations. All unemployed able-bodied CSSA recipients aged 15 to 59 will be mandated to participate in the SPU and take up unpaid work on a weekly basis arranged by the SPU operators, until they have secured gainful employment or returned to mainstream education. Incompliance with the unpaid work requirement will result in CSSA stoppage for the participant and his/her household. The SWD expects the SPU to be more effective in motivating the unemployed able-bodied CSSA recipients to connect with the community, develop a work habit and accumulate work experience to enhance employability, thereby reducing their reliance on the CSSA in the long term. Meanwhile, SPU participants will continue to have access to a range of free employment services and training resources as well as relevant training allowances provided by the LD and ERB.

SPU operators are required to identify and arrange participants to take up unpaid work on a weekly basis in accordance with the SWD's requirements. The SWD is in the process of ironing out specific implementation details of the SPU, and organisations interested in operating the SPU will be invited to submit proposals in due course. The SWD will collect data on participants' compliance and CSSA stoppage during the SPU implementation for assessing its operation and evaluating its effectiveness.