

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.