

Two persons and company convicted of operating, managing or assisting in managing unlicensed employment agency

The Labour Department (LD) today (April 29) reminded members of the public to obtain a licence before operating an employment agency (EA), or they may face prosecution.

The reminder was made following the convictions of a company for operating an unlicensed EA and a man for managing the unlicensed EA at Eastern Magistrates' Courts today, who were fined \$14,000 each; as well as the conviction of a woman for assisting in managing an unlicensed EA at Kowloon City Magistrates' Courts today, who was fined \$10,000.

In January 2022, the LD received intelligence regarding the company concerned and a man in arranging job referrals for foreign domestic helpers (FDHs) in Wan Chai. During the course of the investigation, the LD received complaints from a number of FDHs against the company concerned and the man between July and October 2022. With the complainants' co-operation, the investigation revealed sufficient evidence that the company was operating an EA without a licence and the man was managing the unlicensed EA. As a result, the LD decided to take out prosecution.

In addition, the LD received a complaint from an FDH in November 2022. As the investigation revealed sufficient evidence that the said woman was assisting in managing an unlicensed EA, the LD decided to take out prosecution.

All establishments or persons operating a business in Hong Kong for the purpose of obtaining employment for another person or supplying personnel to an employer are governed by Part XII of the Employment Ordinance and the Employment Agency Regulations. Irrespective of the modus operandi or the types of jobs referred, all EAs must obtain a licence issued by the LD before undertaking any EA activities. Except for the EA licence holder or his or her associates, no one shall operate, manage or assist in the management of an EA. Offenders may face prosecution.

The LD reminds EAs to operate in full compliance with the law as well as the Code of Practice for EAs at all times. Failure to do so may lead to prosecution and/or revocation of licence. The maximum penalties for the offences of unlicensed operation of an EA or overcharging commission from job-seekers are a fine of \$350,000 and imprisonment for three years.

Should there be enquiries about matters related to EAs or complaints about malpractices of EAs, please contact the Employment Agencies Administration of the LD by calling 2115 3667, sending e-mails to ea-ee@labour.gov.hk, or visiting its office at Unit 906, 9/F, One Mong Kok Road

Commercial Centre, 1 Mong Kok Road, Kowloon.