

Woman convicted of assisting in managing unlicensed employment agency

The Labour Department (LD) today (August 4) reminded members of the public to obtain a proper licence before operating an employment agency (EA), or else they may face prosecution.

The reminder was made after a woman was convicted of assisting in managing an EA without a valid licence and fined \$6,000 at Fanling Magistrates' Courts today.

In April 2020, the Employment Agencies Administration (EAA) of the LD received a complaint against a woman from an employer hiring a foreign domestic helper. As the investigation revealed sufficient evidence that the woman was assisting in managing an unlicensed EA and the complainant was willing to act as a prosecution witness, 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 involved, 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 associate, 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 Employment (Amendment) Ordinance 2018, which came into force on February 9, 2018, raised the maximum penalty for unlicensed operation of an EA and overcharging of job seekers' commissions to a fine of \$350,000 and imprisonment for three years.

For enquiries or complaints about unlicensed operation or overcharging of commissions by EAs, please call the EAA of the LD at 2115 3667 or visit its office at Unit 906, 9/F, One Mong Kok Road Commercial Centre, 1 Mong Kok Road, Kowloon.