

Information on the sentences imposed on employers convicted of employing illegal workers.

At the meeting of the Legislative Council Manpower Panel held on 15 January 2004, Members enquired about the sentences imposed on employers convicted of employing illegal workers. This note provides the requested information.

2. Generally speaking, the court takes into account various factors in meting out sentences. These include the facts of the case, previous sentencing guidelines, individual mitigating circumstances, and whether or not the defendant has pleaded guilty or has any past criminal records. If the sentences of individual cases appear to be inadequate, the Immigration Department will seek legal advice from the Department of Justice and consider applying for a sentence review or lodging an appeal.

3. According to figures provided by the Immigration Department, 365 employers were convicted of employing illegal workers in 2003. They were fined and/or sentenced to imprisonment. The fines imposed on the convicted employers ranged from \$1,000 to \$50,000, and the terms of imprisonment ranged from seven days to 18 months (with some of the convictions being suspended sentences of one to three years).

Labour Department

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