

EXTRACT

立法會

Legislative Council

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LC Paper No. CB(2) 612/03-04
(These minutes have been seen
by the Administration)

Panel on Security

**Minutes of meeting held on Thursday, 13 November 2003
at 2:30 pm in the Chamber of the Legislative Council Building**

- Members present** : Hon James TO Kun-sun (Chairman)
Hon WONG Yung-kan (Deputy Chairman)
Hon Albert HO Chun-yan
Dr Hon LUI Ming-wah, JP
Hon Margaret NG
Hon CHEUNG Man-kwong
Hon Andrew WONG Wang-fat, JP
Hon Howard YOUNG, SBS, JP
Hon LAU Kong-wah, JP
Hon Ambrose LAU Hon-chuen, GBS, JP
Hon Audrey EU Yuet-mee, SC, JP
- Members attending** : Hon LEE Cheuk-yan
Hon CHAN Kwok-keung, JP
Hon LEUNG Yiu-chung
Hon LEUNG Fu-wah, MH, JP
- Members absent** : Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon Michael MAK Kwok-fung
Hon IP Kwok-him, JP
- Public Officers attending** : Item III
Mr Charles WONG
Acting Deputy Secretary for Security 2

Mr Michael Reid SCOTT
Senior Assistant Solicitor General

Ms Diana LAM
Senior Government Counsel

Miss Ida LEE
Assistant Secretary for Security

Item IV

Mr Michael WONG
Deputy Secretary for Security 3

Miss Winnie M W WONG
Acting Principal Assistant Secretary for Security

Mr H K TSOI
Assistant Director of Immigration

Item V

Mr Michael WONG
Deputy Secretary for Security 3

Miss Winnie M W WONG
Acting Principal Assistant Secretary for Security

Mr Ellis CHAN
Assistant Secretary for Security

Mr David CHIU
Assistant Director of Immigration

Mr M K FOK
Assistant Commissioner of Police (Operations)

Mrs Jenny CHAN
Assistant Commissioner of Labour

Clerk in attendance : Mrs Sharon TONG
Chief Assistant Secretary (2)1

Staff in attendance : Mr Raymond LAM
Senior Assistant Secretary (2)5

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V. Measures to combat illegal employment

(LC Paper Nos. CB(2)271/03-04(04), (05), (06) and (07) and LC Paper No. FS05/03-04)

31. At the invitation of the Chairman, DS for S3 briefed Members on the Administration's paper on measures to combat illegal employment.

32. Mr LEE Cheuk-yan said that the problem of illegal employment was very serious, especially in restaurants, premises under decoration and the retail sector. He pointed out that -

- (a) a number of illegal workers had entered Hong Kong with a Two-way Permit or a business visit endorsement; and
- (b) the relatively small number of arrest, prosecution and conviction of employers as indicated in page 3 of the Annex to the Administration's paper reflected that the existing measures failed to have a deterrent effect on employers.

Mr LEE added that there should be a more detailed breakdown in the statistics on employers arrested, prosecuted and convicted for employing illegal workers.

33. DS for S3 responded that the Administration was concerned about illegal workers entering Hong Kong with a Two-way Permit or a business visit endorsement. He said that out of 5.6 million Mainlanders who entered Hong Kong in the first nine months of this year, about 2.2 million had entered with a business visit endorsement. Thus, the problem of illegal workers entering Hong Kong with a business visit endorsement was not serious. He said that ImmD was examining the possibility of introducing a photograph recognition system in which the photographs of offenders could be used for spotting repeat offenders seeking to enter Hong Kong again on false identities.

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1. Assistant Director of Immigration (AD of Imm) said that the Administration had held many discussions with Mainland authorities and launched many operations to combat illegal employment. He considered that a direct comparison of the number of employers arrested and the number of illegal workers arrested might not be appropriate. The number of employers arrested might be lower than the number of illegal workers arrested because an employer might employ a large number of illegal workers, as was the case in a recent operation where an employer was involved in the employment of some 40 illegal workers. There might also be cases where employers were not aware that their employees had used forged documents of identity.
2. Mr LEE Cheuk-yan said that to his knowledge, the Administration had launched a number of operations in early 2003 and refused the entry of more than ten thousand Mainlanders suspected to be illegal workers. He asked why such operation could not be continued throughout the year.
3. DS for S3 responded that in launching any operation, the Administration had to avoid causing unnecessary or disproportionate inconvenience to the public. He stressed that different operations were launched from time to time by the Administration to combat illegal employment. The Administration also maintained close liaison and exchanged intelligence with Mainland authorities to tackle the problem at source.
4. The Chairman asked whether the Administration had considered introducing legislative amendments to address the problem of illegal employment.
5. AD of Imm responded that problems were mainly practical ones encountered in enforcement. For example, a visitor from the Mainland found wandering nearby the kitchen of a restaurant could not be conclusively said to be an illegal worker of the restaurant and hence held the owner of the restaurant liable.
6. Mr WONG Yung-kan asked about the follow-up actions taken by ImmD upon receiving complaints about suspected cases of illegal employment. He also asked about the progress of liaison with Mainland authorities on measures and operations to combat illegal employment.
7. DS for S3 responded that upon receiving complaints about a suspected case of illegal employment, immediate steps were taken to determine the priority for dealing with the case. He said that a complainant might not recognise that actions were being taken, especially when covert operations were launched. In some cases, investigation revealed that the suspected persons were actually not illegal workers.

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8. DS for S3 said that close liaison was maintained with Mainland authorities and operations were launched to combat illegal employment. He undertook to examine whether information or statistics on such operations could be provided to Members.

9. Mr WONG Yung-kan asked whether the fingerprints of illegal workers could be taken to facilitate preventing their future entry into Hong Kong. DS for S3 responded that in view of the large number of passenger crossing the checkpoints each day, it might not be viable to take the fingerprint of each passenger. He said that ImmD was examining the possibility of introducing a photograph recognition system in which photographs of offenders could be used for spotting repeat offenders seeking to enter Hong Kong on false identities.

10. Mr LAU Kong-wah said that a 61% increase in the number of illegal workers arrested for the first nine months of 2003 over the corresponding period in the previous year was unacceptable. He asked about the measures adopted by Mainland authorities to address the problem. Referring to a recent incident in late September where a number of illegal workers were found living in a factory in To Kwa Wan, he asked whether the Inter-departmental Taskforce against illegal employment could effectively curb illegal employment.

11. AD of Imm responded that to his knowledge, Mainland authorities had tightened the scrutiny of applications from Mainlanders to enter Hong Kong. However, he was not in a position to explain or disclose the measures adopted by Mainland authorities. The Chairman said that a closed meeting could be held, if necessary, to discuss such measures.

12. Regarding the Inter-departmental Task Force against Mainland visitors involving in illegal activities, Assistant Commissioner of Police (Operations) informed Members that the Task Force, which was established in April 2003, has endorsed a three-level approach strategy in addressing the issue. Level 1 – to liaise with Mainland authorities on imposing an effective and stringent application process for Two Way Permits and passports; Level 2 – to have an effective screening at all immigration control points; and Level 3 – to enhance co-ordination amongst various departments with a view to taking more effective action against Mainlanders working illegally or engaging in other unlawful activities in Hong Kong. It facilitated regular exchange of information amongst the departments and reviewed as well as coordinated the enforcement work of different departments. It also adopted proactive and preemptive strategies to identify black spots of illegal employment so as to combat the problem more effectively. The Task Force was chaired by the Deputy Commissioner of Police (Operations) and comprised members from a number of government departments.

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13. The Chairman asked whether the Administration had information on the provinces where arrested illegal workers came from.

14. DS for S3 responded that although the Administration possessed raw data on arrested illegal workers from the Mainland, it was not in a position to provide a statistical breakdown on their origin according to Mainland provinces or cities because -

- (a) it might affect future operations against illegal employment; and
- (b) it might result in visitors from some provinces or cities being inappropriately labelled and stigmatized.

15. The Chairman expressed deep dissatisfaction that he was given to know that the Administration did not have such information, however, the Administration actually possessed such information. He also expressed dissatisfaction that the Administration had stated in page 4 of the Annex to its paper that statistics kept by ImmD could not be broken down to show the province from that the overstayers came from. He said that the Panel might consider holding a meeting to discuss the issue again.

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Council Business Division 2
Legislative Council Secretariat
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