



Panel on Security
Legislative Council

19 October 2020

Chairperson,

Proposal to set up a subcommittee on labour exploitation, illicit activities by employment agencies, and human trafficking

The Action Plan to Tackle Trafficking in Persons and to Enhance Protection of Foreign Domestic Workers was introduced in March 2018. It is necessary to review the effectiveness of the Action Plan with input from civil society organisations which have first-hand experience in handling cases of alleged labour exploitation, illicit activities by employment agencies, and human trafficking. The issue of anti-human trafficking was briefly discussed in the Panel on Security before, including the occasion where the Panel discussed a members' bill proposed by us. Therefore, pursuant to Rule 22(s) of the House Rules, we propose setting up a subcommittee under the Panel on Security to follow up on this matter.

The proposed details of the subcommittee with reference to Rule 22(u) are as follows:-

Proposed terms of reference

Review and follow up on the Government's efforts in tackling matters concerning labour exploitation, illicit activities by employment agencies, and human trafficking ("concerned activities"), and practices that enable concerned activities, including but not limited to the Action Plan and relevant laws, reporting and enforcement

mechanisms, and policies, and provide recommendations to address the above-mentioned issues.

Proposed time frame

The proposed time frame is made in accordance with House Rules Rule 26(c), which states that a subcommittee “should complete its work within 12 months of its commencement and report to the House Committee or the relevant Panel(s). Should such a subcommittee consider it necessary for it to work beyond that 12 months, the subcommittee should, after obtaining the endorsement of the relevant Panel(s) if it is appointed by a Panel(s), report to the House Committee and give justifications for an extension of the 12-month period.”

Proposed work plan

The subcommittee will:

1. Review actions taken or not taken by the Employment Agencies Administration (“EAA”), Companies Registry, Office of the Privacy Commissioner for Personal Data, Hong Kong Monetary Authority, Customs & Excise Department, Immigration Department, and Hong Kong Police Force with respect to their regulation of employment agencies and money lenders, and make recommendations thereto;
2. Review the implementation of the Action Plan to Tackle Trafficking in Persons and to Enhance Protection of Foreign Domestic Workers and make recommendations;
3. Review the effectiveness of every department involved in handling concerned activities;
4. Review the effectiveness of the laws (and enforcement of such laws) listed by the government as applicable and able to fully and adequately address the concerned activities, with emphasis on the application of the Money Lenders

Ordinance (Cap. 163), Organized and Serious Crimes Ordinance (Cap. 455), and Trade Descriptions Ordinance (Cap. 362) to tackle the concerned activities (and their effectiveness in protecting the rights of employers and foreign domestic workers);

5. Invite civil society to provide their observations and make recommendations on these matters; and
6. Discuss the need for further legislation and enhanced enforcement of existing legislation in tackling the concerned activities.

We ask that this proposal be discussed in the Panel on Security as soon as possible.

Yours sincerely,



Dennis Kwok

Member of the Legislative Council



Kenneth Leung

Member of the Legislative Council