

LegCo Question No.17
(Written Reply)

Date of meeting: 22 October 2003

Asked by: Hon TAM Yiu-chung

Replied by : Secretary for Security

Question

Regarding the efforts to combat the employment of illegal workers, will the Government inform this Council:

- (a) of the following over the past 36 months -
- (i) the respective numbers of illegal workers arrested by law enforcement officers, including construction site labours, foreign domestic helpers engaged in non-domestic duties, and other types of illegal workers, together with a breakdown by the travel documents they held;
 - (ii) the number of operations against illegal employment executed by the officers of the Labour Department and the Immigration Department ("ImmD");
 - (iii) the number of visitors who were suspected of attempting to enter Hong Kong for illegal employment and thus refused entry by ImmD;
 - (iv) the number of reports made to ImmD by members of the public on suspected employment of illegal workers; and
 - (v) the number of construction site controllers convicted of employing persons not lawfully employable (including illegal immigrants), and the average penalty imposed by the court on such persons; and
- b) of the new measures being considered by the Administration to step up efforts to combat the employment of illegal workers?

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Reply

Madam President,

(a)(i) From 2000 to September 2003, the number of illegal workers (excluding those engaged in prostitution) arrested by law enforcement officers is set out below:

Year	Mainland visitors	Illegal immigrants from the Mainland	Visitors of other nationalities	Foreign domestic helpers	Other illegal workers	Total
2000	1 853	118	57	244	45	2 317
2001	2 210	156	46	196	73	2 681
2002	3 031	87	62	220	134	3 534
2003 (Jan-Sept)	3 536	119	44	151	135	3 985

The number of illegal workers arrested for taking up suspected illegal employment in construction sites is as follows.

Year	Illegal immigrants	Visitors holding Permits for Travelling to and from Hong Kong and Macau	Total
2000	89	267	356
2001	101	158	259
2002	20	332	352
2003 (Jan-Sept)	1	203	204

- (ii) The number of operations against illegal employment conducted by the Immigration Department (“ImmD”) and the Labour Department (“LD”) is as follows:

	2000	2001	2002	2003 (Jan-Sept)
Operations by ImmD	2 080 (54)	2 896 (61)	3 580 (73)	3 792 (67)
Inspections by LD	153 631 {0}	157 786 {1}	157 968 {15}	114 986 {20}

- () Indicates the number of operations jointly conducted by ImmD and other departments.
- { } Indicates the number of operations jointly conducted by LD and other law enforcement departments.

- (iii) Statistics kept by ImmD cannot be broken down to show the number of visitors who have been refused entry because of being suspected of attempting to enter Hong Kong for illegal employment. Generally speaking, visitors are refused entry at control points for the following three main reasons:

1. Doubtful intention of visit
2. Improper documentation
3. Forged documents

The number of visitors who were refused entry at control points is set out below:

	2000	2001	2002	2003 (Jan-Sept)
Mainland visitors	11 455	9 407	10 952	13 560
Other visitors	9 336	11 879	10 269	6 517
Total	20 791	21 286	21 221	20 077

(iv) The number of reports received by ImmD on suspected employment of illegal workers is as follows:

Year	Number of reports on employment of illegal workers
2000	2 946
2001	3 444
2002	6 508
2003 (Jan-Sept)	7 167

(v) Only one construction site controller was convicted of employing persons not lawfully employable and thus fined \$10,000 in March 2000. No other construction site controllers have been convicted of this offence.

(b) The Administration is committed to combating the employment of illegal workers in order to protect the employment opportunities for local workers. On the enforcement front, ImmD will exercise stringent control at various control points to identify and refuse entry of visitors who are suspected of

entering Hong Kong for illegal employment or other unlawful activities. ImmD will also distribute notices on conditions of stay to all incoming visitors reminding them not to take up any employment in Hong Kong which is liable to prosecution.

To further tackle the problem of illegal employment, the Task Force of ImmD will conduct inspections in factories, restaurants, business establishments and other black spots of illegal employment from time to time. It will also launch frequent inter-departmental joint operations with departments including the Police and LD against black spots of illegal employment such as shops, public places and construction sites. Actions are taken against illegal workers as well as their employers who have contravened the Immigration Ordinance. At the same time, more efforts will be spent on collecting intelligence to enhance the effectiveness of these operations.

Moreover, ImmD will step up its exchange of intelligence with law enforcement authorities in the Mainland, with a view to combating those who assist offenders using others' personal data to apply for travel documents for visiting Hong Kong. ImmD will also regularly notify Mainland authorities concerned of the particulars of Mainland visitors who have contravened the Immigration Ordinance for follow-up actions, so as to prohibit those offenders including illegal workers from entering Hong Kong again within a specific period.



Apart from the above, ImmD will step up publicity programmes against illegal employment and upgrade its hotline system for reporting employment of illegal workers to enhance its processing efficiency. If the sentences for those employers who are convicted of employing illegal workers are found to be manifestly inadequate, ImmD will apply to the court for review or appeal for increase of sentence so as to increase the deterrent effect.

