

Statistics on legal proceedings against employment agencies

The information you requested under the Code on Access to Information on legal proceedings against employment agencies (“EAs”) is provided as follows:

Question 1: Number of investigations opened against EAs

In 2019 and 2020, the Employment Agencies Administration (“EAA”) of the Labour Department (“LD”) received 550 and 350 complaints against EAs respectively. EAA conducted investigation into each complaint received. Breakdown of the number by the types of complaints are given below.

Q1: Number of investigations opened against EAs – by types of complaints		No. of complaints against EAs received	
		2019	2020
(i)	Overcharge of commission from job-seekers	268	66
(ii)	Unlicensed operation of EA	86	56
(iii)	Confiscation of passport or personal identification document	91	39
(iv)	Particulars of job-seekers and employers provided by EA inconsistent with facts	71	41
(v)	EA failed to provide services according to arrangements set out in service agreements	77	59
(vi)	False claims of authorisations by foreign governments (or failure to display such accreditations or certifications)	20	6
(vii)	EA failed to provide payment receipts	123	43
(viii)	EA failed to explain to job-seekers and employers their statutory rights and obligations	75	43
(ix)	EA failed to provide job-seekers and employers with reference materials and sample forms relating to their rights and benefits	58	28
(x)	EA involved in financial affairs of job-seekers	96	29
(xi)	EA provided fake vacancies	63	14
(xii)	Others – complaints not falling under items (i) to (xi) above	199	188
	Total :	550¹	350¹

Note:

1) One case may involve more than one type of complaints.

Question 2-6: Statistics on legal proceedings against EAs and their associates

The Prosecutions Division of LD instigates prosecution of suspected offences committed by EAs and their associates under the Employment Ordinance (Cap 57) (“EO”) and the Employment Agency Regulations (Cap 57A) (“EAR”). Statistics on legal proceedings in respect of offence items (i), (ii) and (xii) are given below. No legal proceedings have been instituted by LD in respect of items (iii) to (xi) as they are not offences under EO or EAR.

Q2 to Q5: Statistics on legal proceedings against EAs and their associates		2019	2020
Q2: Number of cases referred to the Department of Justice (“DoJ”) for legal advice			
(i)	Overcharge of commission from job-seekers	8	4
(ii)	Unlicensed operation of EA	8	8
(xii)	Other offences under EO or EAR	0	0
	Total :	16	12
Q3: Number of summonses heard against EAs and their associates²			
(i)	Overcharge of commission from job-seekers	66	13
(ii)	Unlicensed operation of EA	7	6
(xii)	Other offences under EO or EAR	6	5
	Total :	79	24
Q3a: Number of cases prosecuted and concluded against EAs and their associates³			
(i)	Overcharge of commission from job-seekers	13	9
(ii)	Unlicensed operation of EA	3	4
(xii)	Other offences under EO or EAR	4	5
	Total :	20	18

Q3b: Number of cases not prosecuted by legal advice of DoJ			
(i)	Overcharge of commission from job-seekers	3	1
(ii)	Unlicensed operation of EA	6	7
(xii)	Other offences under EO or EAR	0	0
	Total :	9	8
Q4: Number of dismissals and acquittals for prosecuted cases against EAs and their associates			
(i)	Overcharge of commission from job-seekers	6	6
(ii)	Unlicensed operation of EA	1	1
(xii)	Other offences under EO or EAR	0	0
	Total :	7	7
Q5: Number of convicted cases against EAs and their associates⁴			
(i)	Overcharge of commission from job-seekers	7	3
(ii)	Unlicensed operation of EA	2	3
(xii)	Other offences under EO or EAR	4	5
	Total :	13	11
Q6: Details of sentences		2019	2020
Q6a: Total fines imposed on convicted EAs and their associates⁵			
(i)	Overcharge of commission from job-seekers	\$134,000	\$15,600
(ii)	Unlicensed operation of EA	\$138,000	\$92,000
(xii)	Other offences under EO or EAR	\$10,000	\$11,000

Q6b: The highest total fine imposed on a convicted EA and its associates⁶			
(i)	Overcharge of commission from job-seekers	\$92,000	\$6,000
(ii)	Unlicensed operation of EA	\$120,000	\$80,000
(xii)	Other offences under EO or EAR	\$4,000	\$5,000

Notes:

- 2) The date of issue of summons is not kept in database. The information is based on the summonses heard and concluded in the year. Furthermore, a case may have more than one summons and different summonses of the same case may be concluded in different months or years.
- 3) A case may have more than one defendant and prosecution of different defendants of the same case may be concluded in different months or years.
- 4) An EA and an associate may be prosecuted and convicted for more than once in a year.
- 5) No penalty other than fine was recorded.
- 6) This represents the highest sum of fines imposed on a convicted EA and its associates in a year.