

虛報及短付外傭工資 罪行嚴重

Underpaying foreign domestic helpers
is a serious offence



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政府規定最低工資

根據政府現時的政策，僱主如申請聘用外籍家庭傭工（外傭），必須向入境事務處遞交標準僱傭合約（I.D. 407），合約上所訂明的外傭每月薪金，須不少於政府規定的最低工資。

自2008年7月10日起訂立的標準僱傭合約，
適用的規定最低工資為每月港幣3,580元。

不論外傭是任何國籍，僱主必須依據標準僱傭合約所訂定的工資率支薪，絕不可以擅自或與外傭私下協議，給予較低工資率。

短付工資 可被檢控

根據《僱傭條例》，僱主必須在工資期屆滿後或僱傭合約屆滿或終止後7天內支付工資給僱員，僱主如故意及無合理辯解而不依時支付工資給僱員，可被勞工處檢控，一經定罪，最高可被罰款35萬元及監禁3年。

同時，根據《僱傭條例》，外傭僱主如非法扣減僱員工資，（例如將部份工資轉交予職業介紹所或其他第三者，作為外傭償還拖欠該介紹所或人士的債務之用），亦屬違法，最高可被罰款10萬元及監禁1年。外傭與職業介紹所或第三者的借貸及償還安排，應由他們自行處理，僱主不應牽涉其中。

勞工處查詢熱線：2717 1771
（此熱線由1823電話中心接聽）

虛報外傭工資 屬刑事罪行 一經定罪 可被判入獄

根據《入境條例》，任何人士如向入境事務處職員作出虛假申述，即屬違法，一經定罪，最高可被罰款15萬元及監禁14年。任何人士協助、教唆、慫使或促致另一人犯罪，即屬觸犯同一罪行。

外傭僱主如：

- 甲、本無意向外傭支付政府規定的最低工資；
- 乙、為取得外傭的工作簽證，不誠實地向入境事務處職員作出虛假申述，在標準僱傭合約上聲稱會支付規定的最低工資；及
- 丙、在聘用外傭期間短付工資，

即屬違法。

任何人士如協助或教唆外傭僱主虛報工資，亦可被檢控。如有職業介紹所的經營者因上述罪行被定罪，勞工處更可撤銷其牌照。

**查詢或舉報上述罪行，可致電入境事務處熱線2824 1551、
傳真至 2824 1166 或電郵至 anti_crime@immd.gov.hk。**

**虛報外傭工資，屬刑事罪行，一經定罪，可被判入獄。
以身試法，得不償失！**

勞工處 入境事務處
2008年

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Minimum Allowable Wage as prescribed by the Government

According to existing government policy, an employer who intends to employ a foreign domestic helper must submit a standard employment contract (I.D. 407) to the Immigration Department for approval. The monthly wages payable to the foreign domestic helper as stipulated on this standard contract **must not be less than the minimum allowable wage prescribed by the Government.**

**For any standard employment contract made on or after 10 July 2008,
the prescribed minimum allowable wage is HK\$3,580 per month.**

All foreign domestic helpers, irrespective of their nationalities, should be paid at a wage rate as stipulated in the standard employment contract. An employer should not unilaterally impose or mutually reach a private agreement with his/her foreign domestic helper on a lower wage rate.

Underpayment is a serious offence

Under the Employment Ordinance, an employer should pay wages to an employee not later than seven days after the expiry of the wage period or after completion or termination of the employment contract. **An employer commits an offence if he/she willfully and without reasonable excuse fails to pay wages to an employee on time, and is liable, upon conviction, to a maximum fine of \$350,000 and imprisonment for 3 years.**

An employer who makes unlawful deduction from wages of an employee also commits an offence under the Employment Ordinance and is liable to a maximum fine of \$100,000 and imprisonment for one year.

Thus, it is unlawful for an employer of the foreign domestic helper to, for instance, deduct wages due and pass the sum to an employment agency or a third party for repaying debts owed by the foreign domestic helper. Any loan and repayment arrangement involving the foreign domestic helper and the employment agency or third party should be handled by the involved parties direct.

**Labour Department Enquiry Hotline: 2717 1771
(the hotline is handled by the 1823 Call Centre)**

Making false representation on wages of a foreign domestic helper is liable to prosecution and imprisonment

It is an offence under the Immigration Ordinance to make false representation to an immigration officer. Offenders are liable, upon conviction, to a maximum fine of \$150,000 and imprisonment for 14 years.

Any person who aids, abets, counsels or procures the commission by another person of any offence shall be guilty of the like offence.

An employer commits an offence if:

- (a) he/she has no intention to pay the minimum allowable wage to his/her foreign domestic helper;
- (b) he/she has dishonestly stated the minimum allowable wage on the standard employment contract, thus making a false representation to an immigration officer in order to secure an employment visa; and
- (c) he/she has underpaid the foreign domestic helper during the employment period.

Any person aiding and abetting the commission of the above offence will also be liable to prosecution. If the operator of an employment agency is convicted of such offence, the Labour Department may revoke its licence.

Enquiries or complaints on the above criminal offences may be made to the complaint hotline of the Immigration Department at 2824 1551; by fax at 2824 1166 or e-mail to anti_crime@immd.gov.hk.

**Making false representation on wages of a foreign domestic helper is liable to criminal prosecution and imprisonment.
Don't defy the law, it does not pay!**