

## **Panel on Manpower**

### **A. Information sought by Members at the special meeting on 12.3.2003**

#### Imposition of a levy on employers of foreign domestic helpers

1. To provide the Department of Justice's advice on whether section 14 of the Employees' Retraining Ordinance (ERO) gives such a power to the Administration to impose a levy on employers of foreign domestic helpers (FDHs) without the need to legislate.
2. To provide the background and scope of the labour importation scheme (LIS) under section 14(3) of the Employees' Retraining Ordinance (ERO), and whether consideration had been given to imposing a levy on employers of FDHs when ERO was enacted; and if so, the decision of the Administration.
3. To explain whether employment of a FDH is subject to a quota system as specified under section 14(4) of the ERO, and whether an employer of a FDH should apply to the Director of Immigration for permission to employ a FDH as an imported employee in accordance with a quota allocated by or with the authority of the Secretary for Education and Manpower if importation of FDHs is designated as a LIS under ERO.
4. In his reply to an oral question raised by Dr Hon Samuel WONG at the Council Sitting on 28 June 1995, the then Secretary for Education and Manpower said that "foreign domestic helpers come under a separate scheme which is different from the labour importation scheme. For this reason, our present approach is based on the policy that has been adopted for the past 20 years and that is, foreign domestic helpers are imported on the basis of the local demand, with no special charges levied or quota set for such employment." To advise whether this is still the existing policy on FDHs; and if not, why and when the policy has been changed.

#### Adjustment of minimum allowable wage of foreign domestic helpers

5. To provide detailed information on the mechanism for adjustment of minimum allowable wage (MAW) of FDHs, and explain why different basis were used in determining the level of adjustments of MAW in the last and the current adjustments, i.e., in February 1999 and April 2003; and to provide information on the last 18 revisions on MAW.

**B. Issues raised by legal adviser to the Panel**

Imposition of a levy on employers of foreign domestic helpers

1. To provide the detailed terms and requirements of the 3 Importation of Labour Schemes (the General Labour Importation Scheme, the Special Labour Importation Scheme for the New Airport and Related Projects and the Supplementary Labour Scheme) and the documents relating to each of these particular schemes submitted for the formal approval of the then Governor in Council.
2. Who or which government branch / bureau was responsible for the drawing up and the submission of these 3 labour importation schemes for the consideration and approval by the Chief Executive (CE) or Governor in Council?
3. What were the respective dates of the submission and approval of these 3 labour importation schemes?
4. Was the Labour Advisory Board consulted on the design of these 3 labour importation schemes?
5. To provide the documents showing the detailed terms and requirements of the importation scheme of FDHs which was submitted for the approval of CE in Council.
6. Has the Labour Advisory Board been consulted with respect to the new labour importation of FDHs before CE in Council's decision was made?
7. To provide the ratio of the Employees Retraining Levy to the government's subvention into the Fund for past 3 years and the actual dollar amount of such levy and subvention.

**C. Information sought by Members after the special meeting on 12.3.2003**

Adjustment of minimum allowable wage of foreign domestic helpers

1. To provide statistical information on household income, median monthly employment earnings for service workers and non-skilled workers, details in **Annex**.

下列的統計數字 —

- 僱有外籍家庭傭工的住戶的每月住戶入息（不包括外籍家庭傭工的就業收入）的下四分位數值、中位數和上四分位數值（1999 - 2002 年）（按年度列出）；
- 服務工作及商店銷售人員（不包括無酬家庭從業員及在統計前 7 天內工作少於 35 小時的就業人士）的每月就業收入中位數（1999 - 2002 年）（按年度列出）；及
- 非技術工人（不包括無酬家庭從業員、外籍家庭傭工及在統計前 7 天內工作少於 35 小時的就業人士）的每月就業收入中位數（1999 - 2002 年）（按年度列出）。