

~~SECRETARY FOR SECURITY: The purpose of the IPCC bill is primarily to give statutory status to the existing IPCC system. It will certainly address the functions and the membership of the Independent Police Complaints Council.~~

~~MR JAMES TO (in Cantonese): Mr President, at least from the Government's point of view, the IPCC is very familiar with the operation of the police and can handle complaints fairly; it has gained much experience about the work and its members are highly respected people of the society. The IPCC has recommended two levels of reform: first, there should be non-police officers participating in the investigations; second, as Dr the Honourable Conrad LAM has suggested just now, there should be someone observing the investigations. Despite the recommendations made by a Council the members of which are all trusted by the Governor and whose chairman having repeatedly asked the Government to consider these recommendations, it seems that up till now, the Secretary for Security has only given two very short reasons in his main reply. He has not given a detailed account of the Government's arguments. Will the public be convinced? In the first paragraph of the reply, it is mentioned that since non-police investigators do not have the knowledge of police procedures or disciplines, they cannot make a fair judgement as to whether the police officer's action is justified. I want to ask then: Can a judge do so? At present, the court hears cases involving breaches of the law every day. The court may even criticize during the hearing that some police procedures are improper. According to the Secretary's reply, is it right that only police officers are eligible to investigate?~~

~~SECRETARY FOR SECURITY: Mr President, I have already, in my main reply, explained the Government's reasons for not pursuing at the time the recommendation of the Police Complaints Committee to have a system of non-police investigators. I have also said that given the comments of the IPCC currently we are prepared to have discussions with the IPCC to discuss their views further on the idea of non-police investigators. I have also said that initially we, the Government, were prepared to go down the road of a lay observers scheme. It was at the time not given very strong support by the IPCC, but I am glad to hear today from Dr the Honourable Conrad LAM that the IPCC may have further things to say and we will certainly be prepared to discuss them. I do not believe, Mr President, it is right to make a comparison between judges and police officers.~~

Importation of Foreign Domestic Helpers

3. DR SAMUEL WONG asked: *Regarding the importation of domestic helpers, will the Government inform this Council:*

- (a) *whether it has information to show the differences in salary, terms and conditions of service, between domestic helpers in Hong Kong*

and those in Singapore and the difference in retraining charges imposed by the two governments relating to such employment;

- (b) of a breakdown, by country of origin, of foreign domestic helpers permitted by the Immigration Department to work in Hong Kong; and*
- (c) whether the Government will encourage people to employ local domestic helpers?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr President,

- (a) All foreign domestic helpers (FDHs) in Hong Kong are admitted to work for a specified employer under a standard two-year contract of employment which stipulates the terms and conditions of their employment. This standard contract is governed by all the relevant labour legislation in Hong Kong. Each FDH is also entitled to receive from his/her employer a specified minimum allowable monthly wage. At present, this amounts to HK\$3,750. Employers are not required to pay any retraining charges arising from the employment of such helpers.

As regards the FDHs in Singapore, we understand that their employment is not governed by any standard contract of employment. The terms and conditions of employment are subject to negotiations between the employers and the helpers themselves. The helpers are not entitled to any specified minimum monthly wage. Their average monthly wage ranges from S\$150 to S\$350. However, the employer of each FDH is required to pay to the Government a monthly levy of S\$330 and a security bond of S\$5,000 as a deposit. The latter amount will be refunded to the employer upon the termination of the service and departure from Singapore of that helper.

- (b) The breakdown of FDHs permitted to work in Hong Kong by country of origin as at the end of this year is at Annex, tabled with the reply.
- (c) As with the employment of any other types of local workers, the employment of local domestic helpers should be decided by the forces of demand and supply in a freely competitive market. The Government's responsibility is to facilitate such employment through the provision of employment services and suitable training and retraining.

The Local Employment Service (LES) of the Labour Department provides free employment assistance and counselling services to all local job-seekers, including domestic helpers, who register for employment. Anyone who wishes to employ local domestic helpers can also register with any of the LES offices. According to the statistics kept by the LES, the placement cases of local domestic helpers constitute about 4.7% of the total placement figures.

The Employees Retraining Board (ERB) is now running two job-specific retraining courses on domestic work. A total of 199 retrainees have completed the courses and 38 are still attending them. The ERB is liaising with a number of training bodies and other interested organizations with a view to organizing more retraining courses on domestic work.

Annex

Number of Foreign Domestic Helpers in Hong Kong
as at 31 May 1995

(breakdown by nationality)

<i>Countries</i>	<i>Number</i>
Philippines	126425
India	1168
Thailand	7073
Indonesia	13049
Sri Lanka	808
Myanmar	145
Malaysia	60
Singapore	7
Pakistan	90
Nepal	192
Bangladesh	17

<i>Countries</i>	<i>Number</i>
Others*	72

Total	149106
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* Note: "Others" column include countries like Austria, France, Germany, Korea, Mexico, the Netherlands and the United States.

DR SAMUEL WONG (in Cantonese): *Mr President, at present, in employing foreign workers, employers are required to pay a retraining charge of \$400 for every imported worker they have taken on, except for the foreign domestic helpers. Since the Employees Retraining Board (ERB) is currently running retraining courses relating to domestic helpers, may I ask if the Government will consider levying retraining charges on employers of foreign domestic helpers?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): *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. Therefore, we consider it inappropriate to levy charges on the employers. Of course, if we deem it is necessary to readjust the demand and supply, it is possible that we will use other methods to readjust the demand and supply of foreign domestic helpers. However, we will certainly give this matter individual consideration because this is a matter different from the labour importation scheme.*

MR STEVEN POON (in Cantonese): *Mr President, according to the annex provided by the Government, there are 149000 foreign domestic workers in Hong Kong and this is a very huge number. Does the Government know how large the market of domestic helpers is in Hong Kong? What is the percentage of foreign domestic helpers in the entire domestic helper market? What is the highest possible number of foreign domestic helpers in Hong Kong? Does Hong Kong have any plan to deal with such an enormous number of them eventually?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): *Mr President, as I said in the main reply, the foreign domestic helper importation scheme is purely a matter of demand and supply. As early as the 1970s, this is some 20 years ago, certain employers were already permitted by the Government to import foreign domestic helpers as the supply of local domestic*

helpers had fallen short of the demand. The Government has not carried out a comprehensive survey but foreign domestic helpers are imported on the basis of the applications from local families which have the need. It is a natural matter of demand and supply in the market. We do not have any specific plan to fix the number of imported domestic helpers. This is a matter different from the labour importation scheme.

MRS ELSIE TU: Mr President, in view of the increase in unemployment of local women, would it be possible for the Government to consider scaling down the number of foreign domestic workers permitted to work in Hong Kong?

SECRETARY FOR EDUCATION AND MANPOWER: Mr President, of course we have had this point raised on several occasions in this Council, among other things, in the context of importation of labour. I would just like to make one point and that is that in the review on the importation for labour scheme we will, of course, take into account the needs of local workers for more jobs. If, and I stress the point if, it can be proved that there is a demand for local domestic helpers in Hong Kong which is clearly and demonstrably clear to us that this need is not fulfilled, then of course we would be very happy to look at this scheme again to see whether we ought to give priority to local workers to take up domestic work and accordingly restrict the number of foreign domestic helpers. But we have yet to have the evidence to show this point.

PRESIDENT: We have got time for three more supplementaries, as we have got a very long agenda today.

MRS PEGGY LAM (in Cantonese): *Mr President, there are already more than 100000 foreign domestic helpers in Hong Kong and this number is constantly rising. Moreover, according to a survey I have recently conducted, members of the public think that the number of FDHs should not be allowed to go up indefinitely and that a quota system ought to be implemented. In the circumstances, will the Government inform this Council whether it will conform to the wishes of the people by formulating a policy on the quota of foreign domestic helpers in the near future?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): As I have said before, the importation of foreign domestic helpers is purely a matter of demand and supply in a free market and for the time being, the Government has no intention to intervene in this respect. Yet, if it is the view of the community that some local workers being unable to find jobs is the result of these foreign helpers coming to work in Hong Kong, we would certainly review this scheme and see if it is necessary to readjust the importation of foreign domestic helpers. In the meantime, we will also have to consider whether local

domestic helpers can satisfy the demand of the local families. We will adopt an open attitude towards this matter.

MR TAM YIU-CHUNG (in Cantonese): *Mr President, in fact, many families in Hong Kong do not necessarily need to take on full-time domestic helpers who can actually be replaced by part-time local domestic helpers instead. May I ask whether the Government will ask the ERB to organize and increase the number of related courses, and to take up the responsibility to provide placement service in an effort to enhance the employment opportunities of local workers?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): *Mr President, as I mentioned just now, the ERB is running two training courses on domestic work for these people. We will certainly encourage the ERB to provide more courses of this sort to meet the local demand if necessary. As to how we can help local workers take up domestic work, we will be happy to look into this matter and see if it is necessary to provide additional training courses through the ERB by running this type of courses for local workers to enable them to work as domestic helpers. As regards part-time domestic helpers, we will also give consideration to running training courses for them if there is such a need.*

MRS SELINA CHOW (in Cantonese): *Mr President, very often we can see foreign domestic helpers engaging in duties other than those specified in their employment contracts. Just take a look at the notice boards in supermarkets and one will know. What measure does the Government have in place to ensure that foreign domestic helpers are genuinely observing the original employment contracts that they made when they first came to work in Hong Kong? What measures will be adopted to stop an enormous pool of these helpers from engaging in part-time domestic work which is not a duty specified in their contracts? Is there any plan to further ensure the strict observance by employers of the terms of the contracts?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): *Members may remember that the Secretary for Security has stated in clear terms that we would strengthen our work in this regard particularly and that means, firstly, we will monitor whether foreign helpers are engaging in domestic work in local families; secondly, we will strengthen our enforcement actions; thirdly, we will strengthen the deterrent effect of the penalties. I believe that the Government is certainly determined to spare no effort to combat this kind of activities.*

PRESIDENT: Mrs CHOW, not answered?

MRS SELINA CHOW (in Cantonese): *The Secretary did not say whether the Government will take further action to ensure the strict observance by the employers of the terms of the contract. This is because there are also problems on the part of the employers now. May I ask the Government if it has any plan to do that?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Mr President, we will certainly consider this.

~~Brain Drain Problem~~

4. MR PETER WONG asked: *Will the Administration inform this Council:*
- (a) *of the total number of local residents who have emigrated abroad in the last two years, together with the respective percentages of civil servants and professionals among these emigrants; and*
 - (b) *whether it has taken any measures to cope with the brain drain problem; if so, what the measures are?*

SECRETARY FOR SECURITY: Mr President, we estimate that about 53400 persons emigrated from Hong Kong in 1993, and about 61600 in the year 1994. Of these numbers, respectively 7.5% in 1993 and 6.5% in 1994 are professionals. Civil servants are not separately identified in our emigration statistics.

As regards the second part of the Honourable Member's question, let me first of all reiterate that Hong Kong does not, and will not prevent its people from emigrating elsewhere. What we seek to do are:

- (1) To maintain Hong Kong's stability and prosperity so that our citizens can continue to live and work in an environment which allows them to apply their talents and expertise, and rewards them for their successes. To this end, we have done a great deal to improve our infrastructure, which is so necessary for our economic development. Our economic and financial policies have also enabled us to enjoy sustained economic growth and sound public finance over the past few years. Hong Kong remains today an attractive place in which to live and work. Indeed, it is at least partly because of the economic opportunities offered by Hong Kong that a fair number of former emigrants, some of them highly educated and professionally trained, have returned here.