

政府總部
香港下亞厘畢道



GOVERNMENT SECRETARIAT
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HONG KONG

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24 December 2009

Clerk to Legislative Council Panel on Security
Legislative Council Building
8 Jackson Road
Central

(Attn: Mr Raymond Lam)

By Fax No.: 2509 0775

Dear Mr Lam,

**Follow up to the Legislative Council Panel on Security
meeting held on 2 June 2009**

At the Panel meeting held on 2 June 2009, a Member requested the Administration to provide further information on a case involving renewal of contract with foreign domestic helper.

I hereby enclose the response provided by the Immigration Department (at Annex) for the Members' reference.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alan Lo', written over a printed name in parentheses.

for Secretary for Security

c.c. Director of Immigration (Attn: Mr ML CHAN)

Annex**LEGISLATIVE COUNCIL PANEL ON SECURITY****Follow-up actions after the incident of discretion exercised by the Immigration Department in the processing of contract renewal application involving foreign domestic helpers**

The Immigration Department (ImmD) has all along maintained the same standard in approving contract renewal applications from foreign domestic helpers (FDHs). The essential assessment criteria include that the employer and FDH have no adverse records, the employer is financially capable, and the FDH lives in the employer's residence. Apart from the application forms and the standard employment contract, the applicant shall also submit relevant supporting documents, which include the residential and financial proof of the employer, and the travel document of the FDH.

2. ImmD all along exercises discretion in respect of particular assessment criteria or documentary requirements having regard to the special circumstances of the relevant case. The discretion is exercised on the premise that the applicants must satisfy ImmD that all the essential criteria had been met.
3. Upon exercise of discretion, the justifications have to be properly documented. Random checks are conducted from time to time to ensure proper exercise of such discretion.
4. ImmD possesses a lot of personal data and is determined to ensure effective protection of personal data privacy. Taking the opportunity in reviewing the case in question, ImmD had re-examined the internal procedures regarding matters such as access to computer, keeping of documents, exercise of checks, staff training on privacy protection, etc. The result confirmed that a robust system is in place in protecting the personal data of applicants and that no breaches of the relevant rules and regulations were detected. No action was taken against any staff members of ImmD.

**Immigration Department
December 2009**