

立法會
Legislative Council

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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 19 October 2011

**Amendments to motion on
“Opposing foreign domestic helpers’ enjoyment of
the right of abode in Hong Kong”**

Further to LC Paper No. CB(3) 15/11-12 issued on 6 October 2011, four Members (Hon WONG Kwok-hing, Hon Alan LEONG Kah-kit, Hon James TO Kun-sun and Hon Paul TSE Wai-chun) have respectively given notices of their intention to move separate amendments to Hon WONG Ting-kwong’s motion on “Opposing foreign domestic helpers’ enjoyment of the right of abode in Hong Kong” scheduled for the Council meeting of 19 October 2011. As directed by the President, the respective amendments will be printed in the terms in which they were handed in on the Agenda of the Council.

2. The President will order a joint debate on the above motion and amendments. To assist Members in debating the motion and amendments, I set out below the procedure to be followed during the debate:

- (a) the President calls upon Hon WONG Ting-kwong to speak and move his motion;
- (b) the President proposes the question on Hon WONG Ting-kwong’s motion;
- (c) the President calls upon the four Members, who intend to move amendments, to speak in the following order, but no amendment is to be moved at this stage:

- (i) Hon WONG Kwok-hing;
 - (ii) Hon Alan LEONG;
 - (iii) Hon James TO; and
 - (iv) Hon Paul TSE;
- (d) the President calls upon the designated public officer(s) to speak;
 - (e) the President invites other Members to speak;
 - (f) the President gives leave to Hon WONG Ting-kwong to speak for the second time on the amendments;
 - (g) the President calls upon the designated public officer(s) again to speak;
 - (h) in accordance with Rule 34(5) of the Rules of Procedure, the President has decided that he will call upon the four Members to move their respective amendments in the order set out in paragraph (c) above. The President invites Hon WONG Kwok-hing to move his amendment to the motion, and forthwith proposes and puts to vote the question on Hon WONG Kwok-hing's amendment;
 - (i) after Hon WONG Kwok-hing's amendment has been voted upon, the President deals with the other three amendments; and
 - (j) after all amendments have been dealt with, the President calls upon Hon WONG Ting-kwong to reply. Thereafter, the President puts to vote the question on Hon WONG Ting-kwong's motion, or his motion as amended, as the case may be.

3. For Members' ease of reference, the terms of the original motion and of the motion, if amended, are set out in the **Appendix**.

(Mrs Justina LAM)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on
“Opposing foreign domestic helpers’ enjoyment of
the right of abode in Hong Kong”
to be held at the Council meeting
of 19 October 2011**

1. Hon WONG Ting-kwong’s original motion

That, as the enjoyment of the right of abode in Hong Kong by foreign domestic helpers (‘FDHs’) will impose a heavy burden on Hong Kong’s economy, employment market, education, healthcare, housing and welfare, etc., and have far-reaching consequences, thus giving rise to widespread public concern, this Council opposes FDHs’ enjoyment of the right of abode in Hong Kong.

2. Motion as amended by Hon WONG Kwok-hing

That, as ~~the~~ *although currently hundreds of thousands of foreign domestic helpers (‘FDHs’) are working in Hong Kong, FDHs’* enjoyment of the right of abode in Hong Kong ~~by foreign domestic helpers (‘FDHs’)~~ *contravenes the legislative intent of the Basic Law, and* will impose a heavy burden on Hong Kong’s economy, employment market, education, healthcare, housing and welfare, etc., and have far-reaching consequences, ~~thus giving rise to;~~ *in order to protect local employees’ right to priority employment and reduce* widespread public concern, this Council opposes FDHs’ enjoyment of the right of abode in Hong Kong.

Note: Hon WONG Kwok-hing’s amendment is marked in *bold and italic type* or with deletion line.

3. Motion as amended by Hon Alan LEONG Kah-kit

That, as ~~the enjoyment of~~ *under the rule of law, regarding whether foreign domestic helpers (‘FDHs’) should enjoy* the right of abode in Hong Kong ~~by foreign domestic helpers (‘FDHs’)~~ will impose a heavy burden on Hong Kong’s economy, employment market, education, healthcare, housing and welfare, etc., and have far-reaching consequences, ~~thus giving rise to widespread public concern,~~ *under the existing system, the community must respect and abide by the ruling of the Court;* this Council ~~opposes FDHs’ enjoyment of~~ *considers that FDHs do not automatically enjoy* the right of abode in Hong Kong, *and*

urges the Government to expeditiously clarify the Immigration Department's criteria and mechanism for approving applications for the right of abode in Hong Kong by persons not of Chinese nationality, so as to allay widespread public concern.

Note: Hon Alan LEONG Kah-kit's amendment is marked in *bold and italic type* or with deletion line.

4. Motion as amended by Hon James TO Kun-sun

~~That, as the enjoyment~~ *this Council urges various sectors to respect the rule of law and safeguard people's right to litigation; and given that the enjoyment or otherwise* of the right of abode in Hong Kong by foreign domestic helpers ('FDHs') ~~will impose a heavy burden on~~ *involves Hong Kong's population and immigration policies, this Council considers that the SAR Government has the right to formulate relevant policies and planning on its own in response to social circumstances, so as to cater for the future needs of* Hong Kong's economy, employment market, education, healthcare, housing and welfare, etc.; ~~and have far-reaching consequences, thus giving rise to widespread public concern;~~ *this Council opposes FDHs' enjoyment of the right of abode in Hong Kong, and if necessary, the SAR Government should make a request to the Central Government for an amendment of the Basic Law, so as to resolve the controversy.*

Note: Hon James TO Kun-sun's amendment is marked in *bold and italic type* or with deletion line.

5. Motion as amended by Hon Paul TSE Wai-chun

That, as the enjoyment of the right of abode in Hong Kong by foreign domestic helpers ('FDHs') will *bring about significant changes to and* impose a heavy burden on Hong Kong's *population structure*, economy, employment market, education, healthcare, housing and welfare, etc., and have far-reaching consequences, thus giving rise to widespread public concern, this Council ~~opposes~~ *urges that the Government should, apart from the economic and social burden perspectives, explore and formulate an ultimate and most effective solution from the perspective of the impact of* FDHs' enjoyment of the right of abode in Hong Kong *on our country's population policy and structure and even sovereignty to avoid FDHs obtaining the right of abode in Hong Kong in contravention of the policy and legislative intent due to inadequacies in the existing legislation.*

Note: Hon Paul TSE Wai-chun's amendment is marked in *bold and italic type* or with deletion line.