

**For discussion on
20 July 2015**

Legislative Council Panel on Welfare Services

**Subcommittee on Strategy and Measures
to Tackle Domestic Violence and Sexual Violence**

**Support Services for Foreign Domestic Helpers
Who Are Victims of Violence (Including Sexual Violence)
in Domestic Setting**

Purpose

This paper briefs Members on the various support services for foreign domestic helpers (FDHs) who are victims of violence (including sexual violence) in domestic setting.

Overview

2. The Government attaches great importance to protecting the employment rights and benefits of FDHs in Hong Kong. Like local workers, FDHs receive comprehensive statutory employment protection under the Employment Ordinance (EO) (Cap. 57) and Employees' Compensation Ordinance (Cap. 282), including weekly rest day, statutory holidays and annual leave, etc. In addition, FDHs and their employers are required to sign a Standard Employment Contract prescribed by the Government, under which FDHs are entitled to additional protection like Minimum Allowable Wage and benefits provided by their employers such as free food (or food allowance in lieu), free accommodation, free medical protection and free passages to/from their places of domicile.

3. As at end-June 2015, there were over 336 600 FDHs in Hong Kong. The majority of them came from the Philippines (177 077 or 53%) and Indonesia (151 380 or 45%), and the rest from places like Thailand, India, Sri Lanka and Bangladesh, etc. Mostly female, FDHs play a very useful role in helping families in Hong Kong with their household chores and enabling more local women (particularly those with children or elderly members in the family) to enter or stay in the workforce.

Handling of violence cases (including sexual violence) involving FDHs in domestic setting

4. Hong Kong is a place that upholds the rule of law and will not tolerate violence of any kind. All people in Hong Kong, including FDHs, are protected by the laws of Hong Kong. The Police will make every effort to serve all who seek its help, regardless of race, occupation and background. Violence cases are always handled in a serious and professional manner, so as to prevent further harm to the victims and to bring the offenders to justice.

5. Upon receiving a report of suspected wounding and sexual violence, the Police's priority is to ensure personal safety of the victims and protect them from further harm. Arrangements will also be made for the victims to receive medical treatment. The Police will refer the case to an appropriate crime unit for follow-up action and will take statement from the victims as soon as practicable. When investigating alleged abuse or sexual abuse of an FDH by an employer, the Police will approach every person who may be able to provide useful information, including other family members in the employer's residence, neighbours, security guards of the building and staff members of the employment agency concerned.

6. Some FDHs working in Hong Kong may not speak fluent Cantonese or English. Similar to the arrangement for witnesses in other cases, statements from FDHs will be taken in the languages or dialects used by them through an interpreter. This will enable police officers to obtain the necessary information in a more accurate manner. Victims are allowed, where appropriate, to be accompanied by their family members, friends or representatives of the employment agencies concerned during the statement-taking process. If required, the Police may co-ordinate with the Social Welfare Department (SWD), non-governmental organisations (NGOs) and FDH employment agencies to provide emergency assistance, counselling and temporary accommodation. For victims whose safety is threatened, the Police will assess the situation, and provide protection for the victims as appropriate and with the victims' consent. When sufficient evidence is gathered, the Police will arrest the perpetrators as soon as possible and institute a prosecution against them as appropriate.

7. The Police endeavours to reduce the pressure on victims of sexual violence who are assisting in investigation. In this connection, immediate referral and one-stop service are provided. Under the one-stop service model, statement-

taking and forensic examination will be conducted in the same public hospital where a victim is receiving treatment as far as practicable. This will minimise the need to summon the victim repeatedly and will expedite the investigation process. Victims can also request the presence of any person of their choice when attending police interviews and forensic examination.

8. At the first contact with victims of sexual violence, police officers will introduce to them the crisis intervention services for victims of sexual violence provided by NGOs, such as the Multi-purpose Crisis Intervention and Support Centre (commonly known as CEASE Crisis Centre), RainLily and the Family Planning Association of Hong Kong. Referral can be made at once with the victims' consent.

9. To better serve non-ethnic Chinese persons, the Police launched a pilot project named "TRANSLINK" in Kowloon West Region in November 2014 in collaboration with the Centre for Harmony and Enhancement of Ethnic Minority Residents (commonly known as CHEER)¹ which is operated by the Hong Kong Christian Service. The project provides instant telephone interpretation services in seven common ethnic minority languages, namely Urdu, Nepali, Punjabi, Hindi, Bahasa Indonesia, Thai and Tagalog, through teleconferencing to help non-ethnic Chinese persons communicate with police officers.

Support and short-term accommodation services for FDHs in need

10. SWD provides appropriate support for those who need welfare services, including FDHs in Hong Kong. A spectrum of preventive, supportive and remedial services are available from the 65 Integrated Family Service Centres and two Integrated Services Centres (operated by SWD or NGOs) over the territory. The service centres will thoroughly assess and take care of the specific needs of service users and provide them appropriate services.

11. For FDHs who are subjected to violence in domestic setting or sexual violence while working in Hong Kong, refuge centres for women and the CEASE Crisis Centre may provide 24-hour support and short-term accommodation. The Family Crisis Support Centre operated by the Caritas–Hong Kong also provides a variety of services, including crisis intervention,

¹ The Centre for Harmony and Enhancement of Ethnic Minority Residents provides interpretation and translation services in Tagalog, Bahasa Indonesia, Thai, Nepali, Hindi, Punjabi and Urdu.

counselling and short-term accommodation, for individuals or families (including FDHs) in crisis or distress. In addition, the RainLily, a crisis centre for sexual violence victims, also renders support service to victims of sexual violence (including FDHs).

12. Victims of sexual violence (including FDHs) may be referred to the CEASE Crisis Centre by the Police, medical personnel, social workers or other professionals, or they may approach the centre by calling its 24-hour hotline for service. When informed of such cases, the social workers of CEASE Crisis Centre will provide immediate outreach/crisis intervention service for the victims on a 24-hour basis. Follow-up services will then be provided for at least six months. Short-term accommodation can be arranged at once if required. While the length of stay usually does not exceed two weeks, it can be adjusted depending on the need of individual cases. During their stay in the centre, social workers of the centre will provide individual and/or group counselling to the victims of sexual violence to help them address stress and emotional problems and work out future plans. Service referrals will be made where necessary. Throughout the process, social workers of the centre and other social workers or professionals concerned will maintain close contact to follow up the cases collectively. The centre will also organise therapeutic groups to help victims cope with the trauma of sexual abuse and build up their resilience against adversity through group counselling. For discharged residents, the social workers will provide after-care service to help them adapt to their new life.

13. To cater for the language and living habits of FDHs, the refuge centres for women and the CEASE Crisis Centre will provide them with interpretation and/or translation service and appropriate household utensils. They may refer these clients to other support services suitable for ethnic minorities. Emergency financial assistance or in-kind relief may also be provided if required. For example, FDHs may be given supermarket vouchers to buy the food and supplies they need.

14. For victims of domestic or sexual violence who need to give evidence in court, volunteers/staff of the Victim Support Programme for Victims of Family Violence and the CEASE Crisis Centre will also provide support to alleviate their fear and helplessness.

Assistance to FDHs who have been abused or exploited

15. The Immigration Department (ImmD) will render assistance as appropriate to FDHs who have been abused or exploited and will, where necessary, refer such cases to relevant government departments for follow-up. ImmD will keep a record of such cases and take them into account in considering any future applications for employment of FDHs from these employers. If there is evidence that an employer has abused or exploited his/her FDH, his/her future application for employing FDH will normally not be approved.

16. If the FDH concerned wishes to continue to work in Hong Kong, he/she may apply for change of employer. ImmD will process the application in accordance with the prevailing policy and procedures. If there is evidence that the FDH has been abused or exploited, or if there are other compassionate grounds, ImmD may exercise discretion to approve the application for change of employer in Hong Kong without requiring the FDH to return to his/her place of domicile first.

17. If an FDH, after the termination or expiry of his/her contract, is involved in labour or monetary disputes with his/her employer and has to attend hearing at a tribunal, or has been criminally intimidated or abused and is required to remain in Hong Kong for assisting in investigation or acting as a witness, ImmD may, based on individual merits, exercise discretion to allow the FDH to extend his/her stay in Hong Kong as a visitor. If the FDH concerned has been confirmed by the Police as a victim of a criminal case and needs to remain in Hong Kong to act as a witness in legal proceedings, ImmD will allow him/her to remain in Hong Kong as a visitor and waive the fee for extension of stay.

Enhancing FDHs' awareness of their rights and channels for seeking assistance

18. The Labour Department (LD) has all along been organising various publicity activities to raise FDHs' awareness of their rights and obligations, and the channels for seeking assistance if the need arises. The relevant promotional activities includes producing practical guides, leaflets and posters in the mother languages of FDHs, staging roving exhibitions, organising briefings, and placing advertisements in local Filipino and Indonesian newspapers to promote relevant provisions of EO. Publicity materials in the mother languages of FDHs are disseminated through the consulate-generals (CGs) concerned, NGOs and government offices including District Offices. The materials are also uploaded

to LD's website so that FDHs may access them anytime before or after arrival in Hong Kong. Information packs are distributed to newly-arrived FDHs through an NGO at the Airport to ensure that FDHs have the chance to learn about their rights right from their arrival.

19. Since 2014, LD has stepped up its publicity efforts, including screening videos in FDHs' mother languages about their employment rights and benefits at the video walls outside Victoria Park and Urban Council Centenary Garden, staging information kiosks more frequently at popular gathering places of FDHs on rest days, including Victoria Park, Chater Garden and Statue Square. LD has also included in its publicity materials messages on how FDHs should deal with situations involving intrusion of their personal safety and confiscation of their identity documents by others, as well as channels for them to seek redress. A handy information card containing these messages has been produced and widely distributed to FDHs.

20. The Government has also stepped up the collaboration with FDH-sending countries. Since 2014, LD and relevant government departments have set up an inter-departmental regular liaison mechanism with the Indonesian and Philippine CGs respectively to discuss matters concerning FDHs which require mutual attention and to co-ordinate publicity efforts. LD has also joined the welcome programmes and briefings organised by CGs for newly-arrived FDHs since June 2014, as well as the social/cultural events organised by CGs for their nationals in Hong Kong (e.g. a booth was set up in the Indonesian Festival held at Victoria Park on 24 August 2014), so as to disseminate information concerning their employment rights and channels for seeking assistance while working in Hong Kong to newly-arrived FDHs.

21. To ensure that FDHs understand their conditions of employment, ImmD has published the "Conditions of Employment for Foreign Domestic Helpers – A General Guide to the Helper" in English, Chinese and the native languages of FDHs (including Tagalog, Bahasa Indonesia, Thai, Sinhala, Nepali and Hindi), setting out the avenues for reporting incidents of abuse. The guide is distributed for free at the Information and Liaison Section of ImmD. The Chinese and English versions of the guide have also been uploaded to ImmD's website for reference of the public.

22. It is not a requirement by the Government for FDHs to be recruited through employment agencies (EAs). Neither are EAs required under EO or the Employment Agency Regulations to provide services other than job-

placement services, including follow up with job-seekers (including FDHs) after their assumption of duty or provision of vocational guidance etc. However, as EAs may be the only person whom FDHs know in Hong Kong other than their employers, and they are familiar with the labour laws and common problems faced by FDHs, LD has been calling on EAs, through seminars and regular communications, to provide appropriate support for FDHs when they are so approached, and if necessary to help these FDHs to report their cases to the authorities immediately.

Other information, interpretation and translation services

23. Most leaflets of mainstream welfare services (including service leaflets of Integrated Family Service Centres and Family and Child Protective Services Units) are printed in six ethnic minority languages² in addition to Chinese and English to facilitate FDHs' understanding of the services. To introduce its services to FDHs and encourage victims of sexual violence to seek assistance, the CEASE Crisis Centre produces service leaflets in English and ethnic minority languages and distributes them at popular gathering places of FDHs. The leaflets are also uploaded to relevant websites. Besides, the CEASE Crisis Centre sets up booths at gathering places of FDHs and conducts talks to promote the prevention of sexual violence and encourage victims to seek help.

24. Apart from police officers, SWD and other concerned welfare service units can also seek telephone interpretation and on-site interpretation services from CHEER operated by the Hong Kong Christian Service (as mentioned in paragraph 9 above), in order to help ethnic minorities who have language barrier to access the welfare services they need.

25. Since March 2011, SWD has installed web-cam facilities in ten service units for conducting tripartite video conferencing among service users, staff of welfare service units and interpreters when needed.

Advice sought

26. Members are invited to note the contents of this paper.

² Leaflets are printed in ethnic minority languages including Tagalog, Bahasa Indonesia, Thai, Nepali, Hindi and Pakistani.

**Labour and Welfare Bureau
Labour Department
Immigration Department
Social Welfare Department
Hong Kong Police Force**

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