



Certified Public Accountants

LC Paper No. CB(2)246/99-00(01)

To James Tien Pei-chun JP  
 Organisation  
 Fax

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Copy To

From Nick Etches  
 Department  
 Telephone  
 Telefax

Date 30 September 1999

Subject Philippine Drivers

*Dear Mr Tien*

Thank you for calling me the other day. I was discussing what you told me with Eric Li and he suggested I draft a written question for him to pose in Logce as to where the duties of a domestic helper are to be found. Rather than do that, I have sent Eric a rather lengthy e-mail, the text of which I set out below.

"Dear Eric

I am sorry to go on about this. As you know I wrote to James Tien and he has apparently followed up my letter and taken up the matter with the Manpower Branch or someone in the Administration. He has been told that the Administration is not changing the law to stop overseas domestic helpers from driving, because they are already not allowed to drive and the Administration is merely going to enforce the existing law which they admit they have been lax about doing in the past.

This raises a number of issues:

- 1 I understand that the Labour and Immigration departments would not approve a contract if the parties admitted that the employee's sole job was to be a driver. Hence a number of Philipinos who are full time drivers are only here because their employers have lied to the authorities.

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- 2 These departments do approve contracts for domestic helpers but I cannot find anywhere a definition of the function of a domestic helper. If as James was told, domestic helpers are not allowed to drive, I assume this must already be stated somewhere. One would assume that there is a list of permitted duties or prohibited activities which is available to the public. If not how can employers and employees know if they are breaking the law? **COULD YOU ASK YOUR ASSISTANT TO FIND OUT FROM THE LABOUR / IMMIGRATION DEPARTMENTS WHERE THIS LIST IS PUBLISHED.**
- 3 If the Administration is going to enforce the law as regards drivers, always assuming that it does exist already to prevent domestic helpers from doing some driving incidental to their domestic duties in the home, are they also going to enforce the law about domestic helpers doing other duties outside the household? (My maid's sister has just been fired by her employer because she refused to continue cleaning her employer's office premises. In theory she has redress via the Labour Department but it is pretty ineffective and they will not prevent the employer from taking on another maid who will presumably be treated the same.)
- 4 There are numerous Philippine girls working in shops and restaurants etc in Hong Kong as everyone knows. It seems to me that there are only four ways that Philipinos can be here, and this would equally apply to other non-HK people:
- as workers under a "domestic helper" contract where they are not allowed to work in shops etc as this can hardly said to be incidental to their domestic duties
  - as spouses of people who are allowed to be here
  - as people approved by the Immigration Department whose employers have sponsored them, ie if we have employees from overseas. They are unlikely to be shop assistants or waitresses.
  - illegally, eg as overstayers.

If the Administration is correct in saying that domestic helpers are already not allowed to drive, I should like to challenge them to enforce the law as regards all other "Phillipino" type workers who are also presumably doing the good people of Hong

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Kong out of jobs in shops, offices, restaurants etc (not to mention night-clubs!). I suggest these latter situations are far more serious than the few true domestic helpers who do occasional or incidental driving. In this connection I believe that there are only approximately 2,000 Philipinos with driving licences in HK and some of these will no doubt be spouses of HK citizens rather than contract workers. This puts the issue into perspective; there would not appear to be all that many jobs to be gained by local drivers by perusing this compared with the number of potential jobs in other sectors noted above.

As I say I apologise for going on about this but your office is more likely to get the information from the Labour / Immigration departments than I am. If you think a written question is called for, could your assistant draft one from the above.

Regards"

Regards

Mr. Stevens