

Joint meeting of the LegCo Panels on Manpower and Security

On 21 December 1999

**Information note on Special Arrangement on
Driving Duties by Foreign Domestic Helpers (FDHs)**

Introduction

In the light of repeated complaints from labour unions that an increasing number of FDHs has been deployed, against the rules, as full time chauffeurs by some employers and the enforcement difficulties associated with the present arrangement, the Government announced on 30 September a ban on driving duties by FDHs with effect from 1 January 2000.

2. At the last Joint meetings of the Manpower and Security Panels on 4 and 18 November 1999, there were divided views among Members on the implementation of the general ban on driving duties by FDHs. Whilst not opposing a ban on full-time driving duties, some Members maintained that driving incidental to domestic duties was necessary. They claimed that a general ban would cause severe inconvenience to the middle class, expatriate community as well as the business sector. On the other hand, some Members supported the Government's decision to implement the general ban. They considered that local workers should be given priority for jobs particularly at a time of high unemployment. The Government has also received many representations from FDH employers and business bodies.

3. After further deliberation, the Government has decided to maintain a general ban on driving duties by FDHs with effect from 1 January 2000. However a special arrangement, which will be administered by the Immigration Department, will be introduced to provide an avenue for individual employers, who have genuine need for their FDHs to perform driving duties incidental to and arising from domestic duties, to apply for permission to do so. After informing the Executive Council of the decision, an announcement on the special arrangement was made by the Government on 14 December 1999.

The Special Arrangement

4. Under the special arrangement, FDH employers will be required to provide in their applications justification and specific details to facilitate effective monitoring and enforcement against abuse. Unless permission is given to the employer concerned, a FDH cannot take up any driving duties incidental to and arising from domestic duties under new contract effective from 1 January 2000.

5. The following conditions and requirements will be imposed:
- (a) The possession by the FDH of a valid Hong Kong driving licence;
 - (b) The FDH should drive designated vehicles capable to be checked by the law-enforcement officers;
 - (c) The vehicle concerned should be registered under the name of the employer or his/her spouse. Where it is under the name of a company, the company should certify that the vehicle is provided for the personal and family use of the person concerned;

- (d) The vehicle should be a family saloon car or mini-van of no more than eight seats; and
- (e) The FDH must live in with the employer.

6. The Government will step up enforcement action against suspected cases of malpractice. FDHs found contravening the ban or the special arrangement, which will become a condition of stay, will be liable to prosecution and removal from Hong Kong under the Immigration Ordinance. Employers found aiding and abetting FDHs to breach the condition of stay will also be liable to prosecution. Upon conviction in either case, the maximum penalty is a fine of \$50,000 and imprisonment for two years.

7. The Immigration Department will also make use of administrative sanctions, such as banning employers from participating in the special arrangement and the FDHs from further incidental driving, where it has sufficient reason to believe that a malpractice has occurred but there is not enough evidence to pursue the case in court.

8. A complaint hotline, telephone number 2824 1551 (and fax number 2824 1166), will be set up to enable members of the public to report suspected cases of malpractice to the Immigration Department. The operation of the special arrangement will be reviewed after one year.

9. The Immigration Department will start to accept applications from FDH employers under the special arrangement from early January 2000. Details on the application procedures will be announced by the Immigration Department separately.

10. The Government believes that the special arrangement will, on the one hand, facilitate effective enforcement action by the Immigration Department against abuse and, on the other, allow individual employers to apply for permission to engage FDHs for driving duties genuinely incidental to and arising from domestic duties. We will not tolerate any abuse and will take strong enforcement action, including prosecuting offending FDH employers in order to protect the employment opportunities of local drivers.

Education and Manpower Bureau

18 December 1999