

立法會
Legislative Council

LC Paper No. CB(2) 210/99-00
(These minutes have been seen
by the Administration)

Ref : CB2/PL/MP/1

LegCo Panel on Manpower

**Minutes of meeting
held on Thursday, 22 July 1999 at 2:30 pm
in the Chamber of the Legislative Council Building**

- Members present** : Hon LEE Kai-ming, SBS, JP (Chairman)
Hon LAU Chin-shek, JP (Deputy Chairman)
Hon Kenneth TING Woo-shou, JP
Hon James TIEN Pei-chun, JP
Hon HO Sai-chu, SBS, JP
Hon Michael HO Mun-ka
Hon LEE Cheuk-yan
Hon CHAN Yuen-han
Hon CHAN Wing-chan
Hon CHAN Kam-lam
Hon LEUNG Yiu-chung
- Member attending** : Hon LAW Chi-kwong, JP
- Members absent** : Hon David CHU Yu-lin
Dr Hon LUI Ming-wah, JP
Hon Ronald ARCULLI, JP
Hon CHAN Kwok-keung
Dr Hon LEONG Che-hung, JP
Hon SIN Chung-kai
Hon Andrew CHENG Kar-foo
Hon SZETO Wah

**Public Officers : Item III
attending**

Mr Philip K F CHOK, JP
Deputy Secretary for Education and Manpower

Miss Erica NG
Principal Assistant Secretary for Education
and Manpower

Mr K Y TANG
Government Economist

Mr Matthew K C CHEUNG, JP
Commissioner for Labour

Mr TSANG Kin-woo, JP
Assistant Commissioner for Labour
(Labour Relations)

Item IV

Mr Philip K F CHOK, JP
Deputy Secretary for Education and Manpower

Miss Erica NG
Principal Assistant Secretary for Education
and Manpower

Mr K Y TANG
Government Economist

Mr Matthew K C CHEUNG, JP
Commissioner for Labour

Mr TSANG Kin-woo, JP
Assistant Commissioner for Labour
(Labour Relations)

Mr CHOW Tung-shan
Assistant Commissioner for Labour
(Employment Services)

Mr S S KWONG
Executive Director
Employees Retraining Board

Item V

Mr Philip K F CHOK, JP
Deputy Secretary for Education and Manpower

Miss Erica NG
Principal Assistant Secretary for Education
and Manpower

Mr Matthew K C CHEUNG, JP
Commissioner for Labour

Mr TSANG Kin-woo, JP
Assistant Commissioner for Labour
(Labour Relations)

Item VI

Mr Philip K F CHOK, JP
Deputy Secretary for Education and Manpower

Mr Herman CHO
Principal Assistant Secretary for Education
and Manpower

Mr K S SO
Principal Assistant Secretary for Security

Mr Matthew K C CHEUNG, JP
Commissioner for Labour

Mr TSANG Kin-woo, JP
Assistant Commissioner for Labour
(Labour Relations)

Mr AU Cheuk-leun
Principal Immigration Officer
(Visa Control)

Item VII

Mr Philip K F CHOK, JP
Deputy Secretary for Education and Manpower

Mr Herman CHO
Principal Assistant Secretary for Education
and Manpower

Mr Matthew K C CHEUNG, JP
Commissioner for Labour

Dr Raymond LEUNG Lai-man
Occupational Health Consultant

Clerk in : Mrs Sharon TONG
attendance Chief Assistant Secretary (2)1

Staff in : Mr Raymond LAM
attendance Senior Assistant Secretary (2) 5

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VI. Review of the driving duties of foreign domestic helpers
(LC Paper No. CB(2) 2601/98-99(05))

30. At the invitation of the Chairman, DSEM presented the Administration's paper and highlighted the following -

- (a) since 1993, there had been complaints from trade unions of local drivers that an increasing number of foreign domestic helpers (FDHs) were deployed by their employers to perform full-time driving duties;
- (b) the provision in the existing employment contracts permitting FDHs to undertake driving duties incidental to and arising from domestic duties had rendered enforcement action against suspected cases of deployment of FDHs as full-time chauffeurs difficult. This was because the term "incidental to and arising from domestic duties" could give rise to many grey areas;
- (c) a recent matching exercise using data kept by the Immigration Department (ImmD) and the Transport Department revealed that as at 3 July 1999, 2 367 FDHs in Hong Kong were holding valid local driving licences. There was an increasing trend for the number of driving licences issued to FDHs;
- (d) during the first six months of 1999, 3 533 job registrants were seeking for driver vacancies at LES of LD, but only 306 were placed;
- (e) the Administration proposed the imposition of a total ban on driving duties by FDHs. If implemented, the ban could be introduced through an appropriate immigration endorsement on the FDH's passports from a commencement date. There would be a transitional period of six weeks from the commencement date during which ImmD would continue to accept existing standard employment contracts signed before the commencement date; and
- (f) the Administration would consult the FDH employers' association on the proposal before making a final decision. It would also consult other interested parties including FDH employees' groups.

31. Miss CHAN Yuen-han said that the Hong Kong Federation of Trade Unions welcomed the Administration's proposal, although the proposal was

made much later than expected. To her knowledge, the proposal was originally intended to be introduced around the end of 1998. She asked whether the delay in addressing the issue was due to strong opposition from some sectors of the community. She also enquired whether the Administration would change its position in the event that there was strong opposition from some sectors of the community.

32. DSEM responded that the Administration's position was to propose a total ban on driving duties by FDHs. It would consider all the views received in the consultation exercise before deciding whether any changes should be made to the proposal. C for L added that there was no delay by the Administration in addressing the issue. Although the Administration had already decided to propose a total ban on driving duties by FDHs in 1998, much time was needed for consultation with the Department of Justice, SB and ImmD.

33. Responding to Mr LAU Chin-shek's question about the Administration's timetable for implementation of the proposal, Principal Assistant Secretary for Education and Manpower (PAS(EM)) said that the Administration would need two weeks for consultation with the relevant parties. It was expected that the proposal could be implemented in three months' time. Mr LAU Chin-shek said that the problem of FDHs undertaking full-time chauffeur duties was a serious one. He objected to the introduction of a transitional period of six weeks. DSEM said that the transitional period was needed for handling employment contracts which had been submitted and were still under processing by ImmD. PAS(EM) added that there was also a transitional period of six weeks in the previous revision of the minimum wage of FDHs. Referring to paragraph 8 of the Administration's paper, Mr LEE Cheuk-yan said that during the first six months of 1999, about 3 000 job registrants looking for driving vacancies were not able to find a job. The proposed ban should therefore be implemented as soon as possible. As the existing contracts did not state that a FDH could perform chauffeur duties and implementation of the ban would only involve an appropriate immigration endorsement on FDH's passports, the ban should be implemented from the commencement date. Principal Immigration Officer (Visa Control) (PIO(VC)) said that upon the commencement of the ban, a new employment contract would be used for FDHs. As around six weeks were needed for an employment contract to be sent to the respective countries for signing by the employee and attestation by the relevant authorities, the proposed transitional period would be appropriate.

34. Mr CHAN Wing-chan expressed support for the proposal. He enquired whether the transitional period of six weeks could be shortened. PIO(VC) said that based on previous experience, the six-week period was a reasonable period. To further reduce the period would invite undue complaint from the employers.

35. Mr HO Sai-chu anticipated that the proposal would not experience strong opposition from employers. In the event that there was a shortage of drivers in

the future, they could be imported under the Supplementary Labour Scheme.

36. The Chairman concluded that the Panel was in full support of early implementation the proposed ban.

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