

電話 TELEPHONE: 2537 2404

圖文傳真 FACSIMILE: 2147 3165

27 October 2005

Clerk to Panel on Security
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road
Central
Hong Kong

(Attn: Mr Raymond LAM)

Dear Mr LAM,

**Panel on Security
Follow-up to the Meeting on 5 July 2005**

In discussing the Administration's paper entitled "Employment of Foreign Domestic Helpers" (LC Paper No. CB(2)1769/04-05(01)) at the meeting held on 5 July 2005, Members requested the Administration to provide the following information:

- a) the number of Foreign Domestic Helpers (FDHs) permitted to perform driving duties incidental to and arising from domestic duties and the criteria for assessing applications;
- b) the number of FDHs arrested for undertaking illegal employment;
- c) the number of employers convicted for aiding and abetting FDHs for undertaking illegal employment and the sentences imposed;

- d) whether the Administration would consider giving short-term permission to allow an FDH to look after a hospitalised family member, such as the parent of an FDH employer;
- e) the number of joint operations launched to combat illegal employment and the number of personnel deployed in such operations; and
- f) the average number of complaints against FDHs performing domestic duties for other employers.

The Administration's response is as follows:

- a) As at 31 August 2005, 1 998 FDHs were permitted to perform driving duties in Hong Kong.

Under the Standard Employment Contract (ID407), FDHs are not permitted to take up any driving duties. However, employers who have a genuine need for their FDHs to perform driving duties incidental to and arising from domestic duties may apply for exceptional permission from the Director of Immigration.

To facilitate the assessment of application for special permission to perform driving duties, the employer must fulfil the following general requirements:

- (i) the employer must give full justifications on the need and specific details of driving services to be provided by the FDH incidental to and arising from any of the five broad categories of domestic duties specified in the Standard Employment Contract, namely household chores, cooking, baby-sitting, child-minding and looking after aged persons in the household;
- (ii) the employer must state the ownership, description and the registration number of the vehicle concerned which should either be family saloon car or a mini-van of no more than 8 seats. It must be registered under the name of the employer or the spouse. If it is owned by a

company, certificate from the company to provide the vehicle for the family use is required;

(iii) the FDH must be a live-in helper;

(iv) the FDH must possess a valid Hong Kong driving license; and

(v) the employer and the FDH must sign on the application form to the effect that both parties agree to and abide by the proposed driving duties.

- b) In 2004 and 2005 (Jan – Aug), 158 and 114 FDHs were arrested for illegal employment.
- c) In 2004 and 2005 (Jan – Aug), 15 and 17 FDH employers were convicted of aiding, abetting, counseling and procuring FDHs to breach their condition of stay. The sentencing details are at **Annex**.
- d) As explained in the paper discussed at the Panel's meeting held on 5 July 2005, the requirement stated in Clause 3 of the Standard Employment Contract that an FDH should only perform domestic duties for the employer's household at the contractual address is a reasonable arrangement which is in the interest of the FDHs, their employers and the community at large (in terms of the protection of job opportunities for the local work force). Working as a domestic helper in a hospital, even if for a hospitalised household member there, does not fall within the scope of the requirement. Nevertheless, it is permissible for the FDH to visit the family member in the hospital, bringing for example, daily necessities.

The Immigration Department has uploaded a list of frequently asked questions (FAQs) and answers relating to employment of FDHs onto its departmental website (www.immd.gov.hk) for the reference of the general public.

- e) In 2004 and 2005 (Jan – Aug), 40 and 35 joint operations were launched to combat illegal employment (excluding anti-vice operation) respectively.

The Immigration Department, the Police, the Labour Department and other concerned departments will deploy their manpower according to operational needs. On average, 13 to 97 officers will be mobilised for small to medium-scale joint operations whereas over 100 to 309 officers for large-scale operations.

- f) While the Immigration Department keeps statistics on number of complaints against FDHs taking up illegal employment, it does not compile any breakdown on the number of FDHs performing domestic duties for other employers. In 2004 and 2005 (Jan – Aug), the Department received 1 786 and 1 397 complaints against FDHs taking up illegal employment.

Should you have any enquiries, please feel free to contact the undersigned at 2537 2404.

(Steve Tse)
for Secretary for Security

c.c. Secretary for Economic Development and Labour
(Attn.: Mrs. DO PANG Wai-yee)

Director of Immigration
(Attn.: Mr K K CHAN)

**Number of employers convicted of aiding, abetting, counseling and procuring FDHs to breach their condition of stay
For the year 2004 and 2005 (Jan – Aug)**

Year	Fines		Immediate Imprisonment		Suspended sentence		Fines and suspended sentence		Others	Total
	No. of cases	Range	No. of cases	Range	No. of cases	Range	No. of cases	Range		
2004	2	\$5,000 to \$10,000	8	42 days to 8 months	3	Imprisonment for 2 to 3 months, suspended for 24 months	2	\$5,000 to \$10,000 and imprisonment for 2 to 3 months, suspended for 24 months	-	15
2005 (Jan - Aug)	-	-	8	28 days to 2 months	6	Imprisonment for 6 weeks to 2 months, suspended for 12 to 24 months	2	\$2,000 to \$5,000 and imprisonment for 2 months, suspended for 24 months	1 CSO*	17

*CSO - Community Service Order