

For information
on 4 February 2014

**Legislative Council Panel on Security
Police's Handling of Abuse Cases of
Foreign Domestic Helpers by Employers**

Introduction

The community and the Government are highly concerned about a recent incident of suspected abuse of an Indonesian domestic helper by her employer while she was working in Hong Kong. In Hong Kong, where the rule of law is upheld, no acts of violence are tolerated. All people in Hong Kong, including foreign domestic helpers (FDHs), are under the protection of the laws of Hong Kong. This paper aims to brief Members on the number of cases of FDHs abused by their employers and on the procedures and follow-up measures taken by the Police in handling such cases.

Number of FDHs Abused by Employers

2. According to the information of the Police, most of the violence cases between employers and their FDHs in recent years involved wounding and serious assault. From 2011 to 2013, there were 56, 40 and 37 reports of wounding and serious assault involving FDHs being attacked by their employers, and 46, 35 and 31 of them were detected. As for wounding and serious assault cases involving FDHs being attacked by people other than their employers between 2011 and 2013, there were 60, 60 and 64 cases respectively.

Handling of Wounding and Serious Assault Cases

3. Upon receipt of a reported case of suspected wounding and serious assault, the Police will, first and foremost, ensure the victims' personal safety in a bid to protect them from further harms. Arrangements will also be made for the victims to receive treatments. The Police will as quickly as possible refer the case to the appropriate crime formation for follow up and take statements from the victims as soon as practicable. When investigating an alleged case of a FDH abused 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 FDH's agency.

4. As some of the FDHs working in Hong Kong may not speak fluent Cantonese or English, the Police will take statements from the FDHs in the languages or dialects used by them, like witnesses of other cases, through an interpreter. This shall enable police officers to obtain the necessary information in a more accurate manner while taking statements from the FDHs. If appropriate, victims may be accompanied by their family members, friends or representatives of their employment agencies during the statement-taking process. If required, the Police may, in co-ordination with the Social Welfare Department, non-government organizations and employment agencies of the FDHs, provide emergency assistance, counseling and temporary residence to the victims. If the victims' safety may be at stake, the Police will assess the situation and, with the victims' consent, make corresponding arrangements to protect the victims where necessary.

5. Upon gathering of sufficient evidence, the persons involved will be arrested as soon as possible and the Police will institute a prosecution against the person as appropriate.

6. Inflicting bodily harm is a very serious offence. Any person who is charged with "shooting or attempting to shoot, or wounding or striking with intent to do grievous bodily harm" under section 17 of the Offences Against the Person Ordinance (Cap. 212) shall be subject to a maximum penalty of life imprisonment. Besides, any person who is charged with "wounding or inflicting grievous bodily harm" under section 19 of the above Ordinance shall be liable to imprisonment for three years. FDHs who are abused or assaulted by their employers are advised to contact the Police and report any unlawful acts as soon as possible. To bring the offenders to justice, the Police will conduct a thorough and in-depth investigation into each wounding case in a meticulous, serious and professional manner.

Follow-up to the suspected abuse of Indonesian domestic helper Erwiana

7. The Police attach great importance to the case. Upon receipt of the report, Kwun Tong District Crime Squad has started a full-scale investigation. The Police have also sent six officers, including four police officers, one Forensic Pathologist and one Police Photographer of the Identification Bureau, to Indonesia for taking statements from the victim and collecting evidence. The employer, suspected of abusing the FDH in question, was arrested on 20 January 2014. Two days later, the employer was charged with two counts of wounding, one count of common assault and four counts of criminal intimidation and was brought before the court on the same day. The case will be heard on 25 March.

8. The Police are making every effort in the investigation of the case. In view of the ongoing legal proceedings, the Government is in no position to make further comments on the case.

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