

Legislative Council of the Hong Kong Special Administrative region of the People's Republic of China

Panel on Constitutional Affairs

An outline of the topics in the fourth report of the Hong Kong Special Administrative Region under the International Covenant on Economic, Social and Cultural Rights

Meeting on Monday, 21 January 2019 from 2.30pm to 4.45pm

Conference Room 1 of the Legislative Council Complex

Oral Submission by Nabina Pun
PathFinders Limited

| Background Reading: | |
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| 2018-2019 LegCo reference | https://www.legco.gov.hk/yr18-19/english/panels/ca/agenda/ca2019012_1.htm |
| 2014 UN ICESCR Concluding Observations | https://www.cmab.gov.hk/doc/en/documents/policy_responsibilities/ICESCR_Concluding_Observation.pdf |
| 2014 PF submission to UN ICESCR | http://www.pathfinders.org.hk/public/wp-content/uploads/PathFinders_UNICESCR_2014Mar.pdf |
| 2018 PF submission to HKSAR's Labour and Welfare Bureau under UN CEDAW | http://www.pathfinders.org.hk/public/wp-content/uploads/PathFinders-Limited-NGO-comments-on-HKSARG-List-of-Issues-for-CEDAW-4th-report-to-Labour-and-Welfare-Bureau-FINAL-1.pdf |
| 2018 PF Submission to HKSAR LegCo Subcommittee on the Rights of Ethnic Minorities regarding Education of Ethnic Minority Children | http://www.pathfinders.org.hk/public/wp-content/uploads/PathFinders-Written-Submission-on-Education-of-Children-of-Ethnic-Minorities-26-February-2018.pdf |

Good afternoon. My name is Nabina Pun and I represent PathFinders.

In 2014, PathFinders submitted a written report to the UN ICESCR Committee outlining our increasing concerns about the treatment of pregnant Migrant Domestic Workers here and the danger their Hong Kong-born children are in.

In its Concluding Observations, that UN Committee reflected PathFinders' concerns stating:

“The Committee recommends that Hong Kong, China: (a) Adopt a comprehensive law to regulate domestic work and ensure that migrant domestic workers enjoy the same conditions as other workers regarding remuneration, protection against unfair dismissal, rest and leisure, limitation of working hours, social security and maternity leave protection”

Five years have since passed. Despite the Chief Executive's 2018-stated intention to review and update HKSAR's statutory maternity leave provisions, and despite PathFinders' oral representations to the LegCo sub-committee earlier this month, the administration has to date demonstrated little to no appetite to engage meaningfully with a view to finding and implementing practical solutions to the practical application of statutory maternity leave to Migrant Domestic Workers.

The impact of this inertia is that over 6,150 of Hong Kong's most vulnerable babies, children, pregnant women and mothers have been largely ignored or denied support here. Of note is that the 6,150 number is just the people PathFinders has been able to find and help. There will be many others we have not yet reached.

Instead of receiving support and guidance, these vulnerable women and babies have had to resort to charity for help with food, clothing, housing, immunisations, baby food, nappies, pregnancy healthcare, and immigration and justice system navigation. Most of these are things that the government can and should be providing them assistance with. Migrant Domestic Worker numbers are forecast to almost double to 600,000. PathFinders cannot and should not be expected to try to cope with the predictable tsunami of new cases.

The Government's current review of statutory maternity leave presents the perfect opportunity to put in place the necessary law and guidelines to avoid a humanitarian crisis. We therefore urge the government to address the concerns raised by the UN ICESCR Committee by, at the very least, tabling a dialogue with relevant stakeholders, including PathFinders, before the end of this legislative year. Children's lives and welfare are at risk and should be prioritised.

Thank you.