

香港海外女傭僱主協會的信頭

**LETTERHEAD OF HONG KONG EMPLOYERS OF OVERSEAS DOMESTIC
HELPERS ASSOCIATION**

5th August, 1999

Secretary for Education and Manpower
9/F., CGO(West Wing),
Ice House Street,
Central,
Hong Kong

Dear Sir,

We take exception to your proposal to impose a ban on driving duties performed by foreign domestic helpers(FDH) which are incidental to and arising from domestic duties. This proposal is a deviation from the interpretation of domestic servant as stipulated under the Employment Ordinance Chapter 57 Laws of Hong Kong which, for your ease of reference is reproduced as hereunder:-

“domestic servant” includes a garden servant, chauffeur and boat-boy and any other personal servant of a like class.

The “Schedule of Accommodation and Domestic Duties” allows FDH to perform driving duties if it is incidental to and arising from domestic duties. It conforms with the spirit of the aforesaid interpretation.

We do not share your views that the existing policy regarding incidental driving duties by FDH would pose a direct and undue hardship to the employment opportunity of local drivers. Rather, their employment opportunity and wage level are being adversely affected largely by the downturn of economy in Hong Kong and to a lesser degree by the following:-

- 1.The failure on the part of the Government Department(s) concerned to screen applications for entry visas of FDH to stem the would be full time drivers.
- 2.The absence of investigations to collect evidence in the enforcement and prosecution action against offenders.

We therefore object to your proposal and maintain the present policy should not be changed. Enforcement action was scarcely taken in the past. More such action should be taken in future and should be backed up by a full investigation in order to collect evidence to achieve a successful prosecution and to deter FDHs and their employers from committing an offence.

If the Government is to proceed with the total ban, it would be viewed as an inability to enforce its laid down regulations and have cut corners by sacrificing the rights of thousands of employers which they have so rightfully enjoyed for many years.

Yours sincerely,

YUNG MA Shan-yee, Betty
(Chairperson)