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**The Foreign Domestic Helper (FDH) Policy**

FDHs are admitted into Hong Kong to work for a specific employer under a standard two-year employment contract. Where a contract ends after it has run its course, the FDH may enter into a new contract with the same or a new employer, but the FDH has to take home leave before returning to Hong Kong to start the new contract.

2. If a contract is terminated prematurely by either the employer or the FDH, the FDH is permitted to stay for two weeks or for the remainder of the period endorsed in his/her passport, whichever is the shorter period.

3. An FDH must work only for the employer specified in the employment contract and must perform only the work of a domestic helper. Permission to change employment in Hong Kong after a contract has been prematurely terminated may be given only in exceptional circumstances, such as death, emigration or financial difficulties of the employer, or there is evidence that the FDH has been physically or sexually abused by his/her employer.

**Extension of stay for FDHs**

4. Extension of stay will not normally be granted upon termination of contract except on justifiable grounds, e.g. the FDH is hospitalised; the FDH needs to pursue her labour claim or await assessment of the change of employer application on exceptional circumstances under the said policy.

5. If an FDH applies for extension of stay as a visitor on ground of labour disputes, a check will be made to confirm if a complaint has indeed been lodged with the Labour Department, whether a conciliation meeting between the FDH and the employer has been arranged, and whether the dispute would be adjudicated by the Labour Tribunal.

6. Flexibility is exercised to extend the FDH's stay as a visitor to enable him/her to wait for the conclusion of the conciliation or adjudication process. Regular checks with the Labour Department are conducted to keep in view the progress of the matter. Meanwhile, the FDH is not allowed to take up any full-time or part-time employment in Hong Kong. On conclusion of the matter, the FDH will be required to leave.

7. If an FDH applies for extension of stay as a visitor on ground that she has been physically or sexually abused by the employer, checks will be made to ascertain whether the incident has been reported to the Police, the time required to finalise the case and whether the FDH's presence in Hong Kong is necessary. Periodical checks will be made with the Police to keep in view the position of the investigation for consideration of further extension of stay as a visitor.

8. Where an FDH has been found guilty of misleading an immigration officer or where there is clear evidence of mala-fides, extension of stay will be refused.

9. The Immigration Department has in place a system to monitor the departure of FDHs within the time as required. If an FDH does not leave Hong Kong after the expiry of the extended stay granted, the case will be investigated and appropriate action taken against the overstayer.

**FDH Change of employer applications after premature termination of contract**

10. The number of applications processed for FDHs seeking change of employer after premature termination of contract :

Period	Approved	Refused	Withdrawn	Total
1998	24 024	1 962	2 234	28 220
1999 (Jan-Sep)	14 452	2 669	990	18 111

11. The Immigration Department has kept up its stringent control on change of employer applications of FDHs, in particular those whose contracts have been prematurely terminated.

12. Comparing the figures of the first three quarters of 1999 against 1998, the refusal rate increased from 5.9% to 14.7%.

**Extension of stay granted to FDHs after premature termination of contract**

13. The number of extension of stay (E/S) on visitor status granted to FDHs after premature termination of contract for labour claim purpose :

Period	No. of E/S granted
1998	4 492
1999 (Jan-Sep)	3 250

14. The above figures refer to the number of occasions on which extension of stay was granted. As regards the number of FDHs involved, please refer to the number of labour claim cases below (paragraph 18).

15. Comparing the figures of the first three quarters of 1999 against 1998, the number of visitor extension of stay granted has decreased by 5.0%.

16. The length of extension of stay granted varies according to the individual merits of each case. Extension of stay on visitor status is normally granted to enable the FDHs to appear in court. Experience shows that cases involving legal proceedings will normally last for 5 to 6 months.

17. No statistics are available for cases in which FDHs sought legal aid to pursue court proceedings.

### **Labour claim cases lodged by FDHs**

18. According to records of the Labour Department (LD), the number of labour claim cases lodged by FDHs :

Period	Cases Settled by LD	Cases referred to Labour Tribunal	Cases referred to MECAB *
1998	1 732	370	447
1999 (Jan-Sep)	1 079	253	275

\* MECAB : Minor Employment Claims Adjudication Board.

**Enforcement actions**

19. The number of cases involving FDHs and their employers investigated/prosecuted by the Immigration Department :

Investigations :

Period	FDH : Overstaying	FDH : Unapproved employment	Employer : Aiding/abetting offence
1998	891	443	350
1999 (Jan-Sep)	634	238	151

Prosecutions :

Period	FDH : Overstaying	FDH : Unapproved employment	Employer : Aiding/abetting offence
1998	581	161	100
1999 (Jan-Sep)	473	80	44

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