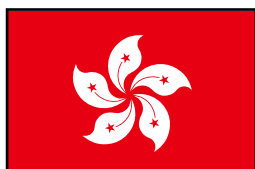


# HONG KONG



AMY Map by Boyet Rivera III

## A. Total Stock (Number) of Migrants, as of 2005

MIGRANTS ABROAD		
<b>ESTIMATED STOCK: MIGRANTS OUTSIDE THE COUNTRY</b>		
<b>TOTAL</b>		
<b>a. By visa status</b>	Documented migrant workers*	-
	Emigrants/residents	-
	Undocumented migrants**	-
	Refugees***	-
<b>b. By sex</b>	Male	-
	Female	-
<b>c. Top destination countries</b>	1.	6.
(thousands)	2.	7.
	3.	8.
	4.	9.
	5.	10.

\* Non-resident, temporary, or contract workers.

\*\* Includes illegal entrants, overstayed or "jumped" visas, trafficked/smuggled people

MIGRANTS IN HONG KONG		
<b>ESTIMATED STOCK: MIGRANTS IN THE COUNTRY</b>		
<b>TOTAL</b>		
<b>a. By visa status</b>	Documented migrant workers*	-
	Emigrants/residents	-
	Undocumented migrants**	-
	Refugees***	-
<b>b. By sex</b>	Male	-
	Female	-
<b>c. Top countries of origin</b>	1. Philippines (130,810)	6. Canada (21,780)
	2. Indonesia (114,020)	7. Nepal (17,900)
	3. Thailand (28,360)	8. Australia (15,730)
	4. USA (28,190)	9. Malaysia (14,190)
	5. India (21,820)	10. Pakistan (14,140)

\*\*\* As defined by the government, or in accordance with the UN refugee convention.

## B. Annual Socio-Economic Data and Migration Flow

Annual indicators	2005	2004	2003	2002	2001	2000
Population (million; mid-year estimate)	6.898		6.80	6.79	6.72	6.67
% population living in rural areas					0.0	
Economic growth: real GDP (%)	7.0	7.9	4.5	2.3	0.5	10.2
Per capita GDP (US\$)			22,987	25,010	24,676	24,887
Per capita GDP: purchasing power parity (US\$)	36,800	31,510			24,850	
Inflation rate: CPI (%; annual ave.)	0.9		(3.1)	(3.0)	(1.6)	(3.8)
Exchange rate (HK\$ per US\$; annual ave.); govt pegged	7.79	7.7888	7.7868	7.80	7.80	7.77
International reserves (US\$ billion; yearend)			116.15	111.92	111.16	107.58
Foreign direct investments: actual (US\$ billion; yearend)				24.50		64.83
Trade balance (US\$ billion; yearend)						
Foreign (total external) debt (US\$ billion; yearend)	416.500				58.80	54.964
Foreign (total external) debt as % of GNP						33.2
Budget balance (HK\$ billion; as of fiscal yearend: March)			(70.0)	(63.30)	(63.30)	
Budget deficit as % of GDP			5.5			
Labor force (million)	3.58	3.54	3.52	3.49	3.43	3.37
Women as % of labor force			39.0		50.8	49.9
Number unemployed (000)			309.0	255.5	174.8	166.9
Unemployment rate (% of labor force; annual ave)	5.8		8.7	7.3	5.1	4.9
Underemployment rate (% labor force; annual ave)			4.2	3.0	2.5	2.8
Women unemployment rate (% of labor force)			6.0			
Average income (HK\$/month) - retail, hotels, resto; clerical/technical			11,767			
Average wage (HK\$/month): workers, craftsmen in mfg sector				8,450		
Average income: women (US\$/month)						
Adult literacy rate (% of age 15 & above who can read/write)				93.5	93.5	
Net migration rate (net # of migrants per 1,000 popn)	5.24			7.76		8.12
Annual outflow/deployment of MWs						
% women in the annual outflow						
Annual inflow of MWs						
% women in the annual inflow						
Migrants' wages: FDW, monthly minimum wage (HK\$/mo)				3,670		
Annual migrants' remittance (US\$ billion/yr)						
Reported # of migrant deaths during the year						
Estimated # deported during the year						
Jailed/detained during the year						
HIV/AIDS adult prevalence rate (adult PLHA as % of adult popn)		<0.1		0.08		
# People living with HIV/AIDS (thousand)			2,600			
# AIDS deaths during the year (adults+children)						
Cumulative #: HIV/AIDS cases among migrants (living+died)			<200			

Sources: CIA World Factbook, UN/ILLO/UNDP statistical yearbooks/websites.

AMC Information Bank



AMC Photobank

Over 3,000 Indonesian and 2,500 Filipino and Asian domestic workers in Hong Kong joined the 2005 May Day rallies that kicked off their “Wage and Labour Protection Campaign”. Hong Kong, May 2005.

## HONG KONG

### Political and Economic Update

The Hong Kong Special Administrative Region (SAR) saw significant change in its political leadership in late 2004 through 2005. In December 2004, Chief Executive Tung Chee-Hwa’s administration was criticized by Chinese president Hu Jintao for not governing Hong Kong satisfactorily. Especially in the last few years of his administration, Tung became increasingly unpopular with the Hong Kong public and was criticized for poor implementation of policies and handling of political dissent. He resigned in March 2005,

citing health problems.<sup>1</sup> Donald Tsang replaced Tung in June. He was considered the most popular member of the outgoing administration where he served as deputy.

In September 2004, pro-Beijing forces from the Democratic Alliance for the Betterment of Hong Kong (DAB) party gained 12 seats in the Legislative Council when elections were held. The DAB’s platform of not disrupting the close Hong Kong-Beijing relations as in order to benefit Hong Kong economically appealed to a growing segment of the Hong Kong electorate. A poll of Hong Kong citizens showed that 40% of them placed more value in economic prosperity than political freedom. The election was a disappointment for pro-democracy parties, who did not win as many seats as they had expected, although more than

## Hong Kong Significant Events July 2004 - December 2005

### 2004

#### July

**(1)** More than 200,000 Hong Kong citizens take to the streets demanding democracy; the turnout was a good follow-up to the July 1 rally held in 2003, when approximately half a million people marched for the same reason, commanding the attention of both Hong Kong and mainland leaders.

#### August

**(24)** More than 200 mainland Chinese migrants march to China's representative office in Hong Kong to demand residency for their children. Strict immigration rules do not allow their children to obtain residency permits.

#### December

**(20)** A domestic worker from Sri Lanka is awarded USD30,000 by a Hong Kong judge after being unjustly incarcerated in 2002. She had been falsely accused of theft by her employer, who had conspired with an employment agency.

### 2005

#### March

**(2)** Chief Executive Tung Chee-Hwa resigns his post and is replaced by Donald Tsang, his deputy. Tung is named vice-president of the Chinese People's Political Consultative Conference (CPPCC) the day after resigning.

#### September

**(15)** China's vice-president, Zeng Qinghong, visits Hong Kong to inaugurate the new Disneyland theme park. Zeng hosts a dinner at the Shangri-La with the 60 member Legislative Council, whom he invites to visit the mainland for the first time since 1989.

**(29)** The full body of Hong Kong's Legislative Council visits mainland China, including vocal critics of the Tiananmen Square protests.

#### December

**(13-18)** The sixth World Trade Organization Ministerial is held at the Hong Kong Convention Center. At least 10,000 people demonstrate outside to protest the organization's free trade agenda.

*Sources: BBC News, The Economist, Scalabrini Asian Migrant News*

55% of voters turned out.<sup>2</sup>

However, Hong Kong civil society continued to express its desire for democracy and direct elections of leaders. More than 200,000 marched in the streets of central Hong Kong on July 1st 2004 demanding political autonomy and civil rights; the protesters claimed that their civil liberties were under attack by the Chinese central government. On December 4th, more than 100,000 protesters demonstrated to urge the territory's Chief Executive Tsang to set a timetable for democratic elections of Chief Executive and the Legislative Council.<sup>3</sup> Tsang

responded that he essentially holds little power over the issue, though he did propose changes in December. His proposal would have increased the number of legislators and expanded the committee which elects the chief executive. Pro-democracy legislators voted the proposal down in the Legislative Council, reiterating their desire for the implementation of universal suffrage, as pledged in the territory's mini-constitution, the Basic Law.<sup>4</sup>

As announced in 2003, the sixth ministerial meeting of the World Trade Organization (WTO) was held in Hong Kong from December 13th to



AMC Photobank

Migrants called for the government mandated levy on foreign domestic works to be used to create a compensation fund for the benefit of these workers. Hong Kong, 2005.

the 18th. Delegates met to discuss intellectual property, agricultural subsidies, the agreement on trade in services (including “Mode 4” or the “movement of natural persons”), HIV drugs, and other trade and development issues. The last-minute agreement to end farm subsidies by the year 2013 was lauded as the main achievement, though the talks narrowly avoided collapse. Thousands of NGO representatives, trade unionists, farmers, migrant workers, students, and other global justice activists concerned about the negotiations outcome converged in Hong Kong. More than 10,000 people from 168 countries came to protest the ministerial.<sup>5</sup> The Hong Kong government, fearful that protests could disrupt the meeting, invested an estimated USD32 million in security for the conference and 9,000 police underwent special training in crowd control. Although the protests were primarily peaceful, almost 1,000 protesters were detained and 70 were injured in police crackdowns.<sup>6</sup>

In 2005, Hong Kong held onto its title as the “world’s freest economy”, according to the Fraser Institute of 127 market economies. Still, close economic ties with the People’s Republic of China bolstered Hong Kong’s economic growth in 2004 and 2005. The Closer Economic Partnership Arrangement (CEPA) between the two economies guarantees that Hong Kong-made products enjoy special access to mainland markets and tariffs lower than those imposed by the WTO.<sup>7</sup>

Hong Kong’s GDP grew 7.3% in 2005 helped by an 11.2% increase in merchandise exports, much of which comes through Hong Kong from mainland China. Services, many of which are related to processing China’s exports, represent 87% of the GDP and grew 8% in 2005. These services include: import and export trade services; financial services and insurance; transportation and storage; and business services. Tourism from mainland China and other parts of the world grew and contributed to the economy.<sup>8</sup>

## NUMBER OF FOREIGN DOMESTIC WORKERS IN HONG KONG

As at the end of Month/Year	Philippines	Indonesia	Thailand	Other Nationalities	Total Number
Dec 2004	119,710	90,050	4,920	3,750	218,430
March 2005	119,090	92,020	4,810	3,710	219,630
April 2005	119,230	93,160	4,750	3,770	220,910
May 2005	118,630	93,410	4,690	3,740	220,470
June 2005	118,370	94,070	4,670	3,730	220,840
July 2005	118,050	95,180	4,640	3,730	221,600
Aug 2005	118,400	95,700	4,620	3,780	222,500
Sept 2005	118,260	95,900	4,600	3,730	222,490
Oct 2005	118,630	96,400	4,570	3,790	223,390
Nov 2005	118,840	97,230	4,540	3,790	224,400
Dec 2005	118,030	96,900	4,510	3,760	223,200

Source: Hong Kong Immigration Department

The unemployment rate was down to 6.5% by the end of 2004, though fiscal authorities continued a policy of reducing expenditures by cutting civil service jobs and reducing wages of those remaining. These cuts are part of an effort to balance the budget by the year 2008.<sup>9</sup> The unemployment rate dropped further to 5.5% in 2005.<sup>10</sup>

### Migration Update

Hong Kong remains a major receiving country for migrant workers, particularly women from Southeast Asia who work as Foreign Domestic Workers (FDWs). From 2004 to 2005, the number of FDWs in Hong Kong steadily increased, from 218,430 at the end of 2004 up to 223,200 by December 2005. The trend of declining numbers of Filipinos replaced by growing numbers of Indonesians continued, though slowing slightly. From 126,560 Filipino FDWs at the end of 2003, their numbers declined to 119,710 by December 2004 and further to 118,030 in December 2005. Indonesians increased from 81,030 in 2003 to

90,050 at the end of 2004, then up to 96,900 in December 2005. The number of Thai FDWs continued to decline slowly, from 5,500 at the end of 2003 down to 4,510 in December 2005.

A study by the Asian Migrant Centre (AMC) in 2004 estimates that FDWs contribute at least HKD13.8 billion—almost 1% of GDP—annually to the Hong Kong economy. The Hong Kong government saves immensely from not having to provide social and health care services to the families of FDWs, who are denied residency in Hong Kong by the discriminatory New Conditions of Stay (NCS) policy targeting FDWs only. Moreover, the Hong Kong government also saves from not having to provide for the longer-term treatment of FDWs who often return home suffering long-term physical and psychosocial health disorders.

### *Key Migrant Issues and Responses*

Throughout 2004 and 2005, the Coalition for Migrants' Rights (CMR), the Indonesian

## ASIAN MIGRANT CENTRE ECONOMIC CONTRIBUTIONS OF FOREIGN DOMESTIC WORKERS IN HONG KONG

*Estimates Based on AMC Research, September 2004*

The compilation of this table of figures is an attempt by the Asian Migrant Centre (AMC) to quantify the economic contributions of FDWs in Hong Kong. AMC and local migrants advocates, the Coalition for Migrants' Rights (CMR), have long asserted that FDWs contribute immensely to Hong Kong's economy and society, as they also do in other parts of the region. Their role is all too often severely undervalued, largely due to their status as women, foreigners and low-class workers. The prevalent non-recognition of domestic work as productive work is also a key cause for FDWs' undervaluation. AMC, CMR and the Migrant Forum in Asia (MFA) network hope that this will serve as a starting point towards a more comprehensive regional estimation of FDWs' contribution.

While recognizing that the quantification of migrants' economic value is a crucial part of local and regional advocacy for the recognition of migrant workers' impact on host and home countries, AMC reiterates that the search for such an "economic indicator" should not be emphasized over migrants' social contributions and the social costs of migration. In other words, the intention is to generate a reasonable reference figure that can be used in the advocacy to counter the negative valuation of migrants by governments, economists and the general public, rather than to serve as yet another attempt to commodify migrants. AMC's efforts in researching FDWs' economic contribution in Hong Kong come as part of the strategic agenda of MFA that migrant workers' work, particularly that of women, marginalized and undocumented migrants, needs to be given broader recognition and proper social and economic value.

The following table details AMC's estimation that FDWs contribute at least HKD13,784,205,540 – almost 1% of GDP – annually to the Hong Kong economy. The estimates are based on AMC's researches since 2001, statistics from the Hong Kong Census Department and Hong Kong Department of Immigration, and other sources. Please note,

however, that the estimates have been made on the conservative end, especially as they exclude the multiplier effect of FDWs' economic contributions, as well as the economic contributions of female employers/household members who have entered into the formal economy with their release from domestic work. In reality, the actual economic contribution of FDWs would be considerably higher than HKD13.8 billion.

The figure also excludes less obvious/direct economic factors. The Hong Kong government saves immensely from not having to provide social and health care services to the families of FDWs, who are denied residency in Hong Kong by the discriminatory New Conditions of Stay policy targeting FDWs only. (According to the AMC/CMR Baseline Research 2001, 49% of FDWs are either married, separated or widowed, and they have mean/average of two children each.) Moreover, the Hong Kong government also saves from not having to provide for the longer-term treatment of FDWs who often return home suffering long-term physical and psychosocial health disorders. Documented research by migration advocates in Asia has proven that pervasive racial and class-based discrimination and abusive and/or unjust working conditions often gives rise to chronic physical and psychological health conditions among migrants. (At least 23.4% of FDWs interviewed had experienced verbal and/or physical abuse according to the AMC/CMR Baseline Research 2001.)

In addition to the positive economic impacts of FDWs on host and sending countries, their social contributions are also significant, though this is something that is very hard to quantify. The presence of FDWs within Hong Kong households most often alleviates psychological and mental pressures of employers, who are able to leave their children and/or elderly in the care of FDWs to pursue work outside the household. FDWs also contribute immensely to the diverse cultural fabric of Hong Kong society.

<b>OVERALL GENERAL ASSUMPTIONS:</b>	
As 1) Total FDW population (HK Immigration Department, June 2003)	213,000
2) FDWs are paid the HK Government Minimum Wage, September 2004 (not underpaid and without benefits)	3,270
3) HK Real GDP (2003) (HK Census and Statistics Department, 2004)	1,390,610,000,000
4) Statistics on the FDWs' remittances, tasks, and recruitment agency fees paid in HK are based on the Asian Migrant Centre and Coalition for Migrants' Rights (CMR) Baseline Research on Racial and Gender Discrimination Towards Filipino, Indonesian and Thai Domestic Helpers in Hong Kong, February 2001. Sample size was 2,500 domestic workers. These three migrant nationalities make up 98% of the FDW population.	

<b>TYPE OF FDW-RELATED ECONOMIC BENEFITS OF HK</b>	<b>HK\$</b>
A. Consumption spending by FDWs Assumption: HK\$1,999/month (54% of salary) disposable income of FDWs spent in HK. *As per AMC/CMR Baseline Research 2001, FDWs' mean monthly remittance was found to be HK\$1,671 (45.53% of monthly income); therefore, HK\$1,999 (54.47% of monthly income) is retained in HK, assuming FDWs were paid the 2001 monthly income of HK\$3,670.	5,109,444,000
B. Amount HK saves for child care work done by FDWs Assumptions: 1) As per AMC/CMR 2001 baseline research, 36.3% of FDWs do childcare work. At least half of these children are of pre-school age. 2) 18% of FDWs takes care of at least 1 pre-school child. 3) Average cost of full-time, private pre-school facilities in HK: HK\$7,000/month per child for 8 months/year. 4) This excludes infrastructure and overhead costs of running pre-school facilities.	2,147,040,000
C. Amount HK saves for FDWs tutoring children of employers (school lessons/subjects) Assumptions: 1) As per AMC/CMR 2001 Baseline Research, 8.6% of FDWs tutor employer's children. 2) Average of 4 hours/week spent by these FDWs doing tutoring work for 8 months of the year. 3) Employers save tutoring costs of up to \$600/week (based on \$150/hour tutoring rate). 4) This excludes FDWs who help employers' children with homework, which was found to be a higher percentage of 13.7%.	351,705,600
D. Amount HK saves for elderly care work done by FDWs Assumptions: 1) As per AMC/CMR 2001 baseline research, 10% of FDWs do elderly care work. 2) AMC estimate for the average cost of private elderly housing facilities: HK\$10,000/month per person. 3) The above figure does not include infrastructure and overhead costs for elderly housing facilities.	2,556,000,000
E. Amount HK saves for FDW doing sick/disabled care Assumptions: 1) As per AMC/CMR 2001 Baseline Research, 1.6% of FDWs do sick/disabled care work. 2) AMC estimates that the average cost of disabled persons care facilities is HK\$10,000/month per person.	408,960,000
F. Amount paid by FDWs to recruitment agencies in HK Assumption: As per AMC/CMR Baseline Research 2001, the mean amount paid by FDWs to agencies in HK is HK\$9,799; therefore, assume that this is paid every two years, and 50% of \$9,799 in any given year.	1,043,593,500
G. Levy paid by employers of FDWs to HK Govt. *Assumption: 50% of FDWs' employers pay the bi-annual levy of HK\$9,600 in any given year.	1,022,400,000
H. Amount saved by employers who force FDWs to work illegally in shops, businesses or other houses. Assumptions: 1) As per AMC/CMR Baseline Research 2001, 13.7% of FDWs are forced by employers to work in other houses, shops or businesses. They are not remunerated for this extra work. 2) Employers save from not having to hire extra employees. Amount saved is based on monthly salary (HK\$3,270) of FDWs; note that this is extremely conservative since wages in non-DW jobs should be much higher than FDWs' minimum wage.	1,145,062,440
<b>ESTIMATED TOTAL ANNUAL ECONOMIC CONTRIBUTION</b>	<b>13,784,205,540</b>
% of Hong Kong GDP	0.98%

Migrant Workers Union (IMWU), the Hong Kong Coalition for Indonesian Migrant Workers' Organizations (KOTKIHO), the Filipino Domestic Helpers' General Union (FDHGU), the Asian Domestic Workers Union (ADWU) and other migrant groups in Hong Kong continued to campaign for greater protections of the wages and labor rights of FDWs in Hong Kong. In particular, CMR's campaign addresses the issues of chronic underpayment and lack of protection among domestic workers. As part of its demands, CMR called for the stamping out of underpayment of FDWs and overcharging of recruitment agencies, as well as the implementation of a wage increase program for domestic workers: a 6% increase in 2005 and a 12% increase in 2006. In solidarity with local workers, the campaign also called for the implementation of a minimum wage for local domestic workers.

#### *Levy and Wage Cut*

In 2005, the CMR changed its campaign, demanding a fundamental amendment of the current government levy on employers to make the money that is collected available to FDWs in the form of a protection fund, and for the levy funds collected to be accountable to all workers. Protection should also be ensured, the campaign argued, by including FDWs in the coverage of any universal social security protection that currently exists in Hong Kong, such as the MPF, entitling them to at least the same protection that is guaranteed to other workers.

On 13 March 2005, migrant groups commemorated International Women's Day with the official launching of CMR's new campaign on wage protection, and on 17 April, these groups participated in a rally and signature campaign to support their calls. Thousands of signatures from migrant workers were collected during the public campaign.

Migrants groups in Hong Kong also joined together in celebrations to commemorate

International Labor Day on Sunday, 1 May 2005. CMR staged an all-day celebration in Chater Road that drew 2,500 FDWs. IMWU and KOTKIHO, a coalition representing over 5,000 members, held a half-day event at Victoria Park attended by 3,000 FDWs. Along with joining the 2,000-strong rally organized by the Hong Kong Confederation of Trade Unions (HKCTU), and which included large migrant workers' groups in Hong Kong, CMR, IMWU and KOTKIHO events were held to show their solidarity with working people in Hong Kong and around the world. The celebrations came together in the afternoon, as the migrant groups joined the HKCTU march to the Hong Kong Central Government Office.

Migrant groups attended a dialogue with the Immigration and Labour Departments of Hong Kong in March 2005 to discuss wages and the levy, in addition to other issues affecting migrants' working conditions such as the Two-Week Rule and other policies. In addition, around 21 leaders of migrant organizations in Hong Kong participated in a dialogue with the Philippine Consulate in May to discuss relevant issues.

In May 2005, the Hong Kong government raised the Minimum Allowable Wage (MAW) by HKD50, which was deemed a step in the right direction, but insufficient to make up from the previous HKD400 wage cut in 2003.

On 18 December 2005, to celebrate International Migrants' Day, CMR and IMWU helped initiate MFA's "Equal Pay for Equal Work" campaign with rallies in Victoria Park and Chater Road, two areas where many migrants congregate.

#### *Underpayment*

As detailed in *AMY2004*, baseline research conducted by IMWU, KOTKIHO, AMC and others found that 46% of Indonesian workers surveyed were underpaid. IMWU and KOTKIHO worked to utilize the findings of the research in its lobbying efforts with the Hong Kong and Indonesian governments, as well





AMC Photobank

Migrant workers and advocates hold a press conference reporting the result of a research on underpayment in Hong Kong, 2005.

as the recruitment agencies. The Indonesian groups and CMR followed up their research with advocacy, arranging several dialogues with relevant parties throughout 2005 to discuss the findings of the research and recommended responses.

In July 2005, IMWU and KOTKIHO organized a dialogue with five key officers of the Indonesian Consulate in Hong Kong. At the meeting, IMWU presented its findings and discussed how the Consulate and migrant groups could work together to stamp out underpayment and excessive agency fees. In response, the Consulate agreed to send a letter to the Indonesian government, particularly the Labor and Manpower Department, to clarify its policy on agency fees. It was later reported that the Indonesian government had met with the Association of Employment Agencies in Hong Kong (APPIH) and agreed to reduce agency fees from HKD21,000 to HKD16,000. Despite this change, the migrant groups will continue

to push for a further reduction of fees, down to HKD9,000.

In August 2005, IMWU and KOTKIHO traveled to Jakarta to meet with the Director General PTKLN of Indonesia's Labor and Manpower Ministry. The official committed to provide assistance on the matter of employment agencies who deployed Indonesian workers to Hong Kong with salaries below the minimum wage, based on the submission of documented cases. He also promised to explore ways to reduce agency fees.

In September 2005, IMWU, KOTKIHO, CMR and AMC met with the Immigration and Labour Departments of Hong Kong. The Indonesian groups had submitted their research to the two departments, requesting action; high-ranking officers from both departments attended the meeting. In response to the research, the Labour and Immigration High Commissioners planned several actions, including initiating public awareness raising campaigns and

## CASES OF DOMESTIC WORKER ABUSE

*This section was contributed by the Domestic Helpers and Migrant Workers Programme (DMW).*

**Suprihatin**, an Indonesian domestic worker, fell from the 20<sup>th</sup> floor of her employer's residence on 24 April 2005, under mysterious circumstances. She died from her injuries a week later. Other domestic workers had allegedly witnessed that Suprihatin was being beaten by her female employer, which raised questions about the events leading to Suprihatin's death. In addition, Suprihatin had written a letter in which she stated that her female employer was very mean to her, did not provide her with food and required her to start work at 3:30 a.m. DMW was authorized to enquire into the circumstances leading to Suprihatin's death; at the same time, the Indonesian Consulate sought advice from a solicitor about the incident. Although the police launched an inquiry, they ultimately concluded the death was a 'suicide'. The case has been closed, so the truth will remain unknown.

**Sunethra** (not her real name), is a Sri Lankan who came to Hong Kong in December 2003 to work as a domestic worker. She needed to earn enough money to support her family, as she was the sole breadwinner. Her employer's multiple contract violations, however, caused her a great deal of hardship. In violation of the employment contract, the employer did not provide her with food or accommodation. She had to stay in a boarding house which she paid for herself, and made her own arrangements for dinner. Adding to her difficulty, she was underpaid. To cover it up, her employer had her sign a receipt showing she was paid the contractual wage of HKD3,270. Though Sunethra questioned her employer's wife upon being asked to sign the

receipts, she finally gave in and signed them for the fear of losing her job.

In July 2004 Sunethra fell very ill and was admitted to the intensive care unit of the hospital. At that time her employer and his wife got her to sign a document, which she signed in the belief that it was a requirement of the hospital. It later transpired that her employers had got her to sign a letter purporting to be one month's notice, and then with that letter, they informed the Immigration Department to cancel her visa. She came to DMW for assistance. Her claim for underpayment and other termination costs amounted to HKD19,915. After a trial, in which Sunethra's employer expended great effort to defeat the claim, judgment was entered against the employer in the amount of HKD19,240 plus compensation of HKD6,540 as well as interest and costs of HKD1,500.

**Padma** (not her real name), a Sri Lankan domestic worker in Hong Kong since February 2004, was underpaid right from the beginning. She received her wages in cash every month, and to conceal the underpayment, the employer's wife got her to open a bank account into which the employer paid the full contractual amount of HKD3670. The employer's wife would subsequently withdraw the total amount with the ATM card that she kept in her own custody. Padma had no knowledge of what an ATM card was as she had never used one in her life.

In November the employer's wife assaulted Padma, the second such incident. Padma decided to make a complaint to the police against her employer's wife. The

police directed her to DMW for assistance. When Padma tried to retrieve her passport and belongings being held by her employer, he accused her of theft and got the police to arrest her. Padma filed her claim for underpayment of HKD31,534. The employer settled the case at the conciliation meeting, paying her HKD25,000 in full and final settlement of her claim. The theft case against her was closed without any charges being filed. Padma then made a police complaint against the employer's wife for fraudulent use of her ATM card and assault. DMW assisted her in writing a letter to the Legal Aid Department seeking legal aid to file a case for damages against her employer for falsely accusing her of theft. Unfortunately, the police decided to stop the investigation and legal aid was declined. The DMW assisted Padma to appeal to the Immigration Department to permit her to change employer in Hong Kong, and Padma was granted special permitted to change her employer.

**Maria** (not her real name), a Filipina domestic worker, had been working for her employer for more than 5 years before her employer terminated her service. Maria's employer refused to pay Maria her long service payment, however, leaving Maria with no choice but to file a claim in the Labour Department. Although Maria's total claim was over HKD11,000, her employer was only willing to settle for HKD9000, which Maria accepted. She felt that she did not have any choice but to accept the offer so that she could move on and process her new contract, rather than wait without a job in Hong Kong.

Domestic Helpers and Migrant Workers Programme (DMW) was established in 1993 under Christian Action's humanitarian

programme. The project aims to bring justice to migrant domestic workers who have been exploited, unfairly treated or abused by their employers or employment agents regardless of their race, religion or nationality. In 2004, DMW helped 560 migrant domestic workers; with this assistance, migrant workers obtained HKD5,091,439 plus 63 air tickets as settlement in their cases. In 2005, DMW helped 838 migrant domestic workers, who obtained HKD4,384,545 plus 58 airline tickets.

Any domestic worker can seek assistance from Monday to Friday from 9 am to 6 pm and Sunday from 10 am to 2 p.m. at Jordan Rd, Kowloon, Hong Kong. DMW office is open DMW also manages two shelters and a service centre that offer recreational and educational activities for the shelter residents. For the period 2004 to 2005, the To Kwa Wan Service Centre has organized 1021 activities which were attended by 7448 migrant domestic workers. In 2004 and 2005, 345 migrant domestic workers stayed in our shelters.

*Above are some of our case stories. For further information, you can contact us at [domhelp@christian-action.org.hk](mailto:domhelp@christian-action.org.hk) or by telephone (852) 2739-6193.*

## VULNERABILITY OF MAINLAND CHINESE SEX WORKERS TO HONG KONG POLICE ABUSE

Ziteng, a local sex worker concern group, estimates that in 2003 there were as many as 100,000 women coming to Hong Kong to work as sex workers. 80% of them are from mainland China. Out of the daily average of 23,059 visitors from mainland China, Ziteng estimates that 10% come to Hong Kong for sex work. These numbers have increased after the liberalization of visa application in July 2003.

Poverty is the primary push factor. Ziteng estimates that more than 60% of this group are married or have children. Many have worked as waitresses, factory workers or salespeople in their hometowns in the southern provinces of Guangzhou and Shenzhen. However, the annual income of a poor household is less than RMB1,000 which is not enough to cover the rising expenses of education, medical costs, and rent. With little education or skills training, their only recourse is to migrate to Hong Kong to work as sex workers.

Migrant sex workers are one of the most vulnerable migrant populations, facing multiple discrimination as migrants, as women, and as sex workers. Disturbingly, one of the groups exploiting these women's vulnerability is the police. In 2006, Ziteng received a total of 364 complaints from sex workers of police

misconduct. 62 of the 364 complaints were of arbitrary arrest, after which sex workers have reportedly been strip-searched and threatened into signing false statements. In one-third of these cases, officers have reportedly used their mobile phones to take pictures of the women's private body parts, and requested free sex services. In 2006, there were 11 cases of police receiving hands jobs and 8 cases of oral sex during operations. Ziteng has also received complaints of police checking licenses, when in fact sex workers do not need a license to work.

Migrant sex workers are even more vulnerable than local sex workers in these situations. Their unfamiliarity with the local law regarding sex work and their lack of networks make them more susceptible to arbitrary arrests and police abuse. In 2007, after contacting 32 mainland Chinese women in prison, including both tourists and sex workers, Ziteng found that 24 were arrested on false charges, while 26 were coerced into signing a false statement. Many of these women are charged with "soliciting for an immoral purpose." It is against the law in Hong Kong for sex workers to solicit customers publicly, but it is not a crime for them to stand or walk in the street. However, in many of these arrests, it is often the case

consultations. The Labour Department also submitted a proposal to the Legislative Council of Hong Kong to increase fines imposed on employers who underpay their FDWs or make false representations, from HKD200,000 to HKD350,000 and increase in jail time from one year to two and a half years.

### *Anti-Neoliberal Movement*

A migrant workers' movement against neoliberalism gained momentum in Hong

Kong ahead of the 6th Ministerial Conference of the World Trade Organization, which was to be hosted by the Hong Kong SAR. The dignity, rights, and protection of working people are, of course, also key issues brought up as part of the movement against the World Trade Organization (WTO) and its agenda of corporate globalization. Throughout the year, CMR engaged in education on the WTO and its effects on local and migrant workers, along with organizing efforts building up to the WTO

that the police officer initiates while another officer bears false witness. Ziteng notes from a recent research by Hong Kong University, "Bureaucratic Justice: The Incarceration of Mainland Chinese Women Working in Hong Kong's Sex Industry", that 9 out of 19 mainland Chinese girls who are charged with "soliciting for an immoral purpose" have not actually solicited the police officers. Of these, it was the police who solicited the women in 4 cases, while the other 5 cases involve travel document-related arrests, where they are accused of "breaching the conditions of stay" by earning money on visiting visas.

In this situation, sex workers from mainland China often find it more practical to simply admit to the false charges, as the Hong Kong legal system applies to them differently. If a mainland Chinese is arrested, she cannot be released on bail; the typical sentence for this type of charge is two months in prison. Therefore, if she admits to the charges, she could be sentenced to only two months in prison, whereas if she chooses to fight the charges, she may have to wait at least three months in prison before a court hearing can be arranged.

More work needs to be done to address these abuses. Ziteng continues to pressure the police through the Security Panel of the Legislative Council to re-examine undercover

operation guidelines and to stop instances of police harassment and arbitrary arrest of sex workers. Although police officers are not allowed to receive sex services during operation according to the current Hong Kong Police Code of Practice, in practice, they are allowed to have limited bodily intimacy, which includes the receipt of certain sexual services. Ziteng has urged the Hong Kong Police to revise its guidelines for police conduct to prohibit all sexual contact. Ziteng has also called for the prohibition of unreasonable or repeated strip searches, arbitrary arrests, and forced confessions.

Besides advocacy work and public education programs to eliminate discrimination against sex work, Ziteng currently provides sex workers with medical service and information on Hong Kong law, their legal rights, and the possible dangers they might encounter in their workplace. Legal resources and a 24-hour emergency paging system are also made available to both local and migrant sex workers.

*Sources: 2003 Ziteng Annual Report; www.ziteng.org.hk; "Bureaucratic Justice: The Incarceration of Mainland Chinese Women Working in Hong Kong's Sex Industry" by Karen Joe Laidler, Carole Petersen (University of Hawaii), Robyn Emerton; all other data provided by Ziteng.*

ministerial in Hong Kong in December. In July 2005, CMR collaborated with international participants including MFA, AMC, Focus on the Global South, and many others, to issue The Hong Kong Declaration on WTO, Development and Migration. CMR also became a member of the local Hong Kong People's Alliance on WTO (HKPA) and was an active participant in the People's Action Week activities scheduled in conjunction with the 6th Ministerial Conference of the WTO. More information

of migrant workers' participation in this movement can be found in the thematic report in *AMY2004*, entitled "Building Migrant and People's Solidarity in Challenging Neoliberal Development & WTO".

### **Endnotes**

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Filipino migrants hold an elaborate music concert entitled, “Kudkod, Remit, Martsa” to celebrate Filipino domestic workers in Hong Kong, July 2005.

September 2004. Last accessed at: <[economist.com/research/backgrounders/displaystory.cfm?story\\_id=3204118](http://economist.com/research/backgrounders/displaystory.cfm?story_id=3204118)>.

<sup>3</sup> Reuters, “Many people, few votes,” *The Economist*, 8 December 2005. Last accessed at <[www.economist.com/world/asia/displaystory.cfm?story\\_id=5280837](http://www.economist.com/world/asia/displaystory.cfm?story_id=5280837)>.

<sup>4</sup> “China criticises HK reform defeat,” *BBC News*, 22 December 2005. Last accessed at: <<http://news.bbc.co.uk/2/hi/asia-pacific/4551432.stm>>.

<sup>5</sup> “Anti-globalization rally in HK,” [sbs.com.au](http://sbs.com.au), 12 December 2005; as cited by Scalabrini *Asian Migrant News*.

<sup>6</sup> Indymedia, last accessed at: <<http://www.indymedia.org/en/2005/12/829714.shtml>>.

<sup>7</sup> “Asian Development Outlook 2006,” Asian Development Bank, 2006. Last accessed at: <<http://www.adb.org/Documents/Books/ADO/2006/hkg.asp>>.

<sup>8</sup> Ibid.

<sup>9</sup> “Asian Development Outlook 2005,” Asian Development Bank, 2005. Last accessed at: <<http://www.adb.org/Documents/Books/ADO/2005/hkg.asp>>.

<sup>10</sup> “Asian Development Outlook 2006” (n7 above).