

**WOMEN'S COMMISSION**  
**Notes of the 84th Meeting held on 16 June 2016**

Present: Mrs Stella LAU (Chairperson)  
Miss Annie TAM Permanent Secretary for  
Labour and Welfare  
(Vice-chairperson)

Ms Aruna GURUNG  
Ms Angelina KWAN  
Dr. Maggie KOONG  
Ms Leona LAM  
Mrs Miranda LEUNG  
Ms Yolanda NG  
Ms Scarlett PONG  
Dr. Loletta SO  
Ms Sandy WONG  
Ms Catherine WONG  
Mr. Robert WONG  
Ms Carol YIP Director of Social Welfare

Absent with Professor Cecilia CHAN  
Apologies: Professor Shirley HUNG  
Dr. Trisha LEAHY  
Ms Juan LEUNG  
Mr. Philip TSAI  
Ms WONG Shu-ming  
Ms WONG Siu-wah  
Ms Rabi YIM  
Ms Yvonne YEUNG  
Ms. Connie LAU

Assistant Secretary  
(Constitutional & Mainland  
Affairs)5B, Constitutional &  
Mainland Affairs Bureau

<u>In</u>	Mr. David LEUNG	DS(Welfare)1(Ag.)
<u>attendance:</u>	Miss Fiona LI	PAS(Welfare)2
	Ms Winnie CHAN	AS(Welfare)2A (Secretary)
	Mr. Mickey WAI	AS(Welfare)2C
	Mrs Annie CHAN	CEO(SD)

For Agenda Item 1	Mr Donald TONG	Commissioner for Labour
	Ms Queenie WONG	Assistant Commissioner (Policy Support), Labour Department
For Agenda Item 2	Mr FUNG Man-chung	Assistant Director (Family and Child Welfare), Social Welfare Department

### **Item 1: Consultation on the Draft Code of Practice for Employment Agencies**

1.1 The Chairperson welcomed Mr Donald TONG and Ms Queenie WONG to the meeting. Ms WONG gave a powerpoint presentation on the draft Code of Practice for Employment Agencies (the CoP) promulgated by the Labour Department (LD) on 15 April 2016 for public consultation. The consultation would end on 17 June 2016.

1.2 Mr TONG said that the draft CoP aimed to promote professionalism and quality service in the Employment Agencies (EA) industry. He highlighted that Chapter 4 of the draft CoP set out the minimum standards which Commissioner for Labour (C for L) expected from EA licensees in operating their business, and whether an EA licensee could meet these standards would be one of the important factors which C for L

would take into account when considering if a person was a fit and proper person to operate an EA. Amongst the standards set out in Chapter 4, some of them were particularly relevant to the EAs involved in placement of Foreign Domestic Helpers (FDHs), which included drawing up service agreements with job-seekers and with employers and the provision of the employment contract to contracting parties. EAs should also avoid involving in financial affairs of job-seekers.

1.3 Ms WONG added that the Government had all along been taking stringent enforcement actions against EAs, in particular against unlicensed operation and overcharging of commission from job-seekers. LD would initiate investigation immediately upon receipt of complaints; and institute prosecution should there be sufficient evidence. Following the promulgation of the CoP, LD might issue warning letters to EAs to demand rectification of irregularities detected; and might revoke the EA licence should the irregularities persist. Apart from introducing the CoP to tighten regulation, LD would also continue with its public education efforts to enhance the professionalism and service quality of the EA industry, as well as promoting the awareness of job-seekers and their employers

about their respective rights and obligations. In this regard, LD had published a simple and easy-to-understand leaflet in April 2016, setting out the respective “Do’s” and “Don’ts” for FDHs, employers and EAs. The leaflet was available in Chinese, English as well as in the most common languages of FDHs. A dedicated website had also been set up to facilitate access to useful information in relation to employment of FDHs.

1.4 A Member said that there had been allegations that EAs had involved in money lending activities and forced FDHs to take up personal loans. She suggested LD work closely with the Immigration Department (ImmD) and the Hong Kong Police Force (HKPF) in considering whether to grant or renew the EA licenses should the licensees concerned forced FDHs to take up loans, with a view to ensuring that the EA licensees would be operating their business properly. A Member echoed that there had also been allegations where an EA operator with poor track record might, upon revocation of its EA license, apply for a new EA license in the name of another business entity.

1.5 A Member said that it would be useful to promulgate the CoP to better regulate the EA industry, in particular the EAs

involved in placement of FDHs. She suggested LD step up the enforcement action and widely publicise the problematic EAs for reference by members of the public.

1.6 A Member said that more public education on the rights and obligations of the employers (e.g. the provision of free accommodation and medical coverage for the FDHs by the employers) would be necessary, so that the employers would not breach the relevant requirements unknowingly.

1.7 A Member said that the promulgation of CoP could help improve the quality of FDHs and safeguard the rights of the employers at the same time.

1.8 Mr TONG responded that LD had been working closely with ImmD and HKPF as well as the Customs and Excise Department on various fronts concerning FDHs. If an EA licensee was convicted of an offence under the Employment Ordinance, LD would revoke his/her license. He said that LD would continue to roll out promotional and educational activities to ensure that FDHs and their employers were well aware of their respective rights. Regarding the issue of FDHs

being forced to take up personal loans, despite the fact that the HKSAR Government did not have any jurisdiction over the money lending activities overseas, the Labour and Welfare Bureau and LD had proactively raised the matter with the relevant Consulates in Hong Kong and urged their governments to take step to alleviate the burden of FDHs. LD had also arranged regular briefings with the relevant Consulates in Hong Kong to offer more information on employment rights of the newly arrived FDHs in Hong Kong. The dedicated FDH portal could also provide useful information to FDHs even before their arrival in Hong Kong.

1.9 The Permanent Secretary for Labour and Welfare said that generally speaking the newly arrived FDHs might not know Hong Kong well while some of the FDH employers might not be familiar with the relevant provisions under the Employment Ordinance. Therefore, it would be helpful to provide more guidance to both the employers and the FDHs so that they would better understand their respective obligations and rights. A professional EA was very important for both the employers and the FDHs. The CoP (especially its Chapter 4) aimed to set out the standards required by CL of an EA; the compliance of

which would help promote the professionalism and service quality of the EA. Members were welcomed to provide their further comments if any to LD.

1.10 The Chairperson thanked Members for their views. She said that the promulgation of CoP should provide greater comfort to both the employers and the FDHs; and LD's "Do's" and "Don'ts" leaflet could also help both sides understand more about their rights and obligations.

## **Item 2: Report of the Legislative Council Subcommittee on Strategy and Measures to Tackle Domestic Violence and Sexual Violence**

2.1 The Chairperson welcomed Mr FUNG Man-chung to the meeting. Mr FUNG gave a powerpoint presentation on the key points of the report of the "Subcommittee on Strategy and Measures to Tackle Domestic Violence and Sexual Violence" set up by the Legislative Council Panel on Welfare Services. Mr FUNG highlighted the work of the Social Welfare Department (SWD) in providing additional residential places and manpower resources in the refuge centres and the Family Crisis Support Centre as well as improving the support services for the ethnic

minorities and the batterers. SWD would also review the Procedural Guide for Handling Child Abuse Cases (the Guideline) and the Child Protection Registry. As for handling of housing assistance requests from victims of domestic violence, SWD enriched the contents of the website and leaflet of “Compassionate Rehousing and Alternative Housing Assistance” to facilitate better understanding of the related assessment criteria and the processing procedures. SWD would continue to enhance public education and publicity through media, including broadcasts on television, radio, SWD website, Youtube and Facebook Fanpage, posters/banners display at MTR stations and bus stops, animation and docu-drama and short-film competition.

2.2 A Member noted that SWD had been improving the support services for victims of domestic violence (e.g. increasing the residential places for the victims of domestic violence). It would be useful to review the Guideline and Child Protection Registry to establish a clear procedure for the relevant professionals and stakeholders in handling child abuse cases.

2.3 A Member echoed that for child abuse cases, it would be



useful to provide clear and detailed guideline to the schools so that the child abuse cases could be handled promptly. SWD might also consider promoting the caring image of the male in a family with a view to creating a harmonious family environment. A Member added that there had been cases about sexual violence on children committed by their close family members (e.g. stepfathers). More guidance for schools would be very important to enable early identification of and intervention in the suspected child abuse cases.

2.4 A Member asked about the average occupancy rate of the refuge centres and how SWD handled the increasing demand for places.

2.5 Mr FUNG responded that the Guideline was drawn up by SWD in consultation with different professionals and relevant stakeholders (e.g. professionals and personnel engaged in social services, health services, education services and law enforcement, and those who are in close contact with children in carrying out the necessary immediate assessments). SWD would update the Guideline from time to time and keep in close contact with the schools and kindergartens in reviewing the

Guideline. As regards the average occupancy rate for the refuge centres, Mr FUNG said that while the demand for residential places had been relatively stable in these one to two years, there was a trend for the occupants to stay for longer time at the refuge centres. SWD would continue to closely monitor the demand for residential places at the refuge centres.

2.6 The Chairperson thanked Members for their views and hoped that the Government would continue to respond to the needs of victims of domestic violence and their families.

### **Item 3: Confirmation of Minutes of the 83<sup>rd</sup> Meeting (WoC 10/16)**

3.1 The minutes of the 83<sup>rd</sup> Meeting was confirmed without amendments.

### **Item 4: Secretary's Report (WoC 11/16)**

4.1 The Meeting noted the Secretary's Report.

### **Item 5: Any Other Business**

5.1 There being no other business, the meeting was

adjourned at 11:30 a.m.

**Women's Commission Secretariat  
August 2016**