

Communique of the 3rd National Consultation of Service Providers for Ethnic Minorities in Hong Kong

06 December 2011
Fanny Li Hall, St. John's Cathedral
Central, Hong Kong SAR



Hong Kong ethnic minorities deserve better.

Twenty-seven (27) representatives from NGOs and migrant organizations providing services and conducting advocacies for ethnic minorities gathered on December 6, 2011 for the Third National Consultation of Service Providers in Hong Kong. Sponsored by the Coalition of Service-Providers for Ethnic Minorities (CSPEM), the consultation's primary goal was to discuss the current condition of ethnic minorities, majority of whom are women Foreign Domestic Workers (FDWs) from different Asian countries, and to unite on reforms to be recommended to various departments of the Hong Kong Special Administrative Region for equal and just treatment of ethnic minorities.



The following Service Providers and advocates attended the consultation: Anglican Communion Refugee and Migrants Network, Asia Pacific Mission for Migrants, Bethune House Migrant Women's Refuge, Diocesan Pastoral Centre for Filipinos, ENGENDER, Helpers for Domestic Helpers, International Social Service Hope Centre, Islamic Union of Hong Kong, Jesus is Lord Church, Mission for Migrant Workers, New Beginnings Christian Fellowship, Pathfinders, RainLily (Association Concerning Sexual Violence Against Women) and the St. John's Cathedral HIV Education Centre.

They were joined in by migrant representatives of the Asian Migrants Coordinating Body (AMCB), the Association of Indonesian Migrant Workers (Asosiasi Tenaga Kerja Indonesia, ATKI-HK), the Filipino Migrant Workers Union (FMWU-HKCTU) and the United Filipinos in Hong Kong (UNIFIL-MIGRANTE-HK).

With the theme, “Migrants Deserve Better: Advancing the goal for fair treatment for migrant workers in Hong Kong,” the participants discussed the condition and the problems arising from policies and practices towards ethnic minorities in Hong Kong. As a result, they came up with a “wish list” that enumerated specific recommendations for reforms.



The Very Revd. Canon Andrew Chan, Dean of the St. John's Cathedral, opened the conference with a reflection. In his remarks, he urged the participants to bring the “good news” to the people, much like the angels who announced the Good News to the shepherds in the first Christmas, which is a message for a society without inequality or unrighteousness and where everyone accepts each other.

Dolores Balladares of the AMCB presented updates on the condition of migrant workers in relation to their wage and labor situation; concerns with immigration policies and practices, including the recent issue on the Right of Abode for FDWs; handling of the HK Police of cases of FDWs; racial discrimination; concern on the access to social services of FDWs; and issues with regards to women's health.



These concerns were derived from the various summits done in the past by Asian migrants coming from different organizations.

In the open forum segment, the participants asked migrant workers present about the discriminatory practices they receive both from the private and the public sector. Questions on abuses and violence against women were also raised.



After the presentation, the participants were divided into groups to further the discussion based on their experience in providing services to FDWs. From this discussion, a “wish list” of changes that will be recommended to the various offices of the Hong Kong government was drawn up.

The consultation participants agreed to adopt in the “wish list” the proposals by the AMCB in their presentation. Aside from these, the participants also identified other concrete proposals for reforms that they shall advance. They are as follows:

General Recommendations to the HK Government:

1. Hold regular dialogues between service providers and concerned government agencies;
2. Provide financial support to service providers for the programs for ethnic minorities;
3. Inclusion of the Police and Immigration departments on the Racial Discrimination Ordinance;
4. Include FDWs in the Statutory Minimum Wage.

Police Department:

1. Create a special section of policewomen officers and interpreters trained in gender and cultural sensitivity as well as knowledgeable on racial discrimination to handle cases of violence against women. Training should also include providing education on the rights of migrants (e.g. cases of passport confiscation should be given to the whole police force including the traffic enforcers).
2. Explain clearly to apprehended ethnic minorities the Miranda Law (cautioned statement) and not just recite it mechanically.
3. Allow NGOs access to accused and arrested ethnic minorities.

Immigration Department:

1. Abolish the Two-Week Rule;
2. Exempt FDWs with terminated contracts from paying the visa fee;
3. Allow FDWs, either with terminated and/or finished contracts or with on-going cases, to work or take new employers;
4. Address the practice where Immigration Officer prosecute FDWs in cases of “illegal work”, instead of those who pushed them to do so;
5. Establish a desk at the airport to assist victims of trafficking.

Labour Department:

1. Launch more massive and regular Information Drives on illegal practices on agency fees;
2. Expand the mandate of the Employment Agency Administration to cover illegal recruitment;
3. Direct employers to provide air fare to FDWs upon termination of the contract;
4. Provide/formulate a policy on the number of hours of work for FDWs;
5. Amend the policy on food allowance stating the quantity and quality of food provided to FDWs. Option must also be given to FDWs whether to accept food or food allowance. Coverage of the food allowance must also be identified.
6. Amend the Employment Ordinance on the provision of long-service payment and severance payment to be given to FDWs regardless of who terminated the contract. Entitlements of FDWs should not be affected by the question of whether or not an employer will hire a replacement.

Hospital Authority:

1. Medical coverage should cover migrant workers for as long as they are in Hong Kong. Coverage should include children of migrant workers living in Hong Kong;
2. Protect the medical privacy of migrants. Medical records should be for the ones who receive the results and not for those who paid for it;
3. Launch mobile clinics for consultations with medical specialists;
4. Provide for more interpreters in hospitals and in the mobile clinics;
5. Extend services and hours of hospitals and clinics to include Sundays and public holidays especially for FDWs (special risk care, gynaecological specialist check-ups and related services, family planning, etc.) as well as mobile clinics and services at points of congregation on Sundays with appropriate translators;
6. Promote and practice religious or cultural sensitivity in hospital care (food, practices, etc.). Moslem women should be seen only by women doctors.

Security Bureau:

1. Liaise with the Police Department, Immigration Department and various consulates on trafficking cases;
2. Recognize the rights of undocumented migrants and regularize their status;
3. Launch education programs on policies in applying for a refugee status.

Other government agencies:

1. Provide a written policy on the spraying/cleaning of Chater Road (for Land Department and FEHD);
2. Address restriction on use of public parks and closed streets where migrant workers congregate; (LCSD)
3. Record proceedings of cases in the MECAB.

Aside from the wish list that will be lobbied to the different offices of the HK government, the NCSP also came out with recommendations that participants will work on together. These were:

1. Classify the proposed reforms into short, medium, and long-term goals and strategize course of actions accordingly;
2. Education for employers and employees regarding rights and obligations. Use of the mass media for education and promotion process;
3. Consult with members of religious congregations and identify members in the medical field. Hold church missions for medical services;
4. Regular meeting with the EOC and other relevant authorities;
5. Gather names of banks and money lenders as well as complainants and conduct a dialogue with the Employment Agency Administration (EAA). Impress upon the EAA the need for transparency on their investigation;
6. Launch an information drive clarifying to FDWs that entitlement to statutory holidays is not dependent on the length of employment;
7. Identify vague areas in the Employment Ordinance and lobby for their amendments;
8. Campaign for the ratification of the ILO Convention on Decent Work for Domestic Workers;
9. Lobby for an anti-labour trafficking law in Hong Kong.

Plans were then made by the participants on how the “wish list” will be advocated. The participants decided to join migrant workers in the action scheduled for the International Migrants Day on December 18. The event will be used as the venue to address the wish list drafted by the conference.

The conference ended with the stronger commitment of participants to deliver responsive and comprehensive services to the FDWs through addressing the stumbling blocks created by policies and practices prevailing in Hong Kong.

With such commitment, the suggested reforms shall be vigorously pushed for the benefit of FDWs and all the ethnic minorities in Hong Kong.