

Statement of Hong Kong Organizations and Individuals to Request an End to Ban on Workers Living Outside Employers' Homes

TVB recently reported that Immigration raided the village of Nim Shue Wan in Discovery Bay, checking the documents of the domestic workers living there and arresting six Filipina domestic workers. (1)

We strongly believe that banning live-out helps no one in Hong Kong at all. Migrant domestic worker organizations such as Mission for Migrant Workers have given strong evidence that the live-in rule contributes to regular, systematic abuses faced by workers each year.

Furthermore, arresting workers who do live out is deeply unjust and cruel. The employers who allow them to live out are giving them the chance to live like adults with their own private space and time, as well as preserving private family time for the employer, and the government should enable this to be a legal option as much as possible instead of threatening and punishing them.

It is widely known that employers choose migrant domestic workers because they can do full-time work for a fixed monthly wage, not because they are live-in.

The migrant domestic workers are an important and valuable part of our society and it is a deep shame to Hong Kong as an international city at this time to continue making it a crime to let workers live apart from their employers.

Therefore we strongly request to the Hong Kong government:

- 1) In order to ensure that the rights of the workers arrested are protected we wish to be informed whether anyone is assisting them or providing them legal advice. If no one is assisting them, they should be allowed to contact us or any of the organisations that provide assistance to domestic workers.

Those whose only violation is living outside the home of their employers should be allowed to continue working and their employers

must be required to provide them suitable accommodation as stipulated in their employment contract.

2) The policy of banning live out must be reversed, and the option of live-out with employer paying for housing must be allowed right away. This will be a start in enhancing the domestic workers' privacy, their self-education, their intermingling in society, and their rest and satisfaction with work and life in Hong Kong. This would be a small but necessary start in implementing improved women worker safety, gender equality and dignified work for migrant women workers in Hong Kong.

3) Take concrete measures to ensure that live-in migrant workers are given proper accommodation – beginning with a clearer definition of 'proper' accommodation and means of enforcement.

(1) <http://news.tvb.com/local/51e51e556db28c370e000005/>

25.7.2013

近日，入境處疑在有關外傭在外留宿的報導曝光後，在愉景灣一帶展開突擊搜查，期間拘捕六名外傭。多個外傭組織、工會、婦女團體、宗教團體及僱主代表將於明天召開記者會，回應是次拘捕行動，並要求政府放寬自 2003 年起實施的外傭強制留宿規定，還僱主與外傭選擇權。

●記者會詳情如下：

日期：2013 年 7 月 25 日 (四)

時間：下午二時正

聯絡人：周澄 93015004 / Doris Lee 9862-1736

聲明：要求政府放寬「外傭強制留宿政策」

入境處於 7 月 16 日突擊檢查愉景灣稔樹灣村，並以涉嫌違反入境條例拘捕了六名菲律賓籍外傭。我們強烈要求政府早日檢視「外傭強制留宿政策」相關的入境條例，以確保僱傭雙方均有選擇的自由，並盡快向公眾提供外傭「合理工作及居住條件」指引，以及建立抽查外傭居住環境的制度，保障外傭的工作及居住環境是合理、安全，及具私隱的。

我們相信目前的「外傭強制留宿政策」與外傭兼職與否並無關係，失去保障本地勞工就業的立法原意，更使僱主及外傭雙方無奈失去選擇外宿與否的權利與自由。而且，不少外傭組織曾就「強制留宿政策」作出調查，顯示「強制留宿」會助長外傭受到虐待、不合理的工作與及居住待遇。若政策能更有彈性，容許有條件的僱主讓外傭外宿，可令僱傭雙方更有自由，也可各自享有私人空間。

至於與僱主同住的外傭，政府也應該負起責任，建立指引及抽查制度，杜絕對外傭的不合理居住條件。相信大家對去年媒體揭發外傭被安排居住在廁所的事例還記憶猶新，其實，外傭肩負起家務勞動的重責，讓僱主輕鬆地投入職場，對於促進本港勞動市場有極大的貢獻。

眾所周知，僱主聘用外傭，主要是為了以固定月薪獲得全職的家傭服務，而不是因為她/他們留宿與否。

香港作為國際城市，實在應該檢視及修訂相關「強制留宿」的條例以保障外傭得到合理工作待遇和居住條件。目前的政策將外傭外宿視為犯法，實屬不公，亦將為國際恥笑。

故此，我們強烈要求：

1) 為了確保被逮捕的外傭的權益受到保障，我們要求入境處通知我們以確定有人能夠向他們提供協助及法律上的意見。否則，入境處應給予機會外傭與本團體或任何關注外傭的組織聯絡，向他們提供協助。

那些只因外宿而犯法的外傭應被容許繼續工作，而且僱主應根據合約提供適合的住所空間予外傭。

2) 必須修改禁止在外留宿的條例，僱主同意外傭在外留宿的話，應支付及安排其住宿。這樣能確保外傭亦享有私隱、自學、融入社會、休息時間及個人生活的權利。從而進一步確保女性外籍傭工擁有安全工作環境，性別平等及有尊嚴的社會地位。

3) 制訂具體政策確保與僱主同住的外傭擁有合理的居住環境，政府應負起落實執行和監察的責任。同時，在制訂政策時，必須廣泛諮詢所有持分者，包括外傭團體及人權組織。

(1) <http://news.tvb.com/local/51e51e556db28c370e000005/>

The Undersigned.

Federation of Asian Domestic Worker Unions 香港亞洲家務工工會聯會

Association for the Advancement of Feminism 新婦女協進會

Meilin Wu, Hong Kong Women Workers' Association 香港婦女勞工協會

Yuen Che Hung, No Hurry Story Workshop 雄仔叔叔, No Hurry Story 工作坊

Left 21 左翼 21

Danilo Reyes, Employer

Open Door 家·傭同行

Half The Sky Public Education. 半邊天公益

Rev. Phyllis Wong, Kowloon Union Church 佑寧堂

Justice and Peace Commission of the HK Catholic Diocese 香港天主教正義和平委員會

autonomous 8a 自治八樓

Father Mark Rogers, St. John's Cathedral

Father Franco Mella, PIME

Rev. Danilo A. Borlado and Mary Lou S. Borlado, New Beginnings Christian Fellowship, Hong Kong

Elijah Fung, St. John's HIV Education Centre

Pastor Edgar Robles, Jesus is Lord- Hong Kong

Holly Allan, Helpers for Domestic Helpers, St. John's Cathedral

Crystal Ching Chow, Youth Ambassador 2012-2013, Asia Pacific Youth Network

Jason Y. Ng, Author and columnist

Carol Chow Pui Ha, CUHK

Danilo Reyes, Employer

Ramon Bultron, Asia Pacific Mission for Migrants

Gifliyani Krisna Nayoan – World Student Christian Federation AP

Sunita Suna – World Student Christian Federation AP

Sister Felicitas Nisperos

Lisa Moore, The Women's Foundation

Adrielle Panares, Chairperson, Coalition of Service Providers for Ethnic Minorities;

Director of Migrant Programme, International Social Service Hong Kong Branch

Edwina Antonio, Bethune House Migrant Worker Refuge

Cynthia CA Tellez, Mission for Migrant Workers Limited

Asian Migrant Coordinating Body

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(1) <http://news.tvb.com/local/51e51e556db28c370e000005/>