In the second half of 2003 and early 2004, the economy of the Hong Kong Special Administrative Region (SAR) continued to recover from the devastating impact of Severe Acute Respiratory Syndrome (SARS) which infected 1,700 people and killed 300 in Hong Kong alone. During this period, continuing and growing political discontent was expressed toward the Hong Kong government. The historic protest of over 500,000 people on 1 July 2003, and the protests that followed over the next several weeks, reflected strong dissatisfaction with the Tung Chee Hwa government, including its handling of the SARS crisis, the economic downturn following the SARS crisis, and – most importantly – the threat to civil and political rights of Hong Kong residents, expressed most clearly in Tung’s proposed national security legislation, Article 23.

In 2002, during his second term in office, Hong Kong Chief Executive Tung Chee Hwa introduced anti-
Sedition legislation, Article 23 of the Basic Law. Article 23 drew widespread criticism from labor groups, pro-democracy political parties, journalists, the Catholic Church, NGOs and others (see Hong Kong Country Report in AMY 2002-2003). Critics pointed to the threat this legislation posed to freedom of expression, freedom of association, and the right to protest. In December 2002, more than 60,000 people had marched in opposition. Dissatisfaction mounted in 2003, and on 1 July over 500,000 protesters marched in record numbers since the handover in 1997. On 9 July, 50,000 protestors called for Tung’s resignation, and another rally followed on 13 July.

Following the massive public protest on July 1, the political tension between Hong Kong and the central government in Beijing escalated. Beijing had been taken by surprise by the intensity and magnitude of popular reaction against the Hong Kong government, and was extremely displeased with the Hong Kong public’s repudiation of its attempt to legislate Article 23, as well as the Hong Kong government’s failure to predict and deal with the protestors.

Throughout 2003 Tung Chee Hwa and the pro-Beijing politicians faced growing criticism. The 23 November 2003 District Council elections reflected strong opposition to the pro-Beijing parties and the Tung administration. Pro-democracy candidates gained seats and pro-Beijing candidates (especially those belonging to the pro-Beijing Democratic Alliance for the Betterment of Hong Kong) lost them.

According to Human Rights Watch (HRW), the first nine months of 2004 marked a major downturn for human rights in Hong Kong, an increase in Beijing’s involvement in Hong Kong’s political processes, and the worst year of political and civil rights since 1997. There were many “incidents of criminal intimidation and threats against independent politicians, journalists and voters, much of it apparently emanating from Beijing.” Beijing’s intervention into Hong Kong politics increased, as did “threats against prominent journalists, vandalism attacks on the offices of pro-democratic politicians, and reports of voter intimidation and manipulation.” According to the HRW report, Beijing has begun making use of the tactic of openly questioning the patriotism of democratic politicians who may express their views, an effective tactic. Furthermore, HRW argued that Beijing’s increasingly active role in Hong Kong politics and sidestepping of the SAR government since December 2003 may constitute a violation of the Basic Law, undermining “the right of Hong Kong people to freely choose their government”.

The impact of SARS on Hong Kong’s economy in 2003 was severe, but by the third quarter of the year there were many reports of recovery. Despite SARS, Hong Kong was ranked as the “world’s freest economy” (ahead of Singapore, the United States, New Zealand, and the United Kingdom) by Canada’s pro-business Fraser Institute on 10 July 2003, for the seventh year running. Overall, the Hong Kong economy grew by 3.3% in 2003, compared with 2.2% in 2002. In early 2003 the GDP was 4.5% over the previous year. It declined by 0.5% during the first quarter and by 2.6% during the second quarter of 2003, when the impact of SARS was at its peak. During the third quarter, it increased by 6.6% and by 1.5% in the fourth quarter.

The industries most affected by SARS were tourism, catering, and tourism-related sectors, which experienced a severe downturn in the second quarter but regained strength in the third quarter and recovered further during the fourth. At the peak of SARS, passengers passing through Chep Lap Kok Airport decreased by 70%, airline flights were cancelled, and airline employees were temporarily laid off. Other workers faced shortened workweeks, closures of commercial buildings, and “encouragement” from employers to take unpaid leave, and even quarantine in extreme cases.

| TABLE 1: NUMBER OF FOREIGN DOMESTIC WORKERS IN HONG KONG 1993-2004 |
|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Philippines     | 105,400 | 121,200 | 131,200 | 134,700 | 138,100 | 140,500 | 143,200 | 151,490 | 155,450 | 148,390 | 130,760 | 126,560 | 123,190 |
| Indonesia       | 6,100   | 10,700  | 16,400  | 21,000  | 24,700  | 31,800  | 41,400  | 55,200  | 68,880  | 78,170  | 73,870  | 81,030  | 84,680  |
| Thailand        | 7,000   | 7,100   | 6,700   | 5,800   | 5,100   | 5,300   | 5,760   | 6,450   | 7,000   | 6,670   | 5,690   | 5,500   | 5,230   |
| Others          | 2,100   | 2,400   | 2,700   | 2,800   | 3,100   | 3,000   | 3,340   | 3,650   | 3,950   | 3,880   | 3,590   | 3,770   | 3,780   |
| TOTAL           | 120,600 | 141,400 | 157,000 | 164,300 | 171,000 | 180,600 | 193,700 | 216,790 | 235,280 | 237,110 | 213,910 | 216,860 | 216,880 |

Source: Hong Kong Immigration Department
FDWs, faced economic hardships. These difficulties also had an impact on migrant workers (see below). By late July, however, the tourist industry showed improvement, bolstered by a huge surge in mainland tourists following Beijing’s reduced restrictions for mainlanders to visit Hong Kong.

The labor market was slack overall, but improved in the end of 2003. The labor market shrank most substantially in the consumption and tourism related industries, due to SARS. Later in the year, unemployment decreased. The unemployment rate surged from 7.2% in late 2002 to a high of 8.7% in May-July 2003, and then dropped back to 7.3% by the end of 2003. Underemployment also grew to 4.3% in the second quarter of 2003 – reflecting temporary lay offs in the tourism-related industries – but then dropped to 3.3% by the end of 2003. By the third quarter of 2003, labor earnings dropped by a further 1.8% over the previous year.

Export trade was little affected by SARS and continued to expand throughout 2003. Merchandise exports and offshore trade grew throughout the year, bolstered by a revival in the global economy, the strong mainland economy, growth in inter-regional trade, and the

Hong Kong Significant

2003
July
(2) The largest demonstration seen in Hong Kong since 1989, an estimated half million protestors take to the streets to express no confidence in the Tung government and opposition to the proposed national security legislation.

(6) Chief Executive Tung offers concessions to water down controversial national security bill, Article 23.

(9) Second mass protest in less than two weeks as estimated 50,000 protestors call for Chief Executive Tung’s resignation

(10) For the seventh year running, Hong Kong was ranked as the world’s freest economy (ahead of Singapore, the United States, New Zealand, and the United Kingdom) by Canada’s pro-business Fraser Institute.

(11) Consumer confidence study of Asia reflects increased post SARS optimism, but Hong Kong ranks second most pessimistic after Japan.

(13) For the third time in two weeks protestors rally in Central district for greater democracy.

(14) News reports about Hong Kong employers who cannot afford the luxury of a full time domestic worker and have had to terminate their services.

(21) Construction workers win wider insurance protection against injury.

August
(7) The Guangdong Provincial Home Economics Association negotiates with Hong Kong authorities to allow its residents to go to the SAR as domestic workers for a monthly salary of HKD3,000, but Hong Kong government gives no indication of relaxing existing immigration policies prohibiting mainland domestic workers from working in Hong Kong.

(15) The Immigration Department notes a three-fold increase in the number of forged passports seized last year, and introduced new security features of Hong Kong passports.

September
(5) Chief Executive Tung Chee-hwa withdraws controversial National Security Bill (Article 23).

(8) Beijing gives permission for children born to parents residing in Hong Kong to live permanently in the territory provided they submit their applications before they reach the age of 18.

(28) A Filipina domestic worker challenges a Hong Kong law that prevents foreign domestic workers from becoming permanent residents.

October
(1) HKD9600 levy (tax) on employers of foreign domestic workers goes into effect.

(21) Government releases figures showing July-September unemployment rate has dropped to 8.3% from a high of 8.7% in July.

November
(19) Hong Kong Security Bureau promises to allocate more resources to stop the illegal employment of irregular migrant workers from the mainland.

(29) The Eastern Magistrates’ Court has sent two to jail for arranging false contracts for domestic workers to stay in Hong Kong.

(29) SARS and the decline of Hong Kong’s economy have affected the remittance business of the Philippine National Bank (PNB). The PNB recently tied up with the
Bank Mandiri of Indonesia to enable it to offer its remittance services to a growing number of Indonesian workers in Hong Kong.

December
(30) During the past year, the number of Hong Kong residents working in the Mainland has increased by 20%.

2004
January
(5) Employer is sentenced to nine months in jail for burning her Indonesian domestic worker.

(20) Immigration Department reports fourfold increase in mainlanders refused entry with business visas due to reported use of business visas by irregular migrant workers and sex workers.

(25) Filipina domestic workers protest RP government increase in domestic worker contract processing fees.

February
(18) Unemployment rate for Nov. 2003-Jan. 2004 holds steady at 7.3%.

(23) Employer fined HKD13,000 (USD1,667) for underpayment of domestic worker.

(25) Indonesian domestic worker gather to celebrate Kartini Day, an Indonesian celebration of women’s emancipation.

The Hong Kong Task Force on Underpayment is set up to combat underpayment and illegal practices by recruitment agencies.

May
(1) Migrant workers join thousands of protesters in Hong Kong and across Asia calling for improved workers’ rights.

(10) Thousands of Filipino workers in Hong Kong began to exercise their first-ever right to vote, and over 60,000 of the 88,000 registered voters have so far cast their ballots. Hong Kong has the highest percentage of registered voters of overseas Filipinos.

June
(10) District Court Judge orders employer of Filipino domestic worker to pay HKD26,510 (USD3,333) in compensation suit to cover medical expenses and loss of income. The employer was also sentenced to 18 months in jail last May 2002.

Sources: BBC News, Scalabrini Asian Migration News, South China Morning Post

weakening of the US dollar. Although domestic spending shrank during the second quarter, it grew during the second half of the year. The end of the year witnessed local stock market increases, a higher real estate market, and improvement in unemployment. Whereas building and construction remained weak throughout 2003, investment in machinery increased at the end of the year, partly because of the signing of the Closer Economic Partnership Arrangement (CEPA) between Hong Kong and the mainland.

Consumer prices as indicated by the Consumer Price Index (CPI) dropped lower for the fifth consecutive year, but the decrease slowed toward the end of the year, assisted by government relief efforts. By the end of the year, the residential property market and the market for office space increased, but rental prices for flats bottomed out.  

Hong Kong’s offer to host the Sixth Ministerial Conference (MC6) in 2005 was accepted by the WTO General Council in October 2003. The MC6 will focus on discussions of the Doha Development Agenda, including GATS-Mode 4. Local groups formed the Hong Kong People’s Alliance on the WTO, including several migrants’ rights groups, to prepare activities...
coinciding with the conference.

Migration Update

Based on data from the Hong Kong Immigration Department, the number of foreign domestic workers in Hong Kong increased at an average rate of 17% per year in the first half of the 1990s, with Filipinos constituting over 80% of the total until 1997. From 1996 onward, the number and percentage of Filipinos continued to drop, while the number of Indonesian DWs continued to climb. The total number of foreign domestic workers (FDWs) climbed from 84,600 in December 1991, to 235,280 in December of 2001, to an all time high of 241,020 in October 2002. 2003-04 saw a significant decrease in the number of foreign domestic workers overall, with the largest decline in the number of FDWs from the Philippines. By June 2003, following the SARS outbreak, the total had dropped to 213,910. December 2003 saw a slight increase with a total of 216,860. (See Table 1).

The largest changes in 2003-2004 occurred among domestic workers from the Philippines and Indonesia. FDWs from Indonesia increased from a mere 1,000 in 1990, to 55,200 in December 2000, 78,170 in December 2002, 81,030 in December 2003, and 90,050 in December 2004. FDWs from the Philippines numbered over 155,000 in December 2001, dropped to 130,760 by June of 2003, and to 119,710 in December 2004. Although the number of Filipinos in Hong Kong declined markedly, the overall number of labor migrants from the Philippines continued to increase (see Philippines Country Report, p.242), suggesting that although many Filipino domestic workers in Hong Kong are returning home, a larger number are continuing to migrate and are choosing other destinations.

Key Migrant Issues and Responses

In the wake of SARS and the economic difficulties faced by many middle class Hong Kong employers, the number of FDWs decreased. Some employers who experienced economic hardships were no longer able to employ FDWs, and terminated their contracts with FDWs. Unfortunately, the government’s relief efforts were predominantly directed at the economic elite. Tung’s relief package helped to bail out industries heavily affected by SARS, such as tourism, entertainment, and retail sales, in the form of rebates.
on taxes and licensing fees, but did not help migrant and local workers. Although relatively few FDWs were infected with the SARS virus, only 20 cases out of approximately 1,700 in Hong Kong, most FDWs experienced difficulties nonetheless. FDWs were often forced to remain at home during their weekly day off, due to employers’ concerns about the contagiousness of the disease. This contributed to the sense of isolation and alienation already faced by many migrant workers. Migrant worker groups and unions were also affected by the restrictions placed on workers’ freedom to leave the employer’s home. The annual May Day rally in 2003 had a far lower turnout than in recent years.

Migrant workers who contracted SARS faced additional difficulties. For example, after a prolonged hospital stay, fighting for her life, Sri Widiati, a domestic worker from East Java in Indonesia, awoke to find that her employer had terminated her contract. The Indonesian Consulate remained silent on the issue. Meanwhile, the Philippine government discouraged Filipino workers in Hong Kong from visiting the Philippines. By the third quarter of 2003, after Hong Kong was declared free of SARS, many of these problems subsided. Despite this, by late 2004, the number of FDWs still had not risen to earlier numbers.

**Levy and Wage Cut**

As discussed in *AMY 2002-03*, following several years of fending off threatened wage cuts, the Hong Kong government imposed an 11% wage cut and levy in February 2003. The wage decrease of HKD400 per month went into effect on 1 April 2003 for all newly signed contracts. At the same time, a HKD400 levy was announced, which went into effect on 1 October 2003. Under the new law, the employer must pay HKD9,600 each year, or in quarterly installments, for all FDW contracts signed on or after that date.

Migrants’ associations and trade unions in the Philippines and Hong Kong campaigned fiercely against the twin policies. This movement was supported by local domestic workers in Hong Kong and the Hong Kong Confederation of Trade Unions (HKCTU).

Both the Coalition for Migrants’ Rights (CMR) and its migrant union-members and trade unions in the Philippines and Hong Kong filed a complaint to the ILO in April 2003. The groups alleged that Hong Kong, a signatory of the International Labour Convention 97 on Migration for Employment, violated its obligations under the Convention, which prohibits the discriminatory imposition of levies or taxes on migrant workers.

In April 2003, representatives from CMR and the Asian Migrant Centre (AMC) participated in the Migrant Forum in Asia (MFA) and Migrants’ Rights International (MRI) delegation to the 60th session of the UN Commission for Human Rights in Geneva. They discussed the issue of the levy and the wage cut as a continued form of the discrimination against migrant workers in Hong Kong. CMR and its member, Indonesian Migrant Workers Union (IMWU), along with AMC, also participated in MFA and MRI’s delegation at the international labor conference (ILC) in June 2004. In June 2004, the ILO Committee of Experts on the Application of Conventions and Recommendations noted that the Governing Body “believe that the imposition of the same levy . . . would not be equitable,” and requested the Hong Kong government to provide information on the issue. The ILO report also found that Hong Kong’s Two-Week Rule was discriminatory, and that FDWs were also discriminated against in regard to public healthcare services.

In a separate move, a group of migrants and advocates filed a case in Hong Kong in mid-2003 against the levy and wage cut. Despite the ILO’s comment, the High Court decided in December 2004 that the wage cut and the levy were legal and were two separate policies. CMR and IMWU continue their campaign against the levy and wage cut, and are active in local and international interventions against these policies. During 2003-2004, CMR and its members in Hong Kong participated with many other migrant groups in actions relating to the wage decrease. They argued that the levy should not be passed on to FDWs; rather, it should be used to compensate FDWs in the event of contract violations. They were involved in several actions on May Day, International Migrants’ Day, and International Women’s Day.

**Underpayment**

Underpayment and excessive agency fees continue to be
major problems faced by a large number of Indonesian
domestic workers. Whereas the legal wage in 2003-2004
was HKD3,270, 46% of Indonesian workers surveyed by
the Indonesia Research Team in the AMC Baseline
Survey 2005 were underpaid. This is an improvement of
only 2% since the previous study in 2001. One of the
key factors in the underpayment of Indonesian workers is
linked to employment agency recruitment fees. These
fees are purportedly to cover pre-departure expenses in
Indonesia such as costs of training, medical
examinations, and travel documents. By the mid-1990s,
facing ever stiffer competition, employment agencies
recruiting Indonesians shifted more of the fees from the
employer to the worker, deducting fees from the worker’s
monthly wage upon arrival in Hong Kong. Workers
surveyed reported having all or most of their salaries
deducted for anywhere from one to nine months. Others
reported deductions for four months with the amount
varying. In all such cases, the deductions exceeded the
Hong Kong government’s legally stipulated agency fees
of no more than 10% of one month’s wage (or HKD327
total). Another method of collecting excessive fees is to
Worker Abuse

require the worker to sign a loan agreement with a finance company upon arrival in Hong Kong. The debt is then collected directly from the worker by the finance company as a deduction from her pay, thus circumventing direct payment to the agency.

Under Hong Kong law, migrant workers can bring claims for underpayment to the Labour Tribunal or the Minor Employment Claims Adjudication Board, depending on the amount of the claim. According to the Labour Department, there were 131 claims brought by Indonesian migrant workers in 2003, and 116 from January through July 2004. The Hong Kong government can also bring criminal actions against employers, although currently these actions are quite small in proportion to the number of civil actions and the incidence of underpayment generally; from January through July 2004, only five criminal claims were filed against employers of Indonesian migrant workers. The Hong Kong government has established a Taskforce on Underpayment, comprised of members from the Labour Department, the Immigration Department, and the Hong Kong Police Force. Thus far, its actions have been

Rohini, a Sri Lankan, completed two contracts with the same employer. The employer informed her that he would sign yet another contract with her. However, she was also told that she should go back home and that the new contract would be signed only after about four or five months. The reason given by the employer for this was that the employer's family was going back to their home country for the summer vacation and as such, they did not require her services. Rohini decided to decline her employer's offer, and instead found a new employer. She also filed a claim at the Labour Department. Although her employer claimed that Rohini did not wish to extend her contract with them, at the Labour Tribunal, the employer ultimately agreed to settle the case for HKD10,000.

Banu, an Indian, came to Hong Kong almost four years ago. She was paid only HKD100 per month. She was not granted rest days, and was usually accompanied at all times when she was outside her employer's home. During her second contract, she was allowed out in order to go to church. On one occasion, she was fortunate to meet a kind stranger who directed her to DMW. Her employer was eager to settle the case before it reached the Labour Department and Banu just wanted to get her entitlements and return to her family. The employer paid her HKD135,000 and Banu flew back to India shortly afterwards.

DMW was established in 1993 and provides assistance to foreign domestic workers in the provision of paralegal advice, guidance and counseling services in their native languages. The majority of DMW's work entails assisting migrant workers with their labour cases against their former employers. The organization also aims to empower workers and help those migrants who have been assaulted, raped, accused of a crime, have immigration problems or problems with unscrupulous employment agents, have been injured at work or have been unjustly treated in any way. DMW also has two women's shelters in Kowloon and an educational centre providing workshops on topics such as language, computing, empowerment, cookery and health issues.

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The most common problems continue to be underpayment or lack of other entitlements such as rest days and other holidays and termination without wages in lieu of notice. In 2004 DMW handled a total of 14,892 cases, which included 4,890 new clients constituting our busiest year to date. Over 80% of DMW's clients are Indonesian, with the remainder from Sri Lanka, India and the Philippines. Unfortunately, a steady demand for DMW's services shows that domestic workers continue to be regularly exploited and/or mistreated.

Any domestic helper can seek assistance from Monday to Friday and on Sunday at Christian Action's Domestic Helpers and Migrant Workers Programme at Room 1, G/F., No. 2 Jordan Road, Kowloon. Tel 2739 6193. This service is provided free of charge to any foreign domestic or migrant worker irrespective of gender, nationality or religion.
limited to the establishment of a system for the exchange of information, although it has also expressed the goal of mapping out strategies for combating underpayment by employers as well as agency malpractice. If expanded, this taskforce could play a vital role in helping to stamp out underpayment.8

Anti-Racial Discrimination Legislation
The struggle by civil society to pressure Hong Kong to enact laws prohibiting racial discrimination in the private sector continues, and in 2003 the Hong Kong government finally came out with a draft legislation. This was due in part to pressure by the Committee on Racial Discrimination, which at the 59th Session of the UN in Geneva urged the Hong Kong SAR to adopt appropriate regulations to fulfill its commitments under the International Convention on the Elimination of All Forms of Racial Discrimination.

The draft bill, while welcomed as an effort to address racial discrimination, was criticized by local and international groups. Migrant rights’ groups and other human rights organizations pointed out that the draft excludes – and thus specifically discriminates against – foreign domestic workers in Hong Kong. Further, small companies and employers are exempted from the regulations for the first three years after the law comes into effect. The bill also fails to provide specific protections for migrant workers from mainland China.

Migrants in Hong Kong

Filipinos
Filipino associations, organizations, and unions rallied in opposition to the Hong Kong government imposed levy and wage cut. These groups have continued to participate in domestic worker rallies on Labor Day, International Women’s Day, International Human Rights Day, and International Migrants Day.

Indonesians
In early 2003, members of MFA, IMWU, and AMC, raised concerns about the compulsory use of recruitment agencies for Indonesian migrant workers, the lack of rights-based migration legislation in Indonesia, and the resulting conditions of exploitation and forced labor. They initiated strategies to advocate for migrant rights at the international level. In partnership with Anti-slavery International and MFA, IMWU and AMC decided to submit a report to the ICFTU and to the ILO. Their report focused on the Indonesian government’s failure to comply with ILO Convention No. 29 on Forced Labour. The ICFTU submitted this information to the ILO Committee of Experts, who subsequently issued an Observation in their 2004 report. They urged the Indonesian government to adopt new legislation. “This was the first time that an all-migrant domestic worker grassroots union had followed a national advocacy issue all the way from both the grassroots level (in Hong Kong SAR and Indonesia), through the ILO supervisory system, and to the Committee on Application of Standards at the ILC.”9

On 14 June 2004, the Indonesian Consulate General in Hong Kong announced a new policy regarding contract renewal for Indonesian DWs in Hong Kong. This new policy introduced new regulations for DWs who wanted to renew their contracts independently, without the services of an employment agency. Among the requirements, the decree would require that they return home for thirty days at the end of each contract; that they submit a “Family Card”; a permission letter from their husband or parents allowing them to renew their contract without the help of an agency; and that they submit a letter of permission from the employment agency. On 18 July, members of the Hong Kong Coalition of Indonesian Migrant Workers Associations (KOTKIHO) met with the Consulate General and other consulate officials, stressing their dissatisfaction with the policy that seems to actively discourage the circumvention of the employment agencies. KOTKIHO urged the consulate officials not to implement this policy. They initiated a letter writing campaign against Decree Number 32. The Indonesian Consulate in Hong Kong did not revoke the policy, but it has not actively implemented the thirty day requirement. In September 2004, the Indonesian government officially introduced national Bill Number 39, presumably intended to protect migrant rights, but which expands on many of the points of Hong Kong’s Decree Number 32. The bill attracted major criticism by both workers groups and employment agencies (see Indonesia Country Report, p.172). Indonesian migrant workers in Hong joined in protests against Bill Number 39; IMWU and KOTKIHO mobilized a record number of migrants to demonstrate against the policy, which was changed following the intense protests.

Between July 2003 and July 2004, the domestic shelter run by KOTKIHO – one of several shelters for domestic workers in Hong Kong – sheltered 110 women
who were filing cases against their employers. The shelter has a maximum capacity of 20 residents. The average stay is five or six months. The most common problems faced by women in the shelter are underpayment, excessive agency fees, lack of rest days and public holidays, and other direct contract violations. Others faced physical assault, sexual abuse or rape.

**Nepalis**

According to Hong Kong Immigration Department figures, there are approximately 18,000 Nepalese permanent residents in Hong Kong; about 40% of whom were born in Hong Kong. Two-thirds of them are construction workers, while a smaller number work in restaurants, food service, or as security guards. In 2003-2004, the unemployment rate among Nepalese permanent residents was as high as 43%. According to a survey conducted by the Society for Community Organization (SoCO), from September 2003-January 2004, the rate of unemployment among Nepalese construction workers was twice that of other construction workers, and their annual household incomes were half as much. Besides permanent residents, there are also approximately 2,000 Nepalese contract workers, 1,500 of whom are domestic workers. Nepalese domestic workers are mainly employed by Chinese households.

The Far Eastern Overseas Nepalese Association (FEONA) was established in 1993 to help organize and advocate for the growing Nepalese community. It currently has approximately 1,700 active members and many others who are intermittently active. FEONA is a member of CMR and the Asian Migrant Coordinating Board (AMCB), and participates in many actions in support of the migrant worker community. Among its activities, FEONA offers direct assistance to Nepalese workers, including advocacy and translation assistance. Commonly, FEONA assists workers – who often lack the requisite language skills and knowledge of Hong Kong labor policies – to approach the Labour Department in cases of work-related grievances. Common problems among construction workers include serious concerns about safety and security, lack of leave or days off, long work hours with no overtime pay, lack of safety equipment, lack of support in cases of injury and illness, very low salaries, lack of promotion opportunities, and persistent fear of dismissal. In 2004, in response to mass dismissals of Nepalese construction workers, FEONA staged several strikes and protests. FEONA has also been active in offering support, shelter (through individuals in the Nepalese community who let them stay in their houses), and advocacy for Nepalese domestic workers who have been subjected to unfair dismissals.
underpayment, or who have experienced other forms of illegal treatment. Domestic workers are very active in FEONA, and have participated in several trainings and activities specifically related to DW’s issues.

FEONA sponsors a number of conferences and workshops that offer paralegal training, gender training, and training related to health and safety and domestic workers’ rights. On International Women’s Day and the festival of Diwali, FEONA sponsors community-wide activities that are aimed at promoting a better understanding of the Nepalese community and at promoting greater inter-ethnic understanding.

FEONA is also involved in ongoing campaigns urging the Hong Kong and Nepalese governments to formulate policies that respond to Nepalese migrants’ needs. At present, the Nepalese Consulate in Hong Kong does not offer any sort of labor advocacy, while the Nepalese government lacks any sort of pre-departure training for contract workers. FEONA has been working to encourage the Nepalese government to change their policies and offer advocacy and training for workers.

Besides unemployment and work-related difficulties, the Nepalese immigrant community in Hong Kong faces specific problems relating to ethnic integration, and access to social services and education. Access to medical treatment is especially problematic for workers and their family members, given the difficulty of communicating with medical professionals in either English or in Chinese. Given the difficulties associated with obtaining proper medical care, some Nepalese return in desperation to Nepal for medical care. Another serious problem involves access to appropriate educational opportunities for Nepalese children. Hong Kong schools offer either Chinese or English medium education, neither of which is ideal for Nepalese children. Although English medium schools are generally preferred by Nepalese, they are not usually located in the areas of Hong Kong where Nepalese live, and are unaffordable for many Nepalese. Given their lack of English and Chinese language skills, it is difficult for parents and children to communicate with school personnel. FEONA has therefore been working to make the Hong Kong government aware of the educational problems facing Nepalese residents. They have proposed Chinese language support or the establishment of English language schools in Yuen Long, one of the main areas where Nepalese reside. They have also proposed anti-discrimination or cultural sensitivity training programs for educational staff, or the hiring of Nepali-speaking assistants, at least in primary school grades.

Endnotes


5 Hong Kong SAR Government.


7 Ibid

8 Asian Migrant Centre, “Underpayment: Systematic Extortion of Indonesian Migrant Workers in Hong Kong,” AMC, Hong Kong, 2005.
