

Labour Department responds to Ombudsman's direct investigation report on Government's regulation of boarding facilities for foreign domestic helpers

In response to the Office of The Ombudsman's direct investigation report on "Government's regulation of boarding facilities for foreign domestic helpers (FDHs)", which was released today (February 17), a spokesman for the Labour Department (LD) said that the LD welcomed and accepted the recommendations put forth by the Ombudsman.

Employment agencies (EAs) are not required to provide boarding facilities for job-seekers (including FDHs) under the Employment Ordinance, the Employment Agency Regulations and the Code of Practice for Employment Agencies (CoP). According to the CoP, should EAs use their EA premises to provide boarding facilities or bedspaces, or provide such facilities in other non-EA premises to job-seekers, they must ensure that the relevant approval(s) or licence(s) for operating the boarding facilities or bedspaces have been obtained from all relevant government authorities, and the prescribed standards in respect of building structure, fire safety as well as health and hygiene as specified in the relevant laws of Hong Kong and/or any other licensing requirements as devised for such facilities are fully and satisfactorily met at all times. If an EA breaches the CoP, the Commissioner for Labour may revoke or refuse to issue/renew its licence, or issue warnings for rectification of the irregularities detected. There is no separate regulation for boarding facilities operated by EAs in the current legislation.

The spokesman said, "The LD agrees that the living environment of the FDHs working in Hong Kong should be put under reasonable protection. According to Clause 3 of the Standard Employment Contract (SEC), all FDHs working in Hong Kong must work and reside in the employer's residence during their employment period. The employer shall clearly specify the accommodation and facilities provided to the FDH in the 'Schedule of Accommodation and Domestic Duties' annexed to the SEC. This helps ensure the provision of a reasonable living environment to FDHs in Hong Kong. Generally speaking, FDHs are required to leave Hong Kong and return to their home country upon cessation of employment, although in some circumstances a small number of FDHs may need to temporarily reside in a boarding facility, such as during the two-week period after premature termination of their employment contract when they are allowed to stay in Hong Kong.

"Based on the improvement measures suggested in the Office of The Ombudsman's report, the LD will explore strengthening the monitoring of

boarding facilities operated by EAs on the foundation of the existing regime and enhancing the transparency of information; as well as strengthening our liaison and collaboration with relevant government departments to facilitate checking, exchange of information, referral of complaint cases and follow-up actions. In addition, we will step up publicity and education to remind the EA industry of complying with the relevant government regulations and requirements for operating a boarding facility, and to continuously improve the conditions of these facilities. Since the onset of the COVID-19 pandemic, the LD has repeatedly reminded EAs to keep their boarding facilities hygienic and observe the relevant health guidelines in order to minimise any infection risk. We will continue our efforts in this respect.

"The LD has commenced the review of the CoP, in which the improvement measures proposed in the Office of The Ombudsman's report will be taken into account. Upon consulting the views of the stakeholders, we will revise the CoP so as to keep abreast of the times", the spokesman added.