

LCQ5: Anti-epidemic efforts targeted at foreign domestic helpers

Following is a question by the Hon Elizabeth Quat and a reply by the Secretary for Labour and Welfare, Dr Law Chi-kwong, in the Legislative Council today (January 13):

Question:

It has been reported that so far, a number of foreign domestic helpers (FDHs) have been infected with the Coronavirus Disease 2019 (COVID-19). Among such FDHs, some were suspected of having transmitted the disease to their employers after getting infected in FDH dormitories. Moreover, during holidays, a large number of FDHs gather and share meals in public places such as parks, allegedly violating the stipulations which prohibit group gatherings and require the wearing of a mask in public places, but very few FDHs have been prosecuted as a result. In this connection, will the Government inform this Council:

(1) whether it knows the current number of FDH dormitories and the number of boarding places therein; whether it will enact legislation to regulate the sanitary conditions of FDH dormitories; if so, of the details and the implementation timetable; if not, the reasons for that, and what measures are in place to prevent such dormitories from becoming venues for spreading the epidemic;

(2) of the up-to-date number of FDHs who were confirmed to have contracted COVID-19; what measures are in place to step up law enforcement efforts against violation of anti-epidemic stipulations by FDHs; and

(3) given that quite a number of FDHs have disregarded the appeal for refraining from gathering on holidays, whether the Government will examine prohibiting FDHs from gathering in public places; if so, of the details and the implementation timetable; if not, the reasons for that, and the alternative solutions?

Reply:

President,

Having consulted the relevant bureaux and departments, my consolidated response to the Member's question is set out below:

(1) Under existing laws, there is no regulation in relation to the definition or management of "foreign domestic helper (FDH) boarding facility", and the Government also does not maintain information on the number of and other information on "FDH boarding facilities".

In general, employers must provide FDHs with free accommodation and with

reasonable privacy in accordance with the Standard Employment Contract. Having said that, we understand that FDHs may need to arrange temporary accommodation for themselves in certain circumstances, such as when they are waiting to leave Hong Kong after their contract is prematurely terminated. Under existing laws, there is no mandatory requirement for employment agencies (EAs) to provide boarding facilities for job-seekers (including FDHs). Pursuant to the Code of Practice for EAs, should an EA conduct any activities (e.g. holding training classes, providing activity venues or temporary boarding facilities, etc.) or conducting other non-EA related business at an EA's licensed address or other premises, the EA must understand and comply with the requirements in the relevant laws. The Government currently has no plan to enact a new legislation to specially regulate "FDH boarding facilities", activity venues of FDHs or the hygiene conditions of such facilities.

Given that some FDHs who had stayed in boarding facilities were confirmed to be COVID-19 positive, the Labour Department (LD) approached EA associations multiple times to remind the industry to avoid arranging FDHs to stay in a crowded environment and remind FDHs to comply with personal and environmental hygiene and social distancing guidelines issued by the Centre for Health Protection, including performing hand hygiene frequently, regularly cleaning and disinfecting frequently touched surfaces, maintaining an appropriate social distance with other people, etc. In addition, the LD also reminded EAs not to arrange FDHs to gather in boarding facilities and to register the record of FDHs who are staying at or have visited the boarding facilities to facilitate tracing of possible infection cases.

Furthermore, in August 2020, the LD arranged a free one-off COVID-19 testing service for all FDHs who were staying in boarding facilities of EAs. In response to confirmed infection cases of FDHs who had stayed in boarding facilities which were not operated by EAs, the Government later expanded the scope of the testing service to cover FDHs whose previous employment contracts have expired or have been terminated and who are waiting to join the new employers' family. This group of FDHs are most likely to be staying in boarding facilities while waiting to change employers. The LD provided a total of three rounds of free testing service to such FDHs from August to December 2020. In total, more than 9 000 FDHs benefited from the aforementioned testing services. The LD will continue to provide free testing service from January to February 2021 for FDHs waiting to join their new employers' family.

(2) and (3) As of January 3, 2021, the number of confirmed COVID-19 cases in Hong Kong was 8 965, including 7 097 locally acquired cases and 1 868 imported cases. Of these, 465 cases involved FDHs who newly arrived in Hong Kong or are already in Hong Kong, including 212 locally acquired cases and 253 imported cases.

According to the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation and the Prevention and Control of Disease (Wearing of Mask) Regulation, starting from December 11, 2020, persons who participate in a prohibited group gathering of more than two persons in public places or who

do not wear a mask in accordance with the requirement may be charged a fixed penalty of \$5,000.

During the COVID-19 epidemic, the LD has repeatedly, through channels such as press releases, the FDH Portal, FDH groups, employer groups and the Consulates-General of FDH-sending countries in Hong Kong, encouraged FDHs to stay home for rest on their rest day as far as possible and avoid gathering when going out to safeguard their personal health; and appealed to employers and FDHs to have candid discussions on rest day arrangements as well as recommending employers to arrange their FDHs to take rest days on a weekday instead of during the weekend as far as possible, so as to minimise the health risk of participating in social activities. I have also conveyed the same messages through the social media platform.

In addition, the LD has all along been conducting mobile broadcasts in Chinese, English and major FDH languages in popular gathering places of FDHs and distributing promotional leaflets to FDHs on Saturdays and Sundays to call upon them to comply with the regulations on mask-wearing and prohibition of group gatherings in public places. During holidays when there would be a relatively large number of FDHs gathering, LD would collaborate with the relevant departments such as the Food and Environmental Hygiene Department (FEHD), the Hong Kong Police Force (the Police) and the Leisure and Cultural Services Department (LCSA) to conduct joint operations against behaviour in contravention of social distancing measures. Taking the two long holidays in the period from December 24, 2020 to January 3, 2021 as an example, the LD, the FEHD, the Police and the LCSA conducted joint operations at Tamar Park in Admiralty, Victoria Park in Causeway Bay, the footbridge near Fa Yuen Street in Mong Kok, the Hong Kong Cultural Centre in Tsim Sha Tsui, etc. to urge FDHs to comply with the regulations on mask-wearing and prohibition of group gatherings in public places, maintain environmental hygiene, refrain from conducting unlicensed hawking activities, etc. For those who refused to abide by the regulations after repeated reminders, the relevant departments had taken appropriate enforcement actions.

From December 11, 2020 to January 3, 2021, the relevant departments issued a total of 60 fixed penalty notices to FDHs in relation to the above regulations. The relevant departments also conducted joint operations last Sunday again, i.e. January 10, 2021. The Government will continue with various promotional activities to call upon FDHs to comply with the regulations on mask-wearing and prohibition of group gatherings in public places. The relevant departments will also continue to conduct joint operations at appropriate times.

As regards whether to prohibit FDHs from gathering in public places, this suggestion itself is quite controversial, and the legislative amendments or mandatory measures involved may even touch upon discrimination issues. Even if the Government, in order to enhance the effectiveness of anti-epidemic efforts, may need to distinguish certain high-risk groups for implementing special measures in a more focused manner, the process must be founded on objective facts such as the development of the epidemic, infection cases and risk management as well as detailed analysis. On this basis, the

Government has no plan to target FDHs only and prohibit FDHs from gathering in public places.