NOT MANY PEOPLE VISITING HONG KONG realize that the city hosts over 340,000 foreign domestic workers. Domestic workers, also known as helpers, make up roughly a tenth of Hong Kong’s total working population. However, these migrant workers suffer unseen hardships that can cause tension, both domestically and abroad. Despite the mutual economic benefits gained by both host and origin countries through this practice, growing humanitarian and ethical concerns regarding their treatment and exploitation have become harder to ignore. Hong Kong’s outdated legal framework needs reform, but this cannot be accomplished without cooperation with foreign governments to ensure tensions over migrant labor do not derail diplomatic and economic relationships.

The first migrant workers to arrive in Hong Kong were predominantly from the Philippines. In the 1970s, President Ferdinand Marcos’s government encouraged labor emigration, coinciding with rapid economic growth in Hong Kong. Filipinos became the dominant foreign worker demographic up until the arrival of Indonesian migrants in the 1990s. Today, the Hong Kong Immigration Department estimates that 53 percent of the city’s foreign domestic workers are from the Philippines, 44 percent are from Indonesia, and the rest are mainly from Thailand, Sri Lanka, and Nepal.

Migrant workers in Hong Kong face numerous challenges, many imposed by legal restrictions set by both host and origin countries. First, migrant workers are underpaid, compared to Hong Kong citizens. As of 2015, the minimum allowable wage (MAW) for migrant workers in Hong Kong is set at roughly HK$25.69 (USD $3.30), compared to HK$30 (USD $3.86) for Hong Kong citizens. Furthermore, Hong Kong’s mandatory live-in law and two-week termination rule mean that foreign domestic helpers must reside in the same location as their employer and that employers can fire a worker for arbitrary reasons. The live-in rule also muddles the line between rest and work, contributing to up to 44 percent higher average working hours for migrant workers, compared to the rest of the population.

Furthermore, employment agencies impose illegal and burdensome placement and training fees that can force domestic helpers into debt bondage. Under Philippine law, recruitment agencies are prohibited from charging a placement fee, but evidence suggests most agencies charged fees averaging HK$8,800, and Hong Kong placement agencies charge fees averaging HK$11,320. This is more than 25 times the legally permitted amount, which under current Hong Kong labor
laws is 10 percent of the first month’s salary. There are also numerous cases of agencies illegally withholding migrant workers’ passports until debts are paid, with weak enforcement in both origin and host countries. Despite over 5,000 inspections being carried out between 2014 and 2016, only 23 agencies were fined and 13 lost their licenses.\(^7\)

In addition, news stories about employers abusing foreign domestic helpers frequently emerge. Physical and psychological abuse is often reported alongside unreasonable working demands, health risks, and poor living conditions. In one 2013 case, a Hong Kong couple were jailed for burning their Indonesian domestic helper with an iron, and beating her with a bike chain.\(^8\) A survey of 1,000 migrant workers conducted by Justice Centre Hong Kong revealed that 95 percent of Filipino and Indonesian helpers in Hong Kong had shown signs of “exploitation or forced labor.”\(^9\)

In the last few years, the Philippines and Indonesia have taken some actions in reaction to these concerns, to little effect. After several foreign domestic helpers fell to their deaths while climbing outside to clean high-rise apartment windows in 2016, the Philippine consulate in Hong Kong announced the inclusion of a new contractual clause removing this from their list of duties.\(^10\) However, Hong Kong expressed concern regarding the practical details of this change, leading the Philippine government to suspend this action for thirty days until November 14. No further news of the matter has emerged since then.\(^11\)

Similarly, in March 2015, Indonesian president Joko Widodo announced that Indonesia would ban women from working abroad as domestic helpers. However, amid concerns that this would push individuals toward illegal immigration and unregulated black markets, the Indonesian government reneged on this policy in 2017. In March 2017, the consulates-general of the Philippines and Indonesia agreed to blacklist certain employers with records of abuse.\(^12\) But such actions are largely reactive. Without the agreement and active engagement of Hong Kong’s Labor Department, these interventions have proven vulnerable to swift reversal. While domestic changes in Hong Kong, the Philippines, and Indonesia are important, the lack of intergovernmental coordination is a critical problem. The Philippine consulate’s initial announcement on window-cleaning was issued without consulting the Hong Kong Labor Department, likely prompting the local pushback.\(^13\)

WHO IS RESPONSIBLE FOR HONG KONG’S INVISIBLE MIGRANT WORKERS?

As of 2015, the minimum allowable wage (MAW) for migrant workers in Hong Kong is set at roughly HK$25.69 (USD $3.30), compared to HK$30 (USD $3.86) for Hong Kong citizens.
Going forward, a coordinated policy solution could be the key. Hong Kong, Indonesia, the Philippines, and other origin countries should work to develop a top-down legal framework to tackle the twin problems of mistreatment by employees and financial exploitation by recruitment agencies. This could begin by involving these consulates with Hong Kong’s immigration and labor departments in reviewing and changing the contractual obligations between employers and employees, as well as improving regulatory coordination on both sides to restrict predatory behavior by recruitment agencies both at the origin and destination countries. The involvement of foreign consulates would ensure that migrant worker policy in Hong Kong would adjust in accordance with the countries of origin. For instance, foreign consulates should consult with the Hong Kong Labor Department in order to develop criteria assessing which employers should be blacklisted and how the blacklisting process works. Establishing a regular channel of dialogue between officials will allow them to efficiently address any new developments and changes. Taking these steps in a public manner can further foster goodwill between the two nations and set an example for others.

Fortunately, some joint steps are being taken. In March 2017, a senior Indonesian official at the Manpower Ministry mentioned that the country has been in talks with countries to ensure “humane” treatment for Indonesian migrant workers. An even more promising first step is Hong Kong’s decision to grant the Philippines’ input in a technical working group on “overseas domestic workers.” Demonstrating commitment to improving migrant labor conditions would go a long way in improving intergovernmental relations, and help both sides retain the economic benefits of this international exchange of workers.

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Kang, “Study Reveals 95% of Filipino, Indonesian Helpers in Hong Kong Exploited or Forced Labor.”


Ibid.


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