

# Break the chain

**Mabel Au** calls for stricter enforcement of the law to root out employment agencies – both in Hong Kong and Indonesia – that are exploiting migrant domestic workers for profit

As troubling as the tales of abuse of migrant domestic workers are, it is rare for them to hit the headlines. And when they do – like the horrific abuse of Kartika Puspitasari, who was beaten, slashed, tied up and left to starve by her Hong Kong employers – there is shared outrage at such deplorable treatment.

We are reassured by the fact that Catherine Au Yuk-shan and her husband Tai Chi-wai were convicted and sent to jail for the abuse they inflicted. It shows the system works and such cases are the exception. Or does it?

The uncomfortable truth – laid bare in Amnesty International's latest report, "Exploited for Profit, Failed by Governments" – is one of widespread deception and exploitation. Indonesian women who seek legal work as a domestic worker here too often end up enduring conditions found in trafficking and forced labour. Systemic failings foster widespread abuse.

The report details how unscrupulous employment agencies in Hong Kong and Indonesia have constructed a complex and opaque system to circumvent national laws.

The agencies' aim is simple: to extort as much money from migrant domestic workers as possible via excessive and illegal fees. This is done without fear of reprisal, as both governments appear unwilling to take effective action against them.

From the outset, women are lied to by brokers and recruitment agents in Indonesia about how much they will earn and the high agency fees. By the time they find out the truth, they have mysteriously acquired a debt equivalent to thousands of Hong Kong dollars that prevents the majority from pulling out.

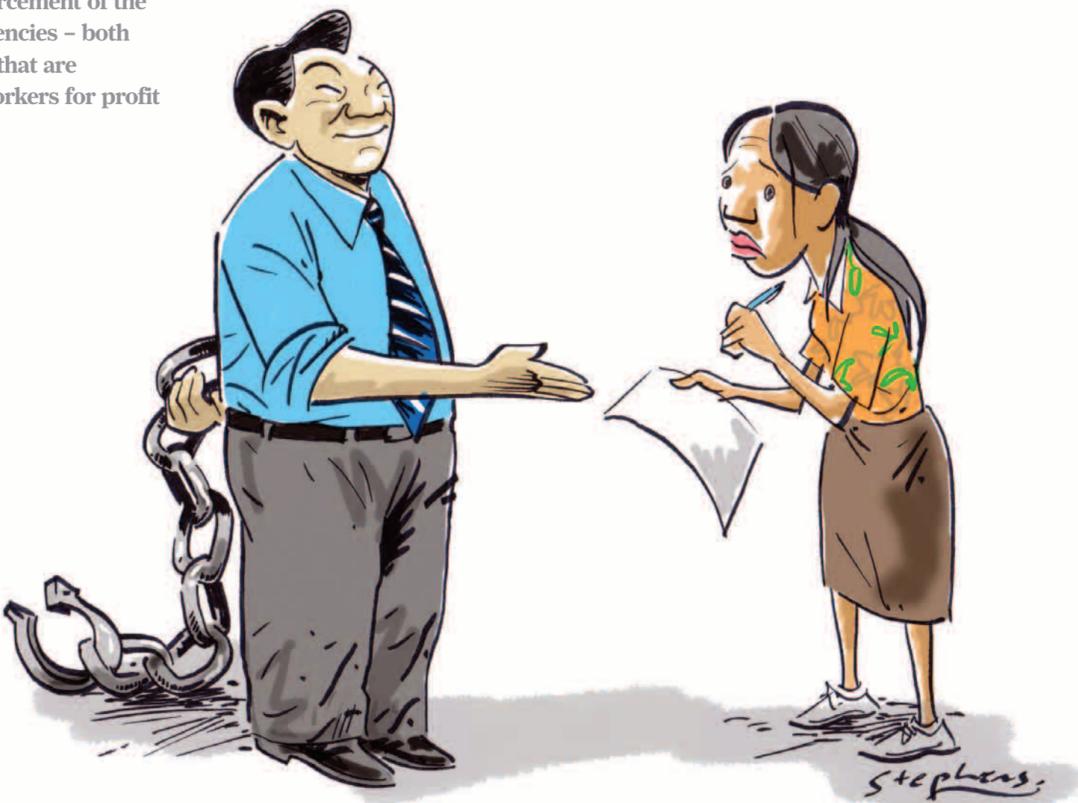
Nearly a third of Indonesian domestic workers in Hong Kong have been deceived by their recruiter as to their terms and conditions of work, including wages, according to a poll by the Indonesian Migrant Workers Union.

When Indonesian migrants arrive in Hong Kong, many (again, one third, according to the union) are made to sign a sham loan agreement forcing them to "pay back" up to HK\$21,000 over seven months.

Both Indonesia and Hong Kong impose a limit on how much agencies may charge workers for finding them employment. A staggering 85 per cent polled said they had paid over at least one of the legal limits.

On top of this, many said they were paid less than the minimum allowable wage mandated by Hong Kong law.

What happens if you want to run away



or make a complaint? The agencies (illegally) confiscate your passport. Three-quarters of Indonesian migrant domestic workers polled had their passport confiscated by agents or employers. More than a third said they were prevented from leaving their employer's home.

The cost of seeking justice prevents most from doing so. The domestic worker would lose her job, as no employer would continue employing a worker who has filed a complaint against them. Unemployed, she wouldn't have a place to stay because she is required by law to live with

**The test of the system is that it breaks the cycle of exploitation experienced on a daily basis**

her employing family. If the case goes to the Labour Tribunal, that would mean an average 50 days for case resolution.

The Hong Kong government's own statistics show that only 143 cases regarding wage offences were brought before the Labour Tribunal over the past five years. Of these, only 34 resulted in a conviction. The Labour Commissioner revoked only two placement agencies' licences last year and only one in the first four months of this year.

Given the size of the domestic worker population and scale of the abuses, this shows Hong Kong's redress mechanisms are not working. The evidence is clear, many agencies are breaking the law and the government is turning a blind eye.

What does this mean for the workers? Indebted and very likely underpaid, worried about losing their jobs and feeling no one can help them, many workers end up staying in abusive situations with their employers.

The circumstances outlined tick all the boxes for what constitutes trafficking for

forced labour: recruited by agencies through deception (regarding their terms and conditions) for exploitation (excessive hours, underpayment and denial of rest days) and forced labour (inability to withdraw from this work situation due to crippling debt).

If the Hong Kong government presided over such a large-scale deterioration of the rule of law in any other area of life, would it be met with such silence?

We all have a responsibility to protect these workers' rights and to demand the government does more.

The true test of the system is that it breaks the cycle of exploitation these women experience on a daily basis and not just the extreme examples of abuse that occasionally make the front page.

Only then will the government have demonstrated it is serious about ending the trafficking of thousands of vulnerable women for forced labour.

Mabel Au is director of Amnesty International Hong Kong

## Tech savvy

**Su-Mei Thompson** and **Lisa Moore** say HK must encourage women to pursue science and maths, and play a bigger role in shaping the future

Without question, technology is changing how we live, work and socialise. Hong Kong has aspirations to become a leading information and communications hub and should be well placed to achieve this goal, given its first-world infrastructure, transparent investment regime and its position straddling the mainland and world markets.

Critical to achieving this vision is a technologically skilled workforce of both men and women. Research by the US National Centre for Women in Technology found that if current trends continue of female under-representation in science, technology, engineering and mathematics subjects, by 2018 there will not be enough skilled people in the world to fill half the job vacancies in the technology sector.

In Hong Kong universities, men still dominate these fields. At the Hong Kong University of Science and Technology, for example, women comprise just 21 per cent of engineering students. A 2013 Economist Intelligence Unit survey of 57 companies in Hong Kong showed that 88 per cent of IT directors are male, and women represent fewer than 10 per cent of IT staff at more than half the companies. Even in large software companies in Hong Kong, where women are entering at the same rates as men, attrition rates in mid-level management are leaving a significant hole in the leadership pipeline.

The reasons are numerous. Hong Kong parents often discourage their daughters from pursuing science and maths. Girls who show an early interest in the field often lose interest because of pervasive but under-recognised biases in the learning environment. A study from Britain shows that girls studying in single-sex schools are nearly 2½ times more likely to study physics at A-level than if they had studied in mixed schools. Similar studies conducted in the US and Australia for maths and science show similar results, indicating that it is the environment, and not aptitude, that is the primary issue here.

To rectify this gap, primary schools should consider introducing mandatory computer science courses – and consider how to make these courses more attractive to girls and their parents. The private and public sectors should focus on providing girls targeted extracurricular and summer programme opportunities that expose them to the exciting possibilities in technology and IT-related fields.

More active campus recruiting and career coaching is needed for women degree holders in these fields. Global icons like Sheryl Sandberg and Marissa Mayer inspire, but highlighting the achievements of home-grown heavyweights like Vivian Yam Wing-Wah and Nancy Ip would also help.

Without this gender diversity in science and technology, we will not have the cognitive and creative diversity for Hong Kong to compete globally. The government and other institutions must play a larger role in enabling innovation and encouraging women to participate in technological advancement. Increasingly, technology is not just driving economic progress, it is also influencing social and political change, and women need to participate in driving this change. Hong Kong's future depends on this.

Su-Mei Thompson is CEO and Lisa Moore is research associate at The Women's Foundation. The foundation is partnering with Microsoft on a GirlSpark camp to help build the pipeline of women entering science, technology, engineering and maths fields

## Commercial Radio row only the latest sign of a campaign to silence critics

The licensing controversy over Hong Kong Television Network had not even had time to subside before we were faced with a storm at Commercial Radio.

The storm erupted when Li Wei-ling, the outspoken host of the station's popular morning talk show, *On a Clear Day*, was removed from her current post and reassigned to a less prominent evening current affairs programme. The move was done without warning or consultation, she said.

*Next Magazine* reported that she was handpicked for criticism by Chief Executive Leung Chun-ying during a daily morning briefing of top government officials. The report further claimed that a pro-government figure then warned Li – a well-known government critic – to be careful if she wanted to keep her job. Not long after this warning, Li was informed last Friday that she would be reassigned to a new post.

It's obvious that this programme arrangement was politically motivated. The whole idea was to muffle any dissenting voice at Commercial Radio. Lee's days at the station are no doubt numbered.

History often repeats itself. This sudden job reassignment is similar to what happened to me and Wong Yuk-man a decade ago.

Now, as then, Commercial Radio's troubles stem from the harsh reality that its operating licence is up for renewal. In the face of political pressure, the broadcaster has chosen self-preservation, putting business interests ahead of anything else, even press freedom. In order to keep its licence, Commercial

**Albert Cheng** says politics played a part in decision to sideline an outspoken talk-show host, just as it did in the HKTU controversy



Radio would even kowtow to political pressure.

The only difference is that, in the past, central government leaders were even more bold and direct. Back then, Leung, who was the convener of the Executive Council, was said to have advised then chief executive Tung Chee-hwa to shorten the licensing period for

**Freedom of expression is suffering a slow death, like a frog being slowly boiled alive**

Commercial Radio, though Tung refused to do so.

Today, Leung is in charge and is tasked with reigning in the dissenting voices in the local media. At a time when his own popularity ratings have hit rock bottom, following a series of scandals, it's no surprise that Leung is determined to go all out to silence the press.

The high-handed manner in which the government has handled the HKTU licensing issue must have made Commercial Radio realise it's not worth the fight, forcing it to surrender without a struggle.

Sadly, Hong Kong's media has failed to offer full support to safeguard freedom of expression and press freedom. On the contrary, the media has accepted the matter as an ordinary programme arrangement at Commercial Radio.

Our media doesn't seem to realise press freedom and freedom of expression are suffering a slow death, like a frog being slowly boiled alive. How many media organisations do we need to lose before we know we have no voice and no column space to be able to speak out?

To be honest, if Leung really wants to control Commercial Radio, he still has the ultimate weapon. When television services were upgraded from analogue to high-definition, providers of analogue services were phased out. This approach successfully ended the issuing of licences for analogue TV.

In the same way, in the name of upgrading radio services, the government could go full speed ahead to develop digital broadcasting and phase out AM and FM services.

That way, no matter what Commercial Radio does, it still wouldn't be granted a new licence. End of story.

Commercial Radio deputy chairwoman Winnie Yu Tsang once proudly proclaimed that she respected history, cherished the present and believed in the future. It looks more like she is

living on past glory, and has failed to see the big changes of the future.

No matter what, Leung seems to have set his sights firmly on suppressing the mainstream media in order to please Beijing or protect his plummeting popularity.

The colossal task of protecting the remnants of press freedom and freedom of expression has been handed to the internet and online media as well as multimedia, all of which are still willing to speak the truth, hear the truth and speak out against injustice.

They have taken on the task of acting as government watchdogs and the fourth estate.

Like the D100 radio station, which I founded, many of us insist on the principles of "speaking the truth, promoting justice and showing mercy to all", as well as acting as an independent voice for Hongkongers.

If we want to see more online and internet media outlets flourish alongside the mainstream media, the public must give this new media their full backing.

It's not only about supporting budding radio stations or online channels, it's about safeguarding our freedom of expression, which is coming under increasing threat.

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## After a detour, Chinese help finds its way to the Philippines

**Trefor Moss** laments the time wasted because politics got in the way

With Sino-Philippine relations at rock bottom, the Chinese government this week decided to dispatch its most powerful navy ship to Philippine waters.

However, this was nothing to do with the two countries' nasty argument about who owns what in the South China Sea. Nor was the ship in question the PLA Navy's new aircraft carrier or a guided-missile destroyer.

This was the hospital ship Peace Ark, which will soon be treating sick and wounded survivors of Super Typhoon Haiyan, and to call it the People's Liberation Army's most powerful ship is no exaggeration. While naval analysts disagree about the calibre of China's warships, no one doubts that the Peace Ark is a world-beater – brand new, she is one of only a few purpose-built hospital ships in service anywhere, with room for 300 patients and eight operating theatres.

The ship was commissioned to respond to regional disasters exactly like the one the Philippines has just experienced, and she embodies the win-win ideal that China's leaders aspire to in their foreign-policy efforts: helping people in need while deservedly improving China's international image.

When it comes to boosting Chinese prestige, the Peace Ark has more firepower than any other ship in the PLA fleet.

Even so, Beijing has emerged from this win-win scenario looking less than triumphant. Super Typhoon Haiyan struck on November 8. It took 12 days

for the Chinese foreign ministry to confirm that the Peace Ark would be sent to assist, meaning she is unlikely to be treating typhoon victims until two to three weeks after the disaster. For the injured, that's a long time to hold on.

The Chinese government made the right decision, but spent too long fumbling its way towards it. The third plenum, an important Communist Party gathering held in Beijing last week, may have been a distraction; but China's leaders

**When the medics finally get to work, the relief of Filipinos will be tinged with disappointment**

were mainly influenced by their open contempt for Philippine President Benigno Aquino and his government, which has a track record of doing things Beijing doesn't like.

Now the men who run the Philippines may be worthy of China's contempt; who's to say? But the sick and the starving of Tanauan or Tacloban – people who cared nothing for their country's territorial disputes even before their homes were washed away – most definitely are not.

The political impulse to punish the Philippines for its

resistance to Beijing's territorial claims did eventually give way to the humane impulse to help people in extreme difficulty, but the shift was slow and unifying. First, China offered US\$100,000 in aid; rightfully embarrassed, it upped this to US\$1.6 million; and only when that, too, seemed woefully inadequate was the Peace Ark placed at Manila's disposal.

The Peace Ark still can, and will, make a huge difference. Sick and injured people will require treatment for months to come, and despite the delays the Peace Ark is still likely to be on the scene before the first American hospital ship, USNS Mercy, which is still in San Diego and won't reach the Philippines until December.

But the difference is that the US – and others – responded immediately with the assets they had in the region at the time. Around 50 American ships plus aircraft are helping out.

So when the medics of the Peace Ark finally get to work, the relief and gratitude of Filipinos will be tinged with a sense of disappointment that precious days were lost while political pride trumped humanitarian common sense.

The Peace Ark was built as a symbol of China's arrival as a great power. But, this week, she has been more a symbol of China's future potential – and of her leaders' present flaws.

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