OVERVIEW OF INTERNATIONAL MIGRANT WORKERS IN THE CARE, HOSPITALITY, AND ENTERTAINMENT AND INFORMAL ECONOMY SECTORS IN HONG KONG SAR, CHINA

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CONTENTS

Executive Summary 1

Introduction 4
- Context 4
- Methodology 5

Section I: Overview of Labour Migration and Migrant Workers Populations 8
- International migrant worker population overview 8
- Labour migration trends 9
- Care sector 11
- Hospitality sector 13
- Entertainment and informal economy sector 14

Section II: Migration Pathways 16
- Regular routes 16
- Irregular migrants 17

Section III: Recruitment Related Risks and Vulnerabilities of Migrant Workers 19
- Finding Jobs and managing recruitment 19
- Use of recruitment and employment agencies 20
- Deceptive recruitment practices 21
- Transparency during the recruitment processes 21
- Recruitment fees and related costs 23
- Financing recruitment fees and related costs 25

Section IV: Employment Related Risks and Vulnerabilities of Migrant Workers 27
- Excessive overtime 27
- Insufficient remuneration and withholding of wages 28
- Isolation and mental health challenges 29
- Abusive working conditions 29
- Physical and sexual violence 30
- Restrictions of movement and retention of identity documents 30
- Intimidation and threats 31
- Living conditions 32
- Discrimination 32

Section V: Other Risks and Vulnerabilities of Migrant Workers 33
- Access to services 33
- Grievance mechanisms 33

Section VI: Recommendations 35

Annex: Methodology 37

Terminology

Asylum seeker: An individual who is seeking international protection. In countries with individualized procedures, an asylum seeker is someone whose claim has not yet been finally decided on by the country in which he or she has submitted it. Not every asylum seeker will ultimately be recognized as a refugee, but every recognized refugee is initially an asylum seeker.

Debt bondage: The status or condition arising from a pledge by a debtor of his [or her] personal services or those of a person under his [or her] control as security for a debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

Family reunification: The right of non-nationals to enter into and reside in a country where their family members reside lawfully or of which they have the nationality in order to preserve the family unit.

Forced labour: All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself/herself voluntarily.

Grievance mechanism: a procedure that provides a clear and transparent framework to address complaints in recruitment and the workplace.

International migrant: Any person who is outside a State of which he or she is a citizen or national, or, in the case of a stateless person, his or her State of birth or habitual residence. The term includes migrants who intend to move permanently or temporarily, and those who move in a regular or documented manner as well as migrants in irregular situations.

Irregular migrant worker: A migrant who is not authorized to enter, to stay and to engage in a remunerated activity in the territory or state of employment pursuant to the law of that territory or state and to international agreements to which that State/territory is a party.

Irregular stay: The presence on the territory/State, of a non-national who does not fulfil, or no longer fulfils the conditions of entry, stay or residence in the State/territory.

Migrant domestic worker: refers to any person moving to another country or region to improve their material or social conditions and their family's prospects and engaging in domestic work within an employment relationship in the host society.

Migrant worker: A person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State/territory of which he or she is not a national.

Private employment agency/Private recruitment agency: any natural or legal person, independent of the public authorities, which provides one or more of the following labour market services:

(a) services for matching offers of and applications for employment, without the private employment agency becoming a party to the employment relationships which may arise therefrom;

(b) services consisting of employing workers with a view to making them available to a third party,

(c) other services relating to jobseeking, determined by the competent authority after consulting the most representative employers and workers organizations, such as the provision of information, that do not set out to match specific offers of and applications for employment.

Trafficking in persons: the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Unified Screening Mechanism (USM): the process used by Hong Kong SAR, China Authorities to screen all claims lodged by persons who fear harm upon return to their country of origin.

Acronyms

FDH
Foreign Domestic Helper

GDP
Gross Domestic Product

GEP
General Employment Policy

HKD
Hong Kong Dollar

ILO
International Labour Organization

IOM
International Organization for Migration

MAW
Minimum Allowable Wage

MDW
Migrant Domestic Worker

MW
Migrant Worker

NGO
Non-Governmental Organization

SEC
Standard Employment Contract

UN
United Nations

USM
Unified Screening Mechanism

EXECUTIVE SUMMARY

Labour migration is a powerful driver of prosperity, playing a crucial role in the development of the origin and destination countries of migrant workers. Safe, orderly and regular migration boosts the economy in destination countries by filling critical labour market gaps. This has been and continues to be the case in the Hong Kong Special Administrative Region of China (Hong Kong SAR, China), where international migrant workers are fundamental to the socio-economic development of the city. In 2021, 38.3 per cent of the total population of Hong Kong SAR, China were migrants and 13 per cent were international migrant workers, or individuals born outside of the territory and Mainland China.[1] An ageing population and a lack of local live-in carers have created a demand for migrant workers to provide essential elderly, child and domestic care to the city's residents, while for the hospitality and the entertainment and informal economy sectors, migrant workers fill gaps in the labour market resulting from high educational attainment and a desire for higher-paid roles among local workers. Thus, migrant workers are essential to sustaining vital industries, where demand is only likely to increase.[2]

This report provides an overview of international migrant workers in Hong Kong SAR, China and labour migration pathways and identifies recruitment and employment risks in the care, hospitality, and entertainment and informal economy sectors. For the purposes of this study, the care sector includes domestic work, commercial cleaning services and healthcare-related work such as private elderly care. The hospitality sector includes work in hotel, restaurants, bars, food retail, and food delivery; and the entertainment and informal economy sector includes work in beauty salons, massage parlours and nightclubs and unregulated economic activities, such as sex work and other work not recognized as normal income sources. On the basis of the direct insights gained from migrant worker surveys, in-depth interviews, and consultations with employers, migration experts, labour recruiters and civil society organizations, the report sets forth recommendations to promote regular migration pathways and fair and ethical recruitment and employment practices among key stakeholders in Hong Kong SAR, China.

The key findings from the report are as follows:

Overview of migrant worker populations across sectors – Data from the 2021 Census show that among the 13 per cent of the population of Hong Kong SAR, China that were international migrant workers, migrants originating from Asia and the Pacific made up the large majority (89%). Census data indicate that the most populous migrant groups were Filipino, Indonesian, Indian, Nepalese, Thai and Pakistani and that the majority of migrant workers were women (72%). Survey results indicate migrant workers in the care sector were predominantly women (95%) and made up of Migrant Domestic Workers (MDWs) originating mainly from the Philippines (36%) and Indonesia (29%). The hospitality sector employed international migrants in a variety of roles, from officebased roles to cleaners and housekeepers, with Nepalese (32%), Filipino (17%) and Indian (17%) workers making up the largest share of non-local employees. The entertainment and informal economy sector comprised formal employment, subcontract work and unregulated employment. Workers in this sector were predominantly Nepalese (29%), Thai (23%), Filipino (23%), Pakistani (13%) and Indian (10%). Gender distribution was skewed towards men migrant workers in the hospitality (57%) and

[1] Census and Statistics Department, 2021 Population Census. Population by Year and Place of Birth (2021).
[2] Labour and Welfare Bureau, Report on Manpower Projection to 2027, pp 33–40 (2019).

entertainment and informal economy (58%). Roughly a quarter (26%) of migrant workers had undertaken tertiary level education and may be considered overqualified for their work, particularly MDWs in the care sector (25%) and migrant workers from the Philippines (47%). The drivers of migration across all groups were to seek better employment and financial opportunities and to support family members back home.

Migration pathways – The surveyed migrant workers took regular and irregular migration pathways to Hong Kong SAR, China, with regular pathways being more common. The Foreign Domestic Helper (FDH) visa was the most common form of entry (37.3%) through which predominantly women migrants (91.2%) took up work in the care sector. The second most common pathway was family reunification via dependant visas (35.8%); this was most commonly used by men migrants and migrants from Nepal, India, Pakistan and Thailand. Migrant workers in the dependant visa category typically worked in the hospitality (55%) and entertainment and informal economy (45.2%) sectors. Irregular migrants included those without valid employment visas who had entered the territory on a tourist or FDH visa and overstayed, as well as those in employment not authorized by their visa conditions. The latter included individuals employed in the hospitality (11.7%) and entertainment and informal economy (6.5%) sectors, as well as those in unregulated forms of employment, such as sex work and informal contract work. Unified Screening Mechanism (USM) claimants (herein asylum seekers) without authorization to work were also likely to engage in employment in the hospitality and entertainment and informal economy sectors.

Risks and vulnerabilities during recruitment – Surveyed migrant workers in the care sector made use of private recruitment agencies in finding jobs (45.8%), while workers in the entertainment and informal economy (77.4%) and hospitality (68.3%) sectors more commonly found jobs through personal networks such as family and friends. Reliance on recruitment agencies rendered workers in the care sector vulnerable to unethical recruitment practices. 44.1% of surveyed migrant workers reported being unable to withdraw their job application at any time during the recruitment process. Conversely, in the hospitality and entertainment and informal economy sectors, workers were generally recruited locally, having already arrived in Hong Kong SAR, China via other migration pathways, such as on tourist, dependant or family reunification visas. Workers on short-term contracts or seasonal workers in these sectors were most at risk as employers outsourced their hiring to employment agencies in Hong Kong SAR, China, conducting little oversight of recruitment procedures, management of contracts and payment of salaries. Migrant workers across all sectors were vulnerable to exploitation; nearly a third (29.2%) of those surveyed did not receive a copy of their contract prior to employment. Migrant workers who migrated internationally for the first time were more likely to experience deceptive recruitment practices; they accounted for 36.4% of the surveyed migrant workers without a contract. Migrant workers in the entertainment and informal economy (51.6%) and hospitality (40%) sectors disproportionately lacked information about their employment situation during recruitment, putting them at risk of unfree recruitment. Mismatched expectations were most evident in the entertainment and informal economy sector, where the nature of the job (32.3%), living conditions (25.8%) and volume of work (22.6%) were reported to be worse than expected. Similarly, workers in the care sector found the required volume of work to be worse than expected (16.9%).

Excessive recruitment fees and migration-related costs – Roughly a third (32%) of the surveyed migrant workers paid recruitment agencies to secure their jobs, with women migrants in the care sector (21.9%) more likely to pay recruitment-related fees and costs than migrant workers in other sectors.

Recruitment fees and migration-related costs in some cases were up to 3.5 times the minimum allowable monthly wage[3] for MDWs and roughly 2.5 times the minimum wage[4] for workers in other sectors. In the hospitality and entertainment and informal economy sectors, subcontracted workers were vulnerable to higher recruitment fees as employers lacked oversight of the fees charged by recruitment partners. Men migrant workers were 19.1 per cent more likely to utilize savings to cover recruitment fees, while women were more likely to accrue debt. A substantial proportion of women migrant workers paid fees via salary deduction (15.7%), which is illegal under Hong Kong SAR, China laws[5]. Variation by country of origin was evident: Migrant workers from the Philippines were more likely to borrow money from family members (37.2%) to cover recruitment fees, while migrant workers from Indonesia were more likely to repay them through salary deduction (72.7%). In the care sector, MDW employers cited concerns about workers borrowing from money lenders or loan sharks and the stigma associated with workers with debt.

Employment-related risks – Migrant workers across sectors experienced exploitation risks, including excessive overtime, withholding of wages, isolation, abusive working conditions, physical and sexual violence, restrictions of movement, retention of identity documents and intimidation and threats. They reported being overworked: 56 per cent of the workers reported working over 10 hours a day. Workers in the care sector were disproportionately affected. Migrant workers on average earned lower wages than the local population, with MDWs in the care sector most affected, and across all sectors, forced overtime work without pay was reported. Withholding of wages was also reported by 11.7 per cent of the migrant workers who experienced unfair salary deductions. Migrant workers were exposed to abusive working conditions, with migrants in the care sector more at risk of hazardous work environments, harsh punishments and surveillance. A quarter (25.3%) of the migrant workers reported limitations to their freedom of movement, and passport withholding was a concern for those working in the care and entertainment and informal economy sectors. A minority of the workers faced challenging living conditions, with 10.7 per cent living in public housing and a significant proportion of migrants in the care sector living in a shared bedroom (23.7%) or communal space (11.9%) in their employer's home. Housing concerns included rent costs, unsanitary conditions and lack of privacy. Migrant workers across all sectors also reported experiencing isolation owing to their employment situation, discrimination, unfair treatment, and racism at work.

Access to services and grievance mechanism – Although mandated by the Hong Kong SAR, China labour laws, Migrant workers across sectors lacked access to basic protections such as paid maternity leave (64%), and health insurance coverage (41.3%), while only 38.7 per cent of the workers in the entertainment and informal economy sector had access to paid sick leave. While employers of MDWs in the care sector are required to provide health insurance, 19 per cent of the workers did not have access to health care. Efforts have been made by the authorities of the Hong Kong SAR, China to improve access to grievance for migrant workers. Migrant workers have the option of filing claims in their own language, while interpretation services are provided free of charge during proceedings. Migrant workers had a good knowledge of Hong Kong SAR, China's grievance mechanisms (40%), though barriers to reporting included fear of retaliation or termination of employment and difficulty finding another job.

[3] In Hong Kong SAR, China, Migrant Domestic Workers are entitled to receive a minimum salary, also known as the minimum allowable wage (MAW), which is set by the Hong Kong SAR, China authorities and revised on a regular basis and is less than the general minimum wage. The current MAW is HKD 4,870 per month (effective from 30 September 2023).

[4] The general minimum wage for all other sectors is HKD 40 per hour (as of May 2023).

[5] Labour Department, A Concise Guide to the Employment Ordinance (1997).

INTRODUCTION

CONTEXT

International migrant workers have been and continue to be fundamental to the socio-economic development of the Hong Kong Special Administrative Region of China (Hong Kong SAR, China). From the late 1960s to 2015, international migrants represented nearly 40 per cent of the population,[6] with migrant workers from the Southeast Asia region making up a substantial share of the migrant population.[7] Among the most populous groups of international migrants in Hong Kong SAR, China are Migrant Domestic Workers (MDWs) in the care sector, who make up a tenth of the total working population.[8] MDWs are essential to the city's economy, providing elderly care, childcare and domestic work to 12.3 per cent of all households.[9] A study on the economic contribution of MDWs found that in 2018, they contributed an estimated USD 12.6 billion to the economy of Hong Kong SAR, China, representing 3.6 per cent of the city's GDP.[10]

Despite the value of care contributed by MDWs, they are exceptionally vulnerable due to intersectional factors including, but not limited to, gender, socio-economic status, work nature, immigration status, discrimination based on ethnicity, and unethical recruitment practices. These risks of exploitation are not confined to the care sector. According to International Labour Organization (ILO) figures, the accommodation and food service sectors have the second highest prevalence of forced labour among women, after domestic work.[11]

The entertainment and informal economy sector remains outside of labour protection globally and some aspects of it are criminalized and highly stigmatized. Migrant sex workers in the entertainment and informal economy sector face regular threats of harassment and arrest which obstructs their ability to earn a living.[12] Workers in this sector are also vulnerable to exploitation, forced labour and human trafficking and face higher rates of job instability, which worsened during the Covid-19 pandemic.[13]

There is a lack of comprehensive information on the full scope of international migrant workers in Hong Kong SAR, China from different countries of origin and in various sectors. Available data on migrant workers mainly discuss the risks and vulnerabilities of MDWs in the care sector from the Philippines and Indonesia.[14] There is also limited data on migration pathways and the working and living conditions of migrant workers in the entertainment and informal economy (e.g. beauty salons, massage parlours, nightclubs) and the hospitality (e.g. bars, restaurants, hotels) sectors, as well as on workers from other countries of origin, such as India, Nepal, Pakistan, Sri Lanka and Thailand.[15]

In order to address these information gaps, this study seeks to better understand the situation of international migrant workers in the care, hospitality, and entertainment and informal economy sectors in Hong Kong SAR, China and to articulate the unique risks and vulnerabilities that migrant workers from various countries

[6] The World Bank, International migrant stock (% of population) - Hong Kong SAR, China (2015).
[7] Kevin Hewison and Ken Young, Thai workers in Hong Kong, Transnational Migration and Work in Asia, pp. 104-123 (Routledge, 2006)
[8] Ian Cheung, Who is responsible for Hong Kong's invisible migrant workers? New Perspectives in Foreign Policy, 13:21–24 (2017).
[9] Census and Statistics Department, Thematic Household Survey Report No.72 (2021).
[10] Experian and Enrich, The Value of Care: Key Contributions of Migrant Domestic Workers to Economic Growth and Family Well-being in Asia (2019).
[11] International Labour Organization, Methodology of the Global Estimates of Modern Slavery: Forced Labour and Forced Marriage (Geneva, 2017).
[12] International Labour Organization, Public Attitudes Towards Migrant Workers in Japan, Malaysia, Singapore, and Taiwan (Geneva, 2019).
[13] International Organization for Migration, Socioeconomic Impact of COVID-19 on Migrant Workers in Cambodia, Lao People's Democratic Republic, Myanmar and Thailand (Thailand, 2021).
[14] Yingtong Lai and Eric Fong, Work-related aggression in home-based working environment: Experiences of migrant domestic workers in Hong Kong; Nicole Constable, Maid to Order in Hong Kong: Stories of Migrant Workers; Wayne Palmer, Public Private Partnerships in the Administration and Control of Indonesian Temporary Migrant Labour in Hong Kong; Asian migrant centre (AMC), Baseline Research on Racial and Gender Discrimination Towards Filipino, Indonesian and Thai Domestic Helpers in Hong Kong.
[15] Puja Kapai Paryani, The Status of Ethnic Minorities in Hong Kong: 1997-2014; AKM Ahsan Ullah, Bangladeshi Migrant Workers in Hong Kong: Adaptation Strategies in an Ethnically Distant Destination; Akram Emile Mohamed, "Migration Intermediaries".

face during their recruitment and employment across these industries. The research provides an overview of migrant worker populations and labour migration pathways, identifies the risks and vulnerabilities in recruitment and employment, and sets forth recommendations to promote regular migration and the fair and ethical recruitment and employment of migrant workers in Hong Kong SAR, China.

METHODOLOGY

The study employed a multimethod approach consisting of a review of the existing literature and available data on international migrant populations and targeted primary data collection, including a survey of 150 migrant workers across the care (40%), hospitality (40%) and entertainment and informal economy (20%) sectors and semi-structured interviews with 18 migrant workers, 11 employers and 16 key informants (migration experts, recruitment agencies and civil society organizations). The study's survey employed a place-based and respondent-driven sampling approach to ensure broad representation of countries of origin and service sectors (see Annex: Methodology).

For the purposes of this study, the surveyed service sectors are defined as follows:

The care sector includes domestic work, typically involving child and elderly care, cooking and cleaning in private homes;[16] healthcare (e.g. private elderly care); and commercial cleaning work.

The hospitality sector includes accommodation and food services, encompassing work in restaurants, bars, food retail, food delivery services, hotels, and hospitality-related supply chains (e.g. cleaning, construction, waste management).

The entertainment and informal economy sector includes work in beauty salons, massage parlours and nightclubs, including security services and economic activities that are not protected or regulated by the authorities, such as sex work, and other work not recognized as normal sources of income.

[16] International Labour Organization, Care Work and Care Jobs for the Future of Decent Work (Geneva, 2018).

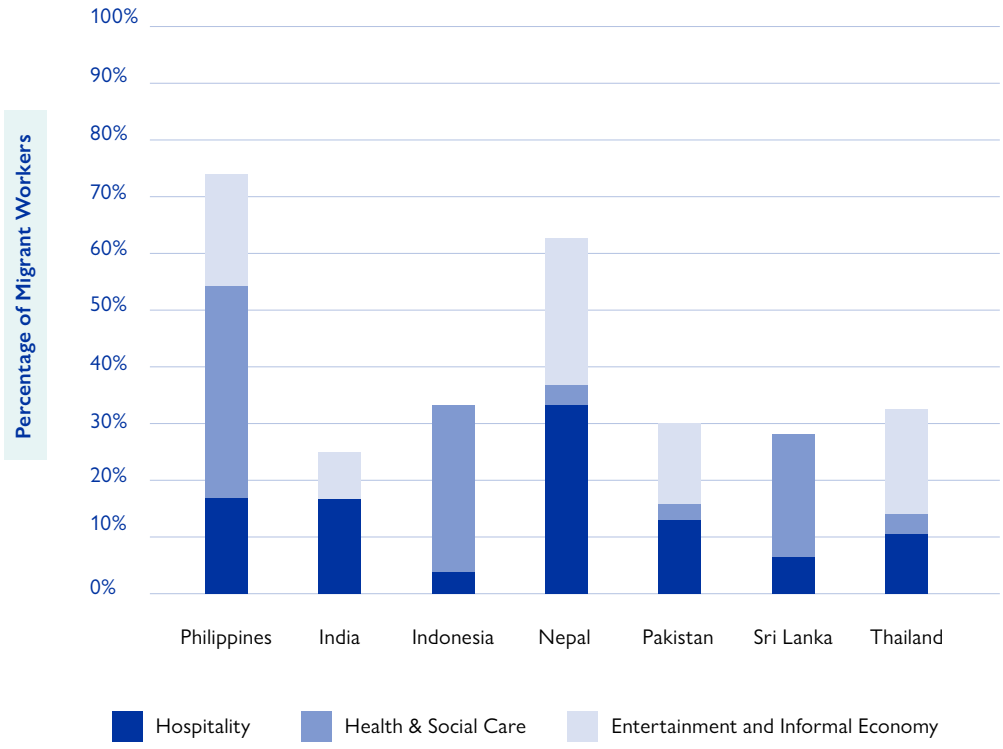
A full breakdown of the primary data collection methods by sector is presented in the tables in Annex.

In understanding the migrant worker population of Hong Kong SAR, China, it is necessary to consider variation in experience by nationality. Thus, the study targeted migrant workers from 10 countries of origin for inclusion on the basis of proportionality within the overall migrant population. The most populous groups in the sample were Filipino (25%), Nepalese (20%), Indonesian (13%) and Sri Lankan (11%) workers, in line with the data on population breakdowns within target sectors obtained from the Census and Statistics Department. Migrant workers from Thailand, India and Pakistan represented less than 10 per cent of the sample respectively. The distribution of workers' country of origin per sector is provided in Figure 1.1.

Challenges and limitations

The research protocol, which was based on an extensive secondary data review, provided clear criteria to guide the sampling selection across different locations and employment sectors. Given the lack of pre-existing information about the sample targets, clear targets by sector and migrant workers' country of origin were developed and implemented via the flexible quota sampling approach. A purposive sampling approach was implemented. It is also important to note that the sample is not necessarily representative of the overall population, and this should be taken into consideration when interpreting the findings. Despite the inability to make statistical generalizations in employing this approach, logical generalizations can be made using the collected data, and thus the sampling methods were the most appropriate, cost-effective, and time-effective methods available.

Figure 1.1 Country of origin of surveyed migrant workers across sectors



Another limitation identified while survey participants was the high refusal rate, with enumerators reporting refusals from around 40 to 60 per cent of direct respondents. Some of the reasons cited for refusal were language barriers and unavailability during business hours. These limitation were mitigated by recruiting additional enumerators with knowledge of the respective communities who built trust and encouraged participants to take part. Surveying migrant workers as well as employers in the entertainment and informal economy sector was particularly challenging. This was likely due the nature of this sector (e.g. sex work, informal work) and workers being particularly difficult to reach, even through Non-Governmental Organizations (NGOs) working with workers in this sector. Employers in the sector may have been reluctant to be interviewed owing to the presence of workers without work authorization at their establishments. As a result, most of the insights pertaining to these hidden populations are based on key informant interviews with organizations directly interacting with workers in the sector and a comparatively smaller number of direct interviews.

SECTION I:
Overview of Labour Migration and Migrant Worker Populations

INTERNATIONAL MIGRANT WORKER POPULATION OVERVIEW

According to the 2021 population census data, international migrants represented 8.4 per cent 38.3 per cent of the population in Hong Kong SAR, China.[17] In 2021, there was a 59.7 per cent labour force participation rate in the city. Although there is no official measure of international migrant workers among the labour force, it is known that 13 per cent were born outside of Hong Kong SAR, China and Mainland China and as such can be considered as the international migrant worker population. International migrant workers originating from Asia and the Pacific region were by far the largest international migrant group in the territory, representing 88.8 per cent of the international migrant worker population, other sizable groups being migrant workers originating from the Americas (3.8%), the United Kingdom (3.5%) and the rest of Europe (3.2%).[18]

While the Census and Statistics Department data do not provide a breakdown of sectors of work for migrant workers in Hong Kong SAR, China, a consideration of sectors of employment for the working population by country of origin can shed light on the employment situation of migrant workers in the city. Figure 1.2 indicates the sectoral breakdown of working populations from various countries of origin in the key sectors of interest.

Figure 1.2 Working population in key sectors by nationality (2021/2022)[19] [20] [21]

FILIPINO	• 191,783 Migrant domestic workers • 2,998 Accomodation and food services	**194,781**
INDONESIAN	• 140,057 Migrant domestic workers • 1,072 Accomodation and food services	**141,129**
INDIAN	• 4,087 Migrant domestic workers • 1,345 Accomodation and food services	**5,432**
NEPALESE	• 3,227 Migrant domestic workers • 589 Social and personal services	**3,810**
THAI	• 2,403 Social and personal services • 1,240 Accomodation and food services	**3,643**
PAKISTANI	• 466 Accomodation and food services • 285 Social and personal services	**751**

[17] Census and Statistics Department, 2021 Population Census. Population by Year and Place of Birth (2021)
[18] Ibid.
[19] Social and personal services include FDHs and workers in the entertainment sector as per government classifications.
[20] Immigration Department, Access to Information Request. Visa Status by Nationality. Foreign Domestic Helpers (2022).
[21] Census and Statistics Department, 2021 Population Census. Working Population by Year, Nationality and Industry (2021).

LABOUR MIGRATION TRENDS

Since the late 1960s, migrant workers from the Southeast Asia region have made up a significant share of the population in Hong Kong SAR, China.[22] Trends towards migrant inflows of domestic workers in the care sector began in 1969, becoming significant in the early 1980s[23] and totalling 70,335 in 1990. MDW populations were largely made up of migrant workers from the Philippines and Indonesia.

Other waves of migration to the city in this period included the entry of over 200,000 Vietnamese refugees and migrants under the 'Port of First Asylum' policy from 1975 to 1997 and then under the Widened Local Resettlement Scheme in 2000, which allowed eligible Vietnamese migrants to apply for settlement.[24]

Nepalese migrant workers are another notable, albeit small, population in Hong Kong SAR, China owing to the administration granting right of abode to Nepalese children born in the city before 1983 and to Gurkha soldiers. While there were only 340 Nepalese nationals in the territory in the mid-1990s, by 1999 this population had grown to 17,681. Applications for family reunification via dependant visas continue to allow family members of Nepalese citizens with right of abode to migrate to the city. Other South Asian groups, such as Indians and Pakistanis, similarly have historical ties to the city as they were recruited as government officials in the nineteenth century and were followed by others who arrived as sailors and traders.

In recent decades, the migration of domestic workers to work in the care sector has further increased, with numbers totalling 339,451 by the end of 2021.[25] An ageing population and estimates that one third of Hong Kong SAR, China citizens are expected to be over 65 by 2064 indicate that the need for international migrant workers in the care sector will likely increase.[26] Projections by the Hong Kong SAR, China authorities suggest that demand for MDWs will increase to 600,000 by 2047.[27]

Migrant worker demographics

According to research by UN Women, trends related to the gender of migrant worker populations in Hong Kong SAR, China show disproportionate employment of women migrant workers in the care sector.[28] Thus, in addition to analysing risks by sector and country of origin, the study also explored gender differences in migrant worker vulnerability. Gender distribution trends found in the literature were reflected in the surveyed sample, where women migrant workers represented 72 per cent of all migrant workers surveyed, or 108 respondents in total (see Figure 1.3). This gender difference was more pronounced when looking at the care sector, where only 5 per cent of the surveyed migrant workers were men (Figure 1.4). Men migrant workers made up a larger proportion of the population working in the hospitality (57%) and entertainment and informal economy (58%) sectors. Considering the gender distribution of different countries of origin, the data indicated that migrant workers from Pakistan (79%) and India (85%) were predominantly men, while less than half (37%) of migrant workers from Nepal were men. A smaller proportion of the Thai, Sri Lankan and Filipino migrant workers surveyed were men, while all other respondents were women.

[22] Kevin Hewison and Ken Young, Thai workers in Hong Kong, Transnational Migration and Work in Asia, pp. 104-123 (Routledge, 2006).
[23] Ronald Skeldon, Labour migration to Hong Kong, ASEAN Economic Bulletin, 201-218 (1995).
[24] Hong Kong SAR, China authorities, Population and Immigration. Yearbook: Vietnamese Refugees and Migrants.
[25] Seefar, Making Migration Work: Understanding Forced Labour Amongst Migrant Domestic Workers in Asia (2019).
[26] Census and Statistics Department, Hong Kong Population Projections 2015-2064 (2015).
[27] Phila Siu, Hong Kong will need 600,000 domestic helpers in next 30 years amid demand for elderly care, labour chief says, South China Morning Post (2017).
[28] UN Women, Reviews of Laws, Policies, and Regulations Governing Labour Migration in Asian and Arab States: A Gender and Rights Based Perspectives (Bangkok, 2013).

Figure 1.3 Gender distribution of surveyed migrant workers

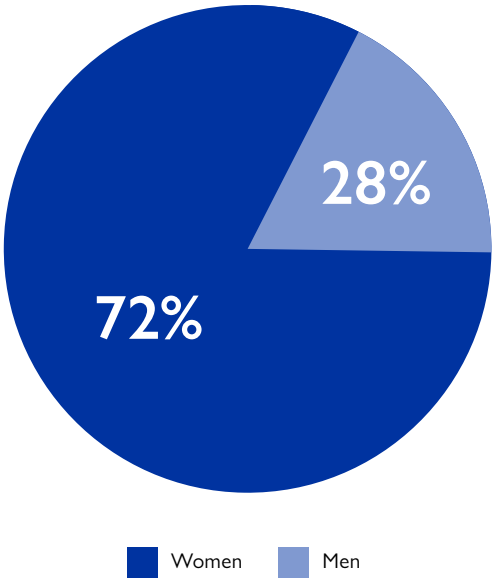
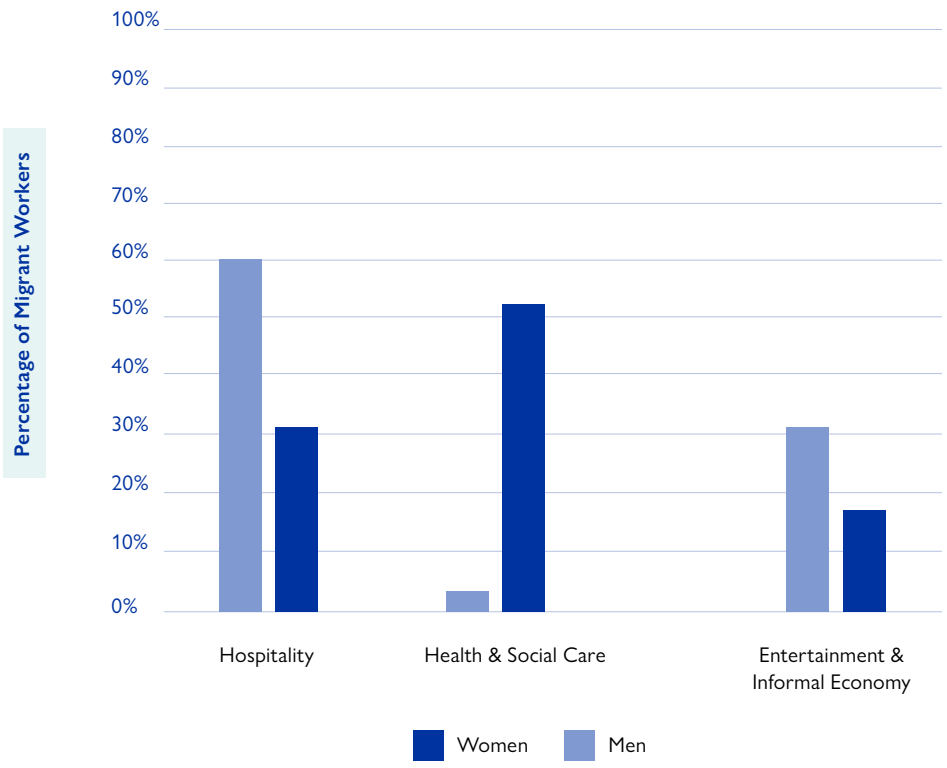


Figure 1.4 Gender of surveyed migrant workers across sectors

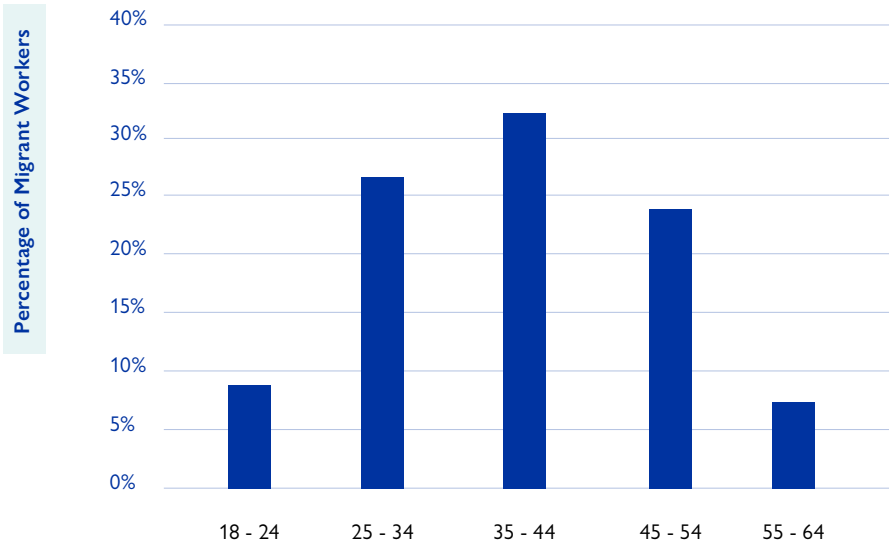


The majority (84%) of the migrant workers interviewed were between the ages of 25 and 54. Figure 1.5 shows the age distribution of the sample. Roughly a quarter (26%) of the respondents had completed tertiary level education, while the others had lower levels of education. Prior research suggests that migrant workers, particularly MDWs in the care sector, are overqualified for their work.[29] The study data triangulated this, indicating that roughly a quarter of the surveyed migrant workers in the care sector had a graduate degree, although this is not a prerequisite for MDWs who make up the large majority of workers in this sector.[30] Among the migrant worker groups, migrant workers from the Philippines had the highest level of tertiary education (47%). The in-depth interviews further illustrated this point regarding migrants being overqualified: One Thai interviewee working in the care sector had been a nurse in her country of origin, but she reported that she was unable to practise nursing in Hong Kong SAR, China, despite having right of abode, due to her qualification not being recognized by the local authorities.

CARE SECTOR

The care sector encompasses child and elderly care in private homes and healthcare centres,[31] including direct and relational care activities such as childcare and indirect care encompassing cooking and cleaning. In the Hong Kong SAR, China context, these types of work are mostly undertaken by MDWs.[32] Insights into the care sector were obtained via a migrant worker survey and in-depth interviews with migrants (Table 1), five employers of MDWs and five recruitment agencies.

Figure 1.5 Age distribution of surveyed migrant workers



[29] Megha Amrith, The Invisible Labour of Women Migrants in the Care Sector, United Nations University, UNU-GCM, Policy Report 03/06 (2015).
[30] Immigration Department, Foreign Domestic Helpers.
[31] Megha Amrith, The Invisible Labour of Women Migrants in the Care Sector, United Nations University, UNU-GCM, Policy Report 03/06 (2015).
[32] International Labour Organization, Care Work and Care Jobs for the Future of Decent Work (Geneva, 2018).

MDWs made up the large majority of the migrants surveyed in this sector.[33] According to the Immigration Department, over 90 per cent, or 331,840 workers, of this predominantly women MDW population[34] originate from the Philippines and Indonesia. This was triangulated by the survey data, which confirmed that Filipino (36%) and Indonesian (29%) migrant workers were the largest population employed in the care sector (Figure 1.6). A majority of the Sri Lankan migrant workers interviewed (77%) were also employed in this sector. Figure 1.6 provides a breakdown of the migrant population in the care sector for this study by country of origin. Key informant interviews with NGOs indicated that MDWs from India, Pakistan and Bangladesh are often hired by families of the same country of origin, with contracts facilitated via direct hire or through recruitment agencies, whereas Filipino and Indonesian workers commonly use recruitment agencies recommended to them by family, friends or intermediaries. Key drivers of migration for migrant workers in this sector included financial gain, and a need to support family members.

Figure 1.6 Surveyed migrant workers in the care sector by country of origin

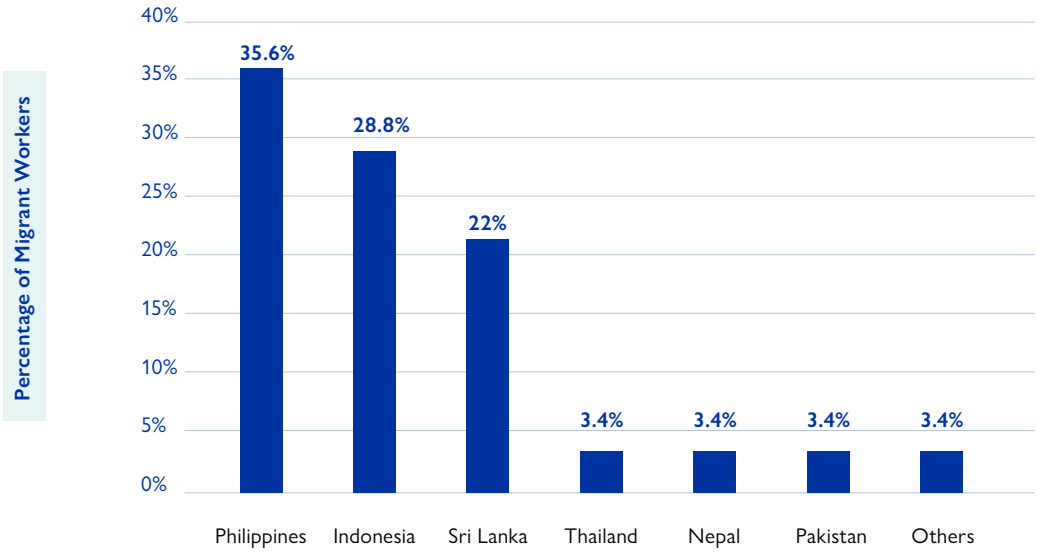


Table 1 In-depth interviews in the care sector

Profession	Country of Origin	Gender	Interview Count
Hospital Worker	Bangladesh	F	1
Migrant Domestic Worker	Indonesia	F	3
Migrant Domestic Worker	Sri Lanka	F	2
Migrant Domestic Worker	Philippines	F	2

[33] Ian Cheung, Who is responsible for Hong Kong's invisible migrant workers? New Perspectives in Foreign Policy, 13:21–24 (2017).
[34] UN Women, Reviews of Laws, Policies, and Regulations Governing Labour Migration in Asian and Arab States: A Gender and Rights Based Perspectives (Bangkok, 2013).

HOSPITALITY SECTOR

The hotel, catering and tourism sector is one of the fastest growing and top job-creating sectors in the global economy, and it is common for migrant workers to find jobs in the sector.[35] While it is evident that the hospitality sector in Hong Kong SAR, China employs migrant workers, historically there has been a lack of data documenting migrant worker demographics, recruitment, and employment conditions in the sector.

The survey data indicated that the largest migrant group employed in the hospitality sector originated from Nepal (32%); this is in line with the Census and Statistics Department data which identifies Nepalese migrants as the most populous ethnic group working in accommodation and food services.[36] Insights from the key informant and employer interviews (Table 2) confirmed that Nepalese migrants made up the largest share of non-local employees in the sector, working as waitresses or chefs while on dependant visas. Figure 1.7 presents the breakdown of surveyed migrant workers in the hospitality sector by nationality. Employers reported that migrant workers originating from lower-middle income countries tended to work as kitchen or waiting staff, while migrant workers from high-income countries were more likely to be recruited for office-based or professional roles. Cleaning staff in general tended to be workers originating from South Asia and Africa. In the hospitality sector, the main reported drivers of migration for migrant workers were to improve their financial circumstances and to seek better employment opportunities.

Figure 1.7 Surveyed migrant workers in the hospitality sector by country of origin

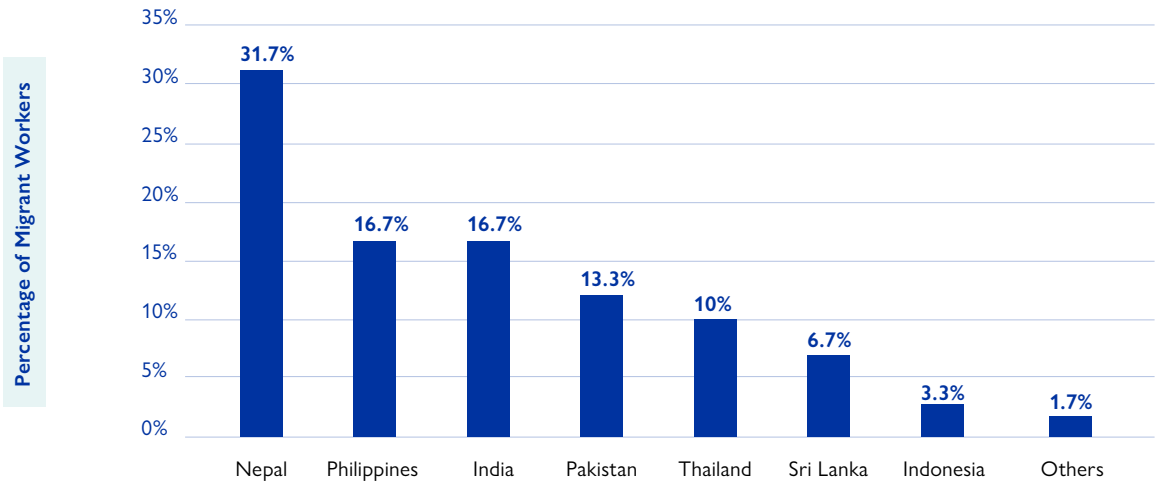


Table 2 In-depth interviews in the hospitality sector

Profession	Country of Origin	Gender	Interview Count
Food delivery driver	Pakistan	M	2
Restaurant chef	Thailand	F	1
Hotel worker	Philippines	F	1

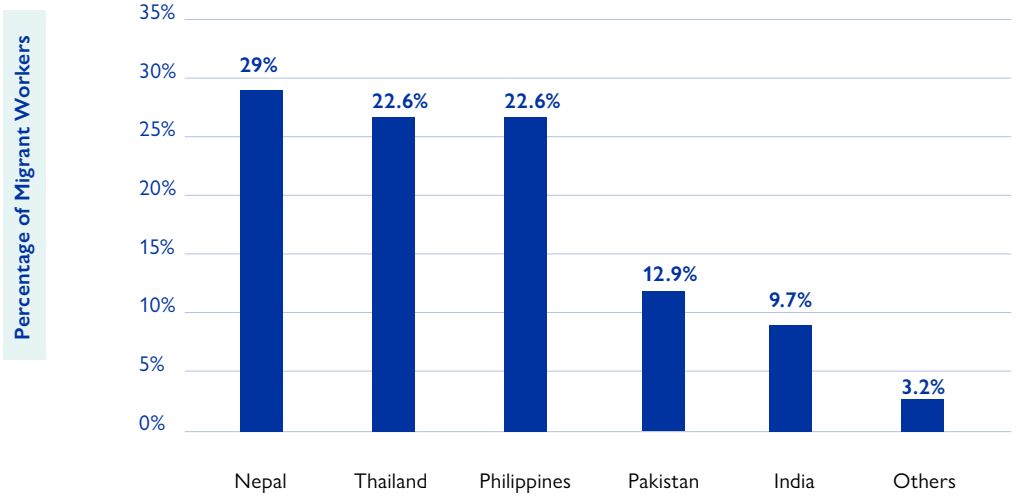
[35] International Labour Organization. Hotels, catering and Tourism Sector. Hotels, catering and tourism sector (2022).
[36] Census and Statistics Department, 2021 Population Census. Working Population by Year, Nationality and Industry (2021).

ENTERTAINMENT AND INFORMAL ECONOMY SECTOR

While migrant workers in Hong Kong SAR, China are employed in the entertainment industry, the sector is not well understood as the existing research focuses on sex work and there is a lack of available data on other types of work in the sector, including work in massage parlours and beauty salons and various forms of informal work.[37] Migrant workers undertake a range of work in the sector, from dancers, receptionists in bars and nightclubs to escorts. There is a lack of data on the number of women working in the sex industry in the city; however, in 2006, it was estimated that the industry employed approximately 200,000 women.[38] Work in the entertainment and informal economy sector is characterized by unsafe or unhealthy working conditions, low or irregular income, and a lack of access to information, with workers not being protected under labour legislation.[39]

Figure 1.8 provides a breakdown of surveyed migrant workers employed in the entertainment and informal economy sectors country of origin. Key informant interviews (Table 3) provided further insights into the work undertaken by migrant workers of different nationalities within this sector. Individuals of Filipino origin reportedly worked as singers, dancers and musicians in local bars and hotels. Interviews with NGOs indicated that migrant workers who were engaged in sex work were individuals of Thai, Filipino, Russian and East African origin. Migrant workers in this sector, particularly Pakistani, Indian, African and Nepalese workers, are also subcontracted for cleaning and informal security roles. In-depth interviews with migrant workers in this sector indicated that the most common driver of migration was to earn money to support family members.

Figure 1.8 Surveyed migrant workers in the entertainment and informal economy sector by country of origin



[37] Megha Amrith, The Invisible Labour of Women Migrants in the Care Sector, United Nations University, UNU-GCM, Policy Report 03/06 (2015).
[38] William C W Wong, Eleanor Holroyd, Amie Bingham, Stigma and sex work from the perspective of women sex workers in Hong Kong, Sociology of Health & Illness, 33(1): 50–65 (2011).
[39] International Labour Organization, Informal Economy (2023).

Table 3 In-depth interviews in the entertainment and informal economy sector

Profession	Country of Origin	Gender	Interview Count
Massage Therapist	Thailand	F	1
Customer Service Worker	Philippines	M	1
Wax Therapist	Philippines	F	1
Sex Worker	United Republic of Tanzania	F	1
Sex Worker	Uganda	F	1
Sex Worker	Kenya	F	1

SECTION II:
Migration Pathways

There are various migration pathways to enter Hong Kong SAR, China, including regular and irregular routes. Hong Kong SAR, China's immigration legislation imposes entry restrictions on migrant workers from some countries of origin under certain types of visa. Migrants with limited opportunities for regular migration may opt for irregular pathways, undertaking employment without legal authorization to work.

REGULAR ROUTES

Foreign Domestic Helper visa

The majority of the migrant workers surveyed had taken regular migration routes to Hong Kong SAR, China. The largest group used the Foreign Domestic Helper (FDH) visa (37.3%), with surveyed women migrant workers representing 91.2 per cent of this group. Surveyed Sri Lankans (88.2%), Indonesians (73.7%) and Filipinos (52.6%) working in the other targeted sectors were also most likely to be on this type of visa. The survey findings were supported by data from the Census and Statistics Department that noted that the most common sector of employment for Filipino (93%), Indonesian (97%), Indian (22%) and Thai (33%) nationals is miscellaneous social and personal services, which includes domestic work.[40] Migrant workers in the care sector can enter the territory on an FDH visa, and there is no set limit to the number of visas issued to MDWs.[41] This migration route is regulated by the Labour Department and the Immigration Department in Hong Kong SAR, China. The Employment Agencies Administration of the Labour Department grants licences to employment agencies that have authority to recruit foreign workers from abroad and oversees enforcement of the Code of Practice[42] for employment agencies. Migrant workers will then enter into an Standard Employment Contract (SEC)[43] for MDWs that is approved by the Immigration Department.[44] In addition, the legal status of MDWs is subject to a number of conditions of stay set by the Immigration Department, which requires them to engage only in domestic work, to "live in" with their employer and to only work at the residence specified in the SEC.

Dependant visas

The second largest group of migrant workers surveyed held dependant visas (35.8%). Immigration Department data indicate that in 2021, a total of 21,219 migrant workers, both lowskilled and professional migrants, entered Hong Kong SAR, China on a dependant visa, with Indian (9.2%), Pakistani (4.1%), Nepalese (2.8%) and Filipino (2.3%) workers among the recipients.[45]

According to the findings of the survey, Nepalese (90%), Pakistani (50%) and Thai (46.7%) migrant workers were most likely to be on this type of visa. Individuals on a dependant visa were mostly employed in the hospitality sector (55%), followed by the entertainment and informal economy sector (45.2%). Employers confirmed that a large proportion of migrant workers in the hospitality sector were on a dependant visa or had permanent resident status.

[40] Census and Statistics Department, Population Census: Interactive Data Dissemination Service. Working Population by Year, Nationality and Industry (2021)Note: Data are inclusive of Filipino non-migrant workers in Hong Kong SAR, China.
[41] Immigration Department, Foreign Domestic Helpers.
[42] Labour Department, Code of Practice for Employment Agencies (2022).
[43] Immigration Department, Standard Employment Contract and Terms of Employment for Helpers (2023).
[44] Immigration Department, Foreign Domestic Helpers.
[45] Immigration Department, Access to Information Request. Visa Status by Applicant's Region (2021).

Migrant workers on employment visas - excluding FDH visa and on dependant visas are eligible to apply for permanent resident status in Hong Kong SAR, China after residing in the city for a period of seven years. Of the migrant workers surveyed, 11 per cent reported having acquired permanent resident status. Permanent resident status was most common among the surveyed Indian migrant workers (23.1%).

Working visas

Other less common regular pathways to employment in Hong Kong SAR, China reported in the survey included imported workers/supplementary labour scheme visas (4%) and General Employment Policy (GEP) visas (2%). These visas do not apply to individuals from Viet Nam, Nepal and Lao People's Democratic Republic, among other countries of origin.[46] In 2021, of the 5,627 recipients of supplementary labour visas, nationals of Thailand (75), India (39) and the Philippines (21) were the most common recipients of visas for low-skilled workers.[47] Survey respondents onworking visas were employed either in the hospitality sector or the entertainment and informal economy sector. One employer in the entertainment industry confirmed that the majority of their staff were on (GEP) visas, while multiple employers in the hospitality sector noted that only a small proportion of their staff members were on the GEP visa, which was in line with the low reported rates in the survey.

IRREGULAR MIGRANTS

The main irregular migration pathway to the city is overstaying on tourist or FDH visas.[48] However, there are also migrants who have authorization to remain in Hong Kong SAR, China but are engaged in forms of employment that are unauthorized according to their visa status.[49]

The in-depth interviews confirmed that irregular migrant workers remain in the city to undertake work and as such commit immigration violations under the Immigration Ordinance While FDH visas only permit migrant workers to undertake domestic work within the private residences of their employers, 11.7 per cent of migrant workers in the hospitality sector and 6.5 per cent in the entertainment and informal economy sector reported being on this type of visa. Employers in the entertainment and informal economy sector reported that it was common for some establishments providing temporary work to recruit migrants without a valid visa. The in-depth interviews with sex workers and NGOs indicated that workers migrate to Hong Kong SAR, China with the plan to obtain a tourist visa on arrival in order to enter the city and engage in sex work, which is not permitted under this visa status. Workers in the informal economy similarly reported undertaking manual labour or service jobs while on an FDH visa or tourist visa, breaching their conditions of stay. Some were reluctant to disclose their visa status, which may be indicative of their vulnerability or irregular status. In some cases, workers reported that they had overstayed their visas and were subsequently rendered irregular migrants, with one worker reportedly staying as long as three years on a tourist visa while undertaking informal work without a contract.

[46] For further information, please visit https://www.immd.gov.hk/eng/services/visas/imported_worker.html.
[47] Immigration Department, Access to Information Request (2023).
[48] S. Yip, The status of undocumented migrant workers and their legally enforceable rights in Hong Kong, Hong Kong Journal of Legal Studies, 1: 59–87 (2007).
[49] Maria Cecilia Hwang, Gendered border regimes and displacement, Signs Journal of Women in Culture and Society, 43(3):515-537 (2018).

Asylum seekers

By the end of September 2021, the Immigration Department had received a total of 21,225 claims since the implementation of the Unified Screening Mechanism (USM),[50] 77 per cent of which were made by overstayers.[51] Data from the Immigration Department indicate that as of 2022, the most populous groups claiming asylum in Hong Kong SAR, China were Vietnamese (3,056), Indonesian (2,470), Pakistani (2,395), Indian (1,975), Bangladeshi (1,741) and Filipino (1,343) nationals. One NGO representative explained that as asylum seekers in the city do not have the right to work, many undertake unauthorized work in order to survive. Asylum seekers are at increased risk because of their immigration status and increased likelihood of engaging in informal employment.

[50] Immigration Department, Number of USM Claims Filed after Arrest (2021).
[51] Immigration Department, Fact and Statistics: Enforcement (2022).

SECTION III:
Recruitment Related Risks and Vulnerabilities of Migrant Workers

FINDING JOBS AND MANAGING RECRUITMENT

Beginning at the job-finding stage, the migration experiences of migrant workers diverge at the recruitment stage across sectors and countries of origin. While the recruitment experience and job finding of some of the surveyed and interviewed migrants had been facilitated by a recruitment agency, some had made use of personal networks or digital tools to find their jobs.

Across sectors, networks of friends and family members served as the primary source of finding jobs for a majority of the surveyed migrant workers (54%) seeking work in Hong Kong SAR, China. Compared with migrant workers in the care sector, migrant workers in the entertainment and informal sector (77.4%) and the hospitality sector (68.3%) relied on networks of family and friends in finding jobs. This may be due to the fact that employers are reportedly less likely to facilitate overseas recruitment in these sectors. As a result, most workers migrate via dependant visas and find jobs upon arrival.

The findings showed that recruitment in the hospitality sector takes place via local job boards, with training and onboarding taking place locally in Hong Kong SAR, China after hiring. In the entertainment and informal economy sector, sex workers from Uganda, Tanzania and Kenya reported migrating upon the recommendation of community members who had previously found work in the city upon arrival. Individuals in these sectors did not report utilising the services of an agent or labour recruiter in migrating to Hong Kong SAR, China rather, they organized their own travel and accommodation. Independent migration was less common in the care sector, although one MDW noted that direct hiring via referral was a cheaper option and was becoming more popular among South Asian migrant workers.

Recruitment facilitated by labour recruiters was more common among migrant workers in the care sector: 45.8 per cent of stated that they had found their current job via a labour recruiter. As migration pathways in the care sector are well established and, in the case of MDWs, regulated by the Hong Kong SAR, China Labour Department, it is unsurprising that use of labour recruiters is more common among this group. The survey findings were triangulated by the findings of the in-depth interviews with migrant workers and employers, who reported being matched through recruitment agencies.

In addition to variation across sectors, migrant workers from different countries reported relying on different mediums to look for jobs in the recruitment process. During their job-searching process, Indonesians (73.7%) were more likely to utilize recruitment agencies, while Nepalese (83.3%), Pakistanis (85.7%) and Indians (69.2%) relied more on friends and family networks. Filipino migrant workers tended to rely more on personal networks (39.5%), although a significant number utilized the services of a labour recruiter (28.9%). An in-depth interview with a Filipino singer working in the entertainment and informal economy sector revealed that the agent was central to her migration process, allowing her to secure jobs with limited awareness of the recruitment process.

Use of digital technologies

In addition to personal networks and employment agencies, migrant workers and employers reported making use of digital technology in the recruitment process. Social media was utilized by migrant workers to find jobs; 13.6 per cent of the surveyed migrants in the care sector, particularly Filipino (13.2%), Sri Lankan (11.8%) and Indonesian (10.5%) migrant workers, reported using social media in their job searches. Thai migrant workers also utilized online sources: 20 per cent of those surveyed reported finding their job either via a company website or through social media. Interviewed MDW employers reported hiring workers through online mediums such as Facebook groups and online recommendations from friends or previous MDWs. NGO key informant interviews reported that in some cases, migrant sex workers were recruited via social media channels such as Facebook.

Temporary workers

The findings from interviews with employers suggested that subcontracting is common for security guards, cleaners and event staff across industries. In the entertainment and informal economy sector, the interviewed nightclub owner explained using licensed employment agencies to hire security guards and to manage visa applications, contracts, salaries, insurance and other logistics for employees. The interviewed industry representative was unaware whether migrant workers were charged recruitment fees for these services and had minimum interactions with recruiters. He reported that he selected recruiters on the basis of reputation. In the hospitality sector, one employer reported that hotels commonly use local informal recruiters to hire temporary workers for large events, with recruiters managing the hiring and employment of contracted staff. In the restaurant industry, one employer reported shifting to hiring cleaners as contract rather than full-time staff during the COVID-19 pandemic as a result of financial difficulties and staff shortages. These local recruiters and employers run the risk of hiring irregular migrant workers, and, as three employers reported during the in-depth interviews, there is little recruitment oversight by employers across industries.

USE OF RECRUITMENT AND EMPLOYMENT AGENCIES

Private employment agencies in Hong Kong SAR, China and private recruitment agencies in countries of origin are central to the migration process, providing a range of essential services for both prospective workers and employers, including matching job placements, guiding workers through complicated visa procedures and travel, and providing logistical support and essential information. Ethical agencies provide a valuable service for migrant workers, acting as a 'one-stop shop' assisting prospective workers to navigate the complex challenges of transnational migration and protecting their rights during recruitment and employment. However, unscrupulous agencies may overcharge fees and costs for recruitment, training or medical exams.[52] This was reflected in the in-depth interviews with migrant workers, which revealed that impressions of agencies were mixed, with several MDWs in the care sector praising their agency's willingness to help them and find suitable employers, while others had experienced passport withholding, excessive recruitment fees and a lack of choice in selecting their employer.

[52] Migrasia, Winrock International, USAID, Indebted Before Departure. Information Arbitrage and Financial Exploitation by Philippine Migration Intermediaries (2022).

DECEPTIVE RECRUITMENT PRACTICES

Information asymmetry between migration intermediaries and workers renders migrants vulnerable to various forms of deceptive recruitment. Among the migrant worker population surveyed, 30.7 per cent either could not or were not sure if they could withdraw their job application during the recruitment process. Migrant workers in the care sector were disproportionately affected: 44.1 per cent of respondents indicated that they could not or were not sure if they could freely withdraw their job application. The inability to withdraw applications during the recruitment stage could be an indicator of coercion or unethical recruitment practices and suggests that migrants are at risk of exploitation. More than one quarter (29.3%) of the surveyed migrant workers did not receive a copy of their employment contract prior to departure, as stipulated by the Employment Agency regulations this was particularly the case for MDWs. A larger proportion of workers in the entertainment and informal economy (51.6%) and hospitality (40%) sectors did not receive a contract prior to departure; however, this finding is likely explained by the fact that migrant workers in this sector are predominantly recruited to their jobs after migrating.

Across sectors, deceptive recruitment practices could amount to instances of exploitation or trafficking in person. In the entertainment and informal economy sector, fraudulent recruiters in countries of origin that promise waitressing work in the food and beverage industry may be introduced to victims through friends and family.[53] Upon arrival to the city, victims will then be coerced into sex work.[54] NGO representatives confirmed that many migrants of East African origin are deceived, being offered work in a hotel only to learn upon arrival that they would be engaging in sex work. In more recent years, Hong Kong SAR, China media sources have documented the presence of MDW victims of trafficking from African countries[55] [56] who were exploited by unscrupulous employment agencies.

TRANSPARENCY DURING THE RECRUITMENT PROCESSES

Across the surveyed sectors, migrant workers had different levels of knowledge about their employment situation during the recruitment process. Figure 3.1 presents the rates of migrant workers' lack of access to information about employment conditions across sectors. Lack of accurate information on employment conditions could indicate unfree and deceptive recruitment practices, particularly where conditions upon arrival are worse than promised.

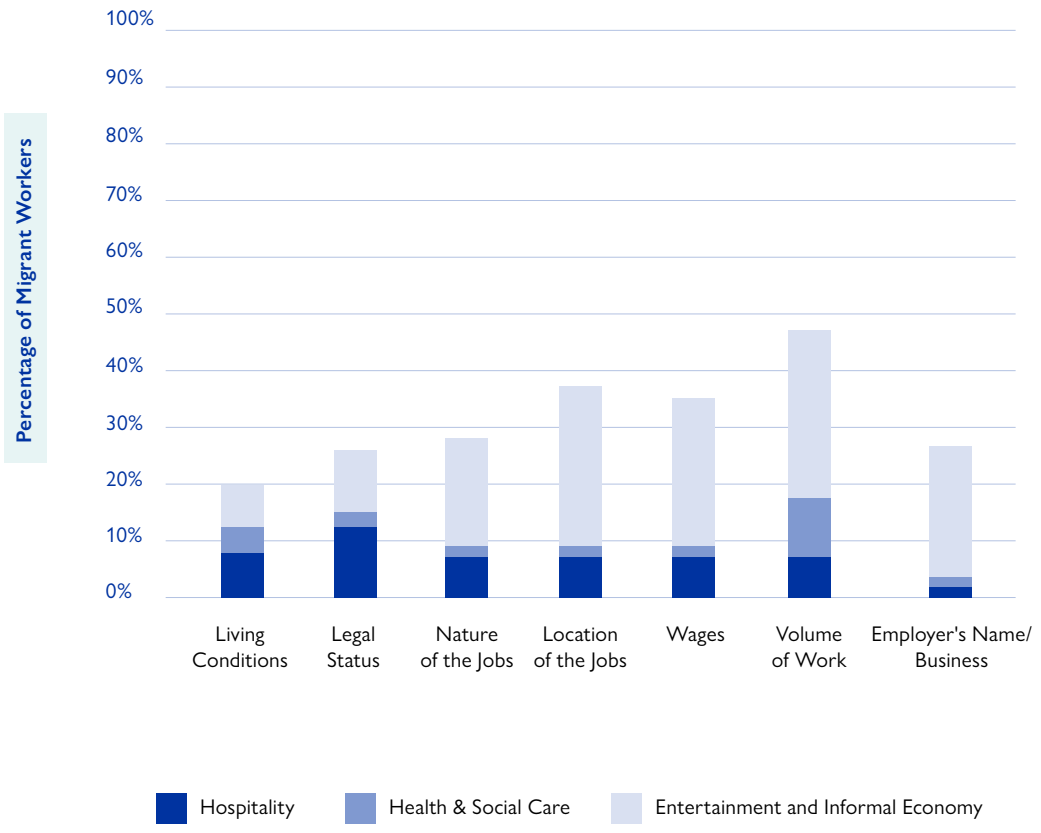
A quarter to a third of the surveyed migrants in the entertainment and informal economy sector were not aware of the identity of their employer (33%), nor had they discussed volume of work (30%), wages (25%) or the nature of the job (20%) during the recruitment process. In terms of employment conditions, 32.3 per cent of the surveyed migrant workers in the entertainment and informal economy sector reported that the nature of their job was worse or much worse than expected, 25.8 per cent reported that living conditions were worse, and 22.6 per cent reported that the volume of work was worse or much worse. Migrant sex workers reported experiencing mismatched expectations around their earning potential in Hong Kong, SAR, China, which was a key driver of migration.

[53] Helen Leung, Crystal Yeung, and Patricia Ho Traffickers and victims: Opposite sides of the same coin?, Anti-Trafficking Review, 18: 190–194 (2022).
[54] Ibid.
[55] Raquel Carvalho, Treatment of Kenyan domestic workers in Hong Kong in spotlight amid reports of trafficking, South China Morning Post (2022).
[56] Raquel Carvalho, How Hong Kong failed Madagascar's domestic helpers, South China Morning Post (2017).

Surveyed migrant workers in the care sector also indicated mismatched expectations, with 16.9 per cent reporting that their volume of work was worse or much worse than expected. The survey findings are supported by prior research which noted that mandated live-in requirements expose migrant workers to exploitation, including forced overtime work and a lack of rest.[57] In-depth interviews with MDWs in the care sector supported these findings as interviewees reported that basic information was included in contracts but working conditions were entirely different upon arrival. One Indonesian MDW explained that as well as taking care of a child living with depression, she was also required to take care of dogs, which was not set in her contract or previously discussed.

Compared with migrant workers who had previously worked abroad, first-time migrant workers may be more likely to experience unfree or deceptive recruitment due to lower levels of knowledge about migration.[58] The survey results indicated that first-time migrant workers are more likely to fall into deceptive recruitment traps, as 36.4 per cent of those surveyed who had not received a copy of their contract were first-time migrants.

Figure 3.1 Lack of access to employment information prior to recruitment by surveyed migrant workers across sectors



[57] Justice Centre Hong Kong, Coming Clean (2016).
[58] Seefar, Understanding risk factors for Indonesians intending to migrate (2019).

RECRUITMENT FEES AND RELATED COSTS

Recruitment fees

Roughly a third (32%) of the migrant workers surveyed were required to pay labour recruiters to secure their job, with MDWs in the care sector disproportionately affected. Migrants in the care sector were 21.5 per cent more likely than migrant workers in the hospitality sector to pay recruitment costs and fees as they were recruited through employment agencies that required fees. Migrant workers in the other surveyed sectors were more likely to migrate through alternative pathways, such as through friends and family, and thus were less likely to pay recruitment fees. Laws in countries of origin determine the legally allowable fees that can be charged to migrant workers. In Hong Kong SAR, China, according to the Employment Ordinance and Employment Agency Regulations the maximum commission that can be charged by an employment agency to a jobseeker should not exceed a sum equal to 10 per cent of the firstmonth's wages received by the worker. In Indonesia, agencies are prohibited from charging recruitment fees to prospective workers and may only charge for document handling, health checks, training, visas, and logistical costs.[59] Despite this, 46.2 per cent of the surveyed migrant workers who paid recruitment fees were Indonesian. In the Philippines, recruitment fees for the majority of workers are set at a maximum of the equivalent of one month's salary, although it is illegal to charge placement fees to domestic workers and seafarers.[60] Such regulations are likely not observed by all employment agencies as all six MDWs who participated in the in-depth interviews reported paying recruitment fees.

Despite such regulations, the in-depth interviews indicated that the recruitment fees charged to MDWs migrating to Hong Kong SAR, China are high. Indonesian migrant workers reported paying between HKD 7,500 and HKD 10,900, while Sri Lankan respondents paid an average of HKD 10,000 and Filipino migrants between HKD 5,000 and HKD 17,000. Whilst the Minimum Allowable Wage (MAW) for MDWs in Hong Kong SAR, China is HKD 4,870,[61] the fees required for recruitment are very costly to migrant workers and may lead them to borrow money or incur debt in order to cover the costs. MDWs expressed feeling overcharged and felt that recruitment agencies were not seeking to help them but rather to profit. Incursion of debt may lead to a situation of debt bondage making it difficult for migrant workers to leave an exploitative employment situation.

In the hospitality industry, it is less likely for migrant workers to pay recruitment fees as local employers rarely use recruitment agencies to hire lower skilled workers and often conduct training and onboarding internally. Risks are more likely to exist for migrant workers in this sector who are subcontracted by hotels or restaurants, such as security guards, cleaners, construction workers or waste management services. Two key informants reported that employers in the hospitality industry lack oversight of recruitment processes for migrant workers, particularly the fees being paid by workers. One sector expert stated that a lack of monitoring of complex supply chains and of partners and suppliers is a primary concern.

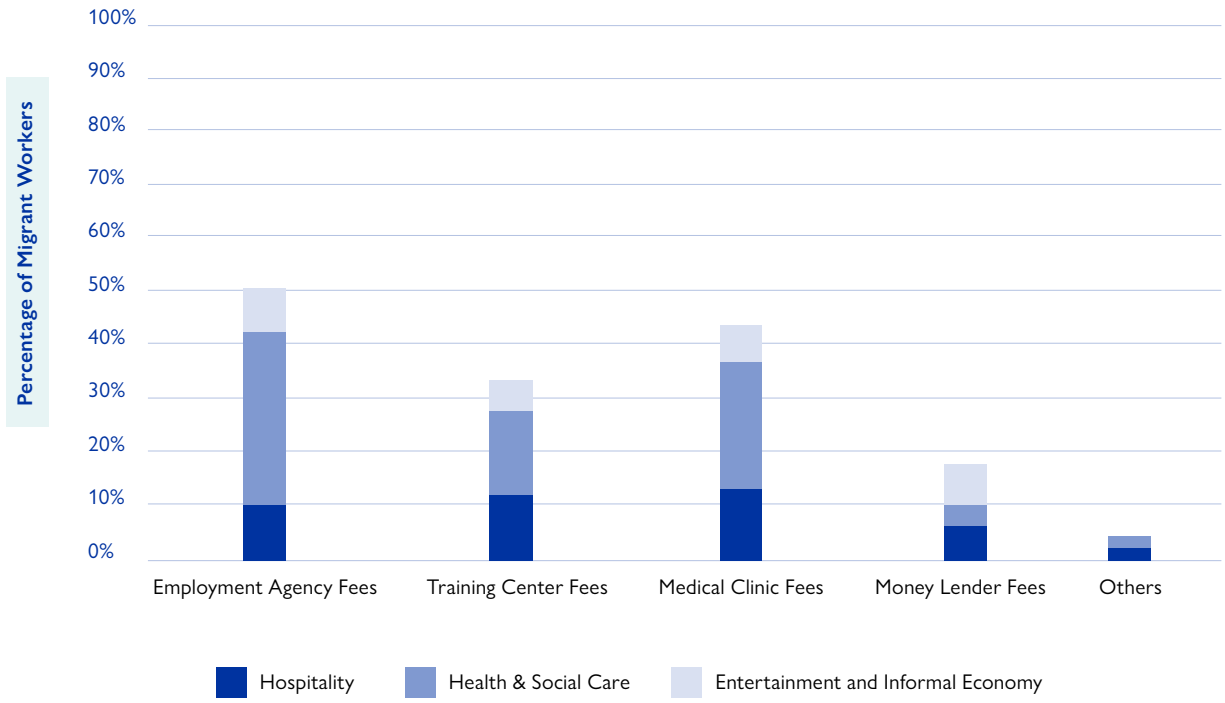
[59] The Law of the Republic of Indonesia Number 18 Year 2017 on Protection of Indonesian Migrant Workers.
[60] POEA, Rule 5 Fees, Costs and Contributions, Revised POEA Rules and Regulations Governing the Recruitment and Employment of Landbased Overseas Filipino Workers of 2016, Section 54.
[61] Labour Department, Foreign Domestic Helpers (2023).

Training fees, medical fees and related costs

In addition to recruitment fees, migrant workers are often required to pay fees to other migration intermediaries, such as training centres and medical clinics. Pre employment skills training (e.g. language, cooking, housekeeping) is intended to prepare migrants for their employment, while pre-departure medical examinations ensure migrants are fit to work. While in some cases these are necessary costs of migration, some providers charge migrant workers extortionate fees for their services.[62] Survey findings indicated that 46.7 per cent of migrants who had been required to attend training, 45 per cent had been required to do so by their labour recruiter. The survey results also indicated that a majority of the surveyed migrants in the care sector (78%) had attended training, and most of them (69.5%) reported that the training had been mandatory. While training and medical fees were less common than recruitment fees, 22.6 per cent of the surveyed migrant workers had paid medical fees, while 17.3 per cent had paid training fees. Filipino migrant workers were most likely to pay medical and training fees, followed by Sri Lankan migrant workers, while Indian migrant workers reported this to a lesser extent. Figure 3.2 illustrates the different types of recruitment-related fees paid by the surveyed migrant workers across the three sectors.

The survey findings were consistent with prior research, indicating that migrant workers in the care sector are more likely to pay medical fees (19.8%) and training fees (15.4%), despite training not being a requirement for employment in Hong Kong SAR, China[63]. The survey revealed that while migrant workers in the care sector bore the burden of training costs, employers of MDWs reported low levels of knowledge about the cost of training and how it was financed.

Figure 3.2 Types of recruitment fees across



[62] Migrasia, Winrock International, USAID, Indebted Before Departure. Information Arbitrage and Financial Exploitation by Philippine Migration Intermediaries (2022).
[63] Immigration Department, Standard Employment Contract and Terms of Employment for Helpers (2023).

In the hospitality sector, the findings survey showed that 11.7 per cent of the surveyed migrant workers had paid training fees, 16.9 per cent had paid medical fees, and 7.9 per cent of the migrant workers in the entertainment and informal economy sector had paid fees. The employer interviews indicated that training mechanisms are internal in the hospitality sector, while in the entertainment and informal economy sector, training involves informal on the job shadowing. Among the migrant workers who were required to attend training, 14 suggested that the training they received was unhelpful and 8 indicated that they had experienced language difficulties during the training. Other concerns reported included being unable to leave the training centre for up to four months, poor food quality, not having a proper bed, and training skills being futile and non-transferable.

In addition to recruitment fees, migrant workers also incur other costs in relation to their recruitment and deployment, such as travel expenses and accommodation fees. Of the surveyed migrant workers, 27.2 per cent were required to cover the costs of their own travel expenses and 20.3 per cent had to pay for their accommodation in Hong Kong SAR, China. Migrant workers employed in the hospitality sector and entertainment and informal economy sector are particularly vulnerable as their travel and accommodation expenses are less likely to be covered owing to the fact that they often manage their own migration. Hospitality workers accounted for 34.1 per cent of those who paid for travel expenses and 22 per cent of those who paid for accommodation. Differences by country of origin are also evident, with the expenses of Nepalese migrant workers less likely to be covered. Among the surveyed workers, 43 per cent of the workers who paid travel expenses and 31.3 per cent of those paying for accommodation were Nepalese. These differences are often due to the migration pathways used by migrants. For migrant workers in the care sector, the Standard Employment Contract for domestic workers specifies that travel expenses from the country of origin to Hong Kong SAR, China are to be paid by the employer. Despite this, the in-depth interviews with Filipino migrant workers indicated that migrant workers pay for their own travel expenses during the recruitment process.

FINANCING RECRUITMENT FEES AND RELATED COSTS

In order to pay the associated fees and expenses required to migrate, migrant workers use savings or engage in various forms of borrowing or accrual of debt, with observable differences between gender and country of origin. In the survey, savings was the most commonly reported means of paying fees and costs related to recruitment, being reported by 35 per cent of the surveyed migrant workers. Overall, the survey findings indicated that compared with women migrant workers, men migrant workers were 19.1 per cent more likely to use savings to cover recruitment-related fees and women migrant workers were 4 per cent more likely than men migrant workers to borrow money to migrate. Findings from the in-depth interviews indicated that societal pressures on women may influence their decision-making in regard to taking up foreign employment, necessitating the taking on of loans in order to migrate. Another form of payment for recruitment fees was salary deduction, which was also more common among women migrant workers. Among the survey respondents, 15.7 per cent of the women migrant workers in the care sector indicated that deductions had been made from their salary to cover the costs of recruitment.

Cultural differences may influence how migrant workers choose to finance costs. The survey findings indicated differences in financial habits by country of origin. The surveyed Filipino migrant workers were

more likely to borrow money from family members (37.2%) than to use savings (20.9%) to pay recruitment fees. In the in-depth interviews, Filipino and Sri Lankan migrants confirmed that migrant workers take loans from their family to pay excessive recruitment fees. With regard to the entertainment and informal economy sector, sex workers originating from Uganda, Kenya and the United Republic of Tanzania reported that their partner or spouse paid the recruitment fees and related costs for their migration. The survey findings showed that Indonesian migrant workers were more likely to use salary deductions to repay recruitment-related fees (72.7%). Salary deduction to cover the cost of migration-related fees is illegal under Hong Kong SAR, China legislation[64] and is indicative of debt bondage as workers are effectively being forced to work in order to pay off their debt,[65] suggesting that the migrant workers surveyed are at risk of exploitation. In-depth interviews with MDWs further illustrated this point: Three Indonesian MDWs reported that their salary had been deducted for the first few months of work in order to pay for recruitment fees; The workers felt that there was a lack of transparency on the part of the agency as to the process of salary deduction. This arrangement also indicated wrongdoing on the part of employers as salary deduction for the payment of recruitment fees is prohibited under the law.

Debt incurred during the recruitment process can have knock-on effects in employment, leading migrant workers to incur further debt or take on additional loans to finance their lives. For example, one MDW employer reported that their employee had struggled with debt.[66] Money lenders advertise loans with no interest or low interest rates while concealing charges that amount to excessive interest according to the Money Lenders Ordinance and make it difficult for migrant workers to pay back loans.[67] Aside from banks and money lenders, some MDWs borrowed money from their employers by asking for a salary advance. Employers reported that this arrangement was troubling as they could not terminate workers contracts during months where their salary had been advanced.

[64] Labour Department, A Concise Guide to the Employment Ordinance.
[65] International Labour Organization, What is forced labour, modern slavery and human trafficking?.
[66] Enrich Hong Kong, Why are so many domestic workers in debt?.
[67] Ibid.

SECTION IV:
Employment Related Risks and Vulnerabilities of Migrant Workers

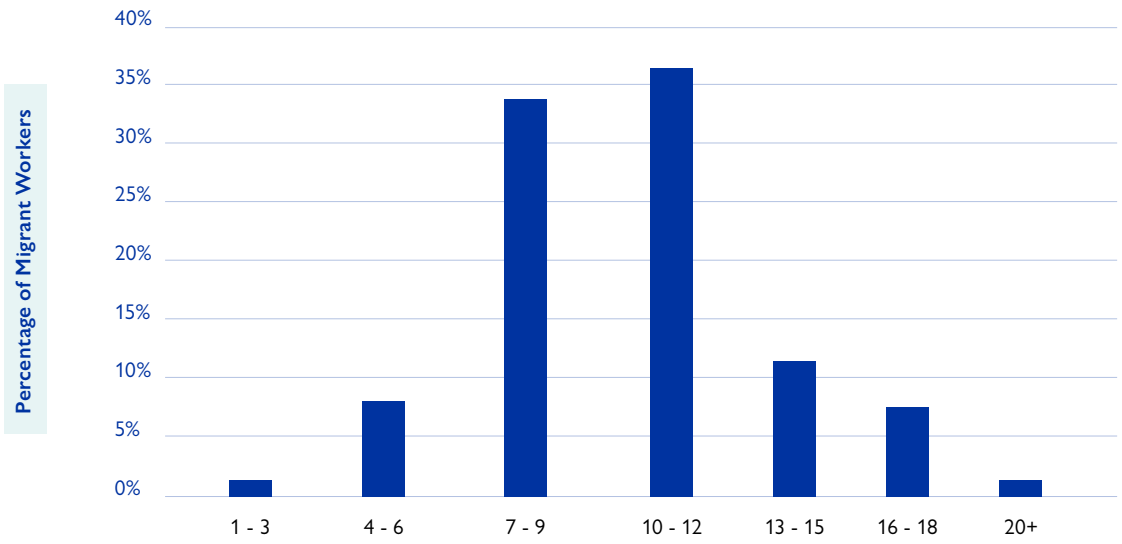
Migrant workers are exposed to multiple challenges during the course of their employment. A 2019 study conducted by Seefar found that over 79 per cent of Indonesian and Filipino MDWs in Hong Kong SAR, China were victims of labour rights exploitation, with Indonesians being more at risk.[68]

Survey data and insights from the in-depth interviews corroborated this, indicating that the forced labour indicators experienced by migrant workers included excessive overtime, withholding of wages, isolation, abusive working conditions, physical and sexual violence, restrictions of movement, retention of identity documents, and intimidation and threats. Other employment concerns included insufficient remuneration, mental health challenges, discrimination, and poor living conditions.

EXCESSIVE OVERTIME

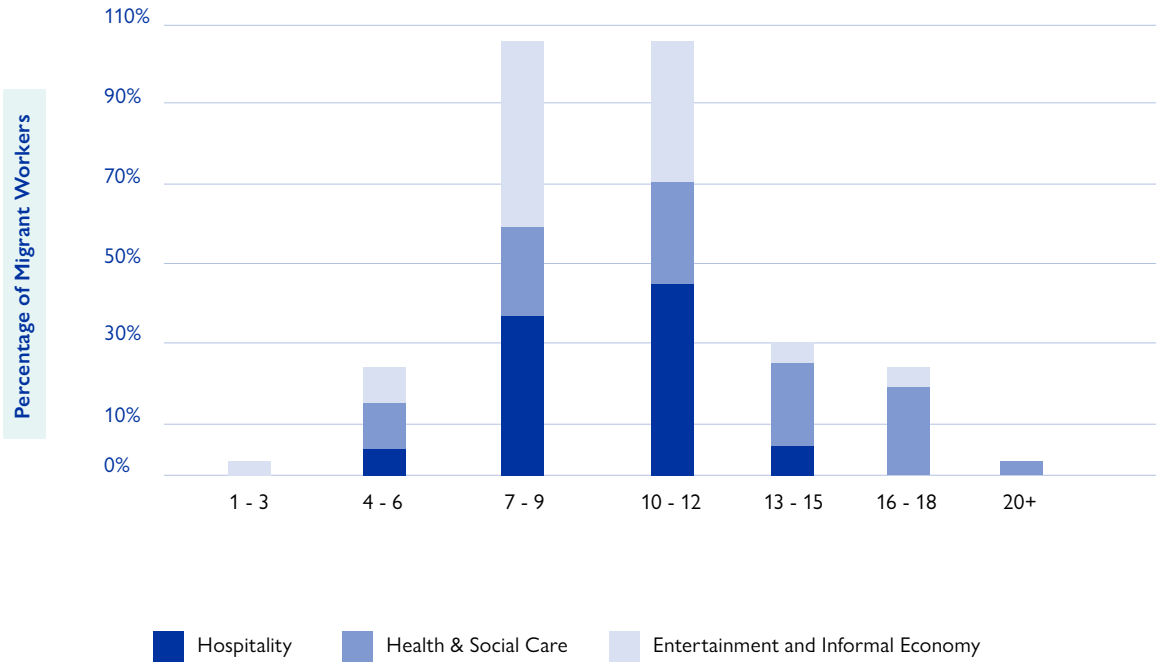
Across all sectors, lack of sufficient rest time was the most commonly reported issue. Excessive working hours were a primary concern for workers in the care sector, in addition to a lack of free time. Figure 4.1 indicates that more than half of the surveyed migrant workers (56%) worked for over 10 hours per day, while 20 per cent of them worked for over 13 hours per day. Figure 4.2 illustrates the variations in working hours across sectors. Excessive overtime is likely severe for MDWs in the care sector considering that they live with their employers. Among the surveyed migrant workers in the care sector, 39.7 per cent were required to work over 13 hours per day and 83 per cent reported that they only had one day off per week. Other concerns in this sector included forced overtime and being required to work during holidays. Workers in the hospitality sector also experience similar long working days. The survey findings supported this: 55 per cent of the hospitality employees reported working for over 10 hours a day, and 73.3 per cent indicated that they could only take one day off per week.

Figure 4.1 Distribution surveyed migrant workers' working hours



[68] Seefar, Understanding forced labour amongst Migrant Domestic Workers in Asia, Making Migration Work, Creative Commons (2019).

Figure 4.2 Distribution of surveyed migrant workers' working hours across sectors



INSUFFICIENT REMUNERATION AND WITHHOLDING OF WAGES

Despite engaging in challenging work and working long hours with few rest days, migrant workers receive comparatively low wages and are vulnerable to financial exploitation by employers.

The surveyed migrant workers mostly reported receiving a salary and being paid on time; however, their wages were comparatively lower than those of the local workers. More than half (51.3%) of the surveyed migrant workers were paid the minimum wage,[69] and 47.3 per cent were paid more than the minimum wage, with wages being even less competitive for MDWs. 64.4 per cent of the migrants working in the care sector reported earning the minimum allowable wage for domestic workers.[70] Data from the Census and Statistics Department in 2021 indicated that the median hourly wage for local workers was HKD 75.7.[71] Specifically, the median hourly wage for people working in accommodation services was HKD 52.2, and the median wage for the cleaning services was HKD 50.[72] On the other hand, the minimum wage, earned by half of the surveyed migrants, amounts to HKD 37.5,[73] while the average hourly wage for MDWs based on the minimum allowable wage is HKD 24.6.[74] Despite the contributions of migrant workers, they are not remunerated fairly, often as a result of their work being undervalued.

[69] The Statutory Minimum Wage (SMW) has been in force since 1 May 2011. With effect from 1 May 2023, the SMW rate has been raised to HKD 40 per hour.
[70] Since 30 September 2023, the MAW for MDWs has been HKD 4,870 per month, with a food allowance HKD 1,236 per month.
[71] Census and Statistics Department, Wages and Labour Earnings (2021).
[72] Census and Statistics Department, Hourly Wage Level and Distribution by Industry Section (2022).
[73] Labour Department, Statutory Minimum Wage (2021).
[74] Calculation of hourly wage for MDWs is based on a schedule of 10 working hours per day, as reported by over 70 per cent of the sample, and six days per week, for a total of 240 hours per month.

According to the Employment Ordinance of Hong Kong SAR, China, deductions from wages are prohibited except in exceptional cases, such as for absence from work, damage to or loss of goods, overpayment of wages, and so forth.[75] Despite this, the survey findings indicated that 7.3 per cent of the migrant workers felt that their employers had made unfair deductions from their y or punishment for workers.

A lack of adequate pay means that in some cases migrant workers have to take on a second job to survive. One food delivery driver in the hospitality sector stated that he was forced to take on a second job as an airport security guard to supplement his salary. Financial concerns may have been exacerbated by the COVID-19 pandemic, as one key informant reported that many workers in the hospitality sector were forced to take unpaid leave or have had their salaries cut as a result of the impact of the pandemic.

ISOLATION AND MENTAL HEALTH CHALLENGES

Isolation was a reported concern for migrant workers across sectors. Employers reported that the work performed by migrant workers in the hospitality sector is hard and tedious and lacking in social interaction. MDWs in the care sector are faced with lack of access to a support system and isolation, which has a significant impact on their mental wellbeing. In-depth interviews with migrants in the care sector indicated that challenges for this group include the physical and emotional toll of providing care. Overtime work is associated with attending constantly to the needs of children and the elderly, which often requires working at odd hours and having inadequate rest days and eventually takes its toll on workers' mental health.

In the hospitality sector, the strain on business operations due to the COVID-19 pandemic may have exacerbated existing vulnerabilities for migrant workers and had a significantly negative impact on their mental health. Similarly, migrant sex workers in the entertainment and informal economy sector may experience increased vulnerability to mental health issues owing to the nature of their work.

ABUSIVE WORKING CONDITIONS

The survey assessed migrant workers' exposure to abusive working conditions. The findings indicated that the nature of their job responsibilities puts migrants in the care sector at a higher risk of abusive working conditions. As Figure 4.3 suggests, migrants in the care sector are more likely to be forced to work on tasks that are not part of their contract. They are also more likely to be forced to work in hazardous environments, such as cleaning windows on high floors, and to be more vulnerable to excessive overtime.

Exposure to harsh penalties during employment was a concern for some of the surveyed migrant workers. A small number of them reported that employers had punished them by depriving them of food and sleep. MDWs in the care sector are comparatively exposed to a greater risk of exploitation or risk as they are required to live with their employers. Three interviewed MDWs discussed inhumane treatment by employers which was exacerbated by the "live in rule", including being constantly monitored by CCTV cameras. Although such practice is not illegal, workers felt a sense of unfairness, unease and a lack of privacy.

Prior research indicates that migrant workers in the hospitality sector are vulnerable to unsafe working conditions and informal employment.[76] Migrant workers in informal employment in the entertainment and informal economy sector may also face a heightened risk of abuse owing to the precarious nature of their employment. Three workers in this industry reported experiencing verbal abuse, while a number reported being forced to undertake hazardous tasks.

[75] Labour Department, A Concise Guide to the Employment Ordinance.
[76] International Labour Organization, Migrant workers in the international hotel industry (Geneva, 2012).

PHYSICAL AND SEXUAL VIOLENCE

In the survey, two MDWs in the care sector reported instances of physical violence by their employers, as did one hospitality worker. Further, at least two migrant workers in the hospitality sector and one in the entertainment and informal economy sector reported being forced to participate in sexual services. All three migrant workers who reported being required to provide sexual services were men, highlighting a gendered risk. During the in-depth interviews, one migrant worker in the hospitality sector revealed that they were compelled to resign from a previous job as a result of an incident of sexual harassment.

The in-depth interviews confirmed that a common risk for migrant sex workers in the entertainment and informal economy sector is physical and sexual violence. While participants reported that on a day-to-day basis, they did not frequently encounter violence from clients, each interviewee had encountered violence on at least one occasion, with one migrant worker reporting her suspicion that she had been drugged by clients on numerous occasions. Other challenges in the industry include competition and fights with other sex workers, and clients deviating from agreed upon services, putting workers at risk of gender-based violence and sexual assault.

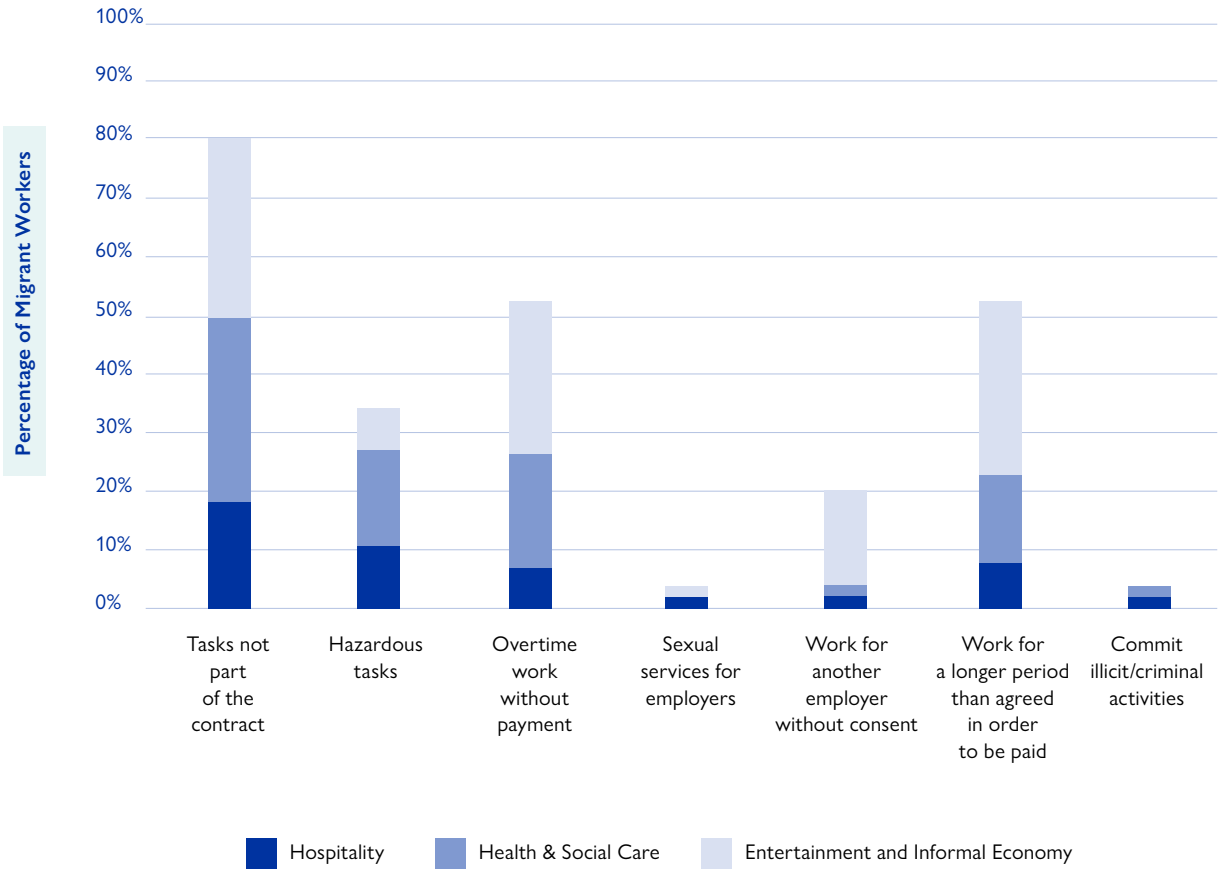
RESTRICTIONS OF MOVEMENT AND RETENTION OF IDENTITY DOCUMENTS

Migrant workers across the surveyed sectors face limitations to their freedom of movement. The survey findings indicated that 25.3 per cent of the surveyed migrant workers could not go out during their free time, and there was little variation across sectors. In-depth interviews with workers in the care sector provided further evidence of limitations on freedom of movement imposed by employers: four MDWs reported the confiscation of their travel documents by employers, preventing them from leaving their job without permission. MDWs in the care sector may face further barriers to leaving exploitative working situations for fear of being sent home in the event that they are unable to find another job within a two-week period. With regard to migrant sex workers in the entertainment and informal economy sector, one NGO key informant reported that withholding of passports and close control over freedom of movement were common practices.

INTIMIDATION AND THREATS

Regarding the entertainment and informal economy sector, the in-depth interviews indicated that migrant sex workers may be forced to remain in work as a result of coercion and blackmail. One NGO reported that family members in sending countries were threatened in order to force sex workers to continue working. Migrant workers in the sex industry reported that they preferred not to engage in their line of work but felt compelled out of necessity to support their families. Migrant sex workers also reported a fear of being apprehended by the police in their daily working life. In the Hong Kong SAR, China context, sex work is not illegal but has been described as a legal grey area as soliciting publicly on the street is prohibited under Hong Kong SAR, China law.[77] Thus, sex workers operating from the street are liable to arrest. In addition, criminal law prohibits the operation of a "vice establishment" or the use of premises by two or more persons for prostitution. As a result, venues other than one woman brothels are subject to police raids.[78] With regard to the care and hospitality sectors, migrant workers did not report facing direct threats to themselves or their families.

Figure 4.3 Coercion and threats faced by surveyed migrant workers across sectors



[77] Oi-Wan Lam, Why did enjo kosai anchor in Taiwan but not in Hong Kong? Or the convergence of "enjo" and "kosai" in teenage sex work, Inter-Asia Cultural Studies, 4(2): 353–363 (2003).

[78] Susanne Y.P. Choi and Ruby Y.S. LaiSex work and stigma management in China and Hong Kong: The role of state policy and NGO advocacy, The China Quarterly, 247: 855–874 (2021).

LIVING CONDITIONS

The housing situation is an enduring social challenge faced by Hong Kong SAR, China residents, but migrant workers are uniquely vulnerable to poor housing conditions and a lack of privacy. A significant proportion (46%) of the surveyed migrant workers reported living in private apartments, while 10 per cent reported living in a shared bedroom at their employer's home. An additional 10.7 per cent of the migrant workers lived in public housing, which is likely to be relatively cramped living quarters given that the average living space of public rental housing tenants was 13.5 square metres per person in 2021.[79]

Living conditions are especially challenging for MDWs in the care sector due to the requirement to live with their employers. Workers stated that privacy and a lack of adequate space to rest were concerns in regard to their living arrangements. A significant proportion of the surveyed MDWs (23.7%) lived in shared bedrooms at their employers' homes, while a smaller proportion (11.9%) lived in a communal space in their employers' homes. The accommodation of the interviewed MDWs ranged from a private room, a partitioned space, or living room to room sharing with another family member (e.g. elderly person or child).

Despite facing poor working conditions, the surveyed migrant workers in the hospitality sector enjoyed slightly better housing conditions as the large majority of them (75%) lived in private apartments. Similarly, most of the surveyed migrant workers in the entertainment and informal economy sector lived either in private apartments (54.8%) or in public housing (19.4%). In regard to the entertainment and informal economy sector, the in-depth interviews confirmed that workers in this sector rent their own private accommodation. Concerns included unsanitary conditions, high electricity costs, and a lack of privacy and safety.

DISCRIMINATION

Another challenge for migrant workers in their employment and livelihood in Hong Kong SAR, China is discrimination and unfair treatment. During the in-depth interviews, migrant workers in the hospitality sector revealed that they had experienced discrimination and unfair treatment, including verbal abuse and derogatory comments based on race. These findings were in line with the in-depth interviews with employers in the hospitality sector, who reported that there is a known salary difference between workers from different countries of origin performing the same roles, with workers from Southeast Asia receiving lower salaries. The in-depth interviews revealed that unfriendliness on the part of the employer or not being treated with respect was a concern for 57 per cent of MDWs in the care sector.

An interviewed massage therapist also expressed facing discrimination at work, stating that preferential treatment was given to local colleagues when assigning clients and in agreeing time off. Migrant sex workers in the entertainment and informal economy sector in Hong Kong SAR, China also reported facing discrimination from other migrants from their own communities owing to the social stigma linked to their line of work. One worker expressed the divide that exists between those that have the legal right to work and those with irregular status, noting that the latter group is discriminated against. Compared with sex workers from Asia, migrant sex workers from Africa may face higher rates of discrimination. Interviewed sex workers and local NGOs confirmed that many establishments, such as bars and nightclubs, prevent African sex workers from entering due to racist suggestions that they are "more likely to steal." As a result, African sex workers are forced to solicit clients on the street, putting them at risk of violence and arrest.

[79] Housing Bureau, Housing in Figures 2021 (2021).

SECTION V:
Other Risks and Vulnerabilities of Migrant Workers

ACCESS TO SERVICES

Migrant workers may face compounding vulnerabilities, ranging from poor working conditions to lack of access to social protections to ensure their well-being. 64 per cent of the survey respondents reported that they did not have access to paid maternity leave. Migrants in the care sector were disproportionately affected, with 77.2 per cent reporting that they could not access maternity leave, despite this being an entitlement for workers under the Employment Ordinance of Hong Kong SAR, China legislation Access to healthcare across sectors was also relatively low: 41.3 per cent of the surveyed migrant workers reported not being covered by health insurance. Migrant workers in the entertainment and informal economy sector are especially vulnerable to health issues: only 38.7 per cent reported having health insurance coverage. In-depth interviews with migrant workers in the hospitality sector revealed lack of medical insurance to be a primary concern, in addition to a lack of paid sick leave and the high costs of medical fees. Conversely, migrants in the care sector reported a higher rate of health insurance coverage (81%); however, under Hong Kong SAR, China legislation, employers of MDWs in the care sector are required to provide health insurance for their workers[80]. Migrant workers in the entertainment and informal economy sector also experience limited access to sick leave: 51.6 per cent of the workers surveyed reported that they were not entitled to paid sick leave. Despite these challenges, two MDWs reported that working conditions and access to services in Hong Kong SAR, China were satisfactory when compared to other destinations.

One interviewed hospitality sector employer indicated that he provided benefits that included medical insurance, free meals, and a yearly flight home for migrant workers, although the survey data indicated that these benefits are not commonly provided by other employers. Other initiatives included offering coupons, discounts, and invitations to make up for unequal salaries and providing marginally lower salaries but offering comprehensive benefits packages and insurance, which was preferred by staff. One interviewed employer from the entertainment and informal economy sector did not report any provision of social or health benefits for staff. Two of the five interviewed employers of MDWs in the care sector offered some types of benefits, such as advanced salary upon request, while four employers provided healthcare insurance packages for staff.

GRIEVANCE MECHANISMS

When facing unfair or exploitative treatment, migrant workers may choose to report or submit complaints through legal channels to mitigate the situation, such as via the Hong Kong SAR, China Labour Department.[81] Migrant workers can lodge a complaint via telephone hotlines covering concerns ranging from health and safety at work, work accidents and issues specific to FDHs to wage default and illegal employment. Complaints against employers usually lead to a conciliation meeting and an attempt to settle before cases are escalated to the Labour Tribunal, while complaints against employment agencies are handled by the Employment Agencies Administration. Knowledge of these mechanisms was significant as 43 per cent of all the surveyed migrant workers indicated that if they had a concern during their employment, they could report the issue to the Labour Department. The survey results showed that migrant workers in

[80] Immigration Department, Standard Employment Contract.
[81] Labour Department, Comments, Enquiries and Complaints (2022).

the hospitality sector complained to the Labour Department the most (52% of the surveyed workers in this sector), while MDWs (36% of the surveyed MDWs) complained to the Labour Department the least. 27 per cent of surveyed workers mentioned that they could report concerns directly to employers. The survey findings indicated that migrant workers in the hospitality sector are mostly likely to report concerns to employers: 31 per cent of the surveyed migrant workers in the sector had done so. Duringin-depth interviews, all eight workers in the care sector stated that they were aware of complaint mechanisms, including government channels, NGOs and labour unions.

Despite substantial knowledge of how to lodge a complaint, migrant workers reported several barriers to accessing such mechanisms. One barrier to grievance reporting identified by an MDW during the qualitative interviews was the fear of retaliation or termination. Another migrant worker in healthcare expressed the concern that complaining may make it difficult to find another job.

Conversely, with regard to the entertainment and informal economy sector, multiple sex workers reported feeling comfortable to call the police in situations where they felt in danger and stated that they had done so on multiple occasions. One worker found the police to be helpful each time she was assisted by them, although her case was not always followed up on. Barriers to sex workers accessing police services include a lack of knowledge about the availability of security services and a fear of approaching law enforcement for migrant workers with irregular status, such as those without a Hong Kong SAR, China identity card. In addition, there is a low level of awareness among sex workers of the availability of NGOs or organizations that can provide them with assistance should they require it.

SECTION VI:
Recommendations

The economic growth of Hong Kong, SAR, China in many ways depends on the migration of workers to the city, particularly to fill labour demands in the care, hospitality, and entertainment and informal economy sectors which are likely to increase owing to labour shortages. International migrant worker flows into the city include a mix of regulated labour migration, such as for the care sector, alternative regular migration pathways and irregular migration among workers in the hospitality and the entertainment and informal economy sectors. The vulnerabilities of migrant workers vary by sector and nationality, with risks of exploitation and labour rights violations including excessive recruitment fees, excessive overtime work, retention of personal documents, withholding of wages, abusive working conditions, poor living conditions and exclusion from access to services and complaint mechanisms.

Addressing the challenges for migrant workers will attract essential workers to fill labour shortages in key sectors in Hong Kong SAR, China which have been exacerbated by three years of slow economic growth due to the COVID-19 pandemic. To alleviate worker vulnerability and promote best practices in safe migration, key stakeholders, including local authorities, employers, employment and recruitment agencies, businesses, NGOs and migrant workers, must all work together to address unethical recruitment practices and labour migration risks. In identifying the primary areas of risk in the recruitment and employment of migrant workers, this study outlines areas for action to support safe, orderly and regular migration to Hong Kong SAR, China for workers in the care, hospitality, and entertainment and informal economy sectors. Recommendations for key stakeholders are as follows:

1. Increase the number of low to medium skilled working visas issued to international migrant workers to fill labour gaps in the hospitality and entertainment sectors in order to promote regulated migration and decrease irregular migration. Developing bilateral migrant worker agreements whereby Hong Kong SAR, China can periodically announce its labour needs by sector and skill level is a potentially effective arrangement for filling labour gaps in the city. Governments in countries of origin can equip their workers with the requisite skills pre-migration. Standardized sector-specific training (soft and hard skills) and orientation should be provided across countries of origin for migrant workers bound for Hong Kong SAR, China.

2. Rebalance the cost burden of migration away from migrant workers: the employer pays principle, endorsed by the Leadership Group for Responsible Recruitment,[82] states that recruitment costs should not be borne by workers but by employers. In practice, however, migrant workers face high upfront costs during the migration process, including, but not limited to, training, visa and documentation fees, agency/broker fees and travel costs. These factors often lead to debt and exacerbate migrants' financial burden over the longer term.

3. Preparedness of employers who employ migrant workers: education programmes for employers, such as the IOM's Introduction to the Management of Fair and Ethical Recruitment and Employment of Migrant Workers, should be made available across sectors to eliminate all forms of forced labour. employers will be equipped with the knowledge to consult with workers and recruiters to ensure that workers have not been charged recruitment fees and, if necessary, assist them in filing a complaint with the Labour Department or their consulates.

[82] International Labour Organization, General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs, Fair Recruitment Initiative brochure (22 May 2019).

Furthermore, if granted work authorization, those workers whose rights have been violated and have ongoing claims will be able to remain in the city to pursue justice and access to remedy.

4. Create an enabling environment for workers to meaningfully participate in solutions and programs that impact them. It is recommend that recruitment agencies, employers, and NGOs provide freely accessible training for all workers on their rights and obligations, avoiding debt bondage and financial exploitation, and redress mechanisms. It is equally important to ensure workers have access to local resources (e.g. police hotline, healthcare, access to justice, Labour Department, etc.) and channels of communication between employers and workers pre-departure to ensure working and living conditions are clearly communicated. Upon arrival in Hong Kong SAR, China, connecting workers with NGOs and supporting communities will facilitate the transition and eliminate isolation, which will benefit their health and mental well-being in the long run. Hospitality sector and entertainment employers are recommended to include migrant workers in their program and policy designs to ensure that their needs and voices are represented.

5. Conduct due diligence on recruiters and suppliers. It is recommended for businesses and employers to conduct monitoring, due diligence and background checks of employment agencies, partners, suppliers and contractors to ensure that the recruitment process, contracts and wage payments are compliant with international standards, company policies and Hong Kong SAR, China labour laws. This would include enshrining requirements in contracts with partners, suppliers and contractors and ensuring no recruitment fees are charged to workers hired by other intermediaries (refer to IOM's Fair and Ethical Recruitment Due Diligence toolkit).

ANNEX:
Methodology

METHODOLOGY OVERVIEW

The assessment employed a multimethod approach to address the research questions that included the following: (1) a literature review; (2) regional assessment and compilation of existing data about migrant workers across the different industries; (3) targeted primary data collection; and (4) mapping of available resources and services.

Regional assessment

Following the scoping study, the team conducted a systematic regional assessment to:

1. Identify best practices in policy and regulatory frameworks governing migration in key sending corridors as they relate to recruitment, employment and conditions for migrant workers in the care, hospitality, and entertainment and informal economy sectors.

2. Compile data and information about migrant workers across the care, hospitality, and entertainment and informal economy sectors and identify information gaps for primary research.

3. Conduct a mapping of available resources, services and business solutions aimed at promoting safe and ethical migration for workers in the target sectors. The findings of the regional assessment have been included in the attached mapping of available resources and best practice toolkit for employers.

Primary data collection

The primary data collection process employed a mixed methods approach incorporating a survey of and semi-structured interviews with migrant workers and employers, and key informant interviews with migration experts, migrant worker community leaders, and representatives of migration intermediaries.

1. Survey of migrant workers (MWs) in the care, hospitality, and entertainment and informal economy sectors

The population of interest for this study was international migrant workers in the hospitality, entertainment and informal economy, and care sectors. For the purpose of this assessment, migrant workers were defined as individuals born outside of Hong Kong SAR, China and China Mainland who migrated to Hong Kong SAR, China for economic or labour purposes through regular or irregular channels. Data collection was conducted from August to October 2022, and the total sample size was 150. A relatively small sample was chosen because while it is important to gather information from surveys with migrant worker themselves, there have been many surveys conducted with migrant workers in Hong Kong SAR, China some of which could inform the current study; thus, for ethical reasons, we wished to avoid gathering duplicate information. A quota sampling approach based on 2016 Population By-census data on the distribution of country of origin among migrant workers in

Hong Kong SAR, China working in different sectors of employment was adopted to build a diversified sample of migrant workers from the Philippines, Indonesia and other sending countries identified in the scoping study working in the care, hospitality, and entertainment and informal economy sectors (see Table 1 below). A place-based and respondent-driven sampling approach was taken to ensure broad representation of ethnic/national origin and service sector. Questionnaires were translated orally into the appropriate language, assisted by enumerators (10-15) who were native speakers of the target languages. Respondents were offered a small financial incentive of HKD 70 to participate in the survey. The survey helped us to gain a comprehensive understanding of the recruitment and employment situation of migrant workers, including recruitment-related fees, debt, living conditions and access to services in Hong Kong SAR, China. We ensured that all confidential participant data were stored on encrypted harddrive servers, with access limited to the research team.

Table 1 Sample size of primary survey

	Hospitality	Entertainment & Informal Economy	Care	TOTAL
Filipino	12	15	15	42
Indonesian	3	5	13	21
Thai	4	12	3	19
Indian	8	3	4	15
Nepalese	19	11	0	30
Pakistani	2	2	0	4
Bangladesh & Sri Lankan	2	3	0	5
Other Asian	4	4	5	13
TOTAL	**55**	**55**	**40**	**150**

2. Semi-structured interviews with migrant workers in the care, hospitality, and entertainment and informal economy sectors

A subsample of 18 MWs was selected to participate in semi-structured interviews, either face-to-face or virtually, to better understand the processes underlying their recruitment and employment experiences. MWs who completed the survey were invited to participate further, and the research team determined the composition of the subsample on the basis of diversity of characteristics, including national/ethnic origin, industry and other areas of interest identified in the scoping study. In order to effectively examine ethnic/place of origin diversity and gain a more comprehensive picture of the recruitment pathways and current employment situation, a qualitative method was employed as this would be particularly informative given the relatively limited information on ethnic origins other than Filipinas and Indonesians in the MW population.

3. Collective case studies of migrant worker employers

To gain insight into the recruitment channels, processes, adherence to ethical recruitment guidelines, and related risks and vulnerabilities per sector, interviews were conducted with a sample of eight employers across sectors. A collective case study approach was utilized whereby a common set of research questions and methods guided individual case studies of employers across the care, domestic work, entertainment and hospitality sectors. The qualitative, in-depth approach to each case study allowed for nuanced analysis of the differences between sectors, and comparison between cases allowed for extrapolation of collective findings during the analysis phase. Findings from the employer interviews directly informed the best-practice toolkit, which provides suggestions for responsible business practices, disaggregated by sector. The interviews data could be used to inform interventions that could improve worker conditions and incentivize employers to utilize ethical recruitment intermediaries and comply with legal obligations in the recruitment and employment of migrant workers. Employers were invited to participate through online worker and employer forums, food and beverage and hospitality groups, and employment agencies for migrant domestic work and care work, and a snowball sampling method was employed to identify additional employers for interview.

4. Key Informant interviews with migration intermediaries

In order to gain an understanding of recruitment processes and challenges and solutions to ethical service provision, five key informant interviews were conducted with migration intermediaries, such as employment agencies, training centres, medical clinics and money lenders, with a single individual representing each intermediary. Intermediaries that were identified as promoting ethical recruitment in their service provision were selected for interview so that findings could be integrated into the best-practice guides, and due to timing constraints of the project. KIs were either members of the facility management team or their representatives. Recruitment agencies, training centres and/or other intermediaries were identified through a secondary data review and selected using a purposive sampling approach to represent intermediaries in countries of origin and Hong Kong SAR, China.

5. Key Informant interviews with migration experts

To address key information gaps revealed by the secondary data and literature review and to identify the breadth of available services, solutions and initiatives to promote ethical recruitment and employment, 10 key informant interviews were conducted with labour migration experts in Hong Kong SAR, China and/or in sending countries. Labour migration experts included antitrafficking researchers, scholars, practitioners, advocates and community leaders. A purposive sampling method was used to identify individuals through existing partner networks, migrant civil society organizations, universities, trade unions and migrant worker communities, and then a'snowball' method was adopted to identify additional informants. Semi-structured interviews were conducted to capture a nuanced analysis of labour recruitment and employment issues.

Table 2 Migrant worker survey

Migrant Worker Survey	Count
Care	59
Hospitality	60
Entertainment & Informal Economy	31
Total	**150**

Table 3 Migrant worker interviews

Migrant Worker Survey	Count
Care	8
Hospitality	4
Entertainment & Informal Economy	6
Total	**18**

Table 4 Key Informant Interviews

Key Informant	Interview Count
Social enterprise working in human trafficking	1
NGO working with migrant workers in Hong Kong SAR, China	1
NGO working with sex workers in Hong Kong SAR, China	3
Migration expert	1
Immigration lawyer	1
Employment agency focused on ethical recruitment	6
NGO working in the hospitality sector	1
Representative of hospitality industry	1
Academic focused on human trafficking	1
TOTAL	**16**

Table 5 Employer interviews

Employer	Number of Employees	Interview Count
Nightclub	< 20 employees	1
Restaurant	< 20 employees	1
Fast Food Chain	< 20 employees	1
Restaurant Group	500 employees	1
Restaurant Group	800 employees	1
Hotel Group	1,600 employees	1
MDW Employer	1 employees	5
TOTAL		**11**

Data analysis

The methodological approach generated a large amount of information and data.

For the survey data, a descriptive and bivariate analysis was conducted to provide an overview of the migrant workers and employers, respectively, including key demographics and any group differences based on country of origin and type of employment sector. The analysis provided an overview of recruitment-related fees, debt, living conditions and access to services in the destination country (migrant workers) and recruitment processes, comprehension of employment laws, working conditions, and challenges faced by employers (employers).

The surveys and semi-structured interviews were conducted in the primary language of each participant, making use of temporary research assistants. The interviews were recorded with the participants' permission. Following the completion of each interview, the interviewers completed a summary form to highlight key points relevant to the interview, and following a review within the research team, they were asked to provide further information from the recording and to target their transcriptions towards illustrating key points. We used a thematic approach to the analysis of the data and allowed for emergent themes as well. This rapid process provides key data while avoiding some of the significant time required for full transcription and translation.

Following the analysis of the separate components, an integration of the data from the scoping study, the regional and policy analysis, the survey, and the interviews was conducted by the research team in collaboration with the IOM team and other relevant stakeholders. The breadth of the data allowed for many opportunities for triangulation across the data sources to provide a more complete picture of the situation. The team will invite relevant stakeholders to attend a preliminary meeting to discuss the emergent findings and to invite collaboration and enhance participation in the crafting of implications.

Challenges and limitations

As this research employed a purposive sampling strategy, it could be prone to researcher bias as the sample was created on the basis of the judgment of the researchers. Further, the research could be vulnerable to errors in judgment by the researchers, making its findings less reliable. However, the use of clear criteria in the sample selection based on expert elicitation from an extensive secondary data review mitigated the disadvantages of the purposive sampling approach. Another limitation of this approach is that the non-probability-based nature of unit selection calls into question the representativeness of the sample and therefore the ability to generalize findings to the wider MDW population. This limitation also applies to the snowball sampling approach that was used in identifying MWs and experts for interviews. Despite the inability to make statistical generalizations in employing this approach, we may make logical generalizations using the collected data, and thus the sampling methods were the most appropriate, cost-effective and time-effective methods available.

Another limitation found during the recruitment of participants for the survey was the number of refusals, with enumerators reporting refusal rates of about 40 to 60 per cent when doing direct recruitment. Some of the reasons cited for refusal included data confidentiality, language barriers, and unavailability during

business hours. We decided to (a) recruit more enumerators who spoke the native languages of prospective participants to lower the language barriers and (b) reach out to different NGOs and community groups and register participants through community events. We also encouraged the participants we had surveyed to pass on information about the study to other workers. Having enumerators who were familiar with their respective community also helped to build trust and encourage participants to take the surveys. Comparing the three targeted sectors, we found the entertainment and informal economy sector to be the most challenging in terms of finding participants to interview. This was because there are hidden participants within this sector (e.g. escorts) that are particularly difficult to recruit, even through NGOs working with these beneficiaries. As a result, most of our data findings for these hidden populations were based on our interviews with key informants (organizations that directly interact with the hidden population).