Rights of Migrant Sex Workers

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NOTE: For full details of all service providers, the services provided, languages spoken, and contact details please see the full database at the end of the document.

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Profile of sex workers in Hong Kong

An increasing number of Hong Kong's sex workers are originally from China and countries such as Thailand, Philippines, Burma, Korea and (central) Africa. These individuals are often refugees, asylum seekers or were trafficked into Hong Kong under false pretexts. The different ethnicity of workers is reflected in the areas that workers are often based, for example local and mainland Chinese often work in Sham Shui Po and Mong Kok servicing local clients whereas workers in Wan Chai are usually South East Asian. Sex work can include lounge hostess, bar waitress, masseur, social escort and the provision of services in 'salons', saunas or rented rooms. In Hong Kong "yeit lao yeit fong" (one room one girl) is the most common form of sex work.

Part I Criminal implication of services provided by sex workers

<u>Legal framework in Hong Kong relating to sex-workers</u>

A prostitute means a prostitute of either sex¹

Prostitution in itself is legal in Hong Kong, but almost everything related to prostitution is not. It is illegal to: **Solicit for an immoral purpose**²

- Liable on conviction to a fine of \$10,000, imprisonment of 6 months
- An "immoral act" refers to an act or behaviour which is not acceptable to the vast majority of the public, including
 - Initiating conversation with a customer, or using body language, expression or attire to signal availability to customer
 - o Mentioning the types of available services and price, for example during conversation

¹ CAP 200, Crime Ordinance s117 (2002)

² CAP 200, Crimes Ordinance, s147 (1997)

- o Sexual services for commercial motivation
- Acts that do not breach the law
 - o Replying to a customer who initiated the conversation
 - Any sexual act within private premises above age 18
 - Standing by the street
- In general soliciting in the street leads to arrest for soliciting immoral acts and imprisonment of 2 months

Keep, manage or assist in the management of a vice establishment for the purpose of prostitution (brothel)³

• liable on summary conviction to imprisonment of 3 years; or on conviction on indictment to imprisonment of 10 years

Let premises for use as a vice establishment⁴

- liable on conviction to a fine of HK\$20,000 and imprisonment of 2 years
- this is mainly aimed at agents or those who gain from rental collections such as pimps this law is usually not applied on its own but jointly with Section 130 (controlling individuals for the purpose of unlawful sex or prostitution) or Section 131 causing or procuring another person to prostitute⁵

Knowingly living on the earnings of prostitution of others⁶

- liable on conviction to imprisonment of 10 years
- includes pimps, partners, spouses, children, parents or those relying on income obtained through prostitution including a landlord who raises rent knowing the tenant is a sex worker

Advertising prostitution

- liable on conviction to imprisonment of 12 months
- advertising must be explicit including neon sign, online advertisements and message posted in chat rooms

Controlling individuals for the purpose of unlawful sex or prostitution⁸

• liable on conviction to imprisonment of 14 years, including boyfriends or parents, coercing an individual to prostitute him- or herself

Causing or procuring another person to prostitute⁹

• liable on conviction to imprisonment of 7 years and includes a sex-worker who introduces another person to the trade

Trafficking persons to or from Hong Kong for the purpose of prostitution¹⁰

• liable on conviction on indictment to imprisonment of 10 years

Operating, keeping, managing, assisting in any capacity in the operation of a massage establishment without a license 11

• liable on first conviction to a fine of \$50,000 and imprisonment of 6 months and a fine of \$100,000 and imprisonment of 2 years on any subsequent conviction

In practice prostitution is only legal when individuals operating on their own on private premises and as long as the services are not solicited or publicly advertised.

Relevant Hong Kong laws concerning migrant sex-workers

³ CAP 200, Crimes Ordinance, s139 (1998)

⁴ CAP 200, Crimes Ordinance, s143 (1998)

⁵ Zi Teng, Laws Which Regulate Sex Work in Hong Kong, at: http://www.ziteng.org.hk/info/info e.html#4

⁶ CAP 200, Crimes Ordinance s 137 (1998)

⁷ CAP 200, Crimes Ordinance s 147A (1997)

⁸ CAP 200, Crimes Ordinance s 130 (2000)

⁹ CAP200, Crimes Ordinance s 131 (2000)

¹⁰ CAP 200, Crimes Ordinance s 129 (1998)

¹¹ CAP 266, Massage Establishment Ordinance, s4 (1997)

It is illegal for holders of tourist visas, two-way visas, visas for business or for the purpose of visiting relatives to participate in any activity for financial compensation (including sex-work) or to overstay their visa

Breach of condition of stay¹²

 a breach of conditions of stay can result in a fine up to HK\$50,000 (level 5¹³) and imprisonment of 2 years

Providing false statements and forgery of documents ¹⁴

 provision of false statements, use or possession of forged documents can result on conviction in a fine of HK\$150,000 and imprisonment of 14 years

Landing and remaining in Hong Kong without permission 15

 arrival and remaining in Hong Kong without permission can result on conviction to a fine of HK\$600,000 and imprisonment of 7 years

Requirement to carry proof of identity¹⁶

- everyone above the age of 15 is obliged to carry proof of identification
- proof of identity means¹⁷
- a valid Hong Kong identity card
- a valid travel document
- document issued by the Commissioner of Registration acknowledging application by the individual
 - 1) to be registered under the Registration of Persons Ordinance (Cap 177); or
 - 2) for a new identity card under Regulation 13 or 14 of the Registration of Persons Regulations (Cap 177 sub. leg. A)
- a Vietnamese refugee card
- asylum seekers and CAT claimants who do not have valid travel documents may receive recognizance papers ¹⁸ or UNHCR slips that generally suffice
- refugees will have a letter to prove that they are recognized as refugees but may also choose to show recognizance papers¹⁹

Anyone who fails to produce proof of identity

- can be charged to a fine at level 2 (HK\$2000-HK\$5000)²⁰ provided that s/he had a reasonable excuse for failing to produce proof of identity (loss or destruction proof of identity)²¹
- may be arrested²²

¹² CAP 115, Immigration Ordinance, s41 (1997)

CAP 221, Criminal Procedure Ordinance, s113C (2009), A level 5 Fine is \$2500 to \$50000. Hong Kong law either specifically states the fine or refers to one of 5 levels, and an overview of all fine levels is given at section 113C, CAP 221

CAP 115, Immigration Ordinance, s42 (1999)

¹⁵ CAP 115, Immigration Ordinance, s38 (2005)

¹⁶ CAP 115, Immigration Ordinance, S17C (1997)

¹⁷ CAP 115, Immigration Ordinance, s17B (1997)

Under s36(1) of the Immigration Ordinance (CAP 115) the Director of Immigration may release asylum seekers, refugees and CAT claimants from detention pending the determination of their claims. On release they are provided with so called recognizance papers. This document does not grant permission to stay in Hong Kong but will provide access to certain services and organisation in Hong Kong. In practice refugees, asylum seekers and CAT claimants will be sent to Castle Peak Bay Detention Centre where their identity will be established after which they will be released on recognizance. Note that recognizance will only be given to people after they have overstayed their visa.

Interview with Brian Barbour, Executive Director of HKRAC on 24 March 2011

²⁰ CAP 221, Criminal Procedure Ordinance, s113C (2009), A level 2 Fine is \$2000 to \$5000

²¹ CAP 115, Immigration Ordinance, s17C(3)(4) (1997)

CAP 115, Immigration Ordinance, s17D (1997)

 may be examined by an immigration officer or immigration assistant in order to determine whether that person landed in Hong Kong unlawfully or is intending to contravene or has contravened a condition of stay²³

Relevant Legal Entitlements of Authorities

Power to stop, detain and search²⁴ A police officer may

- stop and demand proof of identify for inspection if s/he believes the individual is acting suspiciously
- detain for a reasonable period if there is the suspicion the individual has committed an
 offence
- search for weapons that may threaten the safety of the police officer or the public

Search of premises with warrant²⁵

A magistrate can grant a search warrant to authorize any police officer to enter and search
premises if there is sufficient evidence to suspect that an offence has been or is being
committed in connection with the premises.

Searching premise without a warrant²⁶

• The Commissioner of Police can authorize a police officer to enter premises without notice to interrogate any persons therein to check whether any missing girls or any girls under 16 are working at the premises.

Rights of authorities to arrest and detain migrants²⁷

- Power to arrest and search suspects²⁸ Officers of the Immigration Service (IS) may stop, search and arrest
 - o any person who fails to produce proof of identity (without warrant)²⁹
 - any person suspected of having committed an offence under the immigration ordinance or has landed in Hong Kong unlawfully and has not been authorized to remain³⁰
 - o note at the time of arrest the officer should inform the individual they are under arrest and the reason
- <u>Detention</u>³¹
 - o following arrest, an individual may be detained at IS offices or other designated place
 - o if the investigation cannot be completed immediately the individual may be released unconditionally or on bail to appear at a specified time, date and place
 - o migrant sex-workers without a HKID cannot be released on bail but are not prevented from applying for bail through a lawyer to the judge or the High Court
 - o if after the investigation there is sufficient evidence the individual will be charged and either (i) be released on bail to appear before a Magistrate, or (ii) be detained and brought before a Magistrate generally within 48 hours unless removed or deported under the Immigration Ordinance
 - the general principle on detention is that an individual will be released on bail by entering into a recognizance for a reasonable sum, or on cash bail for a specified

http://www.immd.gov.hk/pdf/arrestguide_en.pdf

CAP 115, Immigration Ordinance, s17E (1997)

CAP 232, Police Force Ordinance, s54 (1997)

²⁵ CAP 200, Crime Ordinance, s13 (1997)

CAP 213, Protection of Children and Juveniles Ordinance, s16

Department of Immigration, Guidance to an Arrested Person on Arrest and Detention

CAP 331, Immigration Service Ordinance, 12 (1997)

CAP 115, Immigration Ordinance S17D(1) (1997)

³⁰ CAP 115, Immigration Ordinance s56(1A)(b) (1997)

CAP 331, Immigration Service Ordinance, s13A (1997)

- amount, as soon as possible unless the offence is of a serious nature or it is reasonably considered the individual should be detained pending appearance before a Magistrate
- detention must be justified on reasonable grounds having regard to the circumstances of the case, which means normally the individual will be released on bail except
 - where the offence is of a serious nature
 - where arrest on a warrant which does not allow bail
 - risk of absconding
 - risk of repeat offending
 - risk of interfering with witnesses, impeding the investigation or attempting to obstruct the course of justice
 - the individual should be detained in their own interests to protect him/her from acts committed by themselves or others
 - the individual cannot produce a reasonable amount of bail money in circumstances where entering into recognizance with or without sureties is not appropriate

Authorized detention for immigration-related reasons

- <u>Detention for inquiry</u>³²
 - Immigrants suspected (by any member of the Immigration Service or any police member from the rank of Assistant Commissioner and above) of having violated the Immigration Ordinance can be detained for investigation for an initial period of 48 hours, which can be extended for 5 additional days.
- Detention pending examination and decision as to landing³³
 - People suspected of having arrived in Hong Kong without appropriate authorization can be held for not more than 24 hours pending the examination and for a further 24 hours pending a decision to grant or refuse permission to land.
- Detention for inquiry relating to deportation³⁴
 - Pursuant to a detention warrant, a foreigner can be detained for up to 14 days if there are reasonable grounds for suspecting the person is deportable because s/he has been found guilty in Hong Kong of an offence punishable by imprisonment of not less than 2 years and/or the Chief Executive deems it to be conducive to the public good.
 - o If it appears to the Secretary for Security that it is desirable that a person should be further detained for the purposes outlined above; for the purpose of inquiries into activities which are prejudicial to the security of Hong Kong; or while proceedings for deportation are completed, then detention can be extended with two additional warrants of 7 days totalling a maximum of 28 days.
- Detention of deportee for inquiries³⁵
 - o If a person who is in Hong Kong in contravention of a deportation order is to be removed from Hong Kong but their continued presence is necessary for the time being in connection with inquiries being carried on into activities of that person which are prejudicial to the security of Hong Kong and there is a risk that person will abscond then the Chief Executive may issue a warrant authorizing their detention for 14 days.
 - o If deemed necessary, the Chief Executive may issue up to 2 further warrants authorising detention for a further 7 days.

CAP 115, Immigration Ordinance s26 (1997)

CAP 115, Immigration Ordinance s27 (1997)

CAP 115, Immigration Ordinance s29 (1997)

³⁵ CAP 115, Immigration Ordinance s31 (1997)

Detention pending removal or deportation³⁶

 General authorization of detention of non-residents who have been issued a deportation or removal order. In most instances, there is no specified limit on the length of detention.

• Detention of sex-workers

Normally for a maximum of 48 hours and if there is enough evidence, the detainee should be sent to court for trial within 48 hours. If police need more time to investigate and collect evidence they may apply for a maximum of 5 days detention.

Liberty and security of persons

- Since unification with China in 1997, human rights law is enshrined in the Basic Law and the Bill of Rights Ordinance (CAP 383)
- Article 39 of the Hong Kong Constitution (Basic Law) expressly states that the
 provisions of the International Covenant on Civil and Political Rights (ICCPR), the
 International Covenant on Economic, Social and Cultural Rights ICESCR and the
 international labour conventions as applied to Hong Kong shall remain in force
- at the constitutional level Article 28 of the Basic Law guarantees that "the freedom
 of the person of Hong Kong residents shall be inviolable. No Hong Kong resident
 shall be subjected to arbitrary or unlawful arrest, detention or imprisonment.
 Arbitrary or unlawful search of the body of any resident or deprivation or
 restriction of the freedom of the persons shall be prohibited" but it must be noted
 that the Basic Law only applies to permanent and non-permanent residents
- the Hong Kong Bill of Rights Ordinance (BOR) is the local adaptation of the provisions of the ICCPR put into effect in Hong Kong and Article 5(1) guarantees the liberty and security of persons in accordance with Article 9 of ICCPR

• Challenges to lawfulness of detention

- o the remedy of *habeas corpus* gives effect to the Principle expressed in Article 5(4) of the Hong Kong Bill of Rights Ordinances⁻⁻⁻ Applications for a writ of habeas corpus can be made under Section 22A of the High Court Ordinance or alternatively, an individual may challenge detention by way of judicial review judicial review
- between 1995 and 1998, 12 habeas corpus applications were made with 3 cases successful while only 3 judicial review applications were made with zero successful cases

Recognizance as alternative to detention³⁷

- an immigration officer and any police officer may require a detainee to enter into a recognizance in such amount and with such number of sureties as the Director or such police officer may reasonably require
- where a detainee enters into such a recognizance he may be released
- a person may be detained notwithstanding that he has entered into a recognizance.
- note that the recognizance amount is always HK\$2000 (standard requirement for bail), which is recorded as "self-surety", however practice shows that individuals are seldom in fact required to pay

Deportation order³⁸

- a deportation may be made against an immigrant if the immigrant has been found guilty in Hong Kong of an offence punishable by imprisonment of more than 2 years or the Chief Executive deems it necessary for the public good
- a deportation order requires the person concerned to leave Hong Kong and prohibits return either indefinitely or in accordance with the period specified in the order

CAP 115, Immigration Ordinance s32 (1997)

³⁷ CAP 115, Immigration Ordinance s36 (1997)

CAP 115, Immigration Ordinance s20 (1998)

- a deportation order shall invalidate any permission or authority to land or remain in Hong Kong given to that person before the order is made or while it is in force
- the power to make deportation orders rests with the Secretary for Security
- applications for deportation orders are made by the Director of Immigration but before
 applying to the Secretary for Security for a deportation order the Director will notify the
 immigrant of his intentions to seek his deportation and invite him to make representations
 against the deportation
- any grounds put forth by the immigrant, together with the Director's comments and recommendations, will be forwarded to the Secretary of Security for a decision as to whether a deportation should be made
- persons who wish to challenge decisions, acts or omissions taken, done or made under the Immigration Ordinance may
 - lodge a non-statutory petition to the Chief Executive in person (under Article 48 of the Basic Law)
 - o apply to the High Court to seek leave for judicial review of the decision
 - o in the case of a removal order, appeal to the Immigration Tribunal within 24 hours of being notified of the decision; and
 - in cases other than removal orders, make statutory objection under Section 53(1) of Immigration Ordinance to the Chief Secretary for Administration within 14 days of the decision. The objection will be considered by the Chief Executive.
- However, there is no statutory requirement for immigration officials to inform objectors of those avenues and it is not the practice to do so unless the person in question asks

Appeal against deportation order

- under Section 53 of the Immigration Ordinance, an immigrant against whom a deportation order has been made may lodge and objection to the decision with the Chief Secretary for Administrator within 14 days, which will be considered by the Chief Executive Council³⁹
- alternatively, he/she may make a petition to the Chief Executive under Article 48 of the Basic Law for suspension or rescission of the deportation order

Removal order⁴⁰

- the Chief Executive may issue a removal order against immigrants who have not been ordinarily resident in Hong Kong for 3 or more years if considered undesirable
- the Director, Deputy Director or an Assistant Director of Immigration may make a removal order against person if they have remained without permission, of if they have committed certain prescribed offences or if they have been refused permission to land
- written notice is to be served as soon as is practicable on the person informing him/her
- of the ground on which the order is made; and
- that if s/he wishes to appeal s/he must do so by giving written notice to an immigration
 officer outlining the grounds of appeal and the facts upon which s/he relies within 24 hours
 of receiving notice of removal order
- persons who wish to challenge decisions, acts or omissions taken, done or made under the Immigration Ordinance may follow the process outlined above for challenging deportation orders

Appeal against removal orders made by Director or Deputy Director of Immigration⁴¹

 a person with a removal order may appeal to the Immigration Tribunal against the removal order on the ground that s/he enjoys the right of abode, right to land or permission to remain in Hong Kong

CAP 115, Immigration Ordinance s53A (1998)

³⁹ CAP 115, Immigration Ordinance s53 (1997)

CAP 115, Immigration Ordinance s19 (1998) and Report of the HKSAR of the People's Republic of China in light of the International Covenant on Civil and Political Rights (1998) Article 13

- a person who wishes to appeal shall serve written notice of appeal, stating his grounds of appeal and the facts upon which he relies within 24 hours of being notified of the removal order
- procedural points:
 - o provision as to witnesses and the production of documents are similar to those in Sections 21 and 22 of the Magistrates Ordinance (CAP 227)
 - o provision for payment of an allowance to witnesses at a hearing of an appeal similar to those contained in Section 9B Criminal Procedure Ordinance (CAP 221) for the payment of an allowance to witnesses in criminal proceedings before any court
 - o appeal can be heard in the absence of the appellant where he/she cannot attend by reason of illness or injury or where his/her attendance would present a threat to the health or safety of other persons at the hearing or in other circumstances
 - o if the Tribunal thinks fit it may allow the appellant and respondent to be represented by legal counsel or a solicitor
 - o proceedings may be conducted in English or Chinese language or both as the Tribunal things fit, parties to proceedings may address the Tribunal in any language, any witness may testify in any language and a legal representative may use either of both languages

Removal orders not to be executed pending appeal⁴²

 a person shall not be removed until the time limited for an appeal has passed or the person against whom the removal order has been made declares in writing that he/she does not intend to appeal or until the appeal is determined by the Tribunal, or the appellant declares in writing that he/she is abandoning his appeal

Dismissal of appeal without hearing⁴³

 where the Tribunal, upon an examination of the written grounds of appeal of an appellant, is satisfied that the facts would not entitle the appellant to succeed or are the same or substantially the same facts on which the appellant sought to rely on a prior unsuccessful appeal, it may dismiss the appeal without a hearing

Determination of appeals 44

• the decision of the Tribunal shall be final

Release of successful appellant⁴⁵

where an appeal is successful the appellant shall be released

Suspension of deportation orders⁴⁶

- the Chief Executive may suspend the deportation order made against any person on such conditions as s/he thinks fit
- during the continuance of the suspension the deportation order shall not be in force
- between 1998 and 2003, 69 deportation orders have been rescinded or suspended (from a total of 2899 deportation orders issued)

Rescission of deportation orders⁴⁷

• the Chief Executive may rescind the deportation order made against any person, but the rescission of the deportation order shall not affect the power of the Chief Executive to make another such order against that person

General detention policy⁴⁸

CAP 115, Immigration Ordinance s53B (1998)

CAP 115, Immigration Ordinance s53C (1997)

CAP 115, Immigration Ordinance s53D (1997)

CAP 115, Immigration Ordinance s53E (1997)

CAP 115, Immigration Ordinance s54 (1997)

CAP 115, Immigration Ordinance s55 (1997)

CAP 115, Immigration Ordinance s55 (1997)

Security Bureau, Immigration Department, Detention Policy

- detention must be justified with sufficient reasons and for a period which is reasonable in all circumstances
- the following factors are taken into account by the Director of Immigration/ Secretary for Security in determining whether a person should be detained or released but note that these factors are not exhaustive and are instead considered in the context of all circumstances of the case
 - o whether the person's removal is possible within a reasonable time
 - o whether that person concerned constitutes a threat/security risk to the community
 - whether there is any risk of that person's absconding and/or (re)offending
 - whether that person's identity is resolved or satisfied to be genuine
 - whether that person has close connections to or a fixed abode in Hong Kong
 - whether there were other circumstances in favour of release
- in addition, the following factors may favour detention
 - the detainee's removal from Hong Kong is imminent and/or immediate repatriation is being arranged for his/her departure
 - o the detainee is willing to leave and arrangement is underway to remove him/her
 - o there is no sufficient reason to believe that the detainee's case cannot be finalized in the near future
 - there is no outstanding claim in respect of the detainee's impeding removal and no outstanding legal proceedings e.g. petition/appeal/judicial review
 - if there were outstanding legal proceedings, there was no sufficient reason to believe that the legal proceedings could not be completed within a reasonable period of time
 - the detainee is likely to pose a threat/security risk to the local community e.g.
 suspected to have connection with terrorist activities
 - the detainee has conviction(s) associated with crime(s) of serious or violent nature
 - o the detainee has a record of violent behaviour during detention/imprisonment
 - o the detainee has previously absconded or escaped from custody
 - o the detainee has a record of breaching bail
 - o the detainee had failed to comply with the terms/conditions of recognizance
 - the detainee failed to attend appointment(s)/scheduled interviews without reasonable excuse in response to a request by immigration officers/government investigation sections e.g. Extension Section
 - o the detainee is a returning removee/deportee
 - o the detainee is re-arrested during recognizance
 - the detainee has previous convictions for criminal and/or immigration offences or reoffended in respect of the offence for which s/he was arrested
 - o the detainee has not produced satisfactory evidence or any proof of identity and there are no relevant documents to establish his/her identity/nationality
 - there is doubt as to the detainee's true identity (e.g. false/forged/different identity/travel documents)
 - the detainee is non-cooperative or has failed to give satisfactory or reliable answers to an immigration officer's enquiries/investigation as to his/her identity
 - o the detainee does not have a fixed abode or close connection (e.g. family or friends) in Hong Kong to make it likely that s/he will be easily located
 - the detainee is likely to engage in unlawful employment or business if released from detention
 - the detainee has expressed that s/he is not able to take care of himself/herself if released from detention
 - the detainee is required to give evidence in the trial of any offence or facilitate inquiries into an offence or suspected offence
 - the following factors may dissuade against detention

- the detainee is a person under the age of 18
- the detainee is elderly requiring close supervision/medical care
- the detainee is a pregnant woman and there is no clear prospect of imminent removal
- the detainee is in serious medical/mentally ill-health condition
- the detainee is physically disabled requiring constant nursing care
- there is satisfactory evidence that the detainee has been tortured

Relevant rights for migrant sex-workers irrespective of whether an offence had been committed Right to liberty and security⁴⁹

- no one shall be subjected to arbitrary arrest or detention
- anyone who is arrested shall be informed, at the time of the arrest, of the reasons for arrest and shall promptly be informed of any charges
- anyone arrested or detained shall be brought promptly before a judge and shall be entitled to a trial within reasonable time
- anyone arrested or detained is entitled to take proceedings before a court
- anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation

Regarding ID checks and house raids⁵⁰ individuals have the right to

- request the police officer to show his/her identity (Police warrant card), record the officer's name, UI (Unique Identifier) number, posting and which policy station s/he belongs to
- refuse to provide information such as personal and family backgrounds (names of husband, school that your children go to etc), lease, and property owner
- refuse to sign any document
- refuse photographs to be taken of yourself or your apartment
- be searched by an officer of the same sex

Regarding body search⁵¹

- before the body search, police should
 - distribute a notice for custody search and state the cause, area and level of the body search
 - o all searches should be performed by an officer of the same sex as the individual being searched
 - only officers of the same sex can be present during the search
 - location of the search should protect reasonable privacy

Regarding undercover operations⁵²

- undercover operations involve police officers posing as customers in order to gather evidence of illegal sex-work
- according to police guidelines, police officers are allowed to pay for sexual services that stop short of full intercourse while collecting evidence to support charges of illegal prostitution⁵³
- during the operation undercover police officers
 - o cannot ask the price or the nature of services provided, otherwise the officer is guilty of "soliciting for an immoral purpose"
 - cannot initiate bodily contact with the sex-worker

http://www.ziteng.org.hk/info/info_e.html#4

Legco, Supplementary information on Police's undercover operations against vice activities, (Sept 2006)

⁴⁹ CAP 383 Hong Kong Bill of Rights Ordinance s8 art 5 (1997)

⁵⁰ CAP 200, Crimes Ordinance, s152(3) (1997)

⁵¹ Constitutional and Mainland Affairs Bureau, Your Guide to Services in Hong Kong (July 2008) p63

⁵² Information largely provided by Zi Teng, Laws Which Regulate Sex Work in Hong Kong, at:

- cannot accept sexual-services but note that the Police Department has not forbidden officers from accepting masturbation services during undercover operations
- o cannot receive money

Regarding arrest

- before the arrest, the police officer must
- state the reason why the individual is being arrested and the charge⁵⁴ clearly give the Cautioned Statement (right to remain silent as protected under Common Law)

Regarding detention

- in police custody an individual has the right to⁵⁵
 - seek legal assistance (see Section VI for more information about legal aid and translation) by
 - making private telephone calls to, or communicating in writing or in person with, a solicitor or barrister
 - having a solicitor or barrister present during any interview with the Police
 - communicating in private or refusing any communication with a solicitor or barrister claiming to have been instructed by a third person on the individual's behalf
 - requesting provision of a list of solicitors published by the Law Society of Hong Kong
 - o request the Police to inform a friend or relative that they are at a police station and be informed of the outcome
 - contact the relevant consulate
 - a foreign national can request the Duty Officer to contact the consulate of their home country in Hong Kong or if there is no consular representation in Hong Kong, the authorities of the individual's home country
 - contact details of Consular Representation in Hong Kong in Section IV
 - representatives from the consulate or the relevant authorities of the individual's home country can visit in private or arrange for a solicitor or barrister to visit the individual
 - the individual must be given a copy of their cautioned statements (questions and answers given under caution) as soon as practicable after the interview and they may refuse to answer subsequent questions until a copy is provided
 - o keep in touch
 - a reasonable opportunity to communicate with a relative or friend by telephone but if an overseas call is made, it will be at the individual's expense
 - the individual may request to receive visit by a friend or relative with the approval of the Duty Officer
 - the individual may request the Duty Officer to supply writing materials although any letters will be posted at the expense of the individual
 - o request for bail may be made and if remanded (detained) by order of a magistrate, it will be the magistrate who decides on the request to grant bail
 - o request interpretation services (see Section VI)
 - be provided with with water and 3 meals per day and request additional food/drink at, subject to the approval of the Duty Officer and the inspection of such food and drink

Department of Immigration, *Guidance to an Arrested Person on Arrest and Detention* http://www.immd.gov.hk/pdf/arrestguide_en.pdf

CAP 331C, Immigration Service (Treatment of Detained Persons) Order (1997) and *Your Guide to Services in Hong Kong* (English, 11 edition) http://www.had.gov.hk/rru/english/annex/annex-english-guide.html

- o demand medical attention if required
- these rights are conditional on there being no unreasonable delay or hindrance that would reasonably likely to be caused to the process of investigation or administration of justice

Breaches of individuals rights

- making a claim of police misconduct
 - o complain to the duty officer of the police station
 - o call 999 hotline
 - o call Zi Teng: +852 2332 7182 (24hrs legal assistance hotline)
 - o call Complaints and Internal Investigation Branch (CIIB): +852 2866 7700
 - call Independent Commission Against Corruption: +852 2526 6366
- for information as to legal aid/translation service see Section VII

Part II Legal entitlement to stay in Hong Kong

Legal entitlement to stay in Hong Kong

Everyone needs an entry visa/permit to work, study, establish or join in any business or take up residence or to stay in Hong Kong as a visitor longer than the allowed visa free period, unless they have the right to abode or land. ⁵⁶

Entry Visa

- an application for an entry visa to enter Hong Kong for a visit (leisure, social or business) may be favourably considered if
- o the applicant's bona fides are not in doubt;
- o the applicant has adequate funds to cover the duration of his/her stay without working; and
- o where the application is for a transit visa/permit; s/he holds an onward ticket to the place of his/her destination

Right of abode in Hong Kong⁵⁷

- Hong Kong permanent residents enjoy the right of abode in Hong Kong
- they have the right to
 - o land in Hong Kong
 - be free from any condition of stay in Hong Kong
 - not be deported or removed from Hong Kong
- 6 categories of people are eligible to enjoy the right of abode in Hong Kong
 - a) a Chinese citizen born in Hong Kong before of after the establishment of Hong Kong
 - b) a Chinese citizen who has resided in Hong Kong for a continuous period of not less than 7 years before or after the establishment of Hong Kong
 - c) a Chinese national born outside Hong Kong to a parent who was a Chinese citizen falling within category (a) or (b)
 - d) a person not of Chinese nationality who has entered Hong Kong with a valid travel document and has resided in Hong Kong for a continuous period of not less than 7 years
 - e) a person under 21 years born in Hong Kong to a parent who is a permanent resident of Hong Kong under category (d)
 - f) a person other than those in categories (a) to (e) who, before the establishment of Hong Kong, had the right of abode in Hong Kong only
- Further information
 - Right of Abode Section of Immigration
 - o Enquiry hotline: +852 2824 6111

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⁵⁶ CAP 115, Immigration Ordinance, s7 (1997)

⁵⁷ CAP 115, Immigration Ordinance, s2A (1997)

- Email: enquiry@immi.gov.hk
- Website: http://www.gov.hk/en/residents/immigration/idcard/roa/eligible/

Right to land to Hong Kong⁵⁸

- if an individual loses the right of abode in Hong Kong s/he will automatically acquire the right to land in Hong Kong which allows him/her to
 - land in Hong Kong;
 - o to be free from any condition of stay (including a limit of stay) in Hong Kong;
 - and not to be removed from Hong Kong
- a person may ascertain whether s/he has lost the status of a permanent resident of Hong Kong by applying for verification of eligibility for permanent identity card with the Right of Abode Section of the Immigration Department.

Hong Kong Identity (ID) card⁵⁹

- all Hong Kong residents aged 11 or over are required to register for an identify card within 30 days of arrival in Hong Kong
- the first ID card is free of charge but fees are charged for replacement HKID cards
- applications should be made to the Registration of Persons Office of the Immigration
 Department as listed below and applicants are advised to make prior appointments before
 going to the offices.
- Online appointment booking
 http://www.gov.hk/en/residents/immigration/idcard/hkic/bookregidcard.htm
 or by phone:
 +852 2598 0888 (24hours)
- Offices:
 - Hong Kong Office: 8/F, Immigration Tower, 7 Gloucester Road, Wan Chai. Tel: +852
 2824 6111
 - Kowloon Office: 3/F, Cheung Sha Wan, Government Offices, 3030 Cheung Sha Wan Road, Kowloon. Tel: +852 2150 7933
 - o Kwun Tong Office: Shop Nos. 25-35 & 43-45, 43-45, G/F Wharf T&T Square, 123 Hoi Bun Road. Kwun Tong, Kowloon. Tel: +852 2755 9545
 - o Fo Tan Office: Shops 405-406, 4/F Jubilee Court, Shopping Centre, 2-18 Lok King Street, Fo Tan, New Territories. Tel: +852 2653 3116
 - Yuen Long Office: Shop B, G/F, Manhattan Plaza, 23 Sai Ching Street, Yuen Long. Tel:
 +852 2475 4114
- applicants should bring
 - new arrivals should bring a valid travel document, passport, entry permit, One-Way permit or affidavit showing residential status in Hong Kong
 - Hong Kong resident should bring juvenile identity card, previous identity card, passport or other travel documents
- more information
 - o Immigration Department
 - o Hotline: +852 2824 6111
 - o Email: enquiry@immd.gov.hk

Conditions of stay

For individuals who have the right of abode and right to land, there are no restrictions and the individual is free to enter Hong Kong freely to live, study and work without any restrictions. In all other cases there are usually restrictions on how long an individual is allowed to stay and whether s/he is allowed to work or not. Most visas, in particular two-way visas, tourist visas and business visas, do not allow an individual to undertake paid or unpaid work.

⁵⁸ CAP 115, Immigration Ordinance, s2AAA (1997)

Immigration Department, General Information on Hong Kong Identity Cards, at http://www.gov.hk/en/residents/immigration/idcard/hkic/geninfor.htm

Breach of condition of stay⁶⁰

 a breach of conditions of stay (for example by undertaking paid or unpaid work or staying for longer than the permitted period) can result in a fine up to HK\$50,000 and imprisonment of 2 years

Providing false statements and forgery of documents ⁶¹

• provide false statements, use or possession of forged documents can result on conviction in a fine of HK\$150,000 and imprisonment of 14 years

Landing and remaining in Hong Kong without permission⁶²

- arriving and remaining in Hong Kong without permission can result on conviction to a fine up to HK\$600,000 and imprisonment of 7 years
- this applies for migrants arriving in Hong Kong and overstaying their visa

Refugees, asylum seekers and CAT claimants

There are no clear statistics on the number of refugees, asylum seekers and CAT claimants in Hong Kong. According to SoCo in 2006, there were 1,800 asylum seekers of which 78% were from Asia and 21% from Africa. Vision First provided the following unofficial statistics

Open CAT claims by ex-domestic helpers approx. 600

Open CAT claims 6750

CAT claims rejected in 2010 >400

Open UNHCR claims <500

UNHCR refugees approx. 150 (including children)

UNHCR refugees recognized each year >20

Refugees Pursuant to the 1951 Refugee Convention, a refugee is any person who owing to a well founded fear of being prosecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his/her nationality and is unable, or owing to such fear, unwilling to avail himself/herself of the protection of that country.

Asylum seekers According to the UNHCR, an asylum seeker is any person who is seeking protection as a refugee and is waiting to have his/her claim assessed. If this person is found to have a genuine claim s/he becomes a refugee.

CAT claimants an asylum seeker can also lodge an application under Article 3 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

After their arrival in Hong Kong asylum seekers, refugees and CAT claimants cannot be repatriated (non-refoulement principle), although anecdotal evidence suggests there are cases where individuals have been returned without due process. Individuals who are not sent back will initially be kept in airport detention and then transferred to Castle Peak Bay Detention Centre. Once identity and security checks are finalized, they will be released on recognizance. This recognizance paper has no official status but provides access to certain services.

Law and policy relating to asylum seekers and refugees

 Hong Kong has no legislation or coherent policy governing the treatment of asylum seekers, refugees, or CAT claimants. And although the Refugee Convention and Protocol apply to the People's Republic of China, they have not been extended to Hong Kong SAR so that there is no protected status for refugees or asylum seekers in Hong Kong law or policy

⁶⁰ CAP 115, Immigration Ordinance, s41 (1997)

⁶¹ CAP 115, Immigration Ordinance, s42 (1999)

⁶² CAP 115, Immigration Ordinance, s38 (2005)

- the Government's current approach is to treat all arrivals in accordance with the Immigration Ordinance (CAP 115) and immigration guidelines which do not mention or require different treatment for asylum seekers or refugees
- Hong Kong relies on the UN Refugee Agency (UNHCR) Hong Kong Sub-Office to process asylum seekers' applications but there is no formal system for directing asylum seekers to UNHCR and access to UNHCR depends on individual initiative and knowledge or on the discretion of the immigration officer
- UNHCR refugee status determination process (RSD)
 - ° register with UNHCR at which time they will be put in detention at the airport or Castle Peak Bay Immigration Centre
 - o first instance interviews with UNHCR either over the phone or in person at the detention centre or UNHCR offices, using interpretation services where necessary
 - o if refugee status is recognized UNHCR must resettle them to third countries that are willing to offer them protection
 - resettlement countries each have their own processes and often subject the refugees to additional interviews and currently refugees from Hong Kong are only resettled to USA and Canada and only very few each year are resettled (approx 16)
 - o refugees that are not resettled remain in Hong Kong but still do not have legal status in Hong Kong and are therefore unable to work and access many services
 - UNHCR communicates its decision on the status of the asylum seeker to the Director of Immigration, who has unfettered discretion to decide whether or not to abide by the decision, as determined by the High Court in its 2006 decision in AK v Director of Immigration
 - if refugee status is denied the applicant is returned to their country of origin, subject to any appeal lodged with UNHCR (which is a review based on the papers taken from an interview with the appellant) and if the appeal fails the applicant may apply for re-opening
 - o if refugee status has been denied and no further permission to remain in Hong Kong is granted, the individual is required to leave the country

UNHCR RSD procedure has been widely criticized for lacking a number of guarantees ensuring procedural fairness including transparency, providing written reasons for refusal, independent appeals, provision for legal assistance, and judicial review.

Daly, M. 'Note on the Situation of Asylum Seekers, Refugees and Convention Against Torture ('CAT') Claimants in the Hong Kong SAR prepared for Joint Meeting of the Legislative Council Panels on Welfare Services and Security, 18-7-2006, LC Paper No. CB(2)2761/05-06(2)

Law and policy relating to CAT claimants

- the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) has been extended to Hong Kong since 1992 and Hong Kong Government has put in place an administrative mechanism for torture claims
- in 2010, several legally-aided torture claimants unsuccessfully launched various legal challenges against enforcement actions and policies of the Government, challenging the policy of not granting an extension of stay to torture claimants or allowing screened torture claimants to work in Hong Kong
- claim procedure
 - little information is available on the actual process for lodging a claim under CAT but the claim needs to be lodged to the Director of Immigration and is handled by the Torture Claim Assessment Division of the Immigration Department

- on lodging a CAT claim, the individual is taken to the Castle Peak Bay Immigration Centre (CIC) for security and identity check and then the individual will be released on recognizance until their claim is processed
- if the claim is established s/he will not be removed to the country where there are substantial grounds for believing that he would be in danger of subjected to torture, although removal to another country will be considered but note that thus far only 1 CAT claim has been successful and this was forced by judicial review in 2008
- o if the claim fails s/he will be removed from Hong Kong, however, s/he may appeal (petition) against the refusal decision
- more information
 - Enforcement and Torture Claim Assessment Branch: +852 2829 3838
 - Immigration hotline: +852 2824 6111
 - Email: enquiry@immd.gov.hk
- petition (appeal) against the determination of a torture claim⁶³
 - If the claimant is not satisfied with the determination by the Immigration
 Department, s/he may lodge a petition within 14 days from the date of the notice of determination to the Chief Executive under Article 48(13) of the Basic Law
 - the petition will be considered by the Adjudicator of the Security Bureau under the authority delegated from the Chief Executive
 - if circumstances warrant, an oral hearing with the petitioner and representative(s) from the Immigration Department may be conducted s/he may be represented by lawyer at the hearing
 - o the determination of the appeal shall be final
 - o the notice of petition must be completed either in English or Chinese
 - o more information⁶⁴
 - Petition Teams in Rooms 3007-10
 - Address: 30/F Immigration Tower, 7 Gloucester Road, Wan Chai
 - Tel: +852 2294 2981
- recognizance⁶⁵
 - On release from CIC the individual will be issued with a "Recognizance Paper"
 (alternative to detention) so they may freely move around Hong Kong although in practice, recognizance provides notice that the holder is a refugee and has no legal visa and enjoys no rights

Situation of refugees, asylum seekers and CAT claimants while awaiting status determination

RSD and CAT claim procedures can take a long time and during this time asylum seekers, refugees and torture claimants are generally treated as unauthorized immigrants and are therefore denied access to basic services and vulnerable to detention and deportation.

- According to the Hong Kong Human Rights Commission, asylum seekers "are denied access
 to health care, education, welfare, and housing, and care furthermore subject to detention.
 If they approach the immigration department to extend visas or get recognizance they are
 often rejected and will be asked to leave the country".
- officially Hong Kong Administration has advised that the fact that a person is a refugee, asylum seeker or torture claimant does not in itself lead to that person's prosecution or detention in Hong Kong and that enforcement actions will only be made if the person

Security Bureau, 'Petition against the Determination of a Torture Claim'

http://www.sb.gov.hk/eng/special/pdfs/petition against the determination.pdf

Security Bureau, 'Frequently Asked Questions on Lodging a Petition'

http://www.sb.gov.hk/eng/special/pdfs/faq_petition.pdf

CAP 115, Immigration Ordinance, s36 (1997)

- concerned has breached Hong Kong laws such as undertaking illegal employment or overstaying $^{\rm 66}$
- in July 2008, the Hong Kong Court of Appeal ruled that the powers to detain under Section 32 of the Immigration Ordinance pending verification of a torture claim were lawful under domestic law but that they violated Article 5(1) of the Hong Kong Bill of Rights and there was no published policy describing the circumstances under which the Government could exercise its power to detain pending verification of the torture claims.⁶⁷
- in practice asylum seekers and refugees in Hong Kong continue to be arbitrarily detained.

Extending visas

Extension of stay for visitors

- who: anyone with a visitor visa
- when: Applications may be made in person before or within 7 days from expiry of the limit of stay
- where:
 - o foreign (i.e. non-Mainland) visitors may make the applications to the Extension Section or any Immigration Branch Offices (except Hong Kong Island Travel documents Issuing Office.
 - o contact details
 - Extension Section on 5/F, Immigration Tower, 7 Gloucester Road, Wan Chai.
 +852 2824 6111
 - East Kowloon Office, 2/F, Sceneway Plaza, Sceneway Garden Road, Lam Tin.
 +852 2347 3492
 - M/Floor, Yau Ma Tei Car park Building, 250 Shanghai Street, Yau Ma Tei.
 +852 23594426
 - Sha Tin Office, 3/F Sha Tin Government Office, 1 Sheung Wo Che Road, Sha Tin. +852 2158 6419
 - Immigration and Registration of Persons, Fo Tan Office, 405 &406, 4/F
 Jubilee Court Shopping Centre, 2-18 Lok King Street, Fo Tan. +852 2651
 8644
 - Immigration and Registration of Persons Yuen Long Office, Shop B, G/F,
 Manhattan Plaza, 23 Sai Ching Street, Yuen Long. +852 2475 4145
 - o visitors from Mainland China can only make the applications to the Extension Section on 5/F, Immigration Tower
- what to bring:
 - travel documents;
 - o evidence to support the need to prolong the stay in Hong Kong eg;
 - o onward/return tickets; evidence showing adequate funds etc; and
 - o completed form ID91
- Processing time: applications will normally be finalized the same day
- costs: \$160
- more information
 - o Tel: +852 2824 6111
 - o Email: enquiry@immd.gov.hk

Extension of stay for non-permanent residents/visitors

Legislative Council, Review of the Torture Claim Screening Mechanisms 'Background brief prepared by the Legislative Council Secretariat for the meeting on 6 July 2009' Ref CB2/PL/SE. at 11

A et al v Director of Immigration. Judgment of 3 March 2009. The High Court of the Hong Kong Special Administrative Region. Action File 114/2009

 $[\]frac{\text{http://legalref.judiciary.gov.hk/lrs/common/search/search result detail frame.jsp?DIS=64626\&QS=(\{HCAL100%2F2006\}\}\{HCAL000100%2F2006\}+\%25caseno)\&TP=JU}{\text{http://legalref.judiciary.gov.hk/lrs/common/search/search result detail frame.jsp?DIS=64626\&QS=(\{HCAL100%2F2006\}\})}{\text{http://legalref.judiciary.gov.hk/lrs/common/search/search result detail frame.jsp?DIS=64626&QS=(\{HCAL100%2F2006\}\})}{\text{http://legalref.judiciary.gov.hk/lrs/common/search/search result detail frame.jsp?DIS=64626&QS=(\{HCAL100%2F2006\}\})}{\text{http://legalref.judiciary.gov.hk/lrs/common/search/searc$

- who: non-permanent residents in Hong Kong. Not applicable to foreign domestic helpers and entrants admitted under the Capital Investment Entrant Scheme and their dependents
- when: application can be made within 4 weeks before the expiry of limit of stay
- where: application can be made to Extension Section, 5/F Immigration Tower or any Immigration Branch Offices (except Hong Kong Island Travel Documents Issuing Office) as listed above
- what to bring:
 - o travel documents;
 - HK identity card;
 - o completed form ID91; and
 - o depending on current status
 - for extension of employment or training: current employment letter stating the applicant's position and remuneration;
 - for extension of student status: letter of continued studies;
 - for extension of dependent status: sponsor's travel document or Hong Kong permanent Identity Card, form ID481A;and form ID481B
- processing time: applications will be finalized within 2-3 weeks upon receipt of all necessary documents
- cost: \$160
- appointment booking for applying for extension of stay
 - o Online
 - http://www.gov.hk/en/residents/immigration/nonpermanent/bookextensionstay.htm
 - o Phone: +852 2598 0888
 - online application status inquiry http://www.gov.hk/en/residents/immigration/nonpermanent/appstatuseng.htm
- note visas cannot be renewed for the purpose of seeking asylum

Extension of stay for foreign domestic helpers

- who: foreign domestic helper applicants applying for an extension of stay under the sponsorship of the same employer, including contract renewal and completion of the remaining period of the current contract, may use the new arrangements
- when: within 8 weeks before the expiry of the domestic helper's limit of stay
- where: in the drop-in boxes located at Foreign Domestic Helpers Section, 3/F, Immigration
 Tower, Wan Chai, Hong Kong or by post to the Foreign Domestic Helpers Section or by online
 submission via the Hong Kong Government website (www.gov.hk/esapplication)
- supporting documents
 - application form ID 998A
 - o application form ID 998B (only for contract renewal)
 - o an original copy of the new Employment Contract (ID 407) (only for contract renewal)copy of the helpers' travel documents including the pages showing his/her personal particulars, latest visa label; and latest landing endorsement
 - o copy of proof of employer's financial positions
 - o copy of proof of employer's residential address
 - employer's supporting letter to confirm continuous employment (only for completion of remaining period under current contract)
- processing time: within 10 working days
- cost: \$160

Migration of dependant family members

Dependants of Hong Kong residents

who:

- the following dependants of a person who is a Hong Kong permanent resident or a resident not subject to a limit of stay (i.e. a resident with the right to land or on unconditional stay) may apply to join him/her for residence
 - his/her spouse;
 - his/her unmarried dependent children under the age of 18; and
 - his/her parent aged 60 or above
- o for a person who has been admitted into Hong Kong to take up employment or study or who is permitted to remain in Hong Kong as a capital investment entrant or an entrant under the Quality Admission Scheme, the following dependants may apply to join him/her for residence
 - his/her spouse; and
 - his/her unmarried dependent child under the age of 18
- o note that this entry arrangement does not apply to
 - Chinese residents of the Mainland (except in certain circumstances)
 - former Mainland Chinese residents residing in Macau SAR who have acquired residence in Macau through channels other than the One-Way Permit Scheme; and
 - nationals of Afghanistan, Albania, Cuba and Democratic People's Republic of Korea
- supporting documents:
 - o application for Entry for Residence form ID 997 Part A (completed by applicant) and Part B (completed by sponsor)
 - recent photograph
 - o photocopy of applicant's travel document containing personal particulars and page containing latest arrival stamp/extension of stay label
 - o photocopy of applicants HKID (if any)
 - o photocopy of proof of the applicants relationship with the sponsor (eg marriage certificate, birth certificate, family letters etc)
 - o photocopy of applicants Macao identity card (for Macao residents only)
 - o photocopy of applicant's household registration in Taiwan and Taiwan identity card (for Taiwan residents only)
- where:
 - all supporting documents should be submitted by the applicant or local sponsor to: Receipt and Despatch Unit, Hong Kong Immigration Department, 2/F Immigration Tower, 7 Gloucester Road, Wan Chai
 - applicants residing overseas may submit their application with the relevant supporting document in person to the nearest Chinese diplomatic and consular mission in their place of domicile
- costs: \$160
- processing time: up to 6 weeks

Dependents of refugees, asylum seekers and CAT claimants

- due to the lack of a formal refugee/asylum seeker policy, no information is available regarding the treatment of claims from family groups and whether such claims will be determined individually or as a group
- generally, children under 18 are considered within the claim made by their parents unless something specific happened to the child to justify separate consideration
- the country of resettlement will usually process the family as a whole
- generally when a family arrives in Hong Kong, one person is treated as the principal applicant, but other family members will be interviewed

<u>Part III</u> Medical care

General medical care

Health care system in Hong Kong

The Hong Kong health care system is divided in public and private health care services

Public health care

- Out-patient clinics
 - for routine medical treatment, the most convenient and affordable choice is one of Hong Kong's many out-patient clinics and more serious illness will be referred to a specialist clinic or hospital for further treatment
 - o for appointments, the Hospital Authority has an automated phoneappointment service so patients call the relevant out-patient clinic and input information as instructed before being given an appointment time and a reference number
 - o on arrival at an out-patient clinic the patient must first register and then pay a registration fee and a Hong Kong ID will be required for registration
 - o office hours for general out-patient clinics are usually Mon-Fri 9:00am-1:00pm, 2:00pm-5:00pm and Sat 9:00am-1:00pm
 - o there are currently 48 specialist out-patent clinics and 74 general out-patient clinics in Hong Kong with locations and contact details can at
 - general out-patient clinics
 http://www.ha.org.hk/visitor/ha-visitor-index.asp?Content-ID=10052&Lang=E
 NG&Dimension=100&Parent ID=10042
 - specialist out-patient clinics
 http://www.ha.org.hk/visitor/ha-visitor-index.asp?Content-ID=10053&Lang=E
 NG&Dimension=100&Parent-ID=10042
- Public hospitals
 - o patients need to register at the Hospital's Admission office and are required to bring identification documents and their admission slip for scheduled admission
 - o if you have an inquiry on the services provided by the Hong Kong public hospitals, call the Hospital Authority One Stop Enquiry Service on 2300-6555
 - there are currently 41 hospitals and institutions in Hong Kong and location and contact details can be found at http://www.ha.org.hk/visitor/ha_visitor_index.asp?Content_ID=10084&Lang=ENG
 &Dimension=100&Parent_ID=10042
 - there are 16 public hospitals with Accident & Emergency (A&E) Services that provide full range of accident and emergency services 24 hours a day and location and contact details of Accident & Emergency Departments are available at http://www.ha.org.hk/visitor/ha_visitor_index.asp?Content_ID=200246&lang=ENG
- Department of Health Specialist Clinics (see list above)
 - o an overview of clinics and health centres can be found at http://www.dh.gov.hk/english/tele/tele chc/tele chc.html
- information about doctor services available during long holidays can be obtained from the Medilink hotline at 90000-222-322 (Cantonese, Mandarin and English)

Private health care

- a list of registered private hospitals can be found at http://www.dh.gov.hk/english/main/main orhi/list ph.html
- a list of registered private clinics can be found at http://www.dh.gov.hk/english/main/main orhi/list rc.html
- information about Chinese Medicine Practioners can be found at http://www.dh.gov.hk/english/main/main orhi/list rc.html

 while most of the private hospitals have 24-hour out-patient clinics, these clinics are not meant to provide the same kind of emergency services rendered at the A & E departments of public hospitals

Costs

- subsidized (public) healthcare is available to holders of Hong Kong ID cards, children aged under 11 years who are Hong Kong residents and other persons approved by the Director of Health
- full fees are payable by non-eligible persons
- various options exist for Hong Kong ID card holders who cannot afford subsidized health care
 - recipients of Comprehensive Social Security Assistance (CSSA) do not have to pay public health care expenses (not available for illegal immigrants, including refugees, asylum seekers and CAT claimants who have overstayed their visa)
 - o for vulnerable groups in the community who do not receive CSSA (low income patients, chronically ill patients and elderly) there is a <u>medical waiver</u>, which entitles the person, on request, to free medical care and applications can be made at the Medical Social Services Units of public hospitals and clinics or from the Social Welfare Department (Integrated Family Services Centres & the Family and Child protective Services Units of the Social Welfare Department (IFSCs/FCPSUs of SWD) with more information on the criteria available at

http://www.ha.org.hk/haho/ho/hacp/122630e.htm

- addresses and telephone numbers of the Medical Social Services Units of SWD http://www.swd.gov.hk/doc/rehab/MSSU-SWD Eng 042011.pdf
- addresses and telephone numbers of the Medical Social Services Units under Hospital Authority
 http://www.swd.gov.hk/en/index/site pubsvc/page medical/sub medical soc/
- further information
 - Social Welfare Department (SWD)

Address: 8/F, Wu Chung House, 213 Queen's Road East, Wan Chai

Hotline: +852 2343 2255Fax: +852 2838 0114

Email: <u>swdenq@swd.gov.hk</u>

■ Website: <u>www.swd.gov.hk</u>

- Hospital Authority (manages Hong Kong Public health care system)
 - Address: Hospital Authority Building, 147 Argyle Street, Kowloon

Tel: +852 2300 6555Fax: +852 2890 7726

HA Infoline: +852 2882 4866 Email: enquiry@ha.org.hk Website: www.ha.org.hk

Organisations assisting asylum seekers, refugees and torture claimants/people with recognizance papers

With their recognizance papers refugees, asylum seekers and CAT claimants can be treated at Public Accident & Emergency hospitals and they can apply for a Medical Waiver through Social Welfare Department (SWD) offices at hospitals. Various service providers offer assistant to refugees and asylum seekers including

- Vision First
 - o assists refugees and asylum seekers to access medical services
 - o a private doctor offers medical consultations, advice and treatment to registered Vision First Members
 - o facilitates access to dental and optical services

- o both female and male staff
- ASTC Programme, ISS-HK
 - asylum seekers and refugees may be eligible for the medical waiver through the ASTC programme of ISS-HK (supported by SWD) and the waiver will need to be requested from SWD
- Christian Action Chungking Mansion Service for Refugees and Asylum seekers
 - provide some medical services and assist in gaining access to health care in Hong Kong
- organisations such as UNHCR and HKRAC will aim to assist individuals in finding specialized treatment if no public assistance is available

Mental health services

The term mental health services describes services that deal with a wide range of mental health related issues including but not limited to counselling, psychological treatment, psycho-social support and psychiatric treatment. The nature of the services provided differs significantly between organisations and contact should be sought with the relevant organisation for further information.

- Social Welfare Department (SWD)
 - Medical Social Services SWD operates 33 medical social services units in public hospitals, specialist clinics and out-patient clinics with medical social workers providing patients and their families with individual and group counselling, financial aid, housing assistance or referral to other community resources to facilitate their treatment, rehabilitation and re-integration into society
 - non-CSSA recipients can apply for a medical fee waiver through the SWD (including asylum seekers, refugees and CAT claimants with their recognizance papers)
 - more information at medical social services unit at hospital or clinic or through the SWD Hotline at +852 2343 2255
 - addresses and telephone numbers of Medical Social Services Units available at
 - http://www.swd.gov.hk/en/index/site pubsvc/page medical/sub medical soc/
 - Clinical Psychological Service provides psychological assessment and psychotherapy
 - services are free of charge
 - more information
 - SWD Hotline: +852 2343 2255
- Hong Kong Christian Service Family Networks
 - clinical psychological service and counselling services subsidized by the Government and free of charge
 - o applications directly or on referral from other agencies
 - open to residents within service boundary in Tsim Sha Tsui and Yua Ma Tei
 - service mostly in Cantonese but some counsellors also speak Putonghua or English
 - opening hours
 - 9:00am-1:00pm (Mon-Fri)
 - 2:00pm-5:30pm (Mon Fri)
 - 5:30pm-9:00pm (Tue, Thur, Fri)

Organisations also assisting asylum seekers, refugees and torture claimants/people with recognizance papers

- Social Welfare Department (see above)
- HKRAC
 - o can make referrals to certain psychiatrists.
- International Social Services Hong Kong (ISS-HK)

 counselling and psycho-social assistance are available, including an available psychiatrist

Vision First

- Vision First offers mental health services to asylum seekers and refugees including counselling, psychotherapy and coaching, positive parenting groups and workshops
- o in-house doctor and counselling on appointment
- St John's Cathedral Counselling Services
 - confidential psychotherapeutic counselling service available to people from all nationalities, religions, sexual orientation etc

RainLily

- o Rainlilily offers victims of sexual violence one-stop around the clock assistance.
- counselling services are available with counsellors following cases providing psychological support, psychological assessment and counselling, and referral to clinical psychologist for assessment can also be arranged

CHEER

the Centre for Harmony and Enhancement of Ethnic Minority Residents (CHEER) is part of the Hong Kong Christian Service and funded by the Home Affairs Department (HAD) to provide accessible services to ethnic minorities in Hong Kong and provides a range of services including translation services, language programmers and guidance, counselling and referral services by registered social workers to assist ethnic minorities who are in need of support

Pathfinders

- Pathfinders is a registered charity that assists documented or undocumented migrant women who have lost their jobs, overstayed their visas and are pregnant (mostly domestic helpers)
- The Bethune House Migrant Women's Refuge Ltd
 - registered charitable organisation addressing problems of migrant women in distress, in particular domestic workers (under the umbrella of St John's Cathedral Mission in Action Programme for Migrant Workers)
- Soultalk
 - registered charitable organisation for women in emotional crisis

Services providing services specifically for victims of sexual violence

- Social Welfare Department
 - o CEASE Crisis Centre
 - provides comprehensive support to victims of sexual violence and links them with appropriate health care and social services units for necessary protection and services
 - 24-hour hotline: 18281
 - free of charge
 - immediate counselling and outreach services
 - short-term accommodation service (address kept confidential)
 - more information
 - CEASE Crisis Centre Hotline: 18281 (24hours)
 - Website: http://www.swd.gov.hk/en/index/site pubsvc/page family/sub list ofserv/id sersexviolvic/
 - o Residential Services for Abused Women
 - 5 refuge centres provide temporary accommodation to females and their children in face of domestic violence or family crisis

- the refuge centres accept referrals from social workers and the police, following request for service through casework service units of SWD and direct applications to the refuge centres are also accepted
- 24 hours, free of charge
- more Information
 - Social Welfare Department, Residential Services for Abused Women http://www.swd.gov.hk/en/index/site pubsvc/page family/sub list ofserv/id residabwomen/

• Wai On Home for Women: +852 2793 0223

Harmony House: +852 2522 0434
Serene Court: +852 2787 6865
Sunrise Court: +852 2890 8330
Dawn Court: +852 2243 3210

Sexual health advice and testing

- Department of Health
 - o AIDS Unit
 - AIDS prevention and care services include
 - confidential counselling service
 - free, anonymous, confidential HIV antibody testing
 - general information on AIDS
 - follow-up treatment, counselling and support
 - counselling for sexual partners and family of infected individuals
 - Social Hygiene Clinics: responsible for the management, prevention and control of sexually transmitted diseases (STD)
 - prior appointment and doctor's referral are not required. Information kept confidential
 - addresses and Registration Hours of Department of Health Social Hygiene Clinics (Female)

http://www.dh.gov.hk/english/tele/tele_chc/tele_chc_shcf.html

Clinic	<u>Address</u>	Service Hours
Chai Wan Social Hygiene Clinic	West LG5, Specialist Out-patient Department,	Wed: 8:45am-1:00pm
	Pamela Youde Nethersole Eastern Hospital, 3 Lok	Mon: 8:30am-100pm
	Man Road, Chai Wan, Hong Kong	Fri: 8:45am-1:00pm
	+852 2595 7500	Mon, Wed, Fri:
		2:00 pm to 5:30 pm
Wan Chai Social Hygiene Clinic	7/F, Tang Chi Ngong Specialist Clinic, 284 Queen's	Mon: 8:30am-1:00pm
(Female)	Road East, Wan Chai, Hong Kong	Tue-Fri: 8:45am-1:00pm
	+852 3103 2411	Mon-Fri: 2:00pm-5:30pm
Yaumatei Female Social Hygiene Clinic	3/F, Yaumatei Jockey Club Polyclinic, 145 Battery	Mon: 8:30am-1:00pm
	Street, Yau Ma Tei, Kowloon	Tue: 8:45am-1:00pm
	+852 2388 6634	Wed-Fri: 8:45am-1:00pm
		Mon-Fri: 2:00pm-5:30pm
		Tue: 5:30pm-8:30pm
Yung Fung Shee Social Hygiene Clinic	4/F, Yung Fung Shee Memorial Centre, 79 Cha	Tue & Thur: 8:45am-1:00pm
	Kwo Ling Road, Kwun Tong, Kowloon	Tue & Thur: 2:00pm-5:30pm
	+852 2727 8315	
Tuen Mun Social Hygiene Clinic	5/F, Tuen Mun Eye Centre, 4 Tuen Lee Street,	Mon: 8:30am-1:00pm
	Tuen Mun, New Territories	Wed-Fri: 8:45am-1:00pm
	+852 2459 2958	Mon, Wed, Fri:
		2:00 pm to 5:30 pm

Addresses and Registration Hours of Department of Health Social Hygiene Clinics (Male) http://www.dh.gov.hk/english/tele/tele_chc/tele_chc_shcf.html

Clinic	Address	Service Hours
Chai Wan Social Hygiene Clinic	West LG5, Specialist Out-patient Department,	Tue & Thur:
	Pamela Youde Nethersole Eastern Hospital, 3 Lok	8:45am-1:00pm
	Man Road, Chai	2:00pm-5:30pm
	Wan, Hong Kong	Mon: 8:30am-1:00pm
	+852 2595 7500	Fri: 8:45am-1:00pm
Wan Chai Social Hygiene Clinic (Male)	6/F, Tang Chi Ngong Specialist Clinic, 284 Queen's	Mon: 8:30am-1:00pm
	Road East, Wan Chai, Hong Kong	Tue-Fri: 8:45am -1:00pm
	+852 3103 2400	Mon- Wed & Fri: 2:00pm-5:30pm
		Thur (For special skin case only)
		2:00pm-5:30 pm
Yaumatei Male Social Hygiene Clinic	5/F, Yaumatei Jockey Club Polyclinic, 145 Battery	Mon: 8:30am-1:00pm
	Street, Yau Ma Tei, Kowloon	Wed-Fri: 8:45am-1:00pm
	+852 2359 4377	Mon-Fri: 2:00pm-5:30pm
		Tue (old cases only): 5:30pm-
		8:30pm
		Tue: 8:45am-1:00pm
Yung Fung Shee Social Hygiene Clinic	4/F, Yung Fung Shee Memorial Centre, 79 Cha	Mon: 8:30am-1:00pm
	Kwo Ling Road, Kwun Tong, Kowloon	Wed & Fri: 8:45am-1:00pm
	+852 2727 8315	Mon, Wed & Fri: 2:00pm-5:30pm
Tuen Mun Social Hygiene Clinic	5/F, Tuen Mun Eye Centre, 4 Tuen Lee Street,	Tue & Thur: 8:45am-1:00pm
	Tuen Mun, New Territories	Tue & Thur: 2:00pm-5:30pm
	+852 2459 2958	

Organisations also assisting asylum seekers, refugees and torture claimants/people with recognizance papers

- AIDS Hotline (Department of Health)
 - o AIDS Hotline: +852 2780 2211
 - provides information on AIDS and Sexually Transmitted Infections (STI), individual counselling and appointment booking for HIV antibody tests
 - pre-recorded messages in English, Cantonese and Putonghua (24 hrs)
 - counselling service and appointment booking for HIV antibody test, Mon-Fri 9am-6pm
 - free and anonymous
 - AIDS hotline for other languages:
 - +852 2359 9112 (Tagalog, Vietnamese and Thai)
 - +852 2112 9980 (Hindi, Indonesian, Nepali and Urdu)
 - o Gay Men HIV Testing hotline: +852 2117 1069
 - Harm Reduction Hotline: +852 2112 997
- Rainbow of Hong Kong
 - Rainbow of Hong Kong was founded in 1998 as a Lesbian, Gay, Bisexual and Transgender (LGBT) organisation concerned with the quality of life of LGBT persons in Hong Kong
 - Rainbow has over 1000 registered members and provides services including blood testing, counselling, hotline, and education, outreach and HIV prevention
- AIDS Concern
 - AIDS Concern is a non-governmental organisation providing services that are free, confidential and anonymous
- CHOICE (Community Health Organisation for Intervention, Care and Empowerment Limited)
- Hong Kong AIDS Foundation
 - non-governmental charitable organisation promoting fight against HIV/AIDS in Hong Kong
- St Johns Cathedral HIV Education Centre
 - preventative & educational activities including workshops, publications and outreach activities

Organisations specifically assisting sex workers

- Zi Tena
 - o Zi Teng is a non-governmental organisation working to support the interests and basic rights of female migrant sex workers.
 - o Zi Teng focuses specifically on migrant sex workers and does not have any criteria for sex workers and will help anyone who approaches the organisation (including individuals without HKID) but in practice these women are sex workers, with the majority from Mainland China, Korea, Indonesia, Thailand and Mongolian (note male sex workers are referred to Midnight Blue, an organisation that supports male sex workers in Hong Kong)
- Action for Reach Out
 - Non-government charitable organisation assisting women working in sex industry in HK
 - Information on HIV/AIDS
- Midnight Blue
 - Midnight Blue is a non-governmental organisation assisting male sex workers in Hong Kong

<u>Information on contraception, abortion, pregnancy and family planning</u>

- Mothers' Choice
 - provides care for babies awaiting permanent homes and for single girls and their families facing crisis pregnancies (unplanned and/or unwanted pregnancies) and information for single pregnant girls and women, their partners and families about the options available to them (parenting, adoption and abortion)

Organisations also assisting asylum seekers, refugees and torture claimants/people with recognizance papers

- The Family Planning Association of Hong Kong
 - o non-government organisation dedicated to promoting family planning and sexual and reproductive health

Part IV

Rights in terms of repatriation for trafficked sex workers

Rights in terms of repatriation

Removal of persons without valid travel documents

- people who arrive in Hong Kong or are present in Hong Kong who cannot produce authentic and valid travel documents can be refused permission to land and repatriated to their place of origin
- the persons concerned can make requests regarding the destinations or lodge appeals against repatriation

Removal of persons refused permission to land

- an immigration officer may remove from Hong Kong a person who is refused permission to land in Hong Kong
- a person who is refused permission to land in Hong Kong may not be removed from Hong
 Kong after the expiry of 2 months from the date of entry

See Part I above outlining:

Power to order removal

Power to deport

Appeal against removal orders

Removal orders not to be executed pending appeal

Release of successful appellant

NOTE Asylum seekers, refugees and CAT claimants arriving in Hong Kong cannot be repatriated (non-refoulement principle) however the level of adherence to this principle in Hong Kong is unclear.

Consular contacts

As at April 2011, there are 58 Consulates-General, 61 Consulates and 5 Officially Recognised Bodies in HK. ⁶⁸ If an overseas national is arrested, they have the right to contact the consulate of their home country in Hong Kong or if there is no consular representation in Hong Kong, the authorities of their home country. ⁶⁹

Consulate-General	Consul-General	<u>Tel</u>	<u>Email</u>
Africa			
Angola	Dr. Cupertino De Jesus Pio Do Amaral Gourgel	3798 3888	reception@consuladogeral-Angola.hk
Egypt	Mohamed Fahmy	2827 0668	consulate.hongkong@mfa.gov.eg
Nigeria	David Oladipo Obasa	2827 8813	nigeriaconhk@yahoo.com
South Africa	Ms. N. Tambo	2577 3279	sacghgk@netvigator.com
Zimbabwe	Paul Chikawa	2598 0678, 2598 0444	zcghk@biznetvigator.com
Botswana	Alan Nam Cheung-wing	2366 9978	N/A
Burundi	Clifford Lau	5177 2236	cliffordlau@live.com
Cameroon	Dominique Etienne Vessigault	2525 2005	info@camerooncchk.com
Congo	Patrick S.F. To	2793 1313	shufaito@mfth.com.hk
Cote d'Ivoire	Andrew C C Ma	2815 9988	amdfkcpa@netvigator.com
Djibouti	Ms. Kathy Chiu Kam-hing, JP	2537 9981	kathychiu@prime-investments.com.hk
Equatorial Guinea	Dr. Vicwood K.T. Chong, JP	2543 1943	N/A
Eritrea	James Huang	2722 1573	N/A
Ethiopia	Dennis Ng Wang-pun, MH	2363 0200	ethiopia consulate@yahoo.com.hk
Gabon	C.S. Gooljarry	2851 0361	cassam gooljarry@sino-oceans.com
Ghana	Jonas Wu Fan Ling	2530 3448	ghana@ghana.org.hk
Kenya	Dr. Tam Wing-kun, BBS, JP	2520 5000	wktam@kenyaconsulate.org.hk
Lesotho	Ms. Gloria Ko Lee	2526 3287	consul@lesotho.org.hk
Madagascar	Dr. Hui Chi-ming, GBS, JP	2587 8223	carol@hkaii.org
Mali	Jason Wong Chun-tat	2109 8111	mdoffice@hongthai.com
America	-		
Argentina	Alfredo Mario Rescic	2523 3208,	consarhk@netvigator.com
		2523 3251,	
		2523 3274	
Brazil	Antonio José Rezende de Castro	2525 7004	consulate@brazil.org.hk
Canada	Ms. Doreen Steidle	2847 7420	hkong@international.gc.ca
Chile	Mario Ignacio Artaza	2827 1826, 2827 1748	cgchile@netvigator.com
Colombia	Vacant	2545 8547	info@consuladocolombiahk.com
Mexico	Vacant	2511 3305	consulmex@mexico.com.hk
Peru	Mr. David Málaga	2868 2622	peruhkmc@netvigator.com
USA	Stephen M. Young	2523 9011	N/A
Venezuela	Vacant	2730 8099	consulve@biznetvigator.com
<u>Consulate</u>	<u>Consul</u>	<u>Tel</u>	<u>Email</u>
Bahamas	Dr. John Edward Wenham Meredith	2619 6421	N/A
Barbados	Victor T.K. Li	2128 8888	N/A
Cuba	David W.C. Tang	2525 6320	N/A
Grenada	Dr. Johnny S. H. Hon	3656 2838	info@grenada-hk.org
Jamaica	Ms. Evelyn Lu	3552 8538	jamconsulate@yahoo.com.hk
Suriname	Lok Ho-ting	2573 3862	suriname@netvigator.com
Trinidad & Tobago	Dr. Richard S.C. Yapp	2834 4988, 2833 9091	N/A

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Protocol Division Government Secretariat, Consular Posts and Officially Recognised Representatives http://www.protocol.gov.hk/eng/consular/index.html

⁶⁹ CAP 331C, Immigration Service (Treatment of Detained Persons) Order (1997) and *Your Guide to Services in Hong Kong* (English, 11 edition) http://www.had.gov.hk/rru/english/annex/annex english guide.html

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			<u>urulinks@hotmail.com</u>
Asia			
Bangladesh	Ashud Ahmed	2827 4278/9	bangladt@netvigator.com
Brunei	Kader Razali	2522 3795	N/A
Darussalam			
Cambodia	Luy David	2546 0718	cacghk@netvigator.com
Democratic	Kim Ik Song	2803 4447	dprkorea@netvigator.com
People's Republic			
of Korea			
India	Gaddam Dharmendra	3970 9911, 3970 9900	cg.hongkong@mea.gov.in
Indonesia	Teguh Wardoyo	3651 0200	kjrihkg@netvigator.com
Iran	M. A. Tabatabaei Hasan	2845 8003	<u>irancg@iranconsulate.org.hk</u>
Israel	Amikam Levy	2821 7500	info@hongkong.mfa.gov.il
Japan	Yuji Kumamaru	2522 1184	N/A
Kazakhstan	Nurzhan Abdymomunov	2548 3841	office@consul-kazakhstan.org.hk
Korea	Jun Ok-hyun	2529 4141	info@korea.org.hk
Kuwait	Bader S. Al-Tunaib	2832 7866	kuconshk@netvigator.com
Laos	Vacant	2544 1186	lao01 cons@ctimail.com
Malaysia	Jilid Bin Kuminding	2821 0801	malhkong@kln.gov.my
Myanmar	U Wai Lwin Than	2845 0810, 2845 0811	myancghk@biznetvigator.com
Nepal	Binod Kumar Upadhyay	2369 7813	cgnhk@biznetvigator.com
Pakistan	Dr. Ahmad Balal	2827 1966	parephk@netvigator.com
Philippines	Claro S. Cristobal	2823 8501	hongkongpc@philcongen-hk.com
Saudi Arabia	Hammad G. M. Al Rowaily	2520 3200	consulgeneral@saudiconsulate.org.hk
Singapore	Dr. Ker Sin Tze	2527 2212	singcg_hkg@sgmfa.gov.sg
Thailand	Vacant	2521 6481-5	thaicghk@thai-consulate.org.hk
	Mehmet Raif Karaca		
Turkey		2572 1331	consulate.hongkong@mfa.gov.tr
United Arab	Saeed Hamad Ali Al Junaibi	2866 1823	cg@uaehk.com
Emirates	Diam Con Diam	3504 4540 3504 4547	Health Construction
Vietnam	Pham Cao Phong	2591 4510, 2591 4517	tlsqhk@mofa.gov.vn
Consulate	Consul	Tel	Email
Bahrain	Dr. Chow Yei Ching, GBS	3171 1199	info@bahrainconsulate.org.hk
Cyprus	Kenneth Ting Woo-shou, SBS, JP	2798 1565	N/A
Jordan	David T.C. Lie, SBS, JP	2524 0085	N/A
Maldives	Bob N.Harilela, JP	2376 2114	N/A
Oman	Louis K.C. Wong, JP	2873 0888	fidcr@netvigator.com
Sri Lanka	Dr. Thomas H.C. Cheung, MH	2876 0828	thomascheung@pacificgroup.com.hk
Yemen	Aaron Shum Wan-lung	2334 8612	<u>yemen.consulate@aaronshum.com</u>
Europe			
Austria	Gerhard Alois Maynhardt	2522 8086	hongkong-gk@bmeia.gv.at
Austria Belgium	Gerhard Alois Maynhardt Michel Malherbe	2522 8086 2524 3111	hongkong-gk@bmeia.gv.at hongkong@diplobel.fed.be
	,		
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Belgium Czech Republic	Michel Malherbe Jaroslav Kantůrek	2524 3111 2802 2212	hongkong@diplobel.fed.be hongkong@embassy.mzv.cz
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Iceland	Robert Grool	2876 8888	N/A
Ireland	Harry Eugene O'Neill	2527 4897	info@consulateofireland.hk
Latvia	Roger King	2877 5638	N/A
Lithuania	Raj Sital Motwani, BBS, JP	2522 2908	rajsital@netvigator.com
Luxembourg	Leo Kung Lin-cheng, JP	2877 1018	conluxhk@netvigator.com
Malta	Mrs. Vivien Chou Chen	2739 2611	synflex@hkstar.com
Monaco	Tung Chee-chen, SBS, JP	2893 0669	tungcc@oocl.com
Norway	Liu Cheng-Chan	2546 9881	norwayhk@ncchk.org.hk
San Marino	Francis Robert Mullens	2526 2011	SUNRAY33@GMAIL.COM
Slovak Republic	Willy Lin Sun-mo, SBS, JP	2484 4568	slovakconsulatehk@milos.com.hk
Slovenia	Bernard C.W. Lau	2545 2107	phlandpt@biznetvigator.com
Oceanic & Pacific Islands			
Australia	Les Luck	2827 8881	enquiries.hongkong@dfat.gov.au
New Zealand	Ms. Adele Bryant	2525 5044	nzcghkg@biznetvigator.com
Consulate	Consul	Tel	<u>Email</u>
Fiji	Desmond Y.T. Lee	2375 1618	info@fiji-worldchallenge.com.hk
Papua New	Jim K.C. Or	2499 3611	N/A
Guinea			
Tonga	George Chen	2522 1321	ttohk@hkstar.com
Vanuatu	Cheng Tung-leong	2723 2188	vhkconsulate@yahoo.com.hk

Officially Recognized

<u>Organisations</u>	Chief / Head of Office	<u>Tel</u>	<u>Email</u>
Bank for	Eli Remolona	2878 7100	eli.remolona@bis.org
International			
Settlements			
Representative			
Office for Asia			
and the Pacific			
European Union	Ms. Maria Castillo Fernandez	2537 6083	delegation-hong-kong@eeas.europa.eu
International	Vacant	2509 8100	N/A
Finance			
Corporation			
Regional Office			
for East Asia and			
Pacific and the			
World Bank			
Private Sector			
Development			
Office for East			
Asia and Pacific			
International	R. Sean Craig	2878 7303	rr-hkg@imf.org
Monetary Fund			
Hong Kong SAR			
Sub-Office			
United Nations	Choosin Ngaotheppitak	2780 9271	chiho@unhcr.org
High			
Commissioner for			
Refugees Sub-			
Office			

Part V Social welfare provisions for subsistence needs

Social welfare provisions for the wider community

- Social Welfare Department (SWD)
 - Comprehensive Social Security Assistance (CSSA) Scheme
 provides cash assistance to bring the income of a household up to a prescribed level to meet basic needs, is non-contributory but means-tested
 - eligibility criteria
 - Hong Kong resident for at least 7 years and must have resided in Hong Kong continuously for at least 1 year immediately before the date of application
 - persons whose presence in Hong Kong is unlawful or persons who are permitted to stay in Hong Kong for a purpose other than residence (eg imported workers and visitors) are excluded from the scheme, note in exceptional circumstances, CSSA may be granted at the discretion of the Director of Social Welfare to a person who does not satisfy the residence requirements
 - applicants must pass an income and assets test and the applicant and his/her family will be eligible for CSSA if their total assessable monthly income is insufficient to meet their total monthly needs as recognized under the scheme
 - persons aged 15-59 in normal health should be actively seek fulltime employment
 - payments can be broadly classified into 3 types
 - standard payments
 - supplements for single parents, old, disabled or medically ill people
 - special grants to eligible applicants cover rent, school fees, essential travel expenses, medical rehabilitation appliances
 - application should be direct to a social security field unit by phone, fax, email, post or in person. An application may also be made through a referral by another government department or a non-governmental organisation
 - no service charge required
 - For more information about the CSSA Scheme visit the nearest social security field unit or visit the SDA's website at http://www.swd.gov.hk/en/index/site pubsvc/page socsecu/sub compre hens/
 - the addresses and telephone numbers of the social security field units can be found at http://www.swd.gov.hk/en/index/site pubsvc/page socsecu/sub address esa/
 - Family and Child Welfare SWD provide a variety of family and child welfare services, including the Integrated Family Service Centres (IFSC's)/ Integrated Service Centres that offer a continuum of preventative, supportive and remedial services including a resource corner, enquiry service, family life education, counselling and referral services is provided
 - a list of IFSC's can be downloaded at http://www.swd.gov.hk/en/index/site pubsvc/page family/sub listofserv /id ifs/

- Medical Social Services SWD operates 33 medical services units in public hospitals, specialist clinics and out-patient clinics and medical social workers provide patients and their families with individual and group counselling, financial aid, housing assistance or referral to other community resources to facilitate their treatment, rehabilitation and re-integration into society
 - non-CSSA recipients can apply for a medical fee waiver through the SWD (including asylum seekers, refugees and CAT claimants with their recognizance papers)
 - more information at medical social services unit at hospital or clinic or through the SWD Hotline at +852 2343 2255
 - addresses and telephone numbers of Medical Social Services Units can be downloaded at http://www.swd.gov.hk/en/index/site pubsvc/page medical/sub medical
- o Clinical Psychological Service provides psychological assessment and psychotherapy
 - services are free of charge
 - more information
 - SWD Hotline: +852 2343 2255
- o SWD hotline +852 2343 2255 (24 hrs)
 - for assistance with personal relationships, family life, medical health, disabilities, finance, housing and employment
 - hotline social workers on duty from 9:00am-5:00pm (Mon-Fri) and 9:00am-12:00noon (Sat)
 - outside working hours callers can choose to transfer their calls to the Hotline and Outreaching Service Team, leave a message on the recording machine or seek assistance from the police
 - free of charge

Social welfare provisions available for refugees, asylum seekers and CAT claimants

- The Bethune House Migrant Women's Refuge Ltd
- International Social Services —Hong Kong (ISS-HK) assistance in kind (non-monetary forms of assistance) to asylum seekers and Torture Claimants (ASTC)
 - o ISS-HK only receives referrals from the Social Welfare Department (SWD) and individuals will need to contact SWD first
 - the needs of users are individually assessed by ISS-HK during initial interview and the provision of food, toiletries, allowances for accommodation and transportation will correspond to the needs of the individual and a contract reflecting the individual needs will be formulated and renewed on a monthly basis so that the client's situation and needs can be reviewed and monitored
 - o in kind assistance
 - food: religious and cultural predispositions are respected and accommodated when selecting food suppliers, clients can choose items from a menu and food can be picked up from the centre every 10 days, infants have a separate food list and doctor's recommendations are taken into consideration for pregnant women
 - accommodation: rental flats are provided for asylum seekers and torture claimants with the capacity of 11 roommates in one flat, an allowance is provided for those who prefer to look for their own accommodation (approximately \$1,000), ISS-HK staff will meet the tenant's landlords and negotiate with them, allowance is paid directly to the landlord, bills are only paid up to a limited amount according to ISS matrix, beyond this support can be sought from Vision First (see below) or churches, note that

- money is only provided once a rental agreement has been signed which is a problem as it is standard practice for a deposit to be paid at the time of signing and individuals cannot find the funds for this deposit
- transportation: allowance for public transportation for interviews related to asylum seekers' or torture claimants' application for refuge is provided upon presentation of appointment evidence, allowance for transportation for medical appointments is also available
- toiletries: toiletries are provided on a monthly base when the service user presents him/herself to the allocated ISS office for contract renewal, toiletries provided include: soap, washing powder, shaver, shampoo, toothpaste, toothbrush and sanitary napkins
- clothing: when available, clothing is given to clients upon their request
- Christian Action, Chungking Mansions Service Centre
 - Chungking Mansions Service Centre provides essential humanitarian assistance to refugees and asylum seekers in Hong Kong including basic necessities such as food, emergency housing, clothes, baby formula, toiletries and other basic necessities
- Vision First
 - independent not-for-profit organisation providing humanitarian services to asylum seekers and refugees in Hong Kong
 - housing: offers emergency accommodation at the Vision First shelter providing a safe, clean and temporary place to stay until assistance is received from ISS, once ISS accommodation assistance is secured, Vision First helps find safe, clean, long term housing solutions by negotiating rental prices, funding deposits, contributing to utility bills and arranging maintenance and furnishings
 - Family Financial Assistance: offers essential relief to families, Vision First case workers assess the needs of each family unit and distribute cash for transport, food, water, clothing, medicine and other necessities on a monthly basis.
 - clothing: clothing, including shoes, jackets and blankets, are distributed to members
 - o food: Vision First provides hot meals to help supplement the ISS provided food provision, Vision First has partnered with a local restaurant to provide this food
 - education: Vision First helps children between 5-14 to find schools and provides financial assistance for textbooks, uniforms, transportation, excursions and homework support classes, for adolescents and adults, Vision First offers vocational training programs at the Vision First Centre and educational institutions

Public housing

Adequate and affordable public housing is available to eligible residents through the Hong Kong Housing Authority (HKHA) and the Hong Kong Housing Society (HKHS)

- Hong Kong Housing Authority maintains a waiting list system whereby applicants are offered
 a rental unit according to their order of registration and choice of district
 - eligible applicants are over 18 years old, residing in Hong Kong and have the right to land in Hong Kong without being subject to any conditions of stay (except for conditions concerning a limit of stay) and by the time of housing allocation at least half of the applicant's family must have lived in Hong Kong for 7 years
 - applicants suffering from hardships such as serious illness, disability or social problems can apply for re-housing on compassionate grounds, subject to a recommendation from the Social Welfare Department (SWD)
 - o more information
 - Hong Kong Housing Authority Customer Service Centre
 - Address: Podium level 2, Hong Kong Housing Authority Customer Service Centre, 3 Wang Tau Horn South Road, Kowloon
 - HKHA Hotline: +852 2712 2712

- Website: http://www.housingauthority.gov.hk
- all services are provided in English and Chinese
- Hong Kong Housing Society has 20 rental estates and occasionally invites waiting list applicants to apply for available flats
 - o more information
 - Application Section, Hong Kong Housing Society
 - Address: Dragon Centre, 23 Wun Sha Street, Tai Hang, Hong Kong
 - Telephone: +852 2894 3274
 - Hotline: +852 2882 1717 (24hrs)
 - Website: http://www.hkhs.com
- Social Welfare Department Residential Services for Abused Women
 - 5 refuge centres provide temporary accommodation to females and children in face of domestic violence or family crisis
 - o the refuge centres accept referrals from social workers and the police, through casework service units of SWD and by direct applications
 - o 24 hours, free of charge
 - o more information

Wai On Home for Women: +852 2793 0223

Harmony House: +852 2522 0434
 Serene Court: +852 2787 6865
 Sunrise Court: +852 2890 8330
 Dawn Court: +852 2243 3210

<u>Part VI</u> Legal aid and translation services

Legal aid services 70

Publicly-funded legal aid services are provided by the Legal Aid Department and the Duty Lawyer Service

- The Legal Aid Department
 - o provides eligible persons with legal representation in both civil and criminal cases if applicants satisfy the Director of Legal Aid of their financial eligibility (the means test) and of the justification for legal action (the merits test) although in criminal cases, the Director of Legal Aid has a discretion to grant legal aid to an applicant who fails the means test if satisfied that it is in the interests of justice to do so and in cases of murder, treason or privacy with violence, the grant of legal aid to persons for their defence or appeal is mandatory so long as they pass the means test
 - Applicants who qualify under the means and merit test are granted legal aid, regardless of their social status, religious backgrounds, political beliefs or residency status, or other status and legal aid is available for immigration-related offences and not subject to any restrictions on the ground of residency or origin
 - More information
 - Legal Aid Department
 - Tel: +852 2537 7677
 - Website: http://www.lad.gov.hk/eng/wnew/event.html
 - Headquarters: 24/F, Queensway Government Offices, 66 Queensway
 - Kowloon Branch Office: G/F, Mong Kok Government Offices, 30 Luen Wan Street Mong Kok, Kowloon
- The Duty Lawyer Scheme

First Report of the HKSAR of the People's Republic of China in light of the International Covenant on Civil and Political Rights (1998), Article 14.

- complements the services by the Legal Aid Department and offers legal representation to defendants who are charged in the magistracies and who cannot afford private representation, subject to a means and merits test, in accordance with Article 14 of the ICCPR and Art 11 of the Bill of Rights
- provides members of the public with free legal advice through individual appointments
- More information
 - The Duty Lawyer Scheme
 - Tel: +852 2526 5969
 - Website: www.dutylawyer.org.hk
 - Office: Room 2707-8, Gloucester Tower, The Landmark, 11 Pedder Street, Central
- applicants to the UNHCR or under the CAT application procedure have no access to independent legal representation financed by Government legal aid provisions, and must rely on pro bono lawyers or independent finance

Organisations providing assistance to asylum seekers, refugees and torture claimants/people with recognizance papers

- Hong Kong Refugee Advice Centre (HKRAC)
 - o pro-bono legal assistance
- Pathfinders
 - o registered charity that assists 'distressed' migrant women (for example those who have overstayed their visa or have lost their job) who are pregnant or have Hong Kong born children (mostly domestic helpers)
 - o advice on immigration and legal issues
 - will accompany individuals to immigration, social welfare organisations and hospitals
 - o more information
 - Address: Room 701, Hoseinee House, 69 Wyndham St, Central
 - Hotline: +852 5190 4886
 - Website: <u>www.pathfinders.org.hk</u>
- St John's Cathedral Helpers for Domestic Helpers
 - o legal advice and assistance to foreign domestic workers
 - o more information
 - Address: 7D On Hing Building, 1 On Hong Terrace, Central
 - Opening hours: 9:00am-5:00pm (Mon-Fri) and 11:00am-2:00pm (Sun)
 - Tel: +852 2523 4020
 - Website: www.stjohnscathedral.org.hk/domestic.html
- Christian Action
 - Chungking Mansion Service for Refugees and Asylum Seekers provides case work and legal advice
 - Domestic Helper and Migrant Workers Program (DMW) provides paralegal advice and liaison with police
- Bethune House Migrant Women's Refuge
 - o charitable organisation addressing problems of migrant women in distress, in particular domestic helpers and provides legal assistance

Organisation providing assistance to sex workers

- Action for Reach Out
- Midnight Blue
- Zi Teng

Translation services

- Government services: Government provided interpreter services are not easily accessible by ethnic minorities, for example standard practice at hospitals is that staff will only arrange interpretation on special request of the medical staff or if the patient makes a request through a referral from social workers or NGOs.⁷¹
- CHEER translation services are provided as follows:
 - Telephone Interpretation Service (TELIS)
 - interpreters will provide simultaneous over-the-phone interpretation service from English to the 7 other languages and vice versa
 - individuals can call the TELIS hotline during operation hours or make an appointment in advance and especially in situations such as intake assessments, making applications that involve form-fillings and other translations that take a longer period and booking should be made at least 3 working days in advance via TELIS hotlines, by fax or email
 - operation hours are Monday to Sunday 8am to 10pm except public holidays
 - o On-Sight Interpretation Service (OSIS)
 - staff will give immediate help by giving verbal explanation on the meaning of documents from English to the 7 other languages
 - operating hours are Monday to Saturday 10am to 10pm and Sunday 10am to 6pm excluding public holidays
 - o On-Site (Escort) Interpretation Service (EIS)
 - EIS is a service given on request by public service providers making an appointment via fax (+852 3106 0455) or email (tis-cheer@hkcs.org) at least 3 working days in advance
 - available Monday to Friday between 10am-6pm, Saturday from 10am-2pm except public holidays
 - fee for public service providers, Government departments and NGOs
 - \$30/EIS during operational hours
 - \$100/EIS out of operational hours
 - Translation Service (TS)
 - TS is available on request by public service providers for documents where no specialized/professional terminology involved
 - requests should be made via fax (+852 3106 0455) or email (<u>tis-cheer@hkcs.org</u>) at least 14 working days in advance for 1 page of A4 article (approximately 200 English words)
 - fee \$1 per word from English (minimum charge \$200)
- Christian Action, Ethnic Minority Services
 - o provides interpreters and escorts to hospitals and social welfare departments

Part VII Educational entitlements

Educational entitlement for legal migrants⁷²

All eligible children are entitled to 9 years free education (irrespective of whether they speak Chinese) and parents with the right to abode in Hong Kong must send children aged 6 to 15 to school

Hong Kong education system

Hong Kong Human Rights Commission, Society for Community Organisation, Interpreter services at hospital for ethnic minorities; submission to the Bills Committee on Race Discrimination (April 2008) http://www.legco.gov.hk/yr06-07/english/bc/bc52/papers/bc520416cb2-1600-2-e.pdf

http://www.edb.gov.hk/index.aspx?nodeID=97&langno=1

- kindergarten offered to children aged 3-5 and run by voluntary organisations or private bodies
- primary schooling starts at age 6 and operate in the morning, afternoon or all day,
 Chinese is the language of instruction in most schools with English taught as a second language
- secondary schools offer 3 years junior secondary and 3 years senior secondary education leading to the Hong Kong Diploma of Secondary Education for admission into tertiary education
- there are 12 degree-awarding higher education institutions
- private international schools charge tuition fees and have waiting lists
 - the Student Financial Assistance Agency (SFAA) provides financial assistance to needy students and enquiries can be made to the SFAA at +852 2802 2345
 - o education and support services are provided for newly arrived non-Chinese speaking children to help them adjust to local education systems and the Education Bureau has produced information and parent information packages in English, Chinese, Bahasa Indonesia, Hindi, Nepali, Tagalog, Thai and Urdu available at http://www.edb.gov.hk/index.aspx?nodelD=4211&langno=1
 - o Information on education and support services is also available at www.edb.gov.hk/nac-e and the 24-hour automatic telephone enquiry service: 2891-0088

Educational entitlement for asylum seekers, refugees and torture claimants

There is no clear policy or guidelines relating to the educational entitlements for these children but to benefit from the 9 years free education children must be registered with the Immigration Department (for example recognizance papers) and their eligibility confirmed by the Director of Immigration

- applications are dealt with on a case-by-case basis at the discretion of the Director of Immigration
- note that when asylum seekers refugees and torture claimants overstay their visa and identify themselves to the Immigration Department they subject themselves to investigation for breaching their condition of stay which can result in prison
- ISS-HK
 - Funds and placement of education for children are not included in the project but will be sought and negotiated with relevant parties if ISS-HK believes it is beneficial for the asylum seeker and/or torture claimant
- Vision First
 - o school age asylum seekers and refugees, with the permission of the Education Department, are allocated places in Government schools
 - Vision First works together with International schools and ESF in Hong Kong to provide placements in educational environments
 - o more information
 - Address: 5F, No 102 First Street, Sai Ying Poon, Sheung Wan Tel: +852 2851 0885Fax: +852 2851 0655
 - Email: info@visionfirstnow.org
 - Website: www.visionfirstnow.org
 - Opening hours: 11:00am-7:00pm (Mon Fri) and Saturday by appointment only
- Christian Action, Chungking Mansions Service Centre
 - o provides education support and transportation to schools

Vocational and language training

There are many different vocational and language programmes available for legal migrants

More information

- o www.gov.hk/en/residents/education/continuinged/
- Vocational Training Council (VTC)
 - o provides a full range of pre-employment and in-service programmes with internationally recognized qualifications
 - more information
 - VTC Tower, 27 Wood Road, Wan Chai
 - Tel: +852 2836 1000
 - Fax: +852 2838 0667
 - Email: vtcmailbox@vtc.edu.hk
 - Website: www.vtc.edu.hk
- Christian Action
 - SHINE Centre for Ethnic Minorities
 - Cantonese and English language classes
 - workshop, vocational training, career counselling, mentoring for the unemployed and IT skills for all adults and children
 - <u>Chungking Mansions Service Centre</u> for refugees, asylum seekers and torture claimants provides a variety of different language classes, interest classes, skills training and various talks/workshops
 - o Domestic Worker Programme
 - vocational and language training for domestic workers
 - Training Centre services to unemployed, jobseekers, youth, ethnic minorities and recipients of Comprehensive Social Security Assistance (CSSA) with courses including computer training, import and export, language, clerical, bookkeeping, housekeeping and security
- Caritas Education Services Division
 - Community and Higher Education Service operates in educational centres throughout the territories to provide education and training within the community
 - wide range of programmes
 - o mainly for Chinese speaking migrants
- Hong Kong Christian Service
 - o wide range of vocation training for the socially and educationally under-privileged
- International Social Services Hong Kong Branch (ISS-HK)
 - HOPE Support Services for Ethnic Minorities
- Hong Kong Christian Service
 - Centre for Harmony and Enhancement of Ethnic Minority Residents (CHEER) offers language classes (English and Cantonese at beginner, intermediate and advanced level)
 - integration programmes
 - technical literacy (computer classes)
 - cultural literacy
 - social literacy (knowledge about Hong Kong society)
 - o Kwun Tong Vocational Training Centre
 - provides a wide range of vocational training programmes for the socially and educationally under-privileged people of Hong Kong
- St John's Cathedral
 - Mission for Migrant Workers, education and training program
- Vision First
- Midnight Blue
- Zi Teng

Part VIII Legal rights and obligations

Legal obligations of 'employers' of sex workers

Illegal migrants including asylum seekers, refugees and torture claimants

- not allowed to work in Hong Kong
- it is an offence to be an employer or a person who is not lawfully employable and any offender is liable to a fine of HK\$350,000 and imprisonment of 3 years.⁷³

Legal migrants engaged in sex work

- only allowed to work as 'self-employed' sex workers and there are several ordinances prohibit employing sex workers
 - o causing prostitution 74: liable on conviction to imprisonment up to 10 years
 - o control over persons for the purpose of unlawful sexual intercourse or prostitution ⁷⁵: liable on conviction to imprisonment up to 14 years
 - o living on the earnings of prostitution of others⁷⁶: liable on conviction to imprisonment up to 10 years
 - o keeping a vice establishment⁷⁷: liable on conviction to imprisonment up to 10 years
 - o letting premises for use as a vice establishment⁷⁸: liable on conviction to imprisonment up to 7 years
 - tenant permitting premises or vessel to be kept as a vice establishment⁷⁹ liable on conviction to imprisonment up to 7 years
 - o tenant permitting premises or vessel to be used for prostitution⁸⁰: liable on conviction to imprisonment up to 7 years

Legal migrants engaged in legal work (nightclubs, massage parlours, karaoke bar)

- entitled to normal employment protection as other employees in Hong Kong
- minimum protection according to the Employment Ordinance (see below for details)
- tax obligations ⁸¹
 - o an employer must notify the Inland Revenue Department when a person is employed by him or her
 - each employer must be issues a pay slip at the end of the week or month for which they have received a salary, containing details of the salary paid and an employer must retain records of remuneration for each employee for 7 years
- the employer is required to take out insurance under the Employee's Compensation Ordinance⁸²
- each employee must be entered into the Mandatory Pension Fund and both the employer and employee are required to contribute a minimum of 5% of the employee's income (domestic workers excluded)⁸³

http://www.gov.hk/en/about/abouthk/factsheets/docs/mpf.pdf

CAP 115, Immigration Ordinance, s17(I) (1997)
 CAP 200, Crimes Ordinance, s137 (2000)

⁷⁵ CAP 200, Crimes Ordinance, s130 (2000)

⁷⁶ CAP 200. Crimes Ordinance, s137 (1998)

⁷⁷ CAP 200, Crimes Ordinance, s139 (1998)

⁷⁸ CAP 200, Crimes Ordinance, s143 (1998)

CAP 200, Crimes Ordinance, \$143 (1998)

CAP 200, Crimes Ordinance, \$144 (1998)

⁸⁰ CAP 200, Crimes Ordinance, s145 (1998)

Inland Revenue Department, Tax Information for Employers http://www.ird.gov.hk/eng/tax/ere.htm#01

⁸² CAP 282 (1997), Employees' Compensation Ordinance

Hong Kong Government, Mandatory Provident Fund Fact Sheet

 employees may form or join trade a union according to rights and obligations outlined in the Employment Ordinance⁸⁴ and the Trade Unions Ordinance⁸⁵

Employment rights of employees

Illegal migrants (including asylum seekers, refugees and torture claimants)

- not allowed to work in Hong Kong and therefore have no employment protection **Legal migrants engaged in sex work**
 - Sex work is not illegal in Hong Kong but various criminal ordinances greatly limit the movement and activities of sex workers and as a result their occupational safety and health
 - they are not allowed to hire a bodyguard or protector as the payment of the sex worker to the hired bodyguard is prohibited ("living on the earnings of the prostitution of others")
 - they are not allowed to work together to protect each other ('managing a vice establishment")
 - o they are not allowed to be employed by anyone and as a result they cannot negotiate the terms and conditions of their employment
 - they are unable to form a union as this would require them under Hong Kong Law to provide information about their employer and they are not allowed to be employed by anyone
 - some sex workers have organized themselves in a sex workers association (supported by Zi
 Teng) but this association cannot be recognized as a union under Hong Kong Law because
 sex workers are unable to provide information about their employer's information
 - ZI Teng and Action for Reach Out advocate for improved labour rights for sex workers in Hong Kong and empower and facilitate sex workers to self-organize
 - Zi Teng
 - o provides information about labour rights and occupational safety
 - o empower sex workers to self-organize
 - Action for Reach out (AFRO)
 - o support and services to women working in the sex industry and encourage and facilitate these women to form their own support groups

Legal migrants engaged in legal work (nightclubs, massage parlours, karaoke bar)

- entitled to normal employment protection as other employees in Hong Kong
- the Employment Ordinance (EO)⁸⁶ is the main piece of legislation governing conditions of employment in Hong Kong, covering a comprehensive range of employment protection an benefits for employees including
 - o wage protection
 - o rest days
 - holidays with pay
 - o paid annual leave
 - sickness allowance
 - maternity protection
 - o severance payment
 - long service payment
 - employment protection
 - o termination of employment contract
 - o protection against anti-union discrimination
 - o more Information
 - Labour Department

⁸⁴ CAP 57 (1997), Employment Ordinance, Part IVA

⁸⁵ CAP 332 (1997), Trade Unions Ordinance

CAP 57 (1997), Employment Ordinance

- 16/F, Harbour Building
- 38 Pier Road, Central
- Hotline: +852 2717 1771
- Email: enquiry@labour.gov.hk
- Fax: +852 2544 3271
- all Hong Kong residents have the freedom of association and the freedom to form and join trade unions and the Employment Ordinance⁸⁷ and the Trade Unions Ordinance⁸⁸ govern the rights and obligations concerning trade unions
 - Registry of Trade Unions
 - o 11/F, Harbour Building, 38 Pier Road, Central
 - o Tel: +852 2852 3456
 - o Fax: 2541 2681
 - Email: enquiry@labour.gov.hk
- Employees' Compensation Ordinance (
- ECO)⁸⁹ the ECO lays down the rights and obligations of employers and employees in respect of injuries or death caused by accidents arising out of and in the course of employment
- Occupational Safety and Health Ordinance (OSHO)⁹⁰ provides for the safety and health protection for employees in workplaces but does not apply to self-employed persons
- Sex Discrimination Ordinance (SDO)⁹¹ covers discrimination on the basis of sex, martial status and pregnancy, and sexual harassment are unlawful in 7 different fields including employment, education and provision of goods, facilities or services and applies to all employers in Hong Kong
- if a person is unlawfully denied equal opportunities in respect of the above they may lodge a complaint with the Equal Opportunities Commission (EOC) and bring legal proceedings before the District Court under the anti-discrimination ordinances
 - o more information about EOC and the anti-discrimination ordinances
 - o Equal Opportunities Commission
 - Address: 19/F Cityplaza Three, 14 Taikoo Wan Road, Taikooshing
 - o Tel: +852 2511 8211
 - Opening hours: 8:45am-5:45pm (Mon-Fri)
 - o <u>www.eoc.org.hk</u>

Tax obligations

Taxation of sex workers is unclear problem due to the semi legal status of the work and the often illegal status of the migrant sex workers

- illegal migrant sex-workers (including asylum seekers, refugees and CAT claimants) are not allowed to work in Hong Kong and therefore have no tax obligations
- legal migrant sex workers
 - illegal sex work (such as working in brothels) is illegal and therefore no tax obligations
 - o legal sex work (self employed) grey area/unclear
 - legal work (such as work in nightclubs, massage parlours, karaoke bar) attracts tax obligations and additional work provided in this context comes within category I or

⁸⁷ CAP 57 (1997), Employment Ordinance, Part IVA

⁸⁸ CAP 332 (1997), Trade Unions Ordinance

⁸⁹ CAP 282 (1997), Employees' Compensation Ordinance

⁹⁰ CAP 509 (1997), Occupational Safety and Health Ordinance

⁹¹ CAP 480 (1997), Sex Discrimination Ordinance

- where tax is payable, the individual is required to pay tax for income derived from work and
 if he/she receives a tax return from the Inland Revenue Department (IRD) it must be
 completed and submitted by the due date for filing
- where there are tax obligations as a self-employed person the individual may be charged profits tax⁹² and self-employed persons have certain obligations including keeping sufficient business records, preparing accounts based on accounting records, completing and submitting a tax return for reporting business profits or losses and paying tax
- more information about tax obligations
 - Inland Revenue Department
 - Central Enquiry Counter, 1/F, Revenue Tower, 5 Gloucester Road, Wan Chai
 - Opening Hours: 8:15am-5:30pm (Mon-Fri)
 - o Tel: 187 9888
 - o Email: taxinfo@ird.gov.hk

Hong Kong Government, Tax Obligations of the Self-Employed http://www.gov.hk/en/residents/taxes/profits/taxobligations.htm

Part X Contact details of support service providers

services for sex workers

[^] services for ethnic minorities

Support Provider	Help Available	<u>Contact</u>	<u>Language</u>
#Action for Reach Out	Non-government charitable organisation assisting women working	Address: PO Box 98108, TST Post Office, Tsim Sha Tsui, Kowloon	Cantonese
	in sex industry in HK	Tel: +852 2770 1065	Mandarin
	Services:	Pager: 7110 9318 call 394	English
	- legal advice	Fax: +852 2770 1201	
	- accompany women through police and legal system	Hotline: +852 2770 1002	
	 encourage and facilitate women to form support groups 	Email: contact@afro.org.hk	
	- referral agency for health screening, legal advice, counselling	Website: www.afro.org.hk	
	and if necessary temporary shelter		
	- informal information sessions on legal rights, health		
	education, family counselling as well as skills training - information on HIV/AIDS		
	,		
	- free STD and gynaecological exams Tuesdays from 11am –		
	12:15pm, 2-5pm		
AIDS Concern	Non-government organisation	Address: 17B, Block F, 3 Lok Man Road, Chai Wan	Cantonese
	Services:	Tel: +852 2898 4411	Mandarin
	- Voluntary Counselling and Testing (VCT) Service provides a	Fax: +852 2505 1682	English
	one-stop testing service that provides counselling, HIV	HIV Testing Appointment: +852 2394 6677	
	antibody rapid test and STI (Syphilis, Chlamydia, Hepatitis B)	Email: enquire@aidsconcern.org.hk	
	test	Website: www.aidsconcern.org.hk	
	- soup delivery to people living with HIV/AIDS (PHA)		
	- free transportation service for PHAs		
^ Asian Migrant Centre	Learning and knowledge centre	Address: 13/F, Flat 6, Blk A, Fuk Keung Ind. Bld	Website in English
	Services:	66 Tong Mei Road, Kowloon	
	 provides information, monitoring, research and publishing 	Tel: +852 2312 0031	
	services	Fax: +852 2992 0111	
	 advocacy and unionization work among migrant domestic 	Email: amc@asian-migrants.org	
	workers	Website: www.asian-migrants.org	
^ Asia Pacific Mission for	Regional centre committed to support the migrants' movement	Address: c/o Kowloon Union Church	English
Migrants	through advocacy, organizing and building linkages	No. 4 Jordan Road, Kowloon	Mandarin
=	- counselling for distressed workers	Tel: +852 2522 8264	Cantonese
	- education through a partner school	Fax: +852 2723 4559	

^{*} services available for illegal migrants (refugees, asylum seekers and CAT claimants) with recognizance papers

	 paralegal assistance for immigration and labour cases translations from Chinese to English 	Email: apmm@hknet.com Website: www.apmigrants.org	
* ASTC Programme, ISS-HK	Asylum seekers and refugees may be eligible for the medical waiver through this program supported by SWD.	Address: 1/F, Li Po Chun Health Centre, 22 Arran Street, Prince Edward, Kowloon Tel: +852 2578 2126 / 2578 2718 Email: astc@isshk.org	Website in English
^ Bethune House Migrant Women's Refuge	Registered charitable organisation addressing problems of migrant women in distress, in particular domestic workers (under the umbrella of St John's Cathedral Mission in Action programme for Migrant Workers) Services: - counselling, legal assistance - social activities - in some cases financial and material assistance - free emergency relief and places of refuge (focus on domestic helpers) - accompanying individuals to Immigration and Labour Departments	Address: c/o Kowloon Union Church, 4 Jordan Road, Kowloon Tel: +852 2721 3119 Email: bhmwr@hknet.com Website: www.migrants.net/ events/Bethune open haus.html	English, Cantonese
^ Caritas Hong Kong Links of Harmony – Social Services for Ethnic Minorities	Relief and rehabilitation to the poor and distressed Services: - social work services - education services - medical care - community development - education and training services	Address: 1/F, 256A, Prince Edward Road West, Kowloon Tel: +852 2339 3713 Fax: +852 2794 3667 Email: info@caritas.org.hk Website: www.caritas.org.hk	Cantonese English
*^ Centre for Harmony and Enhancement of Ethnic Minority Residents (CHEER)	CHEER is part of the Hong Kong Christian Service, which is one of the support service centres funded by the Home Affairs Department to provide accessible services to ethnic minorities in Hong Kong Services: - computer classes - language classes (English and Cantonese) - vocational training - interpretation and translation services (telephone, on-site, escort, translation of documents) - integration programmes - counselling, guidance and referral services	Address: G/F, 5 Tsui Ping Road, Kwun Tong, Kowloon Tel: +852 3106 3104 Fax: +852 3106 0455 Email: cheer@hkcs.org Website: www.hkcs.org/gcb/cheer/cheer-e.html Telephone Interpretation Services (TELIS) +852 3755 6811 (For Thai, Bahasa Indonesia and Tagalog) +852 3755 6822 (For Hindi and Nepali) +852 3755 6833 (For Punjabi and Urdu) Email: tis-cheer@hkcs.org Operating hours: TELIS Hotline: 8:00-10:00, 10:00-18:00, 18:00-22:00 (Mon-Sun) Drop-in Service: 10:00-18:00, 18:00-22:00 (Mon-Sat) 10:00-18:00 (Sun) Ethnic minorities and public service providers in need of interpretation	Cantonese Mandarin English Bahasa Indonesia Tagalog Thai Hindi Nepali Punjabi Urdu

		support for urgent matters can call TELIS hotlines out of operation hours (10pm to 8am Mon-Sun and on public holidays) in which English-speaking staff will answer.	
* ^ Christian Action	Support services for refugees and asylum seekers 1.Chunking Mansions Service Services: - case work and advice - basic necessities - education support - psycho-social support, counselling 2.Ethnic minorities (SHINE Centre) Services: - language classes (English and Cantonese) - interpreter service - assist with housing and welfare issues - vocational training and career counselling - support groups 3. New arrivals Services: - emergency food funds - counselling - language and career development - support networks 4. For Domestic Helpers (Jordan Service Centre) Services: - safe houses - legal assistance & liaison with police - vocational and language training 5. Training Centre Services: - language classes - vocational training	Head Office: Address: 4/F., New Horizons Building 2 Kwun Tong Road, Kowloon, H.K. Tel: +852 2382 3339 Fax: +852 2362 0046 Email: ca@christian-action.org.hk Website: www.christian-action.org.hk Chungking Mansions: No 6, 16/F, Block E, Chungking Mansions, 36-44, Nathan Road, Kowloon Tel: +852 2723 6626 Fax: +852 2723 63321 Email: ckmsc@christian-action.org.hk Website: http://www.christian-action.org.hk/ckmansions.htm Domestic Workers Programme (DMW) Address: Room 1, G/F., No. 2 Jordan Road, Kowloon, Hong Kong Tel: +852 2739 6193 Fax: +852 2734 5309 Email: domhelp@christian-action.org.hk Website: www.christian-action.org.hk/DMW(f-e).ht Opening Hours: 9:00am-6:00pm (Mon-Fri) and 10:00am-2:00pm (Sun) SHINE Centre for Ethnic Minorities Address: Shop 12, 15, 20&21, G/F Tuen Mun, Central Square, 22 Hoi Wing Road, Tuen Mun Tel: +852 3188 4555 Email: shine@christian-action.org.hk Website: www.christian-action.org.hk Opening hours: Tue —Sun: 9am-9pm (closed on Monday & Public Holiday) Choi Hung Training Centre Address: 3/F New Horizons Building, 2 Kwun Tong Road, Kowloon Tel: +852 2716 8812 Fax: 2382 7391 Email: marketing@christian-action.org.hk	Cantonese English French Hindi Urdu Punjabi Tagalog (some not always available)

CHOICE (Community Health	Services:	Address: Rm 1501A, 15/ F, Witty Commercial Building , 1A- 1L Tung Choi	Cantonese
Organisation for	- free and anonymous HIV and STI testing	Street , Mong Kok, Kin	Mandarin
Intervention, Care and	- counselling and education for emotional issues	Tel: +852 3188 9024	English
Empowerment Limited)	- Outreach	Email: choice1069@hotmail.com	
,	- counselling	Website: www.communityhealth.org.hk	
	- health workshops		
* Family Planning	Non-government organisation dedicated to promoting family	Headquarters:	Cantonese
Association of Hong Kong	planning and sexual and reproductive health	Address: 10/F, Southorn Centre, 130 Hennessy Road, Wan Chai	Mandarin
	Services:	Tel: +852 2575 4477	English
	- pregnancy tests (\$70)	Services Hotline: 2572 2222	
	- contraceptive pills (\$25-\$80 per cycle)	Email: fpahk@famplan.org.hk	
	- condoms (\$30-\$40)	Website: www.famplan.org.hk	
	- STD and HIV antibody testing (\$250-\$550)		
	- information on contraception	Female Birth Control Clinics can be found here:	
	- termination of pregnancy (approx \$3000-4000)(for	http://www.dh.gov.hk/english/tele/tele_chc/tele_chc_shcf.html	
	pregnancy beyond 10 weeks referral to private or public	Male Birth Control Clinics can be found here:	
	hospitals)	http://www.dh.gov.hk/english/tele/tele_chc/tele_chc_shcm.html	
	- counselling services (sex therapy, marriage and sex		
	counselling, dating workshop)	Birth Control & termination of pregnancy Locations: Wanchai, Ma Tau	
	- free E-counselling services	Chung, Yuen Long, Tai Wai, Tsuen Wan, Wong Tai Sin	
	- contraception and pregnancy information	5, 5, 7, 7	
	- mobile resource library		
Government of HKSAR,	Public out-patient clinics	General Inquiries	English
Department of Health	Public hospitals	Address: 21/F, Wu Chung House	Putonghua
		213 Queen's Road East	Cantonese
	AIDS Unit	Tel: +852 2961 8989/2961 8991	
	 Telephone and face to face counselling services 	Email: enquiries@dh.gov.hk	
	- Free anonymous HIV testing	Website: www.dh.gov.hk	
	- Treatment		
	- Follow-up	Contact details for registered healthcare institutions:	
	- Education	http://www.dh.gov.hk/english/useful/useful rphhi/useful list.html	
	Social Hygiene Service	AIDS Hotline: +852 2780 2211 (free and anonymous)	
	- STD testing, treatment and care (male and female clinics)	- Pre-recorded messages on AIDs and STDs: 24 hours (Mon – Sun	
		including public holidays)	
	Family Health Services	- counselling and appointment booking service: 9am-6pm (Mon – Fri	
	- Child health services (comprehensive range of health	except public holidays)	
	promotion and disease prevention for 0-5 years of age)		
	- Maternal health services (antenatal and postnatal care)	Pre-recorded messages in other languages can be reached by dialling	
	- Family planning services counselling and prescription of	these hotlines	
	appropriate contraceptive methods)	- +852 2359 9112 (Tagalog, Vietnamese and Thai)	

			T
		- +852 2112 9980 (Hindi, Indonesian, Nepali and Urdu)	
		Gay men HIV Testing hotline: +852 2117 1069 (9am-6pm Mon-Fri except public holidays)	
		Harm Reduction Hotline: +852 2112 9977 (24 hours. Pre-recorded messages in Cantonese, English and Putonghua).	
		Male Social Hygiene Clinics: http://www.dh.gov.hk/english/tele/tele_chc/tele_chc_shcm.html Female Social Hygiene Clinics:	
		http://www.dh.gov.hk/english/tele/tele_chc/tele_chc_shcf.html	
		Family Health Service: http://www.fhs.gov.hk/	
^ Government of HKSAR, Department of Home Affairs	Race Relations Unit (for Ethnic Minorities) - integration programmes for ethnic minorities - support services for ethnic minorities	Race Relations Unit, Home Affairs Department Hong Kong Government Address: Room 104, 1/F West Wing , Central Government Office, 11 Ice House Street, Central Hong Kong Hotline: +852 2810 3203	Website in English Chinese Bahasa
1	New Arrivals Support Services (from Mainland)	Fax: +852 2121 1716	Indonsia
	- service information handbook	Email: rru general enquiry@had.gov.hk	Tagalog
	 provision of services by district offices (familiarization 	Website: http://www.had.gov.hk/rru/	Indian
	courses, employment seminars, language classes)	Opening hours: 8:45am-6:00pm (lunch break 1:00-1:00pm)	Thai
			Nepali
		New Arrivals Support Services	Pakistani
		District offices contact details and services:	
		http://www.had.gov.hk/en/public_services/services_for_new_arrivals_fr	
		om the mainland/activity.htm (Chinese only)	
		Tel: +852 2835 1516	
Government of HKSAR, ,	- Visa application	Information and Liaison Section	Website in
Immigration Department	- Extension of Stay	Address: 2/F, Immigration Tower, 7 Gloucester Road, Wan Chai	English
	- Dependant visas	Opening Hours: 8:45am-4:30pm (Mon-Fri), 9:00am-11.30am (Sat)	Chinese
	- Hong Kong ID	Hotline: +852 2824 6111 (24 hrs)	
	- Hong Kong permanent residency	Fax: +852 2877 7711	
-		Email: enquiry@immi.gov.hk	
Government of HKSAR,	- Employment services	Labour Department	English
Labour Department	- Labour relations	16/F, Harbour Building	Chinese
	- Occupational safety and health	38 Pier Road, Central	
	- Employee rights & benefits	Hotline: +852 2717 1771	
		Email: enquiry@labour.gov.hk	
		Fax: +852 2544 3271	
		Trade unions:	
		Registry of Trade Unions	
		11/F, Harbour Building, 38 Pier Road, Central	
		TITITION TO THE TOTAL CONTROL	<u>l</u>

		T = 1	1
		Tel: +852 2852 3456	
		Fax: 2541 2681	
		Email: enquiry@labour.gov.hk	
Government of HKSAR,	- Social Security (CSSA Scheme)	Address: 8/F, Wu Chung House, 213 Queen's Road East, Wan Chai	English
Social Welfare Department	- Family and Child Welfare Services provide a continuum of	Hotline: +852 2343 2255 (24hrs)	Chinese
	preventative, supportive and remedial services including	Fax: +852 2838 0114	
	resource corner, enquiry service, family life education,	Email: swdenq@swd.gov.hk	
	counselling and referral services.	Website: www.swd.gov.hk	
	- CEASE Crisis Centre: comprehensive support to victims of		
	sexual violence	List of IFSC's can be downloaded here:	
		http://www.swd.gov.hk/en/index/site_pubsvc/page_family/sub_listofse	
	Medical Social Services SWD operates 33 medical social services	rv/id ifs/	
	units in public hospitals, specialists, clinics and out-patient clinics.		
	Services:	CSSA Scheme: The addresses and telephone numbers of the social	
	- individual and group counselling	security field units can be found here:	
	- financial aid	http://www.swd.gov.hk/en/index/site_pubsvc/p	
	- housing assistance		
	- referral to other community resources to facilitate treatment	age socsecu/sub addressesa/	
	rehabilitation and re-integration into society		
	Tendomental and te micegration mice society	Addresses and telephone numbers of Medical Social Services Units of	
	Clinical Psychological Service	SWD:	
	- free psychological assessments	http://www.swd.gov.hk/en/index/site_pubsvc/page_medical/sub_medic	
	- free psychotherapy	alsoc	
	nee psychotherapy	<u> </u>	
	Residential Services for Abused Women		
	- provide temporary accommodation to females and children	CEASE Crisis Centre Hotline: 18281 (24hours)	
	who face domestic violence or family crisis (24 hours, free of	Residential Services for victims of sexual violence:	
	charge)	- Wai On Home for Women: +852 2793 0223	
	charge)	- Harmony House: +852 2522 0434	
		,	
		- Serene Court: +852 2787 6865 - Sunrise Court: +852 2890 8330	
Allere Andrews Cl. b	No. 1 and 1	- Dawn Court: +852 2243 3210	E P. b
^Hans Anderson Club	Non-governmental organisation providing support for children and	General Office:	English
	young people of all ethnic backgrounds	5/F Chuk Yuen Estate Community Centre, 11 Chuk Yuen Road, Wong Tai	Mandarin
	Services:	Sin, Kowloon	Cantonese
	- counselling	Tel+852 2338 8564	1
	- support programmes for newly arrived migrant families	Fax+852 2338 8528	1
	training workshops for parents	Email: may.wong@hac.org.hk	1
	social services to the schools	Website: http://www.hac.org.hk	
		Centres in:	
		-Wang Tau Hom Estate, lok Fu	
		- Chuk Yuen North Estate, Wong Tai Sin	1

Hong Kong AIDS Foundation	Non-governmental charitable organisation to help promote the fight against HIV/AIDS in HK Services: - AIDS Helpline - HIV Antibody Test (free anonymous and confidential) and by appointment only - services for the infected including counselling, interest classes, workshops, support groups - information on HIV/AIDS	- Tai O, lantau Island - Tai Wan New Village, Yung Shue Wan, Lamma Island - Chuck Yuen Estate Community Centre, Wong Tai Sin. Address: 5/F, Shaukeiwan Jockey Club Clinic, 8 Chai Wan Road Tel: +852 2560 8528 Fax: +852 2560 4154 AIDS Helpline: +852 2513 0513 (Cantonese, Mandarin and English. Mon- Fri 2:00pm-5:30pm and Thur 6::30pm-9:30pm) Email: hkaf@hkaf.com Website: www.aids.org.hk	Cantonese Mandarin English
^Hong Kong Bayanihan Trust (Overseas Domestic Helpers Centres (ODHS)	Non-profit organisation Services: - activities, cultural programmes - library, photocopying machines, telephones, remittance counter	Bayanihan Kennedy Town Centre 55 Victoria Road, Kennedy Town Tel: +852 2817 8928 Fax: +852 2523 3715 E-mail: info@bayanihantrust.biz.com.hk	English Tagalog
Hong Kong Refugee Advice Centre (HKRAC)	Services: - pro-bono legal advice and representation for asylum-seekers - information dissemination and empowerment programs - monthly information sessions for asylum-seekers - recruit, train, and supervise volunteer caseworkers and interpreters in the provision of legal aid to asylum-seekers referrals to psychiatrists	Address: Flat B, 10th Floor, Comfort Building, 86-88A Nathan Road, Kowloon Tel: +852 3109 7359 Email: info@hkrac.org Website: www.hkrac.org Drop-in hours: 2:00pm-5:00pm (Wed and Thur) and at other times by appointment Information sessions: last Friday of every month at 2pm (men), last Monday of every month at 2pm (women) Location: Chungking Mansions Service Centre, No. 6, 16/F, Block E, Chung King Mansions, 36-44 Nathan Road, Kowloon	English – able to use translators
^ Hong Kong Christian Service	Integrated Family Service Centre - counselling and clinic psychology service Ethnic Minority Services - legal advice - Centre for Harmony and Enhancement of Ethnic Minority Residents (CHEER) see separate box - South Asians Mutual Support Network - orientation to mainstream services - vocational training programmes Kwun Tong Vocational Training Centre - provides a wide range of vocational training programmes for	General inquiries: 33 Granville Road, Tsimshatsui Tel: +852 2731 6316 Fax: +852 2731 6333 Email: info@hkcs.org Website: www.hkcs.org Integrated Family Service Centre 33 Granville Road, Tsimshatsui Tel: +852 2731 6227 Email: Familynet@hkcs.org Website: http://www.hkcs.org	Mostly Cantonese Some services including counselling also available in Putonghua and English

	the socially and educationally under-privileged (mainly in Chinese)	Integrated Service Centre for Local South Asians Room 604-605, 6/F Celebrity Commercial Centre, 64 Castle Peak Road, Sham Shui Po, Kowloon Hotline: +852 2525 Email: issa@hkcs.org Website: www.hkcs.org/gcb/issa/issa-e.html#5 Opening Hours: 10:00am-1:00pm & 2:00-6:00pm (Tue-Sat)	
^ Hong Kong Unison Ltd	Non-Governmental organisation servicing HK's ethnic minority residents and working to promote racial equality Services: - advocacy and public education - education and career guidance - tutorial support - scholarships - labour rights - individual case counselling	Flat 1303, 13/F, 1 Elm Street, Tai Kok Tsui Tel: +852 2789 3246 Fax: +852 2789 1767 Email: info@unison.org.hk Website: www.unison.org.hk	Chinese English
Hospital Authority	Statutory body established for managing Hong Kong's Public hospitals Services: - admission and hospitalization - accident and emergency - general and specialist out-patient clinics - Chinese medicine services - patient resource centre	Address: Hospital Authority Building, 147 Argyle Street, Kowloon Tel: +852 2300 6555 Fax: +852 2890 7726 HA Infoline: +852 2882 4866 Email: enquiry@ha.org.hk Website: www.ha.org.hk	
Independent Commission Against Corruption (ICAC)	Reporting deliberate or intentional wrongdoing by public officials (police, immigration officers)	Report Corruption ACAC, Report Centre (24 hrs) G/F, 303 Java Road, North Point, Hong Kong or ICAC Regional Offices By phone: Report Centre: + 852 2526 6366 (24hrs) Corruption Prevention Hotline: +852 2526 6363 General Inquiries: +852 2826 3110 By mail The ICAC GPO Box 1000	English Mandarin Cantonese

*^ International Social	For migrants (non-Chinese)	Headquarters:	Cantonese
Service – Hong Kong Branch	- assistance in kind (ASTC)	6/F, Southorn Centre, 130	Mandarin
(ISS-HK)	- emergency refuge	Hennessey Road, Wan Chai	English
	- counselling and psycho-social assistance	Tel: +852 2834 6863	Nepali
	- language programme	Fax: +852 2834 7627	Tagalog
	- general support	Email: isshk@isshk.org	Hindi
	- information service at airport	Website: www.isshk.org	Urdu
	- health care waiver	Opening hours:	Bahasa Indonesia
	For arrivals from Mainland China	Mon: 9:00am-1:00pm & 2:00pm-6:00pm	Thai
	- general support	Tue-Fri: 9:00am-1:00pm & 2:00pm-5.45pm	
	- orientation and adjustment programmes		
	- induction programme for children	ASTC Programme:	
	General services	Tel: +852 3473 1500 or 3473 1501	
	- language classes	Fax: + 852 3473 2136	
	- vocational training	Address: 1/F, Li Po Chun Health Centre, 22 Arran Street, Prince Edward,	
	HOPE	Kowloon	
	- language classes in Cantonese and English for children and	Tel: +852 2578 21 26 or 2578 27 18	
	adults	Email: astc@isshk.org	
	- basic, intermediate and advanced computer classes	Linaii. astewissiik.org	
	- student tutorial classes that assist minority students with	HOPE Support Service Centre for Ethnic Minorities	
	·		
	Chinese, Math and English homework - vocational assistance	Address: 3/F, Tak Lee Commercial Building, 113-117 Wanchai Road, Wanchai	
	- training in job search and interview techniques	Tel: +852 2836 3598	
		Hotline: +852 5188 8044	
	- financial management training		
		Fax: +852 2508 0207	
		Email: ethnic centre@isshk.org	
Kely Support Group	Bilingual youth organization that promotes the idea of peer	2/F, East Wing, 12 Borrett Road, Central	English
kery support Group	support in helping young people in difficult times.	Tel: +852 2521 6890	Cantonese
	Services:	Email: contact@kely.oorg	Cantonese
		Helpline: +852 2338 5777 or help@kely.org	
	- peer support helpline	neipline: +852 2338 5777 or <u>neip@keiy.org</u>	
	- harm reduction education		
	- peer support workshops		
	- circus skills training to helps students develop skills to		
	overcome fear of failure and enable them to provide peer		
	support to family and friends		
	- interactive youth forums		
	- multi-media and art / dance projects		
	- body image training amp		
	- drug awareness workshops		
	- youth suicide prevention project		
	- mentorship programme for life planning, self esteem		
	workshops, vocational sessions		

H.K.S.K.H.Lady MacLehose	Providing diversified social services to minorities living in Hong	22 Wo Yi Hop Road	English
Centre	Kong	Kwai Chung, New Territories	Cantonese
	Services:	Tel: +852 2423 5064	Mandarin
	- employment and retraining service for South Asians	Fax: +852 2494 7786	Urdu
	- health care links for South Asian community	Website: www.skhlmc.org	Tagalog
	- multi-lingual course in Cantonese, English and Mandarin		
	- homework help for South Asian children		
	- Chinese language immersion experiences for South Asian		
	families		
	- interpretation on-site, by telephone, written, video		
	conferencing, proof-reading		
Midnight Blue	Non-governmental organisation supporting male sex worker in	Post Address: P.O. Box 78757, Mongkong Post Office	Mainly Chinese
	Hong Kong	Hotline: +852 2493 4555 (24hrs)	
	Services:	E-mail: info@mnbhk.org	
	- free, anonymous and confidential rapid HIV/Syphilis testing	Website: www.mnbhk.org	
	- Information and assistance on legal issues, health awareness		
	and rights		
	- training courses		
	- drop-in centre (Mon-Fri 10:00am-6:00pm)		
Mothers' Choice	Services (HK ID required):	Address: 15/F Cammer Commercial Building, 30-32 Cameron Road, TST	English
	- care for babies awaiting permanent homes and for single	Tel: +852 2311 2026 (Mon-Fri 9-5.30pm)	Mandarin
	girls and their families facing crisis pregnancies (unplanned	Hotline: +852 2868 2022	Cantonese
	and/or unwanted pregnancies)	Fax: +852 2537 7151	
	- information for single pregnant girls and women, their	Website: www.motherschoice.org	
	partners and families about the options available to them	Email:	
	(parenting, adoption and abortion)	bigsister@motherschoice.org (counselling and support to those facing	
	- counselling and, if needed, accommodation services, are	crisis pregnancy and with questions on sex education)	
	provided	pgs@motherschoice.org (general enquiry)	
	- free condom distribution		
Neighbourhood Advice –	Non-profit service organization that seeks to help residents living	1/F, Tung Chung Community Services Complex, 420 Tung Chung Road,	Website in
Action Council	in poverty to encourage residents to use community and external	Lantau Island	Chinese
	resources to improve the quality of their lives through education	Tel: +852 2988 1433	
	and service processes.	http://www.naac.org.hk/	
	Services:		
	- children and youth services that provide counselling, home		
	visits, setting up parent support groups, providing recreation		
	groups, education, training and other group activities, and		
	some afterschool care		
	- disabled services that provide social workers, therapists,		
	occupational therapists, clinical psychologists, speech		
	therapists, doctors, welfare workers, accommodation and		
	care services, community education		
	 family services including counselling, hotline services, 		

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	employment services, self-help / support groups and activities, therapeutic groups, crisis management - elderly services providing volunteer development, career support services, education and development activities, counselling, social and recreational activities, meal hall, laundry and bathroom services, rehabilitation		
* ^ Pathfinders	Registered charity that assists documented or undocumented migrant women who have lost their jobs, overstayed their visas and are pregnant (mostly domestic helpers) Services: - advice on immigration and legal issues - assistance for medical assistance, legal support and shelter - assistance in finding work or returning home - accompanying to immigration, social welfare organisations and hospitals - links to support networks	Address: Room 701, Hoseinee House, 69 Wyndham St, Central Hotline: +852 5190-4886 Website: www.pathfinders.org.hk	English
#Rainbow of Hong Kong	Lesbian, Gay, Bisexual and Transgender (LGBT) organisation concerned with the quality of life of LGBT persons in Hong Kong Services: - blood testing - counselling - HIV prevention - Hotline - weekly group activities including picnics, camping, sports, discussion groups	Mailing Address: PO Box 78882, Mongkok Post Office, Kowloon Address of LGBT Community Centre: Room D, 7/F,National Court, 242 Nathan Road, Jordan Centre Tel: +852 2769 1069 Office Tel: +852 2559 1069 Fax: +852 2769 1010 LGBTQ Peers Hotline: +852 8108 1069 Email: rainbowof@hongkong.com Website: www.rainbowhk.org	Website in English Chinese
#Rainlily	Non-government charitable organisation providing assistance to victims of sexual violence Services: - pregnancy prevention - screening and prevention of STDs - forensic medical examination - psychological support - police reporting - psychological assessment - counselling - referral to clinical psychologist for assessment	Address: P.O. Box, 74120 Kowloon Central Post Office, Kowloon Tel:+852 2392 2569 Email: acsvaw@rapecrisiscentre.org.hk Website: www.rapecrisiscentre.org.hk Hotline: +852 2375 5322 - 9:00am-10:00pm (Mon Fri), 9:00am-1:00pm (Sat) - operated by social workers and trained female volunteers Rainlily can be contacted 24 hours a day through the policy, hospitals or social service agencies	Cantonese Mandarin English
* ^ The Samaritans	Non-religious charity providing confidential emotional support Services: - suicide prevention hotline (24 hours, multilingual) - befriending email (like the suicide hotline but through email instead of over the phone) - Youth Suicide Prevention Programme to prevent suicide	Suicide Prevention hotline: +852 2896 6000 Email service: jo@samaritancs.org.hk Website: www.samaritans.org.hk Befriending Email: jo@samaritans.org.hk	Mainly English and Cantonese but some volunteers speak other languages and dialects

	through peer support - suicide prevention talks and seminars on how to recognize suicidal behaviour and listening skills		
Society for Community Organisation (SoCo)	Non-profit, non-governmental organisation promoting working with grass-roots groups to fight for reasonable living standards. People benefiting from SoCo's work range from ethnic minority people, boat dwellers, squatters, unemployed, homeless, immigrants. - New Immigrants Project (mainly immigrants from Mainland China) - Intensive Employment Assistance - assistance in obtaining education, housing, employment, family reunification and integration into society - training about rights and obligations	3/F, 52 Princess Margaret Road, Homantin Tel: +852 2713 9165 Fax: +852 2761 3326 Email: soco@pacific.net.hk Website: www.soco.org.hk	Mainly Chinese
*^ Soul Talk	Charitable organisation for women in emotional crisis, welcoming women of all nationalities and languages Services: - temporary residence (including meals) - hotline - walk-in service - individual and group counselling (through the hotline or by appointment) - self-help support groups - accompanying clients to lawyers, social services etc - family mediation - educational programmes and workshops - all services are free	Address: P.O Box No 524, Shek Wu Hui Post Office, Sheung Shui, N.T. Hotline: +852 2659 9910 (Chinese) +852 2659 9211 (English) Email: socialworker@soultalk.org Website: http://soultalk.org	Women of all nationalities and languages welcome
^ St. John's Cathedral	Mission for Migrant Workers Services: - migrant helpline - Bethune House (see separate box) - legal employment and assistance programme - pastoral care and social welfare programme - education and training programme Helpers for Domestic Helpers - legal advice and assistance to foreign domestic workers Counselling Service - psychotherapeutic counselling - confidential - open to people from all nationalities, religions, sexual	Address: 7D On Hing Building, 1 On Hong Terrace, Central Mission for Migrant Workers: Tel: +852 2522 8264 Fax: +852 2526 2894 Email: mission@migrants.net Website: www.migrants.net Counselling Service: Tel: +852 2525 7207 (during office hours or leave a message) Email: counsel@stjohnscathedral.org.hk Website: sjcshk.com Helpers for Domestic Helpers: Address: 7D On Hing Building, 1 On Hong Terrace, Central	English Tagalog Foreign volunteers available

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	orientation etc HIV Education Centre - preventative & educational activities including workshops,	Opening hours: 9:00am-5:00pm (Mon-Fri) and 11:00am-2:00pm (Sun) Tel: +852 2523 4020 Website: www.stjohnscathedral.org.hk/domestic.html	
	publications and outreach activities	HIV Education Centre:	
		Tel: +852 2523 0531/ 2501 0653	
		Fax: +852 2523 1581	
		Email: manager@sjhivctr.com	
		Website: www.sjhivctr.com	
*^ The Vine Church – Pastor	Provides a range of services for asylum seekers and refugees	The Vine Office:	English
John Macpherson		Address: Unit 3A, Two Chinachem Plaza, 135 Des Voeux Road Central (68	
		Connaught Road) Central	
		Tel: +853 2573 0793	
		Fax: +852 2865 5381	
		Email: info@thevine.org.hk	
		Opening Hours	
		Mon - Fri: 9am - 6pm	
		Sat - Sun: Closed	
		The Vine Centre	
		Address: 2/F, Two Chinachem Plaza, 135 Des Voeux Road Central (68	
		Connaught Road), Central	
		Opening hours:	
		Mon: Closed	
		Tue- Fri: 12:00pm-6:00pm	
		Sat: 4:00pm-10:00pm	
		Sun: 9:00am-6:00pm	
		Email: vinecentre@thevine.org.hk	
*UNHCR – Hong Kong Sub	Services:	Address: Room 911, 9/F, Yau Ma Tei Carpark Building, 250 Shanghai	A variety,
Office	- refugee status determination process	Street, KIn	depending on
	- sex education	Tel: +852 2780 9271	interpreters
	- translation, writing, editing	Fax: +852 2770 5504	
	- provides emergency assistance in the form of clean water,	Email: chiho@unhcr.org	
	sanitation and health care as well as shelter materials and	Website: www.unhcr.hk/unhcr/en/about us/HK Sub Office.html	
	other relief items	Wester Manual and a manual and	
	- refugee registration, assistance and advice on asylum		
	applications, education and counselling		
	- arrange transport by air, sea and land and give returnees		
	assistance packages		
	- local integration and reintegration programmes, including		
	income-generating projects, restoration of infrastructure, etc		
*Vision First	Independent not-for-profit organisation providing humanitarian	Address: 5F, No 102 First Street, Sai Ying Poon, Sheung Wan	Mainly English
VISIONINISE	services to asylum seekers and refugees in Hong Kong	Tel: +852 2840 0430	IVIGITITY LITERISTI
	Services:	Fax: +852 2851 0655	
	Jei vices.	1 av. 1075 5071 0022	l

	 basic needs (food, shelter, clothing, financial assistance and medication) advocacy psychological counselling medical services (incidental and optical services) housing programme (emergency accommodation and assistance with long-term solutions) emergency accommodation educational assistance vocational training 	Email: info@visionfirstnow.org Website: www.visionfirstnow.org Opening Hours: Opening hours: 11:00am-7:00pm (Mon – Fri) and Saturday by appointment only	
Vocational Training Council (VTC)	Provides a full range of pre-employment and in-service programmes	Address: VTC Tower, 27 Wood Road, Wan Chai Tel: +852 2836 1000 Fax: +852 2838 0667 Email: vtcmailboxzzz@vtc.edu.hk Website: www.vtc.edu.hk	English Chinese
^ Yang Memorial Methodist Social Service - Multicultural Service Centre for South Asian Ethnic Minorities	To develop specialized Chinese curriculum for non-Chinese speaking students and to form a network that supports non-Chinese speaking parents. Services: - cultural sensitivity workshops - emotional support groups - integration programmes - big brothers and sisters mentorship programmes parent support groups Chinese classes	Address: Rm 904-5, Sunbeam Commercial Building, 469-471 Nathan Road, Yau Ma Tei Tel: +852 2332 9354 Fax: +852 2770 0667 E-mail: southasian@yang.org.hk Website: http://www.yang.org.hk/	Website in Chinese
#Zi Teng	Non-government organisation supporting the interests and basic rights of female migrant sex workers (no HKID needed) Services: - information on health care services and legal rights - assisting in networking and building mutual support systems - 24-hour phone system for emergencies - free western health check (breast examination, cervical cancer, syphilis, Hep B and AIDS/HIV testing) or Chinese health check (on appointment) - referral for hospital treatment if necessary but only with HKID - courses (English, massage etc) - accompanying to courts - counselling - monthly newsletter in Chinese - free condom distribution - confidentiality assured	Address: Not published for privacy reasons – please phone Opening hours: 10:00am-7:00pm Tel: +852 2332 7182 Zi Teng can be reached 24 hours via a mobile phone number Fax: +852 2390 4628 Email: ziteng@hkstar.com Website: www.ziteng.org.hk	Cantonese Mandarin English

Support Networks Migrants and Ethnic Minorities

Bangladesh	
Bangladesh Cultural Centre	Address: Room D, 4/F, Anson House, 13-19 Lock Road, Tsim Sha Tsui
	Tel: +852 2728 0553
<u>Filipino</u>	
United Filipinos in Hong Kong (UNIFIL-HK)	Address: 2/F New Hall, St John's Cathedral
	4 Garden Road, Central, Hong Kong
	Tel: +852 3165 2447
	Fax: +852 2894
Philippine Association of Hong Kong	Address: Shop 219 Worldwide Plaza, 19 Des Voeux Road, Central
	Tel: +852 2234 9588
	Email: execom@unifil.org.hk
	Website: www.unifil.org.hk
Diocesan Pastoral Centre for Filipinos (and other Asian Migrants & Ethnic	Address: 18 Floor, Grand Building
Minorities)	15-18 Connaught Road Central
	Tel: +852 2526 4249
Filipino Migrant Workers' Union (FMWU)	Address: c/o APMM, G/F, 2 Jordan Road, Kowloon
	Tel: +852 9104 1411
	Email: Fmwu.hk@hotmail.com
Caritas-Hong Kong Asian Migrant Workers and Filipino Social Service Project	Address: 18/F Grand Building, 15-18 Connaught Road Central, Hong Kong
	Tel: +852 2147 5988 or 2810 0092
	Fax: +852 21475388
	E-mail: cdfp@caritassws.org.hk
Migrante International (Hong Kong Office)	Address: c/o APMM, Kowloon Union Church, 4 Jordan Road, Kowloon
	Tel: +852 2723 7536
	Fax: +852 2735 4559
	E-mail: migrante@tri-isys.com
	Website: http://www.migrante.org/
Indian	
Indian Businessmen's Association	Address: Flat 501, Car Po Commercial Building, 18-20 Lyndhurst Terrace, Central
	Tel: +852 2524 0018
The Council of Hong Kong Indian Association	Address: 2/F, Hoseinee House, 69 Wyndham Street, Central
	Tel: +852 2523 4951
The India Association Hong Kong	Address: Tsim Sha Tsui PO Box 96625, Tsim Sha Tsui
Tolly and a	Tel: +852 2311 4336
Indonesian Association of Indonesian Misson Market Western in Head Kong (ATKI HK)	Address of ADMAN C/F 3 leader Dood
Association of Indonesian Migrant Workers in Hong Kong (ATKI-HK)	Address: c/o APMM, G/F, 2 Jordan Road,
	Jordan, Kowloon
	Tel: +852 2314 7316 or 2723 7536 Fax: +852 2735 45
The Hong Kong Coalition of Indonesian Migrant Workers Organisations	Address: Room A, 4/F, 32 Jardines Mansion
(KOTKIHO)	Jardines Plaza, Causeway Bay, Hong Kong

	Tel: +852 2576 4563
	Fax: +852 2992 0111
<u>Nepalese</u>	
Far East Overseas Nepalese Association (FEONA)	Address: Flat B, 12/F Arthur Commercial Building
	33 Arthur Street, Yau Ma Tei, Kowloon
	Tel: +852 2388 7554
Hong Kong Nepalese Federation	Address: 1/F, Shop No. 4-9, Yuk Lung Mansion, 18 Fung Kam Street, Yuen Long, Hong Kong
	Tel: (852) 2445 2319 or 9837 6744
	Fax: (852) 2445 8771
	E-mail: <u>hknf@hotmail.com</u>
<u>Pakistani</u>	
Pakistan Association of Hong Kong	Address: 150 Princess Margaret Road, Kowloon
	Tel: +852 2780 2157
Pakistan Islamic Welfare Union of Hong Kong	Tel: +852 2316 2256
<u>Sri Lankan</u>	
Association of Sri Lankans (ASL)	Address: G/F, 2 Jordan Road, Kowloon
	Tel: +852 6026 8434
	Email: aslhk@hotmail.com

Organisations that support new arrivals from Mainland China

Support Providers	Contact
Baptist Oi Kwan Social Service	Tel:+852 2572 4365
	http://www.bokss.org.hk
Caritas – Hong Kong	Tel: +852 2497 2869
	http://ycs.caritas.org.hk
Christian Action	Tel: +852 2382 3339
	http://www.christian-action.org.hk/Nap(f-e).htm
Evangelical Lutheran Church Social Service Hong Kong	Tel: +852 2410 0124
	http://www.elchk.org.hk/service
Hong Kong Christian Service	Tel:+852 2731 6316
	http://www.hkcs.org
Hong Kong Council of Social Service	+852 2876 2423
	http://www.hkcss.org.hk
Hong Kong Family Welfare Society	+852 2832 9700
	http://www.hkfws.org.hk
Hong Kong Playground Association	Tel:+852 2573 3849
	http://www.hkpa.hk
Chinese YMCA of Hong Kong	Tel:+852 2771 9111
	http://www.ymca.org.hk
Hong Kong Young Women's Christian Association	Tel:+852 2522 3101
	http://www.ywca.org.hk

International Social Service Hong Kong Branch	Tel:+852 2834 6863
	http://www.isshk.org
Hong Kong Sheng Kung Hui Welfare Council	Tel:+852 2768 4993
	http://www.skhwc.org.hk
Hong Kong Sheng Kung Hui Lady MacLehose Centre	Tel:+852 2423 5064
	http://www.skhlmc.org
Society for Community Organisation	Tel:+852 2713 9165
	http://www.soco.org.hk
The Boys' and Girls' Clubs Association of Hong Kong	Tel:+852 2527 9121
	http://www.bgca.org.hk
The Church of United Brethren in Christ	Tel:+852 2698 1922
	http://www.cubc.org.hk
The Friends of Scouting	Tel:+852 2754 9561
	http://www.sahkfos.org/
The Hong Kong Federation of Youth Groups	Tel:+852 2527 2448
	http://www.hkfyg.org.hk
The Neighbourhood Advice - Action Council	Tel:+852 2527 4567
	http://www.naac.org.hk/new_comers.htm
The Salvation Army	Tel:+852 2783 2205
	http://www.salvation.org.hk
Tung Wah Group of Hospitals	Tel:+852 2392 2133
	http://www.tungwah.org.hk
Yan Oi Tong	Tel:+852 2655 7599
	http://www.cc.yot.org.hk
Yang Memorial Methodist Social Service Centre	Tel:+852 2388 7141
	http://www.yang.org.hk
Mission to New Arrivals Ltd.	Tel:+852 2729 6400
	http://www.newarrivals.org.hk
Christian Family Service Centre	Tel:+852 2701 5592
	http://www.cfsc.org.hk
Project for New Arrivals, S.K.H St. Christopher's Home	Tel:+852 2646 6190
	http://www.skhsch.org.hk/about_us/our_services/project_for_new_arrivals/lang_en
Hong Kong Lutheran Social Service	Tel:+852 2711 9131
	http://www.lutheran.org.hk
The Mongkok Kai Fong Association Ltd. Chan Hing Social Service Centre	Tel:+852 2395 3107
	http://www.mkchanhing.org.hk/service2.htm
Hong Kong Children & Youth Services	Tel:+852 2761 1106
	http://www.cys.org.hk
Christian & Missionary Alliance Social Services	Tel:+852 2787 5212
	http://www.cmasshk.org
Hong Kong Federation of Women's Centres	Tel:+852 2386 6256
	http://www.womencentre.org.hk
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