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Child slavery in Hong Kong: case report and historical review

香港的兒童奴役：個案研究和歷史回顧

An 11-year-old girl was admitted with multiple injuries sustained during a 1-year servitude of domestic labour. She was acquired from her parents in Mainland China by a relative in Hong Kong. The child's parents received a sum of money that the child had to repay with work. Her hardship was characterised by long hours of incessant labour and physical torture when she failed to meet the demands of her mistress or her mistress' children. This case resembles *Mui Tsai*, a form of child slavery and exploitative domestic labour that was rife in Hong Kong a century ago, and illustrates the new challenges to child rights and protection consequent to the increasing social and economic integration between the Hong Kong Special Administrative Region and Mainland China.

一名11歲女童，因為一年以來家傭工作的奴役引致持續多次受傷而入院。女童在內地的雙親收了香港一個親人的錢，將女童帶到香港，但女童須為該親人工作當作抵償。女童工作勞苦兼無休止，女主人和她的子女不滿其工作時更對她施行體虐。這情況與百多年前香港流行的「妹仔」制度相似，童工變成被勞役和被剝削的家庭苦役。這揭示香港與內地社會和經濟漸趨融合的同時，兒童權益和兒童保護面對的新挑戰。

Introduction

Over the last two centuries, Hong Kong has undergone drastic political and socio-economic changes, growing from a small fishing village in southern China to one of the world's most complex cities. The concept of child protection has also changed rapidly during that time. The *Mui Tsai* system, a form of child slavery (and thus child abuse and neglect), was rife in the 19th and the first half of the 20th centuries in Hong Kong and parts of South-East Asia.¹⁻³ After World War II and the rise of the communist government in Mainland China, the *Mui Tsai* system was abolished. Nevertheless, at the beginning of the 21st century, a case of child slavery as domestic labour has been encountered in the Special Administrative Region. This unique case illustrates how vulnerable children's rights are, even in well-developed regions.

Case report

An 11-year-old girl was admitted to Tuen Mun Hospital in April 2005 for evaluation of suspected child abuse. The girl originated from Guangdong and had two elder brothers and a younger sister. From the age of 8, she had been working in the homes of her relatives to scrape a living for her family. At 10 years, she was sent to Hong Kong to stay with her paternal aunt on a visitor's visa. Her parents received a thousand Hong Kong dollars (US\$128) as financial relief. The child was actually 2 years younger than the age documented on her visitor's visa.

The 37-year-old paternal aunt was suffering from chronic schizophrenia but her psychiatrist considered her moods and thoughts stable and she was compliant. She was the sole parent of three children aged 10 to 16 years and was dependent on social welfare. She did not allow the child to telephone or to go back home, even though the child's visitor's visa had expired.

Key words:

Child abuse;
Social problems;
Torture

關鍵詞：

虐兒；
社會問題；
虐待

Hong Kong Med J 2006;12:463-6

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Fig. Hypertrophic scars on the anterior aspect of the left thigh as a result of injury from a pair of pliers

The child worked as a servant in the aunt's home, was made to sleep on the floor and had meals after the others finished theirs. The child woke at 5 am, went to sleep at about 10 pm and had to prepare meals, wash dishes, do laundry, shop for food, clean furniture, and mop the floor. She was given no rest breaks, strict and often unreasonable time limits, and was subject to physical punishments. She was denied education and medical treatment.

The aunt usually punished the child but her three children were also given the authority to discipline the child if they were not satisfied with her work. The punishments included kicking and beating with a slipper, grabbing her head and pushing it against the wall, pricking with a pair of pliers, spanking with a rod and sometimes being hit with a folded chair. Despite her injuries, the child was never given any medical attention.

The child's repeated injuries and fretful behaviour soon attracted the attention of the supermarket staff. Initially the child declined their help because she was afraid to disappoint her parents. However, her situation became so intolerable that the shop staff finally decided to report the case to the police.

On admission she was found to have multiple haematomas over the scalp, a resolving subconjunctival haemorrhage in the right eye, a bruise with a linear abrasion over the left face caused by a slipper, and an irregular bruise on the right knee and thigh from kicking. The most noticeable injuries were the multiple abrasions, old and new bruises, and scars over both arms, the chest wall, the whole of the back, and large areas on her thighs in a pattern compatible with injuries from spanking and/or pricking with a pair of pliers (Fig). There was also a large, ruptured blister on her right palm, and peeling skin over the tips of five fingers compatible with scalds. A bone scan revealed a healing fracture in the upper third of the shaft of the

left femur, and signs of injury were also noted in the left 12th rib.

A multidisciplinary case conference classified this as child abuse, including physical abuse, neglect, and psychological abuse. The aunt was prosecuted for physical injuries done to a child. The child's parents were not available for investigation as the procedure was beyond the jurisdiction of the Hong Kong police. Because the child was a resident of Mainland China, she was repatriated back to her parents. As it was not possible for professionals in Hong Kong to follow up the child, a referral was made to the social workers of an international agency to monitor her progress back home. The child visited the supermarket and the hospital again 4 months later, alone, without formally contacting the social workers. She had returned home and had been back to school. Further information about or psychological evaluation of the child was not available.

Discussion

The Mui Tsai system

Although slavery was officially abolished at the beginning of the 20th century, in most parts of China rich families persisted with the practice of keeping young girls as maidservants.^{3,4} The practice was also prevalent before World War II in Hong Kong, Singapore, and parts of South-East Asia despite these areas being under British rule.^{2,3} These young girls, known as *Mui Tsai*, a Cantonese term which literally means 'little young sister', were often acquired by trade, either directly from poverty-stricken parents or indirectly through kidnapping. The transfer of girls usually involved a 'deed of sale' under which parents forwent their rights to the child, and in exchange received a sum of money.⁵ Once the girls were sold, most were alienated from their natural families and given a new name by their owners. They were brought up as servants and provided with food and lodging. A *Mui Tsai* had no fixed working hours, had to do whatever her owners ordered, and received no wages. Under this bondage, the owners had the absolute right to resell a *Mui Tsai*. The *Mui Tsai's* bondage ended when she reached marriageable age (usually 18 years).

Paradoxically, this practice was generally regarded as charitable by the masters who saw themselves as rescuing the young girl from poverty, nor was it regarded as inhuman by the general community.¹⁻³ The protagonists argued that these young girls, who came from poor villages in Mainland China, would have faced a lifetime of heavy labour or even be killed by parents who did not want them.¹ Once affiliated with their owners, they became part of the family and were regarded as adopted daughters. Thus, even though the British Slavery Abolition Act and the Slave Trade Act were enacted during the middle of the 19th century, the Hong Kong government did not impose any restriction on the transfer of girls as *Mui Tsais*, adopted daughters or concubines, before 1923, because this was treated as a family matter or traditional custom.^{2,3}

Abolition of the Mui Tsai system in Hong Kong

In 1922, after press campaigns in Britain, Winston Churchill, the Secretary of State for the Colonies, pledged that the *Mui Tsai* system in Hong Kong would be abolished within 1 year.¹ Under pressure from the British Parliament, the Hong Kong Legislative Council enacted the Female Domestic Service Bill the next year. Further importations and transfers of *Mui Tsais* were prohibited. The demand for registration of all *Mui Tsais*, however, was postponed. The new law was never seriously observed. Indeed, the estimated number of maidservants increased from 8653 in 1922 to over 10 000 in 1929.^{1,2} These figures are probably underestimates as many traded girls were called adopted daughters.³

The wealthy Chinese elite formed the Society for the Protection of the *Mui Tsai* to defend the *Mui Tsai* system and successfully petitioned the government for minimal intervention. A group of middle class professionals also emerged to campaign for the abolition of the system.¹ These professionals, mainly male Chinese and usually members of the churches and labour unions, formed the Anti-*Mui Tsai* Society in 1922.³ In their manifesto, they argued that the practice of keeping *Mui Tsai* was a form of slavery, not charity.⁶ As the Anti-*Mui Tsai* Society was marginalised by the local government, its members sought to mobilise support from the working class, female leaders of the Young Women's Christian Association, and the anti-slavery groups in Britain.

In 1926, Britain became one of the signatories to the International Slavery Convention under the League of Nations. The *Mui Tsai* issue soon came under international scrutiny.⁷ In 1929, a letter was published in the *Manchester Guardian* alleging that Churchill's pledge to the House of Commons in 1922 had not been fulfilled.¹ Facing strong political pressure from public opinion in Britain, the Hong Kong government enacted the Female Domestic Service (Amendment) Ordinance in the same year. All *Mui Tsais* had to be registered prior to 31 May 1930 after which no registration (and thus sale) of a *Mui Tsai* would be allowed. Inspectors were appointed to pay visits to the *Mui Tsais* to ensure that they were not ill-treated and had had their wages paid. An amendment to the Ordinance was passed in 1938 mandating the registration of all adopted girls, as there was a concern that *Mui Tsais* were still being kept under a different title. After the Second World War, the Protection of Children and Juveniles Ordinance was enacted putting all adopted girls under the guardianship of the Director of Social Welfare.⁸ By then no *Mui Tsais* were 'legal' as all previously registered girls should have reached marriageable age. The supply of young girls also stopped when movement across the Hong Kong–China border was strictly controlled after China came under Communist rule.² The last recorded case occurred in 1956 when a farmer was prosecuted for importing a *Mui Tsai* from Mainland China.² The Female Domestic Service Ordinance was finally repealed in 1969.

The current situation

The case described in this report bears a remarkable resemblance to that of a *Mui Tsai*. The girl was transferred from a poor family in Mainland China into Hong Kong for servitude following a financial transaction. She was subordinate to every member of the mistress' household, and she worked incessantly from dawn to dusk. Physical tortures, at times humiliating or disabling, were inflicted and the child was deprived of most of the rights of a child. This case, however, is distinguished from previous accounts of *Mui Tsai* by the blood tie between the mistress and the serving girl. Moreover, the child travelled to Hong Kong with valid documents issued by the local government, and it is a common practice among members of an extended family to help each other by transferring the care of a child to another relative during times of stress. Therefore, the perpetrator was not charged with 'unlawful transfer of possession, custody and control of other persons for valuable considerations' under the Offences Against the Person Ordinance of the laws of Hong Kong.

With the current social and legislative systems in Hong Kong, the *Mui Tsai* system is no longer accepted. Nonetheless, many of the factors underlying its development, such as poverty and son preference or discrimination against the female gender are still prevalent. With the return of sovereignty over Hong Kong to the Peoples' Republic of China in 1997, there has been a closer economic link between the Special Administrative Region and the Mainland and travelling over the borders has been made easier. Such changes may also facilitate the emergence of new forms of child victimisation in Hong Kong.

Child abuse crossing the Hong Kong–China border presents new challenges to the child protection teams. Offences committed outside the Special Administrative Region are not under Hong Kong jurisdiction. Therefore, investigation of suspected abuse cases is often incomplete, if not impossible. To make matters more complicated, children who are residents of the Mainland will be repatriated and there are no formal channels for the follow-up of the victims and their families. The social services provided by non-government organisations in Mainland China offer a possible way for child protection agencies in Hong Kong to monitor the wellbeing of the victims, but the effectiveness of this kind of monitoring is still uncertain. The present case demonstrates the need for a better collaboration between law enforcement and social welfare agencies across the border. On the other hand, this case also illustrates the importance of public education and how unrelated individuals can have a major impact on the lives of abused children.

Conclusion

The emergence of unusual forms of victimisation of children across the Hong Kong–China border presents new challenges for child protection workers. Collaboration

between the Hong Kong and neighbouring provincial governments is needed to facilitate the investigation and follow-up of such child maltreatment cases.

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