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Labour and Globalisation**

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# Migrant Workers in Macao: Labour and Globalisation<sup>1</sup>

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It is not an exaggeration to claim that Macao is a creation of globalisation and migration. If the dawn of globalisation can be traced to the accelerated flow of goods and people around the globe, spearheaded by the Portuguese explorers looking for spices and wealth, these explorers set up Macao as one of the first outposts in the Far East to service this trade. The flourishing of this trade in the 16<sup>th</sup> and 17<sup>th</sup> century brought to this piece of land, largely uninhabited at that time, a prosperous settlement composed of Portuguese, Europeans, mestizoes, and their slaves, and the Chinese who traded and worked in this enclave. Labour was attracted to this place to handle the import and export of goods passed through the port. The boom and bust of this trade was reflected in the fluctuations in size of the population in the enclave (see Conim and Teixeira, 1998). One of the many fateful moments of this trade, as we know, was the opening of the adjacent port of Hong Kong by the British in the 1840s. The subsequent diversion to it of trade long based in Macao depleted the latter's wealth and population.

The response of the Portuguese to this crisis was uncharacteristically decisive. Joao Maria Ferreira do Amaral was sent to Macao to reconstitute its political foundation from a rented place, where the consent of the Chinese had to be secured in almost every important matter, into a full-fledged colony with absolute Portuguese sovereignty. The change, it was hoped, could afford Macao the institutional basis at par with Hong Kong as a free port and thus could compete effectively with it on trade. Regrettably, this dream of economic rejuvenation had never been materialised. Nevertheless, the newly acquired colonial status gave this Portuguese enclave a degree of autonomy that underwrote its economic survival for the next one and a half century. In response to the entering of imperialism into a phase of colonial production in the second half of the 19<sup>th</sup> century, Macao engaged in, notwithstanding the objection from China, a very lucrative business of trafficking of bonded Chinese migrant labour, known as coolies, to European colonies in Asia and in the Americas. Gambling, for which Macao is now renowned, was known in its early incarnation as a method to trick Chinese workers selling themselves into this trade (see Pina-Cabral, 2002; Gunn, 1998; and Saldanha 1997).

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In the post-Second World War era, the nature of the gambling industry has undergone a thorough transformation into an outward-oriented industry serving mainly tourists from Hong Kong. A new comer industry has also started to emerge in the economy since the late 1960s. Taking advantage of tariff concessions from the Escudo Zone and the European market, many export-oriented manufacturing industries were set up in Macao by foreign investors.<sup>2</sup> Obviously, these two industries, one in the secondary, the other in the tertiary sector, are of very different nature. But they are unified on one very important aspect. This is they are highly dependent on human circulations. The gambling industry depends on the traffic of cash-strapped tourists, looking for excitement, leisure and fortune, in this place where this form of activity was allowed to flourish. The export-oriented industries are in essence an export of labour power embodied in textile and other forms of manufactured goods. Securing an inexpensive source of labour supply was critical to their survival in Macao given its tiny population.

The issue of unskilled migrant labour emerged in the Portuguese enclave out of two unique conditions. The first condition is Macao's existence as a relatively autonomous entity with a recognised border that can be used to determine who can enter and under what terms. This autonomy was initially demanded by Amaral in the mid-19<sup>th</sup> Century and was consolidated a century later in the era of the Cold War. During this latter period, China not only tacitly consented to its existence, but also refused to take it back even when Portugal offered to do so after the 1974 Revolution of the Carnations. Secondly, the adoption by Macao of a strategy of globalisation based on export-oriented industrialisation has led to greater demands, and consequently rising costs, of unskilled labour in all of its economic sectors, including those in the service industries. These demands were temporarily quenched by the inflow of immigrants from the Mainland after China reintegrated its economy with the world capitalist system in the late 1970s and subsequently relaxed its border control. Initially, the Macao government viewed these influxes with a liberal, if not a welcoming, attitude. Only when these population surges overwhelmed Macao's social and physical infrastructure, including housing, health care, transportation and education, did the government resort to stricter control of the border, and to decree a policy regarding labour import in 1988 aiming at regulating the inflow.

## **THE DEBATE ON MIGRANT WORKERS IN MACAO**

The population of migrant workers in Macao is large compared with the local labour force. At its peak in 1995, there are 35,286 person registered under the migrant workers programme, representing 16.4 percent of the employed population of about 200,000. This number has since declined to 23,221, or 11.5 percent of the total workforce, in the third quarter of 2003. The vast majority of them are from Mainland China (77 percent in 2002), to be followed by other Asian countries, such as the Philippines and Thailand (13 percent and 2 percent, respectively, in the same year). Most of the Mainland Chinese migrant

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<sup>2</sup> Macao's post-war emergence as a textile and garment manufacturing centre in the Portuguese Empire is discussed in Clarence-Smith (1985: 202-203).

workers are employed in the low-skilled manufacturing and service sectors, in particular textile, garment, toys, hotel and catering industries.<sup>3</sup> In terms of wage, they are paid one third to one half less than that of their local counterparts (see Tables 1, 2 and 3).

**Table 1: Total Employed Population and Non-resident workers in Macao**

Year	Employed population (in '000)	Unemployment rate (%)	Migrant Workers			
			Total Number	As a % of employed population	Employed in Manufacturing industries (%)	Employed in Hotels & Restaurants (%)
1997	200.59	3.2	29723	14.8	N.A.	N.A.
1998	201.05	4.6	32013	15.9	N.A.	N.A.
1999	196.12	6.3	32183	16.4	N.A.	N.A.
2000	195.29	6.8	27221	13.9	57.5	10.6
2001	202.81	6.4	25925	12.7	60.1	9.3
2002	200.57	6.3	23460	11.7	56.3	9.0
2003*	201.97	6.0	23221	11.5	58.0	10.9

\*: 3<sup>rd</sup> quarter figure.

Source: Statistics and Census Service, Macao Government, *Principal Statistical Indicators of Macao, various years.*

Given the concentration of the migrant workers in industries which also provide employment for the dominantly unskilled local labour force, their presence is understandably greeted with hostility by locals who accuse them of depressing wage, and taking away their job opportunities. The issue of the migrant workers has become one of the key grievances of the local workers against the government.

The migrant worker issue has attracted the attention of a number of Macao scholars. The first group, comprised of mainly economists such as Chan (1999) and Lam (2001), justify the programme by claiming that labour import lessens wage pressure, and thus helps to maintain Macao's competitiveness. Lam also minimises the negative impacts of migrant workers on wage and unemployment levels by using, unfortunately, rather dubious arguments, such as the less-than-

<sup>3</sup> In 2003, a total of 5,113 of the 23,221 migrant workers were admitted under the skilled worker programme, representing 22 percent of the total. But the definition of skilled workers in Macao is notoriously imprecise. For instance, it includes 2,414 domestic helpers, the single largest group in this category, who are usually not classified as skilled workers in many other situations. If these workers are excluded, the percentage of skilled workers in the overall migrant worker population shrinks to 11.6 percent.

one substitution rate between migrant and local workers.<sup>4</sup> He also cites findings from the US and other developed countries to support his arguments in Macao, largely disregarding the fact that these countries have different socio-economic characteristics that may render the comparison inappropriate.<sup>5</sup> While Chan takes a similar position in supporting labour import, he is more cautious in urging the government to adopt a more sensitive, if not sensible, approach in preventing the discontent of local workers from flaring up into major social conflicts. He recommends periodical reviews of the migrant workers programme and fine-tuning it to the booms and busts of the local labour market conditions.

**Table 2: Income Levels for Local and Non-resident Workers**

Year	Average Monthly Income in Manufacturing Industries (in MOP)			Average monthly Income in Hotel and Restaurant (in MOP)		
	Local workers (A)	Migrant workers (B)	B/A (%)	Local Workers (A)	Migrant Workers (B)	B/A (%)
2000	4739	3142	66.3	5353	3917	73.2
2001	4685	3346	71.4	5318	4100	77.1
2002	4499	3207	71.3	5391	4329	80.3
2003	4644	2996	64.5	5291	4200	79.4

\* 3<sup>rd</sup> quarter figure

Source: Statistics and Census Service, Macao Government, *Manpower Needs and Wages Survey – Manufacturing, Hotels, Restaurants and Banking and Insurance*, various years.

The second group of scholars, including Chio (1998), approaches the issue from the push-pull theory. Maintaining that economic incentives are always present to lure migrants to cross political borders to look for a better living, it is futile for the state to suppress this form of labour globalisation. On the contrary, according to Chio, the state should take a more realistic approach in managing this labour flow in order to maximise its economic returns. The author's primary criticism of Macao's migrant workers programme is the lack of strong state

<sup>4</sup> Essentially, Lam (2001: 581-582) argues that the impact of the migrant workers on the local job market is exaggerated. The importation of migrant workers, according to him, will reduce wage level, and thus induces employers to hire more workers. Because of this employment-generating effect, the size of job loss for local workers will always be smaller than the number of migrant workers introduced into the economy. The author appears to suggest that, as long as the substitution effect is less than one, labour importation can be justified. This is, however, a spurious argument. The mere existence of a less-than-one substitution rate does not imply that the number of job opportunities available to local workers is unaffected. Even if it takes as many as two migrant workers to displace one local worker, it is still creating unemployment amongst the local workers. Furthermore, there is no guarantee that the new jobs created by lowering wage will go to local workers.

<sup>5</sup> For instance, Lam (2001: 583) uses the findings of a case study from the US to demonstrate that the size of immigrant has negligible impact on wage level. Given that the US is a much bigger economy and has very different demographic and industrial characteristics than those of Macao, I cannot see why the evidence from the former is directly applicable to the latter.

leadership in setting priorities and carrying through policies. Special interest groups, especially those from the business and organised labour, have too much political influence over the state such that the policy on labour import is vacillating largely according to the contingent outcomes of contests between the powerful groups. The author maintains that this form of pluralist 'umpire' state is the underlying cause of Macao's defective policy on migrant workers (Chio, 1998: 135).

**Table 3: Sex Distribution of Migrant Workers by Countries of Origin**

Year	Total			China			The Philippines			Thailand		
	Total	M	F	Total	M	F	Total	M	F	Total	M	F
1998	32013	11119	20894 (65%)	24933	8358	16574 (66%)	3901	1238	2663 (68%)	1191	236	955 (80%)
1999	32183	10870	21313 (66%)	24895	7871	17024 (68%)	3779	1174	2605 (69%)	1194	270	924 (77%)
2000	27221	8049	19172 (70%)	21980	5931	16049 (73%)	3117	1004	2113 (68%)	662	192	470 (71%)
2001	25925	7405	18520 (71%)	20807	5443	15364 (74%)	2890	854	2036 (70%)	585	196	389 (66%)
2002	23460	6811	16649 (71%)	18115	4936	13179 (73%)	3149	775	2374 (75%)	497	188	309 (62%)

Note: Figures in brackets indicate the percentages of women workers compared with the total in their respective categories.

Source: Statistics and Censuses Service, Macao Government, *Demographic Statistics, Various years.*

The proposition that the colonial Macao state is a neutral pluralist state is, however, disputable. A better interpretation, as I will demonstrate in the next section, is that it is a capitalist state with a pro-business stance. The voice of the business, as observed by scholars such as Yee (2001: 165), is given much heavier weight inside the government during and after the colonial era. There is no space here to revisit the debate on the class nature of the state (see, for instance, Hay, 1999). It is merely maintained here that the author uses a poor example to make his pluralist case because any migrant worker programme essentially puts the bargaining power of the local workers at a disadvantage. Attempts to moderate elements of the programme to make it more palpable to the working class, which should not be treated lightly though, do not negate the class underpinnings of the programme. The vacillations of policy reflect the reality that the state had to soften elements of the programme in order to hold the challengers at bay, and to keep the programme politically viable.

Despite the author's problematic conception of a pluralist state, Chio (1998: 112) has made a valuable point in highlighting the pivotal role of the state in managing this labour inflow. Any labour import scheme, he maintains, comes with its social and political consequences. Hence the formation and implementation of these programmes should not, and cannot, be left to the dictate of economic forces alone. In this way, the author joins the group of scholars who take issues with the push-pull approach in explaining migration primarily from the economic motive of maximising individuals.

## LABOUR AND GLOBALISATION: BEYOND PUSH AND PULL

The discourse on globalisation appears to have inspired new rigor to the push-pull approach. The great disparities in incomes across countries and the enhanced accessibility of information and transportation networks help to precipitate flows of migrant workers, legal or illegal, across international borders. The state, according to this discourse, is powerless to stem this human flow, as the same with the flows of capital and goods. Labour, appears destined to follow trade, production and capital, into the global mobility circuit. Other authors such as Stalker (2000: 57) and Alburo (1998: 157) have a radically different diagnosis of the relations between labour mobility and the globalisation process. They maintain that there is a substitution effect between labour and capital movements. Globalisation will induce foreign investments to set up export-oriented industries in the Third World, and consequently provides the much needed employment opportunities, and ameliorates the push-pull effects on labour migration. The incentives will eventually be eliminated when a convergence of economic well-being is achieved at the international level.

These economic-centric explanations, however, are criticised to have overlooked the structural and socio-political factors in the process of migration (see Gardezi, 1995: 19-32 for a comprehensive critique). Analysts more influenced by structuralism, such as Sassen (1988: 18), maintain that the expansion of the capitalist production system is the underlying cause, not the cure, of labour migration. The penetration of capitalist forces uproots people from their traditional sources of livelihood. The unevenness of global development then generates irresistible incentives to induce some of these people to find work in core countries. Others point out that migrants rarely travel without an existing social network, whether it is based on an overseas ethnic community, or a ring of underworld human smugglers. Economic incentives may have given people the motivation to migrate. Only those who can tap into these networks will finally make the move (Castles, 2002: 1150). Still others point out that the configuration of political forces in the host countries may have an important bearing on the pattern of migration. For instance, powerful employer groups have succeeded in getting many governments of Asian countries that have gone through a period of intensive export-oriented industrialisation (EOI) to import foreign workers so as to reduce production costs and to sustain the competitiveness of their industries (Guiraudon and Joppke, 2001; Findlay, *et al.* 1998). Contrary to the economists' claim, they insist that EOI may raise the level of migration (Sassen, 1988: 12).

In this connection, migrant workers are invariably considered as a source of affordable labour power. The phenomenon of the 'cheapness' of the migrant workers is the focus of the attention of many writers who maintain that the state has played a pivotal role in the construction of their cheapness by, for instance, confining them into a segmented labour market, and thus preventing them from being paid the prevailing market price. Migrant workers are drawn in as a form of industrial reserve army and are socialised and stigmatised into distinctive

groupings competing with each other and with local workers (Wolf, 1982: 179-183; Robbins, 1999: 48). The capacity of the state to construct this segmented market and the confinement of migrants in it originated from an inter-state system which grants individual state the sovereign power to control its borders, to have the undisputed discretion to selectively admit and deny entry of people of its choice, and to delimit the level of rights and duties of those given entry (Mittelman, 2000:65). Migration, according to Parrneas (2001: 48), is essentially a state-manipulated process of citizenship diminishment and then re-assignment. The outcome of the process is to subject border-crossers to a partial or even non-citizen status. Migrants are accorded the economic citizenship to work in the economy, but are denied the social and political rights to be treated equally as with other citizens.

Rosewarne (1998, 2001) and Liu (2000) have gone a long way to expose the role of the state in keeping the migrant workers 'cheap' and 'flexible'. In the name of preventing the migrant workers from overstaying their temporary contracts and threatening the well being of local workers, the state, according to them, has constructed a regulatory system in managing this category of foreigners. Many of these mechanisms are legislated into laws, or are required to be incorporated into standardised migrant labour contracts. Typically, entries of migrant workers are restricted into certain occupations, usually the so-called 3D jobs (i.e., dirty, difficult and dangerous), and are denied the right to change employers. Many labour contractors charge exorbitant agency fees, which the migrant workers have to raise by incurring debts or by large deductions from their salaries after they start working in the host countries. Either way makes the migrant workers fearful of losing their job. Since the ability of foreign workers to switch employer is severely curtailed, they are forced into a status of bonded labour and thus allow their employers to pay them a rate below that of the local workers.

Migrant workers are cheap, according to these authors, not only because they are paid less in terms of direct compensations, but also because they can be paid without taking care of the long run costs of labour reproduction. Thus, medical examinations are conducted before and after the arrival of migrant workers to ensure that they are fit to immediately take up work upon arrival. The lack of citizenship document disqualifies them and their family members from enjoying various social benefits, including health and medical care, education, housing and social assistance. In many cases, migrant workers are not even allowed to bring in family members to live with them. Women migrant workers are subject to special surveillance because of their reproductive role. They are legally prevented from getting married with locals, or are repatriated if they are found to be pregnant, during the period of the contract.<sup>6</sup>

Migrant workers are also known to be a flexible and disposable labour force because they are employed under short-term contracts with minimal job security, and thus can be hired and fired with minimal costs. Flexibility carries with it the

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<sup>6</sup> See Liu (2000) for an insightful discussion on the reproduction issue of the migrant workers in the context of Taiwan.

advantage that migrant workers, who can be let go easier, are less likely to resist orders and cause disruption to production (Kung, 2002; Sassen, 1988: 40). This flexibility is intended to generate ripple effects across the labour market since the jobs of local workers can be threatened and replaced by overseas workers. The real economic benefits of the migrant worker programme, according to Liu (2000: 73), should be located on this disciplinary effect on the working class as a whole, because migrant workers are not as cheap as one tends to think after all the social and incidental costs, including the costs of recruitment and repatriation, and the costs of managing local opposition to the import scheme, are put together.

The introduction of the migrant worker programme has given the state a new tool in the management of labour relations. The discontents of local workers can be deflected to a visible group of outsiders who are seen as stealing their jobs. Labour market conditions can be manipulated through selective tightening (or loosening) elements of the labour import programme, and also through the manipulation of border control to adjust the level of supply of illegal workers. Rosewarne (2001) observes that the migrant workers programme usually fails to stem the flow of illegal migrant workers, as it was so often used to justify its introduction in the first place. It is either because the state opens up the flow of legalised migrant workers without a concomitant tightening up of border control, or because legal migrant workers overstay their contracts, or go underground after their arrival. The criminality of their stay renders them politically and socially powerless, further depresses their wage and deprives them of whatever limited labour protection the legal migrant workers may enjoy (Sassen, 1988: 26-27). One may not go as far as Rosewarne (2001: 77), who maintains that this category of undocumented workers is a deliberate state creation intended to deliver to the private sector a group of workers it is free to abuse, but their presence in the economy gives the state more flexibility in the manipulation of the labour market. The demands for a reduction in the number of overseas contract workers can be entertained without hurting the private sector by subtly raising the supply of illegal workers through a relaxation of border patrol or a scale down in anti-illegal worker operations. The impact of latter are not immediately noticeable, and their implementation can be done without much public scrutiny.

The globalisation of trade and production has led to an increase of cross-border circulation of labour. The freedom of the business to produce in where they like predicates on the condition that workers are free to move to places where their labour is demanded (Harvey, 1982: 381). This freedom to move, however, is not unqualified. On the contrary, it is strongly mediated by the state, which determines the conditions and the terms in which this movement can take place. State manipulation is thus an inherent element in any migrant workers programme. It is in this sense that Rosewarne (1998: 978) characterises the current phase of labour mobility as globalisation without liberalisation.

## MIGRANT WORKERS: COMPLEMENTARY OR SUBSTITUTIVE?

The official inception of the migrant worker programme in Macao can be traced to the proclamation in 1988 of the Decree Laws 12/GM/88 and 49/GM/88 legalising the importation of, respectively, unskilled and skilled workers. At that moment, Macao was at a stage of critical change in terms of its population and employment policy. There were large influxes of illegal migrants into Macao after China adopted an open door policy in 1978. Initially, these illegal immigrants were welcomed and were quickly absorbed by Macao's blooming export-oriented industries. Many of those were set up by Hong Kong investors lured into the Portuguese colony for its low production costs. Gradually, however, the sheer size of the new immigrant population strained the already inadequate social facilities and physical infrastructure. Campaigns by migrants, including the staging of a number of public demonstrations, clamouring for amnesties and citizenship, finally convinced the Portuguese authority to take a more regulatory approach in securing the supply of labour from China.<sup>7</sup> By the early 1990s, this approach has taken the following shape:

- Through an agreement with China, a quota system of legal immigrants admitted into Macao was set up and its size was restricted to 120 per month. This meant that immigration as a channel for unskilled labour import was declared obsolete, at least on paper. Legal immigration, from then onwards, has largely been used for family reunion purposes.
- After two earlier amnesties announced on March 1982 and January 1989, a third and more broad-based amnesty was declared on March 1990 giving legal status to many illegal immigrants already residing in the colony. It served to defuse the time bomb of illegal immigrants staging further challenges to the colonial authority. The three amnesties gave legal status to a total of 70,111 persons, amounting to about 20 percent of the 1991 population in Macao (Yuan, 1993: 99, 101; Gong, 2001).
- Immigration law was changed on June 1990 to make the employment of illegal immigrants punishable by a jail sentence.
- Employers remained able to use a state-regulated labour import programme, introduced in 1988, to meet their labour need (Yuan, 1993: 100-101).

At its inception, the main discourse articulated to legitimise labour import was that the size of Macao's workforce was simply inadequate to provide the labour power for manufacturing industry as it expanded at a breakneck rate of 30 percent per year, even if the industries were willing to raise wages (see Ng, 1990: 149-61). However, this official discourse has undergone major changes since the late 1990s. At present, the government's key justification for continuing with the labour import programme is 'structural unemployment', meaning that the job nature and wage level of the manufacturing sector are simply unappealing to

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<sup>7</sup> See Lo Shiu-hing (1990: 160-161) for some discussion of the demonstrations, and the ad hoc and disorganised responses of the government.

attract local people to work in these industries even though the unemployment rate of local workers is rising (*Macao Daily*, 28 April 2002, in Chinese). This argument also underlies the government's insistence that foreign labour is intended to be complementary, rather than replacing, local labour. The standard official answer to questions related to migrant workers is that migrant workers are not allowed to take away jobs or to hurt the economic interests of local workers. This position is written into the law on Guiding Principles of Employment Policies and Labour Rights, but implementation is lacking.<sup>8</sup>

The circumstances leading to the adjustment of the discourse are obvious. The size of the migrant worker population has ballooned to more than 15 percent of the total workforce by the late 1990s, while the economy of Macao entered a period of recession with the unemployment rate reaching above 6 percent (see Table 1). Discontent about labour import eventually spilled onto the streets in mid-2000, shortly after Macao's sovereignty was returned to China, with a series of workers' demonstration demanding that the government protect the jobs of local workers and curb labour imports. During a demonstration in early July 2000, tear gas was used, for the first time in 30 years, to disperse the crowd (see *Hong Kong Economic Times*, 3 July 2000, in Chinese). Promptly after this incident, the government instituted a temporary retraining programme giving relatively generous living allowance to unemployed enrollees.

One of the key justifications for labour importation is the assertion that manufacturing jobs are not wanted by local workers because the wages offered are considered too low to entice them to join this industry. The manufacturing sector employs more than 55 percent of the migrant workers, and pays them only two-thirds of the salary of their local counterparts (see Table 2). Since local workers are unwilling to work in manufacturing industries, it is suggested that the use of migrant workers does not constitute a case of taking away jobs from local workers. In this discourse, the blame for the need to import workers is put squarely on what is portrayed as the unreasonable expectations of the local workers.

The credibility of this argument rests on a case that the salary expectations of local workers are indeed unreasonable. A problem is that the published statistical data does not greatly assist. There is little information on the cost of living in Macao; and I am unaware of any attempts to construct a poverty line for the city. The crux of the question is whether the average wage of MOP\$2996 per month, which the manufacturing industries is paying overseas workers, is adequate to support a married local worker with a child, thus ensuring the reproduction of labour power. Apparently, however, a range of indicators show that this wage is insufficient to support a family. The Social Welfare Institute's 'Minimal Survival Index' (<http://www.ias.gov.mo/web2/big5/index.htm>), falling below

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<sup>8</sup> Chapter 9 of the Law on Guiding Principles of Employment Policies and Labour Rights; (4/98/M) stipulates that migrant workers cannot replace local workers. But apparently, this law projects only intention. Many provisions contained in the law have not been implemented. For instance, there is a provision prescribing the setting up of a minimum wage (article 7-c). But in fact, there is no minimum wage in Macao. It appears that a separate law is required to put this provision into effect, and there is no such law as yet in existence in Macao.

which entitles the family to social assistance, is fixed at MOP\$3510 for a three-person family. The income ceiling for the same family to be qualified for social housing is set at a monthly income of MOP\$6000 (see the Housing Department web site: <http://www.ihm.gov.mo/hs-faq-c.htm>). The level of average wage received by the migrant workers represents only about one-third of the average monthly income of MOP\$8,384 for a single person household, and a mere one-fifth of the average household income of MOP\$15,157, based on the latest 1998/99 household income survey (cited in Lai, 2002).

While Macao's manufacturing industries claim to be short of workers, there are an estimated 15,000 to 20,000 Macao workers, roughly equal to the number of migrant workers in Macao, working in Taiwan's manufacturing and construction industries. According to a recruitment drive launched in August 2000, the basic monthly salary offered in Taiwan is about MOP\$4000, which is not far from the average wage level earned by local workers in Macao's manufacturing industries (see *Va Kio Pao*, 20 August 2000; and *Macao Daily*, 17 December 2003).

Putting the above information together, we can conclude that Macao workers are not likely to desert manufacturing if the salary offered is enough to support a minimal existence. However, because there is an alternative supply of cheap foreign workers, it works to the advantage of the employers to replace all of its local workers by foreign workers if they are allowed to do so. And this is exactly the position of some employers who have demanded unrestricted access to foreign workers. Their demand is backed by an implicit threat of relocating their production facilities to mainland China if the government is not co-operative (see Ng, 1990: 159-60).

## **THE POLITICAL CONSTRUCTION OF MIGRANT WORKERS**

Macao's migrant worker programme is unique in that the state keeps relatively tight control at the points of entry and exit in terms of the number of migrant workers, their legal status, and their repatriation after the expiry of contracts. Once inside Macao, the conditions of employment, including the level of pay, are largely left to private arrangements between the workers, labour recruitment agents, and employers. This *laissez-faire* approach, as will be argued below, works largely to the benefit of employers who are often accused of abusing the migrants, and of using them as an industrial reserve army to discipline local workers.

Under the existing legislation in Macao, migrant workers are given lesser rights compared with their local counterparts. This inferior position has not been compensated by commensurable safeguards to prevent them from being abused. The primary document legalising the import of unskilled labour is Order 12/GM/88. This stipulates that the right to work in Macao is a privilege granted by the authorities, and the persons who are given this right do not enjoy the freedom to choose employers, nor the right to be a party to a labour contract. The existing regulation assigns the contracting right to labour recruitment

agents, who supply the workers to the employers once the latter's application for labour import have been approved by the government.<sup>9</sup> Through this arrangement, migrant workers are effectively bonded to their employer through the agent. This system also gives the agents a role in managing labour relations after the workers' arrival. Many migrant workers are required by labour agents to place with them a deposit, ranging from several thousand to tens of thousands of dollars, to guarantee their return to the country of origin after they finish their contract.<sup>10</sup> In some cases, workers are told that their deposit would be forfeited if they did not complete their two-year contract. The holding, by the agent, of this sum of money, which many migrant workers have to raise by going into debt, acts as a deterrent against them leaving their jobs (Leung, 2003: 2; 2002).<sup>11</sup>

Since migrant workers are denied the freedom to change jobs, employers tend to pay them the bare minimum rather than a wage reflecting the true cost of labour reproduction in the city, paying them just enough to entice them to work in Macao. Existing labour legislation actually encourages this practice by leaving the pay issue a private matter between the labour agents and the employers. In the textile and garment industries, the payment of a piece wage appears to be prevalent. Hence, if there is no work, the workers are legally entitled to only living expenses of MOP\$50 per day.<sup>12</sup> In one sense, this rate becomes the effective minimum wage for migrant workers. There are few fringe benefits, except the accident and health insurance which employers are required to purchase for their workers. The level of coverage is unclear, though.<sup>13</sup> Since migrant workers are supposed to stay in Macao temporarily, they are not entitled to any social benefits, such as social assistance, unemployment in-

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<sup>9</sup> See Mai *et al.* (1996: Ch. 9) for a concise description of the mechanism for migrant worker the recruitment.

<sup>10</sup> There are two main labour recruitment agents in Macao. They are Chong Ou Technical Services Limited and the Sociedade de Apoio as Expresas de Macau. The former specialises in the supply of migrant workers from China, and the latter, from Southeast Asia (see Chio, 1998: 118). The granting of licence to a labour contractor is subject to an evaluation of the contractor's ability to repatriate workers when they are 'not needed', or considered 'no longer welcome' to stay in Macao (Decree law 12/GM/88 Article 8-b). Once the licence is granted, the labour agent is required to post a bond of MOP\$300,000 with the government to guarantee the fulfilment of this obligation.

<sup>11</sup> Labour contractors are required to ensure that migrant workers have a place to live in Macao. If the contractor is directly responsible for providing the accommodation, it cannot charge more than one-sixth of the workers' monthly salary (see decree law 32/94/M, article 17). It is reported that some migrant workers have to pay a monthly fee of several hundred dollars to the agent. This level of payment is likely to exceed the one-sixth rule. I am not sure how widespread this practice is and the exact reason for the payment. However, if it is considered an agency fee, it is a violation of the law governing the behaviour of recruitment agents, which stipulates that labour agents are only allowed to receive a one-time payment of agent fee payable within 60 days after the workers start working in Macao. Since workers may have to pay several agents, both in Macao and in China, before they can get the job in Macao, it is possible that the payment can be claimed for paying agents in China. These agents, according to Ng Kuok Cheong, all maintain close connections with each other (personal communication, 4 December 2003).

<sup>12</sup> See Article 5-b in 43/95/M. Some workers were not paid even this entitlement, and thus were put into considerable financial difficulties (*Va Kio Pao*, 29 January 2002).

<sup>13</sup> It has been reported that migrant workers often had to pay out of their own pocket to see private medical doctors if they fall sick (see Leung, 2003: 2).

surance, public medical care, public housing, or the old age allowance.<sup>14</sup> Even using services in community centres, such as reading newspapers, is restricted to persons who can show a resident identity card, thus excluding migrant workers (Leung, 2003: 1).

While migrant workers cannot choose their employers, under the current labour import system, employers are allowed to transfer their workers amongst themselves in the same business sector, apparently without the consent of the migrant workers concerned.<sup>15</sup> Cases of subletting migrant workers to other employers have been widespread (see *Va Kio Pao*, 7 July 2000). Government officials are often criticised for approving applications from well-connected businesspersons whose real intention is not to put the migrant workers into productive work, but for on-hiring them to other employers, effectively renting them out. These practices demonstrate that migrant workers are coveted commodities and that handsome profits can be generated from buying, selling and 'sub-letting' of migrant worker quotas. More pertinent to our argument here is that the presence of this rent indicates that the employers can afford to pay a higher wage. But this surplus wage, rather than going to the workers, is being creamed off by other employers (Chio, 1998: 133).

The existing literature on labour migration highlights its gendered nature. Women migrant workers are valued for they are generally considered timid and compliant.<sup>16</sup> The statistics for migrant workers in Macao confirms this preference for women workers. In 2002, women comprised 71 percent of the total migrant workers' population, with 73 percent of them from China (see Table 3 above). Little is known about their age structure, educational background and marriage status, although informal surveys indicate that many of them are young rural woman from Fujian province (see Leung, 2003: 3).

The existing legal system puts migrant workers in a vulnerable situation. The Labour Relations Law, which stipulates the basic rights of Macao workers, does not extend its coverage to non-resident workers (Article 3D, Chapter 3, Labour Relations Law [24/89/M]). The Decree Law 12/GM/88 gives the police the power to order the repatriation of any migrant workers deemed 'unsuitable' to stay in Macao (Article 12-b). Their transient existence is further confirmed in the Macao SAR Basic Law which stipulates that their stay in Macao is not counted towards the 7-year residency period usually sufficient for other categories of non-residents to attain permanent resident status. In other words, migrant workers cannot change their status regardless of how long they have been working in Macao (see *Sin Wah Ao Pao*, 25 March 2002, in Chinese). In a widely pub-

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<sup>14</sup> Employers are required to make a contribution of MOP\$45 to the Social Security Fund per person per month, though migrant workers are not entitled to the benefits (see the website of the Social Security Fund, <http://www.fss.gov.mo>).

<sup>15</sup> To complete the transaction, the new employer is required to submit an application to the Labour and Employment Bureau for labour import, and a declaration of consent from the present employer for the transfer (see the Labour and Employment Bureau website, <http://www.dste.gov.mo>).

<sup>16</sup> On this point, see, for example, Li Ching Kwan (1998) on women migrants working in export-oriented factories in Shenzhen.

licised dispute in a security guard company in 2001, the police forcefully repatriated the migrant workers involved, claiming that the workers' stay in Macao terminated the moment their employer fired them. This incident led to widespread criticism of the police force for disregarding the rights of migrant workers, and behaving as an instrument of the employers. This case, however, demonstrates that deportation is a real threat to those who dare to assert their rights (see *Macao Daily*, 10 and 11 November 2001).

Social isolation adds to the vulnerability of the migrant workers. Many of them do not speak the local dialect (Cantonese), and generally tend to avoid social contact with local people for fear of discrimination. These biases are partly fuelled by the view that migrant workers have taken away jobs from the locals, and by the image that migrant workers have a higher propensity to commit crimes and to engage in socially undesirable activities, such as prostitution. The government has been unhelpful in dispelling these negative images. For instance, the Statistics and Census Department perpetuates an unfortunate association between migrant workers and crime by publishing an 'Immigration and Crime' table on their website, placing the number of migrant workers (and immigrants) side by side with crimes figures without giving details of how many of those crimes are actually committed by migrant workers.<sup>17</sup> The main labour union, the Federation of Trade Unions, has done little to organise these workers or to help them fight for their rights. On the contrary, it is one of the most vocal groups demanding a more restrictive migrant worker policy and is seen as hostile to their presence. Because of these biases and hostilities, many migrant workers are confined in social milieus composed largely of their co-workers and relatives and friends from their home provinces and thus place them more firmly under the control of powerful figures, like factory operators and recruitment agents, who usually dominate these provincial networks. Leung (2003:3) has come across some woman workers from Fujian province who claimed that they felt safe to work in Macao because their factory was owned by a fellow Fujianese.

## **THE IMPACT OF MIGRANT WORKERS ON THE LABOUR MARKET**

The introduction of guest workers into a host country has wider impacts than merely making cheap labour available. Depending on the size and the distribution, it may dampen the overall wage, weaken the bargaining position of the local workers, and slow down the process of industrial upgrading. In Macao, wage figures appear to have confirmed that the pay levels of those sectors that receive large numbers of migrant workers have been stagnant. For instance, the median monthly income in manufacturing has decreased by 5.4 percent between 1993 and 2002. In the construction sector, the decrease was 5.7 percent. During the same period, the overall nominal GDP increased by 20.2 percent (see Table 4) and the median income of all sectors increases also by a 14.9 percent.

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<sup>17</sup> See Table I-2 at the page 'Key Indicators' at <http://www.desc.gov.mo>.

The Asian financial crisis had a profound impact on the performance of the economy and the level of earnings. Figures indicate that sectors with large concentrations of migrant workers, such as manufacturing and construction, registered a higher than average decrease in their median wage during the crisis. Between 1997 and 2002, the median incomes of the manufacturing sector and the construction sector have been reduced by 15.2 percent and 20.8 percent respectively, compared with a decrease of only 10.5 percent in the overall median income (see Table 4).<sup>18</sup>

**Table 4: GDP and Median Monthly Income by Sectors**

Year	GDP (in million MOP)		Median monthly Income			
	Nominal	Real	All Sectors	Manufacturing	Construction	Hotels & Restaurants
1993	45193.0	51561.6	4067	2926	4393	N.A.
1994	50114.0	53754.6	4476	3111	4756	N.A.
1995	55333.2	55526.3	4830	3210	5108	N.A.
1996	55293.5	55293.5	4914	3082	4855	N.A.
1997	55894.3	55139.1	5221	3260	5228	N.A.
1998	51901.7	52618.8	5050	3080	5007	4341
1999	49021.1	51021.4	4920	2921	4660	4443
2000	49742.0	53380.6	4822	2960	4351	4099
2001	49862.2	54560.2	4655	2760	4296	4001
2002	54344.3	60087.7	4672	2766	4142	4050
Change 1993-2002 <sup>#</sup>	20.2%	16.5%	14.9%	-5.4%	-5.7%	N.A.
Change 1997-2002 <sup>*</sup>	-2.8%	8.9%	-10.5%	-15.2%	-20.8%	N.A.

# (2002 figure – 1993 figure)/1993 figure

\* (2002 figure – 1997 figure)/1997 figure

Source: Statistics and Census Service, Macao Government, *Key Indicators*, Table II-7 Median Monthly Employment Earnings by Industries; Table VIII-1 Gross Domestic Products and per capita GDP <http://www.dsec.gov.mo>

These figures demonstrate the strong correlations between sectors with high concentrations of migrant workers and wage stagnation. It has also been pointed out that the impact of the labour import on the incomes of ordinary workers should be more pronounced than the decrease in overall wage level can convey because unusual wage increases in the public administration and the public utilities sectors have distorted the picture. Against the trend of general wage depression, both these sectors experienced large and unusual wage hikes in the decade, providing them with median income levels almost, or more than, double those of the other sectors.<sup>19</sup> Wage stagnation apart, headline-

<sup>18</sup> The exception is in the hotel and restaurant sector which appears to have suffered less during this period. Unfortunately, the pre-1997 figures for this sector are not available, so a more definite conclusion is not possible.

<sup>19</sup> The 2002 median incomes for the public utilities and public administration sectors were respectively MOP\$12,827 and MOP\$13,749, which represents a considerable lead over the

catching reports of local workers being fired while migrant workers were retained renewed calls to the government from the labour unions to honour its promise of never allowing migrant workers to replace the jobs of locals. Thus the approval and regulatory mechanisms of the migrant worker programme have also been put under much public scrutiny.

The current Decree Law 12/GM/88 lays down the requirements and procedures an applicant has to go through before one can secure of a labour import quota. It requires in-charge officers to consider certain broad principles in making their decisions. However, the law does not translate requirements and procedures into clearly-defined criteria, and nor do they provide unambiguous safeguards to protect the interests of local and migrant workers. According to the decree law, an application has to be made with the Labour and Employment Bureau which must assess the application in the light of the availability of local workers, the existing wage level, an acceptable ratio between local and non-local workers, and whether or not the application will harm the rights of local workers under existing laws. The Economic Services Bureau will then consider the application in for its broader impact on the economy, particularly whether it will have an adverse long term effect on the industrial sector and the broader economy. If no objection is voiced, the application will return to the Labour and Employment Bureau for consideration of details such as the standing of the applicant, the reasonableness of the salary offered, and the guarantee on the repatriation of the migrant workers. Finally, the Public Security Department will carry out a check on each worker before a migrant worker identity card is issued allowing the worker to legally start working in Macao.

Thus the decree law appears to prescribe a set of watertight procedures requiring concerned departments to make a well-round consideration on all possible impacts of the application. However, these requirements do little more than express vague wishes. Since they are not being operationalised into more clearly defined goals, benchmarks, quota and restrictions, the government and officials-in-charge are thus left with considerable discretionary powers (Chio, 1998: 138). For instance, an investigation by the Commission Against Corruption revealed that a well-connected businessperson managed to obtain an approval to import migrant workers the size of which was several times of his existing workforce (*Macao Daily*, 14 October 2000). Attempting to identify politically powerful figures benefiting from the current migrant worker system, legislators Ng Kuok Cheong and Au Kam San have repeatedly requested that the government release the names of companies that have benefited from the programme and the size of their quota. Their requests were basically stonewalled.<sup>20</sup>

Exposing the irregularities in the approval procedure is certainly the primary concern of these reports. More pertinent to our purpose here, however, is that

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next highest income category at MOP\$7,941 in the financial sector (see [http://www.dsec.gov.mo/chinese/indicator/File/c\\_ie\\_indicator\\_7\\_main.html](http://www.dsec.gov.mo/chinese/indicator/File/c_ie_indicator_7_main.html)).

<sup>20</sup> See for instance their questions raised in the questioning period of the Legislative Assembly in 2000 (*Record of the Macao SAR Legislative Assembly*, Group 1, Issue No. 29/2000, pp. 3-5).

they demonstrate growing social exasperation with a policy that does not have the consent of the local people whose interests may be adversely affected. Demands for the 'modernisation' of the labour import system have been voiced by the FTU, which includes the following four points (*Va Kio Pao*, 14 January 2002):

- Businesses are allowed to import labour only after going through a genuine and rigorous local recruitment drive and when such a drive locates no suitable candidates.
- A minimum wage has to be set up for migrant workers.
- Businesses licensed to import migrant workers have to be closely inspected by the Labour Department to ensure that the rights of the migrant workers are duly protected.
- A mechanism has to be set up for migrant workers to report abuses, which are then thoroughly and fairly investigated.

It is dubious to claim that there is a type of 'modern' guest or migrant workers system in this world. The shape of the migrant worker system, more often than not, reflects the configuration of the political forces in the country concerned. However, there are, indeed, acceptable ways to import foreign workers without excessively harming the interests of local workers and preventing foreign workers from suffering dehumanising abuse. Many Asian countries have adopted some of the following measures: overall quotas, selective admission to specific sectors, bringing migrant workers under the existing labour laws, fixed proportions of local to migrant workers in different sectors, special levies on enterprises to reduce the economic incentives to import labour, and the requirement of enterprises to submit plans on technological upgrade with an aim to eventually phase out labour import together with their application. Representatives of local labour groups are appointed to semi-independent bodies which are given power to devise policies on migrant worker programmes and to monitor their implementation. Some countries have tried to prevent the abuse of migrant workers by according them more or less the same level of medical, occupational and social protections as with their local counterparts. Special programmes are funded directly or indirectly by the government to inform them of their rights and to provide them with various essential services. Migrant workers are encouraged to join unions or to form self-help groups to defend their own interests (see Chan and Abdullah, 1999; Stahl, 2003; Martin, 2002; Findlay *et al.*, 1998; and Gonzales, 1999).

Macao desperately needs to have more debate on such an important policy that have affected nearly all of those residing, or going to work, in the territory. The government, apparently, was on the verge of initiating such a process when it tabled the 'By-Law on the Importation of Non-Resident Workers' with the tripartite Standing Council on Concerted Social Actions in mid-2002.<sup>21</sup> However,

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<sup>21</sup> *Macao Yearbook 2002*, p. 79. The Standing Council on Concerted Social Actions is the main consultative body advising the government on labour issues.

not much has been heard about it since then. Meanwhile, in response to social pressure, the government announced stop-gap measures to slow down the inflow of migrant workers. These measures included the following:<sup>22</sup>

- The proportion of migrant workers in Macao would be ‘compressed’ to about 10 percent of the local workforce.
- Enterprises had to make undertakings to increase the employment of local workers when they applied for labour import (known as the ‘win-win policy’).
- Employers who applied for labour import had to demonstrate that they had already made an effort to recruit local workers for the jobs.
- Approval would not be granted on applications with salary levels not reflecting the prevailing wage levels in the local labour market.
- Employers would face stiff cuts of their migrant quota if they were found to have mistreated migrant workers or to have deployed them in jobs not originally approved in their applications.

These are essentially ad hoc measures improvised to handle a crisis situation. Some of the commitments were vague, making it difficult to hold the government accountable. For instance, no specific local employment target was set for the ‘win-win policy’. Many local job advertisements were said to be bogus, merely intended to satisfy the requirement for labour import, such as by inflating qualification demands so no local applicants would apply.<sup>23</sup> The government has tried to reduce the size of immigrant worker population, but has not reached the 10 percent commitment yet (see Table 1).

Concomitant with the reduction in the size of legal migrant workers, there appeared to have been an increase in illegal migrants coming from China. The liberalisation by China of visa control on Chinese residents visiting Macao (known as ‘free individual tourism’) makes it easier for people to enter Macao and to find jobs in the black market. The statement made by Shuen Ka Hung, the Director of Labour and Employment Bureau, in February 2003, that it is not a criminal, but merely a fineable, offence to employ people without foreign worker identity cards as long as those people have valid travel documents, does not help to curb the inflow of clandestine workers (*Va Kio Pao*, 9 February 2003). It appears that the government on the one hand tightens the formal import of migrant workers, but on the other hand signals that the employment of a certain category of clandestine workers will not be treated severely.

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<sup>22</sup> See Shuen Ka Hung (2001) and the Secretary for Economy and Finance Tam Pak Yuen’s response to a question posed to him by Ng Kuok Cheong in the Legislative Assembly on 9 August 2000 (*Record of the Macao SAR Legislative Assembly*, Group 1, No. 29/2000, pp. 3-5).

<sup>23</sup> Such a case was the centre of a debate in the 18 February 2003 session of the Legislative Assembly. See the *Record of the Macao SAR Legislative Assembly*, Group 1, No. II-45, pp. 2-3).

## CONCLUSION

Globalisation has led to an increased movement and circulation of labour. This preliminary study on the migrant worker programme in Macao suggests that the state is deeply involved in both facilitating the flow and in reconstituting the migrant workers as a category of the industrial reserve army of labour. Macao's participation in global production networks, particularly as a site of export manufacturing in the 1980s, created a demand for labour that could not be satisfied by the existing supply in the colony. Willingly or not, the colonial state, was pushed to become a gatekeeper and a manipulator of an external labour supply. The post-colonial government has inherited this policy, even though the weight of the manufacturing industries in the economy has greatly diminished. But the newly-named strategic economic sectors, namely culture, tourism and gambling, have an equally insatiable demand for low-cost workers, albeit in the service sector. The migrant worker programme will likely remain a feature in Macao's post-industrial labour market. Macao will follow the footsteps of predecessors in a well known phenomenon, namely nothing is more permanent than temporary migrant workers.

The series of worker strikes that took place in 2000 have demonstrated that the migrant worker issue is a source of serious social tension that can flare up into a major social crisis, especially during an economic downturn. The traditional laissez-faire approach of regulation and management has the advantage of giving the government a great degree of flexibility in handling the situation. But the cost of this flexibility is that the state will become the target of social discontent when the issue of migrant workers heats up. Apparently, the government has recognised this danger and has recently taken initiatives in building a social consensus on this issue, including the attempt to draft a regulation on the employment of foreign workers, and the 2003 creation of a Human Resources Commission which has a broad mandate to advise the government on various policies related to labour and human resources.

For the labour sector, the traditional approach of demanding reductions of import quota and sector-specific restrictions appears to be counter-productive and serves only to strengthen the segmentation of the labour market and the social isolation of migrant workers. In reality, it increases their vulnerability to abuse and unfair treatment. A more effective approach for organised labour appears to be a refusal to participate in this game of divide and rule, and the launching of an aggressive campaign to inform the migrant workers of their rights and benefits, and the active facilitation of their organisation into groups and unions defending their interests. Notwithstanding the inconsistencies of the labour law system, Macao has inherited a relatively fair and open labour relations framework laid down in the Law on Guiding Principles of Employment Policies and Labour Rights (Order 4/98/M), which guarantees *all* workers, irrespective of age, sex, race, nationality and place of origin, the right to fair and equal wage and the right to organise (Article 5). It is time for local labour groups, in close collaboration with the migrant workers, to demand that the government deliver on these promises.

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