

Adjusting measures to assist foreign domestic helpers and employers cope with COVID-19 pandemic

The Government today (December 30) announced adjustments to the measures for assisting foreign domestic helpers (FDHs) and their employers to cope with the COVID-19 pandemic.

Extension of validity period of existing contracts

The Government will further extend the flexibility arrangement announced on February 4, March 19, June 30 and September 30 to enable employers to extend the validity period of the existing contracts with their outgoing FDHs. For all FDH contracts (including those extended under the previous flexibility arrangement as mentioned above) that will expire on or before March 31, 2021, the Commissioner for Labour has given in-principle consent for extending the employment period stated in Clause 2 of the Standard Employment Contract for a maximum period of three months, on the basis that such variation is agreed upon by both the employer and the FDH.

Based on the experience from the previous flexibility arrangements, a three-month extended period should allow sufficient time for employers to arrange their newly hired FDHs to come to Hong Kong. If a newly hired FDH cannot be arranged to come to Hong Kong within the three-month extended period and the employer needs to continue to employ his/her existing FDH beyond the three-month extended period, the employer should apply for a contract renewal with the existing FDH and further extension of the contract will not be considered. Employers are reminded to make advance preparations to arrange their newly hired FDHs to come to Hong Kong within the three-month extended period of employment of their existing FDHs and/or arrange for contract renewal with their existing FDHs.

Limit of stay of FDHs

The Government announced on March 21, June 30 and September 30 that applications from FDHs to extend their limit of stay (for a maximum period of one month) in Hong Kong as visitors for the purpose of finding a new employer would be flexibly considered. In view of recent concerns about the health risks posed to FDHs staying in boarding facilities and to prevent the abuse by FDHs of the aforementioned facilitation measure to change employers frequently (commonly known as "job-hopping"), the Government decided that FDHs whose contracts are prematurely terminated can no longer apply for extension of limit of stay as visitors; and that, in accordance with the prevailing policy of the Government, FDHs are required to leave Hong Kong upon completion of their employment contract or within two weeks from the date of termination of their employment contract, whichever is the earlier. In exceptional circumstances that warrant special consideration, FDHs may

submit to the Immigration Department (ImmD) applications for extension of stay in Hong Kong as visitors.

The ImmD will continue to consider and expedite the processing of employment visa applications submitted by FDHs who are in Hong Kong. At the same time, the ImmD will further combat "job-hopping" and continue to step up scrutiny of the details of applicants, such as the number and reasons for their premature contract termination in the last 12 months. For suspected "job-hopping" cases, the ImmD will refuse the employment visa applications concerned and require the applicants to leave Hong Kong.

Deferral of home leave

Under the prevailing mechanism, an FDH on a renewed contract with the same employer, or due to start a new contract with a new employer upon the expiry of an existing contract, may apply to the ImmD for deferring home leave for not more than one year after the existing contract ends, subject to agreement of his/her current employer or new employer.

In view of the COVID-19 pandemic, if an FDH is unable to return to his/her place of origin for home leave within the aforementioned one-year period, he/she may, upon agreement with his/her employer, apply to the ImmD for a further extension of limit of stay until the end of his/her contract such that he/she may take home leave within that period.

If FDHs who have already been granted further extension of stay under the previous flexibility arrangement announced by the Government on March 21, June 30 and September 30 wish to further defer their home leave, they may also apply to the ImmD for a further extension of limit of stay in Hong Kong until the end of their contract such that they may take home within that period.

The Government reminds employers and FDHs that the above flexibility arrangement must be mutually agreed between the employer and the FDH, and that the requirement that FDHs should return to their place of origin for vacation continues to be in place. Employers should arrange their FDHs to return to the place of origin for home leave within the extended limit of stay as far as practicable.

The Government will continue to monitor the situations and review the above measures and flexibility arrangements as and when necessary.

For enquiries on employment rights and benefits, please contact the Labour Department at the dedicated FDH hotline at 2157 9537 (manned by "1823") or by email to fdh-enquiry@labour.gov.hk. For enquiries on FDH visa applications, please contact the ImmD by calling the enquiry hotline at 2824 6111 or by email to enquiry@immd.gov.hk.