

Employers must sign undertaking when applying for visas for foreign domestic helpers

In view of the latest development and severity of the COVID-19 epidemic situation in Hong Kong, the Government has gazetted specifications under the Prevention and Control of Disease (Regulation of Cross-boundary Conveyances and Travellers) Regulation (Cap. 599H, Laws of Hong Kong) (www.info.gov.hk/gia/general/202007/18/P2020071800038.htm) to impose conditions based on public health grounds on travellers who have visited certain specified high risk places (i.e. Bangladesh, India, Indonesia, Nepal, Pakistan, the Philippines and South Africa) within 14 days before arrival in Hong Kong, in order to further reduce the number of imported cases. The relevant specifications will come into effect at 0.00am on July 25, 2020, and will remain effective until further notice.

On July 18, 2020, the Labour Department (LD) reminded foreign domestic helpers (FDHs), employers and employment agencies to take note of the aforementioned specifications through a press release (www.info.gov.hk/gia/general/202007/18/P2020071800480.htm). For an FDH to whom the specifications apply, he/she must provide the following documents:

1. a letter or certificate in English or Chinese issued by a laboratory or healthcare institution bearing the name and identity card or passport number of the relevant FDH to show that:

(a) the relevant FDH underwent a nucleic acid test for COVID-19, the sample for which was taken from the relevant FDH within 72 hours before the scheduled time of departure of the specified aircraft;

(b) the test conducted on the sample is a nucleic acid test for COVID-19; and

(c) the result of the test is that the relevant FDH had tested negative for COVID-19;

2. the original of the report for the test issued by the laboratory or healthcare institution bearing the name and identity card or passport number of the relevant FDH;

3. a letter in English or Chinese issued by the relevant authority of the government of the place in which the laboratory or healthcare institution is located certifying that the laboratory or healthcare institution is recognised or approved by the government; and

4. the relevant FDH has confirmation in English or Chinese of a room reservation in a hotel in Hong Kong for not less than 14 days starting on the day of the arrival of the relevant FDH in Hong Kong.

Employers shall bear the costs of the nucleic acid test and the accommodation expenses, as well as provide a food allowance to their FDHs during the compulsory quarantine.

To tie in with the above measures, the Immigration Department (ImmD) will implement a new arrangement on applications for FDH visas. With immediate effect, employers applying for a visa for their FDHs (including those applications having been submitted but pending approval or issuance of visas) will be required to sign an undertaking to indicate that they will arrange for the COVID-19 test and hotel quarantine for their FDHs, and be responsible for the relevant costs if their FDHs are arriving on or after July 25, 2020. If employers are found to have breached the undertaking, their FDHs may be denied entry into Hong Kong and future applications from those employers for employing an FDH may be refused.

The undertaking can be downloaded from the website of the ImmD at www.immd.gov.hk/eng/forms/hk-visas/foreign-domestic-helpers.html and obtained free of charge from the ImmD Headquarters and Immigration Branch Offices.

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. For enquiries on employment rights and benefits, please contact the LD at the dedicated FDH hotline at 2157 9537 (manned by "1823") or by email to fdh-enquiry@labour.gov.hk.