

## Flexibility arrangement to extend validity period of foreign domestic helpers' contracts and points to note for home quarantine for foreign domestic helpers travelling to Hong Kong

In response to the latest development of the COVID-19 infection, the Government today (March 19) announced that the flexibility arrangement to extend the validity period of the contracts of foreign domestic helpers (FDHs) will be extended with immediate effect. The Labour Department (LD) also appeals to employers of FDHs and employment agencies (EAs) to make necessary arrangements to accommodate the compulsory home quarantine for FDHs travelling to Hong Kong, which is effective today.

"The Government will extend the flexibility arrangement announced on February 4, 2020 ([www.info.gov.hk/gia/general/202002/04/P2020020400547.htm](http://www.info.gov.hk/gia/general/202002/04/P2020020400547.htm)) to enable employers to extend the validity period of the contracts with their outgoing FDHs. The flexibility arrangement aims to assist those employers whose contracts with their existing FDHs are due to expire soon, but are in the situation where the newly hired FDHs cannot fly in to commence the new contract. The flexibility arrangement can help the affected families by allowing them to continue retaining their current FDHs temporarily while waiting for the new FDHs to report for duty. This will also help the FDHs waiting to report for duty to retain their contracts with their employers," a Government spokesman said.

According to Clause 15(a) of the Standard Employment Contract (SEC), an employer may vary Clause 2 of the SEC to extend the period of employment by not more than one month by mutual agreement between the employer and the FDH, and with approval from the Director of Immigration. Prior consent from the Commissioner for Labour is required for extending the period of an FDH contract beyond a month. Under the flexibility arrangement announced on February 4, 2020, the Commissioner for Labour has given in-principle consent for all FDH contracts that will expire on or before March 31, 2020, to be extended up till May 31, 2020, provided that such variation is mutually agreed by both the employer and the FDH.

In response to the latest development of the COVID-19 infection, the Commissioner for Labour has now given further in-principle consent for all FDH contracts that will expire on or before June 30, 2020, to vary the period stated in Clause 2 of the SEC by extending the period of employment up to July 31, 2020, on the basis that such variation is mutually agreed by both the employer and the FDH. Employers and FDHs in need may apply directly to

the Director of Immigration for extension of the period of employment and stay of the FDHs on or before June 30, 2020. Upon receiving the applications, the Immigration Department (ImmD) will process them in accordance with its established procedures and policies.

"If the contract with the current FDH has already been extended under the flexibility arrangement announced on February 4, 2020, the employer may still submit an application to ImmD to further extend the period of employment and stay of the FDHs up to July 31, 2020, if both the employer and the FDH mutually agree to the variation," the Government spokesman said.

Applications for extension of stay of FDHs may be submitted during office hours or by post to the Foreign Domestic Helpers Section at Immigration Tower in Wan Chai. The required documents for submitting the applications are as follows:

- Visa/Extension of Stay Application Form for Domestic Helper from Abroad (ID 988A) completed and signed by the FDH;
- the current SEC (ID 407) kept by the employer and the FDH with an amendment clause on extending the period of employment duly signed by both parties at the end of page 4;
- a supporting letter signed by the employer stating the reason(s) for extending the period of employment;
- the FDH's travel document (please send a copy if applying by post); and
- a visa fee of \$230.

The Government will continue to monitor the situation closely and review the above flexibility arrangement as necessary.

Meanwhile, following the Department of Health (DH)'s demand that inbound travellers arriving from all countries/territories should undergo compulsory home quarantine with effect from 0.00am on March 19, 2020, the LD appeals to the assistance of FDH employers and their EAs in reminding FDHs to comply with the compulsory quarantine requirement. Employers or their EAs are also advised to educate FDHs under compulsory home quarantine to stay at home at all times and follow the health advice of the DH. While FDHs are expected to stay at their employers' residence, should an employer wish to arrange his/her FDH to stay out from his/her residence for compulsory home quarantine, the employer should make prior arrangement with his/her EA (if applicable) to accommodate the FDH concerned. The employer is also reminded to comply with his/her obligations under the SEC, including bearing the accommodation expenses of the FDH and providing a food allowance to the FDH. An employer shall not compel his/her FDH to work outside of the employer's residence.