

Flexibility arrangement to extend validity period of foreign domestic helpers' contracts

In response to a temporary ban by the Philippine Government on Filipino nationals from travelling to the People's Republic of China, including the Hong Kong Special Administrative Region (HKSAR), the HKSAR Government today (February 4) announced a flexibility arrangement which will take immediate effect. In processing affected employers' applications, the HKSAR Government will work to extend the validity period of the employers' contracts with their outgoing foreign domestic helpers (FDHs) to help them cope with the special situation. The flexibility arrangement aims to assist those employers whose contracts with their existing FDHs are due to expire soon, but the newly hired FDHs or the FDHs they intend to hire cannot fly in to commence the new contracts due to the temporary ban.

"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," a Government spokesman said.

"In order to assist those families with the need to extend the contract with their current FDH for more than a month, the Commissioner for Labour has given in-principle consent for all FDH contracts that will expire on or before March 31, 2020, to vary the period stated in Clause 2 of the SEC by extending the period of employment up to May 31, 2020, on the basis that such variation is mutually agreed by both the employer and the FDH. Under the above-mentioned circumstances, employers and FDHs may apply directly to the Director of Immigration for extension of stay of their FDHs. Upon receiving the applications, the Immigration Department will process them in accordance with its established procedures and policies when deciding the extension of stay applications. Employers in need may apply to the Immigration Department for extension of stay of their FDHs on or before March 31, 2020," the spokesman further said.

"We hope that the flexibility arrangement can help the families affected by the situation so that they can continue to retain their current FDHs temporarily while waiting for the new FDHs that they hired or intend to hire to report for duty upon the lifting of the ban by the Philippine Government," the Government spokesman said.

The application for extension of stay of FDHs may be submitted directly during office hours or by post to the Foreign Domestic Helpers Section at Immigration Tower in Wan Chai. The required documents for submitting the application 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) (please send copy only if applying by post) 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 copy only if applying by post); and
- a visa fee of \$230.

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

At the same time, the HKSAR Government has been liaising closely with the Philippine Consulate-General to put across a clear message to the Philippine Government that the temporary ban should be lifted as soon as possible. The HKSAR Government has already put in place comprehensive and effective measures to control the spread of the novel coronavirus in the community. For FDHs and their employers in particular, the HKSAR Government has made a public appeal to them to safeguard their personal health and issued special health advice for them on January 30.