

Labour Department reminds foreign domestic helpers subject to compulsory testing to undergo testing as soon as possible and comply with social distancing measures

The Labour Department (LD) today (January 7) reminded foreign domestic helpers (FDHs) to take note of and comply with the compulsory testing notice (CTN) to undergo free COVID-19 testing on time and appealed them to comply with social distancing measures announced by the Government.

An LD spokesman said, "According to the CTNs issued by the Government, any persons who had been present at the specified places during the specified date(s) and time period(s) should undergo the multiple tests on time as required. The above compulsory testing requirement also applies to those who have completed a COVID-19 vaccination course as well. The LD has disseminated the latest information to FDHs through various channels, including consulates-general of FDH-sending countries in Hong Kong, FDH and employer groups and employment agency associations, etc. The LD calls on employers to remind FDHs who had been present at specified places during the specified date(s) and time period(s) to undergo testing. FDHs can undergo the tests at community testing centres or mobile specimen collection stations. Details of the compulsory testing can be found in the Government's announcements (www.coronavirus.gov.hk/eng/early-testing.html)."

The Government will strictly enforce the CTN. Any person who fails to comply with the CTN commits an offence and may be fined a fixed penalty of \$5,000. The person would also be issued with a compulsory testing order requiring him or her to undergo testing within a specified time frame. Failure to comply with the order would be liable to a fine at level 4 (\$25,000) and imprisonment for six months.

The spokesman continued, "According to the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G) and the Prevention and Control of Disease (Wearing of Mask) Regulation (Cap. 599I), a person who participates in a prohibited group gathering of more than four persons in public places or fails to wear a mask in accordance with the requirement may be charged a fixed penalty of \$5,000. During the Sundays in January, the LD will, in collaboration with the Hong Kong Police Force and the Leisure and Cultural Services Department, conduct mobile broadcasts in multiple languages at popular FDH gathering places, including Central, Tamar Park in Admiralty, Victoria Park in Causeway Bay, Lai Chi Kok Park, etc. to call upon FDHs to comply with the relevant requirements. Relevant departments will take enforcement action against those who still refuse to abide by the regulations after repeated reminders."

"We remind FDHs to strictly observe the requirements and appeal to them to avoid gatherings (including in boarding facilities), food sharing and other social activities on their rest days and holidays and stay at home for rest as far as possible in order to safeguard their personal health and reduce the risk of infection. We also encourage employers and FDHs to discuss rest day arrangements, so as to minimise the health risk of participating in social activities."

Employers are reminded that they must not compel their FDHs to work on a rest day. An employer who compels his or her FDH to work on a rest day without the agreement of the FDH, or fails to grant rest days to the FDH, is in breach of the Employment Ordinance and is liable to prosecution and, upon conviction, to a maximum fine of \$50,000.

Besides, according to Clause 3 of the Standard Employment Contract (SEC), all FDHs working in Hong Kong must work and reside in the employer's residence during their employment period. If an employer breaches the above Clause and/or fails to provide the FDH with free, suitable and furnished accommodation, it will be one of the factors in the Immigration Department (ImmD)'s consideration of the employer's future applications for employing an FDH. The adverse record may lead to any such application being refused. Further, in case employers and/or FDHs knowingly furnish a false representation/statement to immigration officers in the course of a visa application, including the intended accommodation arrangement, they may be subject to criminal investigation and prosecution of the relevant offence.

Hong Kong residents, including FDHs, can get vaccinated for COVID-19 free of charge. For booking and details, please visit the designated website of the Vaccination Programme (www.covidvaccine.gov.hk). The Government appeals to FDHs to get vaccinated as soon as possible to protect themselves and others.

Should FDHs and their employers have any enquiries on employment matters, they may contact the LD through the dedicated FDH hotline at 2157 9537 (manned by 1823), by email to fdh-enquiry@labour.gov.hk or through the online form on the dedicated portal (www.fdh.labour.gov.hk).