

Measures to assist foreign domestic helpers and employers to cope with COVID-19 pandemic extended

The Government today (March 29) announced that the measures to assist foreign domestic helpers (FDHs) and their employers to cope with the COVID-19 pandemic will be extended with immediate effect.

Extension of validity period of existing contracts

The Government will continue to implement the previous measure to enable employers to extend the validity period of the existing contracts with their outgoing FDHs. For all FDH contracts that will expire on or before June 30, 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. However, applications for further extension of those contracts which have already been extended under the previous flexibility arrangements including that announced on December 30, 2020 will not be considered.

Based on the experience from the previous flexibility arrangements, a three-month extended period could 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 FDH beyond the three-month extended period, the employer should apply for a contract renewal with the existing FDH. It is an employer's duty 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.

Deferral of return to the place of origin

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 Immigration Department (ImmD) for deferring return to the place of origin 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, the Government will further extend the relevant flexibility arrangement announced on December 30, 2020. If an FDH is unable to return to his/her place of origin 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 return to the place of origin within that

period.

If FDHs who have already been granted further extension of stay under the previous flexibility arrangements announced by the Government on March 21, June 30, September 30 and December 30, 2020 wish to further defer their return to the place of origin, they may still 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 return to the place of origin 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 continues to be in place. Employers should arrange their FDHs to return to the place of origin within the extended limit of stay.

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

Meanwhile, the Labour Department (LD) and the ImmD will continue to adopt proactive measures to combat "job-hopping" of individual FDHs. The LD has initiated an investigation into each complaint about employment agencies (EAs) inducing FDHs to job-hop and conducted joint operations with the ImmD to inspect the relevant EAs. The LD has also issued letters to all EAs of FDHs to remind them that they should not encourage or induce FDHs to job-hop through improper business practices. The ImmD will continue to step up efforts to combat "job-hopping" by FDHs rigorously. For suspected "job-hopping" cases, the ImmD will refuse the employment visa applications concerned and require the applicants to leave Hong Kong.

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. The dedicated FDH Portal (www.fdh.labour.gov.hk) set up by the LD also provides information and useful links relating to the employment of FDHs. 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.