

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

The Government today (September 28) 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 December 31, 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 six months, on the basis that such variation is agreed upon by both the employer and the FDH. If a newly hired FDH cannot be arranged to come to Hong Kong within the above-mentioned six-month extended period and the employer needs to continue to employ his/her FDH beyond the six-month extended period, the employer should apply for contract renewal with the existing FDH.

If the contract with the current FDH has already been extended under the flexibility arrangement announced on June 28, 2021, the employer may also further extend the period of employment for a maximum period of an additional six months, if both the employer and the FDH mutually agree to the variation.

Under the above-mentioned circumstances, employers and FDHs may apply to the Immigration Department (ImmD) for extension of stay of the 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 ImmD for deferring return to the place of origin for not more than one year after the existing contract ends, subject to the 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 the limit of stay until the end of his/her contract such that he/she 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 for their FDHs to return to the place of origin within the extended limit of stay.

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

Same as applications for contract renewal with the same employer, applications for further extension of the limit of stay until the end of a contract as mentioned above are acceptable within eight weeks prior to the expiry of the existing contract.

To tie in with the disease prevention measures and reduce the flow of people, the Government appeals to members of the public to make use of the ImmD's dedicated "Online Services for Foreign Domestic Helpers" webpage at www.immd.gov.hk/fdh or the ImmD mobile application to submit visa applications for FDHs through online means. Given that the processing time is the same for applications submitted by drop-in box, online and by post, it is not necessary for employers to arrange for their FDHs to attend an office of the ImmD in person to drop in their applications. In addition, the ImmD has introduced the Smart Renewal service that enables persons to submit applications for visas for further employment of FDHs online, by post or by drop-in box and, upon approval of their applications, pay the visa fee through various means and collect the visas by post (except for special or individual circumstances). Members of the public may also enquire about application status and submit supplementary documents and notification of premature termination of employment contract via the above dedicated webpage. There is no need for them to attend an office of the ImmD in person for going through the formalities, which is both convenient and time-saving while reducing travelling and contributing to the efforts to fight the virus together.

The Government also urges employers and their FDHs to be mindful of the limit of stay of the FDHs and arrange for application for visas in advance.

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 sending email to enquiry@immd.gov.hk.