

Underpaying foreign domestic helpers is a serious offence

Minimum Allowable Wage as prescribed by the Government

According to existing government policy, an employer who intends to employ a foreign domestic helper must submit a standard employment contract (I.D.407) to the Immigration Department for approval. The monthly wages payable to the foreign domestic helper as stipulated on this standard contract must not be less than the minimum allowable wage prescribed by the Government.

For any standard employment contract made on or after 29 September 2018, the prescribed minimum allowable wage is HK\$4,520 per month.

All foreign domestic helpers, irrespective of their nationalities, should be paid at a wage rate as stipulated in the standard employment contract. An employer should not unilaterally impose or mutually reach a private agreement with his/her foreign domestic helper on a lower wage rate.

Underpayment is a serious offence

Under the Employment Ordinance, an employer should pay wages to an employee not later than seven days after the expiry of the wage period or after completion or termination of the employment contract. An employer commits an offence if he/she wilfully and without reasonable excuse fails to pay wages to an employee on time, and is liable, upon conviction, to a maximum fine of \$350,000 and imprisonment for 3 years.

An employer who makes unlawful deduction from wages of an employee also commits an offence under the Employment Ordinance and is liable to a maximum fine of \$100,000 and imprisonment for one year. Thus, it is unlawful for an employer of the foreign domestic helper to, for instance, deduct wages due and pass the sum to an employment agency or a third party for repaying debts owed by the foreign domestic helper. Any loan and repayment arrangement involving the foreign domestic helper and the employment agency or third party should be handled by the involved parties direct.

Labour Department Enquiry Hotline: 2717 1771
(The hotline is handled by “1823”)

Making false representation on wages of a foreign domestic helper is liable to prosecution and imprisonment

It is an offence under the Immigration Ordinance to make false representation to an immigration officer. Offenders are liable, upon conviction, to a maximum fine of \$150,000 and imprisonment for 14 years. Any person who aids, abets, counsels or procures the commission by another person of any offence shall be guilty of the like offence.

An employer commits an offence if:

- (a) he/she has no intention to pay the minimum allowable wage to his/her foreign domestic helper;
- (b) he/she has dishonestly stated the minimum allowable wage on the standard employment contract, thus making a false representation to an immigration officer in order to secure an employment visa; and
- (c) he/she has underpaid the foreign domestic helper during the employment period.

Any person aiding and abetting the commission of the above offence will also be liable to prosecution. If the operator of an employment agency is convicted of such offence, the Labour Department may revoke its licence.

Enquiries or complaints on the above criminal offences may be made to the complaint hotline of the Immigration Department at 2824 1551; by fax at 2824 1166 or email to anti_crime@immd.gov.hk.

Making false representation on wages of a foreign domestic helper is liable to criminal prosecution and imprisonment. Don't defy the law, it does not pay!