

Department of Health’s Dissemination of Information of the Latest Quarantine and Testing Requirements for Foreign Domestic Helpers Investigation Report

On 24 August 2022, the Complainant complained to this Office against the Department of Health (“DH”). The Complainant provided supplementary information on 7 and 9 September 2022.

2. This Office declared full investigation to DH on 16 September 2022 and received DH’s reply on 1 November 2022. Upon our request, the Labour Department (“LD”) provided information on 4 January 2023 and DH provided further information on 11 January 2023. We issued the Draft Investigation Report to DH on 17 February 2023 for its comments. We received DH’s response on 7 March 2023 and completed our investigation on 9 March 2023.

The Complaint

3. Allegedly, since July 2022, the Complainant had received many complaints from foreign domestic helpers (“FDH”) who came to Hong Kong from October 2021 to June 2022. Those FDHs claimed that they had undergone 7 to 21 days of quarantine and followed all the testing requirements during the quarantine period. However, they received fixed penalty notices (“FPN”) or text messages requiring them to pay a fine for not complying with the Compulsory Testing Order (“CTO”) which they had not received. The staff who delivered FPNs failed to explain the content to them clearly. FDHs or their employers had sent dispute letters and emails to DH. The Complainant helped them with their appeals by liaising with DH direct.

4. The Complainant pointed out that the messages and documents FDHs received and the latest quarantine and test requirements on the COVID-19 Thematic Website (www.coronavirus.gov.hk) were all in Chinese and English. Only the general information without the updated mandatory vaccination and quarantine requirements for persons arriving in Hong Kong was available in other languages. There were no enquiry desks at the Hong Kong International Airport (“HKIA”) nor leaflets about the latest policy requirements for FDHs who had not been informed of the frequently changing anti-epidemic measures of the Government (**Complaint Point (1)**). The Complainant believed this was a systematic negligence of the needs and rights of FDHs.

5. The Complainant supplemented that the Centre for Health Protection (“CHP”) provided a discharge reminder translated into nine different languages commonly understood by FDHs indicating the dates of the compulsory testing to be disseminated at the Designated Quarantine Hotels (“DQHs”) starting 25 August 2022. The Complainant considered this measure insufficient and ineffective as there was no guarantee that such reminders would be delivered by DQHs to FDHs (**Complaint Point (2)**). The Complainant considered it best to distribute those reminders in the airport instead.

Our Investigation Findings

Procedures and Guidelines on Dissemination of Information on Quarantine and Compulsory Testing Requirements

6. DH explained that it has disseminated key information about the relevant legislative requirements, including mandatory quarantine and testing requirements, to ethnic minority (“EM”) groups including FDHs in Hong Kong through various channels in a timely, open and clear manner. In addition to the usual channels including press releases, press conferences and Gazette, DH has also made use of other channels to publicise the latest information on the anti-epidemic information and regulations, such as –

- (1) The websites of the Government (www.gov.hk and www.news.gov.hk) and CHP (www.chp.gov.hk);
- (2) A dedicate website that provides the latest information on COVID-19 (www.coronavirus.gov.hk), with key health information translated into different EM languages;
- (3) Social media platforms such as the Facebook page of CHP (www.facebook.com/CentreforHealthProtection) and the related Youtube channel; and
- (4) Direct communications and liaison with stakeholders concerned, including relevant consulates generals (“CGs”), employment agencies (“EAs”) for FDHs, as well as NGOs and religious groups providing support to FDHs, with a view to providing them with up-to-date and accurate health information and prevailing anti-epidemic measures, including information on the latest compulsory quarantine and testing arrangements for inbound persons. The stakeholders have in turned disseminated the information through their channels and networks.

7. Examples of information provided through the above channels to EMs include the information series “Do our part to fight the Omicron variant”, “Tips for prevention of COVID-19 for foreign domestic helpers”, “Recommendation for the third dose COVID-19 vaccination”, “Social distancing measures under the Prevention and Control of Disease Ordinance”, “Appeal for virus testing”, and “Understanding compulsory testing notices”, which are currently available on the COVID-19 Thematic Website and the COVID-19 vaccination programme (www.covidvaccine.gov.hk)¹.

¹ DH had publicised its effort in this regard in the press release “DH calls on community including ethnic minorities to fight Omicron variant threat together”
www.info.gov.hk/gia/general/202201/12/P2022011200617.htm

8. Key anti-epidemic information has been publicised or made available at various stages before and following the arrival of FDHs in Hong Kong –

(a) *Before arrival in Hong Kong*

- (i) Before FDHs arrive in Hong Kong, they would be informed of the latest quarantine and testing requirements in Hong Kong through various channels, including the aforementioned websites and through EAs, employers and CGs concerned. Relevant government departments have also publicised the information through various channels. For example, since the outbreak of COVID-19 in early 2020 in Hong Kong, LD has disseminated to FDHs, employers, EAs and CGs the latest information on relevant legal requirements, such as social distancing, the prevailing quarantine and testing arrangements, and border control measures through mobile broadcast, press releases, leaflets, social media, email reminders, instant messaging platforms and uploading of information onto its FDH Portal (www.fdh.labour.gov.hk). On top of English and Chinese versions, LD also arranges the translation of materials into other languages commonly understood by FDHs (e.g. Bahasa Indonesia, Bengali, Hindi, Khmer, Myanmar language, Nepali, Sinhala, Tagalog, Thai and Urdu); and
- (ii) DH has prepared a reminder on testing requirements for inbound travellers in nine foreign languages. LD has assisted in disseminating the reminder and relevant messages by sharing the reminder with the abovementioned stakeholders and by referring FDHs to the reminder through a hyperlink on LD's FDH Portal.

(b) *After arrival in Hong Kong*

- (i) Up to early June 2022, all inbound travellers arriving at HKIA from overseas and Taiwan were required to proceed to the Temporary Specimen Collection Centre located at the Terminal 1 Midfield Concourse of HKIA for quarantine clearance. After the collection of specimen for a COVID-19 test, inbound travellers were required to proceed to quarantine order counters where they would be given quarantine orders. Port Health Assistants ("PHA") were deployed to distribute information booklet entitled "Points to Note for Designated Hotel Quarantine for Inbound Travellers" to travellers. All PHAs were experienced staff who worked in law enforcement agencies before, including the Hong Kong Police Force, Immigration Department, and the Hong Kong Customs &

Excise Department. They had thorough knowledge regarding the quarantine policy for inbound travellers. Besides, briefings were conducted for them from time to time to update them on the latest developments and legal requirements. They were competent to respond to relevant enquiries from travellers. Inbound travellers were required to collect their quarantine orders from PHAs at the quarantine order counters and they could raise enquiries during the quarantine clearance process. DH therefore considered it not necessary to set up a separate enquiry help desk at HKIA;

- (ii) From early June 2022 until the lifting of compulsory quarantine requirement (i.e., the implementation of the so-called “0+3” arrangement), the information booklet was distributed by DQHs to inbound persons undergoing compulsory quarantine at DQHs;
- (iii) The information booklet had QR codes that provided hyperlinks to information in nine EM languages on the compulsory testing requirements and penalty for non-compliance. The information was translated into nine EM languages and updated each time after the testing requirements were changed in May 2021, November 2021² and August 2022 respectively;
- (iv) Information posters were also put up at various prominent locations of the Arrival Hall of HKIA (at Release Point before immigration and Baggage Reclaim Hall). The posters mainly served as a reminder with QR codes for them to seek further information;
- (v) Since the implementation of the so-called “0+3” arrangement on 26 September 2022, a “Notification of Medical Surveillance” together with an information sheet is available to be downloaded by inbound persons from overseas or Taiwan upon their arrival at HKIA. The information sheet has QR codes that provide hyperlinks to information in nine EM languages on the compulsory testing requirements;
- (vi) A 24-hour telephone enquiry line (2125 1999) for overseas travellers and 2125 1133 for Taiwan travellers) was printed on the Quarantine Orders of Overseas inbound travellers before 26

² The change in the compulsory testing requirement in November 2021 was about the change to the countries/places listed as “specified places” according to the Government’s latest risk assessment. There was no change to the specified day of testing or details of the testing requirement.

September 2022. From 26 September 2022 onwards, the telephone numbers are printed on the Notification of Medical Surveillance. An enquiry email (enquiry_chpweb@dh.gov.hk) is also available for anyone to raise enquiries or seek assistance. A new hotline number (1830 111) service was also introduced in April 2022 to facilitate public access to latest information;

- (vii) From the third quarter of 2021 to January 2022, the Government operated Phase 1 and 2 of the Penny's Bay Quarantine Centre ("PBQC") as a quarantine facility for FDHs upon their arrival in Hong Kong. The PBQC operators provided information in different EM languages about the compulsory quarantine and testing requirements for inbound persons to FDHs staying at PBQC. As an additional facilitation measure, PBQC also provided information with the specified testing days in Indonesian and Filipino languages to FDHs in PBQC from December 2021 to January 2022;
- (viii) A list of DQHs and relevant FAQs were uploaded to the thematic webpage on Designated Hotels for Quarantine (www.designatedhotel.gov.hk). For enquiries on the quarantine or testing measures, FDHs may call the DH hotline at 2125 1122 or 2125 1999 (for inbound persons);
- (ix) DH also developed and launched the "Electronic COVID-19 Medical Surveillance System" ("eCMSS")³ with short and clear messages to facilitate compliance with the compulsory testing requirements by inbound persons. Inbound persons arriving in Hong Kong on or after 24 July 2022 and staying in DQHs would receive an SMS inviting them to log in the system with the link provided in the SMS and upload their personal health status and test results on a daily basis during quarantine. Succinct SMS messages were sent to users reminding them of the test dates. DH estimated that about half of the inbound persons who are FDHs have logged in the eCMSS since its launch; and
- (x) People from EM groups may also use the interpretation and translation services provided by the Centre for Harmony & Enhancement of Ethnic Minority Residents commissioned by the Home Affairs Department ("HAD") following their arrival in Hong Kong⁴.

³ Webpage at <https://nhqsdata.hqss.ogcio.gov.hk/ibt/#/login>

⁴ Webpage at <https://hkcscheer.net/interpretation-and-translation-services>

Procedures and Guidelines for Translation of Information on COVID-19 Thematic Website

9. The key health information on the “COVID-19 Thematic Website” has been translated into nine different languages, namely Hindi, Nepali, Pakistani (Urdu), Thai, Indonesian, Filipino, Sinhala, Bengali and Vietnamese. Some information and resources are also available in French, Spanish, Punjabi and Tamil. With the change in inbound traveller quarantine policy on 26 September 2022, a notice on “Testing requirements for inbound travellers” in nine EM languages has been highlighted in the EM webpage on the COVID-19 Thematic Website for easy and quick reference (www.chp.gov.hk/tc/features/102743.html). Other health education materials available in EM languages include Facebook posts, videos, leaflets and posters.

10. Important health and anti-epidemic information is translated into EM languages as soon as practicable after the information is made available to the public or announced in the official languages. For example, information on the compulsory testing requirements for the “0+3” arrangement was translated into nine EM languages and made available on the same date of the launch of the new arrangement.

Provision of Additional Assistance to Foreign Domestic Helpers and their Employers

11. DH has worked with LD in providing up-to-date information about the anti-epidemic regulations and measures to FDHs, employers, EAs and relevant CGs. In particular, DH has disseminated information to about 300 EM-related NGOs (such as worker associations serving FDHs) and religious groups, as well as more than 1000 FDH EAs. The stakeholders have helped bring home the information to different EM groups including FDHs. DH has collaborated with the above stakeholders to explain the key anti-epidemic measures to EM groups.

12. DH has produced videos and organised health talks in EM languages. The materials are available for viewing through various channels such as the COVID-19 Thematic Website and social media platforms. FDHs may seek assistance from LD, HAD or DH if they have questions about the prevailing anti-epidemic regulations and measures. CHP has passed public health materials to newsletters and newspapers of EM groups for publication. Relevant health advice has also been announced in EM radio programmes (Bahasa Indonesia, Hindi, Nepali, Thai and Urdu). Facebook posts specially targeting EM groups have also been issued.

13. To enhance the COVID-19 related health promotion to EM groups, the Health Promotion Project for Ethnic Minorities on COVID-19 Prevention, a collaboration project with an NGO, commenced in March 2021. Through home visits and a multilingual telephone hotline service, the project aims to provide linguistically and culturally appropriate health education for EM households in Hong Kong.

14. DH received a total of 4.84 million calls for the telephone enquiry lines (2125 1999, 1830 1111, 2125 1111 and 2125 1122) from October 2021 to November 2022. DH does not have statistics on the number of enquiries made by inbound travellers who claimed themselves as FDH through the two telephone enquiry lines concerned (2125 1999 and 1830 111) during the said period.

15. In relation to law enforcement, following investigation by the Compulsory Testing Prosecution Office (“CTPO”) of CHP, persons who have found to be in breach of the relevant testing requirements may be issued a CTO and/ or a FPN. A contact information leaflet with DH hotline (telephone number 2125 2030), a designated email account (ctnc1@dh.gov.hk) and the correspondence address of CTPO will be distributed to the FPN recipients to enable them to make enquiries or provide defence with regard to FPN issued. CTO was translated into EM languages and was used starting from July 2021 when the recipients were ethnic minorities. The leaflet for the FPN recipients is available in EM languages and has been distributed to EM persons from mid-October 2022 onwards. Upon receiving a dispute against an FPN issued, CTPO will commence investigation, including contacting the FPN recipient. CTPO will render assistance as appropriate to EM persons. Where necessary (such as in the process of taking statement), interpretation and translation services will be provided for EM persons with interpreters recognised by the Judiciary. DH has also arranged training for staff to handle cases involving EM persons.

Our Comments

Complaint Point (1): Information on the Latest Quarantine and Testing Requirements only in Chinese and English and No Enquiry Help desk at HKIA

16. DH had worked with LD in providing up-to-date information about the anti-epidemic regulations and measures to FDHs, employers, EAs and relevant CGs. Key information of the relevant legal requirements on quarantine and testing was translated into various languages commonly understood by FDHs and were publicised via various channels (**paras. 6 - 9 and 11 - 13 above**). The information was distributed to newly arrived FDHs at HKIA and/or in DQHs before the “0+3” arrangement (**para. 8 above**). We also note that both CTO and the leaflet to FPN recipients that were distributed to persons who have found to be in breach of the relevant testing requirements were translated into different languages (**para. 15 above**).

17. We appreciated the effort spent by DH and LD in providing information on updated inbound control measures in languages commonly understood by FDHs each time after the Government adjusted the compulsory testing requirement. However, this complaint originated from separate complaints from a number of FDHs received by the Complainant about not receiving sufficient and clear information about testing requirements after arrival. This reflected that there had probably been gaps in communication between the Government and FDHs. We agree that inbound travellers, including FDHs, as well as the relevant EAs, employers and other relevant stakeholders rendering assistance to FDHs, have the responsibility to familiarise themselves with the

inbound control measures. However, in view of the complicated and frequently updated testing requirements, DH should communicate the key messages in a simple and direct way to facilitate understanding by the general public, and in particular the target group of those measures. For instance, the so-called posters on testing requirements put up by DH at HKIA are only an enlarged copy of the “Points to Note for Designated Hotel Quarantine for Inbound travellers” while the key message such as the number and day of compulsory testing requirements were buried in the wordy posters. The same problem is, in fact, found in the dedicated website and other channels. In addition, we understand that eCMSS was launched in July 2022 as a supplementary platform and inbound persons who stayed at DQHs at the time could choose to register their RAT results and personal health status through the system. As a matter of fact, only about half of the inbound persons who are FDHs did so. In other words, not all inbound travellers, including FDHs, could receive those messages on compulsory testing requirements via eCMSS. As much as penalty should be imposed for non-compliance, the ultimate objective of the compulsory testing is to curb the spread of COVID-19. For the present case, if FDHs or other inbound travellers missed the required tests, the objective could not be achieved even if the Government can collect penalty for them a few months afterwards. Therefore, we are of the view that DH should learn from this experience and, in the event of similar situations in the future, consider not only what channels should be used to convey information, but also how such information can be presented in a direct and simple way in order to raise awareness and strengthen compliance.

18. DH responded to the queries raised by the Complainant concerning not setting up enquiry desk at HKIA (**para. 8(b)(i) above**). We accept DH’s explanation.

19. In view of the above analysis (**para. 16-18 above**), The Ombudsman considers **Complaint point (1) unsubstantiated**; however, there is room for improvement in DH’s dissemination of the key information of compulsory testing requirements to the inbound travellers, including FDHs.

Complaint Point (2): Insufficient and Ineffective Reminders for FDHs about the Compulsory Testing Requirement

20. DH had explained the various means they used to inform and remind FDHs about the compulsory testing requirements⁵ (**paras. 6 - 9 above**). We see no evidence of maladministration. Having said that, it is understandable that some FDHs are unfamiliar with the compulsory testing requirements of Hong Kong and might be anxious when they receive FPN. It might be more desirable if DH could have adopted more effective ways of communication with inbound travellers, including FDHs. As FDHs might not have a valid mobile phone number upon arrival, it could be difficult for DH to get in touch with them timely and directly. DH could have explored to better utilise the notification system of the “LeaveHomeSafe” mobile application, create an email notification system to remind FDHs of the compulsory testing requirements or ask

⁵ The Government lifted all the compulsory testing requirements for inbound travellers including FDHs on 29 December 2022.

FDHs to fill in the contact information of their employers and contact FDHs via their employers when necessary.

21. In view of the above, we consider **Complaint Point (2) unsubstantiated.**

DH’s Comments

22. We have considered DH’s response and incorporated in part DH’s feedback and comments on our draft investigation report in this final report.

23. As regards **Complaint Point (2)**, DH welcomed our suggestion of requesting FDHs to fill in the contact information of their employers in eHealth Declaration and would explore how EAs could further enhance their role to encourage FDH’s compliance.

Conclusion

24. Overall, The Ombudsman considers that the complaint against DH **unsubstantiated.**

**Office of The Ombudsman
March 2023**

We will post the case summary of selected investigation reports on social media from time to time. Follow us on Facebook and Instagram to get the latest updates.

	
Facebook.com/Ombudsman.HK	Instagram.com/Ombudsman_HK