

**Anti-epidemic measures in relation to
Red Code and Amber Code under the Vaccine Pass
Frequently Asked Questions with Answers on Employment Matters**

Q1 :	Should an employer allow an employee holding an Amber Code to return to work?
A1 :	<p>Employers should allow employees holding an Amber Code to return to work.</p> <p>According to the press release issued by the health authority on 8 August 2022 (please press here for details), persons under the category of Amber Code are not allowed to enter premises subject to “active checking” of the Vaccine Pass in the capacity of a customer or visitor and other premises requiring key protection. Such restriction is not applicable to staff members of relevant premises.</p> <p>Irrespective of whether the place of work of an employee is within the premises subject to “active checking” of the Vaccine Pass and other premises requiring key protection, employers should allow an employee holding an Amber Code to return to work. Persons under the category of Amber Code must strictly observe anti-epidemic measures while working in relevant premises, including mask-wearing and dining alone.</p> <p>If an employer imposes additional anti-epidemic rules on individual premises in accordance with his/her own needs, he/she should work out a mutually agreed arrangement with the employees concerned through frank communication. If an employer cannot arrange an employee holding an Amber Code to return to work, the employer should pay the employee a sum equivalent to the remuneration that the employee would have earned if he/she had worked for that period. Employers should not deduct the holidays where an employee is entitled to under the Employment Ordinance (EO), such as paid annual leave.</p> <p>Regarding the lifting of compulsory quarantine requirement on arrival at Hong Kong by the Government with effect from 26 September 2022, please press here for details.</p> <p><i><u>Matters relating to Foreign Domestic Helpers (FDHs)</u></i></p> <p>FDHs who are coming to work in Hong Kong from 26 September 2022 onwards are subject to the revised inbound control arrangement under the “0+3” model. For the latest inbound control arrangement for FDHs, please press here for details.</p>

<p>Q2 :</p>	<p>Would an employee under the category of Red Code who is unable to work or an employee being unable to work due to a positive test result for COVID-19 upon arrival at Hong Kong be entitled to sickness allowance under EO?</p>
<p>A2 :</p>	<p>Persons under the category of Red Code are required to comply with an isolation order and are not allowed to leave the isolation location to return to work.</p> <p>According to the press release issued by the health authority on 8 August 2022 (please press here for details), the Red Code will be applicable to all confirmed cases. At the same time, they are required to comply with an isolation order and are not allowed to leave the isolation location to return to work.</p> <p>For inbound persons who are tested positive by nucleic acid tests or RATs, their Vaccine Pass will be converted to a Red Code. Their isolation arrangements will be aligned with that for local cases.</p> <p>The absence from work by reason of the compliance with an isolation order by an employee holding a Red Code (including those employees who are tested positive for COVID-19 upon arrival at Hong Kong) is deemed as sickness day(s) under EO. Employers are required to grant sickness allowance to eligible employees^{Note1} who can produce an isolation order.</p> <p>Note 1: Employed under a continuous contract, the sick leave taken is not less than 4 consecutive days, accumulated sufficient number of paid sickness days and the sick leave is supported by a proof of the restriction imposed by a specific anti-epidemic requirement (e.g. isolation order).</p>
<p>Q3 :</p>	<p>When an employee takes paid annual leave under EO for outbound travel, if the employee falls sick (including the infection with COVID-19) during such period, that sickness period should be counted as sick leave or paid annual leave?</p>
<p>A3 :</p>	<p>According to EO, if the period of paid annual leave commences before the period of sickness day, that sickness period should count as paid annual leave. For other situations (i.e. when the period of sickness day commences before the period of paid annual leave or when the commencement of the period of sickness days is the same as the period of paid annual leave), that sickness period should count as sick leave.</p>

<p>Q4 :</p>	<p>Would an employee being unable to return to Hong Kong to attend work after his/her scheduled holidays due to his/her sickness during outbound travel or compliance with the isolation or quarantine requirement imposed by the authority outside Hong Kong be entitled to sickness allowance under EO?</p>
<p>A4 :</p>	<p>When an employee being unable to return to Hong Kong to attend work after his/her scheduled holidays due to his/her sickness (including the infection with COVID-19), unless he/her can present a medical certificate issued by a Hong Kong registered medical practitioner, a registered Chinese medicine practitioner or a registered dentist specifying the number of days and the nature of the sickness of which the employee is unfit for work and can meet other relevant criteria ^{Note2}, the employee concerned will not be entitled to sickness allowance under EO.</p> <p>When an employee is absent from work due to his/her compliance with any anti-epidemic requirement (such as isolation or quarantine) enforced by authorities outside Hong Kong that imposed imposes a restriction on movement, the employee concerned will not be entitled to sickness allowance under EO.</p> <p>For those employees who are tested positive for COVID-19 upon arrival at Hong Kong, please refer to the information as set out in Question 2 above.</p> <p>If an employer arranges his/her employee for a business trip outside Hong Kong, he/she should work out a mutually acceptable arrangement with the employee prior to the trip.</p> <p>Note 2: Employed under a continuous contract, the sick leave taken is not less than 4 consecutive days and accumulated sufficient number of paid sickness days.</p>

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