

APAC COVID-19 FAQ
EDITION XV – 17 JULY 2020

Employment Law Expertise Provided by
Asia Pacific Members of the



INTRODUCTION

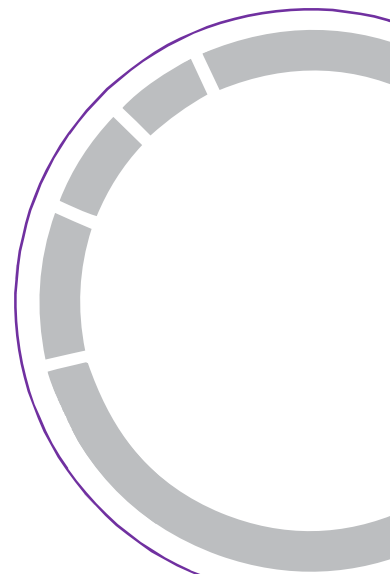
In the recent weeks, the Covid-19 situation has brought about great uncertainty for the world. Employers have not been spared. It can be challenging to wade through the ever changing myriad of notices, advisories and guidelines issued by the different governments.

To assist our clients, the Employment Law Alliance's APAC member firms have put together a set of FAQs to deal with some of the more common questions we have been asked relating to the new policies / advisories which have been issued in our respective jurisdictions as well as cost cutting measures which can be implemented to manage the cost of doing business.

The fourteenth edition of this paper was published on 10 July 2020 and can be found [here](#). As the situation is constantly evolving, we are providing weekly updates to our readers. This is the fifteenth edition and includes updates from Hong Kong and Taiwan.

Readers should take note that this information is accurate as at 17 July 2020. We encourage readers to keep abreast of developments in the countries of concern to them on a daily basis. Should you have any queries, please feel free to reach out to the contributors individually.

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CONTENTS

[APAC COVID-19 FAQ – Edition XIV \(10 July 2020\)](#)

Edition XV – Updated Jurisdiction:

Hong Kong • 1

Taiwan • 2

HONG KONG

Q: Are there any government directions to shut down business (“Shut Down directives”)?

A: All premises previously reopened have been ordered to suspend operation commencing 15 July 2020 for a period of 7 days: (1) Amusement game centre; (2) Bathhouse; (3) Fitness centre; (4) Place of amusement; (5) Place of public entertainment; (6) Premises (commonly known as party room) that are maintained or intended to be maintained for hire for holding social gatherings; (7) Beauty parlour; (8) Club-house; (9) Establishment (commonly known as club or nightclub) that is open late into the night, usually for drinking, and dancing or other entertainment; (10) Karaoke establishment; (11) Mahjong-tin kau premises; and (12) Massage establishment.

Q: Are there any government directions on policies employers must adopt to ensure no close physical interaction between persons at the work place (“Distancing Policies”)?

A: Although the Hong Kong Government has not issued any mandatory directions that employers must follow to ensure social distancing, it appeals to employers to be flexible in working arrangements, such as allowing employees to work from home, avoiding large scale meetings, reducing face-to-face contact with co-workers, and arranging flexible meal hours.

On a related note, effective from 15 July 2020 until 28 July 2020 (with such date extendable by the Government), any group gathering of more than 4 persons in any public place will be prohibited.

However, twelve types of group gatherings are exempted, including group gatherings at a place of work for the purposes of work, for the purposes of or related to transportation, and of persons living in the same household.



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TAIWAN

Q: Are there government directions restricting travel out of or into your jurisdiction (“Travel Restrictions”)

A: Yes.

Recent orders from the Central Epidemic Command Center (“CECC”):

1. From March 17 until the end of this semester (i.e. July 15, 2020), no students and teachers of high school level and below may leave the country
2. In response to commerce and humanitarian considerations, the CECC is allowing the following individuals from Hong Kong, Macau and other countries to enter Taiwan starting from June 29, 2020:
 - (1) Foreigners (aside from tourists and visitors on ordinary social visits are not allowed to enter): Applications are required.
 - (2) Individuals from Hong Kong and Macau: Applications are required in cases of special humanitarian considerations and emergency assistance, business contract performance, internal reorganization of transnational enterprises, spouses and children of Taiwan citizens who have obtained their Alien Residency Certificates and business contact (including work residency, investor residency and startup residency).
Individuals from Hong Kong, Macau and other countries who have been allowed entry into Taiwan shall voluntarily present the "Negative Report For COVID-19 Nucleic Acid Test Administered 3 Days Before Boarding Time of Indicated Flight (English Version)" prior to check-in, and comply with the 14-day home quarantine after entry into Taiwan.
3. Starting from July 16, mainland Chinese children who are 2 years old or younger and possess an R.O.C. Resident Certificate, may apply for entry into Taiwan and their parents may accompany them. The children and parents must undergo a 14-day home quarantine as required after entry.
4. All inbound travelers, including Taiwanese citizens, shall submit to home quarantine for 14 days. However, starting from June 22, individuals on short-term business visits who meet all of the following conditions may apply to shorten the home quarantine period:
 - (1) those that the CECC has given permission for entry
 - (2) those that are staying in Taiwan for less than 3 months
 - (3) entry into Taiwan for short-term business matters (e.g., acceptance inspection, customer service, technical guidance & training, contract execution)
 - (4) those that departed from a country or region that the CECC has recognized as low or medium infection risk, and did not travel to any other country or region 14 days prior to boarding the flight.

TAIWAN

For individuals who departed from a low infection risk country or region and have completed the application to shorten the quarantine period, on the 5th day after entry into Taiwan, he or she may request the health authority of the region where the quarantine hotel is located for a test at his or her expense; for those who departed from a medium infection risk country or region, the test may be requested on the 7th day after entry. If the test returns negative, he or she may apply for a change to self-monitoring until the 21st day after entry.

Countries or regions listed as low or medium risk may be found at:

<https://www.cdc.gov.tw/Bulletin/Detail/sBnnQc8Q1LsYkwWYVkwucA?typeid=9> (updated every two weeks).

5. From midnight March 21: Travel advisory for every country in the world has been raised to a Level 3 Warning – meaning avoid unnecessary travel. All inbound citizens shall submit to home quarantine for 14 days.
6. Starting from midnight of June 25, 2020, other than the transition to and from Mainland China, the Taiwan Taoyuan Airport will be open to individuals transiting to a different flight operated by the same airline group and are staying in Taiwan for 8 hours or less. The list of flights may be found at: <https://www.cdc.gov.tw/Bulletin/Detail/hKG47Yp5TfKyIEyD3MU7jA?typeid=9>. The CECC will continue to make rolling adjustments based on the status of the pandemic and current circumstances.
7. From May 4 midnight: Inbound travelers returning from overseas should complete the COVID-19 Health Declaration and Home Quarantine Notice before boarding. Those who make a false health declaration will be fined up to NT\$150,000. For those travelers who live with seniors (65 year-old or older), children (6 year-old or younger), or person with chronic diseases (such as cardiovascular diseases, diabetes or lung disease), or the dwelling of such travelers does not have a separate bedroom and bathroom, then he/she shall undergo the 14-day isolation at an quarantine hotel designated by the government.
8. The CECC announced on June 17 that people who tested positive for COVID-19 abroad are allowed to fly back to Taiwan only when he/she meets one of the conditions listed below:
 - (1) No current symptoms, and it has been more than two months from the day symptoms arose to the day of the flight.
 - (2) It has been 10 days from the day symptoms arose, and tested negative for COVID-19 twice (tests taken at least 24 hours apart).

TAIWAN

In terms of employment, the Occupational Safety Guidelines state that employees may refuse to be dispatched to outbreak areas if the employer is unable to provide protective equipment or measures. If the employer continues to insist on making the trip, the employee may terminate the employment and seek severance pay.



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