

LegCo Panel on Manpower

Admission of Mainland Professionals Scheme

Introduction

The Administration was requested to provide written response on a number of issues raised at the special meeting of the Manpower Panel held on 30 March regarding the Admission of Mainland Professionals Scheme. Our response is set out in this paper.

(a) Imposition of a quota on the number of Mainland professionals to be admitted under the Scheme

2. Some Panel Members were concerned about the lack of a quota or ceiling and asked the Administration to consider imposing one on the Professionals Scheme. The absence of a quota should be seen in the context of the scope and the principles underlying the Professionals Scheme. We have made it clear that initially the Scheme will only be open to the Information Technology and financial services sectors. In processing applications, the Government will adhere to the well established principle that only those who possess skills and expertise not readily available locally and employed on remuneration broadly comparable to the local market level will be approved for entry. Mainland professionals will not be admitted if these conditions are not satisfied.

3. Furthermore, an effective monitoring mechanism will be put in place to prevent abuse and to ensure that only those applicants who are

genuinely needed locally will be admitted. Immigration Department has been dealing with entry applications from foreign professionals for many years. Given our track record in monitoring the entry of foreign professionals and in administering the Talents Scheme in the absence of a quota, Members can be assured that we will not allow an uncontrolled influx of Mainland professionals at the expense of the local labour market.

4. The Pilot Scheme on the Entry of Mainland Professionals implemented in 1994 was subject to a quota of 1 000. To ensure a fair chance for all interested companies to utilise the quota, we had to draw lots to allocate the 1 000 places. A reserve list of employers was kept, and where employers who had originally secured a place failed to recruit a suitable Mainland professional, lots were drawn amongst the employers in the reserve list again. Ultimately, only 602 Mainland professionals came to Hong Kong under the Pilot Scheme. The unsatisfactory response was attributable to various procedural hurdles imposed on the Pilot Scheme, including the difficulties in administering a quota. We are therefore mindful to avoid the past pitfalls in re-launching the Admission of Mainland Professionals Scheme.

5. We will review the effectiveness and operation of the Professionals Scheme after one year. In the meantime, the Government will provide statistics relating to the Scheme (including the number of applications, academic qualifications and the remuneration of the successful applicants etc.) on a quarterly basis for Members' reference.

(b) Putting in place a monitoring mechanism to prevent abuse of the Scheme, such as the establishment of a selection committee

comprising representatives from relevant sectors and setting a minimum salary level

6. As stated in paragraph 3 above, the Immigration Department has a well established monitoring system over the admission of talents and foreign professionals. The same will apply to the entry of Mainland professionals. The monitoring work of the Immigration Department is set out below –

- In processing applications, the Immigration Department will ensure that only those who possess skills and knowledge in shortage locally and employed with a remuneration package broadly comparable to the prevailing market level are admitted. The Department will seek the views of relevant Government Departments and trade organisations where necessary;
- To ensure fair and objective assessment of applications, the Department adopts a two-tier approval system under which a case has to be first processed by a case officer and to be further scrutinized by an approving officer. The procedures have been vetted by the ICAC;
- Applicants are required to submit documentary proof of their academic qualifications, expertise and job experience. Relevant Mainland authorities will be consulted if the authenticity of the documents is in doubt. Employers need to satisfy the Department that they have made genuine efforts to recruit suitable local candidates but without success before bringing in Mainland professionals;

- Field inspections will be conducted on a random basis or upon the receipt of complaints. If the professionals are found to have obtained entry permits by fraud or false representation, they will be prosecuted and removed in accordance with the law. Employers will also be prosecuted if they are party to fraud or give false representation to the Immigration Department; and
- Successful applicants will normally be granted permission of stay for one year. Change of employment will be allowed one year after entry if the professionals are employed in a job relevant to their qualifications and expertise. Extension of permission of stay will not be granted if the professionals are no longer employed or if they switch to a job unconnected with their professional expertise.

7. We believe that the existing well tried monitoring system will be effective in preventing abuse of the Professionals Scheme. We do not consider it necessary to set up a separate vetting committee to oversee the Scheme. As stated in paragraph 5 above, there will be a high degree of transparency on the operation of the Scheme. There is a special case for establishing a Selection Committee comprising unofficial members to advise on applications under the Admission of Talents Scheme. The talents admitted usually possess advanced and specialized skills/knowledge and are employed in positions with unique job requirements. The advice of the Selection Committee will facilitate the Immigration Department in processing applications from talents.

8. We do not agree that a minimum salary should be set for the purpose of the Scheme. We will adhere to the prevailing principle that

the remuneration of successful applicants should be broadly comparable to the local market rate for professionals.

(c) Whether there would be a transfer of technology arising from the Scheme and how such transfer could be ensured for the benefits of the workforce

9. Mainland professionals will be permitted to continue their stay in Hong Kong provided that they remain employed in a job relevant to their professional qualification and they will be eligible to right of abode after 7 years' residence in Hong Kong. Hence the admitted professionals will in effect become part of our workforce upon their arrival. Seen from this perspective, the Scheme will make possible the transfer of manpower and technology from the Mainland to Hong Kong. We do not consider it appropriate to mandatorily require Mainland professionals admitted under the Scheme to transfer their technology or knowledge to local workers. We believe that through regular work contact and co-operation, synergy between the imported professional and local colleagues, transfer of technology as well as transfer of Mainland experience will inevitably take place. We should leave the precise mode of this transfer process to the companies concerned.

Security Bureau

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