

LEGISLATIVE COUNCIL BRIEF

Review of the Quality Migrant Admission Scheme

INTRODUCTION

At the meeting of the Executive Council on 15 January 2008, the Council ADVISED and the Chief Executive ORDERED that the following changes to the Quality Migrant Admission Scheme (QMAS) should be adopted –

- (a) Relax the Scheme to allow those applicants aged 51 or above with proven career achievements, and those younger (in particular the 18 to 24 age group) degree holders with less than five years working experience or even no working experience to enter the selection pool as detailed in paragraph 5 below; and
- (b) Streamline the extension of stay requirement for QMAS entrants admitted through the Achievement-based Points Test (APT entrants) as detailed in paragraph 7 below.

JUSTIFICATIONS

Global Competition for Talent

2. Quality human capital is important for sustained economic growth. Hong Kong should strengthen its human capital as it moves further towards a knowledge-based and high value-added economy.

3. Meanwhile, global competition for talent is fierce. Many advanced economies have put various programmes in place for the entry of talent. Other than facilitating non-local students to stay after graduation (which has been included as one of the initiatives to develop Hong Kong as a regional education hub), Hong Kong should also attract more non-local talent to come and settle here.

4. Many factors affect the attractiveness of Hong Kong to non-local talent, such as the business/job opportunities, tax regime, living costs and environment. On the immigration front, we endeavour to facilitate the entry of non-local talent. To this end, we have reviewed

the QMAS with a view to casting our net wider for quality migrants, in particular degree holders.

THE REVISED SCHEME

5. On the “must-meet” requirements, we have lifted the previous age limit of 50, so that applicants aged 51 or above are eligible. We have also adjusted the marking scheme under the General Points Test (GPT) so that younger (in particular those between 18 and 24) degree holders, though they have little or no working experience, are able to meet the pass mark for further assessment. At present, marks are accorded only to “five years or more” working experience so as to safeguard the interests of local fresh graduates. To cast our net wider for quality migrants, we consider that marks should be accorded to “two to five years” working experience. Furthermore, marks will be accorded to applicants who are proficient in a foreign language in addition to Chinese or English.

Annex A

6. As an illustration, with the above changes, a bilingual person (Chinese and English) holding a bachelor’s degree and aged 18-24 will gain a pass mark, even if he does not have any working experience. The old and the new marking schemes are detailed in **Annex A**. It is to be noted that attaining the pass mark does not guarantee admission, particularly if there is a large pool of eligible applicants to select from. We will continue to review, and where appropriate, refine the marking scheme further in the light of implementation experience.

7. We have also streamlined the extension of stay requirement for APT entrants, whereby the Immigration Department (ImmD) will grant extension to an APT entrant and his dependants if it is satisfied that he has the financial means to sustain their living in Hong Kong. Before the streamlining, APT entrants were required to demonstrate that they had taken steps to settle in Hong Kong by, say, securing gainful employment or establishing a business. As APT entrants gained admission by virtue of their past achievements, further assessment of their merits through an employment/business test after entry may not be totally fit for them.

IMPLICATIONS OF THE REVISIONS

Annex B

8. ImmD anticipates that there will be an increase in the number of entry and extension of stay applications under the QMAS with the implementation of the revisions. The additional workload will be handled by the manpower resources provided for ImmD for the QMAS. The revisions have no productivity or environmental implications. The economic and sustainability implications are set out in **Annex B**. The revisions are in conformity with the Basic Law including the provisions concerning human rights.

PUBLIC CONSULTATION

9. On 24 October 2007 we consulted the Advisory Committee on Admission of Quality Migrants and Professionals (Advisory Committee), whose non-official members come from different sectors of society (e.g. business, professionals and academia). The Advisory Committee supports the revisions.

PUBLICITY

10. We will brief the LegCo Panel on Security on 19 February 2008. A spokesman will be made available to answer public enquiries.

11. In parallel, we will step up the promotion of the QMAS and other arrangements for admitting talented persons, through partnering with other relevant parties such as the Government's Economic and Trade Offices overseas and in the Mainland.

BACKGROUND

12. The Government introduced the QMAS in June 2006. Under the scheme, talented persons from the Mainland and overseas who meet specified eligibility criteria are allowed to enter Hong Kong, without having secured an offer of local employment beforehand. The key features of the QMAS and profile of candidates are set out in **Annex C**. As of 1 December 2007, ImmD received a total of 1 147 applications of which 200 were approved.

Annex C

SUBJECT OFFICER

13. Enquiries on this brief should be addressed to Mr Alan Lo, Principal Assistant Secretary for Security (tel.: 2810 2330).

Security Bureau
January 2008

Comparison of the old and revised General Points Test

<u>Factors</u>	<u>Points (Old)</u>	<u>Points (Revised)</u>
1 Age (Maximum 30 points)		
18-24	0	} 18-39 : 30 points
25-29	25	
30-34	30	
35-39	25	
40-44	15	20
45-50	5	15
51 or above	N/A	0
2 Academic/Professional Qualifications (Maximum 45 points)		
Two or more Doctoral Degrees	45	Same
Doctoral / Two or more Master's Degrees	40	Same
Master / Two or more Bachelor's Degrees	30	35
Bachelor's Degree / Professional Qualification awarded by a nationally or internationally recognized or acclaimed professional body which demonstrates that the holders has a very high level of technical expertise or skill	20	30
3 Work Experience (Maximum 50 points)		
Not less than 10 years' graduate or specialist level work experience, including at least 5 years in a senior role	50	Same
Not less than 5 years' graduate or specialist level work experience, including at least 2 years in a senior role	40	Same
Not less than 5 years' graduate or specialist level work experience	30	Same
Not less than 2 years' graduate or specialist level work experience	N/A	10
4 Language Proficiency (Maximum 20 points)		
Being proficient both in written and spoken Chinese (Putonghua or Cantonese) <u>and</u> English	20	Same
Being proficient in at least one foreign language (both written and spoken) in addition to written and spoken Chinese (Putonghua or Cantonese) <u>or</u> English	N/A	15
Being proficient in written and spoken Chinese (Putonghua or Cantonese) <u>or</u> English	N/A	10
5 Family Background (Maximum 20 points)		
At least one immediate family member (married spouse, parents, siblings, children) is a Hong Kong permanent resident residing in Hong Kong	5	Same

<u>Factors</u>	<u>Points (Old)</u>	<u>Points (Revised)</u>
Accompanying married spouse is educated to the equivalent level of a degree or above	5	Same
5 points for each accompanying unmarried dependent child under the age of 18, maximum 10 points	5/10	Same

Maximum 165 Points

Pass Mark: 80

Implications of the Revisions

This Annex sets out the economic and sustainability implications of the revisions.

Economic Implications

2. The revisions will enlarge the opportunity for talented individuals, especially the younger ones, to apply for the Scheme and to develop their business and career in Hong Kong. This will in turn enhance Hong Kong's attractiveness and competitiveness, especially against a backdrop of intense global competition for quality human resources. Moreover, given that the admission quota remained small and unchanged, the impact on displacement of local workers in the labour market should remain insignificant.

Sustainability Implications

3. The revisions would facilitate the admission of a wider range of skilled personnel into Hong Kong and help enhance the competitiveness of our economy. Bringing in people from diverse backgrounds would also help foster a more vibrant cultural environment. The revisions are conducive to the sustainability principles of promoting a competitive and prosperous market-based economy and enhancing social and cultural diversity. They are also in line with one of the recommendations made by the Council for Sustainable Development in its Report on the Public Engagement Process on Population Policy in June 2007, which is "to review the relevant talent admission schemes from time to time, and to further step up their promotion".

Key Features of the QMAS

Under the QMAS, applicants are required to fulfill a set of prerequisites before they may apply under the scheme. Prerequisites include age (18 or above¹), financial requirement (i.e. ability to support and accommodate themselves and their dependants (if any) without relying on public assistance), good character (i.e. absence of criminal or adverse immigration record), proficiency in Chinese or English, and good education background (normally a first degree)/good technical qualification/proven professional abilities/experience/achievements.

2. Having met the prerequisites, applicants may choose to be assessed either under the GPT or APT. There are five point-scoring factors under the GPT and one point-scoring factor under the APT. For the APT, points may be awarded if the applicant has received an award of exceptional achievement (e.g. Olympic medals, Nobel prize); or he/she can show that his/her work has been acknowledged by his/her peers or has contributed significantly to the development of his/her field (e.g. lifetime achievement award from industry). For the GPT, the five point-scoring factors are age, academic/professional qualifications, work experience, language proficiency and family background.

3. Having met the prerequisites and the passing mark, applicants will be ranked according to their marks and then shortlisted for further comment by the Advisory Committee, which advises the Director of Immigration (D of Imm) on the selection of suitable applicants.

4. Applicants who are allotted a quota in the selection exercise will be issued with an Approval-in-principal letter through which they are invited to come to Hong Kong for an interview in person. Applicants must fully satisfy the ImmD that all statements made or information provided during the application are true and complete before a formal approval could be granted.

5. QMAS immigrants may be permitted to bring in their dependants (i.e. spouse and unmarried dependent children under 18 years of age) provided that they are capable of supporting and accommodating their dependants on their own without relying on public assistance in Hong Kong.

¹ The previous age limit of 50 has been lifted.

Extension of Stay

6. Persons admitted under the QMAS will initially be allowed to enter Hong Kong for one year. They can apply for an extension of stay. If approved, the extension pattern will be 2+2+3.

7. At the end of the first one-year period, the QMAS entrants under the GPT should be able to demonstrate to the satisfaction of the D of Imm that they have taken steps to settle in Hong Kong by taking up residence here, e.g. by securing gainful employment or establishing a business. If the entrant cannot meet this requirement, a one-year extension may be granted by the D of Imm if he deems this appropriate. If the person is still not able to demonstrate the taking of the steps required by the end of the second year, further extension of stay will normally not be given.

8. At the end of the first three years, the QMAS immigrants under the GPT must be able to demonstrate to the satisfaction of the D of Imm that they have settled in Hong Kong and are making contribution to Hong Kong such as by having obtained gainful employment in a graduate/specialist/senior level job, or by having established a business of a reasonable size here.

9. Upon completion of not less than seven years of continuous ordinary residence in Hong Kong, QMAS immigrants and their dependants may apply for the right of abode in Hong Kong in accordance with the law.

Applicants

10. From the launch of the scheme on 28 June 2006 to 1 December 2007, ImmD received a total of 1 147 applications, of which 110 (10%) have chosen the APT and 1 037 (90%) have chosen the GPT. Among these applicants, 856 (75%) are mainlanders while the remaining 291 (25%) are from other countries.

11. As of 1 December 2007, 238 applicants were allotted quota and 200 of them received formal approval. Among the 238 applicants who were allotted quota, 12% have chosen the APT and they are the cream of the crop from a wide array of professions, given that they were screened in due to their exceptional achievement or widely-recognised achievement in their professions. Examples include world-renowned pianists, Olympic medalists, high achievers in broadcasting and entertainment industries. Apart from these topnotch talent, 88% of the successful QMAS applicants have chosen GPT whose personal attributes (detailed in para. 2 above) were assessed by a point test. The majority of them are professionals or executives at managerial level in different sectors. Examples include accountants, senior managers at financial institutions, art therapist and soprano.

12. Among the 238 applicants who were allotted quota, 74% were aged 25-39. The top three sectors to which these applicants belong are: financial services and accounting (28%); information technology and telecommunications (13%); and commerce and trade (10%). For successful applicants under the GPT (209 out of 238), in terms of academic qualification, 24% had doctoral degree, or two or more master's degrees, 44% had one master's degree; 30% had bachelor's degree(s). 31% of the 209 applicants have not less than 10 years working experience including at least five years at senior position, and 25% had between five to ten years working experience including at least two years at senior position.