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Panel on Security

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 2 December 2008**

Admission of talents and professionals

Purpose

This paper summarises past discussions by Members on the admission of talents and professionals.

Existing admission schemes for talents and professionals

2. In an attempt to standardise the entry requirements for talents from the Mainland and those from other regions, the Government introduced the Admission Scheme for Mainland Talents and Professionals (ASMTP) in 2003 to replace the Admission of Talents Scheme and the Admission of Mainland Professionals Scheme which were launched respectively in 1999 and 2001.
3. Professionals from the Mainland or overseas belonging to any sector may apply to work in Hong Kong under ASMTP or the General Employment Policy (GEP), provided that they possess skills not readily available locally, and are offered a job in a local firm and remunerated at market rate.
4. The criteria for admission of talents and professionals under ASMTP and GEP are as follows -
 - (a) the applicant's admission is contingent on a confirmed offer of employment. The applicant should be employed in a job relevant to his/her academic qualifications or working experience which cannot be readily taken up by the local workforce;
 - (b) the remuneration package for the applicant should be broadly commensurate with the prevailing market level for professionals in

Hong Kong; and

- (c) the applicant should meet normal immigration requirements (such as holding a valid travel document with adequate returnability to his/her country of residence or citizenship, etc).

5. From June 2006 onwards, highly skilled or talented persons may apply to settle in Hong Kong for long-term development through the Quality Migrant Admission Scheme (QMAS). QMAS is different from ASMTP and GEP in that applicants are not required to secure a local job offer before they are granted entry into Hong Kong. However, applicants are required to meet a set of prerequisites in specified areas including but not limited to academic/professional qualifications, working experience and language proficiency before they can be awarded points under one of two points-based tests, namely, the General Points Test (GPT) and the Achievement-based Points Test, for allocation of an admission quota. Successful applicants may bring their spouse and unmarried dependent children under the age of 18 to Hong Kong, provided that they are capable of supporting and accommodating their dependents on their own financial resources without relying on public assistance in Hong Kong.

6. According to information provided by the Administration in October 2008, over 230 000 talents or professionals in various fields have come to work or reside in Hong Kong through various admission schemes since reunification.

Discussions by Legislative Council Panels

Admission Scheme for Mainland Talents and Professionals

7. The Panel on Security and the Panel on Manpower held a joint meeting on 4 April 2003 to discuss ASMTP before its implementation.

8. The Administration pointed out that according to manpower projection at that time, there would be a shortfall of over 100 000 workers at post-secondary level and above by 2005. To enable Hong Kong to position itself towards a high value-added and technology-based economy, a vast pool of qualified talents and professionals from other places was necessary to supplement the local manpower supply which could not keep pace with the evolving needs of the community. At a time when global competition for quality personnel was keen, relaxing the admission of Mainland talents and professionals through introducing ASMTP would help Hong Kong tap the vast manpower pool available on the Mainland.

9. Some members expressed concern that the new scheme might adversely affect the employment prospects of the local workforce. For this reason, they considered it important that a monitoring mechanism should be in place to prevent abuse of the scheme. The Administration responded that about 14 000 to 16 000 foreign

nationals and residents of Taiwan entered Hong Kong for employment under GEP per annum. This group of professionals had created neither a negative impact on local employment nor an adverse effect on the wage levels of the local workforce. In processing applications under GEP, the Immigration Department (ImmD) would from time to time conduct field inspections to verify the information provided in the applications. These checking had proved to be effective and would be applied to ASMTP.

10. To ensure that only Mainland talents or professionals who possessed skills and experience not readily available locally would be admitted, Hon LEE Cheuk-yan suggested that applications under ASMTP should be divided into two categories and handled separately. For applicants with good education background, their applications should be processed and approved by ImmD without the need to consult the Advisory Committee on the scheme. However, a report on the approved applications should be submitted to the Advisory Committee, and its feedback should be used as reference for handling future applications. For applicants without good education background but with sound technical qualifications and/or relevant professional abilities, ImmD should seek the advice of the Advisory Committee before approval was given. The Administration agreed to convey the above suggestions to the Financial Secretary, who was the Chairman of the Advisory Committee, for his consideration.

Quality Migrant Admission Scheme

11. On 7 March 2006, the Administration briefed the Panel on Security on QMAS, a new scheme under which talented people would be allowed to take up residence in Hong Kong without having to secure a local job offer first. QMAS would be open to applicants from all places, except those from countries/regions which posed security or immigration risks.

12. Some members expressed support for the introduction of QMAS. Some other members, however, expressed concern about the implications of the scheme on local employment. These members queried how the Administration could ensure that the scheme would not affect the employment opportunities of local people, and how the Administration could prevent possible abuse of the scheme.

13. The Administration responded that there was a need to bring in talented people from outside Hong Kong to meet the manpower needs of the local economy and to enhance Hong Kong's competitiveness in the global market. The quota for QMAS was only 1 000 per year. Experience indicated that an average of about 1.5 new jobs had been created per entrant under ASMTP. Hence, the Administration believed that QMAS could create more employment opportunities for local people.

14. Regarding the prevention of possible abuse of the scheme, the Administration explained that the minimum requirements had been drawn up and a points system had been established. Selection of entrants would be made by a selection committee

comprising members from various sectors of the community. The Administration stressed that ImmD possessed substantial experience in vetting the qualifications of applicants, and the Administration had not received any complaint about abuse of existing schemes.

15. In January 2008, the Administration announced that it would revise QMAS. Among others, the scheme would be relaxed 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 or even no working experience to enter the selection pool.

16. When the Panel on Security was briefed on the revised QMAS at its meeting on 19 February 2008, some members pointed out that under the revised scheme, a young Mainland university graduate proficient in Chinese only and with two years' working experience would already be qualified for admission to Hong Kong. These members considered that such a loose requirement would have a negative impact on the employment opportunities of young people in Hong Kong. They considered that the purpose of QMAS would be defeated if the minimum requirement for admission was too low, and enquired about the criteria adopted by the Advisory Committee in the selection of applicants.

17. The Administration responded that the review of QMAS aimed to cast the net wider for talents from places all over the world and expand the pool of candidates for selection. Under the revised QMAS, an applicant with less working experience would be able to attain the passing mark for further assessment through GPT. However, the attainment of the passing mark did not guarantee his/her admission under QMAS. He/she would still have to compete with other applicants for the allocation of quota. The Administration emphasised that each application with a score above the passing mark would be assessed by the Advisory Committee on its individual merits. The Advisory Committee would consider factors such as the university from which the applicant had graduated, whether the applicant had furthered his studies overseas, proficiency in languages other than Chinese and English, the expertise of the applicant, whether the applicant had other achievements in school or at work before determining whether the applicant was a talent needed in Hong Kong. The Administration pointed out that though some applicants from the Mainland possessed less working experience, some were graduates from topnotch Mainland universities who had furthered their studies overseas and whose expertise was needed in Hong Kong.

18. Noting the small number of talents admitted under QMAS, some members considered that GPT should be further revised to reflect the need in Hong Kong for talents. Some other members, however, considered that the revision to the points score under GPT was radical. These members considered that the Administration should first examine whether the small number of admissions under QMAS was due to over-stringent requirements or inadequate publicity. They suggested that the Administration should step up publicity on QMAS.

19. The Administration responded that a number of government departments were playing a role in attracting talents and making Hong Kong a more attractive place for talents. On the immigration front, the Security Bureau (SB) and ImmD endeavored to facilitate the entry of talents and professionals. SB had also worked with the Information Services Department to draw up a series of publicity programmes on QMAS, which would be launched through Economic and Trade Offices, Mainland and overseas universities as well as local universities.

Latest development

20. The Task Group on Attracting Talent under the Commission on Strategic Development released a report in April 2008. Among other things, it recommends allowing employers to recruit upper-middle level executives and professionals from other territories without going through the requirement to prove that the job vacancies cannot be filled by local labour. During the briefing by the Secretary for Security on the Chief Executive's 2008-2009 Policy Address, members were informed that the Administration, having taken into consideration the need to strike a balance between facilitating the entry of talents and protecting the interest of local labour, would put up a proposal to further streamline the admission arrangements for the employment of talents and professionals. The proposal would be discussed at the meeting of the Panel on Security on 2 December 2008.

Relevant papers

21. A list of the relevant papers on the Legislative Council website is in the **Appendix**.

**List of relevant documents on
Admission of talents and professionals**

Date of meeting	Meeting	Document / Paper No.
4.4.2003	Panel on Security and Panel on Manpower	Minutes of meeting (LC Paper No. CB(2)2387/02-03)
		Legislative Council Brief on the Admission Scheme for Mainland Talents and Professionals issued by the Security Bureau on 11.3.2003 (File Ref : SBCR 2/2091/03)
7.3.2006	Panel on Security	Minutes of meeting (LC Paper No. CB(2)1828/05-06)
		Legislative Council Brief on the Quality Migrant Admission Scheme issued by the Security Bureau in February 2006 (File Ref. SBCR 6/2091/04)
19.2.2008	Panel on Security	Minutes of meeting (LC Paper No. CB(2)1749/07-08)
		Legislative Council Brief on the review of the Quality Migrant Admission Scheme issued by the Security Bureau in January 2008 (File Ref. SBCR 6/2091/04)
		Administration's paper entitled "Quality Migrant Admission Scheme" issued in July 2008 (LC Paper No. CB(2)2553/07-08(01))