

LCQ2: Non-local talents to work in Hong Kong

Following is a question by the Hon Poon Siu-ping and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (February 24):

Question:

Persons who possess special skills, knowledge or experience of value to but not readily available in Hong Kong may apply to come to work in Hong Kong under the General Employment Policy (GEP) (which is not applicable to Chinese residents of the Mainland of China) or the Admission Scheme for Mainland Talents and Professionals (ASMP) (which is applicable to Chinese residents of the Mainland of China). There have been comments that despite the sharp deterioration of the employment market in recent months, the Government has not tightened up the criteria for vetting and approval of the applications for importation of labour. For instance, while hundreds of local pilots have been dismissed, the Government has still continued to issue employment visas to non-local pilots, which is in contravention of the policy of safeguarding priority employment of Hong Kong people. In this connection, will the Government inform this Council:

(1) of the respective numbers of applications made under GEP and ASMP for (i) visa/entry permit and (ii) extension of stay that were received, approved and rejected by the Immigration Department (ImmD) in each of the years from 2018 to 2020, with a breakdown by industry, job type and range of monthly salary; if there were rejected applications, of the reasons for that; and

(2) given the serious unemployment problem in Hong Kong at present, whether the ImmD has communicated with the Labour Department in processing the aforesaid applications, so as to ensure that the relevant arrangements are in line with the policy of safeguarding priority employment of Hong Kong people; if so, of the details; if not, the reasons for that?

Reply:

President,

It has been the Government's established policy to uphold priority employment of the local workforce. Only overseas and Mainland professionals who possess special skills, knowledge and/or experience of value to and not readily available in Hong Kong are eligible to apply to the Immigration Department (ImmD) for employment in Hong Kong under the General Employment Policy (GEP) or the Admission Scheme for Mainland Talents and Professionals (ASMP) respectively. Both schemes are non-sector specific. Non-local professionals who wish to come to work in Hong Kong via the above admission schemes will be considered only if they meet the following main criteria:

- (a) Having a good education background, normally a first degree in the relevant field;
- (b) Having a confirmed offer of employment and being employed in a job relevant to their academic qualifications or work experience that cannot be readily taken up by the local workforce; and
- (c) The remuneration package is broadly commensurate with and not inferior to the local prevailing market level.

In processing each application, the ImmD will critically examine whether the applicant meets the specific eligibility criteria under the admission scheme concerned and the normal immigration requirements in accordance with relevant legislation and policies. The ImmD will take into account the individual circumstances of each application, so as to ensure that only applicants who meet the relevant immigration policies will be admitted into or permitted to stay in Hong Kong for employment. In addition, the ImmD will consult the Labour Department (LD), other relevant government departments or professional bodies on individual cases as necessary.

Regarding the Hon Poon Siu-ping's question, in consultation with the ImmD and LD, the Government's consolidated reply is as follows:

(1) The numbers of new applications for employment visas/entry permits and applications for extension of stay under GEP and ASMTP which were received and approved by the ImmD from 2018 to 2020 are tabulated as follows:

Year	Immigration scheme/policy					
	GEP			ASMTP		
	Type of applications	Number of applications received	Number of applications approved	Type of applications	Number of applications received	Number of applications approved
2018	New	44 963	41 592	New	15 623	13 768
	Extension of stay	23 382	22 542	Extension of stay	6 329	6 246
2019	New	45 288	41 289	New	16 413	14 053
	Extension of stay	22 484	22 159	Extension of stay	6 493	6 353
2020	New	17 688	14 617	New	9 026	6 995
	Extension of stay	20 457	19 323	Extension of stay	5 568	5 342

Note: The applications approved in a year may not correspond with the applications received in the same year.

The statistics on applications approved for admission into Hong Kong under GEP and ASMTP from 2018 to 2020 by industry/sector and monthly remuneration of applicants are tabulated as follows:

Industry/ Sector	Immigration scheme/policy					
	GEP			ASMTTP		
	2018	2019	2020	2018	2019	2020
Financial Services	5 057	4 719	2 448	2 141	2 307	1 498
Commerce and Trade	7 511	5 834	2 325	805	832	661
Academic Research and Education	4 961	4 670	2 158	2 449	2 382	1 720
Recreation and Sports	5 180	6 534	1 189	412	347	55
Engineering and Construction	1 187	1 567	1 085	553	691	971
Information Technology	1 381	1 655	652	438	501	426
Arts/Culture	3 439	5 417	556	4 607	4 042	453
Legal Services	464	486	174	109	138	62
Others (including aviation-related applications)	12 412	10 407	4 030	2 254	2 813	1 149
Total	41 592	41 289	14 617	13 768	14 053	6 995

Monthly remuneration (HK\$)	Immigration scheme/policy					
	GEP			ASMTTP		
	2018	2019	2020	2018	2019	2020
Below 20,000	10 238	13 813	2 293	5 570	6 023	1 834
20,000 to 39,999	13 935	12 547	5 660	4 323	4 181	2 935
40,000 to 79,999	10 585	9 312	4 038	2 556	2 565	1 559
80,000 or above	6 834	5 617	2 626	1 319	1 284	667
Total	41 592	41 289	14 617	13 768	14 053	6 995

The numbers of applications for employment visas/entry permits and extension of stay under GEP and ASMTP which were rejected, withdrawn or could not be processed further from 2018 to 2020 are tabulated as follows:

Year	Immigration scheme/policy							
	GEP				ASMTP			
	Type of applications	Rejected	Withdrawn/ Could not be processed further	Total	Type of applications	Rejected	Withdrawn/ Could not be processed further	Total
2018	New	921	1 170	2 091	New	249	1 240	1 489
	Extension of stay	8	77	85	Extension of stay	2	72	74
2019	New	1 147	2 633	3 780	New	365	2 028	2 393
	Extension of stay	12	157	169	Extension of stay	0	118	118
2020	New	910	2 657	3 567	New	415	1 683	2 098
	Extension of stay	4	121	125	Extension of stay	0	229	229

Note: The applications rejected, withdrawn or could not be processed further in a year may not correspond with the applications received in the same year.

The common reasons for refusal include:

- (a) The employer is unable to demonstrate that the position concerned cannot be readily taken up by a local professional;
- (b) The remuneration package offered is not commensurate with the prevailing market level;
- (c) The applicant does not have adequate academic qualifications or experience;
- (d) Doubtful operating or financial situation of the employing company; or
- (e) Doubtful purpose of application.

The ImmD does not maintain other breakdown statistics requested in the question.

(2) As stated above, the ImmD has all along been vetting applications from non-local professionals for entry for employment in Hong Kong in a rigorous manner. The ImmD will only consider applications under GEP and ASMTP from professionals who meet the specific eligibility criteria under the relevant admission schemes, including being employed in a job that "cannot be readily taken up by the local workforce".

The business nature varies from sector to sector, and the demands for talents are also different. In determining whether the position involved in a

new application "cannot be readily taken up by the local workforce", the ImmD will make reference to information provided by relevant government departments or professional bodies as necessary to ensure that the application concerned is consistent with the respective objectives of the admission schemes. The ImmD will also require the employing company to provide justifications for hiring the applicant and furnish proof on reasons for failing to recruit a local professional. The company must also provide a written declaration to confirm that genuine efforts have been made to recruit suitable local candidate without success. If the ImmD needs further information about the manpower availability of the market for the relevant position, the employer will also be required to provide recruitment details and documentary proofs on the position concerned, including recruitment advertisements published, number of local applicants, records of recruitment interviews and results, etc.

To uphold priority employment of local workers, the ImmD will also consult the LD on applications for importation of workers offering wage levels significantly lower than those of similar job titles in the labour market; applications for importation of a considerable number of workers; or applications which involve job titles with a possible substantial overlap with technicians imported under the Supplementary Labour Scheme administered by the LD.

In general, the ImmD will only consider applications for extension of stay from persons who are employed in Hong Kong under GEP and ASMTP if the persons continue to meet the specific eligibility criteria under the relevant admission schemes, including being employed in a job that "cannot be readily taken up by the local workforce". The ImmD may, based on the actual circumstances of the case, require the applicant or the employing company to provide supplementary information to prove that the position still "cannot be readily taken up by the local workforce".

In view of the local economic downturn and rising unemployment rate amid the COVID-19 pandemic, the Government understands the public's concerns and reaffirms the established policy of upholding priority employment of the local workforce. In recent months, the ImmD has been closely monitoring the employment situation of different industries, including the aviation industry as referred to in the question. In view of the latest employment situation of the local aviation industry, the ImmD has, after consultation with the relevant bureaux and departments, critically scrutinised applications from the industry made under GEP and ASMTP for employment visa/entry permit and extension of stay. In fact, the ImmD did not approve any new employment visas/entry permits for non-local pilots to work in Hong Kong in the past three months.