

ADMISSION OF MAINLAND TALENTS & PROFESSIONALS

Employment Visas for Chinese Nationals Resident on the Mainland

HONG KONG VISA
CENTRE

ADMISSION OF MAINLAND TALENTS & PROFESSIONALS

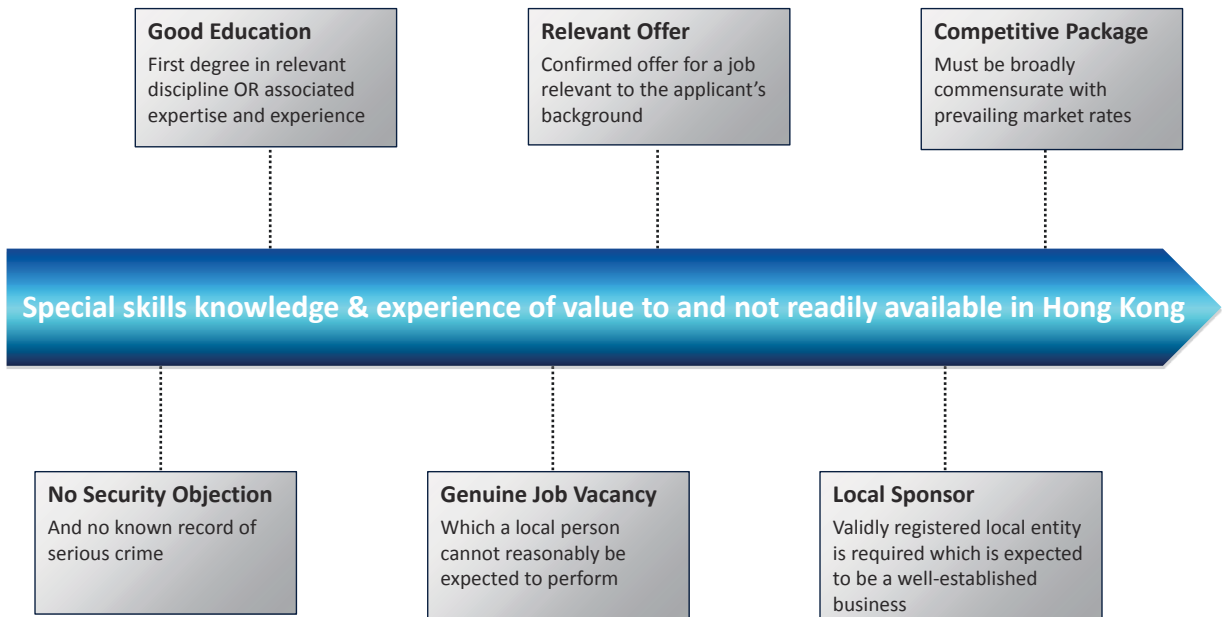
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To attract qualified Mainland talents and professionals who possess skills & knowledge not readily available locally.

Such talents must contribute with a view to facilitating Hong Kong's economic development, the arts, culture, sports and the culinary profession.

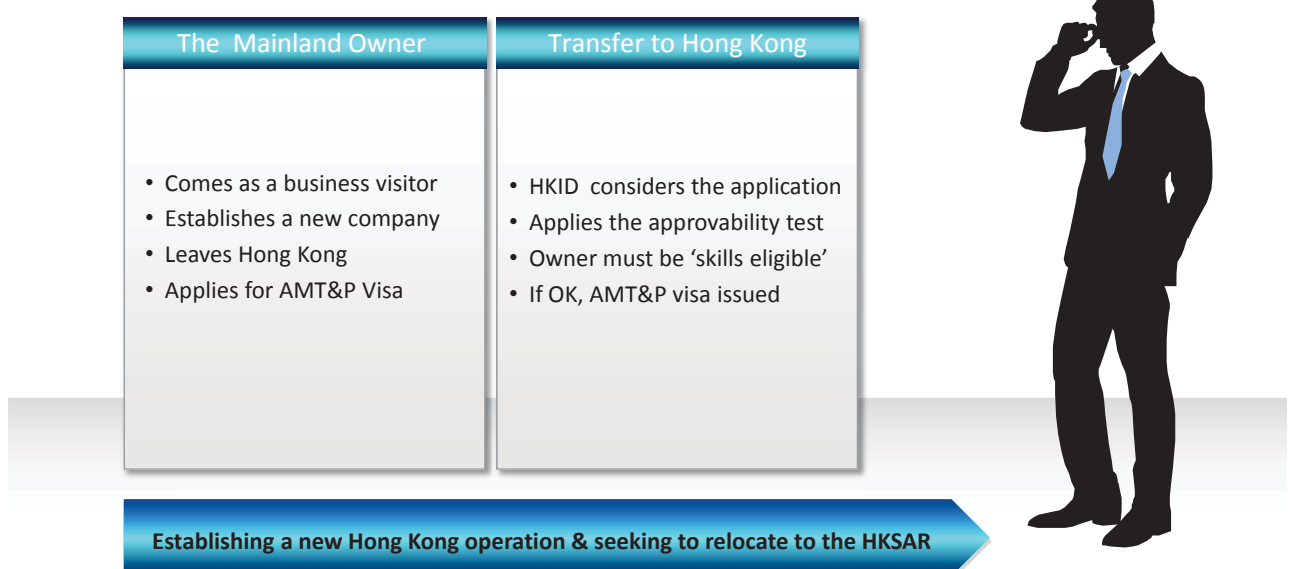
The objective of the Scheme = to enhance HK's status as an Asian world city

GENERAL ELIGIBILITY CRITERIA

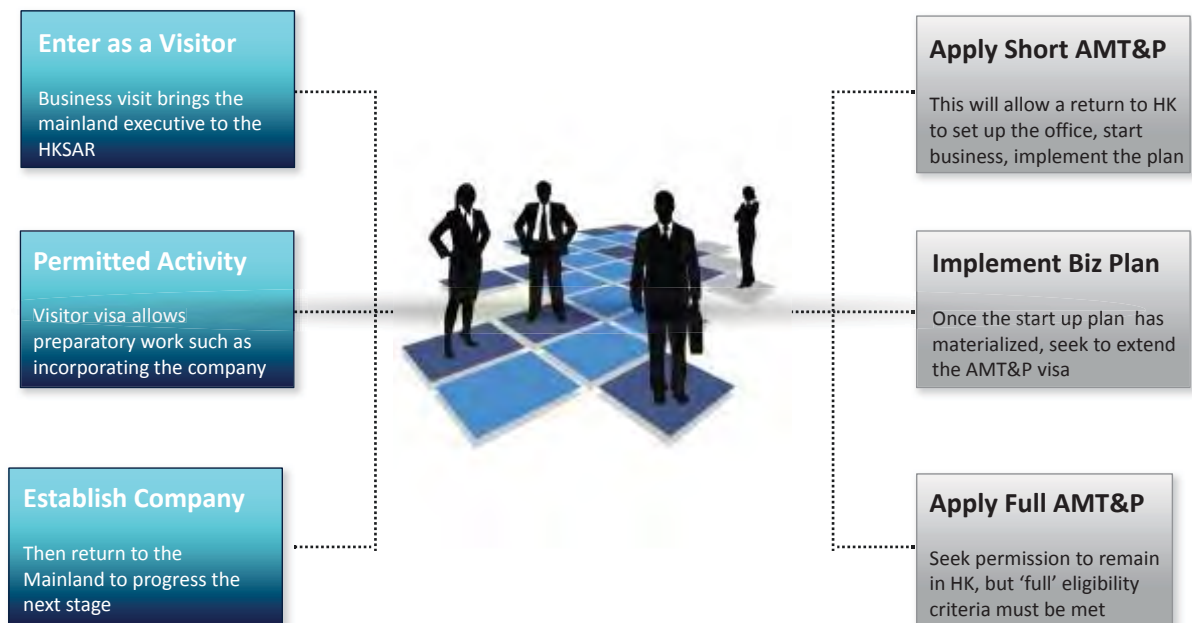


There is no quota nor sector specificity for Admission of Mainland Talents & Professionals

MAINLAND BUSINESS OWNERS

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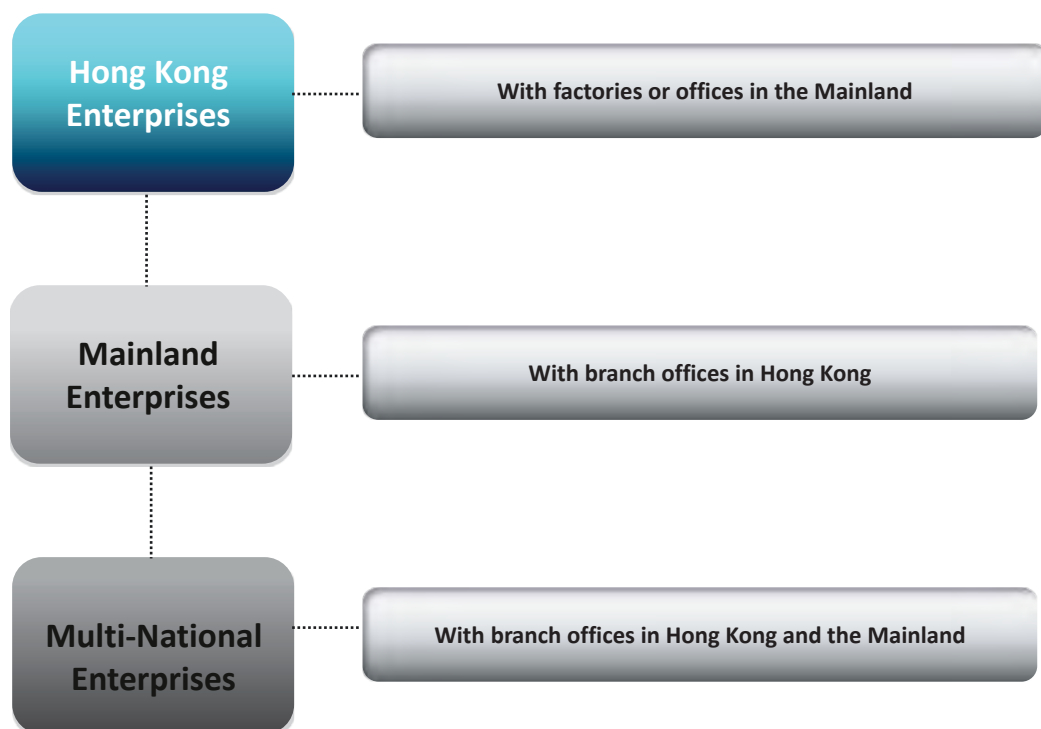
MAINLAND BUSINESS EXECUTIVES



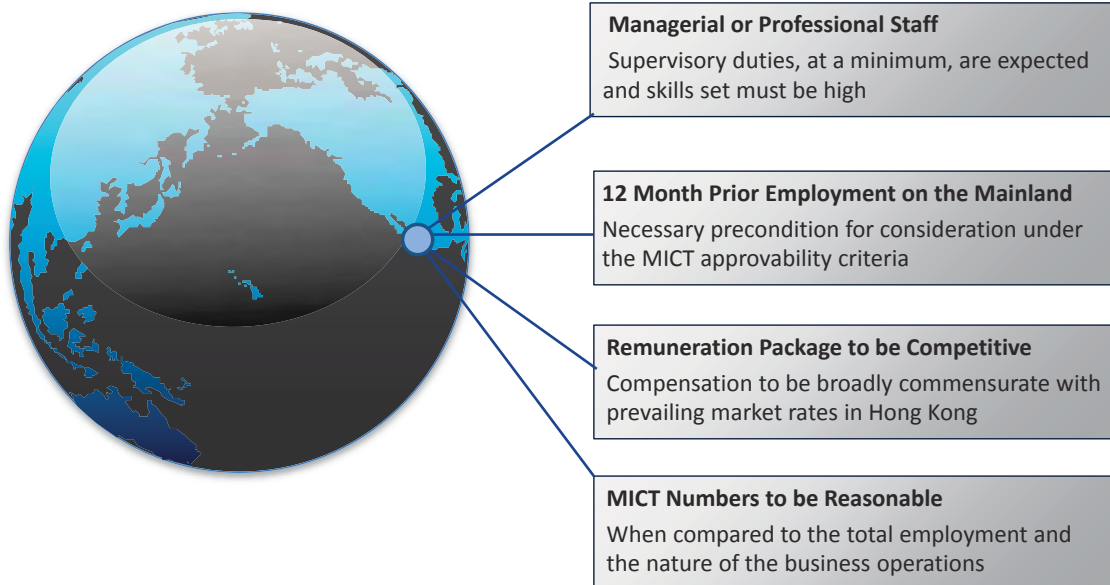
Mainland business executive seeks to set up a new operation in Hong Kong

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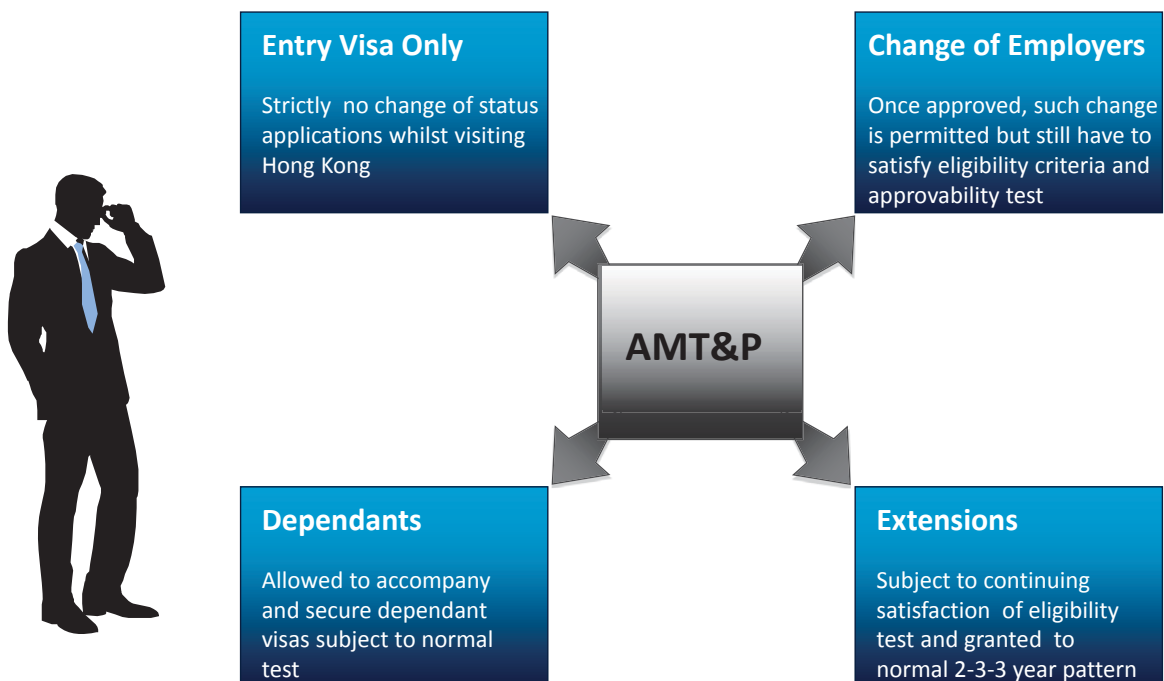
MAINLAND INTERCOMPANY TRANSFeree 1



MAINLAND INTERCOMPANY TRANSFEREE 2



LOOSE ENDS

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TOP TIER MAINLAND TALENT OR PROFESSIONAL**Enhancement Measure May 6, 2015**

New policy designed to attract and retain Entrepreneurs, Professionals and Talents

HKD2 million Assessable Income

Present your tax bill showing HKD2 million in income in the previous tax year, show you are gainfully employed and you attain 'Top Tier' status

Ticket to Ride

Once assessed as Top Tier you get an immediate 6 year limit of stay with the only limit of stay in force being that of time and a requirement to notify ImmD of any change of employment in writing within 30 days

Mainland Talents & Professionals

Rationale

Hong Kong seeks to attract qualified mainland talent in order to keep Hong Kong competitive in a globalised market and to meet local manpower needs. The programme sets up an immigration mechanism for Chinese residents of the mainland separate from, but aligned to, the employment visa process which applies to other foreign nationals (or other PRC passport holders who are presently resident overseas) .

Approvability Test

The mainland talent must possess ***special skills and knowledge not readily available or otherwise in shortage in Hong Kong***. Moreover, successful candidates under the programme must be able to help to ***facilitate the economic development of Hong Kong*** or work in the ***arts, culture, sports or culinary segments so as to enhance Hong Kong's status as an Asian world city***.

Eligibility

An application for admission under the Mainland Talents & Professional Scheme will be successful if:

- You are a mainland resident seeking to take up employment in Hong Kong.
- There is no security objection and no known record of serious crime.
- You have a good educational background in the relevant field but in special circumstances good technical qualifications, proven professional abilities and/or relevant experience.
- There is a genuine job vacancy.
- There is a confirmed offer of employment.
- You will be employed in a job relevant to your qualifications or working experience.
- That job cannot be readily taken up by the local work force.
- The remuneration package. Including income, accommodation, medical and other fringe benefits is broadly commensurate with the prevailing market level for professionals in the HKSAR.

Who Can Apply?

This Scheme can be used in a number of creative ways to facilitate the entry of suitably qualified mainland residents to take up employment in Hong Kong.

Headhunted Mainland Talent

Needed by Hong Kong businesses for a specific employment position.

Mainland Business Owner

Who seeks to transfer him or herself to their self owned Hong Kong business.

Mainland Business Executive

Who works for a Mainland business seeking to establish new operations in the HKSAR.

Mainland Intercompany Transferee

Who works for a substantial Hong Kong, Mainland or Multinational Enterprise with operations in both Hong Kong and on the Mainland.



Preparing Your Case

[\(Click to Watch\)](#)

Highlights

- Applicable to PRC nationals resident on the Mainland
- Must pass the usual employment visa approvability test
- No quota or sector specificity
- Top Tier status available
- No change of status from Visitor to AMT&P



Discussion



Mainland Talents & Professionals

Considering Your Argument

To ensure the best possible chance of an approval, you need to promulgate a good case argument. Good arguments are derived from a careful application of your individual circumstances as applied in the context of the job offer in hand. Moreover, the particular circumstances of the proposed employer's business and their specific need for exact skills needs to be interwoven throughout. Please refer to the following narrative for guidance on what you should be articulating to the HKID when arguing your case for an approval under the Mainland Talents & Professionals Scheme:

Special Skills, Knowledge, Experience

'Special' as compared to other foreign nationals and also locals. 'Skills, Knowledge and Experience' in the context of the actual work to be done.

Of Value

Value here can be economic, the arts, cultural, sports or culinary. Not all activities are deemed of value, however. It depends on the nature of the work.

Not Readily Available Locally

The HKID have their own methods of determining whether such skills are in fact available from within the local workforce. They will often interact with other government agencies to seek official guidance. Running job advertisements and stating no one/no one suitable applied can be a double edged sword. On the one hand, by virtue of the fact that you advertise locally for a candidate you are admitting that there remains the possibility of the employer finding the skills they need locally (and so its just a matter of time before a suitable candidate emerges). On the other, if you do advertise and claim that no suitable candidate has emerged, the HKID will ask to see the CV's procured in response. On Balance, the second approach may be better. Either way, it's a struggle. The HKID place the burden of proving that the skills in question are not available locally on the shoulders of the applicant and their proposed employer. However, in making the argument, this element of the approvability test must be addressed, if not directly, then certainly by implication from all the other things you will be saying in support of the application.

Articulating Your Argument

You have a good educational background in the relevant field but in special circumstances good technical qualifications, proven professional abilities and/or relevant experience.

Normally, a first degree is required. In the event that you do not have a degree, it is acceptable to cite your prior qualifications and experience. Your CV is a vital document in these instances as are any testimonial and references from previous employers.

There is a genuine job vacancy.

Here representations need to be made which detail how the vacancy came about and where it sits within the organisational chart of the employing company as a whole. The HKID are on the look out for 'contrived employments' with a view to residence in the absence of a bona fide employment opportunity.

You have a confirmed offer of employment.

This requires the HKID having sight of an offer of employment a condition of which is that the employment is "subject to the approval of the Director of Immigration".

You will be employed in a job relevant to your qualifications or working experience.

In other words, if you are an investment banker seeking to change careers to a PR expert, the likelihood of you satisfying this limb of the approvability processes is slight,

That job cannot be readily taken up by the local work force.

Please see the comments above in relation to "Not Readily Available".

The remuneration package. Including income, accommodation, medical and other fringe benefits is broadly commensurate with the prevailing market level for professionals in the HKSAR.

In stark terms, any employment package valued at any less than HKD260,000 p.a. will likely struggle to approval.



Mainland Talents & Professionals

Documents Required

- Application form ID990A (employee) and ID990B (employer).
- Recent photograph affixed to the form and copy of your Mainland Resident ID Card.
- Copy passport details page and current visa/period of stay if presently in Hong Kong.
- Copy up-to-date CV & Letter of Consent from your current working unit/other Mainland authority.
- Photocopy of all graduation certificates/proof of academic qualifications.
- Copies of prior employment references and testimonials.
- Copy Letter of Engagement or Contract of Employment detailing information about the post, emolument and term.
- Copy Business Registration Certificate.
- Copy of latest audited financial report and/or management accounts.
- Copy latest profits tax return to the Commissioner for Inland Revenue.
- Copy of the most recent Annual Return filed with the Registrar of Companies (FORM NAR1), along with Companies FORM ND2A (Notification of Changes of Secretary and Directors) if applicable, and FORM NSC1 (Return of Allotments).
- Detailed letter introducing the company and its business.
- Company Brochure (and/or "Company Profile"), sales publications, press articles and any similar promotional type materials, which verify the business type of the company.
- General Proofs of Business - for example, trading documentation, shipping documents, invoices, contracts, agency and distribution agreements etc.
- Office tenancy agreement copy.
- If there is a substantial overseas parent company the following documents could also be submitted to assist in the credibility establishment process: Certificate of Incorporation of the parent company, its audited financial statement and the parent company profile or brochure (which will often suffice instead of Hong Kong corporate background information.)



NB — if the employing company has had a prior employment visa approved in the previous 18 months the employer documents above are not required.



Submitting Your Application

The application is submitted to the HKID either (a) via post from overseas or in person to the Receipt & Dispatch Unit of the Immigration Tower (2/F). It can be submitted by a local sponsor or directly by the Hong Kong entity which is seeking to employ the talent in their Hong Kong operations (they are not always the same party).



The Consideration Process

Your application must be complete at the point of submission. Once your application has been submitted, the process will play out via mail and/or fax. Occasionally the HKID will communicate with you via email. Processing time is usually 6-8 weeks but can be considerably longer in more complex cases. It is rare that a case, unless it is an Inter-company transferee type, will be approved without some element of a dialogue whereby the HKID will raise questions and requests for further information. These subsequent submissions are usually required within 14 days, although the HKID are quite flexible, proving you with sufficient time to respond. Careful consideration should be given to these requests; they can provide very real clues as to the attitude the HKID are adopting to the case. Remember, the challenge is to ensure that the Approvability Test is very properly addressed so the materials you submit in response to the request of the HKID should carry forward your substantive argument for approval. Once approved, the HKID will write to you with a notice as to the positive outcome and invite you to complete the approval formalities.



Refusal & Appeal

If your case is denied, you can elect to start the appeal process with a formal request for Reconsideration. If you are a visitor seeking to change your status, the HKID will not afford you an extension to your current period of stay during the Reconsideration process. See the section on Appeals.





Mainland Talents & Professionals

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- ☐ Recent photograph affixed to the form and your Mainland Resident ID Card.
- ☐ Copy passport details page and current visa/period of stay if presently in Hong Kong.
- ☐ Copy up-to-date CV & Letter of Consent of your Mainland working unit or other authority
- ☐ Photocopy of all graduation certificates/proof of academic qualifications.
- ☐ Copies of prior employment references and testimonials.
- ☐ Copy Letter of Engagement or Contract of Employment detailing information about the post, emolument and term.
- ☐ Copy Business Registration Certificate.
- ☐ Copy of latest audited financial report and/or management accounts.
- ☐ Copy latest profits tax return to the Commissioner for Inland Revenue.
- ☐ Copy of the most recent Annual Return filed with the Registrar of Companies (FORM NAR1), along with Companies Registry FORM ND2A (Notification of Changes of Secretary and Directors) if applicable and FORM NSC1 (Return of Allotments).
- ☐ Detailed letter introducing the company and its business.
- ☐ Company Brochure (and/or "Company Profile"), sales publications, press articles and any similar promotional type materials, which verify the business type of the company.
- ☐ General Proofs of Business - for example, trading documentation, shipping documents, invoices, contracts, agency and distribution agreements etc.
- ☐ Office tenancy agreement copy.
- ☐ If there is a substantial overseas parent company the following documents could also be submitted to assist in the credibility establishment process: Certificate of Incorporation of the parent company, its audited financial statement and the parent company profile or brochure (which will often suffice instead of Hong Kong corporate background information.)



Discussion

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Mainland Talents & Professionals

Additionally, further information will be requested by the Hong Kong Immigration Department where the application relates to a Mainland Inter-company Transferee, Mainland Business Owner or Mainland Business Executive. The exact make up of these documents varies from case to case and you will be advised by the HKID of their specifics at the point of their first response after you have submitted the application.

NB — if the employing company has had a prior employment visa approved in the previous 18 months the employer documents above are not required (however the Form ID990B is required in all instances).

Notes



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