



美國商會

March 26, 2002

Mr. Ambrose S.K. Lee, I.D.S.M., J.P.  
Director  
Immigration Department, HKSAR  
Immigration Tower  
7 Gloucester Tower  
Wanchai, Hong Kong

Dear Mr. Lee,

On behalf of the AmCham Government Relations Committee, I would like to thank you for taking the time to meet with us last week. As we said at the time, we greatly appreciate your leadership in seeking appropriate changes to visas requirements for PRC nationals to enhance Hong Kong's competitiveness as a regional business center. The introduction of the Talent Scheme and the Professional Scheme for IT and financial professionals are clearly very positive steps. We are also grateful for your willingness to listen to our views in considering further enhancements.

We agreed at our luncheon that it would be constructive to organize a meeting between senior members of your staff and key people within AmCham who have a good understanding of the additional issues we would like to see addressed. To help you identify the appropriate attendees from Immigration, we have outlined below the specific suggestions we would like to see pursued.

There are several areas of further liberalization we recommend for consideration:

1. The Professionals Scheme should be expanded beyond the two categories of skills permitted at present to the full nine categories of professionals. We are aware that the number of applications has been relatively modest, but believe that the very stringent application requirements and the narrow scope of fields of specialization may both be contributing factors. In any case, your department has a great deal of discretion in assessing the merits of each application, so we do not believe there would be significant risk in broadening the allowable categories.
2. A new category of "Developmental Assignment" visa should be established to facilitate the practice of using regional offices in Hong Kong for assignments of up to three years by PRC employees as part of their normal management development. This would be analogous to an inter-departmental secondment within the civil service.

We believe this category falls between a very structured training assignment which is addressed by a one-year training visa, and the Professionals Scheme which is oriented toward permanent immigration. Employees on developmental assignments are given roles in the regional office that are the next logical progression in their career. These employees are not proposed as permanent immigrants, and the intent would be for them to return home or move on to another assignment in the region or elsewhere in the

world depending on their and their company's needs. Since they would not be permanent Hong Kong employees, the application for a visa under the Professional Scheme, even if it were expanded in terms of allowable categories of professionals, would be inappropriate. In practice, we know of several cases where companies had to send their PRC employees to other countries for this type of development because it was not possible to obtain a Hong Kong visa. If their employee were from any other country besides the PRC, the acquisition of a visa for temporary residence in Hong Kong would have been a matter of routine practice. This is clearly damaging to Hong Kong's attractiveness as a regional center.

3. The possibility of two-year work visas following completion of a graduate or post-graduate course of study in Hong Kong should be considered. Several university programs in Hong Kong are well ranked among the best in the world. In many cases, very exceptional mainland students are attracted to Hong Kong for these programs, but they are unable to obtain visas to gain work experience upon completion of their studies. Competitive programs in other locations such as Singapore can offer such opportunities, which enhances their ability to attract the best mainland students. Though in some cases, the students might be able to apply under the Professional Scheme, a restricted two-year visa should be more politically acceptable, and would enhance the ability to attract the mainland's best and brightest students.
4. The issue of "family accompanied" visas needs to be addressed. We recognize that the Immigration Department does not have sole control of this process. But the fact remains that if one of our member companies wants to offer a development assignment to a promising PRC employee, and their policies allow the employee to bring his/her family, they must look outside of Hong Kong. The alternative is to require the family to separate for the duration of the assignment. Again, the result is to make Hong Kong a less attractive place to do business.
5. AmCham is encouraged by recent steps to facilitate the issuing of short-term business visas for PRC nationals, and believe those efforts should be accelerated. Several of our member-companies continue to comment on the difficulty in arranging meetings in Hong Kong that include any of their PRC national employees. It is still burdensome to obtain a business visa, especially on short notice. In many cases, meetings must be scheduled in Shenzhen or in other Asian cities, or very convoluted and costly travel arrangements are made, such as routing travel through Manila with an "in transit" stop in Hong Kong. Of course, this reduces Hong Kong's attractiveness as a regional business headquarters.

We believe the meeting you have suggested would be helpful in ensuring a good understanding of these issues, and will permit the development of solutions that fully recognize the many conflicting pressures that the Immigration Department must consider. We will be able to bring along more specific case studies if that would be of assistance. I have also attached the current AmCham position paper on this subject.

Thank you again for your support and leadership. Please let me know the appropriate contact for arranging our meeting.

Sincerely,

Attachment