

# CASE ASSESSMENT TOOL

## *Change of AMTPS Employer*

**“Is the applicant a Professional possessing special skills, knowledge or experience of value to and not readily available in Hong Kong? Is the employer justified in engaging the services of an expatriate employee? Is the compensation offered broadly commensurate with market rates for similar professionals in Hong Kong? Has the local labour market been tested prior to offering the role to the foreign national? Has the applicant breached any condition of stay since leaving the last employer?”**

| Assessment Criteria                     | What it Means   | Red Flags   | If Red Flag, What Next?   | Your Notes |
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| <b>Is the applicant a Professional?</b> | Does the applicant have at least a university degree and a minimum of 2 years post graduation working experience in a managerial or supervisory capacity? | <ul style="list-style-type: none"> <li>No degree</li> <li>Fresh graduate</li> <li>Less than 2 years post graduation work experience</li> <li>Not a manager or supervisor</li> </ul> | <ul style="list-style-type: none"> <li>Technical or vocational qualifications instead?</li> <li>How much work experience do they actually have?</li> <li>If not managing or supervising others, do they manage and/or supervise a specific, highly professional work function exclusively?</li> </ul> |            |

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| <p><b>Special skills, knowledge, experience of value to and not readily available in Hong Kong</b></p>    | <p>Routine, non-Professional level activity does not fall within the approval criteria</p> <p>Work activity must not in any way be nefarious or objectively represent a negative to Hong Kong</p> <p>The skills must not be very generally available in Hong Kong</p> | <p>Pure admin or admin support work</p> <p>The work nature must objectively contribute to the positive commercial fortunes of the HKSAR</p> <p>Unless an intracompany transferee situation, the local labour market must have been (unsuccessfully) tested for the skills previously</p> | <p>Consider Professional Help</p>   |
| <p><b>Is there a genuine job vacancy?</b></p>   | <p>The role has been contrived to merely 'solve a visa problem'</p>   | <p>The applicant is not expected to actually undertake any duties nor receive the salary enunciated in the job offer and/or contract of employment</p>   | <p>Do not proceed with the application as a criminal offence may accrue</p>   |
| <p><b>Is there a confirmed offer of employment extended to the applicant?</b></p>                         | <p>The details of the employment terms and conditions must be reduced to writing and signed by employer and employee</p>  | <p>Employment start dates prior to expected approval date</p>  | <p>Include a clause in the employment agreement / letter of offer which states "this employment will only begin once the permission of the Hong Kong Immigration Department has been secured"</p> |
| <p><b>Is the job in question relevant to the applicant's qualifications or prior work experience?</b></p> | <p>The skills, professional qualities, education background and prior work experience must be highly relevant to the role in question</p>   | <p>Obvious mismatch between the professional credentials of the applicant and the work proposed in Hong Kong</p>   | <p>Consider Professional Help</p>   |

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| <p><b>Could this work readily be taken up by a local employee instead?</b></p>   | <p>Should a local person be doing this role rather than a foreign national?</p>   | <p>No local labour marketing testing prior to extending the job offer to the foreigner</p>   | <p>Advertise the role in Hong Kong for at least 2 weeks, complete the interview / assessment exercise and definitively rule out the prospect of a local being employed to do the work instead of a foreigner</p> |
| <p><b>Is the total remuneration package broadly commensurate with market rates for similar professionals in Hong Kong?</b></p> | <p>Are you offering a salary and benefits package which is less than that which would have to be paid to a local employee?</p>                            | <p>Total compensation and benefits package less than HKD18,000 for a Bachelor degree holder and HKD25,000 for a Master degree holder</p>   | <p>Consider Professional Help</p>  |
| <p><b>Does the applicant have any prior negative dealings with the Hong Kong Immigration Department?</b></p>                   | <p>Has the applicant ever been refused an application for an employment or other type of visa in Hong Kong or ever been refused entry into Hong Kong?</p> | <p>Prior visa refusal<br/>Prior refusal of entry<br/>Prior investigation for breach of conditions of stay</p>  | <p>Consider Professional Help</p>  |
| <p><b>Is the applicant of 'good character'?</b></p>  | <p>Does the applicant have a known record of serious crime?</p>   | <p>Any criminal conviction</p>   | <p>Consider Professional Help</p>  |
| <p><b>Has the applicant breached his/her conditions of stay since leaving the last employer?</b></p>                           | <p>Has the applicant taken on any voluntary, unpaid or paid work in HKSAR Since leaving the last employer?</p>  | <p>The applicant has already commenced work with the sponsor prior to getting the approval from the Director of Immigration<br/><br/>The applicant has done some voluntary unpaid work since leaving the last employer</p> | <p>Consider Professional Help</p>  |

