

SCHEDULE

SELECTION SCHEME SUBMITTED BY THE GOVERNOR OF HONG KONG TO THE SECRETARY OF STATE FOR THE PURPOSES OF SECTION 1(1) OF THE BRITISH NATIONALITY (HONG KONG) ACT 1990

PART III

THE MISCELLANEOUS CLASSES

Interpretation

18. In this Part “disciplined service” means one of the following—

- (a) service in the Royal Navy as one of the locally enlisted personnel of the British Garrison in Hong Kong;
- (b) service in the Army as one of the locally enlisted personnel of the British Garrison in Hong Kong;
- (c) service as a uniformed member of the permanent staff of the Royal Hong Kong Auxiliary Air Force;
- (d) service as a departmental grade officer of the Operations Department, Independent Commission Against Corruption;
- (e) service as a disciplined member of the Correctional Services Department;
- (f) service as a disciplined member of the Customs and Excise Service;
- (g) service as a disciplined member of the Fire Services Department;
- (h) service as a disciplined member of the Immigration Service;
- (i) service as a disciplined member of the Royal Hong Kong Police Force,

and, in relation to an applicant, “disciplined service”, unless the context otherwise requires, means the disciplined service in which the applicant has applied.

Restriction on applications

19.—(1) An applicant in the disciplined services class may only apply in one disciplined service in any single period specified in a direction.

(2) A person who has ceased to serve in the disciplined services before the common date shall be ineligible to apply under the scheme in the disciplined services class.

The points system in the disciplined services class

20. Subject to the provisions of Part IV, an applicant in the disciplined services class shall be recommended if the total number of points allocated to him in accordance with Article 22 is sufficiently high to bring him within the quota provided for in Article 21 and for these purposes Article 9(2) shall apply to applicants in the disciplined services class as it applies to applicants in the general occupational class.

Quotas in the disciplined services class

21. Within the quota prescribed for the disciplined services class by Article 5, the quota for each disciplined service for each period specified in a direction shall be determined by the following formula—

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$$\frac{A}{B} \times C$$

where—

- a A is the number of persons who appear to the Governor to be in that disciplined service on the common date minus the number of persons in that service whom the Governor intends to invite to apply in the sensitive service class;
- b B is the total number of persons who appear to the Governor to be serving in all the disciplined services on the common date minus the number of persons in those services whom the Governor intends to invite to apply in the sensitive service class;
- c C is the maximum number of applicants in the disciplined services class who may, by virtue of a direction, be recommended in the period specified in that direction.

Application of the points system in the disciplined services class

22.—(1) Articles 11 to 17 shall apply for the purpose of allocating points to applicants in the disciplined services class subject to the modifications set out in paragraphs (2) to (5).

(2) For the purpose of allocating points for an applicant’s experience, Article 12 shall apply with the following modifications—

- (a) in paragraph (1) for the words “in the approved occupation or within the specified occupational group into which the specified occupation falls” there shall be substituted the words “in any disciplined service”;
- (b) paragraphs (2), (5) and (7) shall be deleted;
- (c) in paragraph 3(b) for the words “relevant occupation” in both places where they occur there shall be substituted the words “disciplined service”;
- (d) the words in parentheses in paragraph (4) shall be omitted;
- (e) in paragraph (6) for the words “relevant occupation” in both places where they occur there shall be substituted the words “disciplined service” and the words from “or, in the case of a specified occupation,” to the end shall be deleted.

(3) For the purposes of allocating points for an applicant’s education and training, Article 13 shall apply with the following modifications—

- (a) in paragraph (1) for subparagraph (b) there shall be substituted the following subparagraph—
 - “(b) professional training”;
- (b) for paragraph (3) there shall be substituted the following paragraph—
 - “(3) The points to be allocated to an applicant for professional training shall be such as the Governor may determine in the light of recommendations made by the head of the disciplined service.”;
- (c) paragraph (4) shall be deleted;
- (d) in paragraph (5) for the words “in the case of each relevant occupation” there shall be substituted the words “in the light of recommendations made by the head of the disciplined service”.

(4) For the purposes of allocating points to an applicant for special circumstances the following Article shall be substituted for Article 14—

“**14.** The Governor may allocate up to 150 points for special circumstances to take account of—

- (a) the need to maintain the quality and staffing levels of personnel in the disciplined services;
 - (b) the applicant's performance in service or any honours received by him in connection with that service;
 - (c) the effect of the application of the provisions of Part II relating to age and experience if the Governor is satisfied that it does not adequately reflect the significance of those attributes in the applicant's case.”.
- (5) For the purposes of allocating points for an applicant's public or community service, Article 17 shall apply with the following modifications—
- (a) in paragraph (1) for the words “and for his service with the auxiliary services” there shall be substituted the words “for his service with the auxiliary services and for his unpaid service with voluntary agencies or institutions in the social, medical or educational field.”;
 - (b) at the end there shall be added the following paragraph—

“(8) The Governor may allocate up to 30 points for unpaid service with such voluntary agencies or institutions in the social, medical or educational field as may from time to time be approved by the Governor for the purposes of this scheme.”.

The sensitive service class

23. Subject to the provisions of Part IV, within the quota prescribed by Article 5 for applicants in the sensitive service class, the Governor may recommend an applicant if he considers that a recommendation is justified in view of the applicant's service in the interests of the Crown (whether in the private or public sector) or the applicant's other activities of a sensitive nature.

The entrepreneurs class

24.—(1) Subject to the provisions of Part IV, within the quota prescribed by Article 5 for applicants in the entrepreneurs class, the Governor may recommend an applicant if, having regard to the matters specified in paragraph (2), he considers that the applicant has made a special contribution to the economy of Hong Kong.

(2) The matters to which the Governor shall have regard in making a recommendation under paragraph (1) are—

- (a) the extent of the applicant's investments in Hong Kong;
- (b) the annual turnover of any business in Hong Kong which the applicant controls (whether alone or jointly with others);
- (c) the number of persons employed in any such business;
- (d) the extent to which the applicant's emigration would undermine confidence in the economy of Hong Kong;
- (e) whether there are, in the applicant's case, special circumstances of the type referred to in Article 14;
- (f) whether the applicant has connections with the United Kingdom of the type referred to in Article 16;
- (g) whether the applicant has performed any public or community service of the type referred to in Article 17.