



Immigration Department
The Government of the Hong Kong Special Administrative Region

Guidebook for Entry for
Investment as Entrepreneurs in Hong Kong

CONTENTS

	<u>Paragraphs</u>
I. Introduction	1-2
II. Eligibility Criteria	3-4
III. Application Procedures	5-8
IV. Travel Documentation Requirement	9-10
V. Extension of Stay	11
VI. Conditions of Stay	12
VII. Entry of Dependants	13-15
VIII. Other Information	16-25
IX. Checklist of Forms and Documents to be Submitted	

I. Introduction

This guidebook sets out the entry arrangement for persons who wish to enter/stay in the Hong Kong Special Administrative Region (HKSAR) for investment as entrepreneurs under the General Employment Policy (GEP), i.e. to establish or join in business in the HKSAR.

2. This entry arrangement does not apply to:
 - (a) Chinese residents of the Mainland of China (the Mainland); and
 - (b) nationals of Afghanistan, Cuba, Laos, Korea (Democratic People's Republic of), Nepal and Vietnam.

II. Eligibility Criteria

3. An application for a visa/entry permit to enter the HKSAR for investment as entrepreneur may be favourably considered if:

- (a) there is no security objection and no known record of serious crime in respect of the applicant;
- (b) the applicant has a good education background, normally a first degree in the relevant field, but in special circumstances, good technical qualifications, proven professional abilities and/or relevant experience and achievements supported by documentary evidence may also be accepted; and
- (c) (i) the applicant is in a position to make substantial contribution to the economy of the HKSAR, with consideration factors including, but not limited to, business plan, business turnover, financial resources, investment sum, number of jobs created locally and introduction of new technology or skills. Details of these consideration factors are as follows:

(1) Business Plan

An applicant who wishes to establish or join in business in Hong Kong should submit a two-year business plan stating the nature of the business, market analysis, market positioning, business direction, sales targets, product marketing strategy, etc. in order to demonstrate that the business is suitable for and capable of developing in Hong Kong. The applicant should also submit a two-year forecast of the profit-and-loss account statement, cash flow statement and balance sheet to demonstrate the feasibility of the business in terms of operation, finances and development.

The Immigration Department will seek advice, if needed, from relevant government departments or professional bodies on the applicant's business plan in order to assess whether the business supports Hong Kong's overall economic development. For example, the Immigration Department may consider whether the applicant's business belongs to or is able to complement industries that Hong Kong enjoys clear advantages, such as the four traditional pillar industries (i.e. trading and logistics, tourism, financial services, and professional and producer services) or the four clusters of sectors being explored for support measures by the Economic Development Commission (i.e. transportation, convention and exhibition industries and tourism, manufacturing industries, innovative technology and cultural and creative industries, and professional services), etc.

(2) Business Turnover

If the applicant is running relevant business overseas or has joined in a business in Hong Kong, he/she should submit the profit-and-loss account statement and balance sheet showing the business turnover and profit in the previous year. Those who intend to establish business in Hong Kong should submit a two-year forecast of profit-and-loss account statement and balance sheet as mentioned above, including the anticipated business turnover in order to demonstrate the feasibility of the business operation and development.

In assessing an application for entry for investment to establish business in Hong Kong, the Immigration Department will also consider whether the applicant has relevant investment or working experience in the business concerned. If needed, the Immigration Department will seek advice from relevant government departments or professional bodies in order to assess whether the business is suitable for and able to sustain a steady growth in Hong Kong, and can give impetus to the industry concerned.

(3) Financial Resources

The applicant should submit statements of his/her personal and company bank accounts in the previous year and proof of other sources of funding, as well as the company's latest audited financial report (if any) to demonstrate that he/she has sufficient

financial resources to run the relevant business in Hong Kong and also support the smooth operation and sustainable growth of the business.

(4) Investment Sum

The applicant should submit documentary proof showing the amount of capital investment in Hong Kong. The Immigration Department will consider whether the investment amount is able to support the operation of the business.

(5) Number of Jobs Created Locally

The applicant should set out the organisational structure of his/her business and the required number of staff and posts, based on the nature and scale of the business. He/She should indicate the number and level of actual jobs created locally (e.g. managers, administrators, professionals, clerical support staff, etc.).

(6) Introduction of New Technology or Skills (if applicable)

The applicant should explain how the new technology or skills to be introduced can inspire creativity in the high-value-added industries in Hong Kong, and whether he/she has taken out patent, contributing to the long-term development of Hong Kong as a knowledge-based economy.

(ii) Start-up Businesses

An applicant who wishes to establish or join in a start-up business may also submit an application. The Immigration Department may consider the application favourably, if the start-up business concerned is supported by a government-backed programme with a rigorous vetting and selection process, and the applicant is the proprietor or partner of the start-up company or a key researcher of the relevant project. Examples of government-backed programmes include:

- (1) StartmeupHK Venture Programme administered by InvestHK;
- (2) Incu-App, Incu-Bio and Incu-Tech programmes administered by the Hong Kong Science and Technology Parks Corporation;
- (3) Cyberport Incubation Programme;
- (4) Small Entrepreneur Research Assistance Programme and Enterprise Support Scheme administered by the Innovation and Technology Commission; and

(5) Design Incubation Programme administered by the Hong Kong Design Centre.

4. Overseas Chinese nationals holding People's Republic of China (PRC) passports who are living overseas and meet the above eligibility criteria and normal immigration requirements may apply to enter the HKSAR for investment if:

- (a) the applicant has permanent residence overseas; or
- (b) the applicant has been residing overseas for at least one year immediately before the submission of application ["overseas" means places outside the Mainland, the HKSAR and the Macao Special Administrative Region (SAR)] and that the application is submitted from overseas.

III. Application Procedures

Application Forms

5. Applicants should complete application form ID 999A. Sponsors should complete application form ID 999B. The application forms (ID 999A and ID 999B) can be obtained free of charge from the following offices:

- (a) Immigration Department Headquarters;
- (b) Immigration Branch Offices;
- (c) Overseas Chinese Diplomatic and Consular Missions; and
- (d) HKSAR Government offices outside Hong Kong.

The forms can also be downloaded from the Immigration Department's website at www.immd.gov.hk.

Sponsor in Hong Kong

6. To apply for entry for investment, the applicant must nominate a local sponsor, who can either sponsor the applicant as a company or an individual. If the sponsor is an individual, he/she should be:

- (a) of the age of 18 or above;
- (b) a bona fide Hong Kong resident; and
- (c) acquainted with the applicant.

Supporting Documents

7. Please refer to the checklist at Part IX.

Submission of Application

8. All the forms must be duly completed and signed. Where there are accompanying dependants (please refer to Part VII below), each dependant must complete

and sign Part B of application form ID 999A. For a dependant under the age of 16, it must be signed by the parent or legal guardian. Completed application forms, i.e. ID 999A and ID 999B, and all supporting documents should be submitted by the applicant or the local sponsor in one of the following ways:

- (a) By post directly or through the local sponsor in the HKSAR to:

Receipt and Despatch Sub-unit
Hong Kong Immigration Department
2/F, Immigration Tower
7 Gloucester Road
Wan Chai, Hong Kong

- (b) Applicants residing in overseas countries or territories may submit their application forms together with the relevant supporting documents and their valid travel documents in person to the nearest Chinese diplomatic and consular mission in their place of domicile¹.
- (c) Holders of foreign passports who are living in the Mainland may submit the application forms together with all supporting documents to the Immigration Division of the Office of the Government of the HKSAR in Beijing (Beijing Office) or the Immigration Division of the Hong Kong Economic and Trade Office in Shanghai (SHETO). Applicants are required to produce their valid travel documents to the Immigration Division of the Beijing Office or the Immigration Division of the SHETO so that a visa/entry permit could be issued if the application is approved. The addresses of the two Mainland offices are:

The Office of the Government of the HKSAR in Beijing
No. 71, Di'anmen Xidajie, Xicheng District
Beijing 100009
People's Republic of China

The Hong Kong Economic and Trade Office in Shanghai
21/F, The Headquarters Building
168 Xizang Road (M), Huangpu District
Shanghai 200001
People's Republic of China

¹ Some Chinese diplomatic and consular missions have implemented the arrangement that applications for visas for Hong Kong from persons holding foreign ordinary passports will be handled by the "Chinese Visa Application Service Center". Applicants may contact the nearest Chinese diplomatic and consular mission for details.

IV. Travel Documentation Requirement

9. A visa/entry permit label will be issued upon successful application. It should be collected by the sponsor from the Immigration Department for onward transmission to the successful applicant. For applications submitted to the Chinese diplomatic and consular missions or the Immigration Division of the Beijing Office or the Immigration Division of the SHETO, visas/entry permits will be issued through the relevant Chinese diplomatic and consular missions or the Immigration Division of the Beijing Office or the Immigration Division of the SHETO as appropriate.

10. The visa/entry permit label should be affixed onto a blank visa page of the applicant's travel document for presentation to an immigration officer upon arrival in the HKSAR.

V. Extension of Stay

11. Persons admitted for investment as entrepreneurs (to establish or join in business) under the GEP will normally be granted an initial stay of 24 months on employment condition upon entry. They may apply for extension of stay in the HKSAR within four weeks before their limit of stay expires. Such applications will be considered only when the applicants continue to meet the eligibility criteria for entry for investment. Extension of stay, if approved, will normally follow the 3-3 years pattern, on employment condition.

VI. Conditions of Stay

12. Persons admitted to establish or join in business as approved by the Director of Immigration will be admitted on employment condition. Should they wish to establish or join in business other than that approved, they should seek prior approval from the Director of Immigration. Such applications may be favourably considered if they continue to fulfil the eligibility criteria for entry for investment under the GEP.

VII. Entry of Dependants

13. Applicants admitted for investment may apply to bring in their spouse or the other party to a same-sex civil partnership, same-sex civil union, "same-sex marriage", opposite-sex civil partnership or opposite-sex civil union entered into by him/her in accordance with the local law in force of the place of celebration and with such status being

legally and officially recognised by the local authorities of the place of celebration², and unmarried dependent children under the age of 18 to the HKSAR under the prevailing dependant policy. Persons admitted or applying for admission for investment will be the sponsors of their accompanying dependants to the HKSAR. An application for admission of a dependant may be favourably considered if normal immigration requirements and the following criteria are met:

- (a) there is reasonable proof of a genuine relationship between the dependant and the sponsor;
- (b) there is no known record to the detriment of the dependant; and
- (c) the sponsor is able to support the dependant's living at a standard well above the subsistence level and provide him/her with suitable accommodation in the HKSAR.

14. This entry arrangement does not apply to:

- (a) former Mainland Chinese residents residing in the Macao SAR who have obtained Macao identity cards for less than seven years, unless they have acquired residence in the Macao SAR through the One-way Permit Scheme; and
- (b) nationals of Afghanistan and Korea (Democratic People's Republic of).

15. The length of stay of such dependants will normally be linked to that of their sponsors. Any subsequent applications for extension of stay will be considered only when the applicant continues to meet the eligibility criteria for entry for residence as dependant and the sponsor remains a bona fide Hong Kong resident living in the HKSAR. These dependants are not prohibited from taking up employment or studies in the HKSAR under the existing policy.

VIII. Other Information

16. In general, unless a person has the right of abode or right to land in the HKSAR, he/she requires a visa/entry permit for investment in the HKSAR. While each application is determined on its individual merits, an applicant should meet normal immigration requirements (such as holding a valid travel document with adequate returnability to his/her country of residence or citizenship; be of clear criminal record and raise no security or criminal concerns to the HKSAR; have no likelihood of becoming a burden on the

² For the avoidance of doubt, the terms "civil partnership" and "civil union" above mean a legal institution of a nature which is akin to spousal relationship in a marriage. The same-sex civil partnership, same-sex civil union, "same-sex marriage", opposite-sex civil partnership and opposite-sex civil union entered into in accordance with laws outside Hong Kong are limited to only relationships which are legally and officially recognised in the places of celebration. Such relationships normally have the following features: (a) the entering into and dissolution of the relationship are governed by legislation of the place where it is entered into; (b) the relationship requires registration by the competent authority specified by the legislation of the place where it is entered into; (c) the registration is evidenced in a written instrument issued by the competent authority; and (d) parties to the relationship have a mutual commitment to a shared life akin to spouses to the exclusion of others on a permanent basis. Such relationships do not include de facto spouse, partners in cohabitation, fiancé/fiancée, etc.

HKSAR, etc.) as well as the relevant specific eligibility criteria detailed above before he/she may be considered for the grant of a visa/entry permit. It should be noted that the eligibility criteria may be subject to change from time to time without prior notice. Please check the Immigration Department's website at www.immd.gov.hk for up-to-date information.

Re-entry into the HKSAR

17. Non-permanent residents of the HKSAR, irrespective of their nationality and type of travel document held, do not require a re-entry visa/entry permit to enter the HKSAR provided that they return within the validity of their permitted limit of stay and that the circumstances upon which they have acquired their residential status remain unchanged.

Right of Abode

18. Persons admitted for investment who have ordinarily resided in the HKSAR for a continuous period of not less than seven years may apply for the right of abode in the HKSAR in accordance with the law.

Payment of Fees

19. If the application is submitted to the Immigration Department directly, payment of fees should be made upon collection of the visa/entry permit in cash, by EPS or by cheque. The cheque should be crossed, made payable to "The Government of the Hong Kong Special Administrative Region", properly dated and signed.

20. If the application is submitted to an overseas Chinese diplomatic and consular mission or the Immigration Division of the Beijing Office or the Immigration Division of the SHETO, the visa/entry permit fee should be paid directly to the Chinese diplomatic and consular mission or the Immigration Division of the Beijing Office or the Immigration Division of the SHETO as appropriate.

Processing Time

21. It normally takes four weeks to process a visa/entry permit application for investment upon receipt of all the required documents. The Immigration Department will not be able to start processing the application unless all the required documents and information have been received.

22. All applications are processed and determined by the Immigration Department. Approval of applications is entirely discretionary and is subject to changes in government policies. The Director of Immigration reserves absolute discretion to refuse any application even if the application meets all eligibility criteria.

Warning

23. It is an offence to make false statements or representations to an immigration officer. To verify the authenticity of the information and documents submitted with a visa application, field visits may be conducted. A person who knowingly and wilfully makes a statement or gives information which he/she knows to be false or does not believe to be true shall be guilty of an offence under the Laws of Hong Kong and any such visa/entry permit issued or permission to enter or remain in the HKSAR granted shall have no effect.

Disclaimer

24. The information in this guidebook serves as reference only. The Immigration Department of the HKSAR is not responsible for any loss or damage whatsoever arising out of or in connection with any information in this guidebook. The Immigration Department reserves the right to omit, suspend or edit any information in this guidebook at any time in its absolute discretion without giving any reason or prior notice. The Immigration Department further reserves the right to change the eligibility criteria and details of the arrangement set out above from time to time without prior notice.

Enquiries

25. For more information, please contact the Immigration Department by enquiry hotline at (852) 2824 6111, by fax at (852) 2877 7711, by email to enquiry@immd.gov.hk, or visit the Immigration Department's website at www.immd.gov.hk.

IX. Checklist of Forms and Documents to be Submitted

(A) Forms and Documents to be Submitted by the Applicant for Entry for Investment

Forms/Documents Required
Application for Entry for Investment as Entrepreneurs in Hong Kong (ID 999A)
The applicant's recent photograph (affixed on page 2 of application form ID 999A)
Photocopy of the applicant's valid travel document containing personal particulars, date of issue, date of expiry and/or details of any re-entry visa held (if applicable). For an applicant who is currently staying in the HKSAR, photocopy of his/her travel document page containing the latest arrival stamp/landing slip/extension of stay label in the HKSAR
Photocopy of the applicant's Hong Kong identity card (if any)
Photocopy of proof of academic qualifications and relevant work experience
Photocopy of proof of the applicant's financial standing (e.g. bank statements)
Photocopy of the company's employment contract with or letter of appointment to the applicant containing information about post, salary, other fringe benefits and employment period (if applicable)
Detailed 2-year investment plan which contains details of proposed business activities, amount of investment, creation of local job posts, setting up of an office/showroom/warehouse, etc.
Proof of company's business activities such as photocopy of contracts, invoices or proof of business deals under negotiation (if applicable)
Photocopy of proof of the company's financial standing (e.g. latest audited financial report, trading profit and loss account, or profits tax return)
Documents with details of company background such as business activities, mode of operation, background/connection of company, product ranges, sources and markets, membership of chamber of commerce (if any), etc. (supported with catalogues, brochures, etc.) [<i>if the applicant has invested in the HKSAR</i>]
Photocopy of tenancy agreements/supporting documents on office set-up
Proof of posts created for local employees such as photocopy of records of monthly contributions to Mandatory Provident Fund Scheme (if applicable)
Photocopy of Business Registration Certificate and business registration particulars e.g. Inland Revenue Department Form 1(a)/Form 1(c) [<i>if the applicant has invested in the HKSAR</i>]
Photocopy of documents filed with the Companies Registry such as Certificate of Incorporation/latest annual return/Incorporation Form (Company Limited by Shares)/Memorandum of Association/Articles of Association
Photocopy of licences or certificates for the operation of the business (e.g. relevant licences for financial institutions issued by the Securities and Futures Commission) (if applicable)
Letter indicating valid support by a government-backed programme*

Photocopy of the applicant's Macao identity card [<i>for Macao SAR residents only</i>]
Photocopy of the applicant's household registration in Taiwan and Taiwan identity card [<i>for Taiwan residents only</i>]
Photocopy of proof of the applicant's overseas residence, such as photocopy of official documents showing applicant's conditions of stay and limit of stay endorsed by overseas authorities [<i>for overseas Chinese holding PRC passports only</i>]

* For applicants who wish to establish or join in a start-up business supported by a government-backed programme. For examples of government-backed programmes, please refer to paragraph 3(c)(ii) of Part II of this guidebook.

(B) Forms and Documents to be Submitted by the Sponsor

i) For applications in which the sponsor is a Company:

Forms/Documents Required
Application for Entry for Investment as Entrepreneurs (Sponsor) in Hong Kong (ID 999B)
Photocopy of Business Registration Certificate

ii) For applications in which the sponsor is an Individual:

Forms/Documents Required
Application for Entry for Investment as Entrepreneurs (Sponsor) in Hong Kong (ID 999B)
Photocopy of the sponsor's Hong Kong identity card
Photocopy of the sponsor's valid travel document containing personal particulars, date of issue, date of expiry, and the latest arrival stamp/landing slip/extension of stay label in the HKSAR (for non-permanent residents of the HKSAR only)

(C) Forms and Documents to be Submitted by Each Accompanying Dependant of an Applicant for Entry for Investment

Forms/Documents Required
The applicant's application form, Application for Entry for Investment as Entrepreneurs in Hong Kong (ID 999A) with Part B duly completed by the dependant
The dependant's recent photograph (affixed on page 2 of application form ID 999A)
Photocopy of the dependant's valid travel document containing personal particulars, date of issue, date of expiry and/or details of any re-entry visa held (if applicable). For a dependant who is currently staying in the HKSAR, photocopy of his/her travel document page containing the latest arrival stamp/landing slip/extension of stay label in the HKSAR. A Chinese resident of the Mainland who has not been issued with a travel document may submit a photocopy of his/her People's Republic of China resident identity card.
Photocopy of evidence of the applicant's relationship with the dependant, e.g. marriage certificate, birth certificate, family photographs, family letters (with envelopes), census record book and Privilege Card for Single Child (if applicable)
Photocopy of the dependant's Macao identity card [<i>for Macao SAR residents only</i>]
Photocopy of the dependant's household registration in Taiwan and Taiwan identity card [<i>for Taiwan residents only</i>]

(D) Forms and Documents to be Submitted by the Applicant for Extension of Stay Application

Forms/Documents Required
Application for Extension of Stay (ID 91)
Original and photocopy of the applicant's valid travel document and, where applicable, his/her previous travel document page showing the latest visa/entry permit label/arrival stamp/landing slip/extension of stay label in the HKSAR
Photocopy of the applicant's Hong Kong identity card
Supporting letter from the current company stating the applicant's contribution to Hong Kong (including the amount of capital invested and to be invested in the coming three years, the number of posts created for local employees with post titles and those to be created in the coming three years, etc.)
Photocopy of Business Registration Certificate
Letter indicating valid support by a government-backed programme*

* For applicants who wish to establish or join, or has established or joined, in a start-up business supported by a government-backed programme. For examples of government-backed programmes, please refer to paragraph 3(c)(ii) of Part II of this guidebook.

Important Notice:

1. Notwithstanding that the documents and information required have been furnished, applicants, accompanying dependants and sponsors may still be required to submit further supporting documents and information in connection with the applications when necessary.
2. Where a document is not in Chinese or English, it must be accompanied by a Chinese or English translation certified as a true translation by a sworn translator, court translator, authorised public translator, certified translator, expert translator or official translator.

