



## Notes for Guidance

### Application for a Hong Kong Permanent Identity Card for a child under 11 years of age in connection with application for Hong Kong Special Administrative Region passport

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#### 1. Submission of application

Children under 11 years of age are not normally required to register for an identity card. However, in order to facilitate such children to obtain a Hong Kong Special Administrative Region (HKSAR) passport, they should apply for a Hong Kong permanent identity card (PIC) at the same time when they apply for a HKSAR passport.

A child is eligible for a Hong Kong PIC and a HKSAR passport if he/she is a Chinese citizen having the right of abode (ROA) in the HKSAR. The parent or the guardian should submit the application for a PIC (form ROP 3) together with the application for a HKSAR passport for the child.

If the child has been issued with a PIC which is lost, defaced or damaged, the parent or the guardian should apply for a replacement at the Registration of Persons Office before making the application for HKSAR passport.

#### 2. Documents to be submitted

- (a) one recent photograph of the child;
- (b) photostat copies of the documents to prove that the child has ROA, e.g.
  - (i) his/her Hong Kong birth certificate with endorsement showing Hong Kong permanent resident status as “established”; or
  - (ii) his/her valid travel document with endorsement showing “holder’s eligibility for a Hong Kong permanent identity card verified”; or
  - (iii) a letter issued by the Right of Abode Section of the Immigration Department confirming his/her eligibility for a Hong Kong permanent identity card has been verified;
- (c) photostat copy of the parent or legal guardian’s identity card/travel document; and
- (d) photostat copy of proof of relationship between the child and parent/legal guardian.

#### 3. How to complete the application form (Form ROP 3)

- (a) Part A and B of ROP 3 must be completed by the applicant who should be the parent or guardian of the child.
- (b) Items 1–8 refer to the particulars/information in respect of the child.

(c) Other points to note:

*Items 1 to 3—Surname and other name of the child*

Fill in the child's surname and other name(s) which appear on the application for HKSAR passport.

*Item 4—Sex*

Tick 'M' or 'F' as appropriate.

*Items 5 to 6—Date and place of birth*

Fill in the child's date of birth according to Gregorian reckoning. If the child was born in Hong Kong or Macau, just enter the place where he/she was born. In other cases, fill in the name of the country where the child was born.

*Item 7—Nationality claimed*

Enter the child's present nationality. Please refer to the explanation on Chinese nationality in Appendix A.

*Item 8—Residential address and contact telephone no.*

Fill in the child's present residential address and contact telephone number.

*Item 9—Particulars of Parents*

Fill in the particulars of the child's parents.

*Item 10—Reasons for the parents' inability to apply identity card for the child*

Complete this item if the application is not made by the child's parent.

*Item 11—Particulars of Guardian*

Complete this item if the application is not made by the child's parent.

*Item 12—Statement on 7 years continuous ordinary residence*

Tick 'Yes' or 'No' as appropriate.

[ *A person shall NOT be treated as ordinarily resident in Hong Kong if*

(a) during any period in which he remains in Hong Kong—

- (i) with or without the authority of the Director of Immigration, after landing unlawfully; or
- (ii) in contravention of any condition of stay; or
- (iii) as a refugee; or while in detention pending determination of refugee status or removal; or
- (iv) while employed as a contract worker, who is from outside Hong Kong, under a Government importation of labour scheme; or
- (v) while employed as a domestic helper who is from outside Hong Kong; or
- (vi) as a member of a consular post within the meaning of the Consular Relations Ordinance; or
- (vii) as a member of the Hong Kong Garrison; or
- (viii) as a holder of a prescribed Central People's Government travel document; or

(b) during any period of imprisonment or detention pursuant to the sentence or order of any court. ]

*Item 13—Declaration*

This part should be completed and signed by the parent or guardian who made the application.

#### 4. Fees

No fee is payable for the first issue of a PIC.

#### 5. Interpretation

(a) *Chinese citizen*

A Chinese citizen is a person of Chinese nationality under the Nationality Law of the People's Republic of China, as implemented in the HKSAR in accordance with the Explanations of Some Questions by the Standing Committee of the National People's Congress Concerning the Implementation of the Nationality Law of the People's Republic of China in the Hong Kong Special Administrative Region adopted at the 19<sup>th</sup> meeting of the Standing Committee of the National People's Congress at the 8<sup>th</sup> National People's Congress on 15 May 1996 (Appendix A).

All Hong Kong residents of Chinese descent who were born in Hong Kong or other parts of China, and others who fulfil the criteria for Chinese nationality laid down in the Nationality Law of the People's Republic of China, are Chinese citizens.

#### For persons settled in the HKSAR

Hong Kong residents of Chinese descent who were born in Hong Kong or other parts of China, or who fulfil the criteria of Chinese nationality in the Nationality Law of the People's Republic of China, are regarded as Chinese citizens notwithstanding that they hold or have held Hong Kong British Dependent Territories Citizen passports, British National (Overseas) passport; or any other foreign passports.

Those citizens holding foreign passports will have the option to declare a change of nationality with valid documentation to the HKSAR Immigration Department. Upon approval, they will no longer be regarded as Chinese citizen and can enjoy consular protection from the country of their declared nationality in the HKSAR. They will not be eligible for the HKSAR passport.

#### For persons settled abroad

Hong Kong residents (including former residents) of Chinese descent and who were born in Hong Kong or other parts of China, or who fulfil the criteria of the Chinese nationality in the Nationality Law of the People's Republic of China, with right of abode in foreign countries are regarded as Chinese citizens if they return to Hong Kong to settle, unless they make a declaration of change of nationality to the HKSAR Immigration Department and the declaration has been approved.

(Note: "Settled" means ordinarily resident in a place and not subject to any restriction on the period of stay.)

For the child chooses to remain in the HKSAR as a foreign national, the parent should make a declaration of change of nationality to the HKSAR Immigration Department. After the declaration has been approved, the child will not be eligible for a HKSAR passport because he/she is no longer a Chinese citizen.

#### **(b) HKSAR permanent resident**

A permanent resident of the HKSAR is a person who belongs to a class or description of persons specified in Schedule 1 to the Immigration Ordinance (Cap. 115)—Appendix B.

A Chinese citizen is a HKSAR permanent resident if:—

- (i) he was born in Hong Kong before or after the establishment of the HKSAR;
- (ii) he has ordinarily resided in Hong Kong for a continuous period of not less than seven years before or after the establishment of the HKSAR;
- (iii) he was born outside Hong Kong before or after the establishment of the HKSAR to a parent who, at the time of birth of that person, was a Chinese citizen falling within category (i) or (ii) above.

A Chinese citizen's status as a permanent resident under category (iii) above may only be established by his holding of:—

- (a) a valid travel document issued to him and of a valid certificate of entitlement also issued to him and affixed to such travel document;
- (b) a valid HKSAR passport issued to him; or
- (c) a valid Hong Kong permanent identity card issued to him.

#### **6. Further enquiries**

If you have any enquiry, please refer to the Immigration Department website: [www.immd.gov.hk](http://www.immd.gov.hk). You may also call our enquiry hotline at 2824 6111, or send your questions to our Information and Liaison Section by fax at 2877 7711 or e-mail at [enquiry@immd.gov.hk](mailto:enquiry@immd.gov.hk).

## Chinese Nationality

### (I) Nationality Law of the People's Republic of China

(Adopted at the Third Session of the Fifth National People's Congress, promulgated by Order No. 8 of the Chairman of the Standing Committee of the National People's Congress and effective as of September 10, 1980)

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**Article 1** This law is applicable to the acquisition, loss and restoration of nationality of the People's Republic of China.

**Article 2** The People's Republic of China is a unitary multinational state; persons belonging to any of the nationalities in China shall have Chinese nationality.

**Article 3** The People's Republic of China does not recognise dual nationality for any Chinese national.

**Article 4** Any person born in China whose parents are both Chinese nationals or one of whose parents is a Chinese national shall have Chinese nationality.

**Article 5** Any person born abroad whose parents are both Chinese nationals or one of whose parents is a Chinese national shall have Chinese nationality. But a person whose parents are both Chinese nationals and have both settled abroad, or one of whose parents is a Chinese national and has settled abroad, and who has acquired foreign nationality at birth shall not have Chinese nationality.

**Article 6** Any person born in China whose parents are stateless or of uncertain nationality and have settled in China shall have Chinese nationality.

**Article 7** Foreign nationals or stateless persons who are willing to abide by China's Constitution and laws and who meet one of the following conditions may be naturalised upon approval of their applications:

- (1) they are near relatives of Chinese nationals;
- (2) they have settled in China; or
- (3) they have other legitimate reasons.

**Article 8** Any person who applies for naturalisation as a Chinese national shall acquire Chinese nationality upon approval of his application; a person whose application for naturalisation as a Chinese national has been approved shall not retain foreign nationality.

**Article 9** Any Chinese national who has settled abroad and who has been naturalised as a foreign national or has acquired foreign nationality of his own free will shall automatically lose Chinese nationality.

**Article 10** Chinese nationals who meet one of the following conditions may renounce Chinese nationality upon approval of their applications:

- (1) they are near relatives of foreign nationals;
- (2) they have settled abroad; or
- (3) they have other legitimate reasons.

**Article 11** Any person who applies for renunciation of Chinese nationality shall lose Chinese nationality upon approval of his application.

**Article 12** State functionaries and military personnel on active service shall not renounce Chinese nationality.

**Article 13** Foreign nationals who once held Chinese nationality may apply for restoration of Chinese nationality if they have legitimate reasons; those whose applications for restoration of Chinese nationality have been approved shall not retain foreign nationality.

**Article 14** Persons who wish to acquire, renounce or restore Chinese nationality, with the exception of cases provided for in Article 9, shall go through the formalities of application. Applications of persons under the age of 18 may be filed on their behalf by their parents or other legal representatives.

**Article 15** Nationality applications at home shall be handled by the public security bureaus of the municipalities or counties where the applicants reside; nationality applications abroad shall be handled by China's diplomatic representative agencies and consular offices.

**Article 16** Applications for naturalisation as Chinese nationals and for renunciation or restoration of Chinese nationality are subject to examination and approval by the Ministry of Public Security of the People's Republic of China. The Ministry of Public Security shall issue a certificate to any person whose application has been approved.

**Article 17** The nationality status of persons who have acquired or lost Chinese nationality before the promulgation of this Law shall remain valid.

**Article 18** This Law shall come into force as of the date of its promulgation.

## **(II) Explanations of Some Questions by the Standing Committee of the National People's Congress Concerning the Implementation of the Nationality Law of the People's Republic of China in the Hong Kong Special Administrative Region.**

(Adopted at the Nineteenth Session of the Standing Committee of the Eighth National People's Congress on 15 May 1996)

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According to Article 18 of and Annex III to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, the Nationality Law of the People's Republic of China shall be applied in the Hong Kong Special Administrative Region from 1 July 1997. Taking account of the historical background and the existing circumstances of Hong Kong, the Standing Committee gives the following explanations concerning the implementation in the Hong Kong Special Administrative Region of the Nationality Law of the People's Republic of China—

1. Where a Hong Kong resident is of Chinese descent and was born in the Chinese territories (including Hong Kong), or where a person satisfies the criteria laid down in the Nationality Law of the People's Republic of China for having Chinese nationality, he is a Chinese national.
2. All Hong Kong Chinese compatriots are Chinese nationals, whether or not they are holders of the "British Dependent Territories Citizens passport" or "British Nationals (Overseas) passport". With effect from 1 July 1997, Chinese nationals mentioned above may, for the purpose of travelling to other countries and territories, continue to use the valid travel documents issued by the Government of the United Kingdom. However, they shall not be entitled to British consular protection in the Hong Kong Special Administrative Region and other parts of the People's Republic of China on account of their holding the above mentioned British travel documents.
3. According to the Nationality Law of the People's Republic of China, the British Citizenship acquired by Chinese nationals in Hong Kong through the "British Nationality Selection Scheme" will not be recognised. They are still Chinese nationals and will not be entitled to British consular protection in the Hong Kong Special Administrative Region and other parts of the People's Republic of China.
4. Chinese nationals of the Hong Kong Special Administrative Region with right of abode in foreign countries may, for the purpose of travelling to other countries and territories, use the relevant documents issued by the foreign governments. However, they will not be entitled to consular protection in the Hong Kong Special Administrative Region and other parts of the People's Republic of China on account of their holding the above mentioned documents.
5. If there is a change in the nationality of a Chinese national of the Hong Kong Special Administrative Region, he may, with valid documents in support, make a declaration at the authority of the Hong Kong Special Administrative Region responsible for nationality applications.
6. The Government of the Hong Kong Special Administrative Region is authorised to designate its Immigration Department as the authority of the Hong Kong Special Administrative Region responsible for nationality applications. The Immigration Department of the Hong Kong Special Administrative Region shall handle all nationality applications in accordance with the Nationality Law of the People's Republic of China and the foregoing provisions.

**(This English translation text is prepared by Department of Justice, Government of the Hong Kong Special Administrative Region. It is for reference purposes and has no legislative effect.)**

**Paragraph 2 of Schedule 1 to the  
Immigration Ordinance (Cap. 115)**

**2. Permanent resident of the Hong Kong Special Administrative Region**

A person who is within one of the following categories is a permanent resident of the Hong Kong Special Administrative Region—

- (a) A Chinese citizen born in Hong Kong before or after the establishment of the Hong Kong Special Administrative Region.
- (b) A Chinese citizen who has ordinarily resided in Hong Kong for a continuous period of not less than 7 years before or after the establishment of the Hong Kong Special Administrative Region.
- (c) A person of Chinese nationality born outside Hong Kong before or after the establishment of the Hong Kong Special Administrative Region to a parent who, at the time of birth of that person, was a Chinese citizen falling within category (a) or (b).
- (d) A person not of Chinese nationality who has entered Hong Kong with a valid travel document, has ordinarily resided in Hong Kong for a continuous period of not less than 7 years and has taken Hong Kong as his place of permanent residence before or after the establishment of the Hong Kong Special Administrative Region.
- (e) A person under 21 years of age born in Hong Kong to a parent who is a permanent resident of the Hong Kong Special Administrative Region in category (d) before or after the establishment of the Hong Kong Special Administrative Region if at the time of his birth or at any later time before he attains 21 years of age, one of his parents has the right of abode in Hong Kong.
- (f) A person other than those residents in categories (a) to (e), who, before the establishment of the Hong Kong Special Administrative Region, had the right of abode in Hong Kong only.