

IMMIGRATION GUIDELINES FOR ENTRY TO THE HONG KONG SPECIAL ADMINISTRATIVE REGION OF THE PEOPLE'S REPUBLIC OF CHINA

Introduction

1 This information leaflet prepared by the Immigration Department of the Hong Kong Special Administrative Region Government (HKSARG) sets out the visa/entry permit requirements for persons wishing to enter the Hong Kong Special Administrative Region (HKSAR) of the People's Republic of China (PRC). The information in this leaflet serves as reference only. The HKSAR immigration authorities have the right to refuse any application(s) even where the immigration requirements are met.

2 In general, unless a person has the right of abode or right to land in the HKSAR, he/she requires a visa/entry permit to work, study, establish or join in any business, take up residence or to stay in the HKSAR as a visitor longer than the allowed visa free period. 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 HKSAR; etc.) as well as the relevant specific eligibility criteria detailed below 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.

Visit or Transit

3 An application for a visa/entry permit to enter the HKSAR for a visit (leisure, social or business) or transit may be favourably considered if:

- a. the applicant's bona fides are not in doubt;
- b. the applicant has adequate funds to cover the duration of his/her stay without working; and
- c. where the application is for a transit visa/permit, he/she holds an onward ticket to the place of his/her destination unless the destination is the Mainland of China (the Mainland) or the Macao Special Administrative Region (SAR).

General Employment Policy - Employment as Professionals or Investment as Entrepreneurs

4 An application for a visa/entry permit to enter the HKSAR for employment 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;
- c. there is a genuine job vacancy;
- d. the applicant has a confirmed offer of employment and is employed in a job relevant to his/her academic qualifications or work experience that cannot be readily taken up by the local work force; and
- e. the remuneration package, including income, accommodation, medical and other fringe benefits, is broadly commensurate with the prevailing market level for professionals in the HKSAR.

5 An application for a visa/entry permit to enter the HKSAR for investment 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;
 - (ii) 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.

6 These entry arrangements do not apply to:

- a. Chinese residents of the Mainland; and
- b. nationals of Afghanistan, Cuba, Laos, Korea (Democratic People's Republic of), Nepal and Vietnam.

7 PRC passport holders living overseas, who meet the criteria stipulated in paragraph 4 or 5 and normal immigration requirements, may apply to enter the HKSAR for employment or investment under the General Employment Policy 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 countries or territories outside the Mainland, the HKSAR and the Macao SAR) and that the application is submitted from overseas.

8 Persons admitted under this arrangement may 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 celebration¹, and unmarried dependent children under the age of 18. Please see paragraphs 62 - 67 below.

¹ 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.

Employment under the Admission Scheme for Mainland Talents and Professionals

9 An application for an entry permit to enter the HKSAR for employment under the Admission Scheme for Mainland Talents and Professionals may be 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;
- c. there is a genuine job vacancy;
- d. the applicant has a confirmed offer of employment and is employed in a job relevant to his academic qualifications or work experience that cannot be readily taken up by the local work force; and
- e. the remuneration package, including income, accommodation, medical and other fringe benefits, is broadly commensurate with the prevailing market level for professionals in the HKSAR.

10 The Scheme has no quota or sector restrictions, and is applicable to Mainland residents only.

11 A Mainland resident who is currently working or studying in the HKSAR is required to return to the Mainland first to obtain an Exit-entry Permit for Travelling to and from Hong Kong and Macao (EEP) and a relevant exit endorsement before coming to the HKSAR for employment under the Scheme if his/her application is approved.

12 A person admitted under this Scheme for employment in the HKSAR may bring in his/her 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. Please see paragraphs 62 - 67 below.

13 Mainland residents visiting the HKSAR may not request to prolong their limit of stay on grounds of having submitted applications under the Scheme.

Employment under the Technology Talent Admission Scheme

14 The Technology Talent Admission Scheme (TechTAS) provides a fast-track arrangement for eligible companies to admit non-local technology talent to undertake research and development (R&D) work for them in the HKSAR. Eligible companies would first have to apply for a quota. A company allotted with a quota by the Innovation and Technology Commission (ITC) can accordingly sponsor an eligible person to apply for an employment visa/entry permit within the 12-month quota validity period. It also has to fulfil the requirement to employ new local employees in technology-related work. For details of TechTAS, please refer to the application guide in the website of ITC.

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.

15 An application for a visa/entry permit to take up employment under TechTAS may be favourably considered by the Director of Immigration after ITC has approved a quota if:

- a. there is no security objection and no known record of serious crime in respect of the applicant;
- b. the employing company has a valid quota approved by ITC at the time of application;
- c. the applicant is employed as a full-time employee in the HKSAR by the employing company;
- d. the applicant is engaged principally in conducting R&D in the areas of artificial intelligence, biotechnology, cybersecurity, data analytics, financial technologies, material science, robotics, 5G communications, digital entertainment, green technology, integrated circuit design, Internet-of-Things, microelectronics;
- e. the applicant is a degree-holder in science, technology, engineering or mathematics (STEM) from a well-recognised university, which is among the top 100 universities for STEM-related subjects in the latest publication of Quacquarelli Symonds (QS) Ranking Table, Shanghai Jiao Tong University Ranking Table (Shanghai Ranking) or Times Higher Education Ranking Table. Work experience is not compulsory for those with a Master's or Doctoral degree, whereas those with a Bachelor's degree only should possess a minimum of one year of work experience in the relevant technology area. Persons not meeting the academic requirements but possessing good technical skills in specialty areas, proven professional abilities and/or relevant experience and achievements can be considered on a case-by-case basis with full justifications. In such case, relevant documentary evidence should be provided;
- f. the applicant is offered remuneration not lower than the prevailing market level for comparable jobs in the HKSAR;
- g. the applicant meets the specific particulars pertaining to the job position set out in the quota allotment letter issued by ITC; and
- h. the bona fides of the employing company and the applicant are not in doubt.

16 TechTAS does not apply to nationals of Afghanistan, Cuba, Laos, Korea (Democratic People's Republic of), Nepal and Vietnam.

17 Persons admitted or seeking admission under TechTAS may apply, under their sponsorship, 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 celebration³, and unmarried dependent children under the age of 18 to the HKSAR under the prevailing dependant policy. Please see paragraphs 62 - 67 below.

Immigration Arrangements for Non-local Graduates

18 Non-local students⁴ who have obtained an undergraduate or higher qualification in a full-time and locally-accredited programme in the HKSAR (non-local graduates) may apply to stay/return and work in the HKSAR under the Immigration Arrangements for Non-local Graduates (IANG).

³ 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.

⁴ Non-local students refer to persons entering the HKSAR for the purpose of education with a student visa/entry permit issued by the Director of Immigration.

19 Non-local graduates who submit applications to the Immigration Department within six months after the date of their graduation (i.e. the date shown on their graduation certificates) are classified as non-local fresh graduates. Non-local fresh graduates who wish to apply to stay and work in the HKSAR are not required to have secured an offer of employment upon application. They may be granted an initial stay of 12 months on time limitation only without any other conditions of stay provided that normal immigration requirements are met.

20 Non-local graduates who submit applications after six months of the date of their graduation are classified as returning non-local graduates. Returning non-local graduates who wish to return to work in the HKSAR are required to have secured an offer of employment upon application. Their applications may be favourably considered if the job is at a level commonly taken up by degree holders and the remuneration package is at market level. They may be granted an initial stay of 12 months on time limitation only without any other conditions of stay provided that normal immigration requirements are met.

21 Persons admitted under the IANG are free to take up and change employment during their permitted stay in the HKSAR without the need to seek prior approval from the Director of Immigration.

22 This entry arrangement does not apply to nationals of Afghanistan, Cuba, Laos, Korea (Democratic People's Republic of) and Nepal. For nationals of Vietnam, the IANG only applies to those who have obtained an undergraduate or higher qualification in a full-time locally-accredited local programme in Hong Kong offered by the University Grants Committee (UGC)-funded institutions, but excluding: (i) self-financing programmes offered by the relevant institutions; and (ii) programmes offered by the continuing and professional education arms of the relevant institutions.

23 Persons admitted under the IANG may 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 celebration⁵, and unmarried dependent children under the age of 18. Please see paragraphs 62 - 67 below.

Employment as Imported Workers

24 The Supplementary Labour Scheme (SLS) is implemented in the HKSAR to handle applications for importation of labour at technician level or below. Administered by the Labour Department, it allows employers with genuine difficulties in finding suitable employees locally to import workers from outside the HKSAR.

25 Employers intending to import workers under the SLS need to apply to the Application Office of the Labour Department, for approval-in-principle in the first place. Subject to the grant of approval-in-principle, an employer shall arrange for his/her prospective workers to submit a visa/entry permit application within the period specified in the approval-in-principle letter. The approval-in-principle will automatically lapse if the visa/entry permit application is not submitted in time.

26 An application for a visa/entry permit to enter the HKSAR for employment as an imported worker under the SLS may be favourably considered if:

- a. the applicant is suitably qualified and experienced for the job in question;

⁵ 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.

- b. the terms and conditions of employment are comparable to those in the local market;
- c. the applicant will remain under the direct employment of the employer for a specific job and will not be contracted out to other companies or sub-contractors;
- d. there is no adverse record to the detriment of the applicant and the employer; and
- e. the employer is financially capable of employing the applicant, providing him/her with suitable accommodation, and of guaranteeing his/her maintenance and repatriation upon termination of his/her contract.

27 This entry arrangement does not apply to nationals of Afghanistan, Cuba, Laos, Korea (Democratic People's Republic of), Nepal and Vietnam.

28 Imported workers are not allowed to bring in their dependants.

Employment as Foreign Domestic Helpers

29 An application for a visa to enter the HKSAR for employment as a foreign domestic helper (FDH) may be favourably considered if:

- a. the bona fides of the applicant and the employer are not in doubt;
- b. there is no known record to the detriment of the applicant and the employer;
- c. the applicant has more than two years of work experience as a domestic helper;
- d. the employer is a bona fide resident in the HKSAR;
- e. the employer is financially capable of employing the helper, providing him/her with suitable accommodation and of guaranteeing his/her maintenance and repatriation upon termination of his/her contract;
- f. the salary offered is not below the minimum allowable wage (MAW)* in force at time of application; and
- g. the applicant and the employer enter into a standard employment contract which is notarised by the appropriate consulate in the HKSAR if so required by the relevant consulate.

(* For information on the prevailing MAW, you may refer to the Labour Department's website at www.labour.gov.hk)

30 FDHs are not permitted to take up any driving duties if they are allowed to enter or remain under the prevailing standard employment contract which prohibits motor driving duties. However, individual employers who have a genuine need for their FDHs to perform driving duties incidental to and arising from domestic duties may apply for exceptional permission. All such applications are considered on their individual merits. Permission may be given if:

- a. full justification of the need for and the specific details of driving service to be provided by his/her FDH incidental to and arising from any of the five broad categories of domestic duties is provided, namely household chores; cooking; looking after aged persons in the household; baby-sitting; and child-minding;
- b. the ownership, description and registration number of the vehicle to be driven by his/her FDH are clearly stated and the vehicle concerned should be either a family saloon car or a mini-van of no more than eight seats;
- c. where the vehicle is registered in the name of a company, a certificate from the company to the effect that the vehicle is provided for the personal and family use of the persons concerned;
- d. the FDH must be a live-in helper; and
- e. the FDH possesses a valid Hong Kong driving licence (an international driving licence and a temporary driving licence are not acceptable).

31 This entry arrangement does not apply to:

- a. Chinese residents of the Mainland, the Macao SAR and Taiwan; and

- b. nationals of Afghanistan, Cuba, Laos, Korea (Democratic People's Republic of), Nepal and Vietnam.

32 FDHs are not allowed to bring in their dependants.

Training

33 An application for a visa/entry permit to enter the HKSAR for a limited period (not more than 12 months) of training to acquire special skills and knowledge not available in the applicant's country/territory of domicile may be favourably considered if:

- a. the bona fides of the applicant and the sponsoring company are satisfied;
- b. there is a contract signed between the sponsoring company and the applicant;
- c. the sponsoring company guarantees in writing the maintenance and repatriation of the applicant and that the applicant will receive training on the sponsor's premises until the end of the agreed period, after which the applicant will return to his/her place of residence;
- d. the sponsoring company is a well-established company, capable of providing the proposed training;
- e. the proposed duration and content of the training programme can be justified; and
- f. there is no security objection and no known record of serious crime in respect of the applicant.

34 This entry arrangement does not apply to:

- a. Chinese residents of the Mainland (other than Mainland employees and business associates of well-established and multinational companies based in the HKSAR); and
- b. nationals of Afghanistan, Cuba, Laos, Korea (Democratic People's Republic of) and Nepal.

35 Persons admitted under this arrangement may 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 celebration⁶, and unmarried dependent children under the age of 18. Please see paragraphs 62 - 67 below.

Working Holiday Scheme

36 At present, there are 13 participating countries under the Working Holiday Scheme and their respective annual quotas are as follows –

Country	Annual quota
Australia	5,000
Austria	100

⁶ 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.

Country	Annual quota
Canada	200
France	750
Germany	300
Hungary	200
Ireland	200
Japan	1,500
The Republic of Korea	1,000
The Netherlands	100
New Zealand	400
Sweden	500
The United Kingdom	1,000

An application for a working holiday visa from a national of a participating country may be favourably considered if the following criteria are met:

- a. the applicant holds a valid national passport issued by the participating country and is ordinarily residing in that participating country (for applicant from the Netherlands, he/she should be habitually residing in the European part of the Netherlands);
- b. the applicant's primary intention is to holiday in the HKSAR;
- c. the applicant is aged between 18 and 30;
- d. the applicant is able to produce financial proof of having an amount sufficient for his/her maintenance during the proposed stay in the HKSAR, e.g. bank statement, savings accounts passbook, etc.;
- e. the applicant holds a return air ticket or financial proof of having sufficient funds to purchase a return air ticket; and
- f. the applicant agrees to hold medical, healthcare (including hospitalisation), repatriation and liability insurance to remain in force throughout his/her stay in the HKSAR (applies to participants from Canada, Hungary, Ireland, the Republic of Korea, the Netherlands, New Zealand, Sweden and the United Kingdom). For participants from France, they should produce proof of comprehensive liability and medical insurance covering hospitalisation, pregnancy, disability and repatriation. For participants from Austria and Germany, they should have comprehensive liability and medical insurance covering hospitalisation and repatriation. For participants from Japan, they should have sufficient medical insurance.

37 The holder of a working holiday visa will be allowed to enter the HKSAR for a period of not more than 12 months subject to normal immigration requirements being met. Application for extension of stay will not normally be considered.

38 Participants of the Scheme are not permitted to engage in permanent employment, but may take up temporary employment as an incidental aspect of their holiday. The short-term employment allowed for participants are as follows:

- Australian citizens - not allowed to work for the same employer for more than three months
- Austrian citizens - not allowed to work for more than six months
- British citizens - not allowed to work for more than 12 months
- Canadian citizens - not allowed to work for the same employer for more than three months
- Dutch citizens - not allowed to work for the same employer for more than six months
- French citizens - not allowed to work for the same employer for more than six months
- German citizens - not allowed to work for the same employer for more than three months

- Hungarian citizens - not allowed to work for the same employer for more than six months
- Irish citizens - not allowed to work for the same employer for more than three months
- Japanese citizens - not allowed to work for the same employer for more than six months
- Korean citizens - not allowed to work for the same employer for more than six months
- New Zealand citizens - not allowed to work for the same employer for more than three months
- Swedish citizens - not allowed to work for the same employer for more than six months

In addition, the number of study or training courses allowed for participants are as follows:

- Australian citizens - any number (course duration of not more than three months)
- Austrian citizens - any number (cumulative duration of courses not more than six months)
- British citizens - any number (cumulative duration of courses not more than 12 months)
- Canadian citizens - any number (cumulative duration of courses not more than six months)
- Dutch citizens - any number (cumulative duration of courses not more than six months)
- French citizens - one only (course duration of not more than six months)
- German citizens - one only (course duration of not more than six months)
- Hungarian citizens - one only (course duration of not more than six months)
- Irish citizens - not allowed
- Japanese citizens - any number (cumulative duration of courses not more than six months)
- Korean citizens - one only (course duration of not more than six months)
- New Zealand citizens - one only (course duration of not more than three months)
- Swedish citizens - any number (cumulative duration of courses not more than six months)

39 Participants will not be eligible to come to the HKSAR for any further working holiday under the same Scheme. Applications for entry as dependants of the participants of this Scheme will not be considered.

Study

40 An application for a visa/entry permit to enter the HKSAR for study may be favourably considered if:

- a. the applicant:
 - i. is admitted to a private school registered under the Education Ordinance (Cap. 279) or Post Secondary Colleges Ordinance (Cap. 320). Except for post-secondary education, entry for study in public or aided schools (other than English Schools Foundation Schools and Direct Subsidy Scheme Schools) is not permitted;
 - ii. takes up studies in a full-time locally-accredited post-secondary programme including short-term course or part-time locally-accredited taught postgraduate local programme⁷;
 - iii. is admitted on exchange in full-time locally-accredited local programmes at sub-degree level for not more than six months or on exchange in full-time locally-accredited local or non-local programmes for not more than one year at undergraduate or above level; or
 - iv. is enrolled in a full-time course on the register of non-local higher education or professional courses as set up under the Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493);

⁷ Local programmes refer to those programmes leading to degrees awarded by local degree-awarding institutions, whereas non-local programmes refer to those programmes leading to degrees awarded solely by non-local institutions, irrespective of whether the programmes are jointly run by local and non-local institutions.

- b. the applicant is:
 - i. from the age of five years and eight months to 11 for primary education; or
 - ii. below the age of 20 for secondary education;
- c. the applicant holds a school acceptance letter to confirm that he/she has been accepted for a course of study; and
- d. the applicant is able to meet the fees for the course, the living expenses for his/her maintenance and accommodation without working and without recourse to public funds.

41 This entry arrangement does not apply to:

- a. Chinese residents of the Mainland and Taiwan (please see also paragraph 42 below);
- b. former Mainland Chinese residents settled in the Macao SAR who were not settled there by 14 January 1979 (please see also paragraph 42 below); and
- c. nationals of Afghanistan, Cuba, Laos, Korea (Democratic People's Republic of), Nepal and Vietnam (please see also paragraph 42 below).

42 However, provided that the conditions in sub-paragraphs 40(c) & (d) above are met, Chinese residents of the Mainland, Macao SAR and Taiwan as listed in sub-paragraphs 41(a) & (b) above, and nationals of Vietnam as listed in sub-paragraph 41(c) above may apply for entry to take up:

- ◆ *For Chinese residents of the Mainland, Macao SAR and Taiwan (sub-paragraphs 41(a) & (b) above):*
 - a. studies in full-time locally-accredited post-secondary local or non-local programmes^{8&9};
 - b. studies in part-time locally-accredited taught post-graduate local programmes¹⁰;
 - c. exchange in full-time locally-accredited local programmes at sub-degree level for not more than 6 months or exchange in full-time locally-accredited local or non-local programmes at undergraduate or above level for not more than one year⁹; or
 - d. full-time short-term studies, subject to the following conditions:
 - i. the programme concerned is offered by Hong Kong higher education institutions with degree-awarding powers (excluding their continuing and professional education arms); and
 - ii. the cumulative duration of short-term studies taken up by any student should not exceed 180 days within any 12-month period.

In addition, Chinese residents of the Mainland may also apply to attend secondary school level short-term exchange programmes approved by the Education Bureau of not more than 2 weeks, if accompanied by Mainland teachers.

- ◆ *For nationals of Vietnam (sub-paragraph 41(c) above):*
 - studies in full-time locally-accredited local programmes at undergraduate or above level offered by the University Grants Committee (UGC)-funded institutions, but excluding: (i) self-financing programmes offered by the relevant institutions; and (ii) programmes offered by the continuing and professional education arms of the relevant institutions.

⁸ The agreement between the Mainland and the HKSAR on mutual recognition of degree awards in higher education is not applicable to sub-degree qualifications (i.e. associate degree and higher diploma). Mainland students may come to attend sub-degree level local programmes in the HKSAR since there is no restriction in the Mainland prohibiting them to pursue further studies at education institutions outside the Mainland on a personal basis.

⁹ Mainland students are allowed to study in full-time locally-accredited local programmes. Mainland students are also allowed to study in full-time locally-accredited non-local programmes at undergraduate or above level which have been approved by the Ministry of Education of the People's Republic of China.

¹⁰ The programmes to be taken up by Mainland students must be offered by the University Grants Committee (UGC)-funded institutions.

43 To apply for entry for study, the applicant should nominate a local sponsor. A local sponsor can either be the education institution granting the acceptance or an individual. If the sponsor is an individual, he/she is required to sign an undertaking that he/she is prepared to provide financial support to the applicant during the applicant's period of study in the HKSAR. If the applicant is under the age of 18, his/her sponsor is required to sign an undertaking that he/she is prepared to provide accommodation to the applicant during the applicant's period of study in the HKSAR. In addition, the sponsor is held responsible for the repatriation of the applicant where necessary.

44 If the applicant is under the age of 18, one of the applicant's parents should authorise the sponsor or his relative/friend to be the guardian of the applicant. A consent letter duly signed by both the guardian and one of the applicant's parents should be produced.

45 Persons admitted for studying in full-time undergraduate or post-graduate local programmes in local degree-awarding institutions may 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 celebration¹¹, and unmarried dependent children under the age of 18. Please see paragraphs 62 - 67 below.

46 If the education institution or student for any reason terminates studies before the completion of such a study course as approved by the Director of Immigration, the education institution should notify the Director of Immigration of the date of termination of study in writing with reasons for termination or provide the Director of Immigration with a completed "Notification of Termination of Studies" (ID 977) within seven working days following the termination.

47 Non-local students of full-time locally-accredited local or non-local programmes at undergraduate level or above whose study period is not less than one academic year may take up internship subject to the following conditions:

- a. the internship must be study/curriculum-related and arranged or endorsed by the institution they are studying in¹²; and
- b. the duration of the internship is up to one academic year, or one-third of the normal duration of the relevant full-time academic programme, whichever is shorter¹³.

There is no restriction on the nature of work, level of salary, location, number of working hours and employers for the internship arrangements.

As regards non-local students enrolled in full-time locally-accredited sub-degree local programmes with a study period not less than two academic years, they may also apply to take up internship if the following conditions are met:

¹¹ 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.

¹² The study/curriculum-related internship must be endorsed by designated officers of the relevant institution, not by individual offices, schools, faculties or faculty members.

¹³ The internship cannot take place before a non-local student has officially registered with the institution and begun attending any scheduled classes of his/her registered programme in the HKSAR, or when the student concerned has already fulfilled all the course/credit requirements for graduation (e.g. a student who has just finished his/her final year of study).

- a. the internship must be mandatory, study/curriculum-related and arranged/endorsed by the institution they are studying in¹⁴; and
- b. the duration of the internship is up to six months^{15 & 16}.

Moreover, non-local students (excluding exchange students) of full-time locally-accredited local programmes at undergraduate level or above whose study period is not less than one academic year may, during the currency of their limit of stay, take up:

- a. part-time on-campus employment¹⁷ for not more than 20 hours per week¹⁸ throughout the year; and
- b. employment during the summer months from 1 June to 31 August (both dates inclusive) without any limit in relation to working hours and location.

Quality Migrant Admission Scheme

48 The Quality Migrant Admission Scheme is quota-based and operated on a points-based system. Applicants are required to fulfill a set of prerequisites before they can be awarded points under either one of the two points-based tests, namely the General Points Test (GPT) and the Achievement-based Points Test (APT). They are then required to compete for quota allocation with other applicants. Prerequisites under the Scheme are:

- a. the applicant must be aged 18 or above when lodging an application under the Scheme;
- b. the applicant must be able to demonstrate that he/she is capable of supporting and accommodating himself/herself and his/her dependants, if any, on his/her own financial resources without relying on public assistance during his/her stay in the HKSAR;
- c. the applicant must have no criminal or adverse immigration record in the HKSAR or elsewhere;
- d. the applicant must be proficient in written and spoken Chinese (Putonghua or Cantonese) or English; and
- e. the applicant must have a good education background, normally a first degree from a recognized university or a tertiary education institution. In special circumstances, good technical qualifications, proven professional abilities and/or experience and achievements supported by documentary evidence may be considered.

49 Selection exercises will be done on a regular basis for quota allocation to applicants. During each selection exercise, applications which satisfy both the prerequisites and the minimum passing mark under GPT or the one point-scoring factor under APT will be ranked according to scores awarded. High scoring applications will be short-listed for selection by the non-statutory Advisory Committee on Admission of Quality Migrants and Professionals (the Advisory Committee) appointed by the Chief Executive of the HKSARG. The Advisory Committee, having considered the socio-economic needs of the HKSAR, the sectoral mix of the short-listed applicants and other relevant factors, will recommend

¹⁴ The study/curriculum-related internship must be endorsed by designated officers of the relevant institution, not by individual offices, schools, faculties or faculty members.

¹⁵ The internship cannot take place before a non-local student has officially registered with the institution and begun attending any scheduled classes of his/her registered programme in the HKSAR, or when the student concerned has already fulfilled all the course/credit requirements for graduation (e.g. a student who has just finished his/her final year of study).

¹⁶ The 6 months' duration is calculated on a cumulative basis of 26 weeks and is counted by calendar week as a unit regardless of the actual days being engaged in the internship within a week. The cumulative duration of 26 weeks need not be continuous.

¹⁷ The employment must take place within the campus of the institution (including only the campus of the institution which the non-local student is enrolled in, and excluding the campus of any subsidiary and associated bodies of the relevant institution proper or its self-financing arms) where the non-local student is studying or, if the work location is outside the campus of the institution, the employer is the institution itself.

¹⁸ Students are not allowed to roll-over unused hours from one week to another.

to the Director of Immigration on how to best allocate the quota. Please refer to Form ID(E) 982 “Quality Migrant Admission Scheme Guidance Notes” for details.

50 An overseas Chinese national holding a PRC passport who submits an application from overseas and who has been residing overseas for at least one year immediately before submission of the application (“overseas” means countries or territories outside the Mainland, the HKSAR and the Macao SAR) may apply to come to the HKSAR for residence under the Scheme on the strength of his/her valid PRC passport.

51 The Scheme is not applicable to nationals of Afghanistan, Cuba, Laos, Korea (Democratic People’s Republic of), Nepal and Vietnam.

52 Entrants admitted under this Scheme may 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 celebration¹⁹, and unmarried dependent children under the age of 18. Please see paragraphs 62 - 67 below.

Admission Scheme for the Second Generation of Chinese Hong Kong Permanent Residents

53 Applicants who are the second generation of emigrated Chinese Hong Kong permanent residents from overseas who wish to return to work in the HKSAR may apply under the Admission Scheme for the Second Generation of Chinese Hong Kong Permanent Residents. An application for a visa/entry permit to enter the HKSAR under the Scheme may be favourably considered if the applicant:

- a. is aged between 18 and 40 at the time of application;
- b. was born overseas²⁰;
- c. has at least one parent who is the holder of a valid Hong Kong Permanent Identity Card at the time of application and was a Chinese national who had settled overseas at the time of the applicant’s birth;
- d. has a good education background, normally a first degree, but in special circumstances, good technical qualifications, proven professional abilities and/or relevant experience and achievements supported by documentary evidence may also be accepted;
- e. is proficient in written and spoken Chinese (Putonghua or Cantonese) or English; and
- f. has sufficient financial means and is able to meet the living expenses for his/her (including his/her dependants, if any) maintenance and accommodation in the HKSAR without recourse to public funds.

54 Applicants are not required to have secured an offer of employment in the HKSAR upon application. They may be granted an initial stay of 12 months on time limitation only without other conditions of stay provided that normal immigration requirements are met.

¹⁹ 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.

²⁰ For the purpose of the Scheme, “overseas” means countries/territories outside the Mainland, the HKSAR, the Macao SAR and Taiwan.

55 Persons admitted under this Scheme are free to take up or change employment, or to establish or join in business in the HKSAR during their permitted stay without the need to seek prior approval from the Director of Immigration.

56 The Scheme is not applicable to nationals of Afghanistan, Cuba, Laos, Korea (Democratic People's Republic of), Nepal and Vietnam.

57 Persons admitted under this Scheme may 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 celebration²¹, and unmarried dependent children under the age of 18. Please see paragraphs 62 - 67 below.

Capital Investment Entrant Scheme²²

58 An application for a visa/entry permit to enter the HKSAR for residence under the Capital Investment Entrant Scheme may be considered if:

- a. the applicant is at the age of 18 or above when applying for entry under the Scheme;
- b. the applicant has net assets of not less than HK\$10 million to which he/she is absolutely beneficially entitled throughout the two years preceding his/her application;
- c. the applicant has invested within six months before submission of his/her application to the Immigration Department, or will invest within six months after the granting of approval in principle by the Immigration Department, not less than HK\$10 million in permissible investment asset classes (except Certificates of Deposit which must be invested within the latter period);
- d. the applicant has no adverse record both in the HKSAR and country/region of residence; and
- e. the applicant is able to demonstrate that he/she is capable of supporting and accommodating himself/herself and his/her dependants, if any, on his/her own without relying on any return on the permissible investment assets, employment or public assistance in the HKSAR.

59 Please refer to Form ID(E) 968 "Rules for the Capital Investment Entrant Scheme" for details.

60 The Scheme is applicable to:

- a. foreign nationals (except nationals of Afghanistan, Cuba and Democratic People's Republic of Korea);
- b. Macao SAR residents;
- c. Chinese nationals who have obtained permanent resident status in a foreign country;
- d. stateless persons who have obtained permanent resident status in a foreign country with proven re-entry facilities; and
- e. Taiwan residents.

²¹ 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.

²² With effect from January 15, 2015, the Capital Investment Entrant Scheme has been suspended until further notice.

61 Entrants admitted under this Scheme may 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 celebration²³, and unmarried dependent children under the age of 18. Please see paragraphs 62 - 67 below.

Residence as Dependant

62 For a sponsor who has been admitted into the HKSAR to take up employment (as a professional, for investment to establish/join in business, or for training) or studies (in full-time undergraduate or post-graduate local programmes in local degree-awarding institutions), or who is permitted to remain in the HKSAR as an entrant under the Capital Investment Entrant Scheme²⁴, the Quality Migrant Admission Scheme or the Admission Scheme for the Second Generation of Chinese Hong Kong Permanent Residents, the following dependants may apply to join him/her for residence in the HKSAR:

- a. (i) his/her spouse; or
- (ii) 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 celebration²³, and
- b. his/her unmarried dependent children under the age of 18.

63 For a sponsor who is a Hong Kong permanent resident or a resident who is not subject to a limit of stay (i.e. a resident with the right to land or on unconditional stay), the following dependants may apply to join him/her for residence in the HKSAR:

- a. (i) his/her spouse; or
- (ii) 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 celebration²³, and
- b. his/her unmarried dependent children under the age of 18; and
- c. his/her parents aged 60 or above.

64 Under the existing policy, while dependants, whose sponsors have been admitted into the HKSAR for study, may take up studies in the HKSAR, they are prohibited from taking up employment in the HKSAR unless they have obtained prior permission from the Director of Immigration.

65 An application for entry to take up residence as a dependant may be favourably considered if:

- a. there is reasonable proof of a genuine relationship between the applicant and the sponsor;
- b. there is no known record to the detriment of the applicant; and

²³ 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.

²⁴ With effect from January 15, 2015, the Capital Investment Entrant Scheme has been suspended until further notice.

- 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.

66 This entry arrangement does not apply to :

- a. Chinese residents of the Mainland [except for those whose sponsors have been admitted to take up employment (as professionals, for investment to establish/join in business, or for training) or studies (in full-time undergraduate or post-graduate local programmes in local degree-awarding institutions), or whose sponsors have been admitted as entrants under the Capital Investment Entrant Scheme²⁵, the Quality Migrant Admission Scheme or the Admission Scheme for the Second Generation of Chinese Hong Kong Permanent Residents];
- b. 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
- c. nationals of Afghanistan and Korea (Democratic People's Republic of).

67 PRC passport holders living overseas, who have obtained permanent residence in an overseas country, may apply for entry as dependants. PRC passport holders who have been residing overseas for not less than one year may apply for entry as dependants to join sponsors who have resided overseas for not less than one year and been admitted to take up employment in the HKSAR under paragraph 7, or as entrants under the Quality Migrant Admission Scheme under paragraph 50. They will also have to satisfy the criteria stipulated in paragraphs 62 - 65 and other normal immigration requirements.

Re-Entry into the HKSAR

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

69 Any visitor or Hong Kong resident (except permanent identity card holder) who has renewed his/her passport/travel document is advised to apply for a transfer of endorsement so that his/her valid immigration status in the HKSAR is to be indicated in the new passport/travel document. Before such has been done, he/she who wishes to travel is advised to present both the old and the new passports/travel documents for departure and arrival immigration clearance at the HKSAR immigration control points.

Disclaimer

70 The Immigration Department of the HKSARG is not responsible for any loss or damage whatsoever arising out of or in connection with any information in this leaflet. The Immigration Department reserves the right to omit, suspend or edit any information in this leaflet at any time in its absolute discretion without giving any reason or prior notice.

Enquiries

71 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.

Immigration Department
The Government of the Hong Kong
Special Administrative Region

²⁵ With effect from January 15, 2015, the Capital Investment Entrant Scheme has been suspended until further notice.