

Immigration Guide

Hong Kong

PwC International Assignment Services



Entry Visa

Citizens from countries that have negotiated visa-free entry to Hong Kong are permitted to stay for a period of time ranging from seven days to six months. Nationals from countries that do not have this visa-waiver concession must apply for an appropriate visa/permit prior to entry. Full details in relation to Hong Kong visa requirements can be found at the official website of the Hong Kong Immigration Department (“ImmD”).

Subject to certain eligibility criteria, foreign visitors who travel to Hong Kong frequently (i.e. not less than three times within a 12-month period) have the option of applying for a Hong Kong International Airport Frequent Visitor Card or HKSAR Travel Pass to enjoy expedited immigration clearance.

Business Visitor

Foreigners entering Hong Kong as visitor shall be subject to the following conditions of stay:

- He/she shall not take any employment, whether paid or unpaid;
- He/she shall not establish or join in any business; and
- He/she shall not become a student at a school, university or other educational institution.

A person permitted to enter Hong Kong as a visitor may generally engage in the following business-related activities:

- concluding contracts or submitting tenders;
- examining or supervising the installation/packaging of goods or equipment;
- participating in exhibitions or trade fairs (except selling goods or supplying services direct to the general public, or constructing exhibition booths);
- settling compensation or other civil proceedings;
- participating in product orientation; and
- attending short-term seminars or other business meetings.

Any person who contravenes a condition of stay in force in respect of him or her shall be guilty of an offence and shall be liable on conviction to a maximum fine of HK\$50,000 and to imprisonment for 2 years.

Nationals enjoying the visa-waiver concession can enter Hong Kong to conduct the above business activities without the need to apply for a separate visa or permit. Citizens of countries from non visa-waiver countries must apply for a visa or a permit for the purpose of business prior to entering Hong Kong.

Applications can be made either through the nearest Chinese diplomatic and consular missions in the individual's place of residence or directly to the Hong Kong Immigration Department.

Employment Visa

An Employment Visa must be obtained where work is to be performed in Hong Kong.

This principle applies regardless of the duration of stay. Strictly speaking, even if an individual is in Hong Kong to work for one day, an Employment Visa should be obtained.

The ImmD normally addresses the below main issues in determining whether an Employment Visa is justified:

- The applicant has good education background, normally a first degree in relevant field, good technical qualifications and proven professional abilities/ relevant experience and achievements support by documentary evidence;
- The business being undertaken is beneficial to the economy, industry and trade of Hong Kong;
- The employment of the applicant is essential to the business;
- The position cannot be easily taken up by the local workforce; and
- The remuneration package of the applicant is broadly commensurate with the prevailing market level.

Duration and Extension of Stay

An initial validity period of 2 years (subject to details of the employment contract and the applicant's passport validity) is generally granted for approved Employment Visa applications.

Employment Visa holders can renew their visa approximately four weeks before expiry. This is referred to as an "extension of stay". The extension period granted normally follows a 3+3 year pattern, or will be in accordance with the duration of the Employment Visa holder's employment contract, whichever is shorter.

An extension of 6 years on time limitation will normally be granted to successful applicants under top-tier employment stream:

- The applicant has been permitted to take up employment as a professional in the HKSAR for not less than 2 years and;
- The applicant has an assessable income for salaries tax of not less than HK\$2 million in the previous year of assessment (document proof must be submitted, such as notice of salaries tax assessment of the previous assessment year issued by the Inland Revenue Department or relevant tax documents).

Top tier applicants who are permitted to remain in the HKSAR are free to take up or change employment during their current permitted of stay. They only need to notify the ImmD by completing a designated notification form or in writing of the change of their employment within one month from the date of change of employment with details of the effective date of the change, name of new employer and new position. In other words, they are not required to file the 'Change of employment visa application.'

Foreigners who wish to take up employment in Hong Kong as professionals may be eligible to do so via one of the following schemes:

1. General Employment Policy (GEP)

The GEP is the most common route of application for an Employment Visa. It is applicable for foreigners who have obtained a degree or higher qualification (outside Hong Kong) and possess specialist skills, knowledge or experience of value to and not readily available in Hong Kong. The GEP does not apply to Chinese residents of the Mainland.

2. Immigration arrangements for foreigners who graduate from academic institutes in Hong Kong (IANG) (also referred to as "Non - Local Graduates")

This is applicable to foreigners who have obtained a degree or higher qualification in a full-time and locally accredited programme in Hong Kong. Applicants are not required to have secured an offer of employment upon application. Persons admitted under the IANG are free to take up or change employment during their permitted stay without prior approval from the ImmD. They are not required to file the "Change of employment visa application".

An initial validity period of 1 year is generally granted for approved IANG.

IANG holders can renew their visa approximately four weeks before expiry. This is referred to as an "extension of stay". When applying for extension of stay, applicants are required to secure an offer of employment. The extension period granted normally follows a 2+2+3 year pattern.

3. Admission Scheme for Mainland Talent and Professionals (ASMTP)

This is applicable to Chinese residents of the Mainland who graduated with a degree or higher qualification from academic institutes outside Hong Kong and possess specialist skills, knowledge or experience of value to and not readily available in Hong Kong.

4. Admission Scheme for the Second Generation of Chinese Hong Kong Permanent Residents (ASSG)

This is applicable to individuals who are born overseas other than Macao, China and Taiwan; and are the second generation (aged 18- 40) of Chinese Hong Kong permanent residents from overseas. The applicants should have good education background (usually Degree holder), technical qualifications or proven professional experience and financially sufficient. Persons admitted under the ASSG are free to take up or change employment or to establish or join in business in the HKSAR during their permitted stay without seeking prior approval from the ImmD.

An initial validity period of 1 year on time limitation is generally granted for approved ASSG.

ASSG holders can renew their visa approximately four weeks before expiry. This is referred to as an “extension of stay”. When applying for extension of stay, applicants are required to secure an offer of employment. The extension period granted normally follows a 2+2+3 year pattern.

Family Members

An Employment Visa holder’s spouse and unmarried children under the age of 18 are eligible to apply for a Dependant Visa to reside in Hong Kong.

The Employment Visa holder will be the sponsor of the Dependant Visa, which will be linked with the visa sponsor.

A Dependant Visa enables the holder to take up employment without the need to apply for a separate Employment Visa.

The ImmD does not officially recognise unmarried or same-sex partners. The option to apply for a Prolonged Visitor visa for unmarried partners may be available for certain nationals. However, such applications are handled on a discretionary basis and are subject to strict assessment.

Application Process

Completed application forms and required supporting documents must be submitted either through the nearest Chinese diplomatic and consular missions in the applicant's place of domicile or directly to the ImmD.

A successful applicant will be issued a visa or entry permit which is valid for three months. This should be collected from the ImmD by the employing company (or designated representatives) for onward transmission to the individual applicant. The visa or entry permit should be affixed onto a blank visa page of the individual's travel document for presentation to an immigration officer upon arrival in Hong Kong.

Supporting Documents

The Employment Visa application requires submission of a significant number of supporting documents, both by the applicant and the employing or sponsoring entity. The documents required will vary according to the circumstances of the application. These will include, but are not limited to, copies of academic certificates, curriculum vitae, employment contract/assignment letter and copies of marriage/birth certificates for any Dependant Visa applications. If a supporting document is not in Chinese or English, it must be accompanied by a certified Chinese or English translation.

Timeline

The visa processing time at the ImmD is approximately four to six weeks from the date of submission, provided all documents are in order.

Cessation Obligation

The company and the individual should file a notice of cessation for sponsorship of an Employment Visa with the ImmD once the holder terminates employment or services with the company.

Residence Permit

Any foreigner aged 11 and above, who has been granted a visa or permit to stay in Hong Kong for six months or more is required to apply for a Hong Kong Identity Card. This will apply, for example, to Employment and Dependant Visa holders, but will not apply to foreigners holding visitor status. This card must be applied in person at the ImmD.

Additional Points to Note

The Employment Visa application requirements vary for People's Republic of China (PRC) and Taiwanese nationals.

The stated immigration criteria and processes will not apply to nationals of *Afghanistan, Cambodia, Cuba, Laos, Korea (Democratic People's Republic of), Nepal and Vietnam.

Alternative Immigration Options

Other possible options available to foreigners, subject to relevant eligibility criteria include:

Investment Visa (Entrepreneur)

An investment visa is a sub-category of an Employment Visa for an individual who is setting up his or her own business which is considered beneficial to Hong Kong commerce and industry.

This arrangement does not apply to Chinese residents of the Mainland of China and nationals listed * above.

The ImmD normally addresses the below issues in determining whether an Investment Visa as Entrepreneur is justified:

- The applicant has good education background, normally a first degree in a relevant field, good technical qualifications and proven professional abilities/ relevant experience and achievements support by documentary evidence,
- The applicant is in a position to make substantial contribution to the HKSAR economy, 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.

An application from an individual who wishes to establish or join in a start-up business which is supported by a government-backed programme with a rigorous vetting and selection process, and is the proprietor or partner of the start-up company (such as - StartmeupHK Venture Programme administered by Invest HK; Incu-App, Incu-Biao and Incu-Tech programmes administered by the Hong Kong Science and Technology Parks Corporation; Cyberport Incubation Programme, Small Entrepreneur Research Assistance Programme and Enterprise Support Scheme administered by the Innovation and Technology Commission; and Design Incubation Programme administered by the Hong Kong Design Centre) may be considered favourably by the ImmD.

Quality Migrant Admission Scheme (QMAS)

This is a quota-based scheme which is applicable to highly skilled or talented individuals, who wish to settle in Hong Kong in order to enhance Hong Kong's economic competitiveness in the global market.

Capital Investment Entrant Scheme

Foreign investors who had the financial means to invest in Hong Kong could apply to stay in Hong Kong under this scheme. The investment threshold for an application was HK\$10 million. However, The Government announced that the Capital Investment Entrant Scheme was suspended with effect from 15 January 2015 .

Training Visa

A Training Visa is available for an individual entering Hong Kong on bonafide training for a period of not more than 12 months.

Non-Compliance

The employing company and/or the individual would be subject to a fine and imprisonment if found guilty of immigration non-compliance. In addition, the individual may be removed and banned from Hong Kong.

Contact

This Guide is intended to provide a general overview of the immigration requirements and options for foreigners seeking to reside and work in Hong Kong. For advice relating to a specific immigration matter, please contact:

Name	Email	Telephone
Bruce Lee	bruce.ch.lee@hk.pwc.com	+852 2289 5510
Paulina Au	paulina.au@hk.pwc.com	+852 2289 5529
Pauline Kwok	pauline.kc.kwok@hk.pwc.com	+852 2289 3969

Last updated: October 2016

© 2016 PwC International Assignment Services (Hong Kong) Limited. All rights reserved.

Disclaimer: This publication is intended to provide only general information and it does not amount to professional, legal or tax advice. Readers should therefore not rely on the contents of this publication as a basis of specific action, without seeking professional advice.

"PricewaterhouseCoopers refers PwC International Assignment Services (Hong Kong) Limited or, as the context requires, the PricewaterhouseCoopers global network or other member firms of the network, each of which is a separate legal entity.