

HONG KONG

GENERAL BACKGROUND

There are a number of different visas that can be obtained for entry into Hong Kong including:

TOURIST VISA

Various countries have negotiated visa-free entry for periods ranging from two weeks to six months - for example, UK citizens other than BN(O) passport holders - are allowed a six month visa-free stay in Hong Kong). Nationals of other countries need to apply for a tourist visa prior to entry.

WORK VISA

A work visa must be obtained where work is to be performed in Hong Kong. Technically, even if an individual is in Hong Kong for work for one day, a visa should be obtained.

The Hong Kong Immigration Department normally addresses three main issues in determining whether a work visa is justified. These are:

- ◆ whether the business being undertaken is beneficial to the economy, industry and trade of Hong Kong
- ◆ whether the employment of the applicant is essential to the business, and
- ◆ whether the position can easily be filled by a local individual.

INVESTMENT VISA

An investment visa is a sub-category of a work visa for an individual who is setting up their own business in Hong Kong.

THE CAPITAL INVESTMENT ENTRANT SCHEME

Foreign investors who have the financial means to invest in Hong Kong may apply to stay in Hong Kong together with any dependants. The investment threshold for any application under this scheme is set at HK\$6.5 million, which must be invested in "qualifying investments". After seven years of continuous stay in Hong Kong, these capital-investment entrants (together with any dependants) may apply to become permanent residents of Hong Kong.

TRAINING VISA

Training visas are available only for an individual on bona fide training.

POINTS TO NOTE

Business trip	<p>Short business trips for the purposes of meeting with potential clients, attending seminars, trade shows, looking for business opportunities etc. are normally allowed without the need to obtain a work visa.</p> <p>Although there is no "Business Visa" in Hong Kong, there is a mechanism for frequent travellers coming to Hong Kong for extended business trips called the "Travel Pass".</p>
Concessions / special arrangements for particular nationalities	<p>There are no concessions for any nationalities.</p>
Work permit	<p>Required for all non-Hong Kong permanent resident card holders or those who do not have right-of-abode status.</p>
Birth certificate required?	<p>For dependent children, a birth certificate for the child and marriage certificate for the parents must be provided.</p>
Academic certificates required?	<p>For work visa applications, academic certificates are required to be submitted.</p>
Police clearance required?	<p>No.</p>
Timing	<p>Approximately four to six weeks from the date of filing. Initial filing for a new entity may take longer.</p>
Personal attendance at Embassy required?	<p>Not usually required. However, the Immigration Department and overseas Chinese embassy have the discretion to ask the applicant to attend a personal interview.</p>
Separate residence permit?	<p>No.</p>
Registration at town hall in Hong Kong?	<p>No; however, a Hong Kong identity card is required for a person who has a permit to stay in Hong Kong (other than a visitor) for six months or more. This is obtained by personal attendance at the Immigration Department in Hong Kong.</p>
Application procedures	<p>Visa applications can be submitted at Chinese embassies in overseas countries or directly to the Immigration Department in Hong Kong. In our experience, submitting the application directly to the Immigration Department in Hong Kong is more efficient in terms of the time it takes to process the application. The applicant should remain overseas until the visa is issued.</p>
Penalties for non-compliance	<p>The employer is subject to a fine and imprisonment. Employee can be removed and banned from Hong Kong.</p>
Spouse work rights?	<p>With effect from 1 July 2003, a spouse with a dependent visa can no longer work in Hong Kong without obtaining a work visa from the Immigration Department. This rule only applies to dependent spouses making their first dependent visa application after 1 July 2003. A spouse with a dependent visa issued before 1 July 2003 can work in Hong Kong</p>

	without obtaining a work visa subject to the same conditions as the work visa of the sponsor (that is, the principal applicant).
Separate application for family members?	Each family member needs to make an individual application as either the principal applicant or as a dependent.
Recognition of common law relationship?	No.
Other issues	<p><i>Sponsorship requirements</i></p> <p>The Immigration Department requires a sponsor for a work visa application. The sponsor should be the employer (if it is a company) with an individual signing the application form on behalf of the company in Hong Kong. The individual signing the form must currently be working for the Hong Kong company and must be a Hong Kong identity card holder and resident in Hong Kong. For dependent visa applications, the sponsor should be the principal applicant.</p> <p><i>PRC individuals</i></p> <p>Chinese PRC citizens cannot apply for a work visa in Hong Kong unless they have lived outside of the PRC for more than one year, or they have a permanent residency outside of the PRC. There are also specific conditions for PRC individuals wishing to work in Hong Kong.</p> <p><i>Taiwan individuals</i></p> <p>Taiwan individuals must apply for visas through travel agencies in Taiwan designated by the Government. Certain aspects of the visa issuing procedure are different as Hong Kong does not recognise Taiwan as a separate country.</p> <p><i>Admission Scheme for Mainland Talents and Professionals</i></p> <p>With effect from 15 July 2003, PRC nationals who wish to work in Hong Kong or who are being assigned to work for an associated Hong Kong company by a PRC company may apply for a work visa under this Scheme. They must be offered a job by a Hong Kong registered company with a remuneration level broadly comparable to the local market rate. The application must be made by the Hong Kong company.</p>

NOTE: This Guide was prepared and published based on the immigration rules and regulations in effect as of January 1, 2005.

This document is provided by PricewaterhouseCoopers LLP for general guidance only, and does not constitute the provision of legal advice, accounting services, investment advice, or professional consulting of any kind. The information provided herein should not be used as a substitute for consultation with professional tax, accounting, legal, or other competent advisers. Before making any decision or taking any action, you should consult a professional advisor who has been provided with all pertinent facts relevant to your particular situation. The information is provided "as is," with no assurance or guarantee of completeness, accuracy, or timeliness of the information, and without warranty of any kind, express or implied, including but not limited to warranties of performance, merchantability, and fitness for a particular purpose.

© 2005 PricewaterhouseCoopers LLP. "PricewaterhouseCoopers" refers to PricewaterhouseCoopers LLP, a Delaware limited liability partnership or, as the context requires, the network of member firms of PricewaterhouseCoopers International Limited, each of which is a separate and independent legal entity.