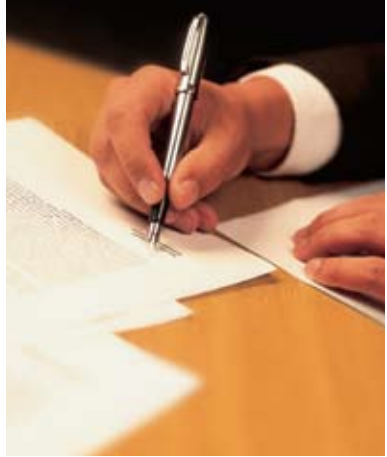


# How To Get A Hong Kong Visa



One of the most important tasks involved in setting up an office in Hong Kong is bringing in the appropriate personnel to run the operation. There are six categories of Hong Kong visas available to persons wishing to enter Hong Kong to attend business meetings, commence employment or receive training.

## VISITOR VISAS

Most visitors, whether entering Hong Kong for business or for pleasure, will receive a stamp on their passport upon entry indicating the permitted period of stay. The period of stay will vary depending upon the nationality of the visitor. For example, holders of a US or Commonwealth passport will generally be permitted to remain in Hong Kong for three months.



A visitor in Hong Kong may apply for and obtain extensions for periods based on the individual circumstances of each case. Generally, the Hong Kong Immigration Department will grant the visitor an extension of stay for the intended period of time (or up to one to two months) provided a suitable explanation is given. The current visa fee is HK\$160.

## EMPLOYMENT VISAS

All foreigners, other than those having the right of abode or unconditional stay in Hong Kong, who wish to carry out the normal duties of employment in Hong Kong, whether paid or unpaid, should obtain an employment visa prior to arrival; the sponsoring employer in Hong Kong lodges the application. The application must be supported by certain business and personal documentation regarding the nature of the employer's business and the qualification of the applicant. In assessing an employment visa application, the Hong Kong Immigration Department will normally address the following issues:

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- △ *whether the remuneration package including income, accommodation, medical and other fringe benefits is broadly commensurate with the prevailing market level for professionals in Hong Kong;*
  - △ *whether the applicant is in a position to make substantial contribution to the economy of Hong Kong;*
  - △ *whether the position may be easily filled by someone locally.*
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The applicant must prove that his or her services or expertise are unique enough that the Hong Kong company cannot find someone locally to fill the position sought. Where an applicant is being transferred from a company overseas to work for a branch, subsidiary or representative office in Hong Kong, substantiation of corporate relationship will be required. The applicant's background in relation to the proposed employment will also be examined with regards to:

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- △ *professional qualifications;*
  - △ *technical knowledge or know-how;*
  - △ *experience;*
  - △ *proposed benefits to the business.*
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Processing normally takes four to six weeks. Initially, the employment visa will be granted for a period of three months to one year. Renewal may be granted, provided the applicant remains in the employ of the original employer. Where an applicant seeks to change employers in Hong Kong, prior approval from the Hong Kong Immigration Department is required. Under certain circumstances it is possible to apply for an employment visa while the applicant is physically in Hong Kong (note that certain nationals are not accorded this privilege). However, the Immigration Department is not enamored of expatriates arriving in Hong Kong on tourist visas and thereafter changing their status by applying for employment visas. In any case the applicant cannot work in Hong Kong, but can only attend to ancillary matters relating to 'settling in' Hong Kong during the processing of the change of status application, until the employment visa has been issued.

Special rules apply to Chinese residents of the mainland and nationals of certain other countries (Afghanistan, Albania, Cambodia, Cuba, Laos, the Democratic People's Republic of Korea, Nepal and Vietnam).

Employment visas are job specific. If an employee wishes to change employment in Hong Kong, he or she must first obtain the approval of the Hong Kong Immigration Department. Additionally, if an employee terminates his or her employment services, his or her employment visa also lapses, notwithstanding that the visa expiration date in the passport may not have expired.

## **EMPLOYMENT (INVESTMENT) VISAS**

Employment (investment) visas are a special category occasionally used by self-employed individuals wishing to relocate to Hong Kong and establish a business. The visa normally

takes 10 to 15 weeks to process. Successful applicants must establish that they are making a substantial investment in Hong Kong, and that the investment will be beneficial to Hong Kong trade and industry. Upon approval, the successful applicants will generally be issued one year's stay in Hong Kong, which may be renewed.

## TRAINING VISAS

Where a sponsor in Hong Kong has organized a detailed training program, it may be possible to bring someone into Hong Kong to undergo training for up to six months. This includes mainlanders. At the end of the training period, if additional training is warranted, applications for extensions may be entertained.

## DEPENDENT VISAS

Family members who wish to accompany an applicant who has been approved for a Hong Kong employment visa, may also apply for dependent visas. This visa is granted to the accompanying immediate family members (spouse and single children aged below 18) who will accompany the successful principal applicant of the employment visa or employment (investment) visa. Normally, if the principal applicant's employment visa is approved, the dependent visas will be approved as a matter of course, by proof of marriage and birth certificates.

Holders of dependents of persons admitted for employment as professionals, investors or training visas are permitted to work in Hong Kong. However, dependents of persons who have been admitted to study are not permitted to take up employment unless they have obtained permission from the Director of Immigration. The dependent visa application can be lodged at the same time and same place as the application for the employment visa. Once granted, the dependent visa is only valid as long as the principal applicant's employment visa is valid.

Dependent parents may only be sponsored by those with Right of Abode or permanent residency, unconditional stay or right to land. Employment, student or investment visa holders are no longer able to sponsor dependent parents in Hong Kong. Exceptional treatment on compassionate grounds is considered for a parent who is widowed, provided the parent is 60 years or older. Restrictions apply for dependents from Afghanistan, Albania, Cuba and North Korea.

## STUDENT VISAS

A student visa may be obtained for someone who wishes to enroll in a specified school, university or other educational institution in Hong Kong and undertake such course of study as may be approved by the Hong Kong Immigration Department. The visa, when approved, will be for a period of six to twelve months or the period of the academic year, whichever is shorter, and renewable. A person who holds a dependent visa need not separately apply for a student visa to enroll in a school.

*Website: [www.immd.gov.hk](http://www.immd.gov.hk) to download all forms and information*