

Introduction

This country guideline provides general information on the most common corporate immigration processes for Hong Kong. Please note that immigration processes in every country are subject to frequent change, and also that each case is assessed on its own merits. Therefore, this guideline should be taken as providing general information only. Cases to Hong Kong are handled by our Asia office in Hong Kong. For specific, detailed advice, please contact your representative.

This guideline is divided into the following sections. Please click on the links below to be taken directly to the relevant section.

1. [Immigration Categories](#)
2. [Typical Process Overview](#)
3. [Typical Documents Obtained](#)
4. [Renewal](#)
5. [Deregistration](#)
6. [Dependents](#)
7. [Application Materials](#)
8. [Business Visitors](#)
9. [Change of Status](#)
10. [Salary and Payroll](#)
11. [Qualifications](#)
12. [Red Flags](#)
13. [Penalties for Non-Compliance](#)
14. [Bilateral Agreements](#)

Immigration Categories

The appropriate immigration category or status for your employees will depend on their specific details and on your company. The most common category for corporate transfers in our experience is the Employment Visa under the General Employment Policy (GEP). For details on non-typical categories not listed below (investors, special programs), please contact your representative.

Typical Process Overview

The following process overview is applicable to the Employment Visa category. In general, the processing time is four (4) to six (6) weeks from the date of filing the application provided all required documents submitted are in order and no additional requests are made by the Hong Kong Immigration Department.

However, note that lead time for document gathering at the start of the process should be factored in, as should processing time for completion of post arrival formalities. Average processing time for each individual step is noted below.

Country Profile: Hong Kong

Step One: Employment Visa Application

Processing Time: Four (4) to six (6) weeks

An application for employment visa is filed at the Hong Kong Immigration Department. It is expected that the assignee will remain overseas until the application is approved and visa granted.

Step Two: Employment Visa Approval & Collection

Processing Time: Approximately two (2) days for the courier

Once the application is approved by the Hong Kong Immigration Department, the visa label is collected and sent to the assignee in the home country. The visa label is valid for three (3) months. The assignee pastes the visa label into his passport and enters Hong Kong within this period. At the point of entry, the visa label is validated and permission is granted to work in Hong Kong for up to twenty-four (24) months, from the date of entry into Hong Kong. If the visa applicant is in Hong Kong as a visitor at the time of visa approval, he will need to exit and re-enter Hong Kong with the approved visa label in his passport to validate the same.

Step Three: Hong Kong Identity Card Application

Processing Time: Approximately two (2) weeks

All foreign nationals eleven (11) years of age or above must apply for a Hong Kong Identity (HKID) Card within one (1) month of arrival in Hong Kong if the duration of the stay per their visa validity exceeds (180) days. Personal appearance at the Immigration Department is needed for this step. Emigra Worldwide can assist with this step.

Typical Documents Obtained

Following the Employment Visa application process described above will result in the obtention of the following immigration documents. Typical validity is noted next to each document name. For details on the renewal process, please see the next section, "[Renewal](#)."

- **Employment Visa:** Up to twenty-four (24) months on initial application.
- **Hong Kong Identity Card:** HKID Cards have no expiry date. They are unique to each person and can be held for life. However, HKID Cards are only active while the holder has a valid visa. When the visa expires, the HKID Card is deactivated automatically. If the foreign national returns to Hong Kong at a later date, the same HKID Card can be reactivated.

Renewal

Renewal is possible with supporting justification from the employer. An application for an extension of stay can be filed, stating the job position, remuneration, and duration of continued employment for the employee. Renewal processes take up to two (2) to three (3) weeks. On the date of filing the renewal and on the date of getting the visa endorsement, the applicant is required to be physically present in Hong Kong. Therefore, it is advisable to commence planning for

Country Profile: Hong Kong



renewals well in advance of visa expiry [two (2) months prior is advisable to fit around travel schedule or acquiring new passports]. Up until May of 2015, approvals followed a 2-2-3 year validity pattern, or were in accordance with the duration of the employment contract (whichever is shorter).

From May 2015, visas issued under the General Employment Policy or Admission Scheme for Mainland Talent & Professionals (ASMP) are issued for up to two (2) years initially and renewals follow a 3-3 year validity pattern thereafter, or in accordance with the employment contract (whichever is shorter).

Also from May 2015, Hong Kong introduced a “Top Tier” visa. To qualify for this visa, applicants must:

- Have previously been granted a two-year professional employment visa
- Be able to demonstrate income assessable for taxation purposes of HK\$2 million (258,000) in the previous taxation assessment year
- Meet the other normal requirements for an Employment Visa.

This visa will allow for a visa extension of up to six (6) years (subject to passport validity) to be issued with no additional conditions on the visa. Holders of the visa may also change employers without prior permission, although they do need to inform the authority of their new employer within one (1) month from the date of that change.

Permanent Residence (Right of Abode) is granted based on documentary proof of applicant’s continuous ordinary stay in Hong Kong for a period of not less than seven (7) years. Hong Kong office can assist for case assessment.

Deregistration

The government of Hong Kong requires all applicants to send formal notification to the Immigration Department just prior to their last working day or as soon as their assignment ends in Hong Kong. The Immigration Department then updates their records and sends a confirmation letter to this effect for employer's records some time later.

No actual visa cancellation occurs; once the employee is no longer employed, it essentially means that they no longer have permission to work in Hong Kong until such time as they are approved to work elsewhere. Their visa and Hong Kong Identity Card, though, will continue until their expiration. The Hong Kong Identity Card also does not need to be surrendered, although upon visa expiry it will no longer be usable to enter Hong Kong

Dependents are not required to deregister.

Dependents

Dependent immigration status approval depends on the immigration status of the principal applicant. Where the principal applicant is in Hong Kong on an Employment Visa, the following rules apply for dependents:

- **Minimum age (spouses):** Not Applicable
- **Maximum age (children):** Eighteen (18) years
- **Unmarried partners:** No
- **Same sex partners:** No

Country Profile: Hong Kong



- **Non-traditional dependents (e.g. parents):** No; however, depending on the situation, an exception may be made at the discretion of the Immigration Department for a Prolonged Visitor Visa with a maximum duration of six (6) months per application.
- **Work authorization granted?** Yes

Application Materials

Application materials vary depending on the immigration category being applied for and on the specifics of the case. We will advise you in detail regarding your specific case; however, general application materials for an Employment Visa are noted below.

- A variety of personal and corporate documents will be needed to support the application.
- Such documents include current resume (C.V.), educational diplomas, birth and marriage certificates, reference letters, duly signed employment contract, copies of passport pages, photographs, corporate annual reports where applicable, and corporate registration certificates.
- All documentation must be submitted in English or Chinese.

Business Visitors

- **Name of visa granted:** Visitor Visa
- **Duration of stay:** Dependent on the nationality of the visitor.
- **General activities permitted:** business meetings, seminars, home-finding etc.
- **Restricted nationals** must apply for a visa or entry permit at the Chinese Embassy/Consulate in their country of nationality or residence prior to their arrival in Hong Kong.

Change of Status

It is not possible to convert from visitor to employment status without leaving Hong Kong.

Salary and Payroll

Salary and payroll requirements vary depending on the immigration category and on the specifics of the case. In Hong Kong, basic salary should be equal to or more than what a local employee would receive for the same position. Payroll location does not affect the immigration process. Please contact your representative for more details for your specific situation.

Qualifications

Qualification requirements will vary from case to case and will depend on the immigration category under which the application is made. However, in general, the immigration authorities do expect to see a university degree. In some situations, a strong case may be made for applicants without a degree provided their level of experience and industry-specific qualification is high. Please contact your representative for more details.

Country Profile: Hong Kong



Red Flags

In our experience, the following points are important to note at the start of the process. If any of the below situations apply to you, contact your representative immediately for further detailed advice.

- Absence of degree.
- Absence of relevant experience.
- Insufficient compensation.
- Unmarried partners cannot receive Dependent Visas.
- The Immigration Department will look at the employer's ratio of foreign to local workers.
- Different procedures apply for nationals of the People's Republic of China and the Republic of China (Taiwan) – immigration options may be restricted for nationals of these countries. Contact your representative for details.

Penalties for Non-Compliance

The government of Hong Kong takes immigration non-compliance very seriously. Penalties for non-compliance may include fines, deportation, and imprisonment.

Employee Penalties:

Any person who contravenes a condition of stay in force shall be guilty of an offence and shall be liable on conviction to a fine of up to HK\$50,000 and imprisonment for up to two (2) years.

Employer Penalties:

Employers who hire foreign nationals without proper work authorization are subject to fines of up to HKD 350,000 and up to three years' imprisonment.

For more details, please contact your representative.

Bilateral Agreements

- **Working Holiday Scheme:** This scheme facilitates cultural and educational exchange between Hong Kong and the participating country to strengthen the bilateral relationship between the two countries. Applicants aged between eighteen (18) and thirty (30) from the participating country, whose main purpose of stay in Hong Kong is to holiday, may qualify for visas under the Working Holiday Scheme to take up short-term employment and/or enroll in a short educational course while they are on holiday in Hong Kong. Countries that have bilateral Working Holiday Scheme agreement with HK (as of February 2010) are: **Australia, Germany, Ireland, Japan, New Zealand, and Canada.** An annual quota and number of study/training courses are applicable to each of these participating countries. Supporting financial proof requirement varies based on nationality, as set by the Government of HKSAR. For more details, please contact your representative.

Country Profile: Hong Kong



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