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11 January 2011

Clerk to Panel on Security  
Legislative Council Building  
8 Jackson Road  
Central  
Hong Kong

By Fax: 2509 0775

Attn: Mr Raymond Lam

Dear Mr Lam,

**Panel on Security  
Application for Chinese Nationality**

Thank you for your letter dated 15 December 2010 to the Secretary for Security. I am authorized to reply on his behalf.

Pursuant to Article 18 of and Annex III to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, the Nationality Law of the People's Republic of China (CNL) has been applied in the HKSAR since 1 July 1997. The Immigration Department (ImmD) handles applications for naturalization as a Chinese national submitted in the HKSAR in accordance with the CNL and the "Explanations of some questions by the Standing Committee of the National People's Congress concerning the implementation of Nationality Law of the People's Republic of China in the Hong Kong Special Administrative Region".

In accordance with Article 7 of the CNL, foreign nationals or stateless persons who are willing to abide by China's Constitution and laws and who meet one of the following conditions may be naturalized upon approval of their applications:

- (a) they are near relatives of Chinese nationals;
- (b) they have settled in China; or
- (c) they have other legitimate reasons.

Each application for naturalization as a Chinese national will be considered on its own merits by ImmD, having regard to whether the applicant has a near relative who is a Chinese national having the right of abode in Hong Kong; whether the applicant has the right of abode in Hong Kong; whether the applicant's habitual residence is in Hong Kong; whether the principal members of the applicant's family (spouse and minor children) are in Hong Kong; whether the applicant has a reasonable income to support himself and his family; whether the applicant has paid taxes in accordance with the law; whether the applicant is of good character and sound mind; whether the applicant has sufficient knowledge of the Chinese language; whether the applicant intends to continue to live in Hong Kong in case his application is approved, etc. ImmD takes into account all relevant factors in deciding whether to approve an application. However, the nationality of the applicant is not a factor for consideration.

ImmD received a total of 4,099 applications for naturalization as a Chinese national between 2008 and 2010. The number of applications received and the respective outcome for the corresponding period are set out below:

	Received	Approved	Refused	Others <sup>Note</sup>
2008	1,541	1,237	239	9
2009	1,295	955	222	13
2010	1,263	729	124	11
Total	4,099	2,921	585	33

Note: Applications withdrawn or applicants did not provide sufficient information for further processing of their cases.

Of the approved applications for naturalization as a Chinese national between 2008 and 2010, five were submitted by stateless persons. In most cases, the subjects renounced their original nationality before submitting their applications. ImmD does not have statistics on the overall number of stateless persons in Hong Kong.

All applications for naturalization as a Chinese national are processed in accordance with the laws of Hong Kong, including the Hong Kong Bill of Rights Ordinance. Section 5(1)(a) of the Chinese Nationality (Miscellaneous Provisions) Ordinance, Cap. 540, provides that the discretion in connection with any nationality applications shall be exercised without regard to the race, colour, or religion of the applicant. The vast majority (over 80%) of the approved applications for naturalization as a Chinese national in 2010 were made by former Indian, Pakistani, Indonesian and Vietnamese nationals.

Yours sincerely,

( Ms Maggie Wong )  
for Secretary for Security