



中華人民共和國香港特別行政區政府總部教育局  
Education Bureau  
Government Secretariat, The Government of the Hong Kong Special Administrative Region  
The People's Republic of China

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21 April 2016

Clerk to Panel on Education  
Legislative Council  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong  
(Attn: Miss Polly Yeung)

Dear Miss Yeung,

**Legislative Council Panel on Education  
Follow-up to Meeting on 11 April 2016**

At the meeting of the Legislative Council Panel on Education held on 11 April 2016, Members requested us to provide explanation on the eligibility criteria of “right to land in Hong Kong” under the enhanced Mainland University Study Subsidy Scheme. The relevant information is provided at **Annex** for Members’ reference.

Yours sincerely,

(Miss Sharon Ko)  
for Secretary for Education

**Eligibility Criteria of “Right to Land in Hong Kong”  
under the Enhanced Mainland University Study Subsidy Scheme**

According to the Section 2AAA of the Immigration Ordinance (Chapter 115, Laws of Hong Kong), the following two types of persons have the right to land in Hong Kong:

- (a) any person who immediately before 1 July 1997 was a Hong Kong permanent resident under the Immigration Ordinance as then in force but did not become a permanent resident of the Hong Kong Special Administrative Region upon the commencement of the Immigration (Amendment) (No. 2) Ordinance 1997 (122 of 1997); and
  - (b) any person who is a permanent resident of the Hong Kong Special Administrative Region but ceases to be such a permanent resident by virtue of the operation of the Immigration Ordinance.
2. Examples of the two types of persons mentioned in paragraph 1(a) & (b) above are set out seriatim below:
- (a) a person who was born overseas and was a British Dependent Territories citizen by descent from his/her Hong Kong born parent was eligible for the Hong Kong permanent resident status under the repealed Schedule 1 to the Immigration Ordinance in force before 1 July 1997. However, he/she would not become a permanent resident of the Hong Kong Special Administrative Region under Schedule 1 to the Immigration Ordinance in force since 1 July 1997 (“the Schedule”) if he/she does not have Chinese nationality and fails to fulfill paragraph 2 or paragraph 6(1)<sup>1</sup> of the Schedule; and

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<sup>1</sup> Paragraph 6(1) of Schedule 1 to the Immigration Ordinance provides that a person who is not of Chinese nationality and who was a permanent resident of Hong Kong before 1 July 1997 is taken to be a permanent resident of the Hong Kong Special Administrative Region if:

- (a) he was settled in Hong Kong immediately before 1 July 1997;
- (b) after he ceased to be settled in Hong Kong immediately before 1 July 1997 he returns to settle in Hong Kong within the period of 18 months commencing on 1 July 1997; or
- (c) after he ceased to be settled in Hong Kong immediately before 1 July 1997 he returns to settle in Hong Kong after the period of 18 months commencing on 1 July 1997 but only if he has not been absent from Hong Kong for a continuous period of not less than 36 months.

(b) a person not of Chinese nationality who has entered Hong Kong with a valid travel document, has ordinarily resided in Hong Kong for a continuous period of not less than 7 years and has taken Hong Kong as his place of permanent residence before or after the establishment of the HKSAR, is eligible for Hong Kong permanent resident status under paragraph 2(d) of Schedule 1 to the Immigration Ordinance. If he/she has been absent from Hong Kong for a continuous period of not less than 36 months since he/she ceased to have ordinarily resided in Hong Kong, he/she may lose his/her permanent resident status under paragraph 7(a) of Schedule 1.

3. A person who has right to land in Hong Kong has the right:

(a) to land in Hong Kong;

(b) not to have imposed upon him any condition of stay in Hong Kong, and any condition of stay that is imposed on him/her shall have no effect; and

(c) not to have a removal order made against him/her.

In other words, he/she will be able to enter Hong Kong freely to live, study and work without any restriction.

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