

香港特別行政區政府
保安局



The Government of the
Hong Kong Special Administrative Region
Security Bureau

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17 March 2014

Clerk to Panel on
Constitutional Affairs
Legislative Council,
Legislative Council Complex,
1 Legislative Council Road,
Central, Hong Kong
(Attn: Ms Joanne Mak)

By Fax
(Fax: 2509 9055)

Dear Ms Mak,

**Legislative Council Panel on Constitutional Affairs
The Third Report of the Hong Kong Special Administrative Region
(HKSAR) under the International Covenant on Economic, Social and
Cultural Rights (ICESCR)
Follow-up Item**

At the meeting of the Legislative Council Panel on Constitutional Affairs on 17 February 2014, the Hon Albert HO Chun-yan expressed concerns on problems encountered by non-Chinese ethnic minorities born in Hong Kong in obtaining HKSAR passports. This sets out the Administration's response.

Pursuant to section 3(2) of the HKSAR Passports Ordinance (Cap. 539), the Director of Immigration shall not issue a passport to the applicant unless the applicant has satisfied all of the following conditions –

- (i) he is a Chinese citizen;
- (ii) he is a permanent resident of the HKSAR; and
- (iii) he is a holder of a valid permanent identity card as defined in section 1A of the Registration of Persons Ordinance (Cap. 177).

Acquisition of Chinese nationality is therefore a prerequisite for obtaining a

HKSAR passport.

Pursuant to Article 18 of and Annex III to the Basic Law of the HKSAR 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 the Nationality Law of the People's Republic of China in the HKSAR (Explanations)".

Pursuant to 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 naturalised upon approval of their applications –

- (i) they are near relatives of Chinese nationals;
- (ii) they have settled in China; or
- (iii) they have other legitimate reasons.

Article 8 of the CNL stipulates that any person who applies for naturalisation as a Chinese national shall acquire Chinese nationality upon approval of his application; a person whose application for naturalisation as a Chinese national has been approved shall not retain foreign nationality.

The ImmD will consider each application for naturalisation as a Chinese national on its own merits and will in general give consideration to the following factors –

- 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/herself and his/her 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 the naturalisation application is approved; and
- whether there are other legitimate reasons to support the application.

Each application for naturalisation as a Chinese national will be handled on its individual merits. The ImmD will consider the naturalisation applications in accordance with Articles 7 and 8 of CNL and the aforementioned factors on a fair and appropriate basis. The nationality of the applicant and whether he/she has Chinese bloodline are not factors for consideration.

From 2009 to 2013, the ImmD has received 6 528 applications for naturalization as Chinese nationals, of which 4 699 were approved, 1 107 not approved, and 99 withdrawn. The top five original nationalities of applicants whose naturalization applications were approved during the same period are Indian, Indonesian, Pakistani, Vietnamese and Filipino. The application and approval figures are set out below –

Original Nationality	Number of Applications for Naturalization as Chinese Nationals ⁽¹⁾	Number of Approvals for Naturalization as Chinese Nationals ⁽²⁾
Indian	1 642	1 293
Indonesian	1 252	1 127
Pakistani	1 465	892
Vietnamese	831	535
Filipino	438	320
Others	900	532
Total	6 528	4 699

Notes:

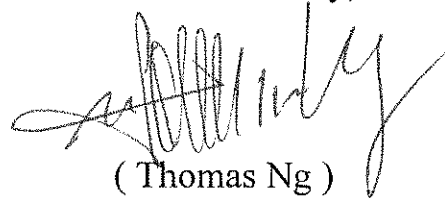
(1) Some applications are still under process.

(2) Number of approvals refers to those applications with certificate of naturalization issued.

All applications for naturalization as a Chinese national are processed in accordance with the laws of Hong Kong. As stated in section 5(1)(a) of the Chinese Nationality (Miscellaneous Provisions) Ordinance (Cap. 540), where in connection with any nationality application any discretion may be exercised under or pursuant to any of the provisions of the CNL, as implemented in the HKSAR in accordance with the Explanations, the discretion shall be exercised without regard to the race, colour, or religion of any person who may be

affected by its exercise. This provision applies to the naturalisation applications handled by the ImmD, including those from stateless persons.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Thomas Ng', written in a cursive style.

(Thomas Ng)

for Secretary for Security

cc:

Secretary for Constitutional and Mainland Affairs

(Attn: Mr Michael Yau)

Fax no.: 2840 0657

Director of Immigration

(Attn: Mr Isaac So)

Fax no.: 2824 1675