

Legislative Council
Subcommittee on Rights of Ethnic Minorities

**Application for Hong Kong Special Administrative Region Passports
from Ethnic Minorities**

Purpose

This paper briefs Members on the legal basis and procedures for processing applications for Hong Kong Special Administrative Region (HKSAR) passports.

Hong Kong Special Administrative Region Passport

2. According to Section 3(2) of the Hong Kong Special Administrative Region Passports Ordinance¹, Cap. 539, Laws of Hong Kong, the Director of Immigration may issue a HKSAR Passport to an applicant only when he has satisfied all of the following conditions:

- (a) he is a Chinese citizen²;
- (b) he is a permanent resident of the HKSAR³; and
- (c) he is a holder of a valid HKSAR permanent identity card⁴.

¹ According to Article 154 of the Basic Law, the Central People's Government shall authorise the HKSAR Government to issue, in accordance with law, HKSAR Passports to all Chinese citizens who hold permanent identity cards of the Region.

² Chinese citizen as stipulated in paragraph 1 of Schedule 1 to the Immigration Ordinance, Cap. 115, Laws of Hong Kong.

³ Hong Kong permanent resident as stipulated in paragraph 2 of Schedule 1 to the Immigration Ordinance, Cap. 115, Laws of Hong Kong.

⁴ Permanent identity card as defined under Section 1A of the Registration of Persons Ordinance, Cap. 177, Laws of Hong Kong.

3. The Immigration Department (ImmD) provides HKSAR Passport applicants with various means for submission of their applications. Apart from applying in person at the Immigration Headquarters or six Immigration Branch Offices, applicants may also submit their applications at the self-service kiosks in various offices, by post or via the Internet. If applicants are outside Hong Kong, they should submit their applications to the nearest Chinese Diplomatic and Consular Mission or send them to ImmD by post or via the Internet. Upon submission of their applications, they must provide information/documents to prove that they have satisfied all of the above conditions for the issuance of HKSAR Passport.

4. Processing an application for an HKSAR Passport normally takes 10 working days after all necessary documents, fee and photograph have been received by ImmD. Applicants can collect their new passport on the next working day upon completion of the process. For children under 11 years of age not holding a Hong Kong permanent identity card, they are required to submit an application for a Hong Kong permanent identity card together with their first application for a passport, and such applications take 14 working days to process. For applications not submitted in-person (e.g. by post), an extra two to three working days are required. The processing time may be longer for passport applications due to loss, damage or amendment of personal particulars.

5. For overseas passport applications from applicants who have a valid Hong Kong permanent identity card, the processing time of their applications normally takes four to six weeks upon receipt of all necessary documents, fee and photograph. It takes about six to eight weeks to process an application if the applicant does not have a valid Hong Kong permanent identity card. The time for forwarding the application and dispatching the prepared passport is excluded.

Application for HKSAR Passports from ethnic minorities who are non-Chinese citizens

6. ImmD adopts the same principle in processing all HKSAR Passport applications without regard to the race of the applicant. The processing of an application for an HKSAR Passport submitted by an ethnic minority applicant who has satisfied the conditions stated above normally takes 10 working days.

7. Under the Hong Kong Special Administrative Region Passports Ordinance, one of the conditions for the issuance of an HKSAR Passport is that the applicant must be a Chinese citizen. Therefore, Hong Kong permanent residents who are ethnic minorities are not eligible to apply for an HKSAR Passport if they are not Chinese citizens. If they wish to be issued with an HKSAR Passport, they should first apply for naturalisation as a Chinese national and then apply for an HKSAR Passport after becoming a Chinese national.

Naturalisation as a Chinese National

8. The Nationality Law of the People's Republic of China (CNL) has been applied in the HKSAR since 1 July 1997 pursuant to Article 18 of and Annex III to the Basic Law. ImmD is designated as the authority of the HKSAR responsible for nationality applications and shall handle all Chinese nationality applications (including processing applications for naturalisation as a Chinese national and other related issues) 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 CNL in the HKSAR"⁵.

⁵ The Explanations were made at the 19th Session of the Standing Committee of the 8th National People's Congress on 15 May 1996.

9. Article 7 of the CNL states that 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 as a Chinese national 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.

Any person who meets the requirements of the CNL can apply to ImmD for naturalisation as a Chinese national. Upon submission of applications, officers of ImmD will brief applicants on the requirements and factors for consideration for naturalisation as a Chinese national. Applicants may be required to provide other information/documents to support their applications when necessary.

10. In processing an application for naturalisation as a Chinese national, ImmD will not only consider whether the applicant meets the relevant requirements stipulated in the CNL, but also consider each application on its own merits. In general, the factors to be considered include the following without regard to the race, colour or religion of an applicant:

- (a) whether the applicant has a near relative who is a Chinese national having the right of abode in Hong Kong;
- (b) whether the applicant has the right of abode in Hong Kong;
- (c) whether the applicant's habitual residence is in Hong Kong;
- (d) whether the principal members of the applicant's family (spouse and minor children) are in Hong Kong;
- (e) whether the applicant has a reasonable income to support

himself/herself and his/her family;

- (f) whether the applicant has paid taxes in accordance with the law;
- (g) whether the applicant is of good character and sound mind;
- (h) whether the applicant has sufficient knowledge of the Chinese language;
- (i) whether the applicant intends to continue to live in Hong Kong in case the naturalisation application is approved; and
- (j) whether there are other legitimate reasons to support the application.

11. Applicants who have obtained initial approval will be notified by ImmD by mail, and may be required to produce proof of their renunciation of foreign nationality⁶ when necessary. Applicants will be issued with a Certificate of Naturalisation as a Chinese National upon their submission of proof of renunciation of foreign nationality and payment of the fee.

12. ImmD pledges that 80% of the applications for naturalisation as a Chinese national will be finalised within three months upon receipt of all necessary documents. On average, our performance pledge was fulfilled for 91.27% of the applications for naturalisation as a Chinese national in the past three years.

Application for naturalisation as a Chinese national from ethnic minorities

13. With respect to naturalisation as a Chinese national, ImmD received a total of 7 789 applications and approved 5 966 in the past 5 years. The

⁶ Article 8 of the CNL states 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.

breakdown statistics on the most common original nationalities of applicants⁷ are as follows:

Original nationality of applicants	2013		2014		2015		2016		2017	
	Number of applications	Number of applications approved	Number of applications	Number of applications approved	Number of applications	Number of applications approved	Number of applications	Number of applications approved	Number of applications	Number of applications approved
Indian	410	362	393	321	373	265	397	301	442	297
Pakistani	287	204	288	215	479	208	464	271	350	276
Indonesian	238	275	224	194	286	181	291	287	239	257
Vietnamese	226	123	164	205	168	120	130	150	133	119
Filipino	126	113	130	106	154	95	139	124	133	109
Others	190	181	259	164	229	143	210	187	237	113
Total	1 477	1 258	1 458	1 205	1 689	1 012	1 631	1 320	1 534	1 171

Conclusion

14. ImmD issues HKSAR Passports to eligible applicants in accordance with the law and the same eligibility criteria and application procedures are adopted for all applicants, regardless of their race, colour or religion. Ethnic minorities in Hong Kong will be issued with an HKSAR Passport so long as they satisfy the conditions set out in the law.

15. ImmD processes applications in a fair and impartial manner, and in strict accordance with relevant laws and procedures. In addition, ImmD conducts spot checks from time to time on different types of applications to ensure that applications are properly processed as required.

⁷ The numbers of applications approved generally do not fully correspond to the numbers of applications received in a particular year since the receipt and completion of processing of an application may not fall in the same year. The numbers of cases approved denote the numbers of cases in which applicants were officially issued with a certificate for naturalisation as a Chinese national.

16. Applicants who are not satisfied with the outcome of an application may request ImmD in writing for reconsideration of their applications. All reconsiderations will be handled and determined by officers of higher ranks. In addition, applicants whose HKSAR Passport applications have been rejected may lodge an appeal to the HKSAR Passports Appeal Board⁸.

Security Bureau

Immigration Department

May 2018

⁸ Under section 10(1) of the Hong Kong Special Administrative Region Passports Ordinance, a person aggrieved by any decision made by the Director under section 3(1), 4(2), 5(1) or 9 may appeal against that decision in accordance with regulations made under subsection (2).