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Hong Kong Visas and Work Permits

1. Who Requires an Entry Visa?

Every person who wishes to enter Hong Kong for employment, investment, education, training or residence is required to obtain an entry visa before coming to Hong Kong unless he or she:-

- (1) is a Hong Kong permanent resident with a Hong Kong Permanent Identity Card,
- (2) has the right of abode in Hong Kong, or
- (3) has the right of unconditional stay in Hong Kong.

2. Categories of Entry Visa

The categories of entry visa are:

- (1) an employment visa permits employment in Hong Kong with a Hong Kong incorporated company, the Hong Kong branch of a foreign company, an individual or a partnership;
- (2) an investment visa can be applied if the applicant make an investment in a Hong Kong incorporated company, the Hong Kong branch of a foreign company, a sole proprietorship or a partnership;
- (3) an education visa permits study in Hong Kong at an institution approved by the Hong Kong Immigration Department;
- (4) a training visa permits entry to Hong Kong for the purpose of training; and
- (5) a residency visa permits residence in Hong Kong and is usually granted to dependents of people coming to Hong Kong for employment, investment, education or training.

3. Sponsorship

Every applicant for an entry visa, irrespective of the category of visa, needs to have a sponsor. In the case of an application for an employment visa, the Immigration Department usually insists that the employer act as the sponsor where the employer is a company. Otherwise, the sponsor may be an individual in which case the sponsor must have been a Hong Kong resident for at least three years.

The sponsor is required to certify that the applicant:

- (1) is a suitable person to be allowed into Hong Kong for the purpose stated,
- (2) will abide by the laws of Hong Kong, and
- (3) will leave Hong Kong on the expiration of the stay granted by the Immigration Department

The sponsor must also undertake to assume responsibility for the applicant's repatriation to his or her original country of residency if, at the expiration of the stay granted by the Immigration Department, the applicant fails to leave Hong Kong. In addition, the sponsor must undertake to inform the Immigration Department of any change in the conditions of the applicant's stay in Hong Kong (e.g. cessation of the applicant's employment with the sponsor in Hong Kong).

Applications should be made through the sponsor before the applicant's arrival in Hong Kong.

4. Application after Arrival in Hong Kong

An application for an employment visa may be made after the applicant has arrived in Hong Kong. These applications are known as "change of status applications" because the applicant is applying for a change of status from visitor to employee.

The documentation and information required in connection with the making of a change of status application is the same as that required for an employment visa application except that different Immigration Department forms need to be completed.

With change of status applications, the Immigration Department sometimes requires a satisfactory explanation as to why an employment visa was not applied for before the applicant's arrival in Hong Kong.

It is important to note that a change of status applicant may not work in Hong Kong until an employment visa is obtained.

5. Policies Regarding Employment Visa

Under the existing immigration policy, a person seeking to enter Hong Kong for employment should possess a special skill, knowledge or experience of value to and not readily available in Hong Kong and show that he or she is not filling a post which can be filled locally.

If you wish to obtain more information or assistance, please visit the official website of Kaizen CPA Limited at www.kaizencpa.com or contact us through the following and talk to our professionals:

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