

International Business Committee

**Immigration Arrangements for
Entry for Visit and Employment in Hong Kong**

This paper outlines the immigration arrangements for entry for visit and employment.

Entry for visit

2. Regulation 2(1) of the Immigration Regulations, Chapter 115A, Laws of Hong Kong, stipulates that permission given to a person to land in Hong Kong as a visitor shall be subject to the following conditions of stay –

- (a) he/she shall not take any employment, whether paid or unpaid;
- (b) he/she shall not establish or join in any business; and
- (c) he/she shall not become a student at a school, university or other educational institution.

3. Any person who contravenes a condition of stay in force in respect of him/her shall be guilty of an offence and shall be liable on conviction to a maximum fine of \$50,000 and to imprisonment for two years under section 41 of the Immigration Ordinance, Chapter 115, Laws of Hong Kong.

4. That said, a person permitted to enter Hong Kong as a visitor may generally engage in business-related activities, such as –

- (a) concluding contracts or submitting tenders (during the process of concluding contracts, a visitor may perform business-related activities such as making presentations on products or services, negotiations, and signing contracts, etc);

- (b) examining or supervising the installation/packaging of goods or equipment;
- (c) participating in exhibitions or trade fairs (except selling goods or supplying services direct to the general public (e.g. packing of goods, receiving payment from the general public, etc), or constructing exhibition booths);
- (d) settling compensation or other civil proceedings;
- (e) participating in product orientation; and
- (f) attending short-term seminars or other business meetings.

Entry for employment

5. In general, a person who intends to take up employment in Hong Kong must first apply for a relevant visa / entry permit before coming to Hong Kong, unless he/she has the right of abode or right to land in Hong Kong.

6. People from outside Hong Kong who wish to take up employment in Hong Kong, whether paid or unpaid, must apply for an employment visa / entry permit from the Hong Kong Immigration Department (ImmD). In general, this type of visa / entry permit is issued to professionals who possess special skills, knowledge or experience of value to and not readily available in Hong Kong and whose positions cannot be readily taken up by the local workforce.

7. Whether a person needs to obtain an employment visa to participate in an event before coming to Hong Kong depends on whether the primary purpose of the person's intended visit is to work here, whether paid or unpaid. The activity undertaken by a person is considered an employment if there is indication that an employment relationship has arisen in the circumstances. For instance, if a guest speaker acts according to contract to give a talk in an event, or if he/she is a professional speaker and is invited to give a speech, the speaker needs to obtain an employment visa. In determining whether an employment visa is required, ImmD will examine all the circumstances of each case, including whether the event is commercial in nature, or whether

employment contracts, service contracts, remuneration, etc. are involved. Although whether any payment has been made for the service of the guest speaker concerned is relevant in determining if there exists an employment relationship, absence of payment does not necessarily follow that there is no employment.

8. ImmD takes a pragmatic approach in processing visa / entry permit applications for participation in local events of different nature in accordance with the law, while maintaining close communication and co-ordination with the organisers of the events. ImmD however shall, having regard to the circumstances of the events, provide facilitating measures as appropriate to expedite the processing of applications in order to meet the actual needs of the participants and organisers.

9. In case of doubts, the local organisers are advised to consult ImmD. More information on the immigration arrangements set out above is available on ImmD's website at www.immd.gov.hk. Relevant enquiries can be made by email to enquiry@immd.gov.hk, by ImmD's hotline at 2824 6111 or by fax at 2877 7711.

10. Members are invited to note the content of this paper.

Immigration Department
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