

Immigration Department's response to media enquiries

In response to recent media enquiries on whether the situation concerning the loss of Hong Kong permanent resident status for non-Chinese Hong Kong permanent residents has been updated, the Immigration Department (ImmD) today (March 29) gave the following response:

Since the establishment of the Hong Kong Special Administrative Region (HKSAR) on July 1, 1997, according to paragraph 7 of Schedule 1 to the Immigration Ordinance, an HKSAR permanent resident (HKPR) who is not of Chinese nationality will lose his/her HKPR status 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. In determining whether a person has ceased to be ordinarily a resident in Hong Kong or is only temporarily absent from Hong Kong, the ImmD will take into consideration all circumstances of each case in accordance with section 2(6) of the Immigration Ordinance, which includes the reason, duration and frequency of any absence from Hong Kong; whether he/she has habitual residence in Hong Kong; employment by a Hong Kong-based company; and the whereabouts of the principal members of his/her family (spouse and minor children).

As for an HKPR of Chinese nationality, he/she will still be regarded as a Chinese citizen unless he/she has applied for and is being approved for the renunciation of Chinese nationality/declaration of change of nationality by the ImmD. He/she will not lose his/her HKPR status even if he/she has been absent from Hong Kong for long periods.

The relevant ordinance has been effective since July 1, 1997, with no subsequent changes.