

Chapter:	539	<b>HONG KONG SPECIAL ADMINISTRATIVE REGION PASSPORTS ORDINANCE</b>	Gazette Number	Version Date
----------	-----	--	----------------	--------------

		<b>Long title</b>	127 of 1997	01/07/1997
--	--	-------------------	-------------	------------

An Ordinance to provide for the issue, amendment and cancellation of the Hong Kong Special Administrative Region Passports, and for matters incidental thereto or connected therewith.

[1 July 1997]

(Originally 127 of 1997)

Section:	1	<b>Short title</b>	127 of 1997	01/07/1997
----------	---	--------------------	-------------	------------

- (1) This Ordinance may be cited as the Hong Kong Special Administrative Region Passports Ordinance.
- (2) (Omitted as spent)

Section:	2	<b>Interpretation</b>	127 of 1997	01/07/1997
----------	---	-----------------------	-------------	------------

In this Ordinance, unless the context otherwise requires-  
"applicant" (申請人), in relation to-

- (a) an application under section 3(1), means the person who will be the holder of the passport if the application is granted; and
- (b) an application under section 5(1) or 6, means the holder of the passport;

"Chinese citizen" (中國公民) means a person of Chinese nationality under the Nationality Law of the People's Republic of China, as implemented in the Hong Kong Special Administrative Region in accordance with 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 Hong Kong Special Administrative Region adopted at the 19th meeting of the Standing Committee of the National People's Congress at the 8th National People's Congress on 15 May 1996;

"Director" (處長) means the Director of Immigration;

"holder" (持有人), in relation to a passport, means the person in whose name the passport has been issued;

"passport" (護照) means a Hong Kong Special Administrative Region Passport issued by the Director under section 3;

"permanent resident of the Hong Kong Special Administrative Region" (香港特別行政區永久性居民) means a person who belongs to a class or description of persons specified in Schedule 1 to the Immigration Ordinance (Cap 115).

Section:	3	<b>Issue of passport</b>	127 of 1997	01/07/1997
----------	---	--------------------------	-------------	------------

(1) Subject to this Ordinance, the Director may upon an application for a passport issue a passport to the applicant.

(2) The Director shall not issue a passport to the applicant unless the applicant has satisfied all of the following conditions-

- (a) he is a Chinese citizen;
- (b) he is a permanent resident of the Hong Kong Special Administrative Region; and
- (c) he is a holder of a valid permanent identity card as defined in section 1A of the Registration of Persons Ordinance (Cap 177).

Section:	4	<b>Validity period of passport</b>	127 of 1997	01/07/1997
----------	---	------------------------------------	-------------	------------

(1) Subject to subsection (2) and sections 5(5) and 9, a passport shall be valid-

- (a) for 5 years from the date of issue, where the applicant has not attained 16 years of age at the date of the

- application for the passport; or
- (b) for 10 years from the date of issue, where the applicant has attained 16 years of age at the date of the application for the passport.

(2) The Director may, in any particular case, issue a passport which is valid for a period other than that stated in subsection (1) if he is satisfied that there are exceptional circumstances which render it inappropriate to comply with subsection (1).

Section:	5	<b>Amendment of passport</b>	127 of 1997	01/07/1997
----------	---	------------------------------	-------------	------------

(1) Where the Director is satisfied that any particular or matter recorded in an existing passport does not accurately describe the identity of the holder thereof, he may upon application of the holder amend the passport in such manner as he thinks appropriate.

(2) Without limiting the generality of subsection (1), an amendment of an existing passport includes replacing the holder's photograph in the passport with a more recent photograph of the holder.

(3) If the Director thinks appropriate, he may, instead of amending an existing passport, issue another passport in substitution for the existing passport in order to incorporate the amendment thereto.

(4) If the holder of a passport has not attained 16 years of age at the date of the issue of the passport and the application under subsection (1) only relates to the replacement of the holder's photograph in the passport with a more recent photograph of the holder, section 7(c) shall not apply.

(5) A passport issued under subsection (3) shall expire on the same date on which the passport being substituted would have expired if not so substituted.

Section:	6	<b>Cross link passports</b>	127 of 1997	01/07/1997
----------	---	-----------------------------	-------------	------------

Where the holder of a passport ("previous passport") has been issued with another passport ("replacement passport") under this Ordinance and the previous passport bears a visa which is still in force, the holder may apply for making on both the previous passport and the replacement passport an endorsement to the effect that the previous passport bears a visa which is still in force.

Section:	7	<b>Mode of application</b>	127 of 1997	01/07/1997
----------	---	----------------------------	-------------	------------

An application under section 3(1), 5(1) or 6 shall be-

- (a) made in writing to the Director in such form and manner as the Director may determine;
- (b) accompanied by such information and particulars as the Director may reasonably require; and
- (c) accompanied by the prescribed fee set out in the Schedule.

Section:	8	<b>Application or collection of passports outside Hong Kong</b>	127 of 1997	01/07/1997
----------	---	---	-------------	------------

(1) Where an application under section 3(1), 5(1) or 6 is made outside Hong Kong, the applicant shall, in addition to complying with section 7, submit to all such steps as the Director may reasonably require in relation to the application.

(2) Regardless of whether an application under section 3(1), 5(1) or 6 is made outside Hong Kong, if the applicant wishes to collect his passport at a place outside Hong Kong and the Director considers that it is reasonably practicable to do so, the application shall be accompanied, in addition to the prescribed fee under section 7(c), by an additional fee to cover the necessary expenses for delivering the passport to that place.

(3) The Director shall, with the approval of the Financial Secretary, specify the additional fee under subsection (2) by notice in the Gazette and he may specify different fees for different means of delivering a passport and for different places outside Hong Kong.

(4) For the avoidance of doubt, it is hereby declared that a notice under subsection (3) is not subsidiary legislation.

Section:	9	<b>Cancellation of passport</b>	127 of 1997	01/07/1997
----------	---	---------------------------------	-------------	------------

(1) The Director may cancel a passport and may take possession thereof if-

- (a) the Director is satisfied on reasonable grounds that-
- (i) the holder of the passport ceases to satisfy the conditions mentioned in section 3(2);
  - (ii) the passport or an amendment of the passport has been obtained by means of any false or misleading statement or information or has otherwise been obtained unlawfully; or
  - (iii) any particular or matter recorded in the passport is incorrect and, in the opinion of the Director, it is not appropriate or practicable to correct it by way of an amendment under section 5; or
- (b) the holder of the passport has been issued with another passport under this Ordinance.
- (2) The Director shall not take possession of a passport under subsection (1) if an application under section 6 is granted.

Section:	10	<b>Appeals against decisions of Director</b>	127 of 1997	01/07/1997
----------	----	--	-------------	------------

(1) 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).

(2) The Secretary for Security may by regulation provide for-

- (a) the authority to which or the person to whom an appeal under subsection (1) shall lie, or the establishment of an appeal board for the purpose of hearing and determining any such appeal;
- (b) the powers of the authority, person or appeal board referred to in paragraph (a) in relation to an appeal under subsection (1);
- (c) the procedure as regards the lodging of an appeal under subsection (1);
- (d) the practice and procedure upon the hearing of an appeal under subsection (1); and
- (e) matters ancillary or incidental to those specified under paragraph (a), (b), (c) or (d).

Section:	11	<b>Refund of fees</b>	127 of 1997	01/07/1997
----------	----	-----------------------	-------------	------------

If an application under section 3(1), 5(1) or 6 is refused, the prescribed fee under section 7(c) and the additional fee (if any) under section 8(2) shall be refunded to the applicant.

Section:	12	<b>Amendment of Schedule</b>	127 of 1997	01/07/1997
----------	----	------------------------------	-------------	------------

The Chief Executive in Council may by notice in the Gazette amend the Schedule.

Section:	13	<b>(Omitted as spent)</b>	127 of 1997	01/07/1997
----------	----	---------------------------	-------------	------------

Section:	14	<b>(Omitted as spent)</b>	127 of 1997	01/07/1997
----------	----	---------------------------	-------------	------------

Section:	15	<b>(Omitted as spent)</b>	127 of 1997	01/07/1997
----------	----	---------------------------	-------------	------------

Section:	16	<b>(Omitted as spent)</b>	127 of 1997	01/07/1997
----------	----	---------------------------	-------------	------------

Section:	17	<b>(Omitted as spent)</b>	127 of 1997	01/07/1997
----------	----	---------------------------	-------------	------------

Schedule:		<b>SCHEDULE</b>	L.N. 68 of 2006	19/06/2006
-----------	--	-----------------	-----------------	------------

[sections 7 & 12]

#### PRESCRIBED FEES

Item	Particular	Fee
------	------------	-----

	\$
1. Issuing a passport under section 3(1) (other than to a person under the age of 16 years)-	
(a) for a passport of 32 pages	370
(b) for a passport of 48 pages	460
2. Issuing a passport under section 3(1) to a person under the age of 16 years-	
(a) for a passport of 32 pages	185
(b) for a passport of 48 pages	230
3. Amending an existing passport under section 5(1), for each application	84
4. Making an endorsement under section 6	170
	(Amended L.N. 277 of 2000; L.N. 68 of 2006)