

# Visa requirement for overseas participants in cultural, arts and sports activities in selected places

RT02/18-19  
14 December 2018

## 1. Introduction

1.1 Unlike the practice in many advanced places, **the Government has not devised any flexible and fast-track visa policy for foreigners participating in cultural, art and sports ("CAS") activities in Hong Kong.** Moreover, **there are no specific guidelines on the circumstances under which such overseas participants in CAS activities need simpler visitor visas or more demanding employment visas.** The Immigration Department states that it cannot offer a generalised policy or guideline, reiterating that it considers many factors (e.g. nature of the activities, with or without employment, service contracts and remuneration) on a case-by-case basis. As a result of this ambiguity and given that it may take up to four weeks to process employment visas, some overseas CAS participants may choose to enter into Hong Kong through a visitor visa instead. Yet this gives rise to occasional reports of their violation of stay for taking up employment in Hong Kong.

1.2 At the request of Hon MA Fung-kwok, the Research Office has completed a research task on visa policy for CAS activities in eight selected places which are deemed to be more flexible and quicker in processing. These selected places include Canada, the United States ("US"), the United Kingdom ("UK"), Australia, Japan, Singapore, South Korea and Taiwan. The relevant documents are organized into an information pack folder with key features of visa requirements in these places highlighted below.

## 2. Visa policy for foreigners participating in CSA activities in selected places

2.1 **All of the selected places allow entry of overseas CAS participants with the use of simpler visitor visas,** but with variations in conditions. For four selected places (i.e. the US, Australia, Japan and South Korea), visitor visas apply only when the CAS activities "generate no income". For the other four selected places (i.e. Canada, the UK, Taiwan and Singapore), they also apply to certain paid work under contract. **Moreover, even when employment visas for certain CAS activities are required, six selected places have offered fast-track option, with more flexible requirement and shorter processing time,** including the US, the UK, Australia, Japan, Singapore and South Korea.

2.2 More specifically for **Canada,** foreign artists are allowed to take up "time-limited engagement" up to two weeks without the need of work permit. As long as the engagement does not constitute an employment relationship (e.g. perform regularly in



the same venue), artists can perform in a short series of shows with visitor visa only. Moreover, athletes of foreign-based teams are subject to similar exemptions of work permit. The processing time of visitor visa is about 10 days.

2.3 In the **US**, overseas participants of sports and cultural activities without remuneration can hold either business or tourist visitor visa (B-1/B-2) during the trip. For those with extraordinary ability (O), international recognition (P) or under exchange programmes (Q), they are required to apply for temporary employment visa and submit written consultation from appropriate labour union. The administrative interview appointment and processing of these visas take 5 days in total.

2.4 In the **UK**, overseas amateurs can take part in non-work sports or entertaining activities through visitor visa. Even for experts invited by local organizations, they can also enter the country with visit visa for full-time and engagement in CAS profession up to a month. For longer employment, foreign sportsmen and creative workers should file applications for Sportsperson visa or Creative and Sporting visa. Applicants to both visitor and employment visa usually receive results within 3 weeks.

2.5 In **Australia**, overseas amateurs can undertake CAS activities on unpaid volunteer basis up to three months through visitor visa only, but other temporary CAS activities with remuneration require employment visas. The processing time ranges from 1 day to 5 weeks, depending on the type of visas.

2.6 In **Japan**, overseas CAS participants on visitor visa cannot take up employment and receive remuneration. If it comes with income, they should apply for working visa for artist and entertainer (including athletes) instead. It often takes 5 working days for issue of the working visas.

2.7 In **Singapore**, foreigners can take part in sports events, performances or locational filming without a work pass for 90 days in a calendar year. They can enter the country with a short-term visit pass and notify the Ministry of Manpower before the activity. However, a work permit is required if the sportsman is hired under contract with local organization, or if the performer works at venue with public entertainment licence. Processing of visa application usually completes within a week.

2.8 In **South Korea**, holders of Korean arts and culture visa (D-1) or short-term general visitor visa (C-3-1) can join artistic activities and sport competitions without income. With income, one must apply for working visa for artist/athlete (E-6) or short-term employee (C-4). The processing time of these visas takes 5 working days.

2.9 In **Taiwan**, contracted participants of art and cultural activities can apply for visitor visa (A) and carry out their performance. Unpaid amateurs can take part in CAS activities through sightseeing visitor visa (P). Processing of visitor visas takes about 5 working days.



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