

ARTICLE 9
EQUALITY IN NATIONALITY LAWS

“1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.”

Acquisition and Transmission of Nationality

127. On 1 July 1997, the Chinese Nationality (Miscellaneous Provisions) Ordinance (Cap 540) was enacted to provide for matters relating to the operation in the HKSAR of the Nationality Law of PRC (the “CNL”) and the “Explanations of some questions by the Standing Committee of the National People’s Congress concerning the implementation of the CNL in the HKSAR (the “NPCSC’s Explanations”). Under the CNL and the NPCSC’s Explanations, women and men have equal rights to acquire, renounce or restore nationality. The considerations and criteria for processing nationality applications are the same for women and men. The position has remained unchanged since 1 July 1997 as reported in paragraph 60 of the Initial Report.

Immigration Ordinance

128. The Immigration Ordinance provides for the entitlement to or the acquisition of the right of abode in the HKSAR by Chinese and non-Chinese nationals who satisfy certain conditions, the granting of conditions of stay to temporary residents and the issue of certain documents. Both women and men may acquire the right of abode on the same terms under the Ordinance. A person, whether born in or out of wedlock, may acquire the right of abode by virtue of his / her connection with either parent if he / she satisfies the requisite criteria under the Ordinance.