

IMMIGRATION ORDINANCE

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**RESOLUTION**

(Under section 59A of the Immigration Ordinance (Cap. 115))

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RESOLVED that Schedule 1 to the Immigration Ordinance (Cap. 115) be amended in paragraph 2(a) by repealing everything after "born in Hong" and substituting "Kong before or after the establishment of the Hong Kong Special Administrative Region.".

**Proposed Resolution under the Immigration Ordinance  
at the Legislative Council Meeting on 15 May 2002**

**Speech by Secretary for Security**

Madam President, I move that the resolution to amend Schedule 1 to the Immigration Ordinance be passed.

On 20 July 2001, the Court of Final Appeal decided in the Chong Fung Yuen case that according to Article 24(2)(1) of the Basic Law, a Chinese citizen born in Hong Kong before or after the establishment of the Hong Kong Special Administration Region is a permanent resident, regardless of the residential status of his or her parents.

According to paragraph 2(a) of Schedule 1 to the Ordinance—

- (a) A Chinese citizen born in Hong Kong –
  - (i) before 1 July 1987; or
  - (ii) on or after 1 July 1987 if his father or mother was settled or had the right of abode in Hong Kong at the time of his birth or at any later time

is a permanent resident of the HKSAR.

I submit the proposed resolution to amend paragraph 2(a) of Schedule 1 to the Immigration Ordinance to bring it in line with the Court of Final Appeal's judgment. In actual practice, the Government has been handling all individual cases in accordance with the Court of Final Appeal's ruling.

Madam President, I beg to move.