

立法會
Legislative Council

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seen by the Administration)

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Subcommittee to Study Issues Relating to Mainland-HKSAR Families

**Minutes of the fourth meeting
held on Friday, 17 April 2009, at 3:53 pm
in the Chamber of the Legislative Council Building**

- Members present** : Hon LEE Cheuk-yan (Chairman)
Hon Albert HO Chun-yan
Hon Miriam LAU Kin-ye, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon WONG Kwok-hing, MH
Hon Ronny TONG Ka-wah, SC
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon Cyd HO Sau-lan
Dr Hon LAM Tai-fai, BBS, JP
Hon CHAN Hak-kan
Hon CHEUNG Kwok-che
Hon WONG Sing-chi
Hon WONG Yuk-man
- Members absent** : Hon LEUNG Yiu-chung (Deputy Chairman)
Hon TAM Yiu-chung, GBS, JP
Dr Hon Priscilla LEUNG Mei-fun
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
- Member attending** : Hon LEUNG Kwok-hung

Public Officers attending : Item I

Home Affairs Bureau

Mr Jacky LUM Kwok-keung
Acting Deputy Secretary for Home Affairs (1)

Security Bureau

Mr NGAI Wing-chit
Deputy Secretary for Security 3

Mr Alan LO Ying-ki
Principal Assistant Secretary (Security) C

Clerk in Attendance : Miss Betty MA
Chief Council Secretary (2) 4

Staff in Attendance : Miss Florence WONG
Senior Council Secretary (2) 5

Miss Maggie CHIU
Legislative Assistant (2) 4

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I. Immigration policy relating to Mainland-Hong Kong families
(LC Paper Nos. CB(2)1070/08-09(01) and (05), CB(2)1232/08-09(01) and IN07/08-09)

The Subcommittee deliberated (index of proceedings attached at **Annex I**).

2. The Chairman expressed regret that the Secretary for Security had not acceded to members' request for his attendance of the meeting, neither very senior officials from the Security Bureau (SB) had attended the meeting.

3. With reference to the Administration's paper, members further discussed the immigration policy relating to Mainland-Hong Kong families and made the following suggestions –

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- (a) in the light of the under-utilization of the overall quota under the One Way Permit (OWP) Scheme, the Administration should exchange views with the Mainland authorities on the following –
 - (i) opening a channel for Mainland adult children and Mainland parents of Hong Kong residents under the OWP Scheme;
 - (ii) allocating the unused sub-quota to Mainland single mothers who were not eligible for applying for OWPs due to the fact that their spouses (who were Hong Kong residents) were dead or they were divorced;
 - (iii) lifting the restriction that only one Mainland adult child was allowed to come to Hong Kong to take care of their unsupported aged parent(s);
 - (iv) relaxing the "eligibility points" for OWP applications of separated spouses with young children (e.g. aged below 12) in Hong Kong and Mainland adult children with unsupported aged/frail parents in Hong Kong; and
 - (v) relaxing the "eligibility points" for OWP applications of separated spouses to further shorten the waiting time to less than three years.
- (b) having regard to the special circumstances of cross-boundary families, the Administration was requested to –
 - (i) liaise with the Mainland authorities to consider extending the limits of stay for Mainland mothers on Two Way Permits (TWPs), from three months to six months or to tie in with their children's school term breaks, so as to enable them to take care of their children in Hong Kong; and
 - (ii) consider, within the remit of the HKSAR Government, exercising discretion to allow Mainland residents visiting Hong Kong on the strength of a TWP for family reunion to stay for a longer period of time.

4. Responding to members' views and suggestions, Deputy Secretary for Security 3 (DS(S)3) made the following points –

- (a) SB had on occasions reflected the views of the public for the Mainland authorities to consider a channel for Mainland adult children under the OWP Scheme. In the meantime, Mainland adult

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children could, under the existing mechanism, apply for OWPs for the reasons of taking care of their unsupported aged parents in Hong Kong, or apply for TWPs to visit their relatives in Hong Kong;

- (b) on the suggestion to further shorten the waiting time for separated spouses under the OWP Scheme to facilitate family reunion, it was equally important to uphold effective immigration control, for instance, measures to prevent Mainland residents from entering Hong Kong by means of bogus marriages; and
- (c) SB would study the ideas and its implications on the suggestion of allowing Mainland mothers visiting Hong Kong on the strength of a TWP to stay for a longer period of time to take of their young children in Hong Kong, and exchange views with the Mainland authorities. It hoped to be able to revert to the Subcommittee on progress in three months' time. Nevertheless, it was essential to strike a balance between travel facilitation and effective immigration control in considering the idea to allow TWP holders to stay for a longer period of time.

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5. DS(S)3 added that to facilitate the Administration's consideration of the way forward, it welcomed specific recommendations from the Subcommittee. It would study the suggestions and its implications, and exchanged views with the Mainland authorities as appropriate.

Admin

6. At the request of Mr Albert HO, the Administration agreed to provide after the meeting information, if any, on the number of Mainland residents coming to Hong Kong on the strength of "business" or "study" exit endorsement who had stayed in Hong Kong for a continuous period of not less than seven years and had obtained the status of Hong Kong permanent residents.

(Post-meeting note : Subsequent to the meeting, the Administration has provided the information requested by Mr Albert HO as set out in Annex II.)

II. Any other business

7. Members agreed to further discuss the subject at the next meeting to be held on 29 May 2009, with a view to drawing up specific recommendations for the Administration's consideration and follow-up discussions with the Mainland authorities. Members further agreed that representatives of the Administration would be invited to be in attendance and take note of members' questions and concern.

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8. The Chairman said that the Clerk would prepare a paper summarizing the Subcommittee's deliberations for discussion at the next meeting. To facilitate

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compilation of the paper, the Chairman requested members to provide the Clerk with specific views and recommendations on the subject, if any.

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9. Pointing out that the Subcommittee would consider discussing the support and welfare services for new arrivals from the Mainland at future meetings, Mr Albert HO suggested that the Research and Library Services Division of the Legislative Council Secretariat should be requested to provide an information note on the provision of subsidized public services and welfare assistance for permanent residents and new arrivals. Members agreed.

10. There being no other business, the meeting ended at 5:10 pm.

Council Business Division 2
Legislative Council Secretariat
19 May 2009

**Proceedings of the fourth meeting of the
Subcommittee to Study Issues Relating to Mainland-HKSAR Families
on Friday, 17 April 2009, at 3:53 pm
in the Chamber of the Legislative Council Building**

Time marker	Speaker(s)	Subject(s)	Action required
<i>Agenda item I – Immigration policy relating to Mainland-Hong Kong families</i>			
000000 – 000551	Chairman	Opening remarks The Chairman expressed regret that the Secretary of Security had not acceded to the Subcommittee's request for the attendance of the meeting	
000552 – 000855	Administration Chairman	The Administration's response to questions raised by the Subcommittee at the last meeting The Administration's response that the media reports regarding the grant of residency to 25 abode seekers who were Mainland adult children had been referred to the enforcement agency for any appropriate follow-up action	
000856 – 001653	Mr WONG Kwok-hing Chairman Administration	Suggestion on extending the limits of stay for visitors on Two Way Permits (TWPs) with genuine needs, particularly those Mainland mothers with young children in Hong Kong, from three months to six months or to tie in with the school term breaks, so as to enable Mainland mothers to take care of their children in Hong Kong The Administration's response that it welcomed specific proposals. It would study the recommendations and the implications, and exchange views with the Mainland authorities. It hoped to be able to revert to the Subcommittee on progress in three months' time	Admin to follow up
001654 – 002243	Mr CHEUNG Kwok-che Administration Chairman	Communication mechanism between the HKSAR Government and Mainland authorities on immigration policy issues Request for the Administration to consider, within its remit, exercising discretion to allow Mainland mothers on TWPs to stay for a longer period of time so that they could take care of their children in Hong Kong	
002244 – 002706	Mr Albert HO Administration Chairman	Exercise of discretion in respect of the duration of stay of TWP holders Concerns about the hurdles faced by Mainland residents in re-applying for TWPs with the Mainland authorities if they had overstayed in Hong Kong	
002707 – 003528	Mr Albert HO Chairman Administration	Request for opening a channel for Mainland adult children with aged parents who were Hong Kong residents under the One Way Permit (OWP) Scheme in the light of the under-utilization of the overall quota The Administration's response that the Security Bureau (SB) had on occasions reflected the views of the public for the Mainland authorities to consider a channel for Mainland adult children under the OWP Scheme.	

Time marker	Speaker(s)	Subject(s)	Action required
		Meanwhile, Mainland adult children could apply for OWPs under the "Other categories" for reasons such as taking care of their unsupported aged parents in Hong Kong	
003529 – 004328	Mr WONG Sing-chi Chairman Administration	Suggestion of relaxing the "eligibility points" for OWP applications of the following categories – (a) separated spouses with children aged below 12 in Hong Kong; and (b) Mainland adult children with unsupported aged (over 60)/frail parents in Hong Kong	
004329 – 005448	Mr LEUNG Kwok-hung Chairman Administration	Request for allocating the unused sub-quota under the OWP Scheme to – (a) Mainland single mothers who were not eligible for applying for OWPs since their spouses (who were Hong Kong residents) were dead or they were divorced; and (b) Mainland adult children Clarification that the Capital Investment Entrants Scheme was not applicable to Mainland residents except those who had obtained permanent resident status overseas	
005449 – 010057	Ms Cyd HO Chairman Administration	Request for – (a) lifting the restriction that only one Mainland adult child was allowed to come to Hong Kong to take care of their unsupported aged parent(s); and (b) exercising discretion by SB to allow TWP holders with genuine needs to stay for a longer period of time in Hong Kong The Administration's response that – (a) while it would convey members' views to the Mainland authorities, Mainland adult children could apply for TWPs to visit their relatives in Hong Kong under the existing mechanism; and (b) discretion to allow individuals to stay for a longer period required careful considerations in the light of the need to uphold effective immigration control	

Time marker	Speaker(s)	Subject(s)	Action required
010058 – 010730	Mr CHEUNG Kwok-che Chairman Administration	<p>Information on facilitation measures adopted by different provinces in respect of TWP application</p> <p>Request for fully utilization of the daily quota under the OWP Scheme by refining the "Points System" with a view to further shortening the waiting time for separated spouses to less than three years</p> <p>The Administration's response that while it would exchange views with the Mainland authorities on refining the OWP Scheme to facilitate family reunion, it needed to uphold effective immigration control</p>	
010731 – 011544	Mr Albert HO Administration Chairman	The Administration was requested to provide information on the number of Mainland residents coming to Hong Kong on the strength of "business" or "study" exit endorsement who had stayed in Hong Kong for a continuous period of seven years and had obtained the status of permanent residents	Admin to provide
011545 – 011914	Chairman	Discussion items of the next and future meetings	

Information provided by the Administration in response to the enquiries raised by Mr Ablert HO at the meeting on 17 April 2009

The Immigration (Amendment) Ordinance 2002 came into operation in January 2003. It provides that holders of a specified type of travel document issued by the Central People's Government (i.e. Exit-entry Permit for Travelling to and from Hong Kong and Macao for Official Purposes which bears an endorsement stating that "Holder of this document is a public official of the State directed to work in the Hong Kong/Macao Special Administrative Region") are not to be treated as ordinarily resident in Hong Kong during the period in which they remain in Hong Kong. As such, holders of such type of travel document would no longer be able to acquire the right of abode (RoA) in Hong Kong, irrespective of how long they have stayed in Hong Kong. From 1 July 1997 to the commencement of the said ordinance, about 1 500 holders of such document acquired the RoA.

The Immigration Department does not maintain statistics on the number of Mainland residents who were admitted to take up employment or study in Hong Kong and had subsequently acquired the RoA.