

立法會
Legislative Council

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Subcommittee to Study Issues Relating to Mainland-HKSAR Families

**Minutes of the 12th meeting
held on Monday, 26 April 2010, at 4:30 pm
in the Chamber of the Legislative Council Building**

Members present : Hon LEE Cheuk-yan (Chairman)
Hon LEUNG Yiu-chung (Deputy Chairman)
Hon Albert HO Chun-yan
Hon TAM Yiu-chung, GBS, JP
Hon WONG Kwok-hing, MH
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon Cyd HO Sau-lan
Hon CHAN Hak-kan
Hon CHEUNG Kwok-che
Hon WONG Sing-chi

Members absent : Hon Miriam LAU Kin-yee, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Ronny TONG Ka-wah, SC

Public Officers attending : Item I

Home Affairs Bureau

Ms Grace LUI Kit-yuk
Deputy Secretary for Home Affairs (1)

Security Bureau

Mr Alan LO
Principal Assistant Secretary (Security) C

Immigration Department

Mr CHAN Man-lang
Assistant Director of Immigration (Visa & Policies)

**Deputations
by invitation** : Item I

The Association for Family Reunions

Mr CHEN Jian-wen
President

Community Development Alliance

Mr LEE Tai-shing
Member

Coalition of Population Policy Concerned Group

Miss LEE Wai-yee
Member

爭取居港權家長協會

Mr LIN Tao-cheng
Chairman

關注中港家庭權利聯席

Mr TSANG Koon-wing
Member

Mainland-Hong Kong Families Rights Association

Ms FAN Fei-quan
Member

中港家庭權益會——姊妹網絡

Ms SHANG Wei-ying
Member

Justice and Peace Commission of the Hong Kong Catholic
Diocese

Miss Jackie HUNG
Project Officer

同根同天空

Miss ZHENG Yan-yao
Member

Right of Abode University

Miss YU Siu-ching
Member

New Women Arrivals League

Ms YEUNG Mei
Executive Director

Human Rights Group - Justice and Peace Commission of
the Hong Kong Catholic Diocese

Mr John CHUNG
Convenor

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

Staff in Attendance : Ms Yvonne YU
Senior Council Secretary (2) 5

Miss Maggie CHIU
Legislative Assistant (2) 4

Action

I. Immigration arrangements relating to Mainland-HKSAR families
[LC Paper Nos. CB(2)1325/09-10(01) to (03)]

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

Action

2. The Subcommittee received views from 12 deputations on the immigration arrangements relating to Mainland-HKSAR families. Major views of the deputations are summarised as follows -

- (a) the Administration should actively discuss with the relevant Mainland authorities and make public announcement on the implementation details of the arrangements pertinent to Mainland "overage children" of Hong Kong residents applying for One Way Permit ("OWP") for settlement in Hong Kong and the applicability of the Macao arrangement to Hong Kong, so that the new arrangements could be implemented as early as practicable;
- (b) the Administration should discuss with the Mainland authorities about arrangements relating to OWP application, in particular the suggestion of relaxing the age limit for OWP application of taking care of unsupported chronically ill Hong Kong parents from 60 to 50, and opening a channel for Mainland single mothers with young Hong Kong resident children and whose spouses (who were Hong Kong residents) were either died or divorce, to settle in Hong Kong on compassionate ground;
- (c) the Administration should follow up the proposal of setting up a joint liaison working group comprising representatives from the Mainland authorities and HKSAR Government to review the immigration arrangements and deal with complaints and appeals relating to the issue of OWPs and Two Way Permits ("TWPs");
- (d) the Administration should investigate and follow up the complaints about the attitude and manner of immigration staff towards Mainland women on the strength of TWPs, especially Mainland single mothers, at the immigration control points; and
- (e) the Administration should reflect to the Mainland relevant authorities views on the difficulties faced by Mainland single mothers in the course of application for "one-year multiple" exit endorsement for visiting relatives to take care of their young children in Hong Kong.

3. Principal Assistant Secretary for Security ("PAS(S)) advised that the Central Government had made clear that the arrangements to cater for Mainland "overage children" of Macao residents to settle in Macao Special Administrative Region would also applicable to Hong Kong. His understanding was that not many "overage children" of Macao residents had obtained the OWP though the Mainland authorities had started to receive applications in December 2009.

Action

4. PAS(S) further advised that the OWP Scheme aimed to facilitate the reunion of Mainland residents with their families in Hong Kong in an orderly manner. The Mainland authorities had from time to time refined the system. For instance, in 2003, the upper age limit for OWP applications of accompanying children of separated spouses was relaxed from 14 to 18; the restriction of only one accompanying child was also discarded; etc. In the light of tens of thousands of Mainland "overage children" and their family members might apply for OWPs to settle in Hong Kong under the new arrangement, it was essential to have effective measures to facilitate the reunion of Mainland residents with their families in Hong Kong in an orderly manner.

5. PAS(S) added that Article 22(4) of the Basic Law of HKSAR stipulated that "for entry into HKSAR, people from other parts of China must apply for approval". Mainland residents who wished to settle in Hong Kong must apply for an OWP from the Exit and Entry Administration Offices of the Public Security Bureau in the Mainland. The assessment of applications for and the issue of OWP fell outside the remit of the HKSAR Government. Nevertheless, the HKSAR Government would continue to exchange views with the Mainland authorities and, where appropriate, reflect to the latter the views of various sectors in Hong Kong, including the assessment criteria and the difficulties faced by Mainland single mothers in applying for "one-year multiple" exit endorsement for visiting relatives. It would promptly inform the Subcommittee and make public announcement once there were concrete developments.

6. Assistant Director of Immigration (Visa & Policies) said that immigration officers conducted immigration examinations at control points in accordance with the Immigration Ordinance (Cap. 115) and prevailing policy. Guidelines relevant to the conduct and manner of immigration examination had been issued. The Administration would follow up every substantiated complaint case in accordance with these guidelines.

7. In the light of deputations' views, members expressed concern about the implementation arrangements pertinent to Mainland "overage children" of Hong Kong residents applying for OWP. Apart from expediting the implementation of the new arrangements, Ms Cyd HO took the view that applications should be vetted and approved based on objective criteria, such as separation time and the special circumstances of each case. Ms Cyd HO, Mr Albert HO and Mr LEUNG Yiu-chung were gravely concerned about the difficulties faced by Mainland single mothers in taking care of their Hong Kong resident children. While recognising that the processing and issue of OWPs fell outside the remit of the HKSAR Government, they considered that the departments concerned (such as the Immigration Department and Social Welfare Department) should recommend such cases under the category of special family difficulty to the Mainland authorities for compassionate consideration in processing application for OWP and "one-year multiple" exit endorsement for visiting relatives. These members also

Action

strongly urged the Administration to actively discuss with the Mainland authorities the proposal of opening a channel for Mainland single mothers to settle in Hong Kong who had minor Hong Kong resident children.

8. PAS(S) reiterated that the assessment of application for and the issue of OWP and exit endorsement fell outside the remit of HKSAR Government. In the circumstances, it was not appropriate to set up a joint liaison working group to vet the applications for permit or exit endorsement or to deal with complaints and appeals in this regard. However, the Administration would keep exchanging views with the Mainland authorities and reflect to the latter the views of various sectors in Hong Kong. In processing application for the appropriate exit endorsement, the Mainland authorities would consider the individual circumstances of each case; and refer cases under the category of special family difficulty to the provincial public security bureaux for assessment. To its understanding, various applicants including single parents who had minor Hong Kong resident children had been approved for "one-year multiple" exit endorsement for visiting relatives in Hong Kong.

9. PAS(S) stressed that once there were more concrete developments in respect of the OWP application of Mainland "overage children" of Hong Kong residents, the Administration would promptly inform the Subcommittee and make public announcement. Members agreed to further discuss the matter in June 2010. The Chairman requested the Administration to incorporate its response to the issues of concern raised at the meeting in its paper for the next Subcommittee meeting.

Admin

10. In the light of the concern about the ineligibility of single-parent families with Mainland single mothers and minor Hong Kong resident children in applying for public rental housing, Ms Cyd HO said that the Subcommittee should also request the Housing Authority to provide information on the housing policies and arrangements in this respect.

II. Any other business

11. The Chairman said that members would be informed of the meeting arrangement in due course.

(Post-meeting note: The next meeting would be held on 29 June 2010 to further discuss the immigration arrangements relating to Mainland-HKSAR families.)

Action

12. There being no other business, the meeting ended at 6:40 pm.

Council Business Division 2
Legislative Council Secretariat
10 June 2010

**Proceedings of the 12th meeting of the
Subcommittee to Study Issues Relating to Mainland-HKSAR Families
on Monday, 26 April 2010, at 4:30 pm
in the Chamber of the Legislative Council Building**

Time marker	Speaker(s)	Subject(s)	Action required
<i>Agenda item I – Immigration arrangements relating to Mainland-HKSAR families</i>			
000000 - 000758	Chairman	Opening remarks	
000759 - 001215	Administration	Briefing by the Administration on the progress of discussions between HKSAR Government and the relevant Mainland authorities on the implementation arrangements pertinent to Mainland "overage children" of Hong Kong residents applying for One Way Permit ("OWP") for settlement in Hong Kong, and the application from Mainland residents for "one-year multiple" exit endorsement for visiting relatives with their Two Way Permits ("TWPs") [LC Paper No. CB(2)1325/09-10(01)]	
001216 - 001726	Chairman The Association for Family Reunions	Request for - (a) actively discussing with the relevant Mainland authorities on the implementation arrangements in respect of OWP application of "overage children" so as to facilitate family reunion as early as practicable; and (b) allowing Mainland adult children with chronically ill Hong Kong parents aged 50 or above to apply for OWPs to settle in Hong Kong to take care of their parents	
001727 - 002012	Community Development Alliance	(a) wishing that the Mainland authorities would make known the introduction of the new "one-year multiple" exit endorsement for visiting relatives to the provincial authorities; and (b) concern about the difficulties faced by the Mainland single mothers who were not eligible for OWP application because their spouses (who were Hong Kong residents) were either dead or divorced	
002013 - 002413	Coalition of Population Policy Concerned Group	Presentation of views [LC Paper No. CB(2)1390/09-10(01)] Elaboration on individuals' rights, especially children's rights, on family reunion	
002414 - 002821	爭取居港權家長協會	Concern about the arrangements pertinent to Mainland adult children of Hong Kong residents applying for settlement in Hong Kong and request for special consideration to the right of abode claimants	
002822 - 003241	關注中港家庭權利聯席	Presentation of views [LC Paper No. CB(2)1390/09-10(02)]	

Time marker	Speaker(s)	Subject(s)	Action required
		<p>Request for -</p> <p>(a) making public announcement on the implementation arrangements pertinent to Mainland "overage children" of Hong Kong residents applying for OWP for settlement in Hong Kong;</p> <p>(b) considering introducing a points system for OWP application of "overage children";</p> <p>(c) actively discussing with the relevant Mainland authorities to open a channel for Mainland single mothers to apply for OWPs for settlement in Hong Kong on compassionate ground; and</p> <p>(d) setting up a joint liaison working group comprising representatives from the Mainland authorities and HKSAR Government to review the immigration arrangements and deal with complaints and appeals relating to the issue of OWPs and TWPs</p>	
003242 - 003721	Mainland-Hong Kong Families Rights Association	<p>Presentation of views [LC Paper No. CB(2)1390/09-10(03)]</p> <p>Concern about the difficulties faced by Mainland single mothers who were not eligible for applying for OWPs due to the fact that their spouses (who were Hong Kong residents) were either dead or divorced</p>	
003722 - 004043	中港家庭權益會——姊妹網絡	<p>Presentation of views [LC Paper No. CB(2)1390/09-10(04)]</p> <p>Elaboration on the poor attitude and manner of immigration staff towards Mainland women (who entered Hong Kong on the strength of TWPs to take care of their families) at the immigration control points</p>	
004044 - 004417	Justice and Peace Commission of the Hong Kong Catholic Diocese	<p>Presentation of views [LC Paper No. CB(2)1390/09-10(05)]</p> <p>Concern about the applicability of the Macao arrangements for OWP application of "overage children" to Hong Kong and proposals for improving the arrangements</p> <p>Request for setting up a joint liaison working group to review the immigration arrangements and deal with complaints and appeals relating to the issue of OWPs and TWPs</p>	
004418 - 004847	同根同天空	<p>Presentation of views [LC Paper No. CB(2)1390/09-10(06)]</p> <p>Concern about the difficulties faced by Mainland single mothers in the course of applying for "one-year multiple" exit endorsement for visiting relatives to take care of their young children in Hong Kong as well as applying for OWPs in the event that their spouses (who were Hong Kong residents) were dead or divorced</p>	

Time marker	Speaker(s)	Subject(s)	Action required
004848 - 005107	Right of Abode University	Concern about the slow progress of allowing Mainland adult children of Hong Kong residents to settle in Hong Kong under the OWP Scheme	
005108 - 005424	New Women Arrivals League	Concern about the difficulties faced by Mainland single mothers in the course of applying for "one-year multiple" exit endorsement for visiting relatives to take care of their young children in Hong Kong as well as applying for OWPs in the event that their spouses (who were Hong Kong residents) were dead or divorced	
005425 - 005936	Human Rights Group - Justice and Peace Commission of the Hong Kong Catholic Diocese	<p>Presentation of views [LC Paper No. CB(2)1390/09-10(07)]</p> <p>Proposal to specify the inclusion of Mainland single mothers under the category of special family difficulty in processing applications for "one-year multiple" exit endorsement for visiting relatives</p>	
005937 - 010743	Chairman Administration	<p>The Administration's responses -</p> <ul style="list-style-type: none"> (a) the Central Government had made clear that the arrangements to cater for Mainland "overage children" of Macao residents to settle in Macao would also be applicable to Hong Kong; (b) it's understanding was that not many "overage children" of Macao residents had obtained the OWP though the Mainland authorities had started to receive applications in December 2009; (c) in the light of tens of thousands of Mainland "overage children" and their family members might apply for OWPs to settle in Hong Kong under the new arrangement, it was essential to have effective measures to facilitate the reunion of Mainland residents with their families in Hong Kong in an orderly manner; (d) the Mainland authorities had from time to time refined the OWP Scheme. For instance, in 2003, the upper age limit for OWP application of accompanying children of separated spouses was relaxed from 14 to 18, and the restriction of only one accompanying child was also discarded; and (e) the processing and assessment of applications for the issue of OWP were governed by the respective Mainland authorities, i.e. fell outside the remit of HKSAR Government. Nevertheless, the HKSAR Government would continue to exchange views with the Mainland authorities and, where appropriate, reflect to the latter the views of various sectors in Hong Kong, including the assessment criteria and the difficulties faced by Mainland single mothers in applying for "one-year multiple" exit endorsement for visiting relatives. It would promptly inform the Subcommittee and make public announcement once there were concrete developments 	

Time marker	Speaker(s)	Subject(s)	Action required
010744 - 011549	Mr CHEUNG Kwok-che Administration Chairman	<p>Mr CHEUNG Kwok-che's enquiry on guidelines for immigration staff to deal with arrivals at the immigration control points</p> <p>The Administration's advice that guidelines had been issued in this respect. In addition, information on the complaint channel had been posted at the control points for general information. The Administration would follow up each substantiated complaint case</p> <p>The Chairman's request for the Administration to reflect to the Mainland authorities that the application fees of TWPs in various provinces were different according to some complaints</p>	Admin
011550 - 012334	Chairman Mr WONG Sing-chi Administration	<p>Mr Wong Sing-chi's enquiry on the authority of immigration officers to refuse visitors from entry into Hong Kong and how the visitors were informed of their rights</p> <p>The Administration's responses -</p> <p>(a) under the Immigration Ordinance (Cap. 115), an immigration officer or immigration assistant might examine any person on his/her arrival in Hong Kong and the immigration officer or immigration assistant might give such person permission to land or refuse such permission. A visitor might not land in Hong Kong without the permission of an immigration officer or immigration assistant. A passenger having been refused permission to land would be notified of the decision; and</p> <p>(b) if any person aggrieved by a decision or act of any immigration officer or wished to raise a complaint, he/she might immediately lodge the complaints with the officer's supervisor at the immigration control points or submit a representation in writing. The complaints would be monitored and investigated and the complainant would be notified of the result. The complaint would then be reviewed by a review committee headed a senior officer at directorate level</p>	
012335 - 012949	Mr Albert HO Chairman Administration	<p>Mr Albert HO's view that the Administration should discuss with the Mainland authorities the suggestion of adopting a more relaxed and humanitarian-oriented approach in handling OWP application from Mainland single mothers who had young Hong Kong resident children. To facilitate the Mainland authorities to process such applications, the Administration should refer such cases to the Mainland authorities for special consideration</p> <p>The Administration's reiteration that the assessment of applications for and the issue of OWP fell outside the remit of the HKSAR Government. It had reflected and would reflect such views to the Mainland authorities as appropriate</p>	

Time marker	Speaker(s)	Subject(s)	Action required
012950 - 013647	Mr WONG Kwok-hing Chairman Administration	<p>Mr WONG Kwok-hing's enquiry on the number of visitors from the Mainland on the strength of the "one-year multiple" exit endorsement for visiting relatives</p> <p>The Administration's advice that according to the statistics of the Immigration Department, over 15 000 visitor-arrivals from the Mainland on the strength of the "one-year multiple" exit endorsement for visiting relatives were recorded as at the end of March 2010</p> <p>Mr WONG Kwok-hing's concern about the number of Mainland single mothers failed to obtain the "one-year multiple" exit endorsement for visiting relatives in Hong Kong. His request for the Administration to convey to the Mainland relevant authorities to process such applications on compassionate ground</p> <p>The Administration's advice that in processing such applications, the Mainland authorities would consider individual circumstances of each case; and refer cases under the category of special family difficulty to the provincial public security bureaux for assessment. The Administration would collate the requisite information, if available</p>	Admin
013648 - 014322	Ms Cyd HO Chairman Administration	<p>Ms Cyd HO's view that apart from considering the age factor in processing OWP application of "overage children", due consideration should be given to the individual circumstances of each case. Her opinion on adopting objective criteria in handling such applications, such as separation time and giving more weighting to those applicants with unsupported frail parents in Hong Kong</p> <p>The Administration's advice that the OWP Scheme aimed to facilitate the reunion of Mainland residents with their families in Hong Kong in an orderly manner. The Points System had been introduced to assess and determine the eligibility of applicants and the order in which they might settle in Hong Kong. Except for Certificate of Entitlement holders, the main considerations in examining and approving OWP application included the separation time and the age of the applicants or their Hong Kong relatives. The Administration would continue to discuss the arrangements pertinent to Mainland "overage children" of Hong Kong residents applying for OWP with the Mainland authorities, and reflect members' views to the Mainland authorities as appropriate</p> <p>Ms Cyd HO's concern about the difficulties faced by single-parent families with Mainland single mothers who had young Hong Kong resident children in applying for public rental housing</p>	

Time marker	Speaker(s)	Subject(s)	Action required
014323 - 015236	Mr LEUNG Yiu-chung Administration Chairman	<p>Mr LEUNG Yiu-chung's proposal for the relevant departments (e.g. the Immigration Department and Social Welfare Department) to recommend cases under the category of special family difficulty to the Mainland authorities for compassionate consideration in processing applications for OWP and "one-year multiple" exit endorsement for visiting relatives</p> <p>The Administration's advice that the assessment of applications for and issue of OWP fell outside the remit of the HKSAR Government, it was inappropriate for the HKSARG to make recommendations to the Mainland relevant authorities on the assessment of OWP application. Nevertheless, the Administration had all along reflected the circumstances of individual cases for the attention of the Mainland relevant authorities, and some of such applications had been approved</p>	
015237 - 015607	Chairman Administration Mr CHEUNG Kwok-che	Timing for reverting to the Subcommittee on more concrete developments of OWP application of "overage children" and the Administration's response to the proposal for setting up a joint liaison working group	
015608 - 015828	關注中港家庭權利聯席	Reiteration on the proposal for opening a channel for Mainland single mothers under the OWP Scheme	
015829 - 015923	Justice and Peace Commission of the Hong Kong Catholic Diocese	Enquiry on the details of the implementation arrangements of OWP application of "overage children"	
015924 - 020104	New Women Arrivals League	Request for follow-up of individual cases	
020105 - 020242	Human Rights Group - Justice and Peace Commission of the Hong Kong Catholic Diocese	Request for opening a channel for Mainland spouses of Hong Kong residents who had applied for OWPs but became ineligible due to the passing away of their spouses (who were Hong Kong residents) or divorce, with priority given to Mainland single mothers with children in Hong Kong on compassionate ground	
020243 - 020529	Administration Chairman New Women Arrivals League	The Administration's advice that the assessment of applications for and the issue of OWP, TWP and appropriate exit endorsement to enter Hong Kong to visit relatives were processed by the Mainland authorities in accordance with the laws, policies and regulations of the Mainland, it considered it not appropriate to set up a joint liaison working group comprising representatives of HKSAR Government to vet applications for the relevant permits or exit endorsement or to deal with complaints and appeals in this regard. The Administration would continue to exchange views with the Mainland authorities and reflect to the latter views of various sectors	
020530 - 021017	Chairman Administration	Chairman's view that in assessing whether the "overage children" were under the age of 14 at the time when their parents were issued Hong Kong identity cards, the relevant authorities should consider the date when his/her father or mother obtained Hong Kong resident status, whichever was earlier and irrespective of whether the father or mother concerned had passed away	

Time marker	Speaker(s)	Subject(s)	Action required
021018 - 021223	Chairman Ms Cyd HO	Date and discussion item for future meetings Ms Cyd HO's suggestion of obtaining further information from the Housing Authority on the housing policies and arrangements for Mainland single mothers with minor Hong Kong resident children	

Council Business Division 2
Legislative Council Secretariat
10 June 2010