

For Information

**Legislative Council House Committee
Subcommittee to Study Issues Relating to Mainland-HKSAR Families**

**Applications of Mainland “Overage Children”
of Hong Kong Residents under One Way Permit Scheme**

The note informs Members of the arrangements for Mainland “overage children” of Hong Kong residents to enter Hong Kong for reunion with their natural parents through One Way Permit (OWP) applications.

OWP Scheme

2. Article 22(4) of the Basic Law of the HKSAR stipulates that “for entry into the Hong Kong Special Administrative Region, people from other parts of China must apply for approval. Among them, the number of persons who enter the Region for the purpose of settlement shall be determined by the competent authorities of the Central People’s Government after consulting the government of the Region.” Hence, Mainland residents who wish to settle in Hong Kong must apply for OWP from the Exit and Entry Administration Offices of the Public Security Bureau in the Mainland. The application, approval and issue of OWP fall within the remit of the relevant Mainland authorities.

OWP Application of “Overage Children”

3. Before 1 November 2001, under the rules of the Mainland authorities, eligible Mainland children of Hong Kong residents aged below 14 may apply for OWP to come to Hong Kong for settlement. However, approval would not be granted to those who attained the age of 14 while awaiting approval by the Mainland authorities. The term “overage children” refers to those persons who (a) were below the age of 14 when their natural fathers or mothers, before 1 November 2001, obtained their Hong Kong identity card; and (b) turned 14 while awaiting approval and hence loss their approval status.

4. Since 1 November 2001, the Mainland authorities have been considering the age of the applicants at the time they submit applications,

and subsequent change in age would not affect the outcome of the applications. Hence, there are no such “overage children” since then.

5. The Central Government announced in late 2009 that starting from December of the same year, a new policy measure would be implemented to process applications of Mainland “overage children” of Macao residents for settlement in the Macao Special Administrative Region. The Central Government also made it clear that the new policy would largely apply to Hong Kong, but the implementation date would be promulgated separately.

6. Following active discussions with the HKSAR Government, the Central Government agreed that with effect from 1 April 2011, Mainland “overage children” of Hong Kong residents may apply for OWP to come to Hong Kong for reunion with their natural parents.

7. The application, approval and issue of OWP applicable to “overage children” largely follow those of OWP applications. Starting from 1 April 2011, eligible applicants may submit OWP applications by phases at the Exit and Entry Administration Offices of the Public Security Bureau at the county or above level of their household registration. The Mainland authorities decided that the phased submission of applications by “overage children” should follow the order of when their natural father or mother obtained their Hong Kong identity cards. Accordingly, the first batch of applicants will be the “overage children” of parents who obtained their Hong Kong identity cards before 1980, i.e. on or before 31 December 1979. The Mainland authorities will promulgate separately the detailed arrangements prior to the application commencement date.

8. The exact number of eligible “overage children” applicants dispersed throughout the Mainland is not available, but it is estimated that the number should be around tens of thousands. The HKSAR Government and the Mainland authorities have been actively discussing the implementation details, with the objective of working out a sound and fair arrangement to facilitate the orderly and early entry of eligible applicants for family reunion based on objective and transparent criteria. We believe that proper utilisation of accumulated unused OWP quotas (around 80 000 quotas over the past 10 years) will help effectively address the needs of “overage children”. Our consensus with the Mainland authorities is that the new policy should not affect the waiting time of other categories of OWP applicants, such that separated spouses and their accompanying children, etc. would continue to apply to come to Hong Kong under the current arrangements.

9. The HKSAR Government is mindful of the wishes of the “overage children” and their Hong Kong parents to see the early commencement of

the OWP application procedure. While we are not in a position to pre-empt the Mainland authorities to commit to any detailed application arrangements or timetable, etc., we are confident that the Mainland authorities will promulgate the details shortly. Eligible “overage children” will then be able to put up OWP applications to come to Hong Kong, in accordance with the requirements stipulated by the Mainland authorities.

10. Meanwhile, the Immigration Department will continue to reflect to the Mainland authorities the exceptional circumstances of individual cases, such as OWP applicant whose Hong Kong spouse is deceased and has young children, for their active consideration.

Security Bureau
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