

**Consolidated Reply of the HKSAR Government to
the Questions raised by the Legislative Council House Committee
Subcommittee to Study Issues Relating to Mainland-HKSAR Families**

1. The implementation of the One Way Permit (OWP) and Two Way Permit (TWP) Schemes fall under the purview of the Central Government. Article 22(4) of the Basic Law 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.”
2. The OWP Scheme aims to facilitate the reunion of Mainland residents with their families in Hong Kong in an orderly manner. Since reunification, more than 570 000 Mainland residents have entered Hong Kong on strength of the OWP. The Mainland authorities have from time to time adjusted and enhanced the Scheme to allow more Mainland residents to come to Hong Kong for family reunion and shorten the waiting time. For example, the waiting time for “separated spouses” was shortened from six to seven years¹ prior to 2005 to four years currently. Please refer to the paper submitted by the Security Bureau to the “Legislative Council Subcommittee to Study Issues Relating to Mainland-HKSAR Families” (LegCo Subcom) in March for details of other enhancements.
3. The HKSAR Government notes the views expressed by Legislative Council members and stakeholders, particularly the wish to further adjust the OWP Scheme to facilitate family reunion, such as to further shorten the waiting time for separated spouses and to open a channel for Mainland adult children of Hong Kong residents to come to Hong Kong under the Scheme.
4. The HKSAR Government has on occasions reflected the views of the public for the Mainland authorities to consider a channel for Mainland adult children under the OWP Scheme. For example, the S for S has exchanged views on the matter with Mainland officials during his visits to Beijing in 2007 and 2008. The HKSAR Government will continue to take this up with the Mainland authorities.

¹ Spouses living in the Guangdong Province

5. On the idea to allow Mainland residents visiting Hong Kong on the strength of a TWP with “visiting relatives” exit endorsement to stay for a longer period of time, it is essential to strike a balance between travel facilitation and effective immigration control. Currently, the abuse situation of this category of Mainland visitors is more serious than those coming to Hong Kong on strength of other types of exit endorsement². Nonetheless, we will study the idea and its implications, and exchange views with the Mainland authorities. The Exit and Entry Administration Offices of some provinces now offer facilitation to applicants applying for visiting Hong Kong. Those applying for the same type of exit endorsement may now authorise another person to apply on their behalf; and they may also opt to collect the TWP by means of speed post. With these facilitations, applicants do not have to return to their place of household registration to apply in person. The HKSAR Government will conduct further study, with a view to exploring the further facilitations which can be provided to those with genuine difficulties, having regard to the facilitations currently in place and the need to uphold effective immigration control.
6. The Government acknowledges the need to seek to review or adjust the OWP/TWP Schemes in accordance with changes in social environment. The Government will take account of the comments of the LegCo Subcom in our follow-up discussions with the Mainland authorities, on the basis that the OWP/TWP Schemes are provided for and operate under the jurisdiction of the Central Government.
7. The assessment of applications for and the issue of OWPs are processed by the Mainland authorities in accordance with the laws and policies of the Mainland. Notwithstanding this, the HKSAR Government from time to time receives requests for assistance from the public to relay their requests to the Mainland authorities, such as to expedite their applications or those of their relatives; or to exercise discretion in handling the applications. The Immigration Department will reflect the exceptional circumstances of individual cases to the Mainland Exit & Entry authorities.

Security Bureau
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² In 2008, for every 100 000 Mainland visitors coming to Hong Kong on strength of “visiting relatives” endorsement, 106 persons were arrested for illegal employment, breach of conditions of stay by engaging in immoral activities and overstaying. In the same year, for every 100 000 Mainland visitors coming to Hong Kong on strength of “business” exit endorsement, only 9 persons were arrested for the same reasons.