

For Information
22 April 2010

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

Immigration Arrangements relating to Mainland-HKSAR Families

Introduction

This paper informs Members of the progress of discussions between the Hong Kong Special Administrative Region (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. It also briefs Members on the application of Mainland residents for “one-year multiple” exit endorsement for visiting relatives with their Two Way Permits (TWP).

OWP Application of “Overage Children”

2. Article 22(4) of the Basic Law of HKSAR stipulates that “for entry into the Hong Kong Special Administrative Region, people from other parts of China must apply for approval”. Mainland residents who wish to settle in Hong Kong must apply for a 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 fall outside the remit of the HKSAR Government. However, the HKSAR Government keeps exchanging views with the Mainland authorities and reflects to the latter the views of various sectors in Hong Kong.

3. The HKSAR Government and the relevant Mainland authorities are actively discussing the implementation arrangements pertinent to Mainland “overage children” of Hong Kong residents applying for OWP. The Central Government has already made clear to the HKSAR Government that the arrangements to cater for Mainland “overage children” of Macao residents to settle in the Macao Special Administrative Region will also be applicable to Hong Kong. Under such arrangements, “overage children” eligible for settlement in Hong Kong will be those Mainland persons who were under the age of 14 at the time when their blood fathers or mothers obtained Hong Kong resident status (i.e. the date they were issued with their first Hong Kong identity card) before 1 November 2001.

4. So far, the HKSAR Government and the relevant Mainland authorities have held a number of meetings regarding the implementation arrangements and exchanged views on certain principles, including no deadline for application; vetting applications in an order of priority based on objective criteria (such as the date father or mother issued with his/her Hong Kong identity card); etc. We will continue to closely discuss with the Mainland authorities with a view to finalising the relevant arrangements and announcing the implementation timeframe as soon as possible.

“One-Year Multiple” Exit Endorsement for Visiting Relatives

5. Apart from coming to Hong Kong for settlement on the strength of OWP, Mainland residents can apply for Exit-Entry Permit (commonly known as TWP) and appropriate exit endorsement to enter Hong Kong to visit relatives or for sightseeing. Their limits of stay in Hong Kong depend on the types of exit endorsement they hold.

6. The assessment of applications for and the issue of TWP and exit endorsement fall outside the remit of the HKSAR Government as well. Nonetheless, in light of the views that greater convenience should be provided to those Mainland residents who need to come to Hong Kong to take care of their young children on a longer-term basis, we had exchanges of views with the Mainland authorities last year to explore the feasibility of suitably adjusting the arrangements under the TWP Scheme to extend the validity of the “visiting relatives” exit endorsement.

7. On 25 December 2009, the Mainland authorities introduced a new measure to issue “one-year multiple” exit endorsement for visiting relatives to eligible Mainland residents. Mainland residents of the category of separated spouses who have minor children with their Hong Kong spouses; and those of other circumstances of special family difficulty may apply for that type of exit endorsement from the Mainland authorities. Holders of the endorsement can make multiple visits to Hong Kong of up to 90 days each within the one-year validity period.

8. In processing such applications, the Mainland authorities will 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. So far, various applicants including single parents who have minor Hong Kong resident children have been approved for that endorsement. The HKSAR Government noted the views expressed by Legislative Council members and some stakeholders, wishing that the Mainland authorities could adopt a more relaxed approach in handling relevant applications. We have also reflected such views to the Mainland authorities.

9. According to the statistics of the Immigration Department, over 15 000 visitor-arrivals from the Mainland on the strength of that endorsement were recorded as at end March 2010. Apart from the “one-year multiple” type, Mainland residents can also continue to apply for the existing “three-month multiple” or “three-month single” exit endorsement for visiting relatives in Hong Kong. Holders of the former may stay in Hong Kong and make multiple trips between Hong Kong and the Mainland within 90 days from the date of their first landing, whilst those of the latter may enter Hong Kong for a stay of up to 14 days within the three-month validity period.

Conclusion

10. We will continue to exchange views and further discuss the arrangements pertinent to Mainland “overage children” of Hong Kong residents applying for OWP with the Mainland authorities. Once there are more concrete developments, we will promptly inform the Subcommittee and make public announcement. We are pleased to continue to listen to the views of Members and deputations in the meeting.

Security Bureau
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