

For Information

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

Immigration Arrangements relating to Mainland-HKSAR Families

At the Subcommittee meeting on 26 April 2010, we undertook to continue to discuss with the Mainland authorities the arrangements pertinent to Mainland “overage children” of Hong Kong residents applying for One Way Permit (OWP) for settlement in Hong Kong, and to keep the Subcommittee informed of any more concrete developments. Currently, we are still in active discussion with the Mainland authorities. Once further developments are available, we will promptly inform the Subcommittee and make public announcement.

2. On the Subcommittee’s request, we now provide a response to the two suggestions raised by Members and deputations at the last meeting.

3. Some Members suggested the setting up of a “joint liaison working group” for the two sides to review the OWP and Two Way Permit (TWP) arrangements. We would like to stress again that 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”. The application and approval of OWP, TWP and exit endorsement fall squarely within the remit of the relevant Mainland authorities. On this basis, the HKSAR Government will continue to actively exchange views with the relevant Mainland authorities through the existing channels. Where necessary, the HKSAR Government will communicate and follow up with the Mainland authorities on individual cases. The setting up of a joint liaison working group outside the current framework to review or handle individual cases or the assessment of applications is considered not feasible.

4. Regarding another subject of discussion on whether to allow Mainland residents who do not meet the eligibility criteria for “reunion with spouses” but have young children in Hong Kong to apply for OWP. As we explained to the Subcommittee earlier, this suggestion involves various considerations and must be handled very carefully. For example, the suggestion may have negative impacts on the waiting time of those currently eligible for the application of OWP. Moreover, just in the past year, nearly 30 000 children whose both parents are Mainland parents have obtained the Hong Kong permanent residents status upon birth in Hong Kong. Past statistics also showed a rising trend in this regard.

5. While continuing to discuss with the relevant Mainland authorities the arrangements pertinent to Mainland “overage children” of Hong Kong residents applying for OWP, the Immigration Department will reflect to the Mainland immigration authorities the exceptional circumstances of individual cases, such as OWP applicant whose Hong Kong spouse is deceased and has young children, along with the relevant case details and background information for their active consideration.

Security Bureau
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