

For Information

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

**Arrangements Pertinent to Mainland “Overage Children”
of Hong Kong Residents Applying for One Way Permit**

In response to the Subcommittee’s request, this paper sets out the background of the daily quota of One Way Permit (OWP) and the latest statistics on the relevant number of new arrivals, and briefs Members on the progress of discussions between the Hong Kong Special Administrative Region (HKSAR) Government and the relevant Mainland authorities on the implementation arrangements pertaining to Mainland “overage children” of Hong Kong residents applying for OWP for settlement in Hong Kong.

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 a 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.

3. The daily quota of OWP used to be 75 in 1982, which was increased to 105 in 1993 and further to 150 in 1995. The purpose of such increase was mainly to enable eligible spouses and children of Hong Kong residents in the Mainland to enter Hong Kong for family reunion in an orderly manner. The allocation of daily quota and the number of new arrivals of OWP holders over the past 10 years are shown at Annex.

OWP Application of “Overage Children”

4. The Central Government announced in late 2009 to implement a new policy measure with effect from December last year to process applications of Mainland “overage children” of Macao residents for

settlement in the Macao Special Administrative Region. At the same time, the Central Government made it clear that the new policy would largely apply to Hong Kong, but the implementation date would be separately promulgated. Under such arrangements, “overage children” eligible to apply for settlement in Hong Kong would 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 before 1 November 2001.

5. The exact number of Mainland “overage children” of Hong Kong residents covered by the policy is uncertain, but it is estimated that the number should be around tens of thousands. The HKSAR Government and the relevant Mainland authorities have been actively discussing the arrangements for eligible persons to apply for OWP, including studying carefully the implementation details, with a view to optimising the utilisation of the unused OWP quota and formulating a sound and fair plan to facilitate the orderly entry of eligible applicants in an objective and transparent manner.

6. The HKSAR Government is mindful of the wishes of related concerned groups and stakeholders, particularly the Mainland “overage children” and their Hong Kong parents, that the OWP application procedure should commence as soon as possible. Although we are not in a position to pre-empt the Mainland authorities to commit to any detailed application arrangements or timetable, we believe that the discussions on the relevant arrangements are already at the final stage. Subject to the Mainland authorities’ confirmation of the concrete details, eligible Mainland “overage children” of Hong Kong residents could start applying for OWP for settlement in Hong Kong in accordance with the arrangements to be promulgated by the Mainland public security authorities.

7. Meanwhile, the Immigration Department will continue to reflect to the relevant 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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Annex

Number of New Arrivals of OWP Holders *

Categories	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010 (Jan-Sep)	
Certificates of Entitlement Holders (60 places per day)	26 275 (72)	29 296 (80)	16 731 (46)	13 350 (37)	10 314 (28)	7 062 (19)	5 325 (15)	4 487 (12)	4 490 (12)	5 025 (14)	3 799 (14)	
Spouses separated for 10 years or above and their accompanying children (30 places per day)	Spouses	13 093 (36)	3 129 (9)	2 846 (8)	4 149 (11)	2 909 (8)	1 497 (4)	684 (2)	582 (2)	731 (2)	589 (2)	368 (1)
	Children	371 (1)	200 (1)	264 (1)	818 (2)	773 (2)	489 (1)	261 (1)	241 (1)	310 (1)	240 (1)	155 (1)
Other Categories (60 places per day)												
(a) Spouses separated for less than 10 years and their accompanying children	Spouses	12 349 (34)	14 914 (41)	17 420 (48)	25 507 (70)	17 486 (48)	31 487 (86)	27 739 (76)	17 541 (48)	22 571 (62)	30 548 (84)	20 237 (74)
	Children	443 (1)	931 (3)	1 426 (4)	2 757 (8)	1 723 (5)	9 864 (27)	15 260 (42)	6 387 (17)	8 413 (23)	8 044 (22)	5 472 (20)
(b) Others ^	4 999 (14)	5 185 (14)	6 547 (18)	6 926 (19)	4 867 (13)	4 707 (13)	4 901 (13)	4 627 (13)	5 095 (14)	4 141 (11)	2 995 (11)	
Total of the Year	57 530 (157)	53 655 (147)	45 234 (124)	53 507 (147)	38 072 (104)	55 106 (151)	54 170 (148)	33 865 (93)	41 610 (114)	48 587 (133)	33 026 (121)	

Remark :

* The above statistics were compiled from the information collected by the Immigration Department from all OWP holders when they first entered Hong Kong via the Lo Wu Control Point.

() Average figure per day; less than one is counted as one.

^ Including unsupported children who need to join their relatives in Hong Kong, persons coming to Hong Kong to take care of their unsupported aged parents, and unsupported elderly people coming to join their relatives in Hong Kong.