

香港特別行政區政府
保安局



The Government of the
Hong Kong Special Administrative Region
Security Bureau

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By Email

Miss Betty MA
Clerk to the Legislative Council Panel on Security
Legislative Council Complex,
1 Legislative Council Road,
Central, Hong Kong

26 April 2019

Dear Miss MA,

**Legislative Council Panel on Security
Follow-up to meeting on 2 April 2019**

Thank you for your letter of 3 April 2019, enclosing Hon Claudia MO's letter of 27 March 2019 to the Chairman of the Legislative Council Panel on Security. We are requested to provide a written response to the letter from the Hon MO. Our reply is as follows –

It is stipulated in Article 22(4) of the Basic Law that “For entry into the Hong Kong Special Administrative Region (HKSAR), 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.” The provisions of this Article, in accordance with the interpretation by the Standing Committee of the National People's Congress in 1999, mean that Mainland residents “who wish to enter the HKSAR for whatever reason, must apply to the relevant authorities of their residential districts for approval in accordance with the relevant national laws and administrative regulations, and must hold valid documents issued by the relevant authorities before they can enter the HKSAR.” Mainland residents who wish to settle in Hong Kong for family reunion must apply for One-way Permits (OWPs) (i.e. Permits for Proceeding to Hong Kong and Macao)

from the exit and entry administration offices of the public security authority at the places of their household registration on the Mainland.

The OWP scheme allows Mainland residents to come to Hong Kong for family reunion in an orderly manner through approval by the Mainland authorities in accordance with the laws and regulations of the Mainland. Cross-boundary marriages currently make up about one-third of locally registered marriages, and there is no sign of decline in trend in the long run. At present, the Mainland spouses are required to wait for at least four years before becoming eligible to come to settle in Hong Kong. As such, there is a continued need for the OWP scheme to allow separated spouses and their children born in the Mainland to come to Hong Kong for family reunion.

OWPs are documents issued by relevant authorities in the Mainland. The application, approval and issuance of OWPs fall within the remit of the Mainland authorities. The Mainland authorities have since May 1997 implemented a point-based system with the eligibility points published on the Internet, setting out open and transparent criteria for the OWP scheme to objectively assess the eligibility and priority of applicants. The public security authorities of some provinces and municipalities publish the names of OWP applicants under certain categories whose approval procedures are completed, and allow applicants to check the status of their applications online. Mainland residents who meet the eligibility criteria laid down by the Mainland authorities may apply to come to settle in Hong Kong. Those criteria are related to the age of the applicants or period of separation. They are objective and transparent, and connected with the purpose of family reunion.

In the processing of OWP applications by the Mainland authorities, the Immigration Department (ImmD) facilitates at case level, including rendering assistance in verifying the supporting documents submitted by the applicants and their claimed relationship with relatives in Hong Kong (e.g. husband and wife, parent and child) when necessary. If a case is found to be suspicious or when factual discrepancies are identified, ImmD will inform the Mainland authorities and will request the applicant to provide further documentary proofs. ImmD will also help the

Mainland authorities investigate the cases involving obtaining OWPs by illegal means.

At present, ImmD has a mechanism for handling cases of obtaining OWPs by fraudulent means. ImmD will also initiate investigation into doubtful cases, and collect evidence from various sources and through different channels. The relevant persons will be prosecuted when there is sufficient evidence. Once a case is substantiated, ImmD can declare the invalidation of a person's Hong Kong Identity Card, regardless of whether that person is a holder of Hong Kong Permanent Identity Card. In addition, regardless of his/her years of residence in Hong Kong, ImmD has the authority to remove him/her from Hong Kong.

In view of the stipulations under the Basic Law as well as the facts and the analyses above, we have no intention to change the existing operation of the OWP scheme.

The accusations against the OWP scheme as quoted in Hon Claudia MO's letter are not supported by facts. It is not only unfair to the entire scheme and to the persons who have come to Hong Kong for family reunion in accordance with the laws and regulations, but it also fails to reflect the fact that OWPs are for the purpose of family reunion. We hope the above reply will set the record straight.

We should be grateful if you could relay the above reply to Members.

Yours sincerely,



(Winnie Chui)
for Secretary for Security

c.c. Director of Immigration (Attn: Mr Au Ka-wang)

Internal

Principal Assistant Secretary for Security E