

For Information

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

Introduction

Article 22(4) of the Basic Law of the Hong Kong Special Administrative Region (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 One Way Permit (OWP) from the Exit and Entry Administration Offices of the Public Security Bureau in the Mainland. Depending on individual circumstances, Mainland residents may also apply for an Exit-Entry Permit [commonly known as “Two Way Permit” (TWP)] and an appropriate exit endorsement to come to Hong Kong to visit relatives or for sightseeing.

2. The vetting of applications for and the issue of OWP, TWP and exit endorsements are processed by the Mainland authorities in accordance with the laws, policies and regulations of the Mainland. They fall outside the remit of the HKSAR Government. Nonetheless, the HKSAR Government from time to time exchanges views with the Mainland authorities and reflects to the latter the wishes of various sectors in Hong Kong.

Preliminary Responses to Suggestions of the Subcommittee

3. We have undertaken to reflect the suggestions of the Subcommittee to the Mainland authorities and revert to the Subcommittee on progress. As our exchanges with the Mainland authorities are on-going, we are not in a position to provide conclusive response to the suggestions of the Subcommittee at this juncture. The HKSAR Government's preliminary responses are set out below.

4. The HKSAR Government has time and again reflected to the Mainland authorities calls for the opening a channel for adult children to reunite with their parents in Hong Kong. The Central Government has announced that a new policy initiative will be implemented to cater for Mainland adult children of Macao residents to settle in the Macao Special Administrative Region (MSAR). Notwithstanding that the circumstances of the HKSAR and MSAR are different, the Central Government has indicated to the HKSAR Government that the policy, in general, will be applicable to Hong Kong. We welcome this and believe that the arrangements pertaining to Mainland adult children of Hong Kong residents applying for settlement in Hong Kong will be relaxed. We are actively discussing with the Mainland authorities on the arrangements. We look forward to finalising the details and implementing the arrangements as soon as possible.

5. In respect of the OWP waiting time for separated spouses, the Mainland authorities have relaxed the relevant "eligibility points" in recent years. As from January 2009, the waiting time for separated spouses has been significantly shortened from five years to four years. There is hence marked improvement in waiting time. Only a very small number of cases now involve spouses who have separated for 10 years or more, and it is

believed that most of these persons have not submitted their applications earlier and have postponed their entry into Hong Kong because of personal reasons.

6. In 2008, more than 25 000 babies, who were born to non-Hong Kong permanent resident parents (great majority of them were Mainland residents), became Hong Kong permanent residents upon birth in Hong Kong. There has been an upward trend in the first half of 2009. We need to give more thoughts to some immediate issues if we were to open a channel for Mainland parents of Hong Kong residents (including children born to Mainland parents in Hong Kong) under the OWP Scheme. These include whether this would induce more Mainland pregnant women to enter Hong Kong through various channels for delivery and whether the HKSAR can cope with this; whether this would have any effects on the waiting time of other eligible OWP applicants, etc. Furthermore, this suggestion may have profound long-term effects on many fronts to the society and require thorough deliberations.

7. We are also exchanging views with the Mainland authorities on suitably adjusting the arrangements under the TWP Scheme, such as extending the validity of the “visiting relatives” exit endorsements to provide greater convenience to Mainland residents, with priority to those who need to come to Hong Kong to take care of their young children on a longer-term basis. Regarding the policy and arrangements relating to the applications for Mainland household registration by Hong Kong residents (including children born to Mainland residents in Hong Kong), the Mainland authorities have indicated that they will consider such applications on individual merits.

Conclusion

8. Regarding the Subcommittee's above and other suggestions, we will revert to the Subcommittee and make public announcement on the details as soon as there are more concrete developments and after our further exchanges with the Mainland authorities.

**Security Bureau
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