

For information on  
7 February 2014

## **Panel on Security of the Legislative Council**

### **Immigration arrangements for entry of Mainland residents for family reunion**

#### **Introduction**

Article 22 of the Basic Law stipulates that, for entry into the Hong Kong Special Administrative Region (HKSAR), people from other parts of China must apply for approval. 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 Hong Kong 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. This paper informs Members of the immigration arrangements for entry of Mainland residents for family reunion.

#### **One-way Permits**

2. Mainland residents who wish to settle in Hong Kong for family reunion must apply for One-way Permits (OWPs) from the Exit and Entry Administration Offices of the Public Security Bureau of the Mainland at the places of their household registration. The OWP scheme allows Mainland residents to come to Hong Kong for family reunion in an orderly manner, and is not for the admission of overseas talents. The daily quota of OWP used to be 75 in 1982, which was increased to 105 in 1993 and further to 150 in 1995.

3. According to the laws and regulations of the Mainland, Mainland authorities announced that Mainland residents under one of the following situations may apply for OWP to settle in Hong Kong:

- (1) His/her spouse is settled in Hong Kong; may bring along children aged under 18.
- (2) He/she is aged above 18 and under 60 and needs to come to Hong Kong to take care of his/her parents settled in Hong Kong both of whom are aged above 60 and have no children in Hong Kong.
- (3) He/she is aged above 60 and has no children in the Mainland, and has to depend on his/her children aged above 18 settled in Hong Kong.
- (4) He/she is aged under 18 and has to depend on his/her parents settled in Hong Kong.
- (5) He/she is a child of a Hong Kong permanent resident and holds a Certificate of Entitlement.

4. Since May 1997, the Mainland authorities implemented a point-based system, setting out open and transparent approval criteria. The Mainland authorities assess the eligibility and priority of applicants with reference to these criteria, update annually the “eligibility points” required for approval of the OWP application and announce the updates through media and the Internet. Authorities of some provinces and cities publish the names of applicants under certain categories whose approval procedures are completed, and allow applicants to check the status of their applications online. According to the survey on new arrivals on the strength of OWP conducted by the Immigration Department (ImmD) at Lo Wu boundary control point, among those who enter for settlement through the OWP Scheme in the past years, about half (49.1%) reunited with their spouses and half reunited with their parents (49.0%), while a small number reunited with their children or were unsupported children coming to Hong Kong to join their relatives (1.9%).

5. 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 HKSAR Government facilitates at case level, including issuing Certificates of Entitlement to children of Hong Kong permanent residents, and when necessary, rendering assistance in verifying the supporting documents submitted by applicants and their claimed relationship with relatives in Hong Kong (e.g. husband-wife or

parent-child relationship). Furthermore, persons whose applications are found to be fraudulent by the HKSAR Government shall have their residence status invalidated and shall be removed, regardless of their years of residence in Hong Kong.

6. There are views that the quota for OWPs is in excess, while some advocate family reunion, demanding early settlement of Mainland family members of Hong Kong residents in Hong Kong. Setting a quota will allow family members of Hong Kong residents residing in the Mainland to settle in Hong Kong in an orderly manner. In addition, it ensures that complementary measures including healthcare, housing, welfare, education, etc., can aptly meet their needs for settlement in Hong Kong.

### **Adjusting and Refining the System**

7. The HKSAR Government always attaches great importance to the views of various sectors of the society concerning Mainland residents settling in Hong Kong, and exchanges views with the Mainland authorities on the approval of OWPs. Having considered suggestions from the HKSAR Government and various sectors of the society, the Mainland authorities have adjusted and refined the OWP Scheme from time to time. For example:

- Since 2001, the unused places under the sub-quota for long-separated spouses have been allocated to spouses separated for a shorter period and their accompanying children. With effect from October of the same year, Mainland children adopted by Hong Kong residents can apply for OWP; and the age limit for OWP applications of unsupported children was relaxed from 14 to 18;
- Since 2003, the age limit for OWP applications of accompanying children of separated spouses was relaxed from 14 to 18. The restriction that only one accompanying child was allowed was also removed;
- Before 2005, separated spouses in Guangdong had to meet a higher level of “eligibility points”. Generally, their waiting time was six and a half years or more vis-à-vis around five years for those in other provinces and cities. In 2005, the “eligibility points” for OWP applications of separated spouses in Guangdong were relaxed. Their waiting time was shortened to

five years, in line with that of other provinces and cities;

- In 2009, the “eligibility points” for OWP applications of separated spouses were further relaxed, thereby shortening their waiting time to four years, and started to issue “one-year multiple exit endorsement for visiting relatives” to eligible Mainland residents in the same year; and
- In 2011, the scheme to allow Mainland overage children of Hong Kong residents to apply for OWPs to settle in Hong Kong in an orderly manner was implemented, allowing these children to join their parents here. Under the joint efforts of the Mainland and Hong Kong, the policy has been smoothly implemented. As at end 2013, about 37 000 overage children have been issued OWPs to come to Hong Kong.

### **Exit Entry Permits and endorsements for “visiting relatives”**

8. Mainland residents who wish to visit relatives in Hong Kong must apply for Exit Entry Permits (commonly known as “Two-way Permits” (TWPs)) with endorsements for “visiting relatives” from the Exit and Entry Administration Offices of the Public Security Bureau of the Mainland at the places of their household registration. As TWPs are also documents issued by relevant authorities in the Mainland, the application, approval and issuance of TWPs fall within the remit of the Mainland authorities.

9. The endorsement for “visiting relatives” allows the applicant to visit relatives<sup>1</sup> who are settled, studying or working in Hong Kong, and has the following two categories:

- (1) Multiple journeys within three months: holders may make multiple trips between Hong Kong and the Mainland within 90 days from the date of their first landing; and
- (2) Single journey within three months: holders may stay for up to 14 days in a single journey within the three-month validity period of the endorsement.

10. In addition, the Mainland authorities introduced in December 2009 a

---

<sup>1</sup> “Relatives” mean spouse, parents or spouse’s parents, children, siblings. Applicant’s spouse and children can apply together.

new one-year multiple exit endorsement for visiting relatives. Mainland residents who applied for OWPs under the category of separated spouses and have minor children with their Hong Kong spouses may apply to stay in Hong Kong temporarily pending issuance of their OWPs. Those with special family difficulties may also apply for one-year multiple exit endorsements for visiting relatives. Holders of the endorsement can make multiple visits to Hong Kong of up to 90 days each within the one-year validity period. As at end 2013, there were over 1.25 million Mainland visitor arrivals on the strength of the one-year multiple exit endorsement for visiting relatives.

11. Further, on a case level, for individual cases with special family difficulties but do not fall within the situations in paragraph 3 above (including Mainland single mothers of minor children in Hong Kong whose husbands have passed away, or who were divorced or have other special difficulties), the ImmD would reflect such cases to and liaise with the Mainland authorities having regard to the requests of the applicants and circumstances of the cases. The Mainland authorities have responded positively by exercising discretion and issuing OWPs or one-year multiple exit endorsements for visiting relatives to some of these applicants.

12. In recent years, having regard to the requests of the applicants and circumstances of the cases, the ImmD has reflected 190 cases to the Mainland authorities, of which 110 were cases concerning Mainland single mothers, and over 50 of these applicants were issued OWPs for settlement in Hong Kong, and nearly 40 applicants were issued one-year multiple exit endorsements for visiting relatives in Hong Kong. These cases include deceased spouses as well as divorced and missing spouses.

13. There are suggestions that a category be set up under the existing OWP Scheme for Mainland single mothers with minor children in Hong Kong. However, we are aware of some concerns raised in society that once it becomes a policy to include Mainland single mothers with minor children in Hong Kong in the OWP Scheme, Mainland parents may be encouraged to seek to obtain OWPs through this special channel, which may in turn induce more Mainland pregnant women to give birth in Hong Kong. These issues warrant careful consideration. The HKSAR Government will, having regard to the overall interest of Hong Kong, continue to exchange views with the Mainland authorities and reflect to them the aspirations of the society.

## **Advice Sought**

14. Members are invited to note the content of this paper.

**Security Bureau  
February 2014**