

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1514/15-16  
(These minutes have been seen  
by the Administration)

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**Subcommittee to Study Issues Relating to Mainland-HKSAR Families**

**Minutes of the fifth meeting**  
**held on Thursday, 31 March 2016, at 2:30 pm**  
**in Conference Room 2B of the Legislative Council Complex**

- Members present** : Hon IP Kwok-him, GBS, JP (Chairman)  
Hon LEE Cheuk-yan  
Hon LEUNG Yiu-chung  
Hon Emily LAU Wai-hing, JP  
Hon WONG Kwok-hing, BBS, MH  
Hon Cyd HO Sau-lan, JP  
Dr Hon LAM Tai-fai, SBS, JP  
Hon CHEUNG Kwok-che  
Hon LEUNG Kwok-hung  
Hon Steven HO Chun-yin, BBS  
Hon YIU Si-wing, BBS  
Dr Hon Kenneth CHAN Ka-lok  
Hon LEUNG Che-cheung, BBS, MH, JP  
Hon Alice MAK Mei-kuen, BBS, JP  
Hon TANG Ka-piu, JP
- Members absent** : Hon Frankie YICK Chi-ming, JP  
Hon Christopher CHEUNG Wah-fung, SBS, JP  
Dr Hon Elizabeth QUAT, JP  
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
- Public Officers attending** : Item I  
  
Miss Winnie CHUI Hiu-lo  
Principal Assistant Secretary (Security)  
Security Bureau  
  
Mr Allan AU Chi-lun  
Assistant Secretary (Security)  
Security Bureau

Mr LAW Chun-nam  
Assistant Director (Visa & Policies)  
Immigration Department

**Clerk in attendance** : Mr Colin CHUI  
Chief Council Secretary (2) 4

**Staff in attendance** : Miss Connie AU  
Council Secretary (2) 3

Miss Meisy KWOK  
Legislative Assistant (2) 6

Action

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**I. Policies and measures adopted by the Administration regarding the immigration arrangements (including One Way Permit system, overage children and Mainland single mothers) relating to Mainland-HKSAR families**

[LC Paper Nos. CB(2)292/15-16(02), CB(2)493/15-16(01) and CB(2)1161/15-16(01)]

The Subcommittee deliberated (index of proceedings attached at **Annex**).

Admin 2. The Subcommittee requested the Administration to obtain more information from the Mainland authorities on the provisional regulation on residential permit.

**II. Any other business**

3. There being no other business, the meeting ended at 3:52 pm.

Council Business Division 2  
Legislative Council Secretariat  
17 May 2016

**Proceedings of the fifth meeting of the  
Subcommittee to Study Issues Relating to Mainland-HKSAR Families  
on Thursday, 31 March 2016, at 2:30 pm  
in Conference Room 2B of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)	Action required
<i>Agenda item I – Policies and measures adopted by the Administration regarding the immigration arrangements (including One Way Permit system, overage children and Mainland single mothers) relating to Mainland-HKSAR families</i>			
000520-000714	Chairman	Opening remarks	
000715-001046	Chairman Admin	The Administration briefed members on Phase Six of application for One Way Permit ("OWP") by Mainland "overage children" which was commenced on 18 January 2016. By the end of February 2016, the Mainland authorities had received some 54 000 applications in total (cumulative figure from Phase One) and OWPs had been issued to around 48 000 applicants.	
001047-001723	Chairman Mr WONG Kwok-hing	<p>With regard to the applications for OWP by Mainland "overage children", Mr WONG Kwok-hing enquired about the following:</p> <ul style="list-style-type: none"> <li>(a) the number of eligible "overage children" remaining to be processed under the current phase (i.e. Phase Six) of application;</li> <li>(b) timeframe for implementation of the next phase of application; and</li> <li>(c) considering that "overage children" were all adult and their schedule for relocating to Hong Kong might hinge on individual circumstances like work and study commitment in the Mainland, whether the actual number of new arrivals in Hong Kong was less than the number of OWP approved.</li> </ul> <p>The Administration responded that:</p> <ul style="list-style-type: none"> <li>(a) both the HKSAR Government ("the Government") and the Mainland authorities had no information on the exact number of "overage children" who were eligible for settlement in Hong Kong but had not yet submitted their applications;</li> <li>(b) request by Mainland "overage children" for expediting the processing of applications for OWP was well-noted. The Government would liaise with the Mainland authorities on the subsequent arrangements in due course prior to the</li> </ul>	

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		<p>completion of the current phase of application. Depending on the number of applications received in the current phase in the coming months, the Government would reflect to the Mainland authorities proposed ways to expedite the process, including (i) further expanding the range of date on which the natural fathers or mothers of the applicants obtained their first Hong Kong identity card and/or (ii) relax the age limit of the applicants (i.e. below the age of 14 when their natural fathers or mothers obtained their first Hong Kong identity card on or before 1 November 2001);</p> <p>(c) according to its understanding, each OWP had a validity period. Holders of OWP were required to use the permits to settle in Hong Kong before their expiry. The Administration had no information on the number of OWP holders who had not used their permits before their expiry; and</p> <p>(d) in view of uncertainty in the number of eligible "overage children" and in the timing for these eligible applicants to submit their applications, the Mainland authorities were prudent in drawing up their phasing plan.</p>	
001724-002549	Chairman Mr LEUNG Yiu-chung Admin	<p>Mr LEUNG Yiu-chung suggested that, instead of waiting for the progressive relaxation of application criteria, a channel should be opened for Mainland adult children who were currently not eligible to apply for OWP as "overage children" owing to their non-compliance with the prescribed age limit. He hoped that this group of adult children would be allowed to come to Hong Kong to take care of their aging parents soonest possible. He pointed out that the Housing Department had a Compassionate Rehousing Scheme in which a certain percentage of the public rental housing units were reserved to meet the imminent, genuine and long term housing needs of individuals/families that were not able to resolve the problems by themselves.</p> <p>The Administration advised that:</p> <p>(a) the above suggestion must be considered in a holistic manner having regard to its implications on a number of concerns, including the potential OWP applications by the spouse and children (who were Mainland residents) of these new arrivals after they had settled in Hong Kong;</p>	

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		<p>(b) several categories of applicants were eligible under the current OWP system. These included, inter alia, a category for those who were aged above 18 and under 60 and needed to come to Hong Kong to take care of their parents settled in Hong Kong both of whom were aged above 60 and had no children in Hong Kong; and</p> <p>(c) it would relay Mr Leung's suggestion for consideration by the Mainland authorities.</p>	
002550-003204	Chairman Mr CHEUNG Kwok-che Admin	<p>Mr CHEUNG Kwok-che concurred with the suggestion of Mr LEUNG. He was of the view that the Administration should actively pursue this proposal with the Mainland authorities. Mr CHEUNG added that under the proposed new channel, approval should be granted having regard to the circumstances of applicants rather than on a first-come-first-served basis. Reports from the Social Welfare Department or other social service organizations on the applicants' family circumstances in Hong Kong could serve as reference to substantiate their applications.</p> <p>According to the Administration, it had all along provided assistance to those seeking help from the Government regarding their applications for OWP on a case-by-case manner. It would liaise with the Mainland authorities regarding the requests of the applicants and the circumstances of the cases. The Administration reiterated that the idea of opening a channel for Mainland adult children currently not eligible to apply for OWP as "overage children" required carefully examination.</p>	
003205-004032	Chairman Miss Alice MAK Admin	<p>Miss Alice MAK requested the Administration to follow-up and provide the information requested at the last Subcommittee meeting on issues relating to cross-boundary students, in particular, the tuition fees charged by minban schools in Shenzhen under the "Scheme of Classes for Hong Kong Children".</p> <p><i>(Post-meeting note: the Administration has provided the requested information at that Subcommittee meeting and vide L/C paper no. CB(2)1150/15-16(01))</i></p> <p>Miss MAK enquired about the criteria adopted by the Mainland authorities, if any, in approving OWP applications on compassionate grounds. She commented that the current case-by-case treatment was not satisfactory as it could not</p>	

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		<p>address the needs of certain types of applicants seeking approval of OWPs on compassionate grounds.</p> <p>The Administration explained that the circumstances of each case seeking discretionary approval of OWP were unique, particularly, those relating to Mainland single mothers. It would study the circumstances and merits of each case in detail before passing them to the Mainland authorities for consideration. The Administration would also give advice to the applicants about alternative categories of OWP applications that they might consider, if applicable.</p> <p>The Chairman advised that:</p> <ul style="list-style-type: none"> <li>(a) according to information from the Mainland authorities, a provisional regulation on residential permit ("the Regulation") was enforced from 1 January 2016. According to this regulation, residential permit card holders could enjoy basic public services, including compulsory education provided by the Mainland authorities at the respective residential places;</li> <li>(b) at the meetings of the National People's Congress ("NCP") and the National Committee of the Chinese People's Political Consultative Conference held in March 2016, he had requested for the early implementation of the Regulation which should also cover Hong Kong people residing in Guangdong and Shenzhen;</li> <li>(c) it was likely that issues relating to cross-boundary students and the return of OWP holders who had settled in Hong Kong to the Mainland could be addressed upon the extension of the Regulation to cover Hong Kong people; and</li> <li>(d) at the meeting of NCP, representatives from Hong Kong had also relayed to the Mainland authorities the suggestion of setting-up schools dedicated for Hong Kong students residing in the Mainland.</li> </ul>	
004033-004707	Chairman Mr LEE Cheuk-yan Admin	Mr LEE Cheuk-yan enquired about the progress in taking forward the recommendation of opening a channel for Mainland single mothers with minor Hong Kong resident children to settle in Hong Kong under the OWP Scheme.	

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		<p>The Administration responded that it had already relayed the suggestion to the Mainland authorities. However, in the Administration's view, to open a channel for Mainland single mothers under the OWP Scheme may induce undesirable problems like bogus marriage and it must be carefully considered from a policy perspective. While the number of cases on Mainland single mothers was limited, consideration on a case-by-case basis could also address some of these cases.</p> <p>Mr LEE was of the view that the problem of bogus marriage should not be at issue for Mainland single mothers given the ex-couples concerned had actually got their own children. Besides, the current mechanism could not handle those cases in which the Mainland single mothers were divorced from their former Hong Kong husbands.</p>	
004708-005408	Chairman Mr LEUNG Che-cheung Admin	<p>Mr LEUNG Che-cheung enquired:</p> <p>(a) on what basis the daily quota for OWP (i.e. 150) was determined; and</p> <p>(b) whether the quota for Mainland "overage children" could be flexibly increased to facilitate the early reunion of these families.</p> <p>The Administration advised that:</p> <p>(a) the OWP system had implemented for many years and the daily quota was reviewed a few times over a long period of time. The current level of 150 had been in place for some time, probably set having regard to the capacity of Hong Kong and the need for family reunion in Hong Kong; and</p> <p>(b) while OWP issued to Mainland "overage children" was counted towards the daily quota mentioned in (a), there was no specific sub-quota for this category of applicants.</p>	
005409-010316	Chairman Mr TANG Ka-piu Admin	<p>Mr TANG Ka-piu said that according to past observations, widowed Mainland single mothers stood a better chance of getting discretionary approval to their OWP applications. As for divorced Mainland single mothers, it was far less likely that discretionary consideration would be given. He had come across cases in which the custody of a Hong Kong child was awarded, by the court, to his/her Mainland mother who had no right to reside in Hong Kong. It was inconceivable to him that a Mainland single</p>	

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		<p>mother, who had no right to reside in Hong Kong, could assume the duty of care of her Hong Kong child. In this connection, he asked:</p> <ul style="list-style-type: none"> <li>(a) the progress on the proposed implementation of a mechanism to allow OWP holders who had settled in Hong Kong to return to the Mainland;</li> <li>(b) if the OWP holders at (a) were allowed to reinstate their household registration in the Mainland, whether their Hong Kong resident status would be cancelled concurrently; and</li> <li>(c) whether a court judgment on awarding the custody of a Hong Kong child to his/her Mainland single mother could be regarded as a qualifying condition for approving the latter's OWP application.</li> </ul> <p>The Administration replied that:</p> <ul style="list-style-type: none"> <li>(a) request from OWP holders, who had already settled in Hong Kong, to return to the Mainland was currently handled by the Mainland authorities on a case-by-case basis. It was considered pragmatic for new arrivals, who had not yet obtained permanent resident status and found themselves difficult to adapt to living in Hong Kong, to return to the Mainland and the Administration would continue to discuss the proposed mechanism with the Mainland authorities;</li> <li>(b) the immigration system of Hong Kong was separate from that of the Mainland. There was no provision in Hong Kong for cancellation of one's permanent resident status upon reinstatement of his/her household registration in the Mainland; and</li> <li>(c) Mainland single mothers who had a genuine need to take care of their children in Hong Kong would usually be granted, on compassionate basis, OWPs or one-year multiple exit endorsements for visiting relatives in Hong Kong exceptionally.</li> </ul> <p>The Chairman echoed Mr TANG's view of treating a court judgment to award the custody of a Hong Kong child to his/her Mainland single mother as a qualifying condition for approving the latter's OWP application. The Chairman further advised that according to his understanding, the possible 'dual residency'</p>	



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		<p>status was one of the concern of the Mainland authorities in taking forward the proposal to allow OWP holders residing in Hong Kong to return to China. This problem had to be discussed and resolved by the Government and the Mainland authorities together.</p>	
010317-011125	<p>Chairman Mr LEE Cheuk-yan Admin</p>	<p>In response to the Chairman's enquiry, the Administration explained that a Mainland resident under one of the following five situations was eligible to apply for OWP, including:</p> <ul style="list-style-type: none"> <li>(a) his/her spouse was settled in Hong Kong (might bring along children aged under 18);</li> <li>(b) he/she was aged above 18 and under 60 and needed to come to Hong Kong to take care of his/her parents settled in Hong Kong both of whom were aged above 60 and had no children in Hong Kong;</li> <li>(c) he/she was aged above 60 and had no children in the Mainland, and had to depend on his/her children aged above 18 settled in Hong Kong;</li> <li>(d) he/she was aged under 18 and had to depend on his/her parents settled in Hong Kong; or</li> <li>(e) he/she was a child of a Hong Kong permanent resident and held a Certificate of Entitlement.</li> </ul> <p>The Administration also explained that difficulties in verifying the matrimonial relationship between a Mainland single mother and her former Hong Kong husband was one of the major obstacles the Administration encountered in handling the OWP applications from Mainland single mothers.</p> <p>Mr LEE Cheuk-yan requested that the proposal to open a channel for Mainland single mothers to come to Hong Kong be included in the Subcommittee's recommendations to the Administration. The Chairman suggested limiting the scope of the recommendation to those Mainland single mothers who had the court award for custody of her Hong Kong children. Mr LEE expressed reservations to this suggestion and said that details of the recommendation were to be further discussed.</p>	

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011126-012227	Chairman Mr LEE Cheuk-yan Admin	<p>In response to Mr LEE Cheuk-yan's enquiry regarding the applications for OWP by Mainland "overage children", the Administration advised that:</p> <p>(a) the range of dates on which the applicants' natural fathers or mothers first obtained their Hong Kong identity card remaining to be covered under the scheme was around 10 years (i.e. between 1 January 1992 and 1 November 2001); and</p> <p>(b) Phase Six of the application had implemented for around two months only and more time would be needed to observe the trend in the number of applications. It was noted that the average number of applications approved per day was 12 in 2015 and slightly dropped to 11 in 2016 (first two months). Subject to the trend in the following months, the Administration did not rule out the possibility of proposing to accept applications from all the remaining eligible Mainland "overage children" in the next phase. As for relaxation of the age limit of applicants, it might be considered at a later stage.</p> <p>The Chairman requested the Administration to discuss with the Mainland authorities with a view to expediting the implementation of the Regulation to cover Hong Kong people as well. The Administration undertook to obtain more information from the Mainland authorities regarding the Regulation.</p>	Admin (paragraph 2 of the minutes)
<i>Agenda item II – Any other business</i>			
012228-012326	Chairman Mr LEE Cheuk-yan	Item for discussion at the next meeting  Closing remarks	