

**立法會**  
**Legislative Council**

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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

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**Council meeting of 9 January 2019**

**Amendments to motion on  
“Reviewing the policy on One-way Permit”**

Further to LC Paper No. CB(3) 266/18-19 issued on 27 December 2018, four Members (Hon Claudia MO, Hon CHAN Hak-kan, Hon WU Chi-wai and Hon Gary FAN) have respectively given notice of their intention to move separate amendments to Hon Alvin YEUNG’s motion on “Reviewing the policy on One-way Permit”. As directed by the President, the respective amendments will be printed in the terms in which they were handed in.

2. The President will order a joint debate on the above motion and the four amendments. To assist Members in debating the motion and the amendments, I set out below the procedure to be followed during the debate:

- (a) the President calls upon Hon Alvin YEUNG to speak and move his motion;
- (b) the President proposes the question on Hon Alvin YEUNG’s motion;
- (c) the President calls upon the four Members who wish to move amendments to speak in the following order, but no amendment is to be moved at this stage:
  - (i) Hon Claudia MO;
  - (ii) Hon CHAN Hak-kan;

- (iii) Hon WU Chi-wai; and
- (iv) Hon Gary FAN;
- (d) the President calls upon the public officer(s) to speak;
- (e) the President invites other Members to speak;
- (f) the President calls upon Hon Alvin YEUNG to speak for the second time on the amendments;
- (g) the President calls upon the public officer(s) to speak again;
- (h) in accordance with Rule 34(5) of the Rules of Procedure, the President has decided that he will call upon the four Members to move their respective amendments in the order set out in paragraph (c) above. The President invites Hon Claudia MO to move her amendment to the motion, and forthwith proposes and puts to vote the question on Hon Claudia MO's amendment;
- (i) after Hon Claudia MO's amendment has been voted upon, the Council deals with the other three amendments; and
- (j) after all amendments have been dealt with, the President calls upon Hon Alvin YEUNG to reply. Thereafter, the President puts to vote the question on Hon Alvin YEUNG's motion, or his motion as amended, as the case may be.

3. For Members' reference, the terms of the original motion and the marked-up version of the amendments are set out in the **Appendix**.

(Dora WAI)  
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on  
“Reviewing the policy on One-way Permit”  
to be held at the Council meeting of 9 January 2019**

**1. Hon Alvin YEUNG’s original motion**

That as currently a large number of Mainland immigrants have come to Hong Kong for settlement on One-way Permits (‘OWPs’), creating a great burden on public services and facilities in Hong Kong in such areas as social welfare, housing, education and health care, this Council urges the SAR Government to reform the policy on OWP; the relevant measures should include:

- (1) immediately appealing to the Central Government for reducing the quota for Mainland residents coming to Hong Kong for settlement on OWPs, and expeditiously setting up a mechanism for regular consultation with the Central Government for both sides to adjust the quota annually according to the policy needs of Hong Kong;
- (2) establishing a dual vetting and approval mechanism for OWP in accordance with Articles 22 and 154 of the Basic Law and the Immigration Ordinance whereby the SAR Government can exercise the power to vet and approve entry for immigration and grant permission for OWP holders to come to Hong Kong for settlement only after verifying the authenticity of the documentary proof of family relationship between OWP holders and their family members who are Hong Kong permanent residents and the absence of record to the detriment of OWP holders (excluding past record of political prosecution), and that their family members who are Hong Kong permanent residents have sufficient financial means to support OWP holders’ living at a standard well above the subsistence level in Hong Kong; and
- (3) stepping up efforts in combating bogus marriages to prevent lawbreakers from obtaining through bogus marriages the requisite documents to apply for OWPs to come to Hong Kong for settlement.

**2. Motion as amended by Hon Claudia MO**

That as ~~currently a large number of~~ *since 1997, more than 1 million* Mainland immigrants have come to Hong Kong for settlement on One-way Permits (‘OWPs’), creating a ~~great~~ *serious* burden on public services and facilities in

Hong Kong in such areas as social welfare, housing, education and health care; *in this connection*, this Council urges the SAR Government to reform the policy on OWP; the relevant measures should include:

- (1) immediately appealing to the Central Government for reducing the quota for Mainland residents coming to Hong Kong for settlement on OWPs, and expeditiously setting up a mechanism for regular consultation with the Central Government for both sides to adjust the quota annually according to the policy needs of Hong Kong;
- (2) establishing a dual vetting and approval mechanism for OWP *first* in accordance with Articles 22 and 154 of the Basic Law and the Immigration Ordinance whereby the SAR Government can exercise the power to vet and approve entry for immigration and grant permission for OWP holders to come to Hong Kong for settlement only after verifying the authenticity of the documentary proof of family relationship between OWP holders and their family members who are Hong Kong permanent residents and the absence of record to the detriment of OWP holders (excluding past record of political prosecution), and that their family members who are Hong Kong permanent residents have sufficient financial means to support OWP holders' living at a standard well above the subsistence level in Hong Kong; *and in the long run, vesting in the SAR Government the full responsibility for vetting and approving OWP applications;*
- (3) stepping up efforts in combating bogus marriages to prevent lawbreakers from obtaining through bogus marriages the requisite documents to apply for OWPs to come to Hong Kong for settlement; *and*
- (4) *requiring a timetable to be expeditiously formulated for the relevant measures in response to the strong public concern over the policy on OWP.*

Note: Hon Claudia MO's amendment is marked in *bold and italic type* or with deletion line.

### **3. Motion as amended by Hon CHAN Hak-kan**

~~That as currently a large number of Mainland immigrants have come to Hong Kong for settlement on One-way Permits ('OWPs'), creating a great burden on~~ *currently Hong Kong people's family members in the Mainland can apply for Permits for Proceeding to Hong Kong and Macao ('One-way Permits' ('OWPs')) to come to Hong Kong for settlement to meet the need of family reunion; while the new arrivals who are OWP holders have demands for*

public services and facilities in Hong Kong in such areas as social welfare, housing, education and health care, *they are at the same time an important source of labour force for Hong Kong now and in the future, contributing to the promotion of the sustainable development of the economy and social productivity, but it is regrettable that they are labelled by individuals as creating a great burden on society and are subject to discrimination; in this connection*, this Council urges the SAR Government to ~~reform the policy on OWP~~ *adopt proactive measures to eliminate the misconceptions among some Hong Kong people about the new arrivals who are OWP holders, and to negotiate with Mainland government departments on improvement of the policies relating to OWP*; the relevant measures should include:

- ~~(1) immediately appealing to the Central Government for reducing the quota for Mainland residents coming to Hong Kong for settlement on OWPs, and expeditiously setting up a mechanism for regular consultation with the Central Government for both sides to adjust the quota annually according to the policy needs of Hong Kong;~~
- ~~(2)(1) establishing a dual vetting and approval mechanism for OWP in accordance with Articles 22 and 154 of the Basic Law and the Immigration Ordinance whereby the SAR Government can exercise the power to vet and approve entry for immigration and grant permission for OWP holders to come to Hong Kong for settlement only after verifying the authenticity of the documentary proof of family relationship between OWP holders and their family members who are Hong Kong permanent residents and the absence of record to the detriment of OWP holders (excluding past record of political prosecution), and that their family members who are Hong Kong permanent residents have sufficient financial means to support OWP holders' living at a standard well above the subsistence level in Hong Kong; and continuously adhering to the existing arrangements whereby, in the process of vetting and approving OWP cases by the Mainland authorities, the Immigration Department of Hong Kong actively provides support by, among others, issuing Certificates of Entitlement to the Right of Abode to children of Hong Kong permanent residents, and renders assistance in verifying the authenticity of the supporting documents submitted by OWP applicants and their claimed relationship with relatives in Hong Kong;~~
- ~~(2) negotiating with the relevant Mainland departments for a study on the introduction of a 'return mechanism' to allow people coming to Hong Kong on OWPs to temporarily retain their household registration in the Mainland and return to the Mainland for resettlement if they cannot adapt to the life in Hong Kong;~~

(3) *studying the opening of local training courses to people who have applied for OWPs and come to Hong Kong on Two-way Permits to enable them to receive job training as early as possible, so that they can expeditiously join the local labour market and integrate into society after their applications for OWPs are approved; and*

~~(3)~~(4) stepping up efforts in combating bogus marriages to prevent lawbreakers from obtaining through bogus marriages the requisite documents to apply for OWPs to come to Hong Kong for settlement.

Note: Hon CHAN Hak-kan's amendment is marked in *bold and italic type* or with deletion line.

#### **4. Motion as amended by Hon WU Chi-wai**

That *Hong Kong is small but densely populated, and* as currently a large number of Mainland immigrants have come to Hong Kong for settlement on One-way Permits ('OWPs'), creating a great burden on public services and facilities in Hong Kong in such areas as social welfare, housing, education and health care, this Council urges the SAR Government to reform the policy on OWP; the relevant measures should include:

(1) immediately appealing to the Central Government for reducing the quota for Mainland residents coming to Hong Kong for settlement on OWPs, and expeditiously setting up a mechanism for regular consultation with the Central Government for both sides to adjust the quota annually according to the policy needs of Hong Kong;

~~(2) establishing a dual vetting and approval mechanism for OWP in accordance with *the principles established in* Articles 22 and 154 of the Basic Law and the Immigration Ordinance whereby, *enabling* the SAR Government ~~can exercise~~ *to obtain* the power to vet and approve entry for immigration *on OWPs* and grant permission for OWP holders to come to Hong Kong for settlement only after verifying the authenticity of the documentary proof of family relationship between OWP holders and their family members who are Hong Kong permanent residents and the absence of record to the detriment of OWP holders (excluding past record of political prosecution), and that their family members who are Hong Kong permanent residents have sufficient financial means to support OWP holders' living at a standard well above the subsistence level in Hong Kong; and;~~

(3) *vetting and approving OWP holders' eligibility for immigration by drawing reference from the existing immigration policy on entry for residence as dependants in Hong Kong; and*

- (3)(4) stepping up efforts in combating bogus marriages to prevent lawbreakers from obtaining through bogus marriages the requisite documents to apply for OWPs to come to Hong Kong for settlement.

Note: Hon WU Chi-wai's amendment is marked in *bold and italic type* or with deletion line.

## 5. Motion as amended by Hon Gary FAN

That as currently a large number of Mainland immigrants have come to Hong Kong for settlement on One-way Permits ('OWPs'), creating a great burden on public services and facilities in Hong Kong in such areas as social welfare, housing, education ~~and~~, health care *and transportation, and in 2016, the media exposed the sale of a certain quantity of OWPs by regional officials in China at a price as high as HK\$1.5 million to HK\$2 million each a year; in this connection,* this Council urges the SAR Government to reform the policy on OWP; the relevant measures should include:

- (1) immediately appealing to the Central Government for reducing the quota for Mainland residents coming to Hong Kong for settlement on OWPs, and expeditiously setting up a mechanism for regular consultation with the Central Government for both sides to adjust the quota annually according to the policy needs of Hong Kong;
- (2) establishing a dual vetting and approval mechanism for OWP in accordance with Articles 22 and 154 of the Basic Law and the Immigration Ordinance whereby the SAR Government can exercise the power to vet and approve entry for immigration and grant permission for OWP holders to come to Hong Kong for settlement only after verifying the authenticity of the documentary proof of family relationship between OWP holders and their family members who are Hong Kong permanent residents and the absence of record to the detriment of OWP holders (excluding past record of political prosecution), and that their family members who are Hong Kong permanent residents have sufficient financial means to support OWP holders' living at a standard well above the subsistence level in Hong Kong; *and the exercise of the power to vet and approve entry for immigration on OWPs by the SAR Government can also combat the sale of OWPs by regional officials in China; moreover, the SAR Government should take back the initiative in the policy on OWP for the formulation of an integrated population policy, thereby enabling the OWP system to meet domestic needs and be compatible with Hong Kong's receiving capacity;*

- (3) *stepping up investigation into the overseas assets of OWP immigrants who apply for social welfare and public housing in Hong Kong, so as to plug the loopholes in the existing policy; and*
- ~~(3)~~(4) *stepping up efforts in combating bogus marriages by, among others, drawing reference from the practice of the United Kingdom, extending the period for the issue of a Certificate of Registrar of Marriages in case the Registrar of Marriages has reasonable suspicions of the Mainlanders who plan to get married in Hong Kong are engaging in bogus marriages, so that government departments can have more time to conduct investigations and take enforcement actions to prevent lawbreakers from obtaining through bogus marriages the requisite documents to apply for OWPs to come to Hong Kong for settlement, and the Immigration Department should compile statistics on the number of bogus marriages in Hong Kong annually.*

Note: Hon Gary FAN's amendment is marked in *bold and italic type* or with deletion line.