

LCQ1: Operation of One-way Permits scheme

Following is a question by the Hon Claudia Mo and a reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (March 20):

Question:

Since 1997, a total of over a million Mainland residents have come to Hong Kong for settlement on Permits for Proceeding to Hong Kong and Macao (commonly known as "One-way Permits") (OWPs). Some members of the public have pointed out that a large number of Mainland residents settling in Hong Kong has put a heavy burden on Hong Kong's public services such as social welfare, housing, education and healthcare. Recently, the representatives of some doctor groups have claimed that the public healthcare system is on the verge of collapse. They have therefore called for the cessation of OWP issuance. In this connection, will the Government inform this Council:

(1) given that Mainland residents may apply for OWPs for the reason, apart from family reunion, that they must come to Hong Kong for settlement due to other special circumstances, and some of those who have come to Hong Kong on OWPs do not have any close relatives in Hong Kong, of the number of people who came to Hong Kong for settlement on OWPs each year since 1997, with a breakdown by the age group to which they belonged, their gender, and whether they were issued OWPs on grounds of family reunion; whether the Government assessed, in the past three years, the pressure on Hong Kong's public resources brought about by people coming to Hong Kong for settlement on OWPs; if so, of the outcome;

(2) whether the Government will, in order to alleviate the pressure on public services, set up an inter-departmental steering committee to be led by the Chief Secretary for Administration to study feasible options for reducing the OWP quota progressively; if so, of the details and timetable; if not, the reasons for that; and

(3) whether it will discuss with the relevant Mainland departments the SAR Government's participation by phases in, and its eventual assumption of full responsibility for, the vetting and approval of OWP applications, so as to prevent Mainland residents from coming to Hong Kong for settlement on OWPs obtained through bogus marriages; if so, of the details and timetable; if not, the reasons for that?

Reply:

President,

The HKSAR Government's consolidated reply to the Hon Claudia Mo's

questions 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. The numbers of holders of OWPs entering Hong Kong from July 1997 to 2018 and their breakdown by age group, gender and category are at Annexes 1 to 3 respectively.

For a long time, the Census and Statistics Department has been updating population projections statistics every two to three years taking into account the latest developments of the population, including the new arrivals, so as to provide a common basis for reference by the Government for formulating policies in housing, healthcare, education, social welfare, etc., as well as in planning public services and facilities.

In addition, a data collection mechanism has been set up by the Immigration Department (ImmD) to collect data on the demographic and social characteristics of OWP holders when they enter Hong Kong via the Lo Wu control point. Moreover, the Home Affairs Department conducts surveys on new arrivals from the Mainland who are aged 11 or above and have arrived in Hong Kong for less than one year when they apply for their Hong Kong Identity Cards at ImmD's Registration of Persons-Kowloon Office in order to identify their profile and service needs. The survey results of the data collected from the two surveys on age, marital status, educational attainment, economic activity, etc., are distributed to relevant government departments and non-governmental organisations in the form of quarterly reports on the Internet, so as to provide them with more useful information in planning their services for new arrivals.

Therefore, the HKSAR Government will have in hand basically the relevant information on the increased population, including the new arrivals, so as to take into account the overall demographic situation of the society to ensure that the planning, facilities and service provision aspects are in line with the sustainable and positive development in Hong Kong .

The vast majority of OWP entrants come to Hong Kong to join their next of kin. "Next of kin" refers to parents, spouses and children. For individual cases in which the entrants have no next of kin in Hong Kong, we learn that there were examples of unsupported elderly people coming to join relatives other than next of kin.

As to the question concerning whether the Government will consider it a feasible option to reduce the quota for OWPs in a gradual and orderly manner, I wish to point out that the 150 daily quota for OWPs is the upper limit. The Mainland authorities issue OWPs in accordance with the actual number of eligible applications submitted. In the past two years, the average daily numbers of Mainland residents coming to Hong Kong on OWPs were 129 and 116 respectively, indicating that in processing the applications the Mainland authorities have strictly followed the eligibility points laid down in the vetting guidelines and have had regard to the actual number of applications. The 150 quota might not necessarily be used up.

There are different views in the community on the 150 daily quota for OWPs, including views for maintaining or reducing the quota. Some of the views include advocating family reunion and demanding early settlement of Mainland family members of Hong Kong residents in Hong Kong. The overall usage of OWP quota depends on various factors. Cross-boundary marriages now make up about one-third of locally registered marriages, there is no sign of decline in trend in the long run. At present, the Mainland spouses are still required to wait for at least four years before becoming eligible to come to stay in Hong Kong at present. 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 announced through 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, 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.

ImmD has a mechanism for handling cases of obtaining OWPs by fraudulent means. ImmD will also initiate investigation into doubtful marriages, collect evidence from various sources and through different channels in order to investigate thoroughly the parties to suspected "bogus marriage" cases and the intermediaries involved. 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 or has settled in Hong Kong for less than seven years and has divorced his/her Hong Kong permanent resident spouse. 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 do not intend to change the existing operation of the OWP scheme.