

LCQ12: Mainland "overage children" of HK residents to settle in HK through One-way Permit scheme

Following is a question by the Hon Leung Yiu-chung and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (December 12):

Question:

At present, the daily quota for mainland residents coming to Hong Kong for settlement on Permits for Proceeding to Hong Kong and Macao (One-way Permits (OWPs)) is 150. Since April 1, 2011, the Mainland authorities have allowed eligible mainland "overage children" of Hong Kong residents (i.e. mainland residents who were under the age of 14 when their natural fathers or mothers obtained their first Hong Kong identity cards on or before November 1, 2001) to apply for OWPs for settlement in Hong Kong for reunion with their natural parents. Regarding the issuance of OWPs to mainland children of Hong Kong residents, will the Government inform this Council:

(1) as the Government told this Council in 2005 and 2009 respectively that the Security Bureau had on occasions relayed the views of the public to the Mainland authorities for their consideration of setting up a channel under the OWP system for mainland adult children of Hong Kong residents to settle in Hong Kong, of the progress of the matter;

(2) whether it will urge the Mainland authorities to relax the eligibility criteria for OWP to allow mainland "elder overage children" of Hong Kong residents (i.e. mainland children of Hong Kong residents who were over the age of 14 when their natural fathers or mothers obtained their first Hong Kong identity cards on or before November 1, 2001, who are thus ineligible to apply for OWPs in the capacity of overage children) to settle in Hong Kong for reunion with their natural parents; if so, of the details; if not, the reasons for that;

(3) whether it knows (i) the number of OWP applications approved by the Mainland authorities and (ii) unused OWP quota, in each year since April 2011; and

(4) given the former Secretary for Security's remark that the Government has reached a consensus with the Mainland authorities to make use of the unused OWP quota to handle the OWP applications made by overage children, whether the Government knows the respective numbers of OWP applications made by overage children (i) received and (ii) approved by making use of the unused OWP quota by the Mainland authorities, in each year since April 2011; whether it will study with the Mainland authorities the use of unused OWP quota to handle the OWP applications made by elder overage children; if so, of the details; if not, the reasons for that?

Reply:

President,

It is stipulated in Article 22 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. 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. Mainland residents who wish to settle in Hong Kong for family reunion must apply for Permits for Proceeding to Hong Kong and Macao, commonly known as One-way Permits (OWPs), from the exit and entry administration offices of the public security authority at the places of their household registration in the Mainland. The application, approval and issuance of OWPs fall within the remit of the Mainland authorities. The HKSAR Government will take account of the overall interest of the community and will exchange views on matters relating to the overall OWP scheme with the Mainland authorities from time to time, and reflect to them the aspirations of the society.

The reply to the question raised by the Hon Leung is as follows:

(1) In response to the request of Hong Kong residents and their Mainland "overage children" for reunion in Hong Kong, starting from April 1, 2011, the Mainland authorities allow eligible Mainland "overage children" of Hong Kong residents (i.e. Mainland residents who were below the age of 14 when their natural fathers or mothers, on or before November 1, 2001, obtained their first Hong Kong identity card and whose natural fathers or mothers still resided in Hong Kong on April 1, 2011), to apply for OWP to join their natural fathers or mothers in Hong Kong. The phased submission of applications by "overage children" to the Mainland authorities will be scheduled chronologically according to the order in which their natural fathers or mothers obtained their Hong Kong identity cards. At present, all eligible Mainland "overage children" of Hong Kong residents may submit applications to come to Hong Kong for reunion with their natural parents, including those whose natural fathers or mothers obtained their first Hong Kong identity cards on or before November 1, 2001.

(3) Since the implementation of the arrangements for "overage children" to apply for entry and settlement in Hong Kong, as at the end of October 2018, the Mainland authorities have received nearly 58 000 OWP applications from overage children, of which initial assessment of over 56 000 has completed. According to the information provided by the Mainland authorities, over 51 000 OWP applications were approved. It is learnt that among those people with OWP approved, over 90 per cent of them have arrived in Hong Kong. The numbers of holders of OWPs entering Hong Kong from April 2011 to the end of October 2018 are set out in the table below. The Immigration Department does not maintain other statistics with breakdown mentioned in the question.

Year	Number of people (including "overage children")
2011 (since April)	34 700
2012	54 646
2013	45 031
2014	40 496
2015	38 338
2016	57 387
2017	46 971
2018 (as at the end of October)	35 203
Total	352 772

The overall usage of OWP quota depends on various factors, mainly including the number of Mainland-Hong Kong marriages and the number of other eligible applicants, i.e. the Mainland spouse and minor children of holders of OWPs who have entered Hong Kong still awaiting the approval for settlement in Hong Kong; elderly persons with no one to depend on in the Mainland applying to come to join their children in Hong Kong; and Mainland children applying to come to take care of their elderly parents with no one to depend on in Hong Kong, etc.

(2) and (4) The HKSAR Government has noted the views in the community concerning Mainland children of Hong Kong residents who are not eligible to apply for OWP as "overage children", including the request from the Mainland residents who has attained the age of 14 when their natural fathers or mothers obtained their Hong Kong identity cards (commonly known as "elder overage children"). The application, approval and issuance of OWPs, Two-way Permits and exit endorsements fall within the remit of the relevant authorities in the Mainland. It is learned that at present the Mainland authorities do not have any plans to change the the existing regulations on the application criteria for "overage children". The HKSAR Government attaches great importance to the views of various sectors of the society concerning Mainland residents settling in Hong Kong through the OWP Scheme. The Government will take account into the interests of the community and will continue to exchange views with the Mainland authorities to convey the aspirations of the society.