

S for S and SJ speak on judicial review on foreign domestic helpers' right of abode in Hong Kong

Following is the transcript of remarks by the Secretary for Security, Mr Lai Tung-kwok, and the Secretary for Justice, Mr Rimsky Yuen, SC, at a media session on the judicial review on foreign domestic helpers' right of abode in Hong Kong at Central Government Offices, Tamar, this afternoon (March 25):

Secretary for Security: The Government welcomes the judgment of the Court of Final Appeal affirming the constitutionality of section 2(4)(a)(vi) of the Immigration Ordinance, which excludes foreign domestic helpers from being "ordinarily resident" in Hong Kong.

The Government will proceed to process the new or pending applications for Verification of Eligibility for Permanent Identity Card submitted by foreign domestic helpers in accordance with the law as affirmed by the Court of Final Appeal.

The Government notes that having confirmed the constitutionality of section 2(4)(a)(vi) of the Immigration Ordinance, the Court of Final Appeal does not find it necessary to address the legal effect of the Interpretation by the Standing Committee of the National People's Congress made in 1999 (1999 Interpretation) or the Opinions by the Preparatory Committee in 1996 (1996 Opinions). The Government respects this decision of the Court of Final Appeal. Nevertheless, certain legal issues arising from the 1999 Interpretation and the 1996 Opinions remain open.

As regards the right of abode issue of those children born in Hong Kong to Mainland parents both of whom were not Hong Kong permanent residents, the Government will further study the Court of Final Appeal judgment and consider further options available within the local legal system. In the

meantime, the Government will continue to adopt robust administrative measures to implement the zero delivery quota policy for expectant Mainland mothers.

Reporter: Do you foresee an interpretation of the Basic Law to solve this problem ?

Secretary for Justice: As I was saying in Chinese just now, all along our policy in this regard or our position in this regard has been very clear, that we are trying our very best to resolve all legal issues concerning the so called Type II babies by legal avenues which are available within the local legal system. We will do that and we will only exhaust our means before we do anything.

Reporter: Mr Secretary, there was a case in the US over the decision of not granting citizenship in 1800 to contract workers from China who helped to build the railworks. Are these parallel to the Court of Final Appeal's decision today? What does it mean in terms of the multi-ethnic society in Hong Kong?

Secretary for Justice: I think the two situations which you have mentioned, I would take the view that they are not really that comparable. I think what we have seen from the decision made by the Court of Final Appeal today, are really questions of interpretation of the relevant legislations in Hong Kong as well as whether they are compatible with the relevant provisions in the Basic Law. Those are legal issues, and of course, within the much macro-picture of Hong Kong. Hong Kong has all along been a cosmopolitan society. We have been an international financial and commercial centre and we will certainly endeavour to make Hong Kong to remain a cosmopolitan society which would embrace all different nationalities.

(Please also refer to the Chinese portion of the transcript.)

Ends/Monday, March 25, 2013

