

**立法會**  
**Legislative Council**

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seen by the Administration)

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

**Minutes of the second meeting  
held on Thursday, 19 February 2009, at 10:45 am  
in the Chamber of the Legislative Council Building**

- Members present** : Hon LEE Cheuk-yan (Chairman)  
Hon LEUNG Yiu-chung (Deputy Chairman)  
Hon Albert HO Chun-yan  
Hon Miriam LAU Kin-ye, GBS, JP  
Hon TAM Yiu-chung, GBS, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon WONG Kwok-hing, MH  
Hon Ronny TONG Ka-wah, SC  
Prof Hon Patrick LAU Sau-shing, SBS, JP  
Hon Cyd HO Sau-lan  
Dr Hon LAM Tai-fai, BBS, JP  
Hon CHAN Hak-kan  
Dr Hon Priscilla LEUNG Mei-fun  
Hon CHEUNG Kwok-che  
Hon WONG Sing-chi
- Members absent** : Hon Abraham SHEK Lai-him, SBS, JP  
Hon WONG Yuk-man  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
- Member attending** : Hon LEUNG Kwok-hung

**Public Officers : Item I**  
**attending**

Home Affairs Bureau

Ms LUI Kit-yuk, Grace  
Deputy Secretary for Home Affairs (1)

Administration Wing

Miss WONG Tin-yu, Agnes  
Deputy Director of Administration 2

Education Bureau

Mr LEUNG Shiu-keung  
Principal Education Officer (NT)

Food and Health Bureau

Miss LO Kit-wai, Gloria  
Principal Assistant Secretary for Food & Health (Health) 2

Labour and Welfare Bureau

Mr CHEUNG Doi-ching  
Principal Assistant Secretary for Labour & Welfare  
(Welfare) 4

Security Bureau

Mr LO Ying-ki, Alan  
Principal Assistant Secretary (Security) C

Home Affairs Department

Miss TANG Chung-man, Victoria  
Assistant Director of Home Affairs (3)

Housing Department

Mr LIU King-leung, Tony  
Chief Manager/Management (Support Service 2)

Mrs LO CHAN May-ye, Alice  
Chief Housing Manager/Applications

Social Welfare Department

Miss LAU Yuen-ming, Maria  
Chief Social Work Officer  
(Family and Child Welfare) 1

Mr NG Wai-kuen  
Chief Social Security Officer (Social Security)

**Clerk in Attendance** : Miss Betty MA  
Chief Council Secretary (2) 4

**Staff in Attendance** : Miss Florence WONG  
Senior Council Secretary (2) 5

Miss Maggie CHIU  
Legislative Assistant (2) 4

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**I. Population policy relating to Mainland-HKSAR families**

(LC Paper Nos. CB(2)870/08-09(01), CB(2)909/08-09(01) to (02), CB(2)925/08-09(01) and IN07/08-09)

Deputy Director of Administration (2) (DDA) highlighted the objective and priority areas of the population policy. Members deliberated (index of proceedings attached at Annex).

Discussions

2. Members raised the following issues of concern relating to the population policy –

- (a) having regard to the increasing number of cross-boundary marriages and the fact that separation of family members would give rise to multi-faceted social problems, family reunion should be a priority area covered in the population policy;
- (b) the population policy placed too much emphasis on the sustainable development of the economy. Economic prosperity should be one of the considerations rather than the primary objective of the

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population policy. Instead, the Administration should adhere to the people-oriented principle in formulating the population policy. Notably, educational development, including providing equal education opportunities for new arrivals from the Mainland, should be one of the priority areas covered in the population policy;

- (c) the Administration placed too much emphasis on attracting talents and quality immigrants in formulating the population policy. Measures should be taken to upgrade skills and enhance education of the local manpower;
- (d) in the light of the ageing population, the Government should take measures to encourage births. Arrangements should also be made to facilitate earlier arrival of Mainland children born to Hong Kong residents so that they could settle in Hong Kong at a young age. This would facilitate their integration into the local community and education system; and
- (e) the new obstetric service arrangements for non-local pregnant women should be reviewed so that the new arrangement would only be applicable to those non-eligible persons with no marital ties in Hong Kong. The introduction of the new arrangement might have delayed the childbearing plan of Mainland women whose spouses were Hong Kong residents until they could settle in Hong Kong under the One-way Permit (OWP) Scheme.

3. DDA made the following responses –

- (a) the population policy aimed at optimizing Hong Kong's demographic structure by securing and nurturing a quality population. A wide range of policy initiatives were involved in order to achieve the aim of the population policy; attracting talents and quality migrants was just one of the measures. The Administration would take into account the population changes in pursuing the objectives of the population policy and observe closely the number of Mainland residents would be settling in Hong Kong in planning ahead the resources to meet the service needs of these families;
- (b) in recognition of the importance of family reunion and social harmony, the Administration had provided support services for new arrivals from the Mainland and families with new arrivals from the Mainland as well as put in place various measures to help them integrate into the community;
- (c) the Administration attached importance to the education of newly-arrived children. Support for these children included

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programmes that help them integrate into the community and education system, special measures for cross-boundary students and the launch of a pilot scheme to enable schools for Hong Kong children living in Shenzhen to participate in the 2008-2010 Secondary School Places Allocation System;

- (d) in the light of the ageing population, the Administration had taken measures to encourage births while the decision on childbearing was very much a decision of the individual couples; and
- (e) the new obstetric service arrangements were to ensure that local pregnant women were given proper obstetric services and priority to use such services.

4. Some members expressed grave concerns about the impact of the immigration policy and control measures on reunion of local families with members from the Mainland. They were of the view that the policy should be refined with a view to facilitating the reunion of those families with members from the Mainland and earlier arrival of the Mainland children born to Hong Kong residents so that these children could integrate into the community and the education system at a young age. In this respect, members requested the Administration to –

- (a) liaise with the Mainland authorities to further shorten the waiting time for separated spouses from four years to three years under the OWP Scheme and to review the mechanism for allocation and distribution of 150 daily places for OWP to expedite family union;
- (b) liaise with the Mainland authorities in drawing up objective criteria for the issue of OWPs to Mainland single mothers whose ex-spouses were Hong Kong residents; and
- (c) alleviate difficulties faced by those Mainland residents who entered Hong Kong on Exit-Entry Permits (EEPs) (commonly known as "Two Way Permit") to take care of their family members in Hong Kong.

5. Principal Assistant Secretary (Security) C (PAS(S)C) made the following responses –

- (a) according to the Basic Law, Mainland residents need approval before entering Hong Kong;
- (b) the processing and assessment of applications for the issue of OWPs were governed by the respective Mainland authorities. The waiting time for OWP for separated spouses had been shortened to five years

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in 2005 and further shortened to four years starting from 2009. The daily quota of 150 places of OWPs aimed to ensure the orderly entry of Mainland residents to re-unite with their family members in Hong Kong. In 2008, on average 114 OWP holders entered Hong Kong per day;

- (c) the Mainland authorities would consider exercising discretion to issue OWPs to individual Mainland women having dependent children in Hong Kong in the light of the individual circumstances of each case; and
- (d) Mainland residents could apply for EEPs with the proper exit endorsements for entry Hong Kong as visitors for the purpose of visiting relatives. The number of permits issued had been increased from some 920 000 in 2002 to over 1.9 million in 2008.

6. PAS(S)C added that the Administration would continue to exchange views from time to time with the Mainland authorities on the immigration arrangements for Mainland residents.

7. Members agreed that the Subcommittee would focus its work on local families having children and with family members from the Mainland, and either parents in these families were Hong Kong residents.

Follow-up actions

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8. To facilitate future discussion, members requested the Administration to provide the following information –

- (a) assumptions made by the Census and Statistics Department in undertaking the latest population projection, such as the number of children born in Hong Kong to Mainland mothers who were taken care of in the Mainland, and whether and when these children would subsequently return to Hong Kong for education and living;
- (b) number of new arrivals on OWPs under different categories of the existing OWP quota and their respective utilization rates, the average waiting time for the issue of OWPs under different categories, the provinces/cities where their household registrations were kept and the profiles of these families;
- (c) number of applications for OWPs by adult children of Hong Kong residents for family reunion and the number of Mainland residents who were eligible for applying for Certificates of Entitlement;

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- (d) number of visits by Mainland residents holding EEPs and exit endorsements, together with the purposes for entry into Hong Kong and the duration of stay, number of such visitors who had applied for OWP's or having family members in Hong Kong, and number of such visitors holding EEPs and exit endorsements had re-applied for the permits immediately after the expiry of the current permits;
- (e) number of CSSA households comprising members not meeting the seven-year residence requirement, and the profile of these families and details of the discretion exercised by the Director of Social Welfare to grant CSSA to those who did not meet the residence requirement; and
- (f) assessment of the social impact arising from the introduction of the new obstetric service arrangements and immigration control on non-local women giving birth in Hong Kong.

**II. Any other business**

Agenda of the next meeting

9. Members agreed to discuss population and immigration policies relating to Mainland-Hong Kong families at the next meeting held on 19 March 2009 and to receive views from deputations on the subject.

10. There being no other business, the meeting ended at 12:47 pm.

Council Business Division 2  
Legislative Council Secretariat  
1 April 2009

**Proceedings of the second meeting of the  
Subcommittee to Study Issues Relating to Mainland-HKSAR Families  
on Thursday, 19 February 2009, at 10:45 am  
in the Chamber of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
<i>Agenda item I – Population policy relating to Mainland-HKSAR families</i>			
000000 – 000409	Chairman	Opening remarks	
000410 – 000824	Admin	Aim and priority areas of the population policy	
000825 – 000939	Chairman Admin	Role of the Council for Sustainable Development in relation to the population policy	
000940 – 001001	Chairman	Submissions tabled at the meeting	
001002 – 001816	Mr WONG Kwok-hing Chairman Admin	<p>Views of Mr WONG Kwok-hing that –</p> <p>(a) family reunion should be a priority area covered in the population policy, as cross-boundary families would give rise to various social problems;</p> <p>(b) waiting time for the issue of the One Way Permits (OWPs) in respect of separated spouses should be shortened from four years to three years or less; and</p> <p>(c) measures should be taken to alleviate difficulties faced by Mainland residents who visited Hong Kong on Exit-Entry Permits (EEPs) (commonly known as "Two Way Permits" (TWPs)) while awaiting for the issue of OWPs</p> <p>The Administration's response that –</p> <p>(a) the population policy aimed at optimizing Hong Kong's demographic structure by securing and nurturing a quality population. Relevant bureaux would take into account the importance of family reunion in formulating measures which had impact on families with members from the Mainland;</p> <p>(b) the processing and assessment of applications for and the issue of OWPs, EEPs and exit endorsements were governed by the Mainland authorities. As far as OWPs are concerned, the waiting time for separated spouses had been further shortened from around five years since 2005 to four years starting from 2009; and</p> <p>(c) measures had been introduced to streamline the application for EEPs and exit endorsements for entry into Hong Kong as a visitor for purposes such as visiting relatives or sightseeing, and the number of such permits issued had increased greatly</p>	
001817 – 002512	Mr Albert HO Chairman Admin	<p>Views of Mr Albert HO that –</p> <p>(a) instead of being predominated by economic</p>	



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		<p>considerations, the population policy should be premised on the people-oriented principle. Social integration and harmony should be the primary objectives of the population policy; and</p> <p>(b) sufficient educational support should be provided to the new arrivals</p> <p>The Administration's response that –</p> <p>(a) human resources were vital assets for economic prosperity and sustainable development of Hong Kong. Attracting and nurturing quality population would help maintain the competitiveness of Hong Kong; and</p> <p>(b) resources had been allocated to help newly-arrived children integrate into the community and education system</p>	
002513 – 003205	Prof Patrick LAU Admin Chairman	<p>Views of Prof Patrick LAU that various policy bureaux should formulate long-term planning based on a reliable population projection.</p> <p>The Administration to provide information on the assumptions made by the Census and Statistics Department in undertaking the latest population projection, in particular the assumption concerning children born in Hong Kong to Mainland women, who were taken care of in the Mainland, would subsequently return to Hong Kong</p>	<b>Admin</b>
003206 – 003835	Mr LEUNG Yiu-chung Admin Chairman	<p>Views of Mr LEUNG Yiu-chung that –</p> <p>(a) nurturing the population by upgrading local education would be more important than attracting talents and quality migrants;</p> <p>(b) in the light of increasing number of cross-boundary marriages, the population policy should be family-oriented; and</p> <p>(c) measures should be taken to address the challenges brought about by the ageing population, and the Administration should carry out a study on the reasons for the low fertility rate</p> <p>The Administration's response that –</p> <p>(a) attracting talents and quality migrants was only one of the measures while nurturing a quality population by education development would be the foremost priority area in the population policy; and</p> <p>(b) in the light of the ageing population, the Administration had looked into the low fertility rate in Hong Kong and had taken corresponding measures</p>	
003836 – 004339	Ms Audrey EU Chairman	Views of Ms Audrey EU that the Subcommittee should –	

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		<ul style="list-style-type: none"> <li>(a) spell out the scope and objectives of its work as well as the target families;</li> <li>(b) identify the problems faced by such families; and</li> <li>(c) invite academics to give views on the subject</li> </ul>	
004340 – 005019	Mr CHEUNG Kwok-che Admin Chairman	<p>Views of Mr CHEUNG Kwok-che that –</p> <ul style="list-style-type: none"> <li>(a) earlier arrival of young family members from the Mainland could facilitate their integration into the community and education system. The Administration should liaise with the Mainland authorities to expedite the approving process for OWPs; and</li> <li>(b) newly-arrived members of cross-boundary families were ineligible for social welfare, housing and healthcare services under the existing policies</li> </ul> <p>The Administration's responses that –</p> <ul style="list-style-type: none"> <li>(a) as the waiting time for separated spouses under the OWP Scheme had been shortened to four years, the accompanying dependent children would, under normal circumstances and if the parents so wish, be at a young age when settling in Hong Kong; and</li> <li>(b) the principle of proper use of public money and justifiable resource allocation should be taken into account when formulating the current policies which had impact on families with members from the Mainland</li> </ul>	
005020 – 010305	Ms Cyd HO Chairman Admin	<p>Views of Ms Cyd Ho that –</p> <ul style="list-style-type: none"> <li>(a) as far as Mainland spouses were concerned, the waiting time for approval to settle in Hong Kong on the ground of family reunion were longer than applications from spouses of other place of origin. This would give rise to the question of discrimination against application by Mainland residents for family reunion in Hong Kong; and</li> <li>(b) as the daily 150 OWP quotas were underutilised, the Administration should discuss with the relevant Mainland authorities ways to fully utilise the unused sub-quotas</li> </ul> <p>The Administration's response that –</p> <ul style="list-style-type: none"> <li>(a) it was stipulated in Article 22 of the Basic Law that people from other parts of Mainland China must apply for approval for entry into Hong Kong. Mainland residents who wished to settle in Hong Kong must apply for a OWP. As for spouses of other places of origin, their applications would be considered in the light of dependant policy; and</li> <li>(b) the OWP Scheme was devised to facilitate the orderly entry of Mainland residents to re-unite with</li> </ul>	

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		<p>their families in Hong Kong</p> <p>The Administration to provide information on the utilization rates of OWPs, the average waiting time for the issue of OWPs under different categories, the provinces/cities where their household registrations were kept and the profile of these families</p>	<p><b>Admin</b></p>
010306 – 010914	Dr Priscilla LEUNG Chairman Admin	<p>Views of Dr Priscilla LEUNG that in the light of the ageing population, the Administration should put in place measures to facilitate early arrival of younger children coming under the OWP Scheme so that they could grow up and be educated in Hong Kong. In her view, although there would be a short term cost to the Government, this would help make these children integrate into the community</p> <p>The Administration's response that school placement service was provided for students newly arrived in Hong Kong. A pilot scheme was launched to enable schools for Hong Kong children living in Shenzhen to participate in the 2008-2010 Secondary School Places Allocation System</p>	
010915 – 011303	Chairman Admin	<p>The Chairman's enquiry whether the Administration had put in place policy to facilitate early arrival of younger children coming under the OWP Scheme. To this effect, consideration should be giving to abolishing the new obstetric service arrangements for Mainland spouses of Hong Kong residents giving birth in Hong Kong</p> <p>The Administration's response that –</p> <p>(a) a wide range of services were provided for new arrivals from the Mainland to assist them to integrate into the local community; and</p> <p>(b) the objectives of the arrangements for obstetric services were to ensure that local pregnant women were given proper obstetric services and priority to use such services</p>	
011304 – 011959	Mr Albert HO Chairman Admin	<p>Views of Mr Albert HO that –</p> <p>(a) Mainland residents entered Hong Kong on EEPs and exit endorsements as a visitor for purpose of family reunion contributed a significant number of mobile population; and</p> <p>(b) the seven-year residence requirement under the Comprehensive Social Security Assistance (CSSA) Scheme posed financial hardship to families with newly arrived family members who were not eligible for CSSA payments</p> <p>The Administration's response that –</p> <p>(a) a total of 1.95 million visitors from the Mainland holding EPPs with exit endorsements entered Hong Kong in 2008 for purpose of visiting relatives; and</p>	

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		<p>(b) the seven-year residence requirement under CSSA encouraged new arrivals who could work to be self-reliant. Children aged below 18 were exempted from any prior residence requirement, and discretion would be exercised to waive the residence requirements to recognise the new arrivals' efforts in striving for self-reliance</p> <p>The Administration to provide information on –</p> <p>(a) number of visits by Mainland residents holding EEPs and exit endorsements in 2008, together with the purposes for entry into Hong Kong and the duration of stay, number of such visitors who had applied for OWPs or had family members in Hong Kong; and</p> <p>(b) number of CSSA households comprised members not meeting the seven-year residence requirement, and the profile of these families and the details of the discretion to waive the residence requirement</p>	<p><b>Admin</b></p>
012000 – 012522	Ms Cyd HO Chairman Admin	<p>Views of Ms Cyd HO that the administrative arrangements for Mainland residents were deviated from the population policy to secure and nurture a quality population. For instance, the new obstetric service arrangement would have delayed the childbearing plan of Mainland women whose spouses were Hong Kong residents until they could settle in Hong Kong under the OWP Scheme</p> <p>The Administration to consider assessing the social impact arising from the introduction of the new obstetric service arrangements and immigration control on non-local women giving birth in Hong Kong</p>	<p><b>Admin</b></p>
012523 – 012918	Ms Audrey EU Chairman	<p>Views of Ms Audrey EU on way forward of the Subcommittee</p> <p>The Administration to provide information on number of visitors holding EEPs and exit endorsements had re-applied for the permits immediately after the expiry of permits for entry into Hong Kong for the purpose of visiting relatives</p>	<p><b>Admin</b></p>
012919 – 013510	Mr LEUNG Yiu-chung Admin Chairman	<p>Concerns of Mr LEUNG Yiu-chung about -</p> <p>(a) the social development of Hong Kong children whose mothers were Mainland residents; and</p> <p>(b) the difficulties faced by Mainland single mothers in applying for OWPs due to the fact that their spouses (who were Hong Kong residents) were dead or they were divorced. He urged the Administration to liaise with the Mainland authorities to draw up objective criteria for such applications</p> <p>The Administration's response that the issue of OWPs was approved by the Mainland respective authorities, which might exercise discretion having regard to</p>	

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		individual circumstances of each case. The Administration would convey members' concern to the Mainland authorities as appropriate	
013511 – 013728	Chairman Admin Ms Cyd HO	Target families of the Subcommittee in its work  The Administration to provide information on number of applications for OWPs by adult children for family reunion	<b>Admin</b>
013729 – 014104	Chairman Ms Cyd HO Admin	Views of Ms Cyd HO that family reunion should be a priority area covered in the population policy	
014105 – 014231	Ms Audrey EU	Concern about the labelling effect on the newly arrived members of cross-boundary families	
014232 – 014408	Chairman	Agenda items for the next meeting	
014409 – 014939	Mr Ronny TONG Chairman Mr CHEUNG Kwok-che	Proposal to discuss support services for cross-boundary families and cross-boundary students	
014940 – 020110	Ms Cyd HO Mr LEUNG Kwok-hung Chairman Admin	Views of Mr LEUNG Kwok-hung that policy relating to the right of abode should be reviewed  The Administration to provide information on the number of Mainland children who were eligible for applying for Certificates of Entitlement	<b>Admin</b>
020111 – 020216	Mr Ronny TONG	Proposal to discuss support services for new arrivals since they were not eligible for assistance for not meeting the seven-year residence requirement at a future meeting	
020217 – 020302	Chairman	Closing remarks	