

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1395/08-09  
(These minutes have been  
seen by the Administration)

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

**Minutes of the third meeting  
held on Thursday, 19 March 2009, at 8:30 am  
in the Chamber of the Legislative Council Building**

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

Security Bureau

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

**Deputations  
by invitation**

: Department of Social Work and Social Administration,  
The University of Hong Kong

Professor Paul YIP

Social Sciences Research Centre, The University of Hong Kong

Professor John Bacon-Shone  
Director

Justice and Peace Commission of the Hong Kong Catholic Diocese

Miss Bobo YIP  
Project Officer

Mr LAM Tao-shing

Christian Action

Ms Carol LEE Wing-chong  
Assistant Manager, Social Services Department

東九龍準來港婦女關注組

Ms Tammy TIN Jin-ning  
Spokesperson

Ms LIN Fu-di  
Spokesperson

The Association for the Advancement of Feminism

Miss AU Mei-po  
Organizer

Association for Family Reunions Ltd.

Mr CHAN Jian-wen  
Chairman

Mr WU Zhi-peng  
Deputy Secretary General

Hong Kong Association for the Survivors of Women  
Abuse (Kwan Fook)

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Ms LIU Ngan-fung  
Chairperson

亞花  
Member

準來港婦女互助組

Ms LIU Kai-qiong  
Member

Ms TAN Yan-ling  
Member

準來港婦女關注組

Ms CHEUNG Lai-hung  
Member

Ms JIN Xiao-ling  
Member

New Women Arrivals League

Ms YEUNG Mei  
Chairman

Yin  
Member

關注中港家庭權利聯席

Miss HUNG Ling-yu  
Member

Mr TSANG Koon-wing  
Member

Coalition of Population Policy Concerned Group

Miss Crystal CHOW  
Speaker

**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 and immigration policies relating to Mainland-Hong Kong families**

(LC Paper Nos. CB(2)870/08-09(01), CB(2)1070/08-09(01) to (05), CB(2)1116/08-09(01) to (05), CB(2)1129/08-09(01) to (02) and IN07/08-09)

The Subcommittee deliberated (index of proceedings attached at **Annex**).

2. The Subcommittee received views from 13 deputations on the population and immigration policies relating to Mainland-Hong Kong families. Major views of the deputations were summarized below –

- (a) with reference to their studies, Professor Paul YIP and Professor John Bacon-Shone of the University of Hong Kong highlighted that –
  - (i) the earlier the Mainland children under the One Way Permit (OWP) Scheme settling in Hong Kong, the easier they could integrate into the local education system and the more likely they would go on to tertiary education;

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- (ii) as a result of an increasing number of children born in Hong Kong to Mainland mothers and Hong Kong fathers, the number of children waiting to come to Hong Kong under the OWP Scheme would be decreasing. The shortfall in utilization of the children quota provided an opportunity to transfer some of the unused quota to separated spouses, enabling the waiting time to be further reduced to three years over the next few years without exceeding the overall quota; and
  - (iii) on the impact of OWP arrivals coming two years earlier, the additional costs to the Government were relatively modest in terms of the estimated additional Comprehensive Social Security Assistance and education costs, as compared to the recurrent Government expenditure. Moreover, early family reunion could prevent many social problems;
- (b) Mainland single mothers were not eligible for applying for OWPs under the category of separated spouses due to the fact that their spouses (who were Hong Kong residents) were dead or they were divorced. The Administration was requested to liaise with the Mainland authorities to exercise discretion in considering such application for OWPs;
  - (c) Mainland mothers who were holding Exit-Entry Permits (EEPs) (commonly known as "Two Way Permit") were required to return to the Mainland to apply for renewal of EEPs every three months. Some Mainland mothers had genuine difficulties in arranging other people to take care of their dependent children in Hong Kong during their temporary absence. The Administration was requested to liaise with the Mainland authorities to extend the limits of stay of EEPs from three months to six months or to tie in with the school term breaks;
  - (d) the Administration should liaise with the Mainland authorities to consider allocating the unused OWP places for Mainland adult children of Hong Kong residents for settlement in Hong Kong; and
  - (e) concerns were raised about the media reports cited by a deputation regarding the grant of residency rights to 25 abode seekers who were Mainland adult children.
3. The Administration made the following responses –
- (a) while recognizing the importance of family reunion, the Administration had to uphold effective immigration control and pay

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due regard to the overall impact on the Hong Kong society arising from any policy change;

- (b) the waiting time for separated spouses had been further shortened from around five years since 2005 to four years starting from 2009. As such, the accompanying dependent children would, under normal circumstances and if their parents so wished, be at a young age when settling in Hong Kong and could receive education before primary one;
- (c) the three-month limit of stay in Hong Kong for EEP holders was considered appropriate from the perspective of risk management and effective immigration control;
- (d) the Government had from time to time exchanged views with the Mainland authorities and reflected views from various sectors in Hong Kong, including the suggestion for the Mainland authorities to consider allowing more Mainland adult children in need to come to Hong Kong through the OWP Scheme; and
- (e) no complaints had so far been received about the media reports cited by the deputation.

4. In the light of the views expressed by deputations, members made the following remarks –

- (a) it was an opportune time for the Administration to liaise with the Mainland authorities to review and refine the OWP Scheme in the light of changes in circumstances;
- (b) in view of the under-utilization of the overall quota under the OWP Scheme, the Administration was requested to seriously consider liaising with the Mainland authorities to fully utilize the daily quota by re-allocating the unused places, especially the children quota, to applicants under other categories and allocating some of them to Mainland adult children so as to expedite family reunion; and
- (c) noting that the Administration had from time to time conveyed to the Mainland authorities the suggestion of allowing more Mainland adult children to come to Hong Kong under the OWP Scheme, the Administration should keep members abreast of the developments.

5. Principal Assistant Secretary (Security) C reiterated that apart from the consideration to facilitate family reunion, the Administration also needed to uphold effective immigration control and pay due regard to the overall impact on the Hong Kong society arising from any policy change. He pointed out that the then Task

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Force on Population Policy had reviewed a number of policies, including the OWP Scheme and that the Mainland authorities had from time to time refined the system. Notably, the waiting time for separated spouses had been further shortened to four years starting from 2009. The Administration considered that the relevant immigration arrangements had been suitably adjusted in the light of changes in circumstances, and no significant change was required at this stage. As regards the suggestion of allowing more Mainland adult children to come to Hong Kong under the OWP Scheme, the Administration including the Secretary for Security himself had time and again discussed with the Mainland authorities on different occasions about the suggestion.

Follow-up actions

Admin

6. The Administration was requested to –

- (a) consider reviewing and refining the existing OWP Scheme with the Mainland authorities so as to facilitate family reunion of local families with members from the Mainland;
- (b) study the viability of further shortening the waiting time for the issue of OWPs to separated spouses;
- (c) give an account of the latest progress of the discussion with the Mainland authorities of allowing more Mainland adult children in need to come to Hong Kong for settlement through the OWP Scheme;
- (d) consider allocating unused OWP places for Mainland adult children of Hong Kong residents for settlement in Hong Kong;
- (e) provide response to the media reports regarding the grant of residency to 25 abode seekers who were Mainland adult children; and
- (f) consider extending the limits of stay for EEP holders from three months to six months, so as to enable Mainland mothers to take care of their family members in Hong Kong.

**II. Any other business**

7. Members agreed to further discuss the immigration policy relating to Mainland-Hong Kong families at the next meeting to be held on 17 April 2009. Members further agreed to request the attendance of very senior officials at the next meeting for discussion of the item.

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8. There being no other business, the meeting ended at 10:50 am.

Council Business Division 2  
Legislative Council Secretariat  
22 April 2009

**Proceedings of the third meeting of the  
Subcommittee to Study Issues Relating to Mainland-HKSAR Families  
on Thursday, 19 March 2009, at 8:30 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 and immigration policies relating to Mainland-HKSAR families</i>			
000000 – 000807	Chairman	Opening remarks	
000808 – 001217	Department of Social Work and Social Administration, The University of Hong Kong	<p>Presentation of views [LC Paper No. CB(2)1116/08-09(01)]</p> <p>Social benefits of earlier arrival of Mainland children born to Hong Kong residents under the One Way Permit (OWP) Scheme, such as better educational attainment</p>	
001218 – 001735	Social Sciences Research Centre, The University of Hong Kong	<p>Presentation of views [LC Paper No. CB(2)1116/08-09(02)]</p> <p>Proposal to use the shortfall in the utilization of the children quota under the OWP Scheme so as to increase the inflow of separated spouses without exceeding the overall quota. Quota flexibility would reduce the waiting time for separated spouses to three years over the next few years, further increase the number of children born to Hong Kong resident mothers and hence reduce further the pool of Mainland children waiting to come</p> <p>Analysis on the costs and benefits for OWP arrivals coming earlier</p>	
001736 – 002153	Christian Action	<p>Presentation of views</p> <p>Concerns about the difficulties faced by Mainland single mothers and their Hong Kong children</p>	
002154 – 002724	Justice and Peace Commission of the Hong Kong Catholic Diocese	<p>Presentation of views [LC Paper No. CB(2)1129/08-09(02)]</p> <p>Concerns about the progress of allowing Mainland adult children to settle in Hong Kong under the OWP Scheme</p>	
002725 – 003153	東九龍準來港婦女關注組	<p>Presentation of views [LC Paper No. CB(2)1070/08-09(02)]</p> <p>Concerns of Mainland mothers who were waiting for settling in Hong Kong, and request for extending the limits of stay of Exit-Entry Permit (EEP) holders from three months to six months</p>	
003154 – 003733	The Association for the Advancement of Feminism	<p>Presentation of views</p> <p>Concerns about the lack of gender mainstreaming perspective in examining the population policy and providing appropriate support services for new arrival Mainland mothers</p> <p>Comments on the implementation of the new</p>	

Time marker	Speaker(s)	Subject(s)	Action required
		arrangements for obstetric services for non-local pregnant women	
003734 – 004046	Association for Family Reunions Ltd.	Presentation of views  Request for allocating the unused quota under the OWP Scheme to Mainland adult children of Hong Kong residents	
004047 – 004618	Hong Kong Association for the Survivors of Women Abuse (Kwan Fook)	Presentation of views [LC Paper No. CB(2)1116/08-09(03)]  Concerns about the difficulties faced by Mainland single mothers and their Hong Kong children	
004619 – 005058	準來港婦女互助組	Presentation of views [LC Paper No. CB(2)1116/08-09(04)]  Concerns of Mainland single mothers who were not eligible for applying for OWPs due to various reasons	
005059 – 005616	準來港婦女關注組	Presentation of views [LC Paper No. CB(2)1116/08-09(05)]  Concerns of Mainland mothers of Hong Kong children while waiting for settlement in Hong Kong	
005617 – 010133	New Women Arrivals League	Presentation of views [LC Paper No. CB(2)1070/08-09(03)]  Concern that some Mainland spouses whose applications for OWPs were rejected due to the unfounded comments made by the Immigration Department in verifying their applications	
010134 – 010656	關注中港家庭權利聯席	Presentation of views [LC Paper No. CB(2)1129/08-09(01)]  Request for a review of the OWP Scheme and concern about the high obstetric fees levied on non-local pregnant women	
010657 – 011123	Coalition of Population Policy Concerned Group	Presentation of views  Request for a review of the population policy with wide public consultation	

Time marker	Speaker(s)	Subject(s)	Action required
11124 – 012431	Admin Chairman	<p>The Administration's responses to deputations' views –</p> <ul style="list-style-type: none"> <li>(a) Council for Sustainable Development had conducted a public engagement process on population policy and received over 3 000 responses to the Invitation and Response document "Enhancing Population Potential for a Sustainable Future". Actions were taken by the relevant bureaux and departments to implement the measures under the priority areas of the population policy;</li> <li>(b) regarding the entry of Mainland residents, apart from the consideration to facilitate family reunion, the Administration had to uphold effective immigration control and pay due regard to the overall impact on the Hong Kong society arising from any policy change;</li> <li>(c) the waiting time for separated spouses had been further shortened to four years starting from 2009. As such, the accompanying dependent children would, under normal circumstances and if their parents so wished, be at a young age when settling in Hong Kong and receive local education;</li> <li>(d) although the issue of OWPs was the responsibility of the Mainland authorities, the Administration had reflected the views of various sectors in Hong Kong on the relevant arrangements, including the suggestion for the Mainland authorities to consider allowing more Mainland adult children in need to come to Hong Kong through the OWP Scheme; and</li> <li>(e) the three-month limit of stay for visitors on EEPs was considered appropriate taking into account the need for effective immigration control</li> </ul>	
012432 – 012955	Mr WONG Kwok-hing Chairman Admin	<p>Concerns about –</p> <ul style="list-style-type: none"> <li>(a) the latest progress of discussion with the Mainland authorities on allowing more Mainland adult children in need to come to Hong Kong through the OWP Scheme; and</li> <li>(b) whether the Administration would consider extending the limits of stay for visitors on EEPs to tie in with the school term breaks, so as to enable Mainland mothers to take care of their children in Hong Kong</li> </ul> <p>The Administration's response that the Security Bureau had been following up with the Mainland authorities on the suggestion of allowing more Mainland adult children in need to settle in Hong Kong under the OWP Scheme. Any suggestion to further relax the limits of stay for EEP holders should be subject to careful consideration in the light of the need to uphold effective immigration control</p>	<b>Admin to provide response</b>

Time marker	Speaker(s)	Subject(s)	Action required
012956 – 013607	Mr CHEUNG Kwok-che Chairman Justice and Peace Commission of the Hong Kong Catholic Diocese Admin	Concerns about the arrangements for Mainland adult children to come to Hong Kong through the OWP Scheme and the media reports regarding the grant of residency to 25 abode seekers who were Mainland adult children (media reports)  The Administration's response that it had from time to time exchanged views with and reflected the suggestion to the Mainland authorities. It had not received any complaints about the cases so mentioned in the media reports	
013608 – 014159	Mrs Regina IP Chairman Admin	Views of Mrs Regina IP that the OWP Scheme should be reviewed in the light of the changing social environment and the Administration should give an account of the progress of discussion with the Mainland authorities on allowing more Mainland adult children in need to come to Hong Kong  The Administration responded that the then Task Force on Population Policy had reviewed a number of policies, including the OWP Scheme. In addition, the Mainland authorities had from time to time refined the system. No significant change was required at this stage  Regarding the suggestion of allowing more Mainland adult children in need to come to Hong Kong, the Secretary for Security had time and again raised with the Mainland authorities on various occasions, though the Administration could not disclose details of the exchanges	<b>Admin to consider refining the Scheme</b>  <b>Admin to provide information</b>
014200 – 014812	Ms Cyd HO Chairman Admin Social Sciences Research Centre, The University of Hong Kong Department of Social Work and Social Administration, The University of Hong Kong	Request for a review of the allocation of places for various categories under the OWP Scheme as the utilization of the sub-quota for the children category had been dropping in the past two years. For instance, the unused places could be allocated to other categories at the end of the year such that the quota could be fully utilized without exceeding the overall quota  The Administration's response that the issue of OWPs was the responsibility of the Mainland authorities. The apparent decreasing trend of utilization of the Certificates of Entitlement sub-quota had yet to be established	
014813 – 015353	Mr LEUNG Yiu-chung Chairman Admin Hong Kong Association for the Survivors of Women Abuse (Kwan Fook)	Request for a written response to the media reports mentioned by a deputation earlier	<b>Admin to provide response</b>
015354 – 015441	Chairman	Decision to extend the meeting for 15 minutes	
015442 – 020058	Mr Ronny TONG Chairman Admin	Request for –  (a) attendance of principal officials at the next meeting;	<b>Admin to note</b>

Time marker	Speaker(s)	Subject(s)	Action required
		<p>(b) more efforts to discuss with the Mainland authorities on the allocation of OWP quota to further shorten the waiting time of separated spouses; and</p> <p>(c) a comprehensive review on policies having impacts on new arrivals from the Mainland</p>	
020059 – 020257	Mr TAM Yiu-chung Chairman Admin	Views of the Democratic Alliance for Betterment and Progress of Hong Kong that while the waiting time for the issue of OWPs to separated spouses had been shortened, the Administration should continue its effort in liaising with the Mainland authorities to allow more Mainland adult children in need to come to Hong Kong under the OWP Scheme in the light of the under utilization of overall quota	
020258 – 020811	Mr WONG Yuk-man	Views of Mr WONG Yuk-man that the Administration should review the immigration policy to expedite family reunion	
020812 – 020842	Chairman	Invitation of further views from the deputations	
020843 – 020920	Social Sciences Research Centre, The University of Hong Kong	Whether the Administration would target to reduce the waiting time for the issue of OWPs to zero and abolish the Scheme eventually	
020921 – 021121	Justice and Peace Commission of the Hong Kong Catholic Diocese	Responses to the Administration's remarks on the immigration policy and the media reports	
021122 – 021222	New Women Arrivals League	Request for the Administration's assistance to follow up individual cases with special circumstances related to application for OWPs	
021223 – 021415	Hong Kong Association for the Survivors of Women Abuse (Kwan Fook)	Request for the Administration's assistance to closely liaise with the Mainland authorities on cases with special circumstances	
021416 – 021604	關注中港家庭權利聯席	Request for a review of the population policy and setting up a statutory body to handle issues relating to the application and processing of OWPs, EEPs and exit endorsements	
021605 – 021749	Admin Chairman	<p>The Administration's response that –</p> <p>(a) the waiting time for separated spouses had been further shortened to four years from 2009 onwards; and</p> <p>(b) the idea to set up a statutory body for handling issues relating to the application and processing of OWPs, EEPs and exit endorsements should be considered carefully in the light of Article 22 of the Basic Law</p>	

<b>Time marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
021750 – 021913	Chairman	Discussion item of next meeting and dates of meetings in May and June 2009	

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