

立法會
Legislative Council

LC Paper No. CB(2)2096/08-09
(These minutes have been
seen by the Administration)

Ref : CB2/HS/2/08

Subcommittee to Study Issues Relating to Mainland-HKSAR Families

**Minutes of the 5th meeting
held on Friday, 29 May 2009, at 8:30 am
in the Chamber of the Legislative Council Building**

- Members present** : Hon LEE Cheuk-yan (Chairman)
Hon Albert HO Chun-yan
Hon Miriam LAU Kin-ye, GBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, SBS, 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
Dr Hon LAM Tai-fai, BBS, JP
Hon CHAN Hak-kan
Hon CHEUNG Kwok-che
Hon WONG Sing-chi
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
- Members absent** : Hon LEUNG Yiu-chung (Deputy Chairman)
Hon Cyd HO Sau-lan
Dr Hon Priscilla LEUNG Mei-fun
Hon WONG Yuk-man
- Public Officers attending** : Item I
Home Affairs Bureau
Ms Grace LUI Kit-yuk
Deputy Secretary for Home Affairs (1)

Security Bureau

Miss Chelsea WONG Wing-chee
Acting Principal Assistant Secretary (Security) C

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

Action

I. Immigration policy relating to Mainland-Hong Kong families
(LC Paper Nos. CB(2)1070/08-09(01) and (05), CB(2)1232/08-09(01) and CB(2)1640/08-09(01) to (02))

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

2. The Subcommittee deliberated on paragraph 15 of the paper entitled "Immigration policy relating to Mainland-HKSAR families" and made some amendments to the paper. Members generally considered that the daily One Way Permits (OWPs) quota of 150 places should be fully utilised, and the unused places should be allocated flexibly to applications of other categories. After discussion, members agreed on the following recommendations for the Administration's consideration –

- (a) further shortening the waiting time for the issue of OWPs to separated spouses from four years to three years or less, with priority given to –
 - (i) those separated for 10 years or above, and the waiting time for the issue of OWPs should be shortened to less than one year; and
 - (ii) Mainland spouses with young children aged below 12 in Hong Kong;

Action

- (b) opening a channel for Mainland adult children of Hong Kong residents under the OWP Scheme without imposing the restriction of only one Mainland adult child was allowed to come to Hong Kong, with priority given to those –
 - (i) who were the right of abode claimants;
 - (ii) with unsupported parents aged 60 or above in Hong Kong; and
 - (iii) with frail parents in Hong Kong;
- (c) opening a channel for Mainland parents of Hong Kong residents under the OWP Scheme, with priority given to those unsupported Mainland parents, and allowing Hong Kong children born to Mainland residents to apply for household registrations such that the former could choose to return to and live together with their parents in Mainland;
- (d) opening a channel for Mainland spouses of Hong Kong residents who had applied for OWPs but became ineligible due to the passing away of their spouses (who were Hong Kong residents) or divorce, with priority given to Mainland single mothers with children in Hong Kong;
- (e) allowing Mainland mothers visiting Hong Kong on the strength of a Two Way Permit (TWP) with "visiting relatives" exit endorsement to stay for a longer period of time, say, from three months to six months or to tie in with the school term breaks, so as to enable them to take care of their children attending school in Hong Kong; and
- (f) setting up a joint liaison working group comprising representatives from the Mainland authorities and HKSAR Government to review the immigration arrangements and deal with complaints and appeals relating to the issue of OWPs and TWPs.

Admin 3. The Administration advised that it would study the Subcommittee's recommendations and their implications, and exchange views with the Mainland authorities as appropriate. It aimed to revert to the Subcommittee on the progress in three months' time.

Admin 4. To facilitate members' future discussion, the Administration was requested to provide/obtain from the relevant Mainland authorities the following information –

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- (a) the waiting time for spouses separated for 10 years or above upon application for OWPs;
- (b) the number of applicants that could be benefited if the waiting time for the issue of OWPs to separated spouses was further shortened from four years to three years, and whether the additional eligible applicants could be met within the daily quota of 150 places;
- (c) whether the utilisation of the daily OWP quota of 150 places was calculated on a daily, monthly or yearly basis, and whether the unused quota could be carried forward to the next calculation period;
- (d) the number of Mainland residents waiting for the issue of OWPs and the number of OWPs issued on a quarterly basis; and
- (e) the number of Mainland residents visiting Hong Kong on the strength of a TWP, together with a breakdown by reasons of applications (such as taking care of their children, old/frail parents in Hong Kong), and their cumulative duration of stay in Hong Kong.

5. The Chairman said that the Legislative Council Secretariat would incorporate members' views and suggestions and revise the draft paper as appropriate. The revised draft paper would be circulated for members' consideration before forwarding to the Administration for consideration and follow-up.

II. Any other business

6. Members agreed to discuss and receive views from deputations on the arrangements for the use of obstetric services by Mainland women at the next meeting to be held on 29 June 2009.

7. There being no other business, the meeting ended at 10:17 am.

Council Business Division 2
Legislative Council Secretariat
3 July 2009

**Proceedings of the 5th meeting of the
Subcommittee to Study Issues Relating to Mainland-HKSAR Families
on Friday, 29 May 2009, at 8:30 am
in the Chamber of the Legislative Council Building**

| Time marker | Speaker(s) | Subject(s) | Action required |
|---|--|--|-----------------|
| <i>Agenda item I – Immigration policy relating to Mainland-Hong Kong families</i> | | | |
| 000000 - 001743 | Chairman Administration | <p>Whether unused places under a specific sub-quota could be allocated to other categories of applications under the One Way Permit (OWP) Scheme</p> <p>The Administration's response that while 60 places were allocated for holders of Certificates of Entitlement (CoE), the remaining 90 places were for other categories of applications</p> | |
| 001744 - 002837 | Mr WONG Kwok-hing Chairman Administration | <p>Progress of allowing Mainland mothers visiting Hong Kong on the strength of a Two Way Permit (TWP) to stay for a longer period of time to take care of their children in Hong Kong</p> <p>The Administration was requested provide information on the number of Mainland residents visiting Hong Kong on the strength of a TWP, together with a breakdown by reasons of applications (such as taking care of children, old/frail parents in Hong Kong), and their cumulative duration of stay in Hong Kong</p> | Admin |
| 002838 - 003313 | Chairman Mr TAM Yiu-chung | <p>Concerns about –</p> <p>(a) the arrangement for Mainland adult children to come to Hong Kong under the OWP Scheme, particularly those who had already applied for an OWP before reaching the age limit of 18 but became ineligible due to the fact they had reached the age limit;</p> <p>(b) the arrangement for Mainland single mothers who became ineligible for OWPs due to the passing away of their spouses who were Hong Kong residents or divorce while the former were waiting for OWPs to settle in Hong Kong; and</p> <p>(c) the difficulties faced by Mainland mothers entered Hong Kong on the strength of a TWP and their unattended children in Hong Kong when the former had to returned to the Mainland to re-apply for TWPs</p> | |
| 003314 - 003702 | Mr CHEUNG Kwok-che Administration Chairman | <p>Enquiries about –</p> <p>(a) the utilisation rates of the 60 places for CoE holders and the 90 places for other categories under the OWP Scheme and whether the unused places for CoE holders could be allocated to other categories;</p> <p>(b) whether the HKSAR Government had a role to play in determining the utilisation of the daily</p> | |

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| | | <p>quota of OWPs; and</p> <p>(c) the communication channel between the HKSAR Government and the Mainland authorities on the issue of OWPs and TWP</p> <p>The Administration's response that the daily quota of OWPs was set by the Mainland authorities as the OWP Scheme fell within the remit of the Mainland. Notwithstanding, the HKSAR Government had from time to time exchanged views with the Mainland authorities on the immigration arrangements. It would consider members' views and the Subcommittee's recommendations and the implications, and exchange views with the Mainland authorities as appropriate</p> | |
| 003703 - 004830 | Mr Ronny TONG Chairman Administration | <p>Views of Mr Ronny TONG that it was unacceptable that the situation of spouses separated for 10 years or above still existed, and they should be allowed to come to Hong Kong within one year upon application</p> <p>The Administration's response that OWPs for the long-separated spouses could only be processed after they had formally submitted their applications to the Mainland authorities. Under the existing "Points System", their OWP applications were already given a higher priority</p> <p>Request for information on the waiting time for OWP applications of long-separated spouses i.e. 10 years or above upon application</p> | Admin |
| 004831 - 005457 | Ms Miriam LAU Chairman Administration | <p>Suggestions of allocating the unused places under the sub-quota for long-separated to spouse separated for a shorter period</p> <p>Expressing support for the proposal of opening a channel for Mainland adult children and lifting the restriction for only one Mainland adult child to come to Hong Kong to take care of their unsupported parent(s)</p> | |
| 005458 - 010133 | Mrs Regina IP Chairman | <p>Expressing support for the recommendations in paragraph 15 of LC Paper No. CB(2)1640/08-09(01) (the paper)</p> <p>Advice that the Administration could consider liaising with and obtaining from the relevant authorities in Guangdong Province and Fujian Province in respect of the information requested by Mr WONG Kwok-hing</p> <p>The Administration was requested to convey to the Hospital Authority to consider offering concessionary rates to Mainland women whose spouses were Hong Kong residents for the use of obstetric services in Hong Kong</p> <p>Views on the suggestion made by a deputation regarding the set-up of a statutory body/official mechanism to handle issues relating to the application and processing of OWPs and TWP</p> | |

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| 010134 - 010604 | Mr Albert HO Chairman Administration | Suggestion of allocating the unused places of the sub-quota for CoE holders to other applications in view of its under-utilisation in the recent years | |
| 010605 – 011722 | Prof Patrick LAU Chairman Administration Mr CHEUNG Kwok-che Mr Albert HO Dr LAM Tai-fai | Discussion on paragraph 15(a) of the paper The Administration was requested to – (a) provide information on the number of applicants that could be benefited if the waiting time for the issue of OWPs to separated spouses was shortened from four years to three years and whether the additional eligible applicants could be met within the daily quota of 150 places; (b) clarify whether the utilisation of the daily quota of 150 places was calculated on a daily, monthly or yearly basis, and whether the unused places could be carried forward to the next calculation period; and (c) obtain information from the Mainland authorities and advise the Subcommittee quarterly on the number of Mainland residents waiting for the issue of OWPs and the number of OWPs issued | Admin |
| 011723 - 012246 | Chairman Mr Albert HO Mr CHEUNG Kwok-che | Suggestion of opening a channel for Mainland adult children of Hong Kong residents under the OWP Scheme, with priority given to the right of abode claimants | |
| 012247 - 012512 | Chairman Mr Albert HO Administration | Suggestion of opening a channel for Mainland parents of Hong Kong residents under the OWP Scheme, with priority given to those unsupported Mainland parents. Alternatively, Hong Kong children born to Mainland parents should be allowed to apply for household registrations in the Mainland such that they could choose to reside with their parents in Mainland | |
| 012513 - 012819 | Chairman Mr WONG Sing-chi Mr CHEUNG Kwok-che | Suggestion of opening a channel for Mainland women who had applied for OWPs but became ineligible due to the passing away of their spouses (who were Hong Kong residents) or divorce, with priority given to those with children in Hong Kong | |
| 012820 - 013609 | Chairman Mr Albert HO Mr CHEUNG Kwok-che Administration Mr WONG Sing-chi Dr LAM Tai-fai Ms Audrey EU Yuet-mee | Suggestion of lifting the restriction for only one Mainland adult child was allowed to come to Hong Kong, with priority given to Mainland adult children with – (a) unsupported parents aged 60 or above in Hong Kong; and (b) unsupported frail parents Suggestion of giving higher points to separated spouses with young children aged below 12 in Hong Kong under the "Points System" of the OWP Scheme | |

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| 013610 - 013616 | Chairman | Discussion on paragraph 15(g) of the paper | |
| 013617 - 014230 | Chairman Mr CHEUNG Kwok-che Mr Albert HO Administration | Suggestion of setting up a joint liaison working group comprising representatives of the Mainland authorities and the HKSAR Government to review the immigration arrangements and to deal with complaints and appeals relating to the issue of OWPs and TWPs Exercise of discretion by the Administration in respect of extending the stay of Mainland residents visiting Hong Kong on the strength of TWPs | |
| 014231 - 014647 | Chairman Dr LAM Tai-fai Mr Albert HO | Concern that the daily OWP quota of 150 places should be allocated flexibly and fully utilised | |
| 014648 - 014931 | Chairman Administration Mr CHEUNG Kwok-che | Discussion item for the next meeting The Administration to revert to the Subcommittee on its responses to the recommendations in three months' time | Admin |

Council Business Division 2
Legislative Council Secretariat
3 July 2009