

立法會
Legislative Council

LC Paper No. CB(2)514/09-10
(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 8th meeting
held on Thursday, 5 November 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 Abraham SHEK Lai-him, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon WONG Kwok-hing, MH
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon Cyd HO Sau-lan
Hon CHEUNG Kwok-che
Hon WONG Sing-chi
Hon WONG Yuk-man

Members absent : Hon TAM Yiu-chung, GBS, JP
Hon Ronny TONG Ka-wah, SC
Hon CHAN Hak-kan

Public Officers attending : Item I
Home Affairs Bureau
Ms Grace LUI Kit-yuk
Deputy Secretary for Home Affairs (1)

Security Bureau

Mr Alan LO Ying-ki
Principal Assistant Secretary for Security

Immigration Department

Mr CHAN Man-lang
Assistant Director of Immigration

**Deputations
by invitation**

: Item I

Mission to New Arrivals Ltd.

Rev. LEUNG Yau-tung
General Secretary

Justice and Peace Commission of the Hong Kong Catholic
Diocese

Miss Jackie HUNG
Project Officer

爭取子女居港權家長協會

Mr LIN Tao-cheng

Hong Kong Christian Institute

Mr LEE Ling-hon
Programme Secretary

New Arrival Women League

Ms YEUNG Mei
Chairman

關注中港家庭權利聯席

Mr TSANG Koon-wing
Member

Mainland-Hong Kong Families Rights Association

Ms LIANG Caili
Member

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

Ms LIU Ngan-fung
Chairperson

居留權大學

Mr CHU Yuen-tao

Christian Action

Ms Carol LEE Wing-chong
Manager, Social Services Department

Coalition of Population Policy Concerned Group

Miss CHOW Ching
Member

風雨同路

阿宝
Member

The Association for Family Reunions

Mr CHEN Jian-wen
Chairman

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-HKSAR families

[LC Paper Nos. CB(2)145/09-10(01), CB(2)207/09-10(01) to (02), CB(2)221/09-10(01) and CB(2)1792/08-09(01)]

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

2. The Subcommittee received views from 13 deputations on the Administration's preliminary responses to the suggestions of the Subcommittee on immigration arrangements relating to Mainland-HKSAR families as set out in its paper (LC Paper No. CB(2)1792/08-09(01)).

3. In the light of the views expressed by the deputations, members made the following points –

- (a) it was regrettable that no concrete progress had been reported in respect of the suggestions of opening a channel under the One Way Permit (OWP) Scheme for Mainland single mothers with young children in Hong Kong and allowing more than one Mainland adult child to come to Hong Kong to take care of their unsupported parent(s) aged 60 or above;
- (b) the Administration should provide more details of the new policy initiative to be implemented to cater for Mainland adult children of Macao residents to settle in the Macao Special Administration Region (MSAR) and its applicability to Hong Kong, and clarify about the media reports on the age limit imposed on Mainland adult children when making such application;
- (c) the Administration should actively discuss with the Mainland authorities to further shorten the OWP waiting time for separated spouses from currently four years to three years;
- (d) noting from the media reports about the new arrangements under the Two Way Permit (TWP) Scheme in respect of the multiple entries with validity of one year for "visiting relatives" exit endorsements, the Administration should clarify whether Mainland single mothers with young children in Hong Kong and Mainland adult children with old parents in Hong Kong fell into the category of "special circumstances" under the new arrangements;
- (e) the Administration should consider, within its remit, exercising discretion to extend the duration of stay of Mainland mothers on TWPs whose endorsements would soon expire so that they could stay at Hong Kong until the new arrangements on one-year multiple-entry "visiting relatives" exit endorsements came into effect; and

Action

- (f) the Administration should give an account of its discussion with the Mainland authorities on the Subcommittee's suggestions on immigration arrangements relating to the Mainland-HKSAR families.

4. The Administration presented its paper CB(2)145/09-10(01) and made the following responses –

- (a) it had reflected the suggestions of the Subcommittee to the Mainland authorities. The Secretary for Security had exchanged views with the officials of the Public Security Bureau of the Mainland on the matter during his visit to Beijing in September 2009, and officials of the Security Bureau and the Immigration Department had also liaised with the relevant Mainland authorities. As the exchanges with the Mainland authorities were on-going, the HKSAR Government was not in a position to provide conclusive response to the suggestions at this juncture;
- (b) the Central Government had indicated to the HKSAR Government that the policy initiative to be implemented to cater for Mainland adult children of Macao residents to settle in MSAR, in general, would be applicable to Hong Kong. The arrangements were yet to be finalized and announced. The claims or reports that only Mainland adult children of Macau residents aged below 22 were eligible for such application were speculations only;
- (c) the new arrangements for multiple-entry "visiting relatives" exit endorsements with validity for one year would be implemented in late December 2009. While the details were yet to be finalized, to its understanding, Mainland residents with spouses and young children in Hong Kong could apply for such exit endorsements. Other types of applicants such as Mainland single mothers whose spouses (who were Hong Kong residents) were dead or they were divorced, and with young children in Hong Kong would be considered on individual merits. It would reflect members' views to the Mainland authorities regarding the applicability of such arrangements to Mainland adult children with unsupported old parents in Hong Kong;
- (d) the Administration had from time to time exercised discretion to allow TWP holders to extend their limits of stay having regard to individual circumstances. Each case was considered on its own merits;

Action

- (e) as far as OWPs were concerned, the waiting time for separated Guangdong spouses had been shortened from six to seven years prior to 2005 to four years currently. Taking into account that the average utilisation of OWPs had been as high as 140 from January to September 2009, the idea of further shortening the waiting time required thorough consideration; and
- (f) opening a channel for Mainland single mothers to settle in Hong Kong was a complicated issue that required further consideration, whereas allowing the second Mainland adult child to come to Hong Kong to take care of their unsupported parent(s) should be dealt with in the light of the new arrangements pertaining to Mainland adult children, of which the details were yet to be finalised.

Follow-up actions

Admin

5. The Administration was requested to –
 - (a) give an account of its discussion with Mainland authorities on the recommendations of the Subcommittee, including the rank of the responsible officials of HKSAR Government and the Mainland authorities;
 - (b) provide a breakdown of the up-to-date daily utilisation rate of OWP quotas; and
 - (c) provide, as far as practicable, information on the number of cases in which discretion was granted to approve Mainland single mothers with young children in Hong Kong to settle in Hong Kong.
6. Ms Audrey EU moved the following motion tabled at the meeting –

"That this Subcommittee requests Mr Ambrose LEE Siu-kwong, Secretary for Security, to immediately set up a joint liaison working group with the Mainland authorities pursuant to paragraph 15(h) of LC Paper No. CB(2)1792/08-09(01) to hold regular meetings to follow up the eight recommendations contained in the Subcommittee paper, and revert to this Subcommittee or the Legislative Council on the progress." (Translation)
7. The Chairman put the motion to vote. All the members present at the meeting voted for the motion. The Chairman declared that the motion was carried.

Action

8. Members noted that the Administration would further exchange views with the Mainland authorities and would revert to the Subcommittee on further developments relating to the recommendations of the Subcommittee in early 2010.

II. Any other business

9. Members agreed to discuss the arrangements for cross-boundary students at the next meeting to be held on 7 December 2009.

10. The Chairman advised that in accordance with House Rule 26(c), a subcommittee should complete its work within 12 months of its commencement and report to the House Committee. Since there were some outstanding issues to be followed up or discussed by the Subcommittee, it was envisaged that the Subcommittee would need to continue its work in the 2009-2010 session. Members agreed to discuss the need for the continuation of work of the Subcommittee at the next meeting.

11. Members also agreed that the Chief Secretary for Administration (CS) should be invited to attend a future meeting to discuss the population policy and obstetric service arrangements for Mainland women whose spouses were Hong Kong residents. The Administration would convey to CS for consideration.

12. There being no other business, the meeting ended at 12:43 pm.

**Proceedings of the 8th meeting of the
Subcommittee to Study Issues Relating to Mainland-HKSAR Families
on Thursday, 5 November 2009, at 10:45 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 - 000543	Chairman	Opening remarks	
000544 - 001229	Administration	Briefing by the Administration on the preliminary responses to suggestions of the Subcommittee on immigration arrangements relating to Mainland-HKSAR families [LC Paper No. CB(2)145/09-10(01)]	
001230 - 001658	Chairman Mission to New Arrivals Ltd.	Concern about the difficulties faced by the Mainland single mothers whose children were Hong Kong residents and request for information on the number of these Mainland single mothers who visited Hong Kong on the strength of Two Way Permits (TWPs) and opening a channel for them to apply for One Way Permits (OWPs)	
001659 - 001924	Justice and Peace Commission of the Hong Kong Catholic Diocese	Concerns about the new policy initiative pertaining to Mainland adult children of Macao residents to settle in the Macao Special Administrative Region (MSAR) and its applicability to Hong Kong, and the progress on the Subcommittee's suggestion of lifting the restriction for allowing only one Mainland adult child to come to Hong Kong to take care of their unsupported parent(s) aged 60 or above	
001925 - 002236	爭取子女居港權家長協會	Concern about the arrangements pertaining to Mainland adult children of Hong Kong residents applying for settling in Hong Kong and request for special consideration to the right of abode claimants	
002237 - 002705	Hong Kong Christian Institute	Request for a review of the population policy, addressing the problems faced by Mainland single mothers, and setting up a joint liaison working group to deal with issues relating to Mainland-HKSAR families	
002706 - 003050	New Arrival Women League	Presentation of views [LC Paper No. CB(2)221/09-10(01)] Concern whether the new arrangements of extending the validity of the "visiting relatives" exit endorsements under the TWP Scheme to allow Mainland residents to make multiple journeys to Hong Kong within one year would be applicable to Mainland single mothers with young children in Hong Kong. Request for setting up a joint liaison working group to deal with complaints and appeals relating to Mainland-HKSAR families	

Time marker	Speaker(s)	Subject(s)	Action required
003051 - 003358	關注中港家庭權利聯席	<p>Presentation of views [LC Paper No. CB(2)207/09-10(01)]</p> <p>Request for –</p> <ul style="list-style-type: none"> (a) conducting a survey on how many non-Hong Kong permanent residents parents of Hong Kong born babies planned to settle in Hong Kong; (b) opening a channel for Mainland single mothers of Hong Kong residents under the OWP Scheme; (c) setting up a joint liaison working group to handle issues relating to Mainland-HKSAR families; and (d) continuation of work of the Subcommittee 	
003359 - 003708	Mainland-Hong Kong Families Rights Association	<p>Presentation of views [LC Paper No. CB(2)207/09-10(02)]</p> <p>Request for –</p> <ul style="list-style-type: none"> (a) an account of the Security Bureau (SB)'s discussion with the Mainland authorities on opening a channel for Mainland single mothers with young children in Hong Kong to apply for OWPs; (b) further shortening the OWP waiting time for separated spouses; and (c) clarifying whether Mainland single mothers of Hong Kong residents were within the category of "special circumstances" under the new arrangements for one-year multiple-entry "visiting relatives" exit endorsements 	
003709 - 004047	Hong Kong Association for the Survivors of Women Abuse (Kwan Fook)	<p>Concern about the difficulties faced by Mainland single mothers who were not eligible for applying for OWPs due to the fact that their spouses (who were Hong Kong residents) were dead or they were divorced;</p> <p>Expressing dissatisfaction at the Administration's lack of efforts in extending their duration of stay within its remit</p>	
004048 - 004314	風雨同路	<p>Concern that under the existing mechanism, the limits of stay of some Mainland single mothers on TWP were 14 days only, and about the meaning of "special circumstances" for approving the "visiting relatives" exit endorsements under the new arrangement</p>	
004315 - 004647	居留權大學	<p>Concern about the progress of allowing Mainland adult children of Hong Kong residents to settle in Hong Kong under the OWP Scheme, and request for continuation of work of the Subcommittee</p>	

Time marker	Speaker(s)	Subject(s)	Action required
004648 - 005014	Christian Action	Concern whether the new arrangements of one-year-multiple-entry under the TWP Scheme was applicable to Mainland single mothers of Hong Kong residents, and request for relaxing the "eligibility points" for OWP application of separated spouses with young children below 12 in Hong Kong	
005015 - 005345	Coalition of Population Policy Concerned Group	View that the Administration placed too much emphasis on economic considerations in formulating the population policy, and request for adopting complementary measures to support the newly arrived children of Hong Kong residents, relaxation of OWP application of separated spouses and continuation of work of the Subcommittee	
005346 - 005724	The Association for Family Reunions	<p>Concern that the limits of stay of some Mainland single mothers on TWPs were as short as 14 days;</p> <p>Request for allocation of the unused OWP quota to families in need so as to facilitate family reunion</p>	
005725 - 010211	Chairman Administration	<p>The Administration's response that –</p> <p>(a) the HKSAR Government had time and again reflected to the Mainland authorities calls for opening a channel for Mainland adult children to reunite with their parents in Hong Kong. The Central Government had indicated to the HKSAR Government that the policy initiative to be implemented to cater for Mainland adult children of Macao residents to settle in MSAR, would in general be applicable to Hong Kong. As the details of arrangements were yet to be finalised and announced, the claims and reports that the arrangements were applicable to Mainland adult children aged below 22 were speculations only;</p> <p>(b) the new arrangements for multiple-entry "visiting relatives" exit endorsements would be implemented in late December 2009. While the details of the arrangements were yet to be finalised, to its understanding, Mainland residents with spouses and young children in Hong Kong could apply for such endorsements. Other types of applicants, such as Mainland single mothers whose spouses (who were Hong Kong residents) were dead or they were divorced, and with young children in Hong Kong, would also be considered having regard to their individual circumstances; and</p> <p>(c) the Mainland authorities had indicated that they would consider applications for Mainland household registration by Hong Kong residents (including children born to Mainland residents in Hong Kong) on individual merits</p>	

Time marker	Speaker(s)	Subject(s)	Action required
010212 – 010840	Mr WONG Kwok-hing Chairman Administration	<p>Welcoming the new arrangements regarding the extension of validity of the "visiting relatives" exit endorsements, Mr WONG Kwok-hing requested the Administration to –</p> <ul style="list-style-type: none"> (a) provide further details of the new arrangements, such as the number of entries in each year and the limits of stay for each entry; and (b) consider, within its remit, exercising discretion to extend the limits of stay for Mainland mothers on TWPs whose endorsements would soon expire so that they could stay at Hong Kong until the commencement of the new arrangements <p>The Administration's response that –</p> <ul style="list-style-type: none"> (a) the above-mentioned "visiting relatives" exit endorsements would be valid for making multiple trips to Hong Kong within one year; and (b) the HKSAR Government had from time to time exercised discretion to allow TWPs holders to extend their limits of stay having regard to individual circumstances. Each case was considered on its own merits 	Admin to consider
010841 - 011600	Mr LEUNG Yiu-chung Chairman Administration	<p>In the light of little progress made regarding the recommendations of the Subcommittee, Mr LEUNG Yiu-chung requested the Administration to give an account of its discussions with the Mainland authorities and consider setting up a joint liaison working group</p> <p>The Administration's response that upon receipt of the Subcommittee's suggestions in June 2009, SB had promptly reflected the suggestions to the Mainland authorities though it could not disclose the details of discussion. The Secretary for Security (S for S) had exchanged views on the matters with the officials of the Public Security Bureau of the Mainland during his visit to Beijing in September 2009 and another meeting was being arranged, hopefully before the end of 2009. This apart, they also exchanged views through exchanges of correspondences.</p>	
011601 - 012337	Ms Audrey EU Chairman Administration	<p>Expressing disappointment at the lack of concrete progress in respect of the eight recommendations made by the Subcommittee in June 2009</p> <p>The Administration's response that S for S and officials of SB and Immigration Department had from time to time exchanged views with the Mainland authorities on different occasions. It was noteworthy that from January to September 2009, of the 150 daily OWP quota, 140 OWPs on average were used. This showed a higher utilisation rate of the OWP quota. While the Administration would continue to actively discuss with the Mainland authorities the arrangements so as to allow Mainland adult children to settle in Hong Kong,</p>	

Time marker	Speaker(s)	Subject(s)	Action required
		<p>the suggestion of opening a channel for Mainland parents of Hong Kong residents to apply for OWPs would have profound long-term effects on many fronts to the society and necessitated thorough deliberation</p> <p>The Administration was requested to give an account of its discussion with Mainland authorities on the Subcommittee's recommendations, including the rank of the responsible officials of Hong Kong Government and the Mainland authorities, and provide up-to-date figures in respect of the daily utilisation of OWP quotas</p>	Admin
012338 - 013048	Mr WONG Sing-chi Administration Chairman	<p>Concerns on whether –</p> <ul style="list-style-type: none"> (a) age limit would be imposed on the arrangements pertaining to Mainland adult children of Macao residents applying for settlement in MSAR and its applicability to Hong Kong; (b) Mainland adult children with old parents in Hong Kong fell into the category of "special circumstances" under the new arrangements of the one-year multiple-entry "visiting relatives" exit endorsements; and (c) the waiting time for OWPs for separated spouses could be further shortened to three years <p>The Administration's response that –</p> <ul style="list-style-type: none"> (a) as explained earlier, the arrangements to cater for Mainland adult children of Macau residents to settle in MSAR, which in general would be applicable to Hong Kong, but details were yet to be finalised and announced; (b) as regards the multiple-entry "visiting relatives" exit endorsements, it would reflect members' views to the Mainland authorities that Mainland adult children with unsupported old parents in Hong Kong should also be eligible for applying for the endorsements; and (c) as far as OWPs were concerned, the waiting time for Guangdong separated spouses had been shortened from six to seven years prior to 2005 to four years currently. Since the utilisation of daily quota of OWPs had been as high as 140 from January to September 2009, the idea of further shortening the waiting time required thorough consideration 	
013049 - 013938	Mr Albert HO Administration Chairman Ms Audrey EU	View that the population policy was predominated by economic considerations which was reflected in the different criteria for making application under the Quality Migrant Admission Scheme and the OWP Scheme. The Administration should, base on humane considerations, actively discuss with the Mainland authorities opening a channel for Mainland single	

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		<p>mothers with young children in Hong Kong to apply for OWPs</p> <p>The Administration's response that over 50 000 OWPs were used per year to facilitate Mainland residents to settle in Hong Kong for the purpose of family reunion. The Administration had from time to time exchanged views with the Mainland authorities to facilitate family reunion. Notably, progress had been made in respect of the arrangements pertaining to Mainland adult children of Hong Kong residents applying for settlement in Hong Kong under the OWP Scheme, and the relaxation of validity of the "visiting relatives" exit endorsements. As regards other suggestions made by the Subcommittee, the Administration would continue to exchange views with the Mainland authorities and revert to the Subcommittee further in due course</p>	
013939 - 014441	Mr CHEUNG Kwok-che Chairman Administration	<p>Request for opening a channel for Mainland single mothers to apply for settlement in Hong Kong, and allowing more than one Mainland adult child to come to Hong Kong to take care of their unsupported parent(s) who aged 60 or above</p> <p>The Administration's response that opening a channel for Mainland single mothers to settle in Hong Kong was a complicated issue that required further consideration, whereas allowing the second Mainland adult child to come to Hong Kong to take care of their unsupported parent(s) should be dealt with in the light of the new arrangements pertaining to Mainland adult children of Hong Kong residents applying settlement in Hong Kong, of which details were yet to be finalised</p> <p>The Administration was requested to, as far as practicable, provide information on the number of cases in which discretion was granted to approve Mainland single mothers with young children in Hong Kong to settle in Hong Kong</p>	Admin
014442 - 015030	Ms Cyd HO Chairman Administration	<p>Dissatisfaction at the Administration's inhuman acts pertaining to the prosecution of the daughter of a Mainland mother, who was arrested for overstay but was unsupported in the Mainland, on the ground that the defendant had instigated others to overstay</p> <p>The Administration's response that there was a need to strike a balance between facilitating family reunion and upholding effective immigration control. In considering instituting prosecution action, the prosecution would take into account factors such as the seriousness of the offence and duration of overstay</p>	
015031 - 015135	Chairman Ms Audrey EU Administration	Motion moved by Ms Audrey EU was carried	

Time marker	Speaker(s)	Subject(s)	Action required
015136 - 015305	Chairman Administration	<p>Further clarification about the age limit regarding the eligibility of Mainland adult children of Macao residents applying for settlement in MSAR and its applicability to Hong Kong</p> <p>The Administration's response that while it could not disclose the discussions between the Mainland authorities and MSAR Government pertaining to the above arrangements, the detailed arrangements were yet to be finalised and the claims or reports on the eligibility of Mainland adult children for such application were speculations only</p>	
015306 - 015827	Chairman Administration Mr Albert HO Ms Cyd HO	<p>Suggestion of discussion items for future meetings, including arrangements for cross-boundary students, cross-boundary marriages, and welfare and support services for new arrivals and Mainland residents who were family members of Hong Kong residents and entered Hong Kong on the strength of TWPs</p> <p>Request for the attendance of the Chief Secretary for Administration at a future meeting when the Subcommittee discussed the subject of population policy and obstetric service arrangements for Mainland women whose spouses were Hong Kong residents</p> <p>The Administration would report further development relating to the recommendations made by the Subcommittee on immigration policy relating to Mainland-HKSAR families in early 2010</p>	Admin