

立法會
Legislative Council

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(These minutes have been
seen by the Administration)

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Subcommittee to Study Issues Relating to Mainland-HKSAR Families

Minutes of the 16th meeting
held on Saturday, 15 January 2011, at 10:30 am
in Conference Room A 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 Audrey EU Yuet-mee, SC, JP
Hon Cyd HO Sau-lan
Hon CHAN Hak-kan
Hon CHEUNG Kwok-che
Hon WONG Sing-chi
Hon WONG Yuk-man

Members absent : Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon WONG Kwok-hing, MH
Hon Ronny TONG Ka-wah, SC
Prof Hon Patrick LAU Sau-shing, SBS, JP

Public Officers attending : Item II

Ms Maggie WONG
Principal Assistant Secretary (Security)

Mr CHAN Man-lang
Assistant Director of Immigration

Ms Christine CHOW
Principal Assistant Secretary (Civic Affairs)

Attendance by : Item II
invitation

Society for Community Organization

Miss SZE Lai-shan
Community Organizer

Concern Group on Mainland and Hong Kong Split
Families

Ms LUO Xi-zhao
Representative

Right of Abode University

Father Franco Mella

Justice and Peace Commission of the Hong Kong
Catholic Diocese

Miss Jackie HUNG Ling-yu
Project Officer

Mr John CHUNG
Chairman

爭取子女居港權家長協會

Mr LIM Tao-shing
Chairman

Mr CHU Yuen-tao
Member

New Women Arrivals League

Ms YEUNG Mei
Executive Director

同根同天空

Ms YANG Yuan-liu
Member

The Association for Family Reunions

Mr TSANG Kwong-yu
Deputy Chairman

Mainland-Hong Kong Families Rights Association

Ms LIANG Lai-li
Member

Mainland-Hong Kong Families Rights Association -
Sisters Network

Ms FAN Fei-quan
Member

關注中港家庭權利聯席

Mr CHAN Wai-hung

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

Staff in Attendance : Ms Yvonne YU
Senior Council Secretary (2) 5

Miss Maggie CHIU
Legislative Assistant (2) 4

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I. Confirmation of minutes

[LC Paper No. CB(2)561/10-11]

The minutes of the meeting held on 26 October 2010 were confirmed.

II. Immigration arrangements relating to Mainland-HKSAR families

[LC Paper Nos. CB(2)598/10-11(01), CB(2)816/10-11(01) to (04) and CB(2)837/10-11(01) to (02)]

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

3. The Subcommittee received views from 11 deputations on the new arrangements for Mainland "overage children" of Hong Kong residents to enter Hong Kong for reunion with their natural parents through One Way Permit ("OWP") applications. While welcoming and appreciating the Administration's efforts in working out the new arrangements, the deputations were concerned about the detailed application arrangements and the lead time for processing the first batch of applications, and the timetable for subsequent batches of OWP application of Mainland "overage children". They strongly urged the Administration and the Mainland authorities to promulgate the detailed arrangements as early as practicable. The deputations also urged for extending the new arrangement to those Mainland "overage children" whose Hong Kong parents were deceased.

4. Some deputations took the view that should the Administration have not over-estimated that 1.67 million of Mainland children of Hong Kong residents would be eligible for OWP application following the handing down of court ruling on the right of abode case in 1999, the so-called Mainland "overage children" had already settled in Hong Kong if they wished. The Administration should apologize for making the wrong estimation and thereby separating these families. A suggestion was made that a specific OWP quota should be set aside under the new arrangement for the priority application of the right of abode seekers.

5. Some deputations told the meeting about the difficulties encountered by Mainland single mothers in the course of applying for "one-year multiple" exit endorsement for visiting relatives to take care of their young children in Hong Kong. Given that the duration of stay was sometimes as short as a fortnight, these deputations strongly urged the Immigration Department

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("ImmD") to reflect to the Mainland authorities the special circumstances of these cases for their active consideration, and to exercise discretion to extend the limits of stay of Mainland single mothers in Hong Kong so as to enable them to take care of their children attending schools. Deputations strongly urged the Administration to follow up actively with the relevant Mainland authorities on the proposal to open a channel for Mainland single mothers to apply for OWP for settlement in Hong Kong.

6. Members shared the concerns of the deputations about the implementation timetable and details of the OWP application. Some members expressed concern about the general misperception that the newly-arrived Mainland "overage children" would bring adverse impacts on the welfare system and the community at large. These members urged the Administration to study the profiles of the eligible Mainland "overage children" and draw up specific measures to assist them to integrate into the community and to convey a positive perception of the new arrivals.

7. In response to the views of members and deputations, Principal Assistant Secretary (Security) ("PAS(S)") advised that the new arrangement was premised on the policy objective to facilitate family reunion in an orderly manner based on objective and transparent criteria. Eligible Mainland "overage children" could submit applications according to their own settlement plan. There was no closing date for submitting applications. While the application, approval and issue of OWP fell within the remit of the relevant Mainland authorities, the Administration was confident that the Mainland authorities would promulgate the detailed arrangements shortly bearing in mind that the new arrangement would commence with effect from 1 April 2011. PAS(S) further advised that around 80 000 accumulated unused OWP quotas would help effectively address the needs of "overage children", although it would be in a better position to assess the actual number of applications and processing time after the commencement of the OWP application procedure.

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8. To facilitate Mainland "overage children" of Hong Kong residents to lodge complaints and make enquiries concerning their OWP applications, the Administration was requested to provide the contact details of responsible officer(s) in this respect.

9. On the support services to new arrivals, Principal Assistant Secretary for Home Affairs (Civic Affairs) ("PAS(HA)") advised that the Home Affairs Department ("HAD") had been coordinating the service provision for

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new arrivals who were eligible for most of the public services, including education, medical, housing, employment assistance, and welfare services. It published and regularly updated a "Service Handbook for New Arrivals" to inform the new arrivals of essential information about living in Hong Kong. This apart, HAD had provided resources to district organisations and local non-governmental organisations to organise programmes to assist those newly arrived in Hong Kong to integrate into the local community. PAS(HA) added that the Administration had all along been actively disseminating information on the new arrivals to the general public.

10. On the limits of stay of Mainland single mothers, PAS(S) said that the Administration was mindful of their wishes to stay in Hong Kong to take care of their young children. She hoped members would appreciate that the application, approval and issue of OWP and exit endorsement fell within the remit of the relevant Mainland authorities. Nevertheless, ImmD had reflected to the relevant Mainland authorities the special circumstances of individual cases in applying for multiple-entry "visiting relatives" exit endorsements with validity for one year. Some of which had been approved, and some was being under processed.

11. As regards the proposal of opening a channel for Mainland single mothers to settle in Hong Kong, PAS(S) pointed out that this was a complicated issue that required further consideration, such as whether the proposal would affect the waiting time of other categories of OWP applicants. The Administration's present priority was to support the smooth implementation of the new policy measure on application of OWP by eligible Mainland "overage children".

III. Any other business

12. The Chairman said that members would be informed of the date of next meeting once fixed. The following items would be discussed at future meetings –

- (a) the use of subsidised obstetric services by Mainland women whose spouses were Hong Kong residents in connection with the population policy;
- (b) implementation details of the OWP application of Mainland "overage children" of Hong Kong residents; and

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(c) support services for cross-boundary students.

13. There being no other business, the meeting ended at 12:46 pm.

Council Business Division 2
Legislative Council Secretariat
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