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Subcommittee to Study Issues Relating to Mainland-HKSAR Families

**Updated background brief prepared by the Legislative Council Secretariat
for the meeting on 5 June 2012**

Population policy relating to Mainland-HKSAR families

Purpose

This paper provides background information on the population policy in Hong Kong and gives an account of the past discussions by the Subcommittee to Study Issues Relating to Mainland-HKSAR Families ("the Subcommittee") on the population policy which has impacts on cross-boundary families.

Background

2. According to the Administration, the population policy aims at optimizing Hong Kong's demographic structure by securing and nurturing a quality population which supports and sustains Hong Kong's development as a knowledge-based economy.

3. In September 2002, a Task Force on Population Policy was set up with a view to, among others, identifying the major challenges to Hong Kong arising from its demographic trends and characteristics, and recommending a set of coherent policy initiatives which the Administration can explore in the short and medium terms. The Task Force released its report in February 2003, making a series of recommendations including skills upgrading; education and manpower development; attracting talents and quality migrants; and policies relating to the elderly and social welfare.

4. According to the Administration, many recommendations had been implemented or adopted as on-going measures by the relevant bureaux and departments, and the Task Force had ceased operation. All bureaux are

required to review from time to time under their respective purview measures which have a population angle and to formulate detailed implementation plans for these measures based on the latest population projection.

5. A Steering Committee on Population Policy ("SCPP") chaired by the Chief Secretary for Administration ("CS") was set up in October 2007 to monitor and coordinate efforts on population policy, having regard to a number of population policy issues which cut across different policy areas. The implementation of measures to address these issues requires overall planning and coordination to achieve the optimal policy outcomes. SCPP will identify the main social and economic challenges to Hong Kong taking into account the changes to the local population profile in the next 30 years, and follow up on the areas that require further study. It will develop strategies and practical measures for pursuing the objectives of Hong Kong's population policy. The priority areas are: (a) raising the quality of education through development education on all fronts and taking forward education reform; (b) developing Hong Kong as a regional education hub to attract more outstanding students to study in Hong Kong; (c) attracting talents to Hong Kong so as to maintain its competitiveness; and (d) adopting a full range of health care reform initiatives to maximize medical benefits and promote the good health of the community.

Deliberations by the Subcommittee

Priority area covered in the population policy

6. Having regard to the increasing number of cross-boundary marriages and the fact that separation of family would give rise to multi-faceted social problems, members generally considered that family reunion should be a priority area covered in the population policy. In the view of members, the Administration had placed too much emphasis on attracting talents and quality immigrants in formulating the population policy. Members had time and again called for a review of the population policy.

7. According to the Administration, 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. 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 who would be settling in Hong Kong in planning ahead the resources to meet the service needs of these families.

8. The Administration advised members that it recognized the importance of family reunion and social harmony. It provided support services for new arrivals from the Mainland and families with new arrivals from the Mainland and had put in place various measures to help them integrate into the community.

Use of public obstetric service

9. The use of public obstetric services by Mainland women whose spouses were Hong Kong residents had been a major issue of concern of the Subcommittee. Members noted that the Task Force on Population Policy, in its report released in 2003, put forward recommendations concerning the eligibility for major benefits subsidized by public funds, namely, that the principle of "seven-year" residence requirement should apply in the provision of major social benefits which were heavily subsidized by public funds and this requirement would apply to Two Way Permit ("TWP") holders and other visitors. The Administration had adopted, in 2003, the definition of eligible persons ("EPs") to the effect that non-Hong Kong residents who are the spouses or children of Hong Kong residents would be treated as non-eligible persons ("NEPs") and should be charged at the NEP rates when patronizing public obstetric services.

10. Currently, all NEPs, irrespective of whether their husbands are Hong Kong residents, who wish to seek obstetric service charge in public hospitals have to make prior booking and pay for a package of \$39,000. For cases of admission without prior booking, the charge is \$48,000. With effect from 12 May 2012, the fees for deliveries by NEPs at the Accident and Emergency Department of public hospitals have been raised to \$90,000.

11. Members generally considered that Mainland wives of Hong Kong residents and their children born in Hong Kong were in effect members of Hong Kong families. Under the existing immigration policy, children fathered by Hong Kong residents but born in the Mainland had to apply under the One Way Permit ("OWP") Scheme to settle in Hong Kong, whereas Chinese citizens born in Hong Kong had right of abode in Hong Kong regardless of the status of their parents under Article 24 of the Basic Law. Some members pointed out that the existing obstetric service arrangement for Mainland women whose spouses were Hong Kong residents was not conducive to family reunion and social integration as some of them had chosen to give births on the Mainland or deferred their childbearing plan until they had obtained an OWP to settle in Hong Kong as they could not afford the obstetric service charge. Members took the view that these Mainland women should be entitled to obstetric services at EP rates. Some members suggested that a two-tier obstetric service

charge should be adopted for NEPs under which the revised rate of \$39,000/\$48,000 would apply to NEPs with no marital ties in Hong Kong and NEPs whose spouses were Hong Kong residents should pay the old rate of \$20,000.

12. The Administration stressed that its policy was to accord priority to local pregnant women to use obstetric services. HA would only accept booking from NEPs when spare service capacity was available. In the Administration's view, the prevalence of marriages between residents of Hong Kong and the Mainland did not constitute any reason to go against the well-established policy that heavily subsidized healthcare services should only be made available to local residents but not their non-local spouses. Couples who had engaged in cross-boundary marriages should make appropriate plans to meet their medical needs. In addition, there were established procedures for those children of Hong Kong residents who were born in the Mainland to apply to the relevant Mainland authorities for permission to move to Hong Kong permanently for family reunion under the OWP Scheme, and the average waiting time to come to Hong Kong was about four years.

13. On 8 April 2011, HA announced that the booking for obstetric services for NEPs in HA hospitals would be suspended from 8 April 2011 until 31 December 2011. A working group was set up to work out the details of measures as well as to determine in the first quarter of each year the number of non-local pregnant women allowed to give birth in Hong Kong in the following year. The Government subsequently announced in April 2012 that private hospitals would stop accepting bookings for obstetric services in 2013 from non-local pregnant women whose husbands were non-Hong Kong residents for giving birth in Hong Kong.

14. As the use of the subsidized public benefits was related to the population policy, members were strongly of the view that CS should be invited to exchange views with the Subcommittee on the subject matter. However, CS had declined the invitation. The Administration advised that SCPP had thoroughly considered the views of the Subcommittee, the Family Council and the Food and Health Bureau on issues regarding obstetric service arrangements for NEPs in public hospitals. From the population policy angle, SCPP considered that even if Mainland women whose spouses were Hong Kong residents were entitled to the same highly subsidized rates as local women in using obstetric service arrangements in public hospitals, its impact on Hong Kong's population would be limited. SCPP remained of the view that each couple would have its own childbearing plan, taking into account the specific circumstances of each family.

15. Regarding the Subcommittee's comment that the existing obstetric service arrangement for Mainland women was not conducive to family reunion, SCPP noted that the waiting time for Mainland spouses of Hong Kong residents under the OWP system had been shortened to around four years since 2009. In other words, children born to Mainland-Hong Kong couples, irrespective of whether they were born in Hong Kong, and who resided on the Mainland for various reasons might come to Hong Kong together with their mothers when the latter had obtained approval under the OWP system, and the current waiting time was about four years. These children could still start their education in Hong Kong at a young age and should not have insurmountable problem settling in Hong Kong.

Latest study of SCPP

16. In the 2010-2011 Policy Address, the Chief Executive tasked SCPP to focus its study on two topics. First, it would examine ways to facilitate and support the elderly people to settle in the Mainland after retirement if they so wish. Second, it would study in detail the ramifications of the returning to Hong Kong to study and live of the approximately 30 000 children born in Hong Kong to Mainland women annually in recent years; these children are Hong Kong permanent residents and most of them live in the Mainland after birth. The subject was discussed at the special meeting of the House Committee on 10 December 2010.

17. According to the statistics provided by the Administration, the total number of babies born in Hong Kong in 2011 was 95 418. Among them, the number of babies born to Mainland mothers was 43 982; 6 110 of them were Type I babies (i.e. the fathers are Hong Kong permanent residents); 35 736 were Type II babies (i.e. both parents are non-Hong Kong permanent residents); and the remaining 2 136 were those whose Mainland mothers chose not to provide the fathers' residential status birth registration. According to the Hong Kong Population Projections 2010-2039, the total number of babies born in Hong Kong to Mainland women is projected to rise to about 40 000 to 50 000 per year (among them, about 34 000 to 43 000 will be Type II babies).

18. The Administration advised members that since the topic covered a wide range of complex issues, it envisaged that certain areas would require more time for in-depth study and long term planning. SCPP aimed at working out initial proposals in about a year's time.

19. At its meeting on 14 June 2011, the Subcommittee discussed matters relating to the reunion of families with Mainland members from the population policy perspective. Members generally took the view that SCPP should

conduct a comprehensive review of the population policy, and in particular give priority to review the eligibility of Mainland women whose spouses were Hong Kong residents such that these women would be eligible to use public obstetric service as they were members of Hong Kong families.

20. The Administration advised that SCPP's study on the topic of ramifications of children born in Hong Kong to Mainland women returning to Hong Kong to study and live covered a wide range of complex issues including the use of local obstetric services by Mainland women. Issues of concern raised by members in this respect would be conveyed to CS and SCPP for consideration. SCPP would hold its next meeting shortly. The Administration further advised that SCPP would continue to focus its study on the two topics tasked by CE in the coming months and aimed to produce proposals in the fourth quarter of 2011.

Relevant papers

21. A list of the relevant papers on the Legislative Council website is in the **Appendix**.

Council Business Division 2
Legislative Council Secretariat
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**Relevant papers on
population policy relating to Mainland-HKSAR families**

Committee	Date of meeting	Paper
Panel on Health Services	8 January 2007 (Item V)	Agenda Minutes
Legislative Council	10 January 2007	Official Record of Proceedings Pages 163 - 243 (Motion)
Panel on Health Services	16 April 2007 (Item I)	Agenda Minutes
Panel on Health Services	30 April 2007 (Item I)	Agenda Minutes
Panel on Security	8 May 2007 (Item IV)	Agenda Minutes
Panel on Health Services	18 February 2008 (Item IV)	Agenda Minutes
Subcommittee to Study Issues Relating to Mainland-HKSAR Families	19 February 2009 (Item I)	Agenda Minutes
Subcommittee to Study Issues Relating to Mainland-HKSAR Families	19 March 2009 (Item I)	Agenda Minutes
Subcommittee to Study Issues Relating to Mainland-HKSAR Families	29 June 2009 (Item I)	Agenda Minutes

Committee	Date of meeting	Paper
Subcommittee to Study Issues Relating to Mainland-HKSAR Families	28 July 2009 (Item I)	Agenda Minutes
Subcommittee to Study Issues Relating to Mainland-HKSAR Families	19 January 2010 (Item I)	Agenda Minutes
Subcommittee to Study Issues Relating to Mainland-HKSAR Families	13 July 2010 (Item I)	Agenda Minutes
House Committee (Special meeting)	10 December 2010 (Item I)	Agenda Minutes
Panel on Health Services	11 April 2011 (Item V)	Agenda Minutes
Subcommittee to Study Issues Relating to Mainland-HKSAR Families	28 April 2011 (Item I)	Agenda Minutes
Subcommittee to Study Issues Relating to Mainland-HKSAR Families	14 June 2011 (Item II)	Agenda Minutes
Subcommittee to Study Issues Relating to Mainland-HKSAR Families	22 May 2012 (Item I)	Agenda