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Subcommittee to Study Issues Relating to Mainland-HKSAR Families

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 14 June 2011**

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 committees of the Legislative Council on the population policy which has impacts on cross-boundary families and provides the latest development of the issues relating to the subject.

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 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. The Steering Committee 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 consider that family reunion should be a priority area covered in the population policy. In the view of members, the Administration has placed too much emphasis on attracting talents and quality immigrants in formulating the population policy. Members have time and again called for a review of the population policy.

7. According to the Administration, the population policy aims at optimizing Hong Kong's demographic structure by securing and nurturing a quality population. A wide range of policy initiatives are 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 has advised members that it recognizes the importance of family reunion and social harmony. It has provided support services for new arrivals from the Mainland and families with new arrivals from the Mainland and has 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 are Hong Kong residents has been a major issue of concern of the Subcommittee to Study Issues Relating to Mainland-HKSAR Families and the Panel on Health Services. Members note that the Task Force on Population Policy, in its report released in 2003, has 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 are heavily subsidized by public funds and this requirement would apply to Two Way Permit ("TWP") holders and other visitors. The Administration has 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 will be \$48,000. Although there is no information on the nationality of individual NEPs, as this is not required for the purpose of booking services, the Hospital Authority ("HA") has estimated that the majority of NEPs are Mainlanders.

11. Members generally consider that Mainland wives of Hong Kong residents and their children born in Hong Kong are in effect members of Hong Kong families. Under the existing immigration policy, children fathered by Hong Kong residents but born in the Mainland have to apply under the One Way Permit ("OWP") Scheme to settle in Hong Kong, whereas Chinese citizens born in Hong Kong have right of abode in Hong Kong regardless of the status of their parents under Article 24 of the Basic Law. Some members have pointed out that the existing obstetric service arrangement for Mainland women whose spouses are Hong Kong residents is not conducive to family reunion and social integration as some of them have chosen to give births on the Mainland or deferred their childbearing plan until they have obtained an OWP to settle in

Hong Kong as they cannot afford the obstetric service charge. Members take the view that these Mainland women should be entitled to obstetric services at EP rates. Some members suggest that a two-tier obstetric service charge should be adopted for NEPs under which the revised rate of \$39,000/\$48,000 will apply to NEPs with no marital ties in Hong Kong and NEPs whose spouses are Hong Kong residents will pay the old rate of \$20,000.

12. The Administration has stressed that its policy is to accord priority to local pregnant women to use obstetric services. HA will only accept booking from NEPs when spare service capacity is available. In the Administration's view, the prevalence of marriages between residents of Hong Kong and the Mainland does 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 have engaged in cross-boundary marriages should make appropriate plans to meet their medical needs. In addition, there are established procedures for those children of Hong Kong residents who are 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 is 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 has been set up to work out the details of measures as well as 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.

14. The Panel on Health Services passed a motion at its meeting on 11 April 2011, urging the Government to, apart from reserving adequate obstetric services quota for local pregnant women, give priority to women whose spouses are permanent Hong Kong residents in allocating the remaining quota.

15. As the use of the subsidized public benefits is related to the population policy, members are strongly of the view that CS should be invited to exchange views with the Subcommittee on the subject matter. However, CS has declined the invitation. The Administration has advised that the Steering Committee has 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, the Steering Committee considers that even if Mainland women whose spouses are Hong Kong residents are entitled to the same highly subsidized rates as local women in using obstetric service arrangements in public hospitals, its impacts

on Hong Kong's population would be limited. The Steering Committee remains of the view that each couple would have its own childbearing plan, taking into account the specific circumstances of each family.

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

Recent developments

17. In the 2010-2011 Policy Address, the Chief Executive tasked the Steering Committee on Population Policy to focus its study on two topics, which included studying in detail the ramifications of children born in Hong Kong to Mainland women returning to Hong Kong to study and live.

18. The topic was discussed at the special meeting of the House Committee on 10 December 2010. According to the statistics provided by the Administration, the total number of babies born in Hong Kong in 2009 was 82 095. Among them, the number of babies born to Mainland mothers was 37 253; 6 213 of them were Type I babies (i.e. the fathers are Hong Kong permanent residents); 29 766 were Type II babies (i.e. both parents are non-Hong Kong permanent residents); and the remaining 1 274 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).

19. The Administration has advised members that since the topic covers a wide range of complex issues, it envisages that certain areas would require more time for in-depth study and long term planning. The Steering Committee on Population Policy aims at working out initial proposals in about a year's time.

Relevant papers

20. A list of the relevant papers on the LegCo website is in the **Appendix**.

Council Business Division 2
Legislative Council Secretariat
9 June 2011

**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

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