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**Paper for the Subcommittee to Study Issues Relating to
Mainland-HKSAR Families**

**Proposed continuation of work of the Subcommittee
in the 2009-2010 session**

Purpose

This paper seeks the views of members of the Subcommittee to Study Issues Relating to Mainland-HKSAR Families (the Subcommittee) on the need for the Subcommittee to continue its work in the 2009-2010 legislative session.

Background

2. The Subcommittee was appointed by the House Committee on 2 January 2009 and was tasked to study the population policy and measures relating to Mainland-Hong Kong families, and make recommendations in this regard. The Subcommittee will focus its work on the following areas –

- (a) the existing population policy, in particular immigration policy, in respect of Mainlanders whose family members are Hong Kong residents, and the impact of this policy on Mainland-Hong Kong families;
- (b) rights of Mainland-Hong Kong families, in particular the immigration and administrative measures for Mainland single parents of Hong Kong-born children to enter and reside in Hong Kong and cross-boundary students of these families to have schooling in Hong Kong;
- (c) the procedures and waiting time in the vetting and approving of applications for One Way Permits and the administrative arrangements for interim stays in Hong Kong; and

- (d) the rights for the use of public services and facilities, such as public health services, in particular obstetric services, by Mainlanders whose spouses are Hong Kong residents, and the level of charges for using such services and facilities.

Progress of work of the Subcommittee

3. Under the chairmanship of Hon LEE Cheuk-yan, the Subcommittee has since February 2009 held seven meetings with the Administration and received views of deputations at two of these meetings. The Subcommittee has studied the following major issues –

- (a) population policy relating to Mainland-Hong Kong families;
- (b) immigration policies and measures which have impact on families with members from the Mainland; and
- (c) arrangements for the use of obstetric services by Mainland women whose spouses are Hong Kong residents.

4. On paragraph 3(b) above, the Subcommittee has drawn up some recommendations to refine the One Way Permit and Two Way Permit Schemes to facilitate the reunion of Mainland residents with their families in Hong Kong for the Administration's consideration and follow-up (LC Paper No. CB(2)1792/08-09(01)). The Administration has advised that it will study the Subcommittee's recommendations and their implications, and exchange views with the Mainland authorities as appropriate. It has subsequently reverted to the Subcommittee on 5 November 2009. The Administration has advised that as the exchanges with the Mainland authorities are on-going, it is not in a position to provide conclusive response to the suggestions of the Subcommittee, but to set out its preliminary responses. It will revert to the Subcommittee on more concrete developments and further exchanges with the Mainland authorities in early 2010.

5. At the meeting on 28 July 2009, the Subcommittee passed a motion urging the Administration to assess the impact of the policy on obstetric services if Mainland spouses of Hong Kong residents are given equal treatment with local women in using such services, and submit an assessment report to the Subcommittee to facilitate its follow-up discussion. The Administration has yet to provide the response.

6. In the course of deliberations, the Subcommittee has requested repeatedly the Administration to review the existing population policy and the impact of this policy on local families with members from the Mainland having regard to the increasing number of cross-boundary marriages. Members have

also expressed the views that the Chief Secretary for Administration and relevant Principal Officials should attend meetings of the Subcommittee to discuss issues relating to family reunion.

7. It is anticipated that the Subcommittee will need to hold further meetings to pursue the above issues with the Administration.

Need for continuation of work in the 2009-2010 session

8. Most of the issues highlighted in the preceding paragraphs, such as the review of the existing population policy, the refinement of the One Way Permit and Two Way Permit Schemes to facilitate family reunion, and the introduction of a two-tier obstetric service charges for Mainland women whose spouses are Hong Kong residents and those who have no marital tie in Hong Kong are major topics which the Subcommittee will need to continue to work on in the 2009-2010 session. Apart from these outstanding issues, the Subcommittee will discuss the immigration and administrative measures for cross-boundary students to have schooling in Hong Kong at its meeting on 7 December 2009. In view of the above, it is not envisaged that the Subcommittee can complete its work within a short period. The Subcommittee is invited to consider the need to continue its work in the 2009-2010 session according to its existing terms of reference.

9. The Subcommittee may also wish to note 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 (HC). If it is necessary for a subcommittee to work beyond that 12 months, the subcommittee should report to HC and give justifications for an extension of the 12-month period.

Advice sought

10. Subject to members' views on the continuation of the work of the Subcommittee, a report will be made to HC for continuing the work of the Subcommittee beyond the 12-month period.