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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 2010-2011 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 2010-2011 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 membership list of the Subcommittee is in the **Appendix**. According to its terms of reference, 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) the 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 ("OWPs") 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 13 meetings with the Administration and received views of deputations at eight 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;
- (c) arrangements for the use of obstetric services by Mainland women whose spouses are Hong Kong residents;
- (d) the immigration and administrative measures for cross-boundary students to have schooling in Hong Kong; and
- (e) public housing arrangements for households with members holding Two Way Permits ("TWPs").

Immigration arrangements

4. In respect of paragraph 3(b) above, the Subcommittee has drawn up a number of recommendations to refine the OWP and TWP Schemes to facilitate the reunion of Mainland residents with their families in Hong Kong for the Administration's consideration and follow-up. The Administration provided its preliminary response to the Subcommittee on 5 November 2009. The Subcommittee was advised that the Administration had conveyed the suggestions of the Subcommittee to the Mainland authorities. As the Administration's exchanges with the Mainland authorities were on-going, it was not in a position to provide a conclusive response to the suggestions of the Subcommittee.

5. The Subcommittee was further advised that the Central Government had announced a new policy initiative to cater for Mainland adult children of Hong Kong residents to settle in Hong Kong. However, the Administration was actively discussing with the Mainland authorities on the arrangements and the arrangements had yet to be finalised and announced. It would revert to the Subcommittee and make public announcement on the details as soon as there were more concrete developments.

6. At the meetings on 26 April and 29 June 2010, the Subcommittee was updated on the progress of discussion with the Mainland authorities on the arrangements pertinent to Mainland "overage children" of Hong Kong residents applying for OWP for settlement in Hong Kong. Noting that the Administration was still discussing with the relevant Mainland authorities the implementation arrangements, members took a strong view that the Administration should actively follow up the matter with the Mainland authorities. Pursuant to the meeting on 29 June 2010, the Chairman wrote to the Secretary for Security ("S for S") and conveyed the Subcommittee's views on the matter. In his reply, S for S assured members that the Government would spare no effort in continuing with the on-going discussions with a view to finalising the arrangements and promulgating such arrangements as soon as possible.

Obstetric services package charges

7. The Subcommittee examined the arrangements for the use of obstetric services by Mainland women whose spouses are Hong Kong residents at four meetings. Members generally held the view that children born to Mainland mothers and fathered by Hong Kong residents were in effect members of Hong Kong families. These Mainland women should therefore be entitled to use subsidised obstetric services.

8. 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 provided members with further updates on the obstetric service arrangements for non-eligible persons in public hospitals at the Subcommittee meetings on 19 January and 13 July 2010.

9. The Administration advised that taking into account the policy objectives of the obstetric service charge arrangements; the read-across implications on other heavily subsidised public services; and the need to ensure rational use of the finite public resources, the Administration considered, on balance, that the existing obstetric service charge arrangements for non-eligible persons remained appropriate. Members were also advised that the Hospital Authority had reviewed the refund arrangement, particularly the amount of refund for cases involving miscarriage, termination of pregnancy or still birth. The revised refund arrangement came into effect upon the gazettal of the notice in mid-July 2010.

Public housing arrangements for households with members holding TWPs

10. Some members were concerned about the imminent housings needs of those households which consisted only of Hong Kong children with single mothers being TWP holders and who were non-public housing residents. As

agreed at the meeting on 13 July 2010, the Chairman wrote to the Chairman of the Housing Authority and requested the latter to consider allowing the aforesaid households to apply for public rental housing. The Administration has provided its reply in September 2010, reiterating the current policy and arrangements on public rental housing.

Review of population policy

11. In the course of deliberations, the Subcommittee has time and again requested 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 view that the Chief Secretary for Administration and relevant Principal Officials should attend meetings of the Subcommittee to discuss issues relating to family reunion.

Need for continuation of work in the 2010-2011 session

12. It is envisaged that the Subcommittee may need to hold further meetings to pursue the above issues with the Administration. Members may therefore wish to consider the need for the Subcommittee to continue its work in the 2010-2011 session.

13. Members may wish to note that approval was previously given by the House Committee at its meeting on 15 January 2010 for the Subcommittee to continue its work in the 2009-2010 session in accordance with House Rule 26(c). Under the said House Rule, a subcommittee should complete its work within 12 months of its commencement and report to the House Committee. If it is necessary for a subcommittee to work beyond that 12 months, the subcommittee should report to the House Committee and give justifications for an extension of the 12-month period.

Advice sought

14. Subject to members' views on the continuation of the work of the Subcommittee, the approval of the House Committee will be sought at its meeting on 22 October 2010 for the Subcommittee to continue work in the 2010-2011 session.

Council Business Division 2
Legislative Council Secretariat
7 October 2010

Subcommittee to Study Issues Relating to Mainland-HKSAR Families

Membership List

Chairman	Hon LEE Cheuk-yan
Deputy Chairman	Hon LEUNG Yiu-chung
Members	Hon Albert HO Chun-yan Hon Miriam LAU Kin-ye, GBS, JP Hon TAM Yiu-chung, GBS, JP Hon Abraham SHEK Lai-him, SBS, JP Hon Audrey EU Yuet-mee, SC, JP Hon WONG Kwok-hing, MH Hon Ronny TONG Ka-wah, SC Prof Hon Patrick LAU Sau-shing, SBS, JP Hon Cyd HO Sau-lan Dr Hon LAM Tai-fai, BBS, JP (from 16 January 2009 to 23 October 2009) Hon CHAN Hak-kan Dr Hon Priscilla LEUNG Mei-fun (up to 20 October 2009) Hon CHEUNG Kwok-che Hon WONG Sing-chi Hon Mrs Regina IP LAU Suk-ye, GBS, JP (up to 3 November 2009) Hon WONG Yuk-man (up to 28 January 2010) (rejoined on 26 May 2010)
	(Total : 15 Members)
Clerk	Miss Betty MA
Legal adviser	Mr YICK Wing-kin
Date	26 May 2010