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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 2011-2012 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 2011-2012 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. According to its terms of reference, the Subcommittee has focused 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 17 meetings with the Administration and received views of deputations at 11 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. According to the Administration, it 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. At its meeting on 5 November 2009, the Subcommittee noted the announcement by the Central Government of the implementation of a new policy initiative to cater for Mainland adult children of Hong Kong residents to settle in Hong Kong. Members were given to understand that 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. The Subcommittee held a number of meetings to follow up the progress of discussion between the Administration and the Mainland authorities on the arrangements pertinent to Mainland "overage children" of Hong Kong residents applying for OWP for settlement in Hong Kong. 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.

7. The Administration subsequently advised the Subcommittee at its meeting on 15 January 2011 that the Central Government agreed that with effect from 1 April 2011, Mainland "overage children" of Hong Kong residents might apply for OWP to come to Hong Kong for reunion with their natural parents. According to the relevant application details released by the Exit and Entry Administration Offices of the Public Security Bureau, starting from 1 April 2011, a phased submission of applications by "overage children" would be scheduled chronologically in accordance with the order in which their natural fathers or mothers obtained their Hong Kong identity cards. The first phase would be applicable to those applicants whose parents obtained their first Hong Kong identity cards on or before 31 December 1979. The Subcommittee noted that as at end of May 2011, about 170 "overage children" were issued with OWPs to enter Hong Kong.

8. While welcoming the promulgation of the application details, members were concerned about the processing time for OWP application and the timetable for phased submission of applications from other eligible Mainland "overage children". According to the Administration, the Mainland authorities would promulgate separately the relevant details. The Immigration Department had established communication mechanism with the Mainland authorities to exchange views on application and related matters from time to time.

Obstetric services package charges

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

10. At its 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 were given parity of treatment with local women in using such services, and to 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.

11. The Subcommittee noted the Administration's advice 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.

12. The Hospital Authority announced on 8 April 2011 that public hospitals would stop accepting booking for obstetric services from non-local women till the end of 2011, with a view to ensuring the provision of adequate services to local women. Members were given to understand from attending deputations at the Subcommittee meeting on 28 April 2011 that some 100 Mainland pregnant women whose spouses were Hong Kong residents were unable to secure bookings for local obstetric services consequent upon the Hospital Authority's decision. Members maintained the view that these Mainland women were entitled to use local obstetric services as they were members of Hong Kong families. Given that the Hospital Authority had reserved places for local women to use emergency obstetric services, members strongly urged the Administration to give priority to Mainland women whose spouses were permanent Hong Kong residents in allocating the unused quota. The Administration advised members that the Food and Health Bureau would collect more information about the operation of obstetric service, and line up further discussion with the public and private sectors with a view to jointly exploring every possible means to tackle the problem.

Review of population policy

13. 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 the policy of obstetric services and its impact on family reunion.

Need for continuation of work in the 2011-2012 session

14. The Subcommittee has planned to hold further meetings to pursue the issues elaborated in paragraphs 4 to 13 above with the Administration. Members may wish to consider the need for the Subcommittee to continue its work in the 2011-2012 session.

15. Members are invited to note that approval was given by the House Committee at its meeting on 22 October 2010 for the Subcommittee to continue its work in the 2010-2011 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

16. 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 21 October 2011 for the Subcommittee to continue work in the 2011-2012 session.

Council Business Division 2
Legislative Council Secretariat
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