

**立法會**  
*Legislative Council*

LC Paper No. CB(2)496/10-11(02)

Ref : CB2/H/S/1/10

**Special House Committee meeting on 10 December 2010**

**Background brief on issues relating to  
children born in Hong Kong to Mainland women and  
elderly people settling in the Mainland after retirement**

**Purpose**

This paper provides background information on the population policy in Hong Kong, and highlights the concerns raised by Members on two issues, namely, children born in Hong Kong to Mainland women and elderly people settling in the Mainland after retirement.

**Background**

2. In paragraph 69 of the 2010-2011 Policy Address, the Chief Executive ("CE") announces that he has asked the Steering Committee on Population Policy, chaired by the Chief Secretary for Administration ("CS"), to focus its study on two topics. First, it will examine ways to facilitate and support the elderly people to settle in the Mainland after retirement if they so wish. Second, it will 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 objective of the population policy**

3. 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.

### Task Force on Population Policy

4. In September 2002, the Administration set up a Task Force on Population Policy 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 term. The Task Force released its report in February 2003, making a series of recommendations in respect of matters such as skills upgrading; education and manpower development; attracting talents and quality migrants; and policies relating to the elderly and social welfare.

5. 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.

### Steering Committee on Population Policy

6. A Steering Committee on Population Policy 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.

### **Population policy which has impacts on cross-boundary families**

7. To study the population policy and measures relating to Mainland-Hong

Kong families, the House Committee has set up the Subcommittee to Study Issues Relating to Mainland-Hong Kong Families ("the Subcommittee") to discuss with the Administration the population policy which has impacts on cross-boundary families. Having regard to the rapid increase in the number of cross-boundary marriages and the multi-faceted social problems resulting from separation of family members, members generally consider that family reunion should be a priority area covered in the population policy.

8. 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.

9. In this connection, the Subcommittee notes that the Administration recognises the importance of family reunion and social harmony, and has provided support services for new arrivals from the Mainland and families with new arrivals from the Mainland as well as put in place various measures to help them integrate into the community.

#### Mainland women giving births in Hong Kong

10. According to the Census and Statistics Department ("C&SD")'s 2006 Population Projections, the number of babies born in Hong Kong to Mainland women is projected to remain steady at 30 000 per annum. Among them, 10 000 are babies whose fathers are permanent residents of Hong Kong.

#### *Policy on public obstetric service*

11. One of the major issues of concern of the Subcommittee is the use of public obstetric services by Mainland women whose spouses are Hong Kong residents. 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 they should be charged at the NEP rates when patronizing public obstetric services.

12. 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 making prior booking, the charge will be \$48,000. The number of births by non-local women in Hong Kong from 2007 to 2009 is in **Appendix I**. Although there is no information on the nationality of individual NEPs, as this is not required for the purpose of the booking of services, the Hospital Authority has estimated that the majority of NEPs are Mainlanders.

13. 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. Members are concerned that the existing obstetric service arrangement for Mainland women whose spouses are Hong Kong residents is not conducive to family reunion as some of them have chosen to give births on the Mainland or deferred their childbearing plan until they have obtained an One Way Permit ("OWP") to settle in Hong Kong for not being able to afford the obstetric service charge, and 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 by applying different rates for those whose spouses are Hong Kong residents and those with no marital ties in Hong Kong.

*Views of the Steering Committee on public obstetric service arrangement*

14. 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. Although 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. The major views of the Steering Committee are set out in the ensuing paragraphs.

15. 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.

#### Children born to Mainland mothers settling in Hong Kong

17. Members of the Subcommittee have pointed out that some Hong Kong children are brought up on the Mainland due to child care arrangements. They consider that arrangements should be made to facilitate early arrival of these children so that they can settle in Hong Kong at a young age. This would facilitate their integration into the local community and education system. As their arrival date depends on when OWPs are issued to their Mainland mothers, members have urged the Administration to raise with the relevant Mainland authorities the shortening of the waiting time for issuing OWPs.

18. According to the Administration, the waiting time for Mainland spouses of Hong Kong residents under the OWP system has been shortened to around four years since 2009. Although children born to Hong Kong fathers on the Mainland have to apply under the OWP system to settle in Hong Kong, the waiting time for them to come to Hong Kong together with their mothers is also about four years. These children can still start their education in Hong Kong at a young age. The Administration has stressed that it attaches importance to the education of newly-arrived children. Support for these children include programmes that help them integrate into the community and education system, special measures for cross-boundary students and the launch of a pilot scheme to enable schools for Hong Kong children living in Shenzhen to participate in the 2008-2010 Secondary School Places Allocation System.

19. The Subcommittee also notes that there is a significant pool of children who are born in Hong Kong (and hence Hong Kong residents by birth) to Mainland parents who are not Hong Kong permanent residents. These

children would return to the Mainland with their parents, but it is uncertain whether and when they would come back to Hong Kong. While this is beyond the purview of the Subcommittee, members have urged the Administration to give due attention to the number of these children who would be settling in Hong Kong in planning ahead the resources to meet the service needs of these children and their families.

#### Mainland mothers of Hong Kong children settling in Hong Kong

20. Members note with concern that many Mainland wives of local residents, while waiting for the issue of OWPs, travel frequently to Hong Kong on TWPs, seeking reunion with their family members and taking care of them. As they are required to return to the Mainland to apply for renewal of their TWPs, young children of these families attending schools are left unattended in Hong Kong when their mothers return to the Mainland. The problem is more acute when these Mainland women become single mothers due to divorce or the death of their Hong Kong resident husbands. They are no longer eligible for OWP application to settle in Hong Kong, nor can their Hong Kong children receive education on the Mainland as they do not have household registration. These single Mainland mothers would stay in Hong Kong on the strength of TWPs to take care of their families and rely on their Hong Kong children's Comprehensive Social Security Allowance ("CSSA") for a living.

21. To address the above concern, members have called on the Administration to actively discuss with the relevant Mainland authorities the opening of a channel for Mainland single mothers to settle in Hong Kong under the OWP system, and to extend the limits of stay of Mainland single mothers who enter Hong Kong on the strength of TWPs to take care of their children in Hong Kong on compassionate ground.

22. According to the Administration, it has conveyed the suggestions of the Subcommittee to the Mainland authorities and the exchanges with the Mainland authorities are on-going. In the meantime, members have been advised that a new arrangement has been implemented since late December 2009 for TWP holders, i.e. multiple-entry "visiting relatives" exit endorsements with validity for one year. The Administration's understanding is that Mainland residents with spouses and young children in Hong Kong can apply for such exit endorsements. Other types of applicants, such as Mainland single mothers who have young children in Hong Kong or who are divorced or whose spouses (who were Hong Kong residents) are dead, would be considered on individual merits and some such applications have been approved.

## **Senior citizens' retirement on the Mainland**

23. According to the updated projections released by C&SD in July 2010, the proportion of the population aged 65 and over is projected to rise markedly, from 13% in 2009 to 28% in 2039. The pace of population ageing is projected to be gradual up to around 2019 (when the proportion will reach 17%), then accelerating in the following 10 years (where the proportion will be 25% in 2029), and moderating in the last 10 years of the projection period. The ageing trend is also revealed by the increasing median age of the population, from 40.7 in 2009 to 47.6 in 2039.

### Relaxing the permissible absence limits under the social security schemes

24. The Panel on Welfare Services ("the WS Panel") has all along been concerned about the financial assistance for the needy elders. Members have pointed out that while the nature of Old Age Allowance ("OAA") is a token of respect to the senior citizens, this has in effect turned into a form of relief money for poor elders who lack family support or retirement protection and who, although being aware of CSSA, have not applied for various reasons. Members have urged the Administration to increase the OAA rates to \$1,000 and relax the permissible limit of absence from Hong Kong to 360 days in a year, so as to obviate the need for OAA recipients to return to Hong Kong to continue to receive the allowance. The OAA rates have been increased to \$1,000 since January 2009.

25. In his Policy Address 2008-2009, CE stated, among other things, that the Government would explore whether the permissible limit of absence from Hong Kong for not more than 240 days in a year under the OAA Scheme could be further relaxed.

26. CE announces in the 2010-2011 Policy Address the proposal to relax the permissible limit of absence from Hong Kong for OAA from the present 240 days to 305 days a year, thus enabling elderly recipients to receive a full-year allowance as long as they had resided in Hong Kong for 60 days a year. Under the proposed arrangement, elderly people can enjoy greater flexibility in taking up residence, travelling or visiting relatives in the Mainland. The new arrangement would also be applied to the Disability Allowance.

27. The WS Panel received a briefing by the Administration on the new arrangement at its meeting on 8 November 2010. The Administration has stressed that the new arrangement to reduce the minimum residence period

would provide OAA recipients with greater flexibility in travelling out of Hong Kong for various reasons. To be eligible for OAA, the recipients must have resided in Hong Kong continuously for at least one year immediately before the date of application. Applicants therefore should have a place to live in Hong Kong. According to the Administration, it would seek the approval of the Finance Committee in December 2010, with a view to implementing the new arrangement in February 2011. While the Government does not keep statistics of elders having moved from Hong Kong to reside on the Mainland each year, a survey conducted by C&SD in 2007 shows that about 90 000 Hong Kong residents aged 65 or above resided or stayed on the Mainland for at least one month during the six months before the reference time-point of the survey. Of these, about 40 000 were OAA recipients and 18 000 were CSSA recipients. The latter included 3 000 recipients who had joined the Portable CSSA Scheme living in the Guangdong and Fujian Provinces. The Administration is, however, unable to estimate the number of new OAA applications arising from the relaxation of absence limits.

28. Some members have pointed out that as a result of inadequate retirement protection, even though most elders wish to age at home, some have chosen to retire on the Mainland because of a lower cost of living and family reasons. While members have no objection to the new arrangement, they generally take the view that the permissible absence limits for OAA should be further relaxed and eventually removed having regard to the fact that those elders who reside on the Mainland do not have a place to live in Hong Kong for a period of 60 days. This explains why out of some 90 000 elders residing on the Mainland, almost half of them are non-OAA recipients. Some members have also queried the rationale for setting the minimum residence period at 60 days.

29. According to the Administration, as OAA payment is non-contributory and largely non-means-tested, and is funded entirely by general revenue, the current policy is for OAA recipients to regard Hong Kong as their place of residence and to be subject to an absence limit. The minimum residence period of 60 days is set having regard to the definition of "Mobile Resident" captured in the "Hong Kong Resident Population" compiled by C&SD. The Administration cautions that removing all restrictions on absence from Hong Kong for OAA, both before application and after approval of the application, would mean basically making OAA fully portable to all places outside Hong Kong. Given that the existing policy on similar absence limits is being challenged by way of judicial review, the Administration would consider the way forward on such restrictions when the situation becomes clearer.



### Introducing a maintenance allowance

30. In the 2010-2011 Policy Address, CE also states that as the relationship between Hong Kong and Guangdong grows closer and some senior citizens may want to retire in Guangdong, he has asked the Secretary for Labour and Welfare to study further the feasibility of such arrangements.

31. In this connection, the WS Panel notes that the Administration is aware of a proposal from the community for the introduction of a maintenance allowance for elders who choose to retire on the Mainland and would embark on a feasibility study to examine in detail the merit of such a proposal having regard to the legal, financial and technical issues involved. The study is expected to take about one year. Some members considers that as the community has already made clear the request for introducing a maintenance allowance for elders, they do not see the need for the Administration to carry out a study on the matter. In the absence of a universal retirement protection, they have urged the Administration to roll out the implementation details as early as practicable.

### **Motions moved at Council meetings**

32. A list of the relevant motions moved at Council meetings is in **Appendix II**.

### **Questions raised at Council meetings**

33. A list of the relevant questions raised at Council meetings is in **Appendix III**.

### **Relevant papers**

34. A list of relevant papers which are available on the Legislative Council website (<http://www.legco.gov.hk>) is in **Appendix IV**.

**Live births born in Hong Kong to Mainland women in 2007-2009**

Reference period	Number of live births in Hong Kong <sup>(1)</sup>	Number of live births born in Hong Kong to Mainland women			
		whose spouses are Hong Kong Permanent Residents	whose spouses are not Hong Kong Permanent Residents <sup>(2)</sup>	Others <sup>(3)</sup>	Total
2007	70 875	7 989	18 816	769	27 574
2008	78 822	7 228	25 269	1 068	33 565
2009	82 095	6 213	29 766	1 274	37 253

Source of information : The Census and Statistics Department

- Notes: (1) The figures refer to the total number of live births born in Hong Kong in the reference period counted by the occurrence time of the events (i.e. births actually taking place in that reference period).
- (2) The figures include Hong Kong Non-permanent Residents (persons from the Mainland having resided in Hong Kong for less than 7 years being grouped in this category) and non-Hong Kong residents.
- (3) The figures refer to mainland mothers who chose not to provide the father's residential status during birth registration.

**List of the relevant motions moved at Council meetings**

<b><u>Meeting Date</u></b>	<b><u>Motions</u></b>
8 November 2000	Hon YEUNG Yiu-chung moved a motion on "Enhancing the Welfare for the Elderly".
22 October 2003	Hon CHAN Kam-lam moved a motion on "Elderly Persons Taking Up Permanent Residence in the Mainland".
23 February 2005	Hon TAM Yiu-chung moved a motion on "Taking Forward the Issues of Concern to the Elderly".
26 April 2006	Hon LEE Cheuk-yan moved a motion on "Universal Retirement Protection".
10 January 2007	Dr Hon Joseph LEE moved a motion on "Non-Local Pregnant Women Giving Birth in Hong Kong".
27 June 2007	Hon Frederick FUNG moved a motion on "Elderly in Poverty".
9 April 2008	Prof Hon Patrick LAU moved a motion on "Elderly Housing Policy".
5 November 2008	Hon Fred LI moved a motion on "Old Age Allowance and Universal Retirement Protection System".
30 June 2010	Hon LAU Kong-wah moved a motion on "Policy on Elderly Housing".

## Appendix III

### List of the relevant questions raised at Council meetings

<u>Meeting Date</u>	<u>Motions</u>
8 June 2005	Dr Hon KWOK ka-ki raised a question on "Mainland women giving birth in local public hospitals".
5 July 2006	Hon CHAN Kam-lam raised a question on "Mainland women giving birth in Hong Kong".
25 October 2006	Hon LI Fung-ying raised a question on "Mainland women giving birth in Hong Kong".
15 November 2006	Dr Hon Joseph LEE raised a question on "Mainland women giving birth in Hong Kong".
6 December 2006	Dr Hon KWOK ka-ki raised a question on "Impact of Mainland women giving birth in Hong Kong on long-term population policy".
13 December 2006	Dr Hon Joseph LEE raised a question on "Abandoned babies born to Mainland women in Hong Kong".
13 December 2006	Hon Frederick FUNG raised a question on "Financial security for elderly".
9 May 2007	Prof Hon Patrick LAU raised a question on "Abuse of CSSA System".
14 November 2007	Dr Hon KWOK ka-ki raised a question on "Social services for children born in Hong Kong to Mainland women and their families".
5 December 2007	Hon LAU Kong-wah raised a question on "Stipulation on period of absence from Hong Kong for Old Age Allowance".

30 April 2008	Hon LAU Kong-wah raised a question on "Assistance to elderly people residing on the Mainland and those who have returned to settle in Hong Kong".
11 November 2009	Hon Abraham SHEK raised a question on "Mainland pregnant women giving birth in Hong Kong".
2 December 2009	Hon WONG Kwok-kin raised a question on "Relaxation of restrictions on Old Age Allowance".
24 November 2010	Hon WONG Kwok-kin raised a question on "Permissible limit of absence from Hong Kong for Old Age Allowance recipients".

Relevant Papers/Documents

<u>Meeting</u>	<u>Meeting Date</u>	<u>Papers</u>
Panel on Welfare Services	20 October 2010	Administration's Paper LC Paper No. CB(2)23/10-11(01)
	8 November 2010	Administration's Paper LC Paper No. CB(2)180/10-11(01)
Subcommittee to Study Issues Relating to Mainland-HKSAR Families	19 February 2009	Administration's Paper LC Paper No. CB(2)870/08-09(01)  Information note on "Cross-border families" IN07/08-09  Minutes of meeting LC Paper No. CB(2)1211/08-09
	19 March 2009	Administration's Paper LC Paper No. CB(2)1070/08-09(01)  Minutes of meeting LC Paper No. CB(2)1395/08-09
	29 June 2009	Administration's Papers LC Paper Nos. CB(2)1979/08-09(01), CB(2)2258/08-09(02) and (03)  Minutes of meeting LC Paper No. CB(2)2354/08-09
	28 July 2009	Administration's Paper LC Paper No. CB(2)2258/08-09(01)  Minutes of meeting LC Paper No. CB(2)2535/08-09

<b><u>Meeting</u></b>	<b><u>Meeting Date</u></b>	<b><u>Papers</u></b>
	7 December 2009	Administration's Paper LC Paper No. CB(2)386/09-10(01)  Minutes of meeting LC Paper No. CB(2)640/09-10
	19 January 2010	Administration's Paper LC Paper No. CB(2)743/09-10(01)  Minutes of meeting LC Paper No. CB(2)1023/09-10
	26 April 2010	Administration's Paper LC Paper No. CB(2)1325/09-10(01)  Minutes of meeting LC Paper No. CB(2)1800/09-10

Council Business Division 2  
Legislative Council Secretariat  
7 December 2010