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Legislative Council

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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 11 January 2012

**Amendments to motion on
“Reviewing the population policy”**

Further to LC Paper No. CB(3) 287/11-12 issued on 29 December 2011, five Members (Hon Albert HO, Hon IP Kwok-him, Hon WONG Kwok-hing, Hon Paul TSE and Hon Alan LEONG) have respectively given notices of their intention to move separate amendments to Hon Vincent FANG’s motion on “Reviewing the population policy” scheduled for the Council meeting of 11 January 2012. As directed by the President, the respective amendments will be printed in the terms in which they were handed in on the Agenda of the Council.

2. The President will order a joint debate on the above motion and amendments. To assist Members in debating the motion and amendments, I set out below the procedure to be followed during the debate:

- (a) the President calls upon Hon Vincent FANG to speak and move his motion;
- (b) the President proposes the question on Hon Vincent FANG’s motion;
- (c) the President calls upon the five Members, who intend to move amendments, to speak in the following order, but no amendment is to be moved at this stage:
 - (i) Hon Albert HO;

- (ii) Hon IP Kwok-him;
 - (iii) Hon WONG Kwok-hing;
 - (iv) Hon Paul TSE; and
 - (v) Hon Alan LEONG;
- (d) the President calls upon the designated public officer(s) to speak;
 - (e) the President invites other Members to speak;
 - (f) the President gives leave to Hon Vincent FANG to speak for the second time on the amendments;
 - (g) the President calls upon the designated public officer(s) again to speak;
 - (h) in accordance with Rule 34(5) of the Rules of Procedure, the President has decided that he will call upon the five Members to move their respective amendments in the order set out in paragraph (c) above. The President invites Hon Albert HO to move his amendment to the motion, and forthwith proposes and puts to vote the question on Hon Albert HO's amendment;
 - (i) after Hon Albert HO's amendment has been voted upon, the President deals with the other four amendments; and
 - (j) after all amendments have been dealt with, the President calls upon Hon Vincent FANG to reply. Thereafter, the President puts to vote the question on Hon Vincent FANG's motion, or his motion as amended, as the case may be.

3. For Members' ease of reference, the terms of the original motion and of the motion, if amended, are set out in the **Appendix**.

(Mrs Justina LAM)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on
“Reviewing the population policy”
to be held at the Council meeting of 11 January 2012**

1. Hon Vincent FANG’s original motion

That, the continuous increase in the number of mainland pregnant women giving birth in Hong Kong constitutes growing pressure on hospitals and the relevant healthcare services in Hong Kong, and the aforesaid Hong Kong-born babies also impose potential pressure on Hong Kong in various respects, such as education, welfare, long-term healthcare, housing and employment, etc., while both the SAR Government’s governance and financial resources allocation lack long-term planning, leading to piecemeal policies to deal with problems on an ad hoc basis; besides, the daily quota of 150, which mainly aims at facilitating mainland residents’ settlement in Hong Kong for family reunion, has not been fully and properly utilized to resolve the serious mismatch in the employment market and fails to fulfil the original good intent of fostering family reunion and bringing young labour into Hong Kong, but has instead drastically increased Hong Kong’s burden in respect of the Comprehensive Social Security Allowance (‘CSSA’) and coping with population ageing; in this connection, this Council urges the Government to:

- (a) comprehensively review the existing population policy and include in the scope of the review the current problems in the four major areas of welfare, education, housing and CSSA arising from mainland pregnant women giving birth in Hong Kong; make reference to the population policies of developed countries for reviewing whether Hong Kong should continue to allow babies born in Hong Kong to parents who are both non-permanent residents of Hong Kong to enjoy the right of abode in Hong Kong;
- (b) conduct a comprehensive review on the current utilization rate of the daily quota of 150 which mainly aims at facilitating mainland residents’ settlement in Hong Kong for family reunion, successful applicants’ ages, academic qualifications, skills and employment situation after coming to Hong Kong, as well as the ratio of their applications for CSSA, etc., and, where necessary, adjust the utilization of the quota of 150 having regard to the actual circumstances and needs of Hong Kong’s employment market; and

- (c) based on the outcome of the review, formulate a new population policy that suits the long-term development needs of Hong Kong so as to provide reference for the formulation of Policy Addresses and Budgets, and conduct reviews from time to time having regard to Hong Kong's social development in order to ensure the appropriateness of Hong Kong's population policy.

2. Motion as amended by Hon Albert HO

That, *in the face of the increasingly pressing challenge presented by the problem of population ageing, the Government has not formulated any social policies to cope with the resultant significant increase in expenditure on healthcare, elderly care and retirement protection, etc.; besides, in the face of mainland people's property investments, pursuit of studies, as well as seeking of employment and medical treatment in Hong Kong, the Government has not adopted any effective measures to ensure that the resources enjoyed by Hong Kong people in respect of education, healthcare and housing will not be undermined;* the continuous increase in the number of mainland pregnant women giving birth in Hong Kong constitutes growing pressure on hospitals and the relevant healthcare services in Hong Kong, and the aforesaid Hong Kong-born babies also impose potential pressure on Hong Kong in various respects, such as education, welfare, long-term healthcare, housing and employment, etc., while both the SAR Government's governance and financial resources allocation lack long-term planning, leading to piecemeal policies to deal with problems on an ad hoc basis; besides, the daily quota of 150, which mainly aims at facilitating mainland residents' settlement in Hong Kong for family reunion, has not been fully and properly utilized ~~to resolve the serious mismatch in the employment market~~ and fails to fulfil the original good intent of fostering family reunion and bringing young labour into Hong Kong, ~~but has instead drastically increased Hong Kong's burden in respect of the Comprehensive Social Security Allowance ('CSSA') and coping with population ageing;~~ in this connection, this Council urges the Government to:

- (a) comprehensively review the existing population policy and include in the scope of the review the current problems in the four major areas of welfare, education, housing and ~~CSSA~~ *the Comprehensive Social Security Allowance* arising from mainland pregnant women giving birth in Hong Kong; *adopt measures to deal with the problem of excessive demand for obstetric services arising from large numbers of mainland pregnant women giving birth in Hong Kong, reduce the quota for mainland pregnant women to give birth in Hong Kong, and specify that public hospitals must care for local residents and spouses of Hong Kong people on a priority basis;* make reference to the population policies of developed countries for reviewing whether Hong Kong

should continue to allow babies born in Hong Kong to parents who are both non-permanent residents of Hong Kong to enjoy the right of abode in Hong Kong;

- (b) conduct a comprehensive review on the current utilization rate of the daily quota of 150 which mainly aims at facilitating mainland residents' settlement in Hong Kong for family reunion, successful applicants' ages, ~~academic qualifications, skills and employment situation after coming to Hong Kong, as well as the ratio of their applications for CSSA, etc.~~ ***various backgrounds and living conditions, etc., strive for the vetting and approval of such one-way permit applications by the Hong Kong authorities***, and, where necessary, adjust the utilization of the quota of 150 having regard to the actual circumstances and needs of Hong Kong's employment market; ~~and~~
- (c) based on the outcome of the review, formulate a new population policy that suits the long-term development needs of Hong Kong so as to provide reference for the formulation of Policy Addresses and Budgets, and conduct reviews from time to time having regard to Hong Kong's social development in order to ensure the appropriateness of Hong Kong's population policy; ***and***
- (d) ***formulate a medium-term public finances strategy for the next 10 years, project the impact of population ageing on taxation and the expenditure pattern of public finance, and allocate funding from the fiscal surplus to set up an 'old age population fund', followed by an annual capital injection from the accumulated surplus of the Exchange Fund, so as to cope with future drastic increases in public expenditure arising from population ageing.***

Note: Hon Albert HO's amendment is marked in ***bold and italic type*** or with deletion line.

3. Motion as amended by Hon IP Kwok-him

That, ***since the release of the Report of the Task Force on Population Policy in 2003, the Government has never announced any new report on the population policy, and in recent years***, the continuous increase in the number of mainland pregnant women giving birth in Hong Kong, ***especially those whose spouses are non-permanent residents of Hong Kong (commonly known as 'doubly non-permanent resident pregnant women')***, constitutes growing pressure on hospitals and the relevant healthcare services in Hong Kong, and the aforesaid Hong Kong-born babies also impose potential pressure on Hong Kong in various respects, such as education, welfare, long-term healthcare,

housing and employment, etc., while both the SAR Government's governance and financial resources allocation lack long-term planning, leading to piecemeal policies to deal with problems on an ad hoc basis; besides, the daily quota of 150, which mainly aims at facilitating mainland residents' settlement in Hong Kong for family reunion, has not been fully and properly utilized to resolve the serious mismatch in the employment market and fails to fulfil the original good intent of fostering family reunion and bringing young labour into Hong Kong, but has instead drastically increased Hong Kong's burden in respect of the Comprehensive Social Security Allowance ('CSSA') and coping with population ageing; in this connection, this Council urges the Government to:

- (a) *face up to the problem of 'doubly non-permanent resident pregnant women' giving birth in Hong Kong, and formulate effective and immediate corresponding measures, including adjusting the entry control policy, combating illegal acts involving mainland pregnant women giving birth in Hong Kong, controlling the number of 'doubly non-permanent resident pregnant women' giving birth in Hong Kong, and enhancing the management of obstetric and gynaecology services in the public and private sectors;*
- (b) comprehensively review the existing population policy and include in the scope of the review the current problems in the four major areas of welfare, education, housing and CSSA arising from mainland pregnant women giving birth in Hong Kong; make reference to the population policies of developed countries for reviewing whether Hong Kong should continue to allow babies born in Hong Kong to parents who are both non-permanent residents of Hong Kong to enjoy the right of abode in Hong Kong;
- ~~(b)~~(c) conduct a comprehensive review on the current utilization rate of the daily quota of 150 which mainly aims at facilitating mainland residents' settlement in Hong Kong for family reunion, ~~successful applicants' ages, academic qualifications, skills and employment situation after coming to Hong Kong, as well as the ratio of their applications for CSSA, etc., and, where necessary, adjust the utilization of the quota of 150 having regard to the actual circumstances and needs of Hong Kong's employment market;~~ *and having regard to the outcome and actual local circumstances, discuss with the Mainland on adjusting the utilization of the quota of 150;*
- (d) *review the various existing schemes for attracting talents and investment migrants as well as importing labour, and on the premise of protecting Hong Kong residents' priority in employment, supplement the local workforce having regard to the actual circumstances and needs of the Hong Kong employment market as*

well as attract more talents and capitals to Hong Kong, so as to dovetail with local economic development; and

- (e)(e) based on the outcome of the review, formulate a new population policy that suits the long-term development needs of Hong Kong so as to provide reference for the formulation of Policy Addresses and Budgets, and conduct reviews from time to time having regard to Hong Kong's social development in order to ensure the appropriateness of Hong Kong's population policy.

Note: Hon IP Kwok-him's amendment is marked in *bold and italic type* or with deletion line.

4. Motion as amended by Hon WONG Kwok-hing

That, *given that* the continuous increase in the number of mainland pregnant women giving birth in Hong Kong *whose spouses are non-Hong Kong residents* constitutes growing pressure on hospitals and the relevant healthcare services in Hong Kong, and the aforesaid Hong Kong-born babies also impose potential pressure on Hong Kong in various respects, such as education, welfare, long-term healthcare, housing and employment, etc., while both the SAR Government's governance and financial resources allocation lack long-term planning, leading to piecemeal policies to deal with problems on an ad hoc basis; besides, the daily quota of 150, which mainly aims at facilitating mainland residents' settlement in Hong Kong for family reunion, has not been fully and properly utilized ~~to resolve the serious mismatch in the employment market and fails to~~, *resulting in the failure to fully* fulfil the original good intent of fostering family reunion and bringing young labour into Hong Kong, but has instead ~~drastically increased Hong Kong's burden in respect of the Comprehensive Social Security Allowance ('CSSA') and coping with population ageing~~ *increased Hong Kong's social burden*; in this connection, this Council urges the Government to:

- (a) comprehensively review the existing population policy and include in the scope of the review the current ~~problems~~ *implications* in the four major areas of welfare, education, housing and ~~CSSA~~ *the Comprehensive Social Security Allowance ('CSSA')* arising from mainland pregnant women giving birth in Hong Kong; make reference to the population policies of developed countries for reviewing whether Hong Kong should continue to allow *mainland pregnant women whose spouses are non-Hong Kong residents to give birth in Hong Kong, or allow* babies born in Hong Kong to parents who are both non-permanent residents of Hong Kong to enjoy the right of abode in Hong Kong; *and examine the problem of punitive charges, etc. for mainland pregnant*

women giving birth in Hong Kong whose spouses are Hong Kong residents;

- (b) proactively consider making reference to the arrangement and method adopted by the Macao SAR Government for resolving the problem relating to its residents' overage children on the Mainland, and, with family reunion as the primary objective, expeditiously allow overage children to use the one-way permit quota in an orderly manner, so as to completely resolve the historical problem of Hong Kong residents' children on the Mainland coming to Hong Kong for family reunion, and at the same time avoid a sudden and drastic increase in the Hong Kong population;*
- (c) proactively consider discussing with the exit and entry control departments of the Mainland on further enhancing the transparency of the applications for one-way permits, including expeditiously announcing a timetable for the phased acceptance of overage children's applications for settling in Hong Kong and the queuing order of the applications, so as to enable applicants to know as early as possible the information, quantity, progress, and categories, etc., regarding mainland residents applying for one-way permits to come to Hong Kong, thereby allowing Hong Kong society to make a more comprehensive assessment and projection in its discussions on the population policy and relevant measures;*
- ~~(b)~~(d) conduct a comprehensive review on the current utilization rate of the daily quota of 150 which mainly aims at facilitating mainland residents' settlement in Hong Kong for family reunion, successful applicants' ages, academic qualifications, skills and employment situation after coming to Hong Kong, as well as the ratio of their applications for CSSA, etc., and, where necessary, adjust the utilization of the quota of 150 having regard to the actual circumstances and needs of Hong Kong's employment market *so as to provide these new arrivals with more appropriate support and services in various aspects such as daily living, adaptation and vocational training, etc., and help them integrate into society expeditiously, and at the same time serve as reference for formulating long-term population and social policies;* and
- ~~(c)~~(e) based on the outcome of the review, formulate a new population policy that suits the long-term development needs of Hong Kong so as to provide reference for the formulation of Policy Addresses and Budgets, and conduct reviews from time to time having regard to Hong Kong's social development in order to ensure the appropriateness of Hong Kong's population policy.

Note: Hon WONG Kwok-hing's amendment is marked in *bold and italic type* or with deletion line.

5. Motion as amended by Hon Paul TSE

That, *given that* the continuous increase in the number of mainland pregnant women giving birth in Hong Kong constitutes growing pressure on hospitals and the relevant healthcare services in Hong Kong, and the aforesaid Hong Kong-born babies also impose potential pressure on Hong Kong in various respects, such as education, welfare, long-term healthcare, housing and employment, etc., while both the SAR Government's governance and financial resources allocation lack long-term planning, leading to piecemeal policies to deal with problems on an ad hoc basis; besides, the daily quota of 150, which mainly aims at facilitating mainland residents' settlement in Hong Kong for family reunion, has not been fully and properly utilized to resolve the serious mismatch in the employment market and fails to fulfil the original good intent of fostering family reunion and bringing young labour into Hong Kong, but has instead drastically increased Hong Kong's burden in respect of the Comprehensive Social Security Allowance ('CSSA') and coping with population ageing; in this connection, this Council urges the Government to:

- (a) comprehensively review the existing population policy and include in the scope of the review the current problems in the four major areas of welfare, education, housing and CSSA arising from mainland pregnant women giving birth in Hong Kong; make reference to the population policies of developed countries for reviewing whether Hong Kong should continue to allow babies born in Hong Kong to parents who are both non-permanent residents of Hong Kong to enjoy the right of abode in Hong Kong; *and, based on the outcome of the above review, after weighing the pros and cons and in case of no better alternatives, seek in a decisive and timely manner interpretation of the Basic Law by the Standing Committee of the National People's Congress in accordance with the first paragraph of Article 158 of the Basic Law regarding the right of abode issue of the aforesaid babies born in Hong Kong;*
- (b) conduct a comprehensive review on the current utilization rate of the daily quota of 150 which mainly aims at facilitating mainland residents' settlement in Hong Kong for family reunion, successful applicants' ages, academic qualifications, skills and employment situation after coming to Hong Kong, as well as the ratio of their applications for CSSA, etc., and, where necessary, adjust the utilization of the quota of 150 having regard to the actual circumstances and needs of Hong Kong's employment market; and

- (c) based on the outcome of the review, formulate a new population policy that suits the long-term development needs of Hong Kong so as to provide reference for the formulation of Policy Addresses and Budgets, and conduct reviews from time to time having regard to Hong Kong's social development in order to ensure the appropriateness of Hong Kong's population policy.

Note: Hon Paul TSE's amendment is marked in *bold and italic type* or with deletion line.

6. Motion as amended by Hon Alan LEONG

That, *all along the SAR Government lacks a strategy specifically for co-ordinating population development, making it at a loss what to do with the sudden population increase*; the continuous increase in the number of mainland pregnant women giving birth in Hong Kong constitutes *whose husbands are also non-Hong Kong residents causes* growing pressure on hospitals and the relevant healthcare services in Hong Kong, and the aforesaid Hong Kong-born babies also impose potential pressure on Hong Kong in various respects, such as education, welfare, long-term healthcare, housing and employment, etc., while both the SAR Government's governance and financial resources allocation lack long-term planning, ~~leading to~~ *and only* piecemeal policies ~~to deal with~~ *are adopted to respond to* problems on an ad hoc basis; besides, the daily quota of 150, which mainly aims at facilitating mainland residents' settlement in Hong Kong for family reunion, has not been fully and properly utilized to resolve the serious mismatch in the employment market and fails to fulfil the original good intent of fostering family reunion and bringing young labour into Hong Kong, but has instead drastically increased ~~Hong Kong's burden in respect of the Comprehensive Social Security Allowance ('CSSA')~~ and *the uncertainties of Hong Kong's capacity in formulating various relevant policies and the burden of coping with population ageing*; in this connection, this Council urges the Government to:

- (a) comprehensively review the existing population policy and include in the scope of the review the current problems in the ~~four major~~ areas of *healthcare*, welfare, education, housing and ~~CSSA~~ *the Comprehensive Social Security Allowance ('CSSA')* arising from mainland pregnant women giving birth in Hong Kong; ~~make reference to the population policies of developed countries for reviewing whether Hong Kong should continue to allow babies born in Hong Kong to parents who are both non-permanent residents of Hong Kong to enjoy the right of abode in Hong Kong,~~ *and negotiate with the Central Government and study improving the arrangement for mainland visitors to enter Hong Kong,*

so as to avoid the possibility of pregnant women overstaying in Hong Kong after entry for giving birth;

- (b) conduct a comprehensive review on the current utilization rate of the daily quota of 150 which mainly aims at facilitating mainland residents' settlement in Hong Kong for family reunion, successful applicants' ages, academic qualifications, skills and employment situation after coming to Hong Kong, as well as the ratio of their applications for CSSA, etc., and, where necessary, adjust the utilization of the quota of 150 having regard to the actual circumstances and needs of Hong Kong's employment market; and ***discuss with the Central Government and request it to expeditiously return the vetting and approval authority relating to one-way permit applications to the HKSAR Government;***
- (c) ~~based on the outcome of the review, formulate a new population policy that suits the long term development needs of Hong Kong~~ ***require a high-level standing organization to regularly study and review the population policy for the future, and based on the outcome of the review and under the principles of protecting the employment of the local workforce and introducing professionals that Hong Kong lacks, formulate long-term, medium-term and short-term population policy targets,*** so as to provide reference for the formulation of Policy Addresses and Budgets, and conduct reviews from time to time having regard to Hong Kong's social development in order to ensure the appropriateness of Hong Kong's population policy; ***and***
- (d) ***before satisfying the demand of local pregnant women for obstetric and gynaecology services, require public hospitals to completely stop accepting mainland pregnant women whose husbands are also non-Hong Kong residents, and require private hospitals to accord priority to serving local pregnant women, thereby maintaining the number of babies born in Hong Kong to mainland women within the capacity of public services.***

Note: Hon Alan LEONG's amendment is marked in ***bold and italic type*** or with deletion line.