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**Paper for the House Committee meeting on 29 June 2012**

**Report of the Subcommittee to Study Issues Relating to  
Mainland-HKSAR Families**

**Purpose**

This paper reports on the deliberations of the Subcommittee to Study Issues Relating to Mainland-HKSAR Families ("the Subcommittee").

**Background**

2. At the House Committee meeting on 12 December 2008, Members discussed the proposal for the appointment of a subcommittee under the House Committee to study issues relating to Mainland-Hong Kong families put forward by six Duty Roster Members following their meeting with a deputation "準來港婦女關注組" (the Concern Group) on 5 December 2008 at the Complaints Division of the Legislative Council Secretariat. The Concern Group urged the appointment of a subcommittee under the House Committee to study issues relating to Mainland-Hong Kong families, including the obstetric service charge for non-Hong Kong residents, the waiting time for One Way Permits ("OWPs"), the rights of Mainland-Hong Kong families, the relevant immigration policy, and the population policy. As the matter straddled the policy areas of various Panels, the Duty Roster Members supported the Concern Group's proposal for the appointment of a subcommittee under the House Committee. The proposal was supported by the House Committee. The proposed terms of reference, work plan and time frame of the subcommittee were discussed and endorsed by the House Committee at its meeting on 2 January 2009.

**The Subcommittee**

3. The House Committee appointed the Subcommittee on 2 January 2009 to

study issues relating to Mainland-HKSAR families. Mr LEE Cheuk-yan and Mr LEUNG Yiu-chung have been elected as Chairman and Deputy Chairman of the Subcommittee respectively. The terms of reference and membership list of the Subcommittee are in **Appendices I and II** respectively.

4. Approval was given by the House Committee at its meetings on 15 January and 22 October 2010, and 21 October 2011 for the Subcommittee to continue its work in the 2009-2010 session, 2010-2011 session and 2011-2012 session respectively in accordance with House Rule 26(c).

5. The Subcommittee held 23 meetings between February 2009 and June 2012 to meet with the Administration and receive views from deputations. A list of deputations which have given views to the Subcommittee at 15 of these meetings is in **Appendix III**.

### **Deliberations of the Subcommittee**

6. According to its terms of reference, the Subcommittee has focused its work on the following areas –

- (a) the existing population 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 OWP 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.

#### Population policy having impact on Mainland-HKSAR families

##### *Policy objectives of population policy*

7. Members note that in October 2007, the Steering Committee on

Population Policy ("SCPP") chaired by the Chief Secretary for Administration ("CS") was set up to monitor and coordinate efforts on population policy, having regard to a number of population policy issues which cut across different policy areas. The priority areas are: (a) raising the quality of education through developing 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.

8. According to the Census and Statistics Department, the number of Hong Kong people working on the Mainland increased from 42 300 in 1998 to 228 900 in 2005, accounting for 6.8% of the total number of employed persons in the year. This has helped boost the number of cross-boundary marriages from 16 451 in 1986 to 26 203 in 2007, representing 38.7% of the total number of marriages registered in Hong Kong in 2007. Having regard to the increasing number of cross-boundary marriages and the fact that separation of family would give rise to multi-faceted social problems, members generally consider that family reunion should be a priority area covered in the population policy. In the view of members, the Administration has placed too much emphasis on attracting talents and quality immigrants in formulating the population policy.

9. The Administration has advised that the population policy aims at optimising 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 will take into account the population changes in pursuing the objectives of the population policy and observe closely the number of Mainland residents who will be settling in Hong Kong in planning ahead the resources to meet the service needs of these families. The Administration has stressed that it recognizes the importance of family reunion and social harmony. It provides support services for new arrivals from the Mainland and has put in place various measures to help them integrate into the community.

10. Members note that the current policy objectives of the population policy are premised on the recommendations of the Task Force on Population Policy made in its report released in February 2003, including skills upgrading; education and manpower development; attracting talents and quality migrants; and policies relating to the elderly and social welfare. The majority members of the Subcommittee consider it high time for the Administration to review the effectiveness of the relevant policy initiatives and measures so implemented from a macro perspective and to formulate the long-term population policy. Members have also called for a review of the policies having impact on

Mainland-HKSAR families from the population policy perspective, in particular the principle of "seven-year" residence requirement in respect of the provision of major heavily subsidised social benefits, which was adopted in the light of the recommendations made by the Task Force on Population in 2003.

*Review of population policy*

11. Members note that in the 2010-2011 Policy Address, the Chief Executive ("CE") tasked SCPP to focus its study on two topics. First, it would examine ways to facilitate and support the elderly people to settle in the Mainland after retirement if they so wish. Second, it would 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.

12. The Administration released the SCPP Progress Report 2012 on 30 May 2012. In its report, SCPP has made a total of 10 recommendations which include measures for tackling the imminent concern associated with births born in Hong Kong to Mainland women, as well as broad policy directions to address the challenges brought by the changing demographic structure of Hong Kong.

13. Some members are concerned whether SCPP has reviewed the principle of seven-year residence requirement which is applicable to Two Way Permit ("TWP") holders, notably the use of subsidised obstetric services by Mainland spouses of Hong Kong residents (paragraphs 17 to 31 below) and the eligibility of new arrivals from the Mainland for the Comprehensive Social Security Assistance ("CSSA") Scheme. These members have expressed concern that many new-arrival single mothers face great financial hardship as they do not meet the residence requirement. They are unable to find suitable employment because of their low-education attainment and the need to take care of their young children. Given that these new arrivals are not eligible for CSSA, they have to rely on their Hong Kong resident children's CSSA for a living.

14. The Administration has advised that SCPP's study on the topic of ramifications of children born in Hong Kong to Mainland women returning to Hong Kong to study and live covers a wide range of complex issues including the use of local obstetric services by Mainland women. In addition to the two topics tasked by CE, SCPP has also examined the effect of the changing demographic structure on the long-term economic and fiscal sustainability of Hong Kong and the appropriate policy response in the relevant key areas. These include manpower requirement and supply in key economic sectors; liberating the labour force from the existing working age population; admission of talents from outside Hong Kong; support for the elderly living in Hong Kong; and support for and integration of new arrivals. The Administration has

conveyed issues of concern raised by members in this respect to CS and SPCP for consideration.

15. In the view of the Administration, the adoption of a seven-year residence requirement for CSSA is in line with one of the recommendations of the Task Force on Population Policy made in 2003, i.e. to ensure the allocation of public resources on a rational basis and the long-term sustainability of heavily subsidised public services. Notwithstanding this, the Director of Social Welfare can exercise discretion to grant CSSA to a person who does not meet the residence requirement. Apart from CSSA, as in the case of other new arrivals from the Mainland, where there are proven needs and the relevant eligibility criteria are satisfied, other forms of assistance and support are available to single mothers irrespective of their years of residence in Hong Kong. These include employment support services, emergency relief, temporary grants from charitable trust funds to tide over special and emergency situations, medical waiver, child care services, assistance in kind and placements at singleton hostels. According to the Administration, it has no plan to change the requirement.

16. The majority members of the Subcommittee do not subscribe to the Administration's view that there is no need for reviewing the seven-year residence requirement for subsidised social benefits. In their view, such requirement is discriminatory to the new arrivals and undermines their rights to welfare. They have strongly appealed to the Administration to adopt a people-oriented approach and conduct a comprehensive review of the population policy.

#### Use of subsidised obstetric service

##### *Government policy on the use of obstetric services*

17. The use of subsidised obstetric services by Mainland women whose spouses are Hong Kong residents has been a major issue of concern of the Subcommittee. Members note that in the light of the recommendations of the Task Force on Population Policy concerning the eligibility for major benefits subsidised by public funds, the Administration has adopted since 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 will be treated as non-eligible persons ("NEPs") and should be charged at the NEP rates when patronising public obstetric services.

18. Currently, all NEPs, irrespective of whether their husbands are Hong Kong residents, who wish to seek obstetric service in public hospitals have to make prior booking and pay \$39,000 for a package of obstetric service, which covers one antenatal check in a specialist outpatient clinic, the delivery and the

first three days and two nights stay for the delivery. The fee has to be paid in full at the time of booking. For cases of admission without prior booking, the charge is \$48,000. With effect from 12 May 2012, the fees for deliveries by NEPs at the Accident and Emergency Department of public hospitals have been raised to \$90,000.

19. Members take a strong view that Mainland women with Hong Kong resident husbands should be entitled to use public obstetric services as they are members of Hong Kong families. Under the existing immigration policy, children fathered by Hong Kong residents but born in the Mainland have to apply under the OWP Scheme to settle in Hong Kong, whereas Chinese citizens born in Hong Kong have the right of abode in Hong Kong regardless of the status of their parents under Article 24 of the Basic Law. Some members have pointed out that the existing obstetric service arrangement for Mainland women whose spouses are Hong Kong residents is not conducive to family reunion and social integration as some of them have chosen to give births on the Mainland or deferred their childbearing plan until they have obtained a OWP to settle in Hong Kong as they cannot afford the obstetric service charge. The Administration should treat those Mainland women with marital ties in Hong Kong on a par with local women.

20. The Administration has stressed that its policy is to accord priority to local pregnant women to use obstetric services. The definition and eligibility of EPs for public medical services subsidised by public funds was revised in 2003 to ensure that the public healthcare services could meet public demand and could sustain in the long-term within limited financial resources. The Hospital Authority ("HA") will only accept booking from NEPs when spare service capacity is available.

21. While agreeing that sufficient places in public hospitals should be reserved for delivery by local women, members are of the view that consideration should be given to assigning a higher priority to non-local women whose spouses are Hong Kong residents in the allocation of spare service capacity. In the view of members, the implementation of the obstetric service arrangements runs contrary to the population policy of encouraging births and such arrangements are also detrimental to family unity and social integration. Members consider it incumbent upon the Government to increase the provision of adequate obstetric services to cope with the demand of local women and Mainland women with Hong Kong spouses.

22. The Administration has advised that the prevalence of marriages between residents of Hong Kong and the Mainland does not constitute any reason to go against the well-established policy that heavily subsidised healthcare services should only be made available to local residents but not their non-local spouses. Couples who have engaged in cross-boundary marriages should make

appropriate plans to meet their medical needs.

23. Some members, however, have queried why Mainland pregnant women whose spouses are civil servants in Hong Kong are allowed to use public obstetric services as EPs. The Administration has explained that civil servants' Mainland spouses are eligible for subsidised obstetric services as part of the civil service medical benefits.

*NEPs whose spouses are Hong Kong residents*

24. At its meeting on 28 July 2009, the Subcommittee passed a motion requesting the Government to assess the impact on the capacity of public medical services and the population policy if Mainland spouses of Hong Kong residents were given parity treatment with local women in using public obstetric services. In response to the motion, the Administration has advised that if NEPs whose spouses are Hong Kong residents are to be charged the EP rate for the obstetric services, it is expected that there will be a substantial increase in the number of these NEPs seeking to deliver in public hospitals, causing enormous pressure on the service capacity of HA.

25. At the request of the Subcommittee, the Administration has sought the views of the Family Council and SCPP on the obstetric service arrangements for Mainland women whose spouses are Hong Kong residents from the family and the population policy angles. Members note from the Administration that taking into account the need to balance consideration of a multitude of factors, the Family Council concludes that the existing arrangements are effective and no review is considered necessary at this stage. Having regard to the policy objectives of the obstetric service arrangements and read-across implications on other heavily subsidised healthcare services if there is a change to the definition of EPs for public healthcare services, SCPP considers that the existing obstetric service charge arrangements for NEPs should be maintained. From the population policy angle, SCPP considers that even if Mainland women whose spouses are Hong Kong residents are entitled to the same highly subsidised rates as local women in using obstetric service arrangements in public hospitals, its impact on Hong Kong's population would be limited. SCPP remains of the view that each couple would have its own childbearing plan, taking into account the specific circumstances of each family.

26. As the use of the subsidised 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. Members have expressed great disappointment that CS has declined the repeated invitations to attend a meeting of the Subcommittee to discuss the matter. In his reply to the Subcommittee, CS advised that he has been following the discussion closely, and the Administration will arrange appropriate representatives to discuss the

issues of concern and to give full consideration to the Subcommittee's views during the policy-formulation process. Members note that CS had attended two special meetings of the House Committee in 10 December 2010 and 5 June 2012 to discuss the subject of population policy.

27. Regarding the Subcommittee's concern that the existing obstetric service arrangement for Mainland women is not conducive to family reunion, the Administration has advised that SCPP 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.

28. Members remain unconvinced of the Administration's explanation. Many members consider that the existing policy governing the use of local obstetric services by Mainland women whose spouse are Hong Kong residents is unfair to these families. More importantly, it is contradictory to the key objective of the population policy to secure and nurture a manpower supply which sustains the development of the economy. Members have strongly called on the Administration to conduct a review of the existing arrangements.

#### *Level of obstetric package charges*

29. Members take the view that Mainland women with Hong Kong resident husbands should be entitled to obstetric services at EP rates. Some members have suggested that a two-tier obstetric service charge should be adopted for NEPs under which the rate of \$39,000/\$48,000 will apply to NEPs with no marital ties in Hong Kong and NEPs whose spouses are Hong Kong residents should pay the old rate of \$20,000.

30. According to the Administration, the fees of HA's private services, which are based on the costs of providing services to private patients, are adopted as the basis for setting the obstetric package charges for NEPs. In determining the obstetric package charges, references have been made to charges of private hospitals, including those of the private doctors, so that NEPs will not be attracted to public hospitals because of lower fees. As regards the reason for setting a higher charge for non-booked cases, the Administration has advised that if NEP mothers have not received any antenatal care before the deliveries, all tests would have to be done on an urgent basis and results will need to be made available immediately for treating the patients. More staff and resources will be involved in such cases. Having regard to the higher costs involved and

the charges of private hospitals, a higher level of rate is set for non-booked cases. The suggestions of adopting a two-tier obstetric service charges for NEPs whose spouses are Hong Kong residents and those who have no marital ties in Hong Kong as well as restricting the latter from making prior booking for obstetric service package at public hospitals will give rise to a policy change which requires careful consideration.

31. On the question as to whether applying the same obstetric service package charges for NEPs whose spouses are Hong Kong residents and those with no marital ties in Hong Kong constitutes an unfair treatment to the former, the Equal Opportunities Commission advises, among others, that based on the available information, the distinction between NEPs whose spouses are Hong Kong residents and NEPs whose spouses are not Hong Kong residents does not involve the anti-discrimination ordinances.

#### *Refund arrangements*

32. Concern has been raised as to whether the Administration should review the refund arrangements for unused obstetric services and provide a pro-rata refund according to the notification period.

33. According to the Administration, HA implemented a refund policy in October 2007 under which if a booked case in a public hospital could not take place in unfortunate circumstances such as miscarriage, a partial refund of not more than \$20,000 would be made. The amount was set at no more than \$20,000 to serve as a disincentive for NEPs to use public obstetric services, as well as to cover the additional costs incurred by HA in the implementation of the new obstetric service arrangement, which included the cost of operating the booking arrangement and additional manpower cost for providing service.

34. The Subcommittee was subsequently advised that HA has since mid-July 2010 decided to revise the amount of refund for cases involving miscarriage, termination of pregnancy and still birth from the level of \$20,000 to \$39,000 taking into consideration that the loss of baby under these circumstances is a very sad and unfortunate event for the family concerned. The refund will be subject to deduction of those charges for the hospital services which the patient has received for the same pregnancy. However, the refund arrangement for obstetric service package charge is not applicable to premature deliveries on the Mainland given that the nature is different from cases involving miscarriage, or termination of pregnancy.

#### *Fee waiver*

35. Members have also examined whether the Administration should review the waiver mechanism for medical fees and charges within HA in the light of

the court judgment on the judicial review of the obstetric service package charge for NEPs.

36. According to the Administration, the obstetric service package charges for NEPs in public hospitals have been challenged in two applications for judicial review. In the first application, the applicants challenged, among others, the Government's policy to exclude non-Hong Kong resident spouses of Hong Kong residents from the definition of EPs and decision of HA to revise the obstetric service package charges for NEPs since 1 February 2007. The application was dismissed by the Court of First Instance in the judgment handed down in December 2008. The applicants lodged an appeal and the hearing before the Court of Appeal took place in March 2010. On 10 May 2010, the Court of Appeal rejected the challenges in the application for judicial review. The second application involved a similar challenge to the exclusion of the applicant from subsidised obstetric services. The Court dismissed the application before the hearing.

37. The Administration has explained that under the existing waiver mechanism within HA, patients who have financial difficulty in paying for the medical fees and charges in HA may apply for waiver of the relevant fees and charges. To ensure rational use of limited public resources, normally there is no fee waiver for NEP patients for HA services, including obstetric services. Waiver of medical fees and charges for NEP patients will be granted under exceptional circumstances. In the first application for judicial review, the court does not rule on the waiver mechanism but requests HA to reconsider the application for fee waiver and fee reduction from the applicant of the case. The existing policy on waiver of fee will continue to apply to all HA services including obstetric services.

*Capacity of subsidised obstetric services for NEPs whose spouses are Hong Kong residents*

38. According to the Administration, the number of live births born to Mainland women increased from 27 574 in 2007 to 43 982 in 2011, and 6 110 of them were fathered by Hong Kong permanent residents. The total number of babies born in Hong Kong was 95 418 in 2011. The number of Mainland women giving birth in Hong Kong in recent years is in **Appendix IV**.

39. Members note that to cope with the rising trend of non-local pregnant women giving birth in Hong Kong, HA announced on 8 April 2011 the suspension of the delivery booking for NEPs in public hospitals. Following HA's decision to stop accepting delivery booking, at least some 80 Mainland pregnant women with Hong Kong husbands were unable to secure bookings of obstetric services in public hospitals. Having regard to the fact that the number of live births born to Mainland women and fathered by Hong Kong

residents was some 6 000 in 2011, members consider that such demand for local obstetric services can be fully absorbed by public hospitals. Members have strongly called on the Administration to review the existing arrangement and render assistance to these women to meet their imminent need for obstetric services.

40. To relieve the pressure on the capacity of obstetric services in public hospitals and to ensure sufficient places for local pregnant women, it has been suggested that the Administration should consider purchasing obstetric services from private hospitals for Mainland spouses of civil servants, in order to release the reserved public obstetric service capacity to other Mainland women whose spouses are also Hong Kong residents but cannot afford the obstetric service charges of private hospitals.

41. The Administration has explained that the total number of live births to local women increased from 43 301 in 2007 to 51 436 in 2011, whereas the annual capacity of public obstetric services is about 42 000. In the light of the upward trend for use of public obstetric services by Hong Kong pregnant women, there is a need to limit the number of NEPs coming to Hong Kong to give births at a level that can be supported by the public healthcare system, and to ensure that local pregnant women are given proper obstetric services and priority to use such services, hence HA's decision to stop accepting bookings for obstetric services from non-local pregnant women. Nonetheless, spare obstetric service capacity is available in some private hospitals. Should individual Hong Kong residents need assistance for their Mainland spouses to give birth in Hong Kong, the Administration will provide the relevant information as far as practicable.

42. According to the Administration, it understands that some Mainland pregnant women whose husbands are Hong Kong permanent residents hope to give birth in Hong Kong but are unable to make their bookings in hospitals in 2012. It has reached a consensus with at least four private hospitals to provide obstetric services for Mainland pregnant women whose husbands are Hong Kong permanent residents and who hope to give birth in Hong Kong but are unable to make their bookings in hospitals. If necessary, the Department of Health will allocate additional delivery quota accordingly to private hospitals willing to provide obstetric services to this group of women. To the Administration's understanding, over 200 such bookings have been made with private hospitals in 2012.

43. The Government further announced in April 2012 that private hospitals will stop accepting bookings for obstetric services in 2013 from non-local pregnant women whose husbands are non-Hong Kong residents for giving birth in Hong Kong. Members have expressed grave concern about the disparity measures to control the use of obstetric service by non-local women under

which Mainland pregnant women whose Hong Kong husbands have resided in Hong Kong for less than seven years are not allowed to make their bookings in private hospitals in 2013. Members have reiterated the view that babies born to Mainland mothers and fathered by Hong Kong residents are members of Hong Kong families, and they should enjoy the same as Hong Kong born babies whose fathers are Hong Kong permanent residents.

44. The Administration has explained that given a consensus in the community that the Government should provide assistance to this group of expectant mothers as far as possible, it has begun to study the mechanism and detailed arrangements for effective verification of the identity of Mainland pregnant women whose husbands are Hong Kong permanent residents at the beginning of 2012. The latest arrangements seek to facilitate those Mainland pregnant women whose husbands are Hong Kong residents and who choose to have their delivery in Hong Kong. To prevent others from taking advantage of such an arrangement, all Mainland pregnant women whose husbands are Hong Kong permanent residents and who intend to give birth in Hong Kong will be required to submit supporting documents to verify their identity when making bookings. In the view of the Administration, with private hospitals stopping the admission of Mainland pregnant women whose husbands are non-Hong Kong residents for delivery in 2013, there should be adequate manpower capacity and facilities for private hospitals, after giving service priority to local pregnant women, to take care of the Mainland wives of Hong Kong permanent residents.

45. After taking into consideration members' view and discussing with the private hospitals, the Administration advised members in June 2012 that the special arrangement for providing obstetric services for Mainland pregnant women whose husbands are Hong Kong permanent residents will be extended to those whose husbands have resided in Hong Kong for less than seven years. The Subcommittee welcomes the arrangement.

#### Immigration arrangements for entry of Mainland residents

46. Article 22(4) of the Basic Law stipulates that "For entry into the Hong Kong Special Administrative Region ("HKSAR"), people from other parts of China must apply for approval. Among them, the number of persons who enter the Region for the purpose of settlement shall be determined by the competent authorities of the Central People's Government after consulting the government of the Region."

47. Members note that Mainland residents who wish to settle in Hong Kong must apply for a OWP from the Public Security Bureau Offices of the Mainland where their household registrations are kept. The existing OWP quota is 150 places per day, of which 60 are allocated to persons holding Certificates of

Entitlement<sup>1</sup> ("CoE"), and the rest for application by other Mainland residents for family reunion in Hong Kong, including separated spouses and their accompanying children, unsupported children who need to join their relatives in Hong Kong, persons coming to Hong Kong to take care of their unsupported aged parents, and unsupported elderly people coming to join their relatives in Hong Kong.

48. Apart from entering Hong Kong for settlement on the strength of OWP, Mainland residents can apply for an Exit-Entry Permit (commonly known as TWP) from the Exit and Entry Administration Offices of the Public Security Bureau of the Mainland for entering Hong Kong. Their limits of stay in Hong Kong depend on the type of exit endorsement they hold.

#### *Issue of OWP*

49. Members stress time and again that the reunion of family members should be a priority area in the Administration's population policy. Given that the OWP Scheme has been in place for more than a decade, the Administration should liaise with the Mainland authorities to refine the mechanism for allocation and distribution of the 150 daily places for OWP to expedite the reunion of those families with members from the Mainland and earlier arrival of Mainland children born to Hong Kong residents so that these children can integrate into the community and the education system at a young age.

50. The Administration has advised that the Mainland authorities have since May 1997 applied the "Points System" to assess and determine the eligibility of applicants and the order in which they may settle in Hong Kong. Except for CoE holders, the main considerations in examining and approving OWP applications include the separation time and the age of the applicants or their Hong Kong relatives. The OWP Scheme aims to facilitate the reunion of Mainland residents with their families in Hong Kong in an orderly manner. The Mainland authorities have from time to time refined the system. For instance, the "eligibility points" for OWP applications of separated spouses were further relaxed in 2009, thereby shortening the waiting time from five years in 2005 to four years. In addition, the unused places under the sub-quota for long-separated spouses have since 2001 been allocated to spouses separated for a shorter period and their accompanying children. In 2003, the age limit for OWP applications of accompanying children of separated spouses was relaxed from 14 to 18; the restriction of only one accompanying child was also discarded.

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<sup>1</sup> Persons claiming right of abode under paragraph 2(c) of Schedule 1 to the Immigration Ordinance (Cap. 115) have to apply for a CoE from the Immigration Department ("ImmD"). Mainland residents holding a CoE issued by ImmD and affixed onto an OWP issued by the Mainland authorities can enter Hong Kong to exercise their right of abode.

51. In the light of the under-utilisation of the overall daily OWP places in the past few years, in particular the sub-quota for CoE holders and spouses separated for 10 years or above and their accompanying children (the relevant statistics are in **Appendix V**), members generally consider that the unused places should be allocated to applications of other categories. Consideration may be given to allocating the unused places for Mainland adult children born to Hong Kong residents.

52. The Administration has advised that the processing and assessment of applications for the issue of OWPs are governed by the respective Mainland authorities. The Security Bureau has on occasions reflected the views of the public to the Mainland authorities to consider providing a channel for Mainland adult children under the OWP Scheme. Mainland adult children can apply for OWPs on the ground of taking care of their unsupported aged parents in Hong Kong, or apply for TWPs to visit their relatives in Hong Kong. On the suggestion to further shorten the waiting time for separated spouses under the OWP Scheme to facilitate family reunion, the Administration has pointed out that it is equally important to uphold effective immigration control, for instance, to prevent Mainland residents from enter Hong Kong by means of bogus marriages.

*Visiting Hong Kong on the strength of TWPs*

53. Pointing out that some Mainland mothers are coming to Hong Kong on the strength of a TWP with "visiting relatives" exit endorsement to take care of their young children in Hong Kong, some members have expressed grave concern about the difficulties faced by these families, especially Mainland single mothers with Hong Kong born children. As the TWP holders can only stay in Hong Kong for up to 90 days, they have to return to the Mainland and re-apply for a fresh TWP for visiting Hong Kong. The young family members who are attending schools will be left unattended in Hong Kong after their mothers have returned to the Mainland. These members take the view that Mainland mothers visiting Hong Kong on the strength of a TWP should be allowed to stay for a longer period of time to take care of their young children in Hong Kong, preferably to tie in with the school term.

54. The Administration has stressed that it is essential to strike a balance between travel facilitation and effective immigration control in considering the proposal to allow TWP holders to stay for a longer period of time. The Exit and Entry Administration Offices of some provinces have offered facilitation to applicants applying for visiting Hong Kong. Those applying for the same type of exit endorsement may authorise another person to apply on their behalf, and they may also opt to collect the TWP by means of speed post. With these facilitation, the applicants do not have to return to their place of household registration to make applications in person. Nonetheless, the Administration

will conduct further study, with a view to exploring the further facilitation which can be provided to those with genuine difficulties, having regard to the facilitation currently in place and the need to uphold effective immigration control.

*Suggestions of the Subcommittee relating to immigration arrangements*

55. In the course of the Subcommittee's deliberations on the immigration arrangements, the Administration invited specific suggestions from the Subcommittee to facilitate its consideration of the way forward. Against this background, the Subcommittee made the following suggestions in June 2009 to refine the OWP and TWP Schemes for the Administration's consideration –

- (a) further shortening the waiting time for the issue of OWPs to separated spouses from four years to three years or less, and the waiting time for spouses separated for 10 years or above should be shortened to less than one year;
- (b) opening a channel for Mainland adult children of Hong Kong residents to come to Hong Kong under the OWP Scheme, with priority given to the right of abode claimants and those with unsupported parents in Hong Kong;
- (c) opening a channel for Mainland parents of Hong Kong residents under the OWP Scheme, and allowing Hong Kong children born to Mainland residents to apply for household registration so that the former can choose to return to and live with their parents in the Mainland;
- (d) allocating the unused sub-quota to Mainland spouses of Hong Kong residents who have applied for OWPs but become ineligible for applying for OWPs due to the passing away of their spouses (who are Hong Kong residents) or divorce, with priority given to Mainland single mothers with children in Hong Kong;
- (e) lifting the restriction for only one Mainland adult child to come to Hong Kong to take care of their unsupported parent(s) aged 60 or above;
- (f) giving more weighting to the "eligibility points" for OWP applications of –
  - (i) separated spouses with young children aged below 12 in Hong Kong; and

- (ii) Mainland adult children with unsupported parents aged 60 or above/frail parents in Hong Kong;
- (g) allowing Mainland mothers visiting Hong Kong on the strength of a TWP with "visiting relatives" exit endorsement to stay for a longer period of time, say, from three months to six months or to tie in with the school term breaks, so as to enable them to take care of their children attending school in Hong Kong; and
- (h) setting up a joint liaison working group comprising representatives of the HKSAR Government and the Mainland authorities to review the immigration arrangements and deal with complaints and appeals relating to the issue of OWPs and TWPs.

*The Administration's preliminary response to suggestions of the Subcommittee*

56. In November 2009, the Administration advised the Subcommittee that it was not in the position to provide conclusive responses to its suggestions, but its exchanges with the Mainland authorities were on-going. The Administration provided its preliminary responses as follows –

- (a) the Central Government had announced that a new policy initiative would be implemented to cater for Mainland adult children of Macao residents to settle in the Macao Special Administrative Region ("MSAR"). The Central Government had indicated to the HKSAR Government that the policy, in general, would be applicable to Hong Kong. The arrangements had yet to be finalised and announced, and the Administration was actively discussing with the Mainland authorities on the arrangements;
- (b) as far as OWPs are concerned, the waiting time for separated Guangdong spouses has been shortened from six to seven years prior to 2005 and to four years currently. As the average utilisation of OWPs had been as high as 140 from January to September 2009, the suggestion of further shortening the waiting time required thorough consideration;
- (c) opening a channel for Mainland parents of Hong Kong residents (including children born to Mainland parents in Hong Kong) under the OWP Scheme will have profound long-term effects on many fronts and required thorough deliberations. These include whether this will induce more Mainland pregnant women to enter Hong Kong through various channels for delivery; whether HKSAR can cope with this; and whether this will impact on the waiting time of other eligible OWP applicants, etc; and

- (d) opening a channel for Mainland single mothers to settle in Hong Kong is a complicated issue that requires further consideration, whereas allowing the second Mainland adult child to come to Hong Kong to take care of their unsupported parent(s) should be dealt with in the light of the new arrangements pertaining to Mainland adult children, the details on which had yet to be finalised.

57. Members have expressed regret at the Administration's failure to report concrete progress in respect of the suggestions of the Subcommittee. The Subcommittee passed a motion at its meeting on 5 November 2009 requesting the Administration to immediately set up a joint liaison working group with the Mainland authorities to hold regular meetings to follow up on the above eight suggestions made by the Subcommittee, and revert to the Subcommittee on the progress.

#### OWP applications by "overage children"

58. Members noted from the Administration in April 2010 that the Central Government had already made clear to the HKSAR Government that the arrangements to cater for Mainland "overage children"<sup>2</sup> of Macao residents to settle in MSAR would also be applicable to Hong Kong. Members urged the Administration to expedite the discussion and make public announcement of new arrangements. Some members took the view that applications should be vetted and approved based on objective criteria, such as separation time, and the special circumstances of each case.

59. According to the Administration, it had held a number of meetings with the relevant Mainland authorities regarding the implementation arrangements of OWP applications by "overage children" and exchanged views on certain principles, including no deadline being set for application, vetting of applications in order of priority based on objective criteria (such as the date when the father or mother was issued with his/her Hong Kong identity card), etc. The Administration assured members that subject to the Mainland authorities' confirmation of the concrete details, eligible Mainland "overage children" of Hong Kong residents could start applying for OWP for settlement in Hong Kong in accordance with the arrangements to be promulgated by the Mainland public security authorities. Once there were more concrete developments in

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<sup>2</sup> Before 1 November 2001, under the rules of the Mainland authorities, eligible Mainland children of Hong Kong residents aged below 14 may apply for OWP to come to Hong Kong for settlement. Approval would not be granted to those who attained the age of 14 while awaiting approval by the Mainland authorities. The term "overage children" refers to those persons who (a) were below the age of 14 when their natural fathers or mothers, before 1 November 2001, obtained their Hong Kong identity card; and (b) turned 14 while awaiting approval and hence loss their approval status.

respect of the OWP application of Mainland "overage children" of Hong Kong residents, the Administration would promptly inform the Subcommittee and make a public announcement. According to the Administration, given that tens of thousands of Mainland adult children of Hong Kong residents were involved, both the HKSAR Government and the Mainland authorities had to work out the arrangements to help ensure their orderly arrival.

60. The Subcommittee followed up closely on the implementation arrangements at a number of meetings held between June 2010 and June 2012.

61. Pursuant to the meeting on 29 June 2010, the Chairman wrote to the Secretary for Security ("S for S") conveying the Subcommittee's views on the matter, and requested the Administration to provide a concrete implementation timetable. 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.

62. To expedite the ongoing discussions between the HKSAR Government and the relevant Mainland authorities, members agreed at the meeting on 26 October 2010 that the Chairman should on behalf of the Subcommittee write to the Hong Kong and Macao Affairs Office of the State Council requesting it to assist in expediting the discussions on the matter, with a view to commencing the OWP application procedure by 1 January 2011.

#### *Application arrangements*

63. The Administration subsequently advised members at the meeting on 15 January 2011 that the Central Government agreed that with effect from 1 April 2011, Mainland "overage children" of Hong Kong residents may apply for OWP to come to Hong Kong for reunion with their natural parents. According to the Administration, the application, approval and issue of OWP applicable to "overage children" largely follow those of OWP applications. Eligible applicants may submit OWP applications by phases at the Exit and Entry Administration Offices of Public Security Bureau at the county or above level of their household registration, and the phased submission of applications by "overage children" should follow the order of when their natural father or mother obtained their Hong Kong identity cards. The first batch will be those whose parents had obtained their Hong Kong identity cards before 1980, i.e. on or before 31 December 1979.

64. While welcoming and appreciating the Administration's efforts in working out the new arrangement, members and deputations attending the meeting have expressed concern about the detailed application arrangements and the lead time for processing the first batch of applications, and the timetable

for subsequent batches of OWP applications by Mainland "overage children". Members have sought information on the estimated number of eligible Mainland "overage children", and have called on the Administration and the Mainland authorities to promulgate the detailed arrangements as early as practicable. Some deputations have also urged the extension of the new arrangement to those Mainland "overage children" whose Hong Kong parents are deceased.

65. In the view of the Administration, the new arrangement is premised on the policy objective to facilitate family reunion in an orderly manner based on objective and transparent criteria. Eligible Mainland "overage children" can submit applications according to their own settlement plan. There is no closing date for submitting applications. According to the Administration, around 80 000 accumulated unused OWP quotas over the past 10 years will help effectively address the needs of "overage children". The exact number of eligible "overage children" applicants dispersed throughout the Mainland is not available, and the number is estimated to be tens of thousands. It will be in a better position to assess the actual number of applications and processing time after the commencement of the OWP application procedure.

66. Some members have pointed out that had the Administration not over-estimated the 1.67 million of Mainland children of Hong Kong residents to be eligible for OWP application following the handling down of the Court of Final Appeal judgment in the case of *Director of Immigration v. Chong Fung Yuen* in 2001, all eligible Mainland "overage children" would have already settled in Hong Kong if they so wish. After 10 years the Administration now estimates the number of eligible Mainland "overage children" in the region of tens of thousands only. These members consider that the Administration should give an account for the substantial discrepancy in the estimation and apologise for causing unnecessary prolonged separation of the families concerned.

67. On members' concern about the implementation of OWP applications by "overage children" to reside in Hong Kong, the Administration has advised that the arrangement has been implemented in a smooth and orderly manner since 1 April 2011. As at 31 December 2011, the Mainland authorities had received 28 286 applications, initial assessment had been made on 14 146 cases and 5 335 OWPs were issued. Members note from the Administration that the priority of the Mainland authorities is to process the applications received in the first phase, such that the "overage children" applicants can join their natural parents in Hong Kong as soon as possible. Depending on the progress, the Mainland authorities aimed to accept second phase applications in the first half of 2012.

68. Most members have expressed grave concern about the slow progress in the processing of the applications by "overage children" and whether this would unduly delay the commencement date for the second phase application. The Administration has advised that as the new arrangement has started for a relatively short period, the relevant authorities will need time to undertake the necessary preparatory work and devise the workflow during the early implementation stage. Moreover, as applicants can submit applications through over 100 locations in the Mainland, it will take some time for the relevant authorities to collate and verify the supporting documents in the course of processing the applications. As far as the Administration is concerned, it undertakes to verify and confirm the status of the applicants' Hong Kong parents within two weeks. It is anticipated that the processing time will be shortened having regard to the smooth implementation of the new arrangement.

69. At its meeting on 5 June 2012, the Subcommittee was given an update of the implementation. Members note that as at 14 May 2012, the Mainland authorities had received 29 955 applications; initial assessment had been made on 22 142 cases and 15 862 OWPs were issued. Starting from 15 May 2012, the Mainland authorities accept a new round of applications for OWP to settle in Hong Kong from applicants whose natural fathers or mothers obtained their first Hong Kong identity cards before 1981. The Mainland authorities will promulgate the arrangements for the subsequent phase applications taking into account the progress of the first two phases of applications. Members have called on the Administration to convey to the Mainland authorities to expedite the processing of OWP applications by "overage children" as far as practicable and announce the concrete timetable for the subsequent phases of application, in order to facilitate early reunion of these "overage children" to take care of their ageing parents in Hong Kong.

70. Some members have expressed concern that some Mainland adult children of Hong Kong resident parents are not eligible for "overage children" OWP application as they were above the age of 14 when their natural fathers or mothers obtained the Hong Kong identity cards. These members have appealed to the Administration to discuss with the Mainland authorities the viability of opening a channel for these Mainland children to come to Hong Kong under the OWP Scheme. The Administration has advised that the present priority of both the HKSAR Government and the Mainland authorities is to ensure the smooth implementation of the OWP applications by eligible Mainland "overage children". Nonetheless, it takes note of the suggestion and will convey to the relevant Mainland authorities.

#### "One-year multiple" exit endorsement for visiting relatives

71. Noting the implementation in late December 2009 of the new arrangements for TWP holders, i.e. multiple-entry "visiting relatives" exit

endorsement with validity for one year, members are particularly concerned as to whether Mainland single mothers with young children in Hong Kong are eligible for the new multiple-entry "visiting relatives" exit endorsement.

72. The Administration advised members that according to its understanding, Mainland residents with spouses and young children in Hong Kong can apply for such exit endorsement. Other types of applicants, such as Mainland single mothers who have young children in Hong Kong and whose spouses (who are Hong Kong residents) are either dead or divorced, will be considered on individual merits. In processing applications for the appropriate exit endorsement, the Mainland authorities will consider the individual circumstances of each case, and refer cases under the category of special family difficulty to the provincial public security bureaux for assessment.

73. Members note from deputations that the "one-year multiple" exit endorsement for visiting relatives is seldom approved for Mainland single mothers who have young Hong Kong resident children. While recognising that the assessment of applications for and the issue of OWP and exit endorsement fall outside the remit of HKSAR Government, members consider that the departments concerned (such as the Immigration Department ("ImmD") and the Social Welfare Department) should recommend cases under the category of special family difficulty to the Mainland authorities for compassionate consideration in processing application for "one-year multiple" exit endorsement for visiting relatives. These members have also strongly urged the Administration to actively discuss with the Mainland authorities the Subcommittee's previous proposals of opening a channel for Mainland single mothers who have minor Hong Kong resident children to settle in Hong Kong, and setting up a joint liaison working group to review the immigration arrangements and deal with complaints and appeals relating to the issue of OWP and exit endorsement.

74. The Administration has advised that to its understanding, various applicants including single parents who have minor Hong Kong resident children have been approved for "one-year multiple" exit endorsement for visiting relatives in Hong Kong. In the view of the Administration, the proposal of opening a channel for Mainland single mothers to settle in Hong Kong is a complicated issue that requires further consideration, such as whether the proposal will affect the waiting time of other categories of OWP applicants. The present priority of the Administration is to support the smooth implementation of the new policy measure on application of OWP by eligible Mainland "overage children".

75. As regards the proposal of setting up of a joint liaison working group for the two sides to review the OWP and TWP arrangements, the Administration has pointed out that as stipulated under the Basic Law, the assessment of

applications for and the issue of OWP, TWP and exit endorsement fall squarely within the remit of the relevant Mainland authorities. On this basis, the HKSAR Government will continue to exchange views with the Mainland authorities through the existing channels. Where necessary, the HKSAR Government will communicate and follow up with the Mainland authorities on individual cases. The setting up of a joint liaison group outside the current framework to review or handle individual cases or the assessment of applications is considered not feasible.

76. Regarding the proposal of allowing Mainland residents who do not meet the eligibility criteria for "reunion with spouses" but who have young children in Hong Kong to apply for OWP, the Administration has advised that this suggestion involves various considerations and must be handled very carefully. For example, the suggestion may have negative impact on the waiting time of those currently eligible for application for OWP. ImmD would convey to the Mainland immigration authorities the exceptional circumstances of individual cases, such as OWP applicants whose Hong Kong spouses are deceased and who have young children, together with the relevant case details and background information for their active consideration. Some applications from Mainland single mothers for "one-year multiple" exit endorsement for visiting relatives in Hong Kong have been approved.

77. Members have strongly urged ImmD to take into account the special circumstances of these families and exercise discretion within its remit to extend the limits of stay of these Mainland single mothers concerned until the commencement of school holidays so that they can bring their children along and return to the Mainland to renew their exit endorsement. The Administration has advised that it has from time to time exercised discretion to allow TWP holders to extend their limits of stay having regard to individual circumstances. Each case is considered on its own merits.

78. The Administration has assured members that ImmD will continue to reflect to the Mainland authorities the exceptional circumstances of individual cases, such as OWP applicant whose Hong Kong spouse is deceased and who has young children, for their active consideration.

#### Support services for new arrivals from the Mainland

79. Members have sought information on the support services provided for families with new arrivals from the Mainland. The Administration has advised that various bureaux (and their departments) including the Home Affairs Bureau, Labour and Welfare Bureau, Education Bureau ("EDB"), Transport and Housing Bureau, Food and Health Bureau and Security Bureau are involved in the provision of services for new arrivals from the Mainland. The Home Affairs Department ("HAD") coordinates the service provision for new arrivals. It

publishes and regularly updates a "Service Handbook for New Arrivals" to inform the new arrivals of essential information about living in Hong Kong. In addition, HAD has provided resources to district organisations and local non-governmental organisations to organise programmes to assist those newly arrived in Hong Kong to integrate into the local community.

80. Members consider that the Administration should understand the needs of Mainland-HKSAR families and plan carefully for the support services for these families. To this end, members have called upon the Administration to collate statistics on the demographic characteristics of these families, including the number of family members on TWPs and the number of Mainland single mothers on TWPs as well as conduct a longitudinal study on the newly arrived Mainlanders to better understand their service needs and to facilitate their smooth integration into the community.

81. The Administration has responded that it is an established practice to conduct a population census every 10 years and a by-census in the middle of the intercensal period. Mainland people visiting Hong Kong on TWP (including Mainland spouses of Hong Kong residents or Mainland single mothers of Hong Kong children) are visitors by nature and they are therefore not covered under the "resident population" approach under the 2011 Population Census. However, in view of the growing needs of statistics relating to cross-boundary families, it would enhance the 2011 Population Census so that trial estimates on the number of TWP holders who are living with some other family members in Hong Kong during the census period as well as some basic demographic information (e.g. relationship to household head and sex) of these TWP holders can be obtained from the census data.

82. On the proposal of conducting a longitudinal study on the newly arrived Mainlanders, the Administration has advised that HAD and ImmD compile and publish on a quarterly basis the information concerning OWP entrants. The data on demographic and social characteristics is collected by ImmD when the OWP holders first enter Hong Kong via the Lo Wu Control Point. HAD conducts a survey on new arrivals from the Mainland when they apply for the Hong Kong identity cards. The survey focuses on the service needs and current situation of the new arrivals from the Mainland. The combined statistical report is disseminated to relevant Government departments and non-governmental organisations for service planning, and is uploaded onto the HAD website. HAD has started to collect information on the service needs of "overage children" OWP holders amongst other new arrivals.

83. In the light of the increasing number of babies born to Mainland parents in Hong Kong, members note from the Administration that SCPP has recommended in the 2012 Progress Report that the Government should continue to make suitable preparation in the relevant public services. Specifically, the

Fanling Maternal and Child Health Centre ("MCHC") was expanded in March 2012 and Hunghom MCHC will be re-provisioned and expanded in mid-2013 to address growing concern about the strain being put on MCHCs, especially those located within easy access from the boundary. The Administration has assured members that it will monitor the demand for the services of MCHCs and ensure that proper and adequate child health services are provided to babies born in Hong Kong.

#### Cross-boundary students

84. Members have expressed concern about some 8 000 Hong Kong children living in Shenzhen and travelling daily to schools in Hong Kong. Having regard to the increasing number of cross-boundary students, members consider that the Administration should improve the transport arrangements such as increasing the special quotas granted to the coach operators for operating cross-boundary school bus services and extending the "on-board clearance" services to all cross-boundary school buses such that cross-boundary students can travel directly to and fro between homes and schools without the need to get off the coaches when crossing the control points. The Administration should also study the profiles of cross-boundary students with a view to formulating long-term measures to cope with the increasing service demand of cross-boundary students for various services, such as cross-boundary transportation services, school places and other support services, in a holistic manner.

85. The Administration has advised that prior to the beginning of each school year, various bureaux including EDB, the Transport Department, the Police and ImmD would coordinate the transport and immigration arrangements for students travelling across the border to attend schools in Hong Kong. In the view of the Administration, the provision of cross-boundary school bus services can provide safe and long-term door-to-door transportation services for the cross-boundary students. With effect from March 2008, the Administration has launched a trial scheme in which cross-boundary coach operators are allowed to provide cross-boundary school bus services at the Sha Tau Kok Control Point and Man Kam To Control Point. Having regard to the success of the trial scheme, the HKSAR Government, with the consent of the Guangdong Province, issued 20 special quotas for the "on-board clearance" services to coach operators for operating school bus services at the abovementioned control points. In the light of the service demand and after obtaining the agreement of the Mainland authorities, the HKSAR Government increased the number of special quotas from 20 in 2008-2009 school year to 42 in the 2009-2010 school year to cater for the needs of cross-boundary students. The Administration has assured members that it may consider providing the service at other boundary control points, if so warranted.

86. Member note from the Administration that while there is an upward trend on the number of cross-boundary students attending kindergartens and primary schools in Hong Kong, the overall school places in the North, Tai Po, Yuen Long and Tuen Mun Districts are considered sufficient to meet the demand of cross-boundary students. Nonetheless, the Administration is mindful of the fact that young children should best be cared for by their parents and it is in the children's interest to attend schools near their home. To facilitate parents to arrange their children to stay on the Mainland for primary schooling, EDB has launched a pilot project to enable two schools for Hong Kong children in Shenzhen to participate in the Secondary School Places Allocation System. To address specifically the estimated demand of cross-boundary students in districts easily accessible to control points, EDB has, in the immediate term, taken on board plans of recycling suitable school premises for school use while extension/conversion work projects in six existing schools have commenced with a view to providing additional classrooms in the North District and Yuen Long for operation in the 2013-2014 school year.

87. The Administration has further advised that it has offered a range of support services to cross-boundary students. In addition to learning support programmes, schools concerned are also providing counselling services to cross-boundary students and making special arrangements to facilitate cross-boundary students to take part in extra-curricular activities as well as organised parental education programmes for parents of cross-boundary students.

## **Recommendations**

88. The Subcommittee recommends that the Administration should consider the following –

### Population policy

- (a) conducting a comprehensive review of the population policy with a view to facilitating family reunion of Mainland-HKSAR families and smooth integration of new arrivals from the Mainland into the community;
- (b) reviewing the existing policies which are discriminatory to the Mainland-HKSAR families, in particular the principle of seven-year residence requirement for subsidised social benefits which are applicable to new arrivals from the Mainland and TWP holders who are members of Hong Kong families;

Use of subsidised obstetric service

- (c) reviewing the eligibility of Mainland spouses of Hong Kong residents for subsidised obstetric service;
- (d) adopting a two-tier obstetric service charges for NEPs with no marital ties in Hong Kong and NEPs whose spouses are Hong Kong residents;
- (e) accepting bookings for obstetric services in public hospitals from Mainland pregnant women whose husbands are Hong Kong residents, irrespective of whether their husbands are permanent residents;

Immigration arrangements

- (f) setting up a joint liaison working group comprising representatives of the HKSAR Government and the Mainland authorities to review the immigration arrangements and deal with complaints and appeals relating to the issue of OWP and exit endorsement;
- (g) conveying to the Mainland authorities members' view on expediting the processing of OWP applications by "overage children" of the first two phases and announcing the concrete timetable for the subsequent phases of applications;
- (h) discussing with the Mainland authorities the viability of opening a channel for Mainland adult children of Hong Kong resident parents who are not eligible for "overage children" OWP application as they were above the age of 14 when their natural fathers or mothers obtained the Hong Kong identity cards;
- (i) opening a channel for Mainland single mothers with minor Hong Kong resident children to settle in Hong Kong under the OWP Scheme;
- (j) allowing Mainland mothers visiting Hong Kong on the strength of a TWP with "visiting relatives" exit endorsement to stay for a longer period of time to tie in with the school term breaks, so as to enable them to take care of their children attending school in Hong Kong;

- (k) recommending to the Mainland authorities for compassionate consideration of applications for "one-year multiple" exit endorsement from Mainland single mothers who have young Hong Kong resident children under the category of special family difficulty;

Support services for new arrivals from the Mainland

- (l) collating statistics on the demographic characteristics of Mainland-HKSAR families and conducting a longitudinal study on the newly arrived Mainlanders to better understand their service needs and to facilitate their smooth integration into the community; and

Cross-boundary students

- (m) studying the profiles of cross-boundary students with a view to formulating long-term measures to cope with the increasing service demand of these students for various services, such as cross-boundary transportation services, school places and other support services, in a holistic manner.

**Advice sought**

89. Members are invited to note the work of the Subcommittee.

## **Appendix I**

### **Subcommittee to Study Issues Relating to Mainland-HKSAR Families**

#### Terms of reference

To study the population policy and measures relating to Mainland-Hong Kong families, and make recommendations in this regard.

**Subcommittee to Study Issues Relating to Mainland-HKSAR Families**

**Membership List**

<b>Chairman</b>	Hon LEE Cheuk-yan
<b>Deputy Chairman</b>	Hon LEUNG Yiu-chung
<b>Members</b>	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 (up to 10 October 2011) 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, JP (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 : 14 Members)

**Clerk** Miss Betty MA

**Legal adviser** Mr YICK Wing-kin

**Date** 10 October 2011

**Subcommittee to Study Issues Relating to Mainland-HKSAR Families**

List of deputations which have given written and/or oral views to the Subcommittee

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1. Association for Family Reunions Ltd.
2. Christian Action
3. Cross-border Children Concern Coalition
4. Concerning CSSA Review Alliance
5. Community Development Alliance
6. Concern Group on Cross Border Split Families
7. Coalition of Population Policy Concerned Group
8. Department of Social Work and Social Administration, The University of Hong Kong
9. Family Dynamics Network
10. Hong Kong Association for the Survivors of Women Abuse (Kwan Fook)
11. Hong Kong Christian Institute
12. Hong Kong Obstetric Service Concern Group
13. Hong Kong Women Christian Council
14. Human Rights Group - Justice and Peace Commission of the Hong Kong Catholic Diocese
15. International Social Service Hong Kong Branch
16. Justice and Peace Commission of the Hong Kong Catholic Diocese
17. Mainland-Hong Kong Families Rights Association
18. Mainland-Hong Kong Families Rights Association – Single Mother Concern Group
19. Mission to New Arrivals Ltd.

20. New Arrival Women League
21. Right of Abode University
22. Split Families Concern Group
23. Society for Community Organization
24. Social Sciences Research Centre, The University of Hong Kong
25. The Association for the Advancement of Feminism
26. 東九龍準來港婦女關注組
27. 準來港婦女互助組
28. 準來港婦女關注組
29. 關注中港家庭權利聯席
30. 爭取子女居港權家長協會
31. 風雨同路
32. 爭取居港權家長協會
33. 中港家庭權益會 —— 姊妹網絡
34. 同根同天空

Written submissions only

1. A member of the public
2. Bauhinia Foundation Research Centre
3. Hong Kong Human Rights Monitor
4. Mr HO Hung-tak
5. 關注跨境家庭小組
6. 中港分隔家庭組
7. 單親無證媽媽互助組

## Appendix IV

### Number of live births born in Hong Kong

Year	Number of live births (1) (2)	Live births to local women (2)	Number of live births born in Hong Kong (HK) to Mainland women:			
			Whose spouses are HK Permanent Residents	Whose spouses are not HK Permanent Residents(3)	Others (4)	Sub-total
2000	54 134	45 961	7 464	709	–	8 173
2001	48 219	40 409	7 190	620	–	7 810
2002	48 209	39 703	7 256	1 250	–	8 506
2003	46 965	36 837	7 962	2 070	96	10 128
2004	49 796	36 587	8 896	4 102	211	13 209
2005	57 098	37 560	9 879	9 273	386	19 538
2006	65 626	39 494	9 438	16 044	650	26 132
2007	70 875	43 301	7 989	18 816	769	27 574
2008	78 822	45 257	7 228	25 269	1 068	33 565
2009	82 095	44 842	6 213	29 766	1 274	37 253
2010	88 584	47 936	6 169	32 653	1 826	40 648
2011	95 418#	51 436	6 110	35 736	2 136	43 982

- Notes :
- (1) The figures refer to the total number of live births born in HK 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 a very small number of live births born in HK to foreign women (e.g. Filipinos), which are minor compared to live births born in HK to Mainland women.
  - (3) Include HK Non-permanent Residents (Persons from the Mainland having resided in HK for less than 7 years being grouped in this category) and non-Hong Kong residents.
  - (4) Mainland mothers chose not to provide the father's residential status during birth registration.
    - Not available.
- # Provisional figures.

Source: Census & Statistics Department

Number of New Arrivals of OWP Holders \*

Categories		2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010 (Jan-Sep)
<b>Certificates of Entitlement Holders</b> (60 places per day)		26 275 (72)	29 296 (80)	16 731 (46)	13 350 (37)	10 314 (28)	7 062 (19)	5 325 (15)	4 487 (12)	4 490 (12)	5 025 (14)	3 799 (14)
<b>Spouses separated for 10 years or above and their accompanying children</b> (30 places per day)	Spouses	13 093 (36)	3 129 (9)	2 846 (8)	4 149 (11)	2 909 (8)	1 497 (4)	684 (2)	582 (2)	731 (2)	589 (2)	368 (1)
	Children	371 (1)	200 (1)	264 (1)	818 (2)	773 (2)	489 (1)	261 (1)	241 (1)	310 (1)	240 (1)	155 (1)
<b>Other Categories</b> (60 places per day)												
(a) Spouses separated for less than 10 years and their accompanying children	Spouses	12 349 (34)	14 914 (41)	17 420 (48)	25 507 (70)	17 486 (48)	31 487 (86)	27 739 (76)	17 541 (48)	22 571 (62)	30 548 (84)	20 237 (74)
	Children	443 (1)	931 (3)	1 426 (4)	2 757 (8)	1 723 (5)	9 864 (27)	15 260 (42)	6 387 (17)	8 413 (23)	8 044 (22)	5 472 (20)
(b) Others ^		4 999 (14)	5 185 (14)	6 547 (18)	6 926 (19)	4 867 (13)	4 707 (13)	4 901 (13)	4 627 (13)	5 095 (14)	4 141 (11)	2 995 (11)
<b>Total of the Year</b>		57 530 (157)	53 655 (147)	45 234 (124)	53 507 (147)	38 072 (104)	55 106 (151)	54 170 (148)	33 865 (93)	41 610 (114)	48 587 (133)	33 026 (121)

Remark :

\* The above statistics were compiled from the information collected by the Immigration Department from all OWP holders when they first entered Hong Kong via the Lo Wu Control Point.

( ) Average figure per day; less than one is counted as one.

^ Including unsupported children who need to join their relatives in Hong Kong, persons coming to Hong Kong to take care of their unsupported aged parents, and unsupported elderly people coming to join their relatives in Hong Kong.