

For Information
on 23 November 2015

Legislative Council House Committee
Subcommittee to Study Issues Relating to Mainland-HKSAR Families

**Progress on Implementation of the Recommendations of the
Subcommittee to Study Issues Relating to Mainland-HKSAR Families
Formed under the House Committee of the Fourth Legislative Council**

Introduction

This paper informs Members of the position on various recommendations of the Subcommittee to Study Issues Relating to Mainland-HKSAR Families (“the Subcommittee”) in its report to the House Committee meeting on 29 June 2012. A summary of the recommendations is at Annex.

Population Policy

2. The HKSAR Government reviews the population policy when necessary to ensure that it is relevant in addressing the prevailing social, economic and demographic challenges. The Steering Committee on Population Policy is a high-level forum in the Government chaired by the Chief Secretary for Administration in taking forward this important task to pursue the objective of “developing and nurturing a population that will continuously support and drive Hong Kong’s socio-economic development as Asia’s world city, and engendering a socially inclusive and cohesive society that allows individuals to realise their potential, with a view to attaining quality life for residents and families”.

3. According to the latest population projection published by Census and Statistics Department in September 2015, the Hong Kong population is projected to increase from 7.30 million in mid-2015 to the peak of 8.22 million in mid-2043, and then decline to 7.81 million in mid-2064. New arrivals will continue to be the major source of our population growth

between now and 2043. It will also mitigate the decline in population thereafter. The Government will continue to provide various support services to facilitate early and effective integration of new arrivals and help them become valuable members of the community through for example pre-settlement support, language and skills training as well as employment support.

4. Since reunification, about 879 000 new arrivals have settled in Hong Kong for family reunion through the One Way Permit (OWP) System. In 2014, cross-boundary marriages made up almost 40% of locally registered marriages¹. As cross-boundary marriages are common nowadays, the population policy review undertaken by the Steering Committee on Population Policy in 2014 reaffirmed the continued need for the OWP Scheme so that eligible Mainland residents can come to Hong Kong in an orderly manner for family reunion.

Use of Subsidised Obstetric Services

5. Hong Kong's healthcare system is provided primarily for Hong Kong residents. As our public healthcare services are heavily subsidised by the Government, it is necessary to ensure that our public healthcare services can meet public demand and at the same time can sustain in the long term within the limited financial resources. Therefore, we need to draw up eligibility criteria for receiving public healthcare services and accord priority to taking care of the needs of Hong Kong residents. At present, only holders of Hong Kong Identity Card or children under 11 years of age who are Hong Kong residents are eligible persons² entitled to use public healthcare services. Eligibility for public healthcare services are based on the status of the patients directly receiving the services (i.e.

¹ About 26% of the locally registered cross-boundary marriages involved Hong Kong females and Mainland males and this figure is increasing gradually in recent years.

² More specifically, patients falling into the following categories are eligible for the rates of charges applicable to "Eligible Persons":

- (a) holders of Hong Kong Identity Card issued under the Registration of Persons Ordinance (Chapter 177), except those who obtained their Hong Kong Identity Card by virtue of a previous permission to land or remain in Hong Kong granted to them and such permission has expired or ceased to be valid;
- (b) children who are Hong Kong residents and under 11 years of age; or
- (c) other persons approved by the Chief Executive of the Hospital Authority.

depending on whether the person is eligible person or not) and not the family members of the patients. As for non-Hong Kong residents, including Hong Kong residents' spouses who are not Hong Kong residents, they may seek non-emergency public healthcare services when there is spare service capacity upon the payment of a fee at the rates of charges applicable to non-eligible persons.

6. In light of the principle above, it remains the Government's policy to ensure that local pregnant women are given proper and adequate obstetric services. To ensure that adequate obstetric and neonatal care services are available in Hong Kong and local pregnant women are given priority for obstetric services, the Hospital Authority (HA) has reserved all beds for obstetric services in public hospitals since 2013 for local pregnant women and urgent cases referred by private hospitals and hence no bookings from non-local pregnant women has been accepted since then.

7. Private hospitals in Hong Kong have also stopped accepting bookings for obstetric services since 2013 from non-local pregnant women whose husbands are non-Hong Kong residents. Notwithstanding that, we understand that Mainland pregnant women, whose husbands are Hong Kong residents, hope to give birth in Hong Kong and there is a consensus in the community that the Government should provide assistance to this group of expectant mothers as far as possible. In this connection, the Government has established a special arrangement with private hospitals to allow this specific group of women to make delivery bookings at local private hospitals on the production of supporting documents³. In other words, the needs of Mainland pregnant women whose husbands are Hong Kong residents have been taken care of.

8. The estimated number of delivery in HA is 41 720 in 2015, representing an increase of 5.4% over the number in 2014 (39 575). The

³ Supporting documents include –

- (a) a Hong Kong certificate of marriage, or a certificate of marriage notarised by a notary public office in the Mainland;
- (b) the husband's Hong Kong permanent identity card, or the husband's Hong Kong identity card and OWP;
- (c) oaths taken by the husband and the wife separately on their marital and parent-child relationships; and
- (d) a consent form signed by the couple authorising the authority to conduct checks with the relevant Hong Kong and Mainland departments and organisations on their marriage certificate, proof of their identity and other documents.

occupancy rate of the beds in the neonatal intensive care units in HA is estimated to exceed 100%, which is well above the appropriate level advocated by HA's Coordinating Committee in Paediatrics (i.e. 80%). Given the continuous high demand from local pregnant women for obstetric services and neonatal intensive care unit services in public hospitals, there remains no spare capacity in public hospitals to provide obstetric services to non-local pregnant women. Therefore, having regard to the principle highlighted in paragraphs 5 and 6 above, the Government has no plan to alter the existing arrangement.

Immigration Arrangements

One Way Permit (OWP) System

9. Article 22 of the Basic Law stipulates that, for entry into the HKSAR, people from other parts of China must apply for approval. The provisions of this Article, in accordance with the Interpretation by the Standing Committee of the National People's Congress in 1999, mean that Mainland residents who wish to enter Hong Kong for whatever reason, must apply to the relevant authorities of their residential districts for approval in accordance with the relevant national laws and administrative regulations, and must hold valid documents issued by the relevant authorities.

10. Mainland residents who wish to settle in Hong Kong must apply for OWP from the Exit and Entry Administration Offices of the Public Security Bureau of the Mainland at the places of their household registration. The OWP Scheme allows Mainland residents to come to Hong Kong for family reunion in an orderly manner.

11. Apart from entering Hong Kong for settlement on the strength of OWP, Mainland residents can apply for an Exit-Entry Permit (commonly known as Two Way Permits (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. Mainland residents who wish to visit relatives in Hong Kong must apply for TWPs with endorsements for "visiting relatives" from the Exit and Entry Administration Offices of the Public Security Bureau of the Mainland at the places of their household registration.

12. The application for, approval and issue of OWPs, TWPs and exit endorsements fall within the remit of the relevant authorities in the Mainland. The role of the Government is to facilitate at case level, including rendering assistance, when necessary, in verifying the supporting documents submitted by applicants and their claimed relationship with relatives in Hong Kong (e.g. husband-wife or parent-child relationship, etc).

13. The Government attaches great importance to the views of various sectors of the society concerning Mainland residents settling in Hong Kong, and exchanges views with the Mainland authorities on the approval of OWPs. Having regard to suggestions from the Government and various sectors of the society, the Mainland authorities have adjusted and refined the OWP Scheme from time to time.

Overage Children

14. Starting from 1 April 2011, eligible Mainland “overage children” of Hong Kong residents (i.e. Mainland residents who were below the age of 14 when their natural fathers or mothers, on or before 1 November 2001, obtained their first Hong Kong identity card, as long as their natural fathers or mothers still reside in Hong Kong on 1 April 2011) may apply for OWP in an orderly manner for reunion with their natural parents in Hong Kong.

15. The phased processing of applications for entering Hong Kong for settlement by “overage children” will be scheduled chronologically according to the date when their natural fathers or mothers obtained their Hong Kong identity cards. Currently, the Mainland authorities accept OWP applications from Mainland “overage children” whose natural fathers or mothers obtained their first Hong Kong identity cards on or before December 31, 1986. A summary of the phases implemented thus far is as follows:

Phase	Commencement	Date on which natural fathers or mothers obtained their first HKICs
One	1 April 2011	31 December 1979 or before
Two	15 May 2012	31 December 1980 or before
Three	1 March 2013	31 December 1981 or before
Four	10 February 2014	31 December 1983 or before

Five	20 January 2015	31 December 1986 or before
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16. Under the joint efforts of the Mainland authorities and the HKSAR Government, the policy has been smoothly implemented. From Phase Three onwards, the implementation date of each phase has been advanced gradually and the scope of eligibility, with regard to the date of the applicants' fathers or mothers obtained their first HKICs, has also been widened gradually from one year to three years. As at end October 2015, over 47 000 "overage children" have been issued OWPs to come to Hong Kong.

17. Eligible Mainland "overage children" can submit applications according to their own settlement plan. There is no closing date for submitting applications. We understand that the Mainland authorities aim to implement the next phase as soon as practicable.

Mainland Single Mothers

18. In December 2009, the Mainland authorities commenced issuing "one-year multiple exit endorsement for visiting relatives" to eligible Mainland residents. Mainland residents of the category of separated spouses who have minor children with their Hong Kong spouses, as well as those of other circumstances for visiting relatives and with special family difficulties may apply for that type of exit endorsement from the Exit and Entry Administration Offices of the Public Security Bureau of the Mainland.

19. On a case level, for individual cases with special family difficulties but are not eligible for application for OWP, including Mainland single mothers of minor children in Hong Kong who are widowed, divorced or having other special difficulties, the Immigration Department (ImmD) would reflect such cases to and liaise with the Mainland authorities having regard to the requests of the applicants and circumstances of the cases. The Mainland authorities have responded positively by exercising discretion and issuing OWPs or one-year multiple exit endorsements for visiting relatives to some of these applicants.

20. In recent years, having regard to the requests of the applicants and circumstances of the cases, ImmD has conveyed about 140 cases concerning Mainland single mothers to the Mainland authorities. Over 70 of these applicants have been issued OWPs for settlement in Hong Kong, and nearly

40 others have been issued one-year multiple exit endorsements for visiting relatives in Hong Kong.

21. Under the existing policy, visitors holding TWP must leave Hong Kong before the expiry of limit of stay. Extension of stay will not be approved in normal circumstances. Nevertheless, if a visitor with special circumstances needs to extend his stay in Hong Kong, he may apply to ImmD before the expiry of his limit of stay. ImmD will consider the individual circumstances of the applications. If Mainland single mothers lodge such applications, ImmD will thoroughly consider all relevant factors and make appropriate arrangements according to the circumstances of the cases.

Support Services for New Arrivals from the Mainland

22. Various bureaus and departments of the Government provide a range of services to meet the needs of new arrivals from the Mainland and help them integrate into the community. For example, the Education Bureau (EDB) provides education support for new arrival students, the Labour and Welfare Bureau and the Labour Department provide vocational training and employment support for new arrivals; the Social Welfare Department (SWD) provides welfare services for new arrival families in need and the Home Affairs Department (HAD) provides resources to district organisations and local non-governmental organisations (NGOs) to organise programmes to assist the new arrivals in Hong Kong to integrate into the local community. HAD also coordinates the updating of a “Service Handbook for New Arrivals” on a regular basis on services provided by the Government and NGOs for new arrivals.

23. Meanwhile, 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 NGOs for service planning, and is uploaded onto the HAD website.

Social Welfare Services

24. Since 17 December 2013, Hong Kong residents, including new arrivals from the Mainland, who have held the Hong Kong resident status for not less than one year and have resided in Hong Kong for at least one year⁴ (since acquiring the Hong Kong resident status to the date prior to the date of application) are eligible for the Comprehensive Social Security Assistance (CSSA) Scheme, subject to other application criteria are met. The CSSA Scheme aims at assisting eligible applicants (including new arrivals from the Mainland) to meet their basic needs.

25. Social welfare services in Hong Kong aim at providing services to needy individuals and their families irrespective of their race, nationality and years of residence in Hong Kong. At present, there are a total of 65 Integrated Family Service Centres and two Integrated Service Centres operated by SWD and NGOs over the territory providing a continuum of preventive, supportive and remedial welfare services to individuals and their families in need, including new-arrivals and Hong Kong residents' family members who are holding TWPs. Services include family life education, parent-child activities, enquiry service, training in volunteering services, outreaching service, support/mutual help groups, counselling, referral service, etc. Social workers will provide appropriate services and assistance according to the circumstances and needs of the individuals concerned and their families. In addition, SWD provides funding to the International Social Service Hong Kong Branch to operate the Cross-boundary and Inter-country Casework Service, which helps individuals and families in need to cope with problems arising from geographical separation. Services provided include enquiry service, counselling, emergency assistance, various groups and activities, and referral service, etc.

Cross-boundary Students

26. EDB has been providing appropriate assistance to

⁴ Accumulated residence of 365 days or more between the date the applicant acquires the Hong Kong resident status and the date prior to the date of application, which need not be continuous or immediately before the date of application. Absence(s) from Hong Kong up to a maximum of 56 days (whether continuous or intermittent) before the date of application is / are treated as residence in Hong Kong.

cross-boundary students (CBS) who enjoy the same right to education as local students. CBS who are newly-arrived children at primary and secondary levels may attend the six-month full-time “Initiation Programme” operated by local schools, or the “Induction Programme” run by NGOs alongside various school-based programmes organised by respective schools, which aim at helping them integrate into the local community and overcome their learning difficulties. Financial assistance is also provided to needy CBS pursuing full-time studies to subsidise their travelling expenses to schools through the Student Travel Subsidy Scheme.

27. To gauge the preference of Mainland parents in respect of the education services for their Hong Kong children (i.e. those with Hong Kong permanent resident status), a survey was conducted in late 2013. The survey findings suggested that a great majority of the parents prefer their children to receive education in Hong Kong. The survey also indicated that a high proportion of parents considered eligibility for joining the Secondary School Places Allocation (SSPA) System in Hong Kong a key factor in their choice of education. To encourage more Hong Kong children residing in the Mainland to complete primary education in Shenzhen, EDB and Shenzhen Municipal Education Bureau have jointly implemented the “Scheme of Classes for Hong Kong Children”⁵ since 2008. In the 2015/16 school year, 11 minban (民辦) schools are providing Hong Kong curriculum for Hong Kong students residing in Shenzhen. Eligible primary six students in these schools can participate in the SSPA System in Hong Kong.

28. The Government has implemented a number of measures to cope with the increase in number of CBS over the past few years, details of which are set out in the ensuing paragraphs.

Provision of School Places

29. Starting from the 2014/15 school year, EDB has revised the Primary One Admission System (POA)⁶, which is tantamount to setting up a

⁵ The title of the Scheme was changed to “Scheme of Classes for Hong Kong Students” after the signing of the “Co-operation Agreement on Operating Classes for Hong Kong Students in Shenzhen Schools” in 2013.

⁶ The POA System comprises two stages, i.e. the Discretionary Places Admission stage and the Central Allocation stage. Parents can choose any public sector primary schools during the Discretionary Places Admission stage and in Part A “Unrestricted

special “dedicated school net” for CBS, with a view to diverting these students to other school nets with surplus school places. EDB and the school sector have also reached a consensus that flexible arrangements⁷ should be adopted to increase the supply of school places flexibly to cope with the transient increase in demand. That notwithstanding, it is anticipated that CBS will be further diverted to primary schools in other districts such as the Kwai Tsing District in the next few years until the peak appears in the 2018/19 school year. Regarding public sector secondary school places, the overall supply of secondary one places is estimated to be adequate to meet the demand. As for kindergarten education, kindergartens will optimise their campus capacities for providing more classrooms and admit more students by making full use of their registered classrooms if necessary.

Transportation and Clearance Services

30. The Government has put in place various facilitating measures to enhance transportation and clearance services for CBS over the years. These measures include:

- (a) allowing local school buses to gain access to the Lo Wu (LW) and Lok Ma Chau Spur Line (LMCSL) boundary control points (BCP) to take CBS to and from their schools;
- (b) granting special quotas for cross-boundary school coaches for carriage of CBS through the Lok Ma Chau (Huanggang) (LMC(HG)), Man Kam To (MKT), Sha Tau Kok (STK) and Shenzhen Bay Port (SBP) BCP upon the agreement of the Mainland authorities;

Schools Choices” of the Central Allocation stage (i.e. without any restriction by virtue of school net). They can only choose schools of their children’s own school net (i.e. their place of residence) in Part B “Restricted Schools Choices” of the Central Allocation stage. The revised arrangement for CBS is applicable to Part B of the Central Allocation.

⁷ Flexible arrangements include borrowing school places from neighbouring school nets; expanding the capacity of existing schools through the use of remaining classrooms, building temporary classrooms, and temporarily allocating more students to each primary one class if necessary while at the same time providing schools with additional resources to ensure learning effectiveness; and recycling vacant school premises.

- (c) providing “On-board clearance” services at the LMC(HG), MKT and STK BCP;
- (d) implementing simplified clearance procedures at the LW, LMC(HG), LMCSL, MKT, STK and SBP BCP; and
- (e) providing self-service immigration clearance service, i.e. CBS e-Channel, at the LW and LMCSL BCP.

31. The overall number of CBS is expected to peak in two to three years, followed by a progressive decline thereafter to a stable level. In other words, the surge of CBS is only a transient phenomenon. The Government will continue to monitor closely the transportation and clearance needs of CBS, and will provide necessary supporting measures to cater for their needs and ensure their safety.

Education Bureau
Food and Health Bureau
Security Bureau
Home Affairs Department
Immigration Department
Policy and Project Co-ordination Unit
Social Welfare Department

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The Subcommittee to Study Issues Relating to Mainland-HKSAR Families formed under the House Committee of the Fourth Legislative Council 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 Services

- (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

- (1) 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.