

立法會
Legislative Council

LC Paper No. CB(2)2768/11-12
(These minutes have been
seen by the Administration)

Ref : CB2/HS/2/08

Subcommittee to Study Issues Relating to Mainland-HKSAR Families

Minutes of the 23rd meeting
held on Tuesday, 5 June 2012, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex

Members present : Hon LEE Cheuk-yan (Chairman)
Hon Albert HO Chun-yan
Hon TAM Yiu-chung, GBS, JP
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
Hon CHAN Hak-kan
Hon WONG Yuk-man

Members absent : Hon LEUNG Yiu-chung (Deputy Chairman)
Hon Miriam LAU Kin-ye, GBS, JP
Hon CHEUNG Kwok-che
Hon WONG Sing-chi

Public Officers attending : Item I

Ms Maggie WONG Siu-chu
Principal Assistant Secretary for Security
Security Bureau

Mr PAK Yuen-oug
Principal Immigration Officer (Acting)
Immigration Department

Item II

Miss Helen TANG
Deputy Director of Administration (1)
Administration Wing

Ms Eugenia CHUNG
Senior Administrative Officer (Special Duties)
Administration Wing

Ms Estrella CHEUNG King-sing
Deputy Secretary for Food and Health (Health) 1 (Acting)
Food and Health Bureau

Mr CHOW Wing-hang
Deputy Secretary for Security (3) (Acting)
Security Bureau

Ms Wendy CHUNG
Principal Assistant Secretary (Infrastructure &
Research Support)
Education Bureau

Mr Steve LEE Yuk-fai
Principal Assistant Secretary (School Development)
Education Bureau

**Attendance by : Item I
invitation**

The Association for Family Reunions

Mr LAM Kam-chung
Standing Vice-chairman

New Arrival Women League

Miss YEUNG Mei
Organizer

Justice and Peace Commission of the Hong Kong
Catholic Diocese

Miss Jackie HUNG Ling-yu
Project Officer

爭取子女居港權家長協會

Mr LIM Tao-shing
Chairperson

Item II

Mainland - Hong Kong Families Rights Association

Mr TSANG Koon-wing
Organizer

Cross-border Children Concern Coalition

Miss Jackie HUNG Ling-yu
Member

Clerk in attendance : Miss Betty MA
Chief Council Secretary (2) 4

Staff in attendance : Ms Candice LAM
Senior Council Secretary (2) 4

Miss Maggie CHIU
Legislative Assistant (2) 4

Action

I. Implementation progress of application for One Way Permit for "overage children" of Hong Kong residents
[LC Paper Nos. CB(2)2207/11-12(01) to (02), CB(2)2259/11-12(01) and CB(2)2287/11-12(01)]

The Subcommittee deliberated (index of proceedings attached at **Annex**).

2. The Subcommittee received views from four deputations on the implementation progress of applications for One Way Permit ("OWP") by "overage children" of Hong Kong residents. These deputations were concerned about the slow progress of processing of OWP applications by "overage children" in the first phase of application, and the lead time for

Action

issuing an OWP after the initial assessment of the application had been completed, as well as the implementation timetable of subsequent phases of applications. These deputations also appealed to the Administration to liaise with the Mainland authorities to accept applications for OWP by Mainland children who had reached the age of 14 when their fathers or mothers obtained their Hong Kong identity cards.

3. Members shared the concerns of the deputations and called upon the Administration to actively follow up with the Mainland authorities to expedite the processing of the first and second rounds of OWP applications by "overage children" and promulgate the implementation dates of subsequent phases of application as soon as possible. Members also urged the Administration to liaise with the Mainland authorities to accept OWP applications from Mainland children of Hong Kong resident parents who were above the age of 14 when their natural fathers or mothers obtained their Hong Kong identity cards.

4. Principal Assistant Secretary for Security ("PAS(S)") advised that as at 14 May 2012, 29 955 applications were received under the first round of OWP applications by "overage children", and initial assessment on 22 142 cases were completed and 15 862 OWPs were approved. The progress of processing the first round of OWP applications by "overage children" was considered satisfactory, although the verification of status of Hong Kong parents and other supporting documents would need some time. In view of the progress, it was considered ready for accepting a new round of applications for OWP to settle in Hong Kong in parallel with the first round of applications. PAS(S) further said that the Administration noted the concern that some Mainland children of Hong Kong resident parents were not eligible for OWP applications as they were above the age of 14 when their natural fathers or mothers obtained their Hong Kong identity cards. Since the application for OWP for "overage children" of Hong Kong residents had just been implemented, the priority of both the Administration and the Mainland authorities was to ensure the smooth implementation of these applications.

II. Population policy having impact on Mainland-HKSAR families

[Legislative Council Brief, LC Paper Nos. CB(2)2207/11-12(03) and CB(2)2287/11-12(01)]

5. The Subcommittee deliberated (index of proceedings attached at **Annex**).

6. Members noted the deputations' views that the Steering Committee on

Action

Population Policy Progress Report 2012 ("SCPP report") was long overdue, and it had not reviewed the seven-year residence requirement and the use of subsidised obstetric services by Mainland spouses of Hong Kong residents in the context of population policy, as such policies were discriminatory against new arrivals and cross-boundary families.

7. Members considered that although SCPP report had identified a number of issues of imminent concerns, it had not provided solutions to resolve these problems and review the existing population policy which was discriminatory against cross-boundary families and contradictory to the Government policy to encourage births.

8. The Administration advised that the population policy aimed at optimising Hong Kong demographic structure by securing and nurturing a quality population. SCPP had highlighted the need to slow down the rise in economic dependency ratio in the light of an ageing population, and made recommendations to face up to the challenge. SCPP had made a total of 10 recommendations in its report which included measures for tackling the imminent concerns associated with births born in Hong Kong to Mainland women, as well as broad policy directions to address the challenges brought by an ageing population in Hong Kong. Some of the recommendations were not confined to cross-boundary families. Among others, the SCPP report laid down policy principles on the subject of Mainland women giving birth in Hong Kong. As recommended by SCPP, the Administration would continue to take measures to cope with the surge in demand for the use of obstetric services and emergency deliveries at the Accident and Emergency Department by non-local women, as well as services at the Maternal and Child Health Centre and the education services for children born to Mainland women in Hong Kong.

9. On the use of local obstetric services by non-local women, the Administration advised that a consensus had been reached with some private hospitals to provide obstetric services for Mainland pregnant women whose husbands were Hong Kong permanent residents in 2012. The Administration was actively considering extending the above special arrangement to those whose husbands had resided in Hong Kong for less than seven years, and would promulgate the detailed arrangements shortly.

III. Any other business

10. Members noted that the Subcommittee would submit a report on its deliberations to the House Committee in June 2012, and the draft report would be circulated for members' consideration.

Action

11. There being no other business, the meeting ended at 4:30 pm.

Council Business Division 2
Legislative Council Secretariat
10 September 2012

**Proceedings of the 23rd meeting of the
Subcommittee to Study Issues Relating to Mainland-HKSAR Families
on Tuesday, 5 June 2012, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)	Action required
<i>Agenda item I – Implementation progress of application for One Way Permit for "overage children" of Hong Kong residents</i>			
000214 - 000513	Chairman	Opening remarks.	
000514 - 000819	Administration Chairman	Briefing by the Administration on the implementation progress of application for One Way Permit ("OWP") by "overage children" of Hong Kong residents. [LC Paper No. CB(2) 2207/11-12(01)]	
000820 - 001139	The Association for Family Reunions Chairman	Presentation of views - (a) enquiry about the expected completion date for processing OWP applications by "overage children" under the first and second phases of applications, as well as the timetable for implementing the subsequent phases of application; (b) the Administration should enhance communications with the Mainland authorities to speed up the assessment and approval of the OWP applications by "overage children" to enable them to take care of ageing parents in Hong Kong; and (c) the Administration should discuss with the Mainland authorities to resolve the problem of ineligibility for OWP application of Mainland children of Hong Kong residents who had reached the age of 14 when their parents obtained their Hong Kong identity cards.	
001140 - 001508	New Arrival Women League Chairman	Presentation of views - (a) concern about the slow progress of processing of OWP applications by "overage children" in the first phase, and the lead time for issuing an OWP after the initial assessment of the application had been completed; (b) the assessment procedures and supporting documents for OWP applications by "overage children" ought to be further simplified;	

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		<p>(c) the rationale for accepting a new round of application while the first phase was still in progress, and why only applications from those Mainland children whose natural fathers or mothers obtained their first Hong Kong identity cards before 1981 were accepted under the second phase; and</p> <p>(d) concern about the ineligibility of Mainland children who had reached the age of 14 when their fathers or mothers obtained their Hong Kong identity cards for OWP application.</p>	
001509 - 001800	Justice and Peace Commission of the Hong Kong Catholic Diocese Chairman	<p>Presentation of views -</p> <p>(a) the rationale for only accepting applications from those Mainland children whose natural fathers or mothers obtained their first Hong Kong identity cards before 1981 under the second phase;</p> <p>(b) it was unfair to those Mainland children who had reached the age of 14 when their fathers or mothers obtained their Hong Kong identity cards as these children were not eligible for OWP applications;</p> <p>(c) concern whether "overage children" applicants were eligible for issue of OWP if their Hong Kong parents passed away in the course of processing their applications; and</p> <p>(d) when the implementation timetable of subsequent phases would be promulgated.</p>	
001801 - 002159	爭取子女居港權家長協會 Chairman	<p>Presentation of views -</p> <p>(a) the considerations for accepting a new round of applications from applicants whose natural fathers or mothers obtained their first Hong Kong identity cards before 1981, but not a longer time frame;</p> <p>(b) the expected time for resolving the problem of "overage children" and issue OWPs to all the "overage children";</p> <p>(c) it was unfair to those Mainland children who had reached the age of 14 when their fathers or mothers obtained their Hong Kong identity cards as these children were not eligible for OWP application; and</p>	

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		(d) the Security Bureau and Immigration Department ("ImmD") should enhance the transparency in the processing of OWP applications of "overage children".	
002200 - 002615	Administration Chairman	<p>The Administration's response -</p> <p>(a) the progress of processing the first round of OWP applications by "overage children" was considered satisfactory, although the verification of status of Hong Kong parents and other supporting documents would take some time;</p> <p>(b) out of some 30 000 applications received in the first round, there were some 7 000 outstanding applications pending initial assessment. It was considered ready for accepting a new round of applications for OWP to settle in Hong Kong in parallel with the implementation of the first round applications;</p> <p>(c) the Administration noted the concern about the ineligibility of Mainland children of Hong Kong resident parents as they were above the age of 14 when their natural fathers or mothers obtained their Hong Kong identity cards; and</p> <p>(d) the priority of both the Administration and the Mainland authorities was to ensure the smooth implementation of the OWP applications by eligible Mainland "overage children".</p>	
002616 - 003209	Mr WONG Kwok-hing Chairman Administration	<p>Concerns raised by Mr WONG Kwok-hing -</p> <p>(a) the estimated number of eligible Mainland "overage children" applicants and the estimated rounds of applications required for issue of OWPs to all eligible applicants; and</p> <p>(b) the Administration should enhance communications with the Mainland authorities to ensure equity in processing the applications.</p> <p>The Administration's response -</p> <p>(a) it was difficult to assess how many eligible "overage children" would apply for OWP given that they were grown up and would have different considerations regarding</p>	

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		<p>their own settlement plan;</p> <p>(b) in the light of the experience gained from the first round of application, it was considered prudent to start a new round of applications for OWP from those whose natural fathers or mothers obtained their first Hong Kong identity cards before 1981, such that the applications could be duly processed;</p> <p>(c) depending on the progress of the first and second rounds of applications, it did not rule out the viability of advancing the timing for accepting subsequent phases of application; and</p> <p>(d) it would continue to convey concerns of deputations and members to the Mainland authorities.</p>	
003210 - 003620	Mr TAM Yiu-chung Chairman Administration The Association for Family Reunions	In response to concern raised by Mr TAM Yiu-chung, the Administration advised that there was no quota for applications from eligible "overage children" applicants.	
003621 - 004203	Mr Ronny TONG Chairman Administration	<p>Views of Mr Ronny TONG -</p> <p>(a) the subject of OWP application of Mainland "overage children" of Hong Kong residents should be considered from the perspective of population policy, instead of immigration policy; and</p> <p>(b) it was regrettable that children of non-Hong Kong residents were granted residence by birth in Hong Kong but Mainland children of Hong Kong residents could not settle in Hong Kong for family reunion according to their own choice. In the light of an ageing population as highlighted in the Steering Committee on Population Policy ("SCPP") Progress Report 2012 ("SCPP report"), consideration should be given to relaxing the issue of OWP to "overage children" applicants to facilitate family reunion.</p> <p>The Administration's advice that the objective of the OWP Scheme was to facilitate the reunion of Mainland residents with their families in Hong Kong in an orderly manner. Over 40 000 OWPs were approved annually for separated spouses and children.</p>	

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004204 - 005959	Mr Albert HO Chairman Administration Justice and Peace Commission of the Hong Kong Catholic Diocese	<p>Views of Mr Albert HO -</p> <ul style="list-style-type: none"> (a) approved cases of "overage children" applicants should be given adequate time to make their own plan to settle in Hong Kong; (b) the assessment and approving criteria for "overage children" application should be made known to the applicants; and (c) consideration should be given to accepting OWP applications from Mainland children of Hong Kong resident parents who were above the age of 14 when their natural fathers or mothers obtained the Hong Kong identity cards. <p>Concerns raised by the Justice and Peace Commission of the Hong Kong Catholic Diocese about the unduly long time taken by the Mainland authorities to process OWP applications by "overage children" in some provinces, in particular Guangdong Province.</p> <p>The Administration's advice -</p> <ul style="list-style-type: none"> (a) there was no deadline for submitting OWP applications from eligible "overage children"; (b) the applicant could come to Hong Kong for settlement within three months from the date of issue of OWP; (c) the Administration had always communicated with the Mainland authorities to facilitate the processing of OWP applications; (d) the procedures pertaining to OWP applications of "overage children" followed largely those applicable to OWP applications of other categories ; and (e) as the new arrangement had just started, the relevant authorities would need time to finetune the workflow during the early stage of implementation. The application processing would then be expedited. 	
010000 - 010113	Chairman	<p>Views of the Chairman -</p> <ul style="list-style-type: none"> (a) the Administration should discuss with the Mainland authorities about expediting the 	

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		<p>processing of OWP applications by "overage children";</p> <p>(b) when the third round of applications would be accepted; and</p> <p>(c) the average processing time for OWP applications submitted by "overage children".</p> <p>The Administration's response -</p> <p>(a) it had maintained close communications with its Mainland counterparts on issues relating to OWP applications by "overage children". While it was not in the position to make an undertaking on the application processing time, to its understanding, the "overage children" applicants would be issued with an OWP in six to nine months' time if all required documents were available;</p> <p>(b) it was unable to give a concrete implementation date for the third round of applications. Taking into account the experience of the first and second rounds of applications, the Mainland authorities would promulgate the details later; and</p> <p>(c) it hoped that the processing of the first round of applications could be completed this year.</p> <p>The Chairman's concluding remarks -</p> <p>(a) the Administration should actively follow up with the Mainland authorities to allow Mainland children of Hong Kong resident parents who were above the age of 14 when their natural fathers or mothers obtained their Hong Kong identity cards to apply for OWPs;</p> <p>(b) promulgate the implementation date of subsequent phases of application as soon as possible; and</p> <p>(c) the Administration should provide assistance to individual cases where necessary.</p>	

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<i>Agenda item II – Population policy having impact on Mainland-HKSAR families</i>			
010114 - 010356	Chairman	The Chairman's view that it was regrettable that the Chief Secretary for Administration had declined the Subcommittee's invitation to attend the meeting, although he had attended the special meeting of the House Committee on the same day to discuss population policy following the release of the SCPP report.	
010357 - 010746	Mainland - Hong Kong Families Rights Association Chairman	Presentation of views - (a) the SCPP report had not studied the principle of seven-year residence requirement and eligibility of Mainland members of Hong Kong residents in using subsidised social benefits, especially the use of subsidised obstetric services by Mainland spouses of Hong Kong residents; and (b) the seven-year residence requirement was discriminatory to new arrivals and undermined their rights to welfare as well as detrimental to family reunion.	
010747 - 011123	Cross-border Children Concern Coalition Chairman	Presentation of views - (a) the Coalition was concerned about the rights and well-being of Hong Kong children born to Mainland parents; (b) although the SCPP report was long overdue, the recommendations contained in the report were on the right track; (c) it was Government's responsibility to ensure the provision of support services for new arrivals from the Mainland and cross-boundary students; and (d) the Administration should review the seven-year residence requirement and the use of subsidised obstetric services by Mainland spouses of Hong Kong residents in the context of population policy.	
011124 - 012128	Administration Chairman	The Administration's response - (a) the SCPP report had, among others, laid down policy principles on the subject of Mainland women giving birth in Hong Kong; (b) as recommended by SCPP, the	

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		<p>Administration would continue to take measures to cope with the surge in demand for the use of obstetric services and emergency deliveries at the Accident and Emergency Department ("AED") by non-local women, as well as services at the Maternal and Child Health Centre ("MCHC") and the education services for children born to Mainland women in Hong Kong;</p> <p>(c) the definition and eligibility of eligible persons had been adopted since 2003 to ensure that the heavily subsidised social benefits could meet public demand and could sustain in the long-term within limited financial resources;</p> <p>(d) a consensus had been reached with some private hospitals to provide obstetric services for Mainland pregnant women whose husbands were Hong Kong permanent residents in 2012. The Administration was actively considering extending the above special arrangement to those whose husbands had resided in Hong Kong for less than seven years, and would promulgate the detailed arrangements shortly; and</p> <p>(e) multiple measures would be adopted to increase the supply of school places in the North District to meet the demand for education services by cross-boundary students, such as providing additional classrooms within the existing premises, recycling suitable school premises, diverting these students to districts with more supply of school places, etc.</p>	
012129 - 012536	Mr TAM Yiu-chung Chairman Administration	<p>Concerns raised by Mr TAM Yiu-chung -</p> <p>(a) the capacity of obstetric services at private hospitals for Mainland women whose husbands were Hong Kong residents; and</p> <p>(b) whether Mainland wives of Hong Kong residents who had been pregnant over 28 weeks and resided on the Mainland were allowed to make delivery bookings with private hospitals.</p> <p>The Administration's response -</p> <p>(a) Mainland women whose spouses were</p>	

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		<p>Hong Kong permanent residents could make booking of delivery places after the implementation of the zero delivery quota in 2013. There should be adequate obstetric service capacity to take care of the Mainland wives of Hong Kong permanent residents in 2013; and</p> <p>(b) Mainland expectant mothers having been pregnant for over 28 weeks were denied entry into Hong Kong if they could not produce proof of booking arrangements with a local hospital. This would deter Mainland pregnant women from seeking emergency deliveries through AEDs shortly before labour.</p>	
012537 - 013801	Chairman Administration	<p>Views of the Chairman that although SCPP Progress Report 2012 had identified a number of issues of imminent concerns, it had not provided solutions to resolve these problems and review the existing population policy which was discriminatory against cross-boundary families and contradictory to the Government policy to encourage births.</p> <p>The Administration's advice that the population policy aimed at optimising Hong Kong demographic structure by securing and nurturing a quality population. SCPP had highlighted the need to slow down the rise in economic dependency ratio in the light of an ageing population, and made recommendations to face up to the challenge.</p>	
013802 - 014933	Mr Albert HO Chairman Administration	<p>Views of Mr Albert HO -</p> <p>(a) for those Mainland women whose husbands were Hong Kong residents and who chose to have their delivery in Hong Kong, their wish should be fully respected and the rights of their children should be safeguarded;</p> <p>(b) adult Mainland children of Hong Kong residents who were above the age of 14 should be allowed to apply for OWP to facilitate family reunion; and</p> <p>(c) the seven-year residence requirement for subsidised social benefits should be abolished.</p> <p>The Chairman's enquiry whether SCPP had discussed the issue of seven-year residence</p>	

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		<p>requirement for subsidised social services.</p> <p>The Administration's advice that the seven-year requirement had since 2003 been adopted to ensure the rationale use of finite public resources for provision of highly subsidised social services. The Administration had no plan to change the policy.</p>	
014934 - 015443	Mainland - Hong Kong Families Rights Association Chairman	<p>Supplementary views of the Mainland-Hong Kong Families Rights Association -</p> <p>(a) the Administration should conduct a comprehensive review of the population policy, including the eligibility of Mainland wives of Hong Kong residents to use local obstetric services; and</p> <p>(b) Mainland pregnant women whose husbands were Hong Kong residents should be allowed to use obstetric services at public hospitals in 2013.</p>	
015444 - 020103	Cross-border Children Concern Coalition Chairman Administration	<p>Supplementary views of the Cross-border Children Concern Coalition the Administration should -</p> <p>(a) review the eligibility of children born in Hong Kong to Mainland parents and who had no legal guardians in Hong Kong to apply for Comprehensive Social Security Allowance and public rental housing units;</p> <p>(b) review the political rights of Hong Kong residents who had resided in Hong Kong for less than seven years; and</p> <p>(c) consider issuing Closed Area Permits to cross-boundary students who would receive Primary 3 schooling or above in the coming academic year.</p> <p>The Administration's response -</p> <p>(a) SCPP had made a total of 10 recommendations in its report which included measures for tackling the imminent concerns associated with births born in Hong Kong to Mainland women, as well as broad policy directions to address the challenges brought by an ageing population in Hong Kong, some of recommendations were not confined to cross-boundary families; and</p>	

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		(b) its policy was to manage the number of cross-boundary students having regard to the capacity of the border control points, in order not to compromise the security and safety of these children.	
<i>Agenda item III – Any other business</i>			
020104 - 020134	Chairman Mr Albert HO	Reporting the deliberations of the Subcommittee to the House Committee.	

Council Business Division 2
Legislative Council Secretariat
10 September 2012