

**立法會**  
**Legislative Council**

LC Paper No. CB(2)292/15-16(03)

Ref : CB2/HS/1/14

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

**Background brief prepared by the Legislative Council Secretariat  
for the meeting on 23 November 2015**

**Progress on implementation of recommendations of the Subcommittee to  
Study Issues Relating to Mainland-HKSAR Families formed under the  
House Committee of the Fourth Legislative Council**

**Purpose**

This paper provides background information and summarizes Members' discussions on recommendations of the Subcommittee to Study Issues Relating to Mainland-HKSAR families ("the former Subcommittee") formed under the House Committee of the Fourth Legislative Council ("LegCo").

**Background**

2. The House Committee ("HC") of the Fourth LegCo appointed a subcommittee to study issues relating to Mainland-Hong Kong families at its meeting on 2 January 2009. The former Subcommittee focused its work on the related population and immigration policy, procedures and waiting time in the vetting and approving of applications for One Way Permit ("OWP")<sup>1</sup> as well as the rights for the use of public services and facilities. The former Subcommittee

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<sup>1</sup> Mainland residents who wish to settle in Hong Kong for family reunion must apply for OWPs from the Exit and Entry Administrative Offices of the Public Security Bureau ("PSB") 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. The existing daily quota of OWP is 150. Of these 150 places, 60 are allocated to persons holding Certificates of Entitlement ("CoE"), and the rest for application by other Mainland residents for family reunion in Hong Kong. Mainland residents under one of the following situations may apply for OWP to settle in Hong Kong -

- (a) his/her spouse is settled in Hong Kong (may bring along children aged under 18); or
- (b) he/she is aged above 18 and under 60 and needs to come to Hong Kong to take care of his/her parents settled in Hong Kong both of whom are aged above 60 and have no children in Hong Kong; or
- (c) he/she is aged above 60 and has no children in the Mainland, and has to depend on his/her children aged above 18 settled in Hong Kong; or
- (d) he/she is aged under 18 and has to depend on his/her parents settled in Hong Kong; or
- (e) he/she is a child of a Hong Kong permanent resident and holds a CoE.

completed its work in June 2012, a summary of its recommendations is in **Appendix I**.

3. At its meeting on 23 January 2015, HC of the Fifth LegCo agreed that a subcommittee should be formed under HC to study issues relating to Mainland-HKSAR families ("the Subcommittee"). At the first meeting of the Subcommittee on 23 October 2015, Members agreed that the implementation of the former Subcommittee's recommendations should be discussed at the next meeting of the Subcommittee.

## **Members' deliberations on former Subcommittee's recommendations**

### Population policy

#### *Review of population policy*

4. 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, some Members considered that family reunion should be a priority area covered in the population policy. In their view, the Administration had placed too much emphasis on attracting talents and quality immigrants in formulating the population policy. These Members had called for a review of the population policy.

5. According to the Administration, the population policy aimed at optimizing Hong Kong's demographic structure by securing and nurturing a quality population. A wide range of policy initiatives were involved in order to achieve the aim of the population policy. The Administration would take into account the population changes in pursuing the objectives of the population policy and observe closely the number of Mainland residents who would be settling in Hong Kong in planning ahead the resources to meet the service needs of these families. The Administration recognized the importance of family reunion and social harmony. It provided support services for new arrivals from the Mainland and families with new arrivals from the Mainland and had put in place various measures to help them integrate into the community.

#### *Residence requirement for Comprehensive Social Security Assistance Scheme*

6. The former Subcommittee expressed concern that many new-arrival single mothers faced great financial hardship as they did not meet the seven-year residence requirement for the Comprehensive Social Security Assistance ("CSSA") Scheme. According to the Administration, the Court of Final Appeal held on 17 December 2013 that the seven-year residence requirement should be lowered to one year, i.e. restoring the "one-year residence requirement"

implemented before 1 January 2004. Persons under the age of 18 would continue to be exempted from the residence requirement under the CSSA Scheme.

7. According to the Administration, from the date of judgment up to 27 June 2014, the Social Welfare Department had received 5 567 applications for CSSA from persons having resided in Hong Kong for less than seven years. The number of applications had fallen sharply from 170 per working day in late December 2013 to 20-30 per working day in mid-2014. It was pointed out that a longer time would be required to observe the trend in order to ascertain the financial implications more accurately. The CSSA Scheme had built in flexibility for the Director of Social Welfare to exercise discretion to grant CSSA to persons not meeting the residence requirement in cases of genuine hardship. The discretion would normally be exercised when a new arrival worked to support his/her family members, in recognition of his/her efforts to become self-reliant. Some Members were of the view that the Administration should explain clearly the CSSA Scheme and disseminate statistics on different categories of CSSA cases to minimize misunderstanding and negative impressions of the general public about CSSA recipients.

#### Use of subsidized obstetric service

8. Some Members took the view that Mainland women with Hong Kong resident husbands should be entitled to use public obstetric services as they were members of Hong Kong families. Noting that these Mainland women would be treated as non-eligible persons ("NEPs") when patronizing public obstetric services, some Members commented that the existing obstetric service arrangement ran contrary to the population policy of encouraging births and was not conducive to family reunion and social integration. The Administration should treat those Mainland women with marital ties in Hong Kong on par with local women. Some Members have suggested that a two-tier obstetric service charge should be adopted for NEPs with no marital ties in Hong Kong and NEPs whose spouses were Hong Kong residents

9. The Administration stressed that its policy was to accord priority to local pregnant women to use obstetric services and the Hospital Authority would only accept booking from NEPs when spare service capacity was available. While agreeing that sufficient places in public hospitals should be reserved for delivery by local women, some Members were of the view that consideration should be given to assigning a higher priority to non-local women whose spouses were Hong Kong residents in the allocation of spare service capacity. Some Members considered 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.

## Immigration arrangements

### *Issuance of OWP*

10. Some Members stressed that the reunion of family members should be a priority area in the Administration's population policy. Given that the OWP Scheme had been in place for more than a decade, these Members took the view that 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 could integrate into the community and the education system at a young age.

11. According to the Administration, the Mainland authorities implemented a point-based system since May 1997, setting out open and transparent approval criteria. The Mainland authorities assessed the eligibility and priority of applicants with reference to these criteria. "Eligibility points" required for approval of OWP applications were updated annually and announced through media and the Internet. Except for CoE holders, the main considerations in examining and approving OWP applications included the separation time and the age of the applicants and their Hong Kong relatives. The Mainland authorities had adjusted and refined the OWP Scheme from time to time having considered suggestions from the HKSAR Government and various sectors of the society. Major adjustments made in recent years included –

- (a) Since 2001, the unused places under the sub-quota for long-separated spouses were allocated to spouses separated for a shorter period and their accompanying children. In addition, Mainland children adopted by Hong Kong residents could apply for OWP and the age limit for OWP applications of unsupported children was relaxed from 14 to 18;
- (b) Since 2003, the age limit for OWP applications of accompanying children of separated spouses was relaxed from 14 to 18. The restriction that only one accompanying child was allowed was also removed; and
- (c) In 2009, the "eligibility points" for OWP applications of separated spouses were relaxed, thereby shortening their waiting time to four years.

12. On the suggestion to further shorten the waiting time for separated spouses under the OWP Scheme to facilitate family reunion, the Administration pointed out that it was equally important to uphold effective immigration control, for

instance, to prevent Mainland residents from entering Hong Kong by means of bogus marriages.

13. Some Members also suggested opening a channel for Mainland parents of Hong Kong residents (including children born to Mainland parents in Hong Kong) under the OWP Scheme, and allowing Hong Kong children born to Mainland residents to apply for household registration so that the former could choose to return to and live with their parents in the Mainland. The Administration was of the view that the proposal would have profound long-term effects on numerous fronts and required thorough deliberations. These included whether this would induce more Mainland pregnant women to enter Hong Kong through various channels for delivery and whether this would impact on the waiting time of other eligible OWP applicants, etc.

*OWP applications by "overage children"*

14. According to the Administration, the Central Government had decided in January 2011 that with effect from 1 April 2011, Mainland "overage children"<sup>2</sup> of Hong Kong residents could apply for OWP to come to Hong Kong for reunion with their natural parents as long as their natural fathers or mothers still resided in Hong Kong on 1 April 2011. The application, approval and issuance of permits to "overage children" largely follow that of OWP applications. The phased submission of applications by "overage children" to the Exit and Entry Administration Offices of PSB was scheduled chronologically according to the order in which their natural fathers or mothers obtained their Hong Kong identity cards and there was no deadline for submission of applications. Applicants whose parents obtained their first Hong Kong identity cards on or before 31 December 1979 may submit applications for OWPs starting from 1 April 2011. From 20 January 2015, Mainland authorities accepted a new round of applications for OWPs from Mainland "overage children" whose natural fathers or mothers obtained their first Hong Kong identity cards on or before 31 December 1986.

15. While welcoming and appreciating the Administration's effort in working out this arrangement, some Members expressed concern about the detailed application arrangements and the lead time for processing the applications. They had 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

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<sup>2</sup> According to the Administration, before 1 November 2001, eligible Mainland children of Hong Kong residents aged below 14 might apply to the Mainland authorities 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 lost their approval status.

care of their ageing parents in Hong Kong.

16. According to the Administration, around 80 000 accumulated unused OWP quotas would help effectively address the needs of "overage children". The exact number of eligible "overage children" applicants dispersed throughout the Mainland was not available but estimated to be tens of thousands. It would be in a better position to assess the actual number of applications and processing time after the commencement of the OWP application procedure.

17. Members noted that some Mainland adult children of Hong Kong resident parents were not eligible for "overage children" OWP applications as they were above the age of 14 when their natural fathers or mothers obtained the Hong Kong identity cards. Some Members appealed to the Administration to discuss with the Mainland authorities the viability of opening a channel under the OWP Scheme for these adult children. The Administration advised that the present priority of both the HKSAR Government and the Mainland authorities was to ensure the smooth implementation of the OWP applications by eligible Mainland "overage children". Nonetheless, it would convey the suggestion to the relevant Mainland authorities.

*Visiting Hong Kong on the strength of Exit Entry Permits (commonly known as "Two-way permits")*

18. Some Members expressed grave concern about the difficulties faced by certain Mainland mothers who came to Hong Kong on the strength of a Two Way Permit ("TWP")<sup>3</sup> with "visiting relatives" exit endorsement to take care of their young children in Hong Kong. As TWP holders could only stay in Hong Kong for up to 90 days, they had to return to the Mainland to re-apply for a fresh TWP for visiting Hong Kong during which their young family members who were attending schools would be left unattended in Hong Kong. These Members took the view that Mainland mothers visiting Hong Kong on the strength of

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<sup>3</sup> Mainland residents who wish to visit relatives in Hong Kong could apply for TWPs with endorsement for "visiting relatives" from the Exit and Entry Administration Offices of PSB at the places of their household registration. Similar to OWPs, the application, approval and issuance of TWPs fall within the remit of the Mainland authorities. The endorsement for "visiting relatives" allows the applicant to visit relatives (including spouse, parents or spouse's parents, children, siblings) who are settled, studying or working in Hong Kong. There are two categories of TWP –

- (a) Multiple journeys within three months: holders may make multiple trips between Hong Kong and the Mainland within 90 days from the date of their first landing; and
- (b) Single journey within three months: holders may stay for up to 14 days in a single journey within the three-month validity period of the endorsement.

A one-year multiple exit endorsement for visiting relatives was introduced by the Mainland authorities in December 2009. Mainland residents who applied for OWPs under the category of separated spouses and have minor children with their Hong Kong spouses may apply to stay in Hong Kong temporarily pending issuance of their OWPs. Those with special family difficulties may also apply for one-year multiple exit endorsements for visiting relatives. Holders of the endorsement can make multiple visits to Hong Kong of up to 90 days each within the one-year validity period.

TWPs 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.

19. The Administration stressed that it was 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 had offered special arrangement to facilitate applicants applying for the same type of exit endorsement, they could authorise another person to apply on their behalf and opt to collect the TWP by means of speed post. With this facilitation, the applicants did not have to return to their place of household registration to make applications in person. The Administration undertook to conduct further study, with a view to exploring other facilitation which could be provided to those with genuine difficulties.

20. Some Members suggested that one-year multiple exit endorsement for visiting relatives be issued to Mainland adult children, who were born to Hong Kong residents and wished to visit their relatives in Hong Kong but had no intention to apply for OWPs. The Administration agreed to follow up the suggestion.

#### *Role of HKSAR Government in approving applications*

21. Some Members expressed concern about the increasing number of persons prosecuted in connection with seeking entry into Hong Kong for settlement by bogus marriage and the lack of transparency in the processing of OWP, TWP and exit endorsement applications. These Members suggested that the HKSAR Government should be responsible for the screening and approval of OWP applications. The Administration pointed out that the HKSAR Government and the Mainland authorities were taking firm actions to combat corruption. Persons who entered Hong Kong with OWP, TWP or exit endorsement obtained with the submission of false information were in breach of the laws of Hong Kong and laws of the Mainland. They would be repatriated to the Mainland.

22. Some Members urged the Administration to actively discuss with the Mainland authorities the setting up of a joint liaison working group to review the immigration arrangements and to deal with complaints and appeals relating to the issuance of OWP, TWP and exit endorsement. The Administration reiterated that as stipulated under the Basic Law, the assessment of applications for and the issuance of OWP, TWP and exit endorsement was within the remit of the relevant Mainland authorities. On this basis, the HKSAR Government would continue to exchange views with the Mainland authorities through the existing channels. Where necessary, the HKSAR Government would communicate and follow up with the Mainland authorities on individual cases. The proposed setting up of a joint liaison group outside the current framework to review or handle individual cases or the assessment of applications was considered not feasible.

23. According to the Administration, for individual cases with special family difficulties but did not meet the eligibility criteria (including Mainland single mothers of minor children in Hong Kong whose husbands had passed away, or who were divorced or had 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 had responded positively by exercising discretion and issuing OWPs or one-year multiple exit endorsements for visiting relatives to some of these applicants.

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

24. Members have sought information on the support services provided for families with new arrivals from Mainland. According to the Administration, 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 were involved in the provision of services to new arrivals from Mainland. The Home Affairs Department ("HAD") coordinated the service provision for new arrivals.

25. Members considered that the Administration should understand the needs of Mainland-HKSAR families and plan comprehensively for the support services for these families. To this end, Members had 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 new arrivals from the Mainland to better understand their service needs and to facilitate their smooth integration into the community.

26. The Administration advised that Mainland people visiting Hong Kong on TWP were visitors by nature and they were 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 were 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 could be obtained from the census data.

27. Members were also advised that HAD and ImmD compiled and published on a quarterly basis information concerning OWP entrants. The combined statistical report was disseminated to relevant Government departments and non-governmental organizations for service planning, and was uploaded onto the HAD website. HAD had started to collect information on the service needs of



"overage children" OWP holders amongst other new arrivals.

### Cross-boundary students

28. Having regard to the increasing number of cross-boundary students, Members considered 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 did not 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.

29. The Administration 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. A range of support services, including learning support programmes, counselling services and parental education programmes were also offered to cross-boundary students / their parents.

30. At the special meeting of the Panel on Education on 28 October 2013, Members expressed concern about the keen competition for kindergarten and primary school places, particularly in the North District, brought about by cross-boundary students as well as the "Year of the Dragon" effect. According to the Administration, there were sufficient kindergarten places in various districts throughout Hong Kong on the whole to meet the demand of school-age children albeit the demand in the North District was relatively close to the supply. With a view to improving kindergarten admission procedure and better utilizing school places within the district, six special temporary measures were implemented in Tai Po and the North District. In addition, each primary school in the eight school nets that were close to the boundary was requested to set aside a minimum of two places per Primary One ("P1") class for cross-boundary students. The Administration would continue to monitor the trend and needs of cross-boundary students coming to Hong Kong for education at different class levels. Some Members of the Panel on Education expressed grave concern that the temporary arrangement of allocating more students to each P1 class of public sector schools implementing small class teaching ("SCT") in five school nets of three districts to meet the anticipated demand in the 2014-2015 school year had deviated from the Government's policy on SCT. The Administration assured Members that the temporary arrangement would not deviate from the existing policy on SCT, the arrangement to be implemented had been adopted after examining all other

options such as borrowing school places from neighbouring school nets and making use of vacant classrooms. Provision of additional resources to schools concerned would follow the established practice of providing additional teaching posts for schools maintaining 30 students per class under the implementation of SCT.

31. At the Council meeting of 26 March 2014, Members passed a motion on "Properly dealing with problems arising from cross-boundary students". The stance and follow-up actions taken by the Administration on the carried motion are set out in its progress report in **Appendix II**.

### **Relevant papers**

32. A list of the relevant papers on the LegCo website is in **Appendix III**.

Council Business Division 2  
Legislative Council Secretariat  
19 November 2015

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

The Subcommittee to Study Issues Relating to Mainland-HKSAR families formed under the House Committee of the Fourth Legislative Council recommended 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.

*Source: Report of the Subcommittee to Study Issues Relating to Mainland-HKSAR Families formed under the House Committee of the Fourth Legislative Council (LC Paper No. CB(2) 2457/11-12, pages 25 – 27)*

**Legislative Council Meeting of 26 March 2014**  
**Motion on “Properly dealing with problems arising from**  
**cross-boundary students”**

**Progress Report**

The motion on “Properly dealing with problems arising from cross-boundary students” (**Annex**) was passed at the Legislative Council meeting of 26 March 2014. This paper reports the stance and follow-up actions taken by the Administration with regard to the motion.

2. The number of cross-boundary students (CBS) has been on the rise in recent years. However, following the implementation of the “zero delivery quota” for Mainland expectant mothers in early 2013, the number of CBS is expected to decrease gradually in the coming few years. In other words, the drastic surge of CBS is only a transient phenomenon. Since the issues relating to CBS are multi-faceted, the Administration will deliberate on effective strategies through the coordination of work among bureaux and departments concerned. Inter-departmental working groups will be set up to tackle the various issues as and when necessary. At present, an inter-departmental steering committee has been set up to handle issues relating to the transportation arrangements and clearance procedures for CBS.

3. To cater for the transportation needs of tender age CBS, the Administration has put in place a number of facilitating measures where practicable to ensure safe and speedy commuting of CBS. The Government will continue to enhance as far as possible facilitating border crossing measures for CBS to attend schools in Hong Kong. That notwithstanding, there are limits to the handling capacities of the boundary control points (BCPs). As the facilitating measures implemented at various BCPs may not be able to meet the needs of all CBS, parents are requested to consider carefully their own arrangements for their children to attend schools in Hong Kong. In fact, all along, a number of parents have been sending their children to schools by their own means.

4. It is difficult to predict accurately whether babies born to Mainland women in Hong Kong would return to Hong Kong to attend Primary 1 (P1) education, not to mention the actual number and date of them settling in Hong Kong. Some of them will choose to attend school in Hong Kong as CBS. Their number and choice of BCPs through which they access Hong Kong are subject to significant year-on-year changes due to family factors, distribution of places of residence and adjustment of relevant policies, etc. Hence, premised on the children applicants' demand for P1 places and the long-term development of existing schools, the Education Bureau (EDB) will adopt flexible arrangements which include borrowing school places from neighbouring school nets, making use of remaining classrooms and changing other rooms into additional classrooms and where necessary, temporarily allocating more students to each P1 class to flexibly increase school places in individual school nets/districts to cope with the transient demand. The EDB will also adopt a pragmatic and proactive approach in exploring the feasibility of recycling vacant school premises and building more classrooms in individual schools. To cope with the transient increase in demand for school places in individual school nets/districts, the EDB will liaise closely with the schools concerned.

5. On the other hand, the propensity of CBS for choosing schools in the North District has led to a shortfall of P1 places in the North District in recent years. Starting from the 2014/15 school year, the EDB provides applicant children residing in the Mainland with a separate Choice of Schools List for Central Allocation under the Primary One Admission (POA) System. Under this arrangement, a "dedicated school net" is provided for the CBS with a view to diverting them to other districts, hence alleviating the excessive demand for P1 places in the North District. This will help meet the demand from applicant children residing in Hong Kong while ensuring the right of CBS for allocating a public sector school place. As for the supply of school places in the North District, a new primary school premises in Area 36 of Fanling in the North District has been allocated to an existing primary school in the District for reprovisioning. Since there will be 36 classrooms in the new school premises, the school concerned may expand its total number of operating classes if necessary. It is originally anticipated that the new school premises will be completed in 2016 the earliest. However, the

completion date may be delayed as the Public Works Subcommittee and the Finance Committee of the Legislative Council was unable to vet the related funding application in this legislative year.

6. Regarding public sector Secondary 1 (S1) places, based on the population projections compiled by the Census and Statistics Department, it is expected that the number of S1 students will rebound steadily on a year-on-year basis from the 2017/18 school year onwards, and there will be sufficient S1 places to meet the demand as a whole.

7. The EDB will continue to liaise with major stakeholders to formulate pragmatic measures having balanced their different concerns with a view to minimising the impact of changes in student population, and collaborating with the sector to embrace the challenges in the transitional period.

8. The EDB announced in late April 2014 the admission arrangements for K1 in kindergartens (KGs) for the 2015/16 school year (hereafter referred as “2015/16 K1 Admission Arrangements”). The objectives of the “2015/16 K1 Admission Arrangements” are to avoid hoarding of more than one place by a child at any one time so as to enable the KGs to confirm enrolment for manpower planning, and to facilitate parents in securing a place for their children in a timely manner, and thus benefit all students concerned. The EDB has arranged briefings for both KGs and parents in May and June 2014 to enable them to have a better understanding about the “2015/16 K1 Admission Arrangements”.

9. The Government has been providing needy students (including CBS) with subsidy, disbursed on a non-accountable basis, through the Student Travel Subsidy Scheme (STSS) to cover the fares on public transport for travelling to and from schools within the boundaries of Hong Kong. We shall continue to review from time to time the operation of STSS to ensure the proper use of public money and the provision of appropriate assistance for needy students. For public sector and Direct Subsidy Scheme schools admitting newly arrived children, including children newly arrived from the Mainland as well as CBS, they can use School-based Support Scheme Grant to organise school-based support programmes to help these students integrate into the

local education system.

10. The EDB has been promoting a harmonious school culture under which all are equal. Schools are requested to comply with all the anti-discrimination ordinances. Besides, when formulating school policies including curriculum design and teaching, they should observe the principle of equal opportunities and avoid any form of discrimination. The EDB also encourages schools to cultivate an atmosphere of harmony and equality on the school campus.

11. Furthermore, 65 Integrated Family Service Centres (IFSCs) and two Integrated Services Centres (ISCs) operated by the Social Welfare Department (SWD) or non-governmental organisations over the territory will continue to provide needy individuals and families (including CBS and their families) with a continuum of preventive, supportive and remedial welfare services, including counselling, family life education, parent-child activities, support/mutual help groups and referral services, etc. Social workers of these centres will thoroughly assess and take care of the specific needs of service users and provide them with appropriate services including different community orientation programmes to enhance their social skills and positive psychology. In 2013-14, IFSCs conducted 268 groups and programmes specifically for new arrivals (including CBS). SWD will continue to keep in view the demand for the relevant services.

12. With the extension of student admission to include Type II children to the classes of minban schools in Shenzhen since last November, the number of minban schools in the Scheme will increase to nine in the 2014/15 school year. The EDB has paired up minban schools operating Classes for Hong Kong Students with local primary schools and through various exchange activities enhancing minban schools teachers' understanding of the local curriculum as well as the transition of Hong Kong students to local education system. We are arranging local secondary schools to pair up with these minban schools as sister schools as well. We will continue to collaborate with Shenzhen Municipal Education Bureau and explore different means to further enhance the professional support for teachers of minban schools.



13. The idea of establishing schools subsidized by the Hong Kong Government in Shenzhen to provide Hong Kong children with free education involves complicated issues and far-reaching implications, including school management and compliance issues, curriculum, welfare portability, etc. The Administration needs to obtain more information in order to have objective and thorough analyses of the proposed idea. Besides, a feasible option for the sustainable operation of these schools is also required.

14. We would also like to remind parents that commuting daily from the Mainland to schools in Hong Kong will impose pressure on children both mentally and physically. This is not conducive to students' learning and home-school cooperation. Parents should consider carefully and understand thoroughly the situation of the BCPs before deciding to arrange their children residing in the Mainland to commute daily to schools in Hong Kong. The Administration will continue to refine policies and measures so as to create conditions conducive to learning.

**Education Bureau**  
**July 2014**

(Translation)

**Motion on  
“Properly dealing with problems arising from cross-boundary students”  
moved by Hon TAM Yiu-chung  
at the Council meeting of 26 March 2014**

**Motion as amended by Hon IP Kin-yuen, Hon James TIEN,  
Hon Michael TIEN and Hon TANG Ka-piu**

That, given the continuously increasing number of cross-boundary students in recent years, the Administration has nonetheless made poor planning, and has never grasped the basic data on cross-boundary students (such as the ratio of ‘singly non-permanent resident students’ to ‘doubly non-permanent resident students’) and properly formulated any long-, medium- and short-term forecasts based on existing data, thus giving rise to quite a number of problems; a large number of cross-boundary students travelling to the districts near various immigration control points for attending school lead to keen competition for school places in New Territories districts, thereby affecting local students’ opportunities for admission to school in the vicinity of their residence and increasing the pressure on various land immigration control points; furthermore, cross-boundary students need to shuttle between two places and leave early and return late on school days, rendering them physically and mentally exhausted and posing danger to their personal safety, and long coach journeys also affect their studies in school; in this connection, this Council urges the Government to:

- (1) immediately set up an inter-departmental task force, which comprises representatives from the Education Bureau, the Social Welfare Department, the Immigration Department and the Transport and Housing Bureau, etc., to study the problems arising from cross-boundary students, including the demand for and supply of kindergarten places as well as primary and secondary school places in Hong Kong, and the impacts of cross-boundary students on education, transport, healthcare, social welfare, housing and the development of manpower resources in Hong Kong, so as to formulate more effective and comprehensive support strategies;
- (2) in dealing with the education problems arising from cross-boundary students, firmly uphold the principles of ‘simultaneously meeting the education needs of both local and cross-boundary students’ and ‘admission to school in the vicinity of residence’; having regard to cross-boundary students’ demand for school places, expeditiously make good planning for kindergarten places as well as primary and secondary

school places in various districts, and consult various stakeholders as early as possible, so as to avoid the dissatisfaction of schools and parents arising from inappropriate school place planning; and while increasing the number of places in the school net exclusively for cross-boundary primary students, also ensure local students' opportunities for admission to school in the vicinity of their residence, so as to avoid affecting local students' opportunities for attending school; at the same time, ensure that cross-boundary students can attend schools within reasonable coach journey distances;

- (3) alleviate the additional burden on schools arising from the need to cope with cross-boundary students, and provide schools with appropriate assistance and resources, such as offering a recurrent grant for admission of additional number of cross-boundary students and a one-off grant for the additional ancillary services arranged for cross-boundary students, so as to ensure that the existing quality of education will not be significantly affected, and that schools will have sufficient resources to meet the education needs of cross-boundary students;
- (4) having regard to the actual situation of families with Hong Kong-citizen children living in the Mainland, pursue with Mainland authorities the opportunities for providing compulsory education to Hong Kong-citizen children, specifically the conduct of studies in conjunction with Mainland authorities under the educational co-operation framework between two places on establishing Hong Kong-style schools in Shenzhen and setting up more schools and classes exclusively for Hong Kong-citizen children, so as to alleviate the education demand of Hong Kong-citizen children in Hong Kong;
- (5) commence collation and evaluation of data and information in a systematic and continuous manner, including the population characteristics of families with cross-boundary students and the intentions of cross-boundary students to study and work in Hong Kong in the future, so as to make more comprehensive and accurate planning for manpower resources;
- (6) allocate additional resources to social welfare organizations to enhance the services and support for cross-boundary students and their families, especially cross-boundary students with special education needs, and increase the opportunities for cross-boundary students to participate in and experience community activities in Hong Kong;

- (7) perfect the immigration arrangements and transportation support for cross-boundary students, including reviewing the quotas of Closed Area Permits for cross-boundary students and cross-boundary school coaches based on actual demand, and permitting more cross-boundary students to undergo on-board clearance, so that they can cross the boundary safely for attending school;
- (8) conduct a study on enacting legislation to regulate private hostels for cross-boundary students, so as to ensure the safety of cross-boundary students in Hong Kong; and
- (9) conduct publicity among the public to disseminate a positive message on accepting cross-boundary students, enabling cross-boundary students to be free from discrimination, grow up healthily and happily, and develop a sense of belonging to Hong Kong; and
- (10) introduce concessionary measures to attract more Hong Kong teachers to teach in the Mainland, so as to assist Hong Kong-citizen children living in the Mainland in familiarizing themselves with the teaching mode adopted in Hong Kong, making parents let their Hong Kong-citizen children stay in the Mainland for attending schools without any worry, thereby alleviating the problems of cross-boundary students; this can also alleviate the problem of surplus teachers in Hong Kong and provide Hong Kong teachers with opportunities to acquire teaching experience in the Mainland; the proposed concessionary measures should include allowing Hong Kong teachers with provident fund accounts to keep their accounts during their periods of teaching in the Mainland, providing special living and transport allowances, and encouraging schools in Hong Kong to give priority consideration to recruit teachers who had been teaching in the Mainland for certain years, etc.; and
- (11) conduct studies in conjunction with Mainland authorities on establishing schools subsidized by Hong Kong Government in Shenzhen to provide Hong Kong-citizen children with free education, and the schools concerned must operate in accordance with the requirements of the Education Bureau of Hong Kong, recruit qualified Hong Kong teachers and adopt Hong Kong's teaching modes and curriculum, thus facilitating these children to come to Hong Kong to sit for public examinations and pursue further education in the future;
- (12) conduct a longitudinal study on the social life and psychological development of cross-boundary students;

- (13) increase the number of places in the school net exclusively for districts with the largest number of cross-boundary primary students such as Tai Po and the North District, etc., so as to alleviate the pressure faced by parents when applying for school admission for local students;
- (14) allocate additional resources to non-governmental organizations for cultivating cross-boundary students' social skills and positive psychology; and
- (15) provide school coach fee subsidy to families with cross-boundary students having financial difficulties.

**Relevant papers on  
Issues Relating to Mainland-HKSAR Families**

Committee	Date of meeting	Paper
House Committee	29.6.2012	<a href="#">Report of the Subcommittee to Study Issues Relating to Mainland-HKSAR Families</a>
Legislative Council	18.1.2012	<a href="#">Official Records of Proceedings Pages 86 to 88</a>
	22.2.2012	<a href="#">Official Records of Proceedings Pages 9 to 21</a>
	5.12.2012	<a href="#">Official Records of Proceedings Pages 135 to 138</a>
Panel on Health Services	17.12.2012 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Legislative Council	20.3.2013	<a href="#">Official Records of Proceedings Pages 19 to 28</a>
	27.3.2013	<a href="#">Official Records of Proceedings Pages 18 to 28</a>
	24.4.2013	<a href="#">Official Records of Proceedings Pages 11 to 14 and Pages 96 to 106</a>
	29.5.2013	<a href="#">Official Records of Proceedings Pages 8 to 18</a>
	9.10.2013	<a href="#">Official Records of Proceedings Pages 105 to 113</a>
	23.10.2013	<a href="#">Official Records of Proceedings Pages 51 to 67 and Pages 104 to 107</a>
Panel on Education	28.10.2013 (Item I)	<a href="#">Agenda</a> <a href="#">Minutes</a>

<b>Committee</b>	<b>Date of meeting</b>	<b>Paper</b>
Legislative Council	8.1.2014	<a href="#">Official Records of Proceedings Pages 70 to 81</a>
	22.1.2014	<a href="#">Official Records of Proceedings Pages 46 to 55 and Pages 79 to 81</a>
Panel on Security	7.2.2014 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Legislative Council	12.2.2014	<a href="#">Official Records of Proceedings Pages 27 to 29</a>
	26.2.2014	<a href="#">Official Records of Proceedings Pages 99 to 102</a>
	26.3.2014 and 27.3.2014	<a href="#">Official Records of Proceedings Pages 314 to 361</a> and <a href="#">Official Records of Proceedings Pages 6 to 76</a>
Subcommittee on Poverty	7.7.2014 (Item I)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Legislative Council	29.10.2014	<a href="#">Official Records of Proceedings Pages 48 to 61 and Page 315</a>
House Committee	16.1.2015 (Item VIII)	<a href="#">Agenda</a> <a href="#">Minutes</a>
	23.1.2015 (Item VIII)	<a href="#">Agenda</a> <a href="#">Minutes</a>

Council Business Division 2  
Legislative Council Secretariat  
 19 November 2015