

**Refugee Review Tribunal  
AUSTRALIA**

**RRT RESEARCH RESPONSE**

**Research Response Number:** CHN32483  
**Country:** China  
**Date:** 10 December 2007

**Keywords:** China – Guangxi – One-child policy – Children born overseas – Professionals – Returned asylum seekers – Health care – Education

This response was prepared by the Research & Information Services Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum. This research response may not, under any circumstance, be cited in a decision or any other document. Anyone wishing to use this information may only cite the primary source material contained herein.

---

**Questions**

- 1. What are the penalties for having more than one child in Guangxi?**
- 2. Do these penalties apply to children born overseas?**
- 3. Would the penalties differ for returning professionals who have applied for protection overseas?**
- 4. Could the children be registered in Guangxi? What is the fee?**
- 5. Can healthcare and education be obtained privately in Guangxi and what are the costs?**
- 6. Additional Information**

**RESPONSE**

The Department of Foreign Affairs and Trade (DFAT) was contacted regarding these matters on 8 November 2007 (Research & Information Services 2007, Email to the Department of Foreign Affairs and Trade ‘RRT Country Information Request – CHN32483’ 8 November – Attachment 1). DFAT replied on 7 December 2007 and provided the following information and advice:

**6A. What are the penalties for having more than one child in Guangxi?**

The official penalty for breaching the one child policy in Guangxi consists of a monetary fine, a ban on the child accessing social benefits and a ban on the parents from employment in the civil service for a period of time.

*Monetary fine*

The fine for breaching the one child policy in Guangxi is calculated based on the annual per capita urban disposable income in the city that the residency permit (“Hukou”) is sought or, for those registered in a rural area, the annual per capita rural net income in the county that the residency permit is sought. The amount of the fine is calculated according to the year that the family in question is discovered to have breached the one child policy. For example, if the

second child is born in 1985, but the family is not discovered to have breached the policy until 1995, then the fine is calculated based on the per capita disposable income in 1994. The amount of the fine increases per each additional child born in breach of the policy, ie:

- 3 – 5 times annual per capita disposable income for the first child who is born by breaching the policy;
- 5 – 7 times annual per capita disposable income for the second child who is born by breaching the policy;
- 7 – 9 times annual per capita disposable income for the third children who is born by breaching the policy; and
- a similar multiple is used to calculate the fine for the fourth or above child who is born in breach of the policy.

The average per capita urban disposable income and per capital rural income for Guangxi Province for the past six years are provided for reference below:

	(Unit: RMB)					
	2001	2002	2003	2004	2005	2006
per capita urban disposable income	6665.7	7315.3	7785	8177.5	8916.8	9898.8
per capita rural income	1944.3	2012.6	2094.5	2305.2	2494.7	2770.5

For those who are unable to pay the penalty but own properties, the authorities will seal up all properties apart from the primary residence until the penalty is paid. According to the law, the authorities will not deny access to the property of those who breach the one child policy if it is their sole property.

#### *Ban from accessing social benefits*

All children born in breach of the one child policy will not receive the social benefits granted to families that have only one child, such as exemption or reduction in education fees, access to medical insurance, etc.

#### *Ban from employment in the civil service*

Civil servants who breach one child policy will be dismissed and will not be recruited by the government for 7 years.

### **6B. Do these penalties apply to children born overseas?**

According to the official policy, parents wishing to obtain a residency permit for their children in a particular area will generally be subject to the one child policy, regardless of where their children were born. This means that a Chinese person wishing to register their overseas born children would generally be required to pay the stipulated fine. However, a person holding Chinese nationality returning from overseas may be exempted from the one child policy under two circumstances. First, where Chinese students have studied overseas for more than one year, and if their second child is born overseas, they may obtain a residency permit for that second child upon returning to China without having to pay the fine. Second, Chinese who have a right to permanent residency in another country, and still hold their Chinese nationality, may be defined as “Overseas Chinese”. If so, they will not be required to pay the fine in order to obtain a residency permit for a second child upon returning to China. All other returning Chinese must pay a fine to register a second child.

### **6C. Would the penalties differ for returning professionals who have applied for protection overseas?**

Post has no information regarding different treatment of returning professionals who have applied for protection overseas.

### **6D. Could the children be registered in Guangxi? What is the fee?**

According to the official policy, children born in breach of the one child policy may be registered in Guangxi if the stipulated fine is paid.

**6E. Can health care and education be obtained privately in Guangxi and what are the costs?**

According to sources in the Guangxi Department of Education and Guangxi Department of Public Health, private education and private health care are available in Guangxi. The fees charged by private education providers must be submitted to the Price Administration Authorities for approval and vary according to different schools.

Private clinics and hospitals are available in both urban and rural areas in Guangxi. There are three levels of hospitals, each of which have different fees. Medical centres at Level 1 include clinics and health centres in villages and towns and their fees are usually the lowest. Level 2 hospitals refer to those located in counties with a modest size in both human resources and medical facilities. Hospitals at Level 3 are usually located in cities and the cost for medical treatment is the most expensive among these three levels. According to official policy, all medical fees charged by both private and public health centres have to be approved by the Price Administration Authorities. Specific details about the medical fees charged at private medical facilities in Guangxi could not be obtained, either from internet sources or from the Guangxi Department of Public Health. Both private education and private health centres are accessible to everyone, regardless of whether they hold a residency permit.

**Note**

It should be noted that the above responses represent official policies and laws that may not be rigorously followed at a local government level. In May this year several riots relating to harsh implementation of the one child policy by local governments in Guangxi Zhuang Autonomous Region were reported in the international press. A report on the riots from official Chinese government news agency, *Xinhua*, and one from Hong Kong newspaper, *Apple Daily*, are attached for background information (Department of Foreign Affairs and Trade 2007, *DFAT Report No. 746 – China: RRT Information Request: CHN32483*, 7 December – Attachment 2).

DFAT provided the following report from *Xinhua* dated 21 May 2007 regarding protests in Guangxi over the enforcement of the one child policy:

Residents who attacked government workers and police in seven towns in south China's Guangxi Zhuang Autonomous Region to protest government family planning law enforcement measures have been calmed, said officials on Tuesday.

Twenty-eight people, suspected of instigating the attacks, have been detained by police, according to the local government.

About 300 residents gathered at the town of Dunggu, Bobai county, and attacked government workers and police on Thursday, according to the Bobai county government.

On Friday and Saturday, similar gatherings occurred in six other towns of Bobai county. Some government facilities and documents in the township seats were damaged by residents, who also burned cars and motorcycles, it said.

Residents complained that local government workers were "rude and suspected of illegal fee collection" while dealing with violators of the country's family planning policy, some residents said.

...The county's family planning workers have carried out large-scale law enforcement campaigns to curb the rapid growth of the local population ('Official: Attacks on township

governments in South China have ended' 2007, *Xinhua*, 21 May – <\\ntssyd\refer\research\dfat\chn32483.dfr2.doc>).

DFAT also provided the following report from the *Oriental Daily*, sourced from Chinese News Net, regarding violent protests in Bobai country, located in the Guangxi region, over the harsh implementation of the one child policy:

The Guangxi government's brutal enforcement of family planning policies has finally resulted in an explosion of popular anger. Over the past several days, there were large-scale disturbances in about 10 towns in Bobai (博白) county. Close to ten thousand residents torched government office buildings, toppled walls, set official vehicles on fire, smashed signs and chased and beat family planning officials. The government has sent fully-armed anti-riot police officers to suppress. During the violent police-citizen clashes, it is rumored that at least five people were killed and several dozens were injured. The government has emphatically denied that there were any deaths and that most of the injured were police officers and officials. According to information, the demonstration organizers are forming liaisons around the county and an even bigger disturbance is forthcoming. The government has announced that it "will resolutely combat this."

...The deep background of the disturbances is about the fines imposed for exceeding family planning quota. The Bobai county authorities had been criticized by their superiors for failing to meet the job requirements with respect to family planning. Therefore, the Bobai county authorities have issued 28 new family planning policies so far this year. They announced that they will have "steely determination, steely methods and steely discipline" against those violators. For the first extra child, the fine is 12,000 to 20,000 yuan; for the second extra child, the fine is 20,000 to 28,000 yuan; for the third extra child, the fine is 28,000 to 36,000 yuan. In 2006, the average annual income per capital is 2,000 yuan. Furthermore, anyone who had an extra child after 1980 must pay 10,000 to 70,000 yuan in "social childcare fees" no matter whether they had already been fined already previously.

What happens if you don't have the money? The family planning squad will confiscate your family assets, including consumer electronics and farming implements; pigs, chickens, cows and sheep will be taken; worthless everyday utensils such as woks and tea pots will be smashed with bronze pipes; even the food (such as rice) will be removed; and your home will be smashed as well ('The Bobai Mass Incidents' 2007 *Oriental Daily*, *Sing Pao* via Chinese News Net, 21 May).

## List of Attachments

1. Research & Information Services 2007, Email to the Department of Foreign Affairs and Trade 'RRT Country Information Request – CHN32483' 8 November.
2. Department of Foreign Affairs and Trade 2007, DFAT Report No. 746 – China: RRT Information Request: CHN32483, 7 December.
3. 'Official: Attacks on township governments in South China have ended' 2007, *Xinhua*, 21 May.
4. 'The Bobai Mass Incidents' 2007 *Oriental Daily*, *Sing Pao* via Chinese News Net, 21 May.