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8 May 2006

Clerk to Panel
Legislative Council Panel on Home Affairs
8 Jackson Road
Central
Hong Kong
(Attn: Miss Flora TAI)

Dear Miss Tai,

Legislative Council Panel on Home Affairs
Meeting on 10 March 2006

In the LegCo Panel on Home Affairs' meeting on 10 March, the Honourable Dr Fernando Cheung requested the Administration to address the concerns raised by some deputations regarding the basic needs of asylum seekers in Hong Kong, such as asylum seeking children's right to education. The Administration's coordinated response is as follow:

Schooling arrangement for children of asylum seekers

Children with no right to remain in Hong Kong are subject to removal and the question of their schooling in Hong Kong therefore does not normally arise. Where removal is unlikely for a considerable length of time, an indication of no objection to the provision of schooling may, on a case by case basis, be given by the Director of Immigration, following which arrangement for schooling may be made by our education authorities in accordance with established rules. The admission of a child on recognizance to a school does not imply any undertaking by the Director of Immigration that removal proceedings would not be instituted or continued.

Provision of food and shelter

The Administration offers welfare assistance in kind, in collaboration with non-governmental organizations (NGOs), to asylum seekers who are deprived of basic needs during their presence in Hong Kong while their claims are being processed by relevant authorities on a case-by-case basis. The types of assistance offered include temporary accommodation, food, clothing and counselling. Recommendation for waiver of medical expenses at public clinics or hospitals has also been issued for appropriate cases. The package of assistance offered to individual asylum seeker varies according to the unique needs and personal situations of the person concerned, including the availability of his/her own resources and the resources available to him/her from other sources.

Access to health care

It is standard procedures at public hospitals and clinics for staff to request patients to produce proof of identity (e.g. HK Identity Cards and passports) or recognizance forms issued by the Immigration Department/Police for inspection and record keeping. For an asylum seeker who cannot produce proof of identity but has in hand a valid Asylum Seeker Certificate issued by the United Nations High Commissioner for Refugees (UNHCR), public hospitals and clinics would still provide them with the necessary medical attention. However, it is necessary for the Hospital Authority (HA) to discharge its duty to report any illegal immigrant or person who is suspected to have breached the conditions of his/her stay in Hong Kong to the authorities concerned.

For asylum seekers who have difficulty in paying the charges at public hospitals and clinics, UNHCR may issue a letter requesting the HA to waive the medical fees on humanitarian ground. The bearer of such a letter would be granted an exceptional waiver by the HA on a case-by-case basis.

In September 2005, the HA revised the guidelines on the granting of medical fee waivers to clarify its policy that such waivers

should normally not be granted to non-residents who are not asylum seekers. In October 2005, the HA Head Office issued a memo to all Hospital Chief Executives to reaffirm that the fee waiving arrangement for asylum seekers as set out above remains in place.

Yours sincerely,

(Miss Amy Yeung)
for Secretary for Home Affairs

c.c. SHWF (Attn : Miss W M Shea)
S for S (Attn : Miss Jasmine Choi)
SEM (Attn : Miss Fabia Tam
Mr W H Ching)

