

立法會
Legislative Council

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LC Paper No. CB(2)1264/07-08

(These minutes have been seen
by the Administration)

Panel on Health Services

**Minutes of meeting
held on Monday, 18 February 2008, at 8:30 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon LI Kwok-ying, MH, JP (Chairman)
Hon Fred LI Wah-ming, JP
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon CHAN Yuen-han, SBS, JP
Dr Hon YEUNG Sum, JP
Hon Andrew CHENG Kar-foo
Hon Audrey EU Yuet-mee, SC, JP
Hon Vincent FANG Kang, JP
Dr Hon KWOK Ka-ki
Dr Hon Fernando CHEUNG Chiu-hung
Hon LEUNG Kwok-hung
- Member attending** : Hon LEE Cheuk-yan
- Members absent** : Dr Hon Joseph LEE Kok-long, JP (Deputy Chairman)
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
- Public Officers attending** : Items III, IV & V
Mr Patrick NIP, JP
Deputy Secretary for Food and Health (Health)
- Items III & IV
Miss Gloria LO
Principal Assistant Secretary for Food & Health (Health)

Dr W L CHEUNG
Director (Cluster Services)
Hospital Authority

Item V only

Miss Pamela LAM
Principal Assistant Secretary for Food & Health (Health)

Dr Gloria TAM
Deputy Director of Health

Dr Cindy LAI
Assistant Director of Health (Special Health Services)

**Attendance by : Item IV only
invitation**

準來港婦女關注組

Ms HUA Xu-xiang
Member

Mr CHENG Kwai-si
Member

Population Policy Concern Group

Mr FAN Lap-hin
Member

**Clerk in : Miss Mary SO
attendance Chief Council Secretary (2) 5**

**Staff in : Ms Amy YU
attendance Senior Council Secretary (2) 3**

Ms Sandy HAU
Legislative Assistant (2) 5

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I. Confirmation of minutes
(LC Paper No. CB(2) 1049/07-08)

The minutes of the meeting held on 14 January 2008 were confirmed.

II. Information paper issued since the last meeting
(LC Paper No. CB(2)867/07-08(01))

2. Members noted a submission dated 12 January 2008 from Clean the Air urging the Government to increase tobacco tax, and did not raise any queries.

III. Discussion items for the next meeting
(LC Paper Nos. CB(2) 1050/07-08(01) and (02))

3. Members agreed to discuss the following issues at the next regular meeting to be held on 10 March 2008 at 8:30 am -

- (a) Doctor Work Reform Recommendation Report; and
- (b) Surveillance of communicable diseases in Hong Kong - key trends and follow up.

Members further agreed to invite deputations to give views on item (a).

4. As the Panel would submit its report to the Council in early July 2008, members agreed to cancel the regular meeting originally scheduled for 14 July 2008.

IV. Review of the Obstetric Package Charge for Non-eligible Persons
(LC Paper Nos. CB(2)1050/07-08(03) to (05) and CB(2)1115/07-08(01))

5. Director (Cluster Services), Hospital Authority (Director (Cluster Services), HA) updated members on the implementation of the new obstetric service arrangements since 1 February 2007 by the Hospital Authority (HA) for Non-eligible Persons (NEPs), details of which were set out in the Administration's paper (LC Paper No. CB(2)1050/07-08(03)).

Views of deputations

準來港婦女關注組

6. Representatives from 準來港婦女關注組 urged the Administration to immediately cease charging Mainland women whose spouses were Hong Kong

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residents NEP rates for using public obstetric services, details of which were set out in their submission (LC Paper No. CB(2)1050/07-08(05)).

Population Policy Concern Group

7. Mr FAN Lap-hin presented the views of the Population Policy Concern Group as set out in its submission tabled at the meeting (LC Paper No. CB(2)1115/07-08(01)). Specifically, the Concern Group demanded that -

- (a) the Administration should immediately scrap the discriminatory policy of charging Mainland women whose spouses were Hong Kong residents NEP rates for using public obstetric services and should only charge this group the heavily subsidised rates for Eligible Persons (EPs), having regard to the fact that babies carried by these Mainlanders were permanent residents and had right of abode in Hong Kong;
- (b) being a public body, HA should meet with all stakeholders and concern groups in the formulation of policies having impact on the livelihood of users;
- (c) the Administration should review the population policy, drawn up by the Task Force on Population Policy in 2003, and engage the public in the process, before embarking on any new measures in the context of the population policy; and
- (d) the Legislative Council should set up a committee to closely monitor the implementation of the population policy and its impact on society and people's livelihood.

Discussion

Obstetric service charge for NEPs whose spouses are Hong Kong residents

8. Dr KWOK Ka-ki, Ms Audrey EU, Dr YEUNG Sum and Dr Fernando CHEUNG said that Mainland spouses of Hong Kong residents should be excluded from the NEP Obstetric Service Package Charge for the following reasons -

- (a) to do otherwise was detrimental to family unity and social integration and contrary to the Government's call for closer integration with the Mainland and for each married couple in Hong Kong to have three children to improve the low fertility rate, as many Mainlanders whose spouses were Hong Kong residents were forced to return to the Mainland to give birth due to lack of means;

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- (b) unlike children who could immediately settle in Hong Kong if they were born in Hong Kong regardless of whether one of their parents was Hong Kong resident, children born in the Mainland to Mainlanders whose spouses were Hong Kong residents had to wait for their turn for One-way Permits (OWPs) to settle in Hong Kong thereby making them more difficult to adapt to Hong Kong's education system;
 - (c) the new obstetric service arrangements were discriminatory against Mainlanders whose spouses were Hong Kong residents in that Mainlanders had to wait up to five years under the OWP Scheme to settle in Hong Kong and become eligible for heavily subsidised rates for public medical services, whereas this was not the case for other non-local spouses of Hong Kong residents; and
 - (d) Mainland women whose spouses were Hong Kong residents were not only members of Hong Kong families but also members of the community as they were able to stay in Hong Kong virtually year-round on the strength of the multiple visit endorsement under Two-way Permit (TWP) while they were waiting for their turn for OWPs to settle in Hong Kong.
9. Deputy Secretary for Food and Health (Health) (DSFH(Health)) responded that -
- (a) the objectives of implementing the new obstetric arrangements were to -
 - (i) ensure that local pregnant women were given proper obstetric services and priority to use such services;
 - (ii) limit the number of non-local pregnant women coming to Hong Kong to give births to a level that could be supported by Hong Kong's healthcare system; and
 - (iii) deter dangerous behaviour of non-local pregnant women in seeking emergency hospital admissions through Accident and Emergency Departments shortly before labour;
 - (b) Hong Kong's public hospital services were mainly provided for the benefits of Hong Kong residents. Hence, only EPs, i.e. holders of Hong Kong Identity (HKID) Card or children who were Hong Kong residents and under 11 years of age, were entitled to enjoy heavily subsidised rates for public hospital services. For the NEPs, who were non Hong Kong residents and not holding a HKID Card, including TWP holders who were the spouses of Hong Kong

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residents, they might access to public hospital services in Hong Kong by paying the NEP charges applicable to them. The new arrangements for obstetric service for the NEPs were not discriminatory against Mainland women whose spouses were Hong Kong residents. In line with the established charging policy, there would not be different NEP charges for this group of persons;

- (c) for those children given birth by NEPs whose spouses were Hong Kong residents, there were established procedures in the Mainland for these children to apply to the relevant Mainland authorities for permission to move to Hong Kong for family reunion under the OWP Scheme; and
- (d) an overall review of the whole package of obstetric service arrangements would be conducted by HA around the middle of the year.

10. Ms Audrey EU asked the two deputations attending the meeting whether any application for a judicial review on the legality of applying NEP charges for obstetric services to non-local spouses of Hong Kong residents had been made, having regard to the fact that children born to these couples in Hong Kong automatically became Hong Kong residents. Mr CHENG Kwai-si from 準來港婦女關注組 and Mr FAN Lap-hin from the Population Policy Concern Group advised that judicial review on the matter had been applied to the High Court which would hear the case in May 2008.

11. Mrs Selina CHOW said that the public should not lose sight on the reason for introducing the NEP Obstetric Service Package Charge, which was to ensure local pregnant women's access to public obstetric services. Mrs CHOW asked whether the Administration had conducted any study on the impact on public obstetric services if non-local spouses of Hong Kong residents were no longer charged NEP rates for such services.

12. Director (Cluster Services), HA responded that the question raised by Mrs CHOW would be looked at in the coming review on the overall effectiveness of the new obstetric service arrangements. Director (Cluster Services), HA however pointed out that with the continued strong economy, the number of births by local women was expected to rise above the 8.4% recorded last year. In the light of this, pressure exerted on the obstetric services in the public hospitals would greatly increase should the NEP rates cease to apply to Mainland women whose spouses were Hong Kong residents. In 2007, some 8 000 out of the some 27 000 births by Mainland women in Hong Kong were fathered by Hong Kong residents. Amongst these some 8 000 births, some 3 000 births or 40% were delivered in public hospitals.

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13. Dr YEUNG Sum said that there was no dispute that local pregnant women's access to public obstetric services should be guaranteed. Nevertheless, Mainland spouses of Hong Kong residents should be excluded from the NEP rates for public obstetric services for the reasons given in paragraph 8 above. Dr YEUNG urged HA to focus its impending review on the need of excluding Mainland spouses of Hong Kong residents from the NEP Obstetric Service Package Charge to avoid splitting of families, and to listen to the views of concern groups in this regard. In the meantime, HA should allow Mainland women whose spouses were Hong Kong residents to pay the old rate of \$20,000 which was set on a cost-recovery basis.

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14. Dr Fernando CHEUNG requested HA to provide information in writing on the numbers of births delivered in public hospitals by Mainland women whose spouses were Hong Kong residents before and after the implementation of the new obstetric service arrangements. Director (Cluster Services), HA agreed.

Resources for public obstetric services

15. Dr KWOK Ka-ki sought information on the additional resources put in by HA to supplement the new obstetric service arrangements and to cope with the seasonal fluctuation in the demand for obstetric services.

16. Director (Cluster Services), HA responded that HA had put in more than \$150 million in the past year to cope with growing demand for obstetric services through a number of supporting measures as follows -

- (a) 46 new obstetric beds were opened to increase the overall capacity for obstetric services to cope with the surge of demand in peak season;
- (b) a net addition of 46 full time nurses to further strengthen the manpower for obstetric services;
- (c) additional midwife training courses were conducted in 2007 for supplying 80 midwives, which would be available by September 2008. Training courses would also be conducted in 2008 to train more nurses;
- (d) a number of measures were taken to boost morale and improve retention of staff engaged in obstetric services, including granting of extra salary increment to practicing midwives, promotion of deserved officers to the position of Advanced Practice Nurse, granting of overtime allowance and payment in lieu of leave, etc; and
- (e) he would provide information in writing on the number of additional obstetricians employed/deployed to further strengthen the manpower

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for obstetric services after the meeting.

Refund arrangement for NEP Obstetric Service Package Charge

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17. Ms Audrey EU said that refund should be made in the case of premature birth in the Mainland due to medical reasons. Director (Cluster Services), HA agreed to consider such in the coming review on the whole package of obstetric service arrangements. The outcome of the review would be reported back to the Panel before the expiry of the current legislative session.

Conclusion

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18. In closing, the Chairman requested the Administration and HA to take into account the views of members and deputations expressed at the meeting in the coming review on the whole package of obstetric service arrangements.

V. Monitoring of unregistered drug used or contained in slimming products

(LC Paper No. CB(2)1050/07-08(06))

19. Assistant Director of Health (Special Health Services) (ADH(SHS)) introduced the Administration's paper detailing the drug regulatory regime in Hong Kong, the regulation of slimming products, enforcement actions by the Department of Health (DH) as well as the related publicity and education work.

Licensing of slimming centres

20. Dr KWOK Ka-ki asked whether consideration could be given to regulating slimming centres through a licensing scheme to better protect the health of the public. Dr KWOK pointed out that at present employee doctors of slimming centres solely bore the liability for possession of unregistered drugs, while their employers went free.

21. Deputy Director of Health (DDH) responded that the Administration did not see the need for implementing a licensing scheme to regulate slimming centres at this stage, as the public was being guarded against the consumption of slimming products which contained unregistered drugs through the Pharmacy and Poisons Ordinance, the Dangerous Drugs Ordinance and the Trade Descriptions Ordinance. Further protection would be provided to the public upon the coming into force of the Undesirable Medical Advertisements (Amendment) Ordinance 2005.

22. Dr KWOK queried how the Undesirable Medical Advertisements (Amendment) Ordinance 2005 could protect consumers from slimming products containing unregistered drugs, when the scope of the Amendment Ordinance did not cover claims relating to slimming/fat reduction of the body.

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23. DDH explained that the legislation prohibited the advertising of medicines for treatment of endocrine diseases which had weight reduction manifestation. Indeed, in the past, such medicines had been detected unregistered and adulterated drugs in products for slimming purpose.

24. DSFH(Health) remarked that various legislation was relevant to the regulation of slimming centres. Among other things, medical practice in association with slimming centres was governed by the Medical Registration Ordinance. At the moment, the Administration did not have plans for setting up a licensing regime for slimming centres.

Enforcement actions by DH

25. Dr KWOK Ka-ki, Mrs Selina CHOW and Miss CHAN Yuen-han expressed concern that inspections had only been made by DH to six slimming centres in 2007, and urged DH to step up enforcement work in this regard.

26. DDH responded that inspections to slimming centres were generally acted upon information provided by members of the public or other sources such as detection of unreasonably large quantity of dangerous drugs purchased by a doctor or clinic. To better protect public health, DH had stepped up its enforcement work to slimming centres by more proactively conducting surprise inspections there.

27. Dr KWOK Ka-ki asked whether staff had been deployed by DH to pose as customers to see whether a certain slimming centre was in possession and sale of unregistered drugs, and the number of slimming centres in Hong Kong.

28. DDH responded that deploying staff to pose as customers to detect the sale of illegal drugs in slimming centres was one of the tactics used by DH in its enforcement work. As regards the number of slimming centres in Hong Kong, DDH undertook to provide the information after the meeting.

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29. Mr Fred LI asked why it took DH some six months to make known to the public on 10 January 2008 that a large quantity of slimming capsules found in a slimming centre contained an unregistered drug. DDH responded that DH did not withhold disclosing the case to the public. Those slimming capsules were seized when DH conducted monitoring inspections for dangerous drugs. It was only through an incidental laboratory test conducted later on the capsules that drug banned in Hong Kong was detected. DH then immediately made public announcement for public health protection.

30. Ms Audrey EU and Miss CHAN Yuen-han asked what actions had been taken by DH to stamp out the sale of slimming products containing unregistered drugs on the Internet.

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31. ADH(SHS) responded that DH staff regularly monitored frequently-visited websites selling slimming products. Test purchases were conducted to detect whether these slimming products contained illegal pharmaceutical product; and if so, prosecution would be initiated. Arrangements would be made to get in touch with the internet service providers where practicable. Internet service providers of local auction websites in Hong Kong had all along been very cooperative in removing the product from the auction list upon request by DH. DDH supplemented that the Administration was presently looking at ways to better meet the challenges posed by the proliferation of sale of illegal products.

32. Ms Audrey EU asked about the action taken by DH to prevent travellers from bringing unregistered drugs into Hong Kong on their return from the Mainland.

33. DDH responded that dissemination of warning on the legal consequences of bringing unregistered drugs into Hong Kong was carried out at border control points during major festive holidays, focusing mainly on young and women travellers. Efforts in this regard would be stepped up.

34. Dr KWOK Ka-ki expressed concern that of the 19 cases of prosecutions initiated by DH in connection with the possession of unregistered pharmaceutical products by pharmacies or medicine companies in 2007, only six of these cases were convicted by the court and fined \$1,000 to \$16,000. At the request of Dr KWOK, DDH undertook to provide information on the types of unregistered pharmaceutical products detected from the six convicted cases after the meeting.

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35. Dr YEUNG Sum urged the Administration to re-consider including claims relating to slimming in the Undesirable Medical Advertisements Ordinance and introducing a licensing scheme to regulate slimming centres to protect public health.

Publicity and education

36. Mr Fred LI said that merely educating the public to achieve and maintain a suitable body weight through balanced diet and adequate exercise was too conservative to counter the misleading advertisings aggressively launched by slimming centres. Mrs Selina CHOW and Miss CHAN Yuen-han expressed similar views.

37. DDH responded that DH would fine-tune its publicity and education strategy to, among others, focus more on raising public awareness about the misleading claims made by slimming products and slimming centres.

38. In closing, the Chairman urged the Administration to carefully consider the views expressed by members to better protect public health.

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VI. Any other business

39. There being no other business, the meeting ended at 10:30 am.

Council Business Division 2
Legislative Council Secretariat
6 March 2008