

立法會
Legislative Council

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Subcommittee to Study Issues Relating to Mainland-HKSAR Families

**Minutes of the 6th meeting
held on Monday, 29 June 2009, at 10:45 am
in the Chamber of the Legislative Council Building**

Members present : Hon LEE Cheuk-yan (Chairman)
Hon LEUNG Yiu-chung (Deputy Chairman)
Hon Miriam LAU Kin-ye, GBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon WONG Kwok-hing, MH
Hon Ronny TONG Ka-wah, SC
Hon Cyd HO Sau-lan
Dr Hon LAM Tai-fai, BBS, JP
Dr Hon Priscilla LEUNG Mei-fun
Hon CHEUNG Kwok-che

Members absent : Hon Albert HO Chun-yan
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon CHAN Hak-kan
Hon WONG Sing-chi
Hon WONG Yuk-man
Hon Mrs Regina IP LAU Suk-ye, GBS, JP

Public Officers attending : Item I

Home Affairs Bureau

Ms Grace LUI Kit-yuk
Deputy Secretary for Home Affairs (1)

Food and Health Bureau

Miss Gloria LO Kit-wai
Principal Assistant Secretary for Food and Health (Health) 2

Hospital Authority

Dr Beatrice CHENG
Chief Manager (Cluster Performance)
Hospital Authority

**Deputations
by invitation** : Item I

Family Dynamics Network

Mr Matthew P C MAK
Secretary

Hong Kong Women Christian Council

Miss LOH Yuen-ching
Executive Secretary

Miss Cherry HO
Executive Secretary

Hong Kong Christian Institute

Mr LEE Ling-hon
Programme Secretary (Publications)

準來港婦女關注組

Mr LAM Tsun-fai
Member

準來港婦女互助組

Ms NIE Hua-qing
Member

Ms LIU Jin-lian
Member

關注中港家庭權利聯席

Mr TSANG Koon-wing
Member

Christian Action

Ms LEE Wing-chong
Manager, Social Services Department

Ms DONG XIAO-ting
Service User

Justice and Peace Commission of the Hong Kong Catholic
Diocese

Miss Jackie HUNG
Project Officer

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

Staff in Attendance : Miss Florence WONG
Senior Council Secretary (2) 5

Miss Maggie CHIU
Legislative Assistant (2) 4

Action

- I. Arrangements for the use of obstetric services by Mainland women whose spouses are Hong Kong residents**
(LC Paper Nos. CB(2)1979/08-09(01) to (02) and CB(2)2069/08-09(01) to (05))

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

2. The Subcommittee received views from eight deputations on the arrangements for the use of obstetric services by Mainland women whose spouses were Hong Kong residents.

Action

3. In the light of the views expressed by the deputations, members made the following points –

- (a) Mainland women whose spouses were Hong Kong residents were in effect members of Hong Kong families. Although these non-eligible persons (NEPs) had yet to become residents of Hong Kong under the One Way Permit (OWP) Scheme, many stayed in Hong Kong on the strength of Two Way Permits (TWPs) throughout the year and should not be regarded as visitors. It was unacceptable that children fathered by Hong Kong residents but born to Mainland mothers in Hong Kong were not eligible for subsidized obstetric services. The Administration should review the policy on obstetric service charges and adopt a two-tier structure by applying different charges for Mainland spouses of Hong Kong residents and other NEPs with no marital ties in Hong Kong;
- (b) the obstetric service charges for NEPs were unreasonably high and had posed financial difficulties to most cross-boundary families. Some of the families had to incur debts in order to meet the obstetric service charges while some other Mainland spouses were forced to give birth in Mainland due to lack of financial means;
- (c) the obstetric service charges for NEPs whose spouses were Hong Kong residents were contrary to the population policy of encouraging births in the light of the ageing population and low fertility rate in Hong Kong, and it was detrimental to family unity and social integration. Children born in the Mainland to Mainlanders whose spouses were Hong Kong residents had to wait for their turn for OWPs to settle in Hong Kong;
- (d) it was unfair that Mainland spouses of civil servants could enjoy the heavily subsidized obstetric services but not the Mainland spouses of other Hong Kong residents;
- (e) the refund policy on paid obstetric package charges should be reviewed, in particular the criteria for refund and the refundable amount. For instance, refund should be provided having regard to the special circumstances such as premature delivery, and the non-refundable amount should only cover the actual costs incurred; and
- (f) the arrival checking on Mainland pregnant women who had made prior booking on obstetric services should be relaxed and the duration of stay should be extended to tie in with their date of confinement.

Action

4. Principal Assistant Secretary for Food and Health (Health) 2 and Chief Manager (Cluster Performance)/Hospital Authority made the following responses –

- (a) the objectives of the new obstetric service arrangements were to ensure that local pregnant women were given proper obstetric services and priority to use such services, to limit the number of non-local pregnant women coming to Hong Kong to give births to a level that could be supported by the healthcare system in Hong Kong, and to deter dangerous behaviour of non-local pregnant women in seeking emergency hospital admissions shortly before labour;
- (b) under the existing policy, eligibility for subsidized public healthcare services, including obstetric services, was restricted to Hong Kong residents. All non-local pregnant women were not eligible for getting the heavily subsidized obstetric services, including TWP holders whose spouses were Hong Kong residents;
- (c) civil servants' Mainland spouses were eligible for the subsidized obstetric services as part of the civil service medical benefits; and
- (d) the rationale for making the fees paid for the NEP obstetric package charge non-refundable was to make it a commitment for the person making the booking, which by itself, had incurred certain necessary costs, not to mention the opportunity costs involved in case the limited resources were not fully utilized. The Hospital Authority subsequently implemented a refund policy starting from October 2007 under which if a booked case in a public hospital could not take place in unfortunate circumstances such as a miscarriage, around 50% of the fees paid at the time of booking would be refunded.

Admin 5. To facilitate members' further discussion, the Administration was requested to –

- (a) provide the number of non-local pregnant women giving births in public hospitals in the first five months of 2009, which had been decreased by 9.3% as compared to corresponding period in 2006, together with a breakdown by Mainlanders whose spouses were Hong Kong residents and non-local residents;
- (b) provide the costing of the obstetric service package charges for booked cases and those cases that sought hospital admission without prior notice in public hospitals which were currently set at \$39,000 and \$48,000 respectively, as well as the rationale for providing only one antenatal check-up under the obstetric service package for NEPs;

Action

- (c) collect and provide information on the respective numbers of NEPs who were Mainland spouses of Hong Kong residents and other non-local spouses of Hong Kong residents who gave births in private and public hospitals since the implementation of the new obstetric service charges from 1 February 2007;
- (d) consider adopting a two-tier structure for the NEP obstetric package charges by applying different rates to NEPs whose spouses were Hong Kong residents and those with no marital ties in Hong Kong;
- (e) provide information on the refund arrangements of unused obstetric services by NEPs, including the criteria of refund, basis for determining a refund of around 50% of the fees paid at the time of booking, the actual costs incurred after a booking was made, and consider providing refund to those who had not made use of the booked obstetric services due to unforeseeable circumstances such as premature delivery; and
- (f) consider reviewing the procedures for arrival checking of pregnant women on TWPs who had booked the obstetric services in Hong Kong and processing the application for extending their stay to tie in with the expected date of confinement.

6. Pointing out that the use of subsidized public benefits was related to the population policy, the Chairman expressed disappointment that no representatives from the Administration Wing had attended the meeting to respond to members' concerns. Deputy Secretary for Home Affairs (1) undertook to convey members' views relating to the population policy to the Director of Administration for consideration and response.

Admin

II. Any other business

7. Members agreed to further discuss the arrangements for the use of obstetric services by Mainland women whose spouses were Hong Kong residents at the next meeting to be held on 28 July 2009.

8. Considering that the subject under discussion was related to the population policy, members agreed that the Chief Secretary for Administration should be invited to attend the next meeting. In addition, the Administration was requested to advise members as to whether and when the Steering Committee on Population Policy would discuss and review the population policy before the House Committee meeting to be held on 9 July 2009. Members further agreed that Principal Officials including the Secretary for Food and Health, the Secretary for Security responsible for the implementation of the NEP obstetric package and complementary measures should also be invited to attend the meeting.

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9. There being no other business, the meeting ended at 1:02 pm.

Council Business Division 2
Legislative Council Secretariat
6 August 2009

**Proceedings of the 6th meeting of the
Subcommittee to Study Issues Relating to Mainland-HKSAR Families
on Monday, 29 June 2009, at 10:45 am
in the Chamber of the Legislative Council Building**

Time marker	Speaker(s)	Subject(s)	Action required
<i>Agenda item I – Arrangements for the use of obstetric services by Mainland women whose spouses are Hong Kong residents</i>			
000000 – 000907	Chairman	Opening remarks	
000908 – 001224	Administration	Updates of obstetric service arrangements for non-eligible persons (NEPs)	
001225 – 001720	Chairman Family Dynamics Network	Presentation of views Request for a review of the obstetric service charge arrangement for NEPs and the respective refund policy, and devising policy from a family perspective	
001721 – 002217	Hong Kong Women Christian Council	Presentation of views Concern about imposing a higher obstetric service package charges on Mainland women whose spouses were Hong Kong residents, and request for a review of obstetric service package charges and population policy in the light of increasing number of cross-boundary marriages	
002218 – 002715	Hong Kong Christian Institute	Presentation of views [LC Paper No. CB(2)2069/08-09(01)] The arrangement of obstetric service package charge was contradictory to the population policy of encouraging Hong Kong residents to give birth Request for a two-tier structure for obstetric package charges and abolition of requiring Mainland women whose spouses were Hong Kong residents to make prior booking with a hospital in Hong Kong for obstetric services	
002716 – 003114	準來港婦女關注組	Presentation of views [LC Paper No. CB(2)2069/08-09(02)] Concern about the financial difficulties faced by Hong Kong residents whose spouses were Mainland women to meet the high obstetric package charges and request for a two-tier structure of obstetric package charges	
003115 – 003421	準來港婦女互助組	Presentation of views [LC Paper No. CB(2)2069/08-09(03)] Expressing that Mainland spouses of Hong Kong residents were not visitors and were different from those NEPs who did not have marital ties in Hong Kong. They requested for equal treatment with those Mainland women whose spouses were civil servants in using obstetric services	

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003422 – 003936	關注中港家庭權利聯席	<p>Presentation of views [LC Paper No. CB(2)2069/08-09(04)]</p> <p>Concern about the impact of population policy and new obstetric service charges on the cross-boundary families</p>	
003937 – 004445	Christian Action	<p>Presentation of views</p> <p>Difficulties faced by Mainland pregnant women whose families were in Hong Kong and concern about the procedures for arrival checking and processing extension of stay applications by these women</p>	
004446 – 005016	Justice and Peace Commission of the Hong Kong Catholic Diocese	<p>Presentation of views [LC Paper No. CB(2)2069/08-09(05)]</p> <p>Concerns about the reduction of resources allocated for obstetric services in public hospitals and impact of new obstetric service charges on the cross-boundary families</p>	
005017 – 005753	Chairman Administration Ms Audrey EU Ms Cyd HO	Rationale for not making comments by the Administration on the obstetric service package charge for NEPs in public hospitals on the ground of judicial review proceedings were ongoing	
005754 – 010457	Administration Chairman	<p>The Administration's responses to the deputations' views that –</p> <ul style="list-style-type: none"> (a) it did not have a breakdown of NEPs by Mainland women and other places of origin; (b) under the existing population policy, eligibility for subsidised public benefits, including obstetric services, was restricted to Hong Kong residents; (c) the implementation of the new obstetric service arrangements aimed to ensure that local pregnant women were given proper obstetric services and the priority to use such services; and (d) refund for prepaid obstetric package charge would be provided under special circumstances, such as the occurrence of miscarriage. 50% of the fees paid at the time of booking would be refunded 	
010458 – 011315	Mr WONG Kwok-hing Chairman Administration	<p>Views of Mr WONG Kwok-hing that –</p> <ul style="list-style-type: none"> (a) it was unacceptable to impose punitive obstetric service charges on Mainland women whose spouses were Hong Kong residents as the mothers and the babies were in effect members of Hong Kong families; and (b) it was illogical that Mainland women whose spouses were civil servants were entitled to receive subsidised obstetric services same as Hong Kong residents, but not other Mainland spouses of Hong Kong residents <p>The Administration's response that –</p>	

Time marker	Speaker(s)	Subject(s)	Action required
		<p>(a) under the existing population policy, subsidized obstetric services were provided to Hong Kong residents irrespective of the status of their spouses were Hong Kong residents; and</p> <p>(b) civil servants' Mainland spouses were eligible for subsidized obstetric services as part of the civil service medical benefits</p>	
011316 – 012740	Ms Audrey EU Chairman Administration	<p>Concerns –</p> <p>(a) about the social impacts of the implementation of the obstetric service arrangements for Mainland spouses of Hong Kong residents, which was detrimental to the family unity and social integration;</p> <p>(b) whether the existing capacity of obstetric services in public hospitals could meet the needs of local pregnant women; and</p> <p>(c) whether refund would be provided under special circumstances preventing the NEPs concerned from coming to Hong Kong to give birth, such as premature delivery in the Mainland</p> <p>Response that the obstetric service capacity in public hospitals was about 42 000 places in a year, and some 30 000 local pregnant women gave birth in public hospitals in 2008. Refund would be provided under special circumstances like miscarriage</p> <p>The Administration was requested to provide information on the basis for determining a refund of 50% of the paid NEP obstetric package charge, and the actual costs incurred after a booking was made, as well as to consider providing refund to all cases if the patients had not made use of the booked obstetric services due to unforeseen circumstances</p>	Admin
012741 – 014042	Ms Cyd HO Chairman Administration	<p>Concern about the level of obstetric service charges and rationale for charging \$39,000 for booked cases taking into account only one antenatal check-up was provided</p> <p>The Administration's response that –</p> <p>(a) the objectives of the implementation of the obstetric service arrangements were to ensure that local pregnant women were given proper obstetric services and priority to use such services, and limit the number of non-local pregnant women coming to Hong Kong to give births to a level that could be supported by healthcare system; and</p> <p>(b) the level of service charges were determined based on the costs of the associated services and the fees charged by private hospitals</p> <p>The Administration was requested to provide information on the costing of obstetric services provided by public</p>	Admin

Time marker	Speaker(s)	Subject(s)	Action required
		hospitals and rationale for providing only one antenatal check-up under the NEP obstetric package charge	
014043 – 014719	Dr Priscilla LEUNG Chairman Administration	Eligibility of NEPs of other places of origin whose spouses were Hong Kong residents in using the obstetric services The Administration was requested to provide, if any, information on the number of non-local pregnant women who were Mainland spouses of Hong Kong residents giving birth in private and public hospitals in Hong Kong since 1 February 2009	Admin
014720 – 015417	Mr CHEUNG Kwok-che Chairman Administration	The Administration was requested to (a) collect and provide information on the number of non-local pregnant women (both women from Mainland and other places of origin) whose spouses were Hong Kong residents giving birth in public and private hospitals; (b) consider relaxing the procedures for arrival checking of Two Way Permit holders who had booked the obstetric services and extending their duration of stay to tie in with the confinement date; and (c) consider adopting a two-tier structure for the obstetric package charges for Mainland spouses of Hong Kong residents and those NEPs with no marital ties in Hong Kong	Admin
015418 – 020309	Ms Miriam LAU Chairman Administration	Views of Ms Miriam LAU that the obstetric service charges imposed on Mainland spouses of Hong Kong residents were contradictory to the population policy of encouraging births in Hong Kong in the light of the ageing population and low fertility rate, and that non-refundable payments should not be greater than the actual costs incurred Whether consideration had been given to adopting a two-tier structure for the NEP obstetric package charge by applying different charges for NEPs who were Mainland spouses of Hong Kong residents and those with no marital ties in Hong Kong	Admin
020310 – 020906	Mr LEUNG Yiu-chung Chairman Administration	The Administration was requested to review the refund policy and provide a pro-rata refund according to the notification period Concern about the social costs of the implementation of the NEP obstetric package charge	Admin
020907 – 021124	關注中港家庭權利聯席	Mainland spouses of Hong Kong residents should enjoy the same medical benefits of Hong Kong residents	
021125 – 021224	Ms Cyd HO Chairman	View of Ms Cyd HO that the Administration should consider granting the right of abode to children born in Mainland fathered by Hong Kong residents regardless of the status of their mothers	

Time marker	Speaker(s)	Subject(s)	Action required
021225 –021812	Mr LEUNG Yiu-chung Chairman Ms Cyd HO Mr CHEUNG Kwok-che	<p>Request for the attendance of Chief Secretary for Administration at the next meeting as the subject under discussion was related to population policy, and the Principal Officials responsible for the implementation of the NEP obstetric package charge and complementary measures should also be invited to attend the next meeting</p> <p>The Administration was requested to advise members as to whether and when the Steering Committee on Population Policy would discuss the review of the population policy</p> <p>Agenda item and date of next meeting</p>	Admin

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