

立法會
Legislative Council

LC Paper No. CB(2)2535/08-09
(These minutes have been
seen by the Administration)

Ref : CB2/HS/2/08

Subcommittee to Study Issues Relating to Mainland-HKSAR Families

**Minutes of the 7th meeting
held on Tuesday, 28 July 2009, at 10:45 am
in Conference Room A of the Legislative Council Building**

Members present : Hon LEE Cheuk-yan (Chairman)
Hon LEUNG Yiu-chung (Deputy Chairman)
Hon Albert HO Chun-yan
Hon Miriam LAU Kin-ye, GBS, JP
Hon WONG Kwok-hing, MH
Prof Hon Patrick LAU Sau-shing, SBS, JP
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 TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Ronny TONG Ka-wah, SC
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

Mrs Susan MAK LOK Suet-ling
Deputy Secretary for Food and Health (Health) 1

Mr Kirk YIP Hoi-ying
Acting Principal Assistant Secretary for Food and Health
(Health) 2

Administration Wing

Miss Agnes WONG Tin-yu
Deputy Director of Administration (2)

Hospital Authority

Dr CHEUNG Wai-lun
Director (Cluster Services)
Hospital Authority

Immigration Department

Mr HO Siu-hung
Div Commander (Border) Rail

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

Staff in Attendance : Mr YICK Wing-kin
Assistant Legal Adviser 8

Miss Florence WONG
Senior Council Secretary (2) 5

Miss Maggie CHIU
Legislative Assistant (2) 4

Action

I. Further discussion on the obstetric service arrangements for Mainland women whose spouses are Hong Kong residents

(LC Paper Nos. CB(2)1979/08-09(01) to (02), CB(2)2258/08-09(01) to (04) and CB(2)2290/08-09(01))

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

2. In the light of the Administration response to the views expressed by members at the last meeting about the obstetric service arrangements for non-eligible persons (NEPs), members made the following points –

- (a) the policy on obstetric service was discriminatory against Hong Kong residents whose spouses were Mainland residents and contrary to the Government's policy of encouraging Hong Kong residents to work and start business in and promoting close integration with the Mainland. Mainland women whose spouses were Hong Kong residents should be given priority to use obstetric service at public hospitals as their babies were in effect members of Hong Kong families;
- (b) given that only some 7 000 Mainland women whose spouses were Hong Kong residents had given births at public hospitals in Hong Kong in 2008, the Administration should assess the impacts on the healthcare services if the former were charged at the same rates as Hong Kong resident women in using public obstetric services;
- (c) the implementation of the obstetric service arrangements for Mainland women whose spouses were Hong Kong residents was not conducive to family reunion. It also deviated from the policy of requiring applications on a household basis for public housing units and Comprehensive Social Security Assistance. The Family Council should discuss the matter from the family perspective and examine the impacts of the policy on family reunion of cross-boundary families;
- (d) the Administration should seriously consider adopting a two-tier obstetric service charge for NEPs by having different rates for those whose spouses were Hong Kong residents and those with no marital ties in Hong Kong;
- (e) it was unacceptable that the Administration considered it not appropriate to carry out a review of the obstetric service package charges for NEPs and the refund arrangement simply on the ground that two applications for judicial review (JR) were ongoing;

Action

- (f) it was unreasonable that a partial refund of not more than \$20,000 would be made for cases involving miscarriage, termination of pregnancy or still birth given that the costs incurred in handling such cases were rather low. The Administration should review the refund arrangements and consider providing a pro-rata refund according to the notification period for not using the booked obstetric service due to unforeseeable circumstances such as premature delivery;
- (g) given that the obstetric service package charge for NEPs were as high as \$39,000, it was unacceptable that only one antenatal check-up was included in the obstetric service package for NEPs. The Administration and the Hospital Authority (HA) should review the level of charges and the package; and
- (h) to ensure places for local pregnant women and relieve the pressure on the capacity of obstetric service in public hospitals, HA should consider not to accept prior booking from NEPs without marital ties in Hong Kong for use of public obstetric services.

3. Deputy Secretary for Food and Health (Health) 1 and Director (Cluster Services)/HA made the following responses –

- (a) the objective of the policy on obstetric service was to ensure that Hong Kong residents were given proper and adequate obstetric service taking into account that public resources were finite. In the light of the upward trend for use of public obstetric services by Hong Kong pregnant women, there was a need to limit the number of NEPs coming to Hong Kong to give births at a level that could be supported by the public healthcare system, and thereby all NEPs should continue to be subject to the same NEP rates for relevant services in the public healthcare system;
- (b) there was a need to ensure the long-term sustainability of the social services within the limited financial resources and consider the impacts on the public healthcare services and other heavily subsidized public services, such as welfare, housing, education, etc. if NEPs were given the same treatment as local women in using obstetric services;
- (c) the implementation of the arrangement was effective and no review was considered necessary at the present stage. Moreover, it considered not appropriate to carry out a review of the obstetric services for NEPs before the conclusion of the JR applications to avoid prejudicing the two ongoing JR proceedings;

Action

- (d) the obstetric service charge for NEPs was non-refundable when it was introduced in February 2007 in order to make it a commitment for the person making the booking. HA 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, a partial refund of not more than \$20,000 would be made. The Administration would consider members' views on the refund arrangements after the conclusion of the ongoing JR applications;
- (e) the cost of providing obstetric services to a pregnant woman under normal circumstances was around \$20,000. The amount of refund was set at no more than \$20,000 served as an disincentive for NEPs to use public obstetric services, as well as to cover the additional costs incurred by HA in the implementation of the new obstetric services arrangement, which included the cost of operating the booking arrangement and additional manpower cost for providing service;
- (f) the package charge of \$39,000 covering one antenatal check-up aimed to encourage appropriate antenatal care and to reduce risks to NEPs to ensure basic test and investigation on the mother and foetus would be conducted during the early stage of pregnancy. NEPs concerned could make their own choice of arrangements for additional check-up or other follow-up care by using services in public or private hospitals in Hong Kong or in the Mainland; and
- (g) under the existing policy, public hospitals would accept prior booking for the use of HA's private services by non-local residents subject to the availability of the service required. Non-Hong Kong residents would be charged the NEP rates, irrespective of whether they had marital ties in Hong Kong or not. HA would monitor and limit the number of NEPs coming to Hong Kong to give births to ensure that Hong Kong residents were given priority for proper and adequate obstetric services. It was also noteworthy that more local residents would use the heavily subsidized obstetric services in public hospitals amidst the financial turmoil. The suggestions of adopting a two-tier obstetric service charges for NEPs whose spouses were Hong Kong residents and those who had no marital ties in Hong Kong as well as restricting the latter from making prior booking for obstetric service package at public hospitals would give rise to a policy change which required careful consideration.

Action

4. Mr LEUNG Yiu-chung moved the following motion tabled at the meeting –

"That this Subcommittee requests the Government to assess the impact on

- (a) the capacity of public medical services in Hong Kong; and
- (b) the population policy

if Mainland spouses of Hong Kong residents are given equal treatment with local women in using obstetric services, including the waiting time required and the level of service charges, and submit an assessment report to facilitate follow-up deliberation by the Subcommittee." (Translation)

5. The Chairman put the motion to vote. All the members present at the meeting voted for the motion. The Chairman declared that the motion was carried.

Admin

6. In concluding the discussion, the Chairman requested the Administration to –

- (a) provide a written response to the above motion passed by the Subcommittee;
- (b) convey members' views to the Steering Committee on Population Policy and the Family Council for consideration and follow-up discussion on the policy of obstetric service and the impacts of the policy on family reunion; and
- (c) convey members' strong request for the attendance of the Chief Secretary for Administration (CS) and the principal officials at the Subcommittee's meeting(s) to discuss issues relating to family reunion.

7. The Chairman suggested and members agreed that the Subcommittee should invite written views from the Equal Opportunities Commission on whether having the same obstetric service package charges for NEPs whose spouses were Hong Kong residents and those with no marital ties in Hong Kong constituted an unfair treatment to the former.

(Post-meeting note: The reply from the Equal Opportunities Commission was issued vide LC Paper No. CB(2)2521/08-09 on 24 September 2009.)

Action

8. Referring to paragraph 10 of the Administration's paper, the Chairman considered it necessary to ascertain the Administration's position as to whether it would not, as a matter of policy, discuss matters that were relevant to ongoing JR proceedings, nor to carry out a review of the relevant policy before the conclusion of the JR proceedings. The Chairman said that members might consider requesting the Chairman of the House Committee to raise the matter with CS during their meeting.

II. Any other business

9. The Chairman said that the Subcommittee had made some recommendations on the immigration policy relating to the cross-boundary families to facilitate their reunion in June 2009 for the Administration's consideration and follow-up, and the Administration had agreed to revert the progress in three months' time. The Subcommittee might wish to follow up the matter at its next meeting to be held in September 2009. The Chairman added that members would be informed of the meeting date when it was fixed.

10. There being no other business, the meeting ended at 12:44 pm.

Council Business Division 2
Legislative Council Secretariat
25 September 2009

**Proceedings of the 7th meeting of the
Subcommittee to Study Issues Relating to Mainland-HKSAR Families
on Tuesday, 28 July 2009, at 10:45 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker(s)	Subject(s)	Action required
<i>Agenda item I – Further discussion on the obstetric service arrangements for Mainland women whose spouses are Hong Kong residents</i>			
000000 - 001521	Chairman	Opening remarks	
001522 - 003308	Administration Chairman	The Administration's response to the views expressed by members at the last meeting on 29 June 2009 (LC Paper Nos. CB(2)2258/08-09(01) to (03))	
003309 - 004242	Mr WONG Kwok-hing Chairman Administration	<p>Views of Mr WONG Kwok-hing that the policy on obstetric service was –</p> <ul style="list-style-type: none"> (a) discriminatory against Hong Kong residents whose spouses were Mainland residents given that their babies were in effect members of Hong Kong families; and (b) contrary to the Government's policy of encouraging Hong Kong residents to work/start business in and promoting integration with the Mainland <p>The Administration's response that –</p> <ul style="list-style-type: none"> (a) the policy on obstetric service was not discriminatory against non-eligible persons (NEPs) whose spouses were Hong Kong residents. The objective of the policy was to ensure that Hong Kong residents were given proper and adequate obstetric services; and (b) in the light of the increase of local pregnant women giving births in public hospitals in last year, the new arrangement sought to limit the number of NEPs coming to Hong Kong to give births at a level that could be supported by the public healthcare system 	
004243 - 005121	Mr LEUNG Yiu-chung Chairman Administration	<p>Concerns about –</p> <ul style="list-style-type: none"> (a) the unfair and unreasonable treatment to Mainland women whose spouses were Hong Kong residents in using obstetric services at public hospitals. Given that only some 7 000 Mainland spouses of Hong Kong residents had given births in the public hospitals in 2008, the Administration should critically review the existing policy on obstetric services; and (b) the meaning of "read-across implications" on other heavily subsidized public services as set out in paragraph 9 of the Administration's paper <p>The Administration's response that the policy had taken into account the need to ensure the long-term</p>	

Time marker	Speaker(s)	Subject(s)	Action required
		sustainability of the social services within limited financial resources on the one hand and the impact on healthcare service and other heavily subsidized public services, such as welfare, housing, education on the other	
005122 - 005514	Prof Patrick LAU Chairman Administration	Enquiry about the charges for obstetric services in the Mainland The Hospital Authority (HA)'s response that the charges for obstetric services ranged from \$10,000 to \$20,000 and was varied in various cities and provinces in the Mainland	
005515 - 010347	Mr Albert HO Chairman Administration	Views of Mr Albert HO that – (a) the Administration failed to assess the impact of the policy on obstetric services from the family perspective, which was not conducive to family reunion. It also deviated from the policy of requiring applications on a household basis for public housing and Comprehensive Social Security Assistance; and (b) it was unacceptable that the Administration refused to review the obstetric charges for NEPs on the ground that two applications for judicial review (JR) were ongoing	
010348 - 011436	Ms Miriam LAU Chairman Administration	Whether the Administration would – (a) review the obstetric service package charges for NEPs after the conclusion of the JR applications and consider having different rates for NEPs whose spouses were Hong Kong residents and those with no marital ties in Hong Kong; and (b) review the refund policy 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 providing a pro-rata refund according to the notification period The Administration and HA made the following response – (a) all NEPs would continue to be subject to the same NEP rates for the relevant services in the public healthcare system, in the light of the policy to ensure that Hong Kong residents were given proper and adequate obstetric services; (b) the implementation of the new obstetric service arrangements for NEPs was considered effective and no review was considered necessary at the present stage. Moreover, it considered not appropriate to carry out a review of the obstetric services for NEPs before the conclusion of the JR applications to avoid prejudicing the two ongoing JR proceedings; and	

Time marker	Speaker(s)	Subject(s)	Action required
		<p>(c) the obstetric service charge to NEPs was non-refundable when it was introduced in February 2007 in order to make it a commitment for the person making the booking. HA 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, a partial refund of not more than \$20,000 would be made. The Administration would consider members' suggestions on the refund arrangements after the conclusion of the JR proceedings</p>	
011437 - 012052	Mr CHEUNG Kwok-che Chairman Administration	<p>Concerns about the refund policy of private hospitals, the basis for setting the amount of refund at not more than \$20,000 and the actual costs incurred after a booking was made</p> <p>HA's response that –</p> <p>(a) the arrangements for making refund of obstetric service charges varied among private hospitals, i.e. from non-refundable to a refund of more than 50% of payments; and</p> <p>(b) the cost for providing obstetric service was around \$20,000. The amount of refund was set at no more than \$20,000 as an disincentive for NEPs to use public obstetric services, as well as to cover the additional costs incurred by HA in the implementation of the new obstetric service arrangements, which included the cost of operating the booking arrangement and additional manpower cost for providing service. Since October 2007, there were 547 refunded cases</p>	
012053 - 013014	Ms Cyd HO Chairman Administration	<p>Views of Ms Cyd HO that as the obstetric service charges were as high as \$39,000, it was unacceptable and inadequate that only one antenatal check-up was included in the obstetric service package for NEPs</p> <p>HA's response that the package charge of \$39,000 covering one antenatal check-up aimed to encourage appropriate antenatal care and to reduce risks to NEPs to ensure basic test and investigation on the mother and foetus would be conducted during the early stage of pregnancy. NEPs concerned could make their own choice of arrangements for additional check-up or other follow-up care in public or private hospitals of Hong Kong or in the Mainland. They were also welcomed to provide the relevant antenatal check-up records to the public hospitals concerned when admission for delivery</p>	
013015 - 013737	Dr LAM Tai-fai Administration Chairman Ms Miriam LAU	<p>Enquiries about the –</p> <p>(a) extra fees charged to NEPs for staying at public hospitals beyond the standard provision of three days and two nights due to special circumstances; and</p> <p>(b) rationale for making a refund of not more than</p>	

Time marker	Speaker(s)	Subject(s)	Action required
		<p>\$20,000 for cases involving miscarriage, termination of pregnancy or still birth, taking into account that the administration cost incurred would be rather low</p> <p>HA's response that –</p> <p>(a) NEPs concerned would be charged \$3,300 per day for staying at the public hospitals longer than the standard provision under the package, i.e. in accordance with the standard rate for NEPs staying at public hospitals; and</p> <p>(b) the amount of refund was set at no more than \$20,000 in order to cover the additional costs incurred by HA in the implementation of the new obstetric service arrangements, which included the cost of operating the booking arrangement and additional manpower, as well as serve as an disincentive for NEPs to use public obstetric services</p>	
013738 - 014428	Mr WONG Kwok-hing Chairman Administration	<p>The Administration was requested to convey –</p> <p>(a) members' views on the policy on obstetric service to the Steering Committee on Population Policy and the Family Council for consideration and follow-up discussion; and</p> <p>(b) members' strong request for the attendance of the Chief Secretary for Administration (CS) and the relevant principal officials at the Subcommittee's meeting(s)</p> <p>Invitation of views from the Equal Opportunities Commission on whether having the same the obstetric service package charges for NEPs whose spouses were Hong Kong residents and those with no marital ties in Hong Kong constituted an unfair treatment to the former</p> <p>The Chairman would consider requesting the Chairman of the House Committee to raise with CS during their meeting as to whether it was the Government's policy that the Administration would not discuss matters that were relevant to ongoing JR proceedings, nor to carry out a review of the relevant policy before the conclusion of the JR proceedings</p>	<p>Admin</p> <p>Clerk</p>
014429 - 014838	Ms Cyd HO Chairman Administration	<p>The Administration was requested to consider conducting a longitudinal study on the social impacts of the obstetric service arrangements on the cross-boundary families and the healthy upbringing of the babies concerned, taking into account that some families had to incur debts in order to meet the obstetric service package charges</p>	
014839 - 015355	Chairman Administration	<p>Whether the Administration would consider not accepting prior booking from NEPs without marital ties in Hong Kong for the use of obstetric services with a view to ensuring adequate places for local pregnant women</p>	

Time marker	Speaker(s)	Subject(s)	Action required
		HA's response that under the existing policy, public hospitals would accept prior booking for use of private healthcare services by non-local residents subject to availability of the service required. The booking arrangement for obstetric service by NEPs was suspended in September 2008 due to the increase demand for obstetric services by local pregnant women. This was to ensure that Hong Kong resident women were given priority for proper obstetric service	
015356 - 015834	Mr Albert HO Administration Chairman	<p>Concern about the capacity of obstetric services in public hospitals and whether the Administration would consider giving priority to local pregnant women and Mainland women whose spouses were Hong Kong residents in using obstetric services</p> <p>HA's response that the obstetric service arrangements sought to monitor and limit the number of NEPs coming to Hong Kong to give births and ensure that Hong Kong residents were given priority for proper obstetric services. Under the existing policy, non-Hong Kong residents would be charged the NEP rates, irrespective of whether they had marital ties in Hong Kong or not. The suggestion of having a different obstetric package charge for NEPs whose spouses were Hong Kong residents would give rise to a substantial change in the policy on the provision of highly subsidized services which required careful consideration</p>	
015835 - 020020	Chairman Mr LEUNG Yiu-chung Mr CHEUNG Kwok-che	Motion moved by Mr LEUNG Yiu-chung was carried	Admin
020021 - 020217	Chairman Administration	Agenda item of next meeting	