

立法會
Legislative Council

LC Paper No. CB(2)1023/09-10
(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 10th meeting
held on Tuesday, 19 January 2010, at 2:30 pm
in Conference Room A 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 Abraham SHEK Lai-him, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon WONG Kwok-hing, MH
Hon Cyd HO Sau-lan
Hon CHEUNG Kwok-che
Hon WONG Yuk-man

Members absent : Hon Albert HO Chun-yan
Hon TAM Yiu-chung, GBS, JP
Hon Ronny TONG Ka-wah, SC
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon CHAN Hak-kan
Hon WONG Sing-chi

Public Officers attending : Item I
Home Affairs Bureau
Ms Grace LUI
Deputy Secretary for Home Affairs (1)

Administration Wing

Miss Agnes WONG
Deputy Director of Administration (2)

Food and Health Bureau

Miss Gloria LO
Principal Assistant Secretary for Food & Health (Health) 2

Hospital Authority

Dr Deacons YEUNG
Deputising Chief Manager (Cluster Performance)
Hospital Authority

Ms Elizabeth MOK
Senior Manager (Service Coordination Support)
Hospital Authority

Immigration Department

Mr CHAN Leung-yuk
Commander, Border (Rail) Division

**Deputations
by invitation**

: Item I

Justice and Peace Commission of the Hong Kong Catholic
Diocese

Miss Jackie HUNG
Project Officer

Fr. Franco Mella

Hong Kong Christian Institute

Mr LEE Ling-hon
Programme Secretary

關注中港家庭權利聯席

Mr CHAN Wai-hung
Member

Mainland-Hong Kong Families Rights Association

Ms LIU Jin-lian
Member

Ms FAN Fei-kuen

Christian Action

Ms Carol LEE Wing-chong
Manager, Social Services Department

Coalition of Population Policy Concerned Group

Miss CHOW Ching
Member

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. Population policy relating to the Mainland-HKSAR families and the use of subsidised obstetric services by Mainland women whose spouses are Hong Kong residents

[LC Paper Nos. CB(2)743/09-10(01) to (02), CB(2)775/09-10(01), CB(2)790/09-10(01) to (05)]

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

2. In the light of the views expressed by the six deputations attending the meeting, members made the following points –

- (a) citing the Quality Migrant Admission Scheme (QMAS) as an example, the formulation of population policy placed too much emphasis on attracting talents and quality immigrants;

Action

- (b) the obstetric service charge arrangements, which were punitive and discriminatory against Hong Kong residents whose spouses were Mainland residents, had posed financial hardship to the grassroots Mainland-HKSAR families and should be reviewed. Moreover, the obstetric service charge arrangements were not conducive to family reunion;
 - (c) it was unfair that Mainland women whose spouses were civil servants were entitled to the same subsidised rates as local women in using obstetric services in public hospitals, but not other Mainland spouses of Hong Kong residents;
 - (d) given that children born to Mainland mothers and fathered by Hong Kong residents were in effect members of Hong Kong families, these Mainland women should be entitled to use subsidised obstetric service. The eligibility for using subsidised obstetric service in public hospitals should be considered on a household basis;
 - (e) to relieve the pressure on the capacity of obstetric service in public hospitals, the Hospital Authority (HA) should consider not accepting prior booking from non-eligible persons (NEPs) without marital ties in Hong Kong for using public obstetric services such that adequate subsidised obstetric service could be provided to both Hong Kong residents and Mainland spouses of Hong Kong residents; and
 - (f) the Family Council should consider the impact of the obstetric service charge arrangements from the perspective of Mainland-HKSAR families, instead of only balancing a multitude of factors.
3. The Administration and HA made the following responses –
- (a) the Government attached great importance to family reunion. The sole objective of the One Way Permit Scheme was to facilitate family reunion. Applicants were not required to meet eligibility criteria applied to other quality immigrant schemes; ;
 - (b) 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 non-local pregnant women in seeking emergency hospital admission shortly before labour;

Action

- (c) taking into account the need to ensure rational use of the finite resources, the heavily subsidised obstetric services were available only to Hong Kong residents on an individual basis, irrespective of whether their spouses were Hong Kong residents;
- (d) civil servants' Mainland spouses were eligible for subsidised obstetric services as part of the civil service medical benefits;
- (e) if non-local pregnant women with Hong Kong husbands were entitled to obstetric service at eligible person (EP) rates, this would generate pressure for the Government to apply EP rates to all non-local persons whose spouses were Hong Kong residents for use of public healthcare services;
- (f) the Family Council had deliberated on the existing obstetric service charge arrangements for non-local resident women from the family angle. Taking into account the need to balance consideration of a multitude of factors, it concluded that the obstetric service charge arrangements were effective and no review was considered necessary at this stage; and
- (g) from the population policy angle, the Steering Committee on Population Policy considered that even if Mainland women whose spouses were Hong Kong residents were entitled to the subsidised rates as local women in using obstetric service arrangements in public hospitals, its impact on Hong Kong population would be limited. Having regard to the policy objectives of the obstetric service arrangements and read-cross implications on other heavily subsidised healthcare services if there was a change to the definition of EP for public healthcare services, the Steering Committee considered that the existing obstetric service charge arrangements for NEPs should be maintained.

Admin 4. The Administration was requested to –

- (a) convey members' views to the Family Council for considering the eligibility for using subsidised obstetric service on a household basis;
- (b) provide the respective numbers of non-local women giving births in public and private hospitals in 2009 together with a breakdown by Mainlanders whose spouses were Hong Kong residents and non-local residents;
- (c) provide information on the annual expenditure on bonus for the senior management of HA and electricity charges for HA's premises;

Action

- (d) advise whether medical social workers would assist NEPs in applying for fee waiver under the Medical Fee Waiving Mechanism of Public Hospitals administered by HA;
- (e) provide a written advice on whether it was the Government's policy that the Administration would not carry out a review of the relevant policies before the conclusion of the judicial review proceedings; and
- (f) assess the implications on Hong Kong's population structure in the light of the integration of local transportation network with that on the Mainland and provide a paper in this respect.

Admin
Clerk

5. Members strongly took the view that the Chief Secretary for Administration (CS) should attend a future meeting of the Subcommittee to discuss the population policy which had impacts on Mainland-HKSAR families. The Administration would convey the Subcommittee's views to CS for consideration. To facilitate following up on the issue, the Chairman instructed the Clerk to compile a list of issues to be raised with CS for his consideration.

II. Any other business

6. Members agreed to discuss the support services for families with new arrivals from the Mainland and with members on Two Way Permits at the next meeting scheduled for 22 February 2010 at 4:30 pm.

7. The Chairman said that at the meeting on 5 November 2009, the Administration advised that it would revert to the Subcommittee in early 2010 on further developments relating to the Subcommittee's recommendations on immigration arrangements relating to Mainland-HKSAR families. Subject to the latest developments, the Subcommittee would revisit the subject in March 2010.

8. There being no other business, the meeting ended at 4:38 pm.

Council Business Division 2
Legislative Council Secretariat
3 March 2010

**Proceedings of the 10th meeting of the
Subcommittee to Study Issues Relating to Mainland-HKSAR Families
on Tuesday, 19 January 2010, at 2:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker(s)	Subject(s)	Action required
<i>Agenda item I – Population policy relating to the Mainland-HKSAR families and the use of subsidised obstetric services by Mainland women whose spouses are Hong Kong residents</i>			
000000 - 001406	Chairman Administration	Briefing by the Administration on the following in respect of the use of subsidised obstetric services by Mainland women whose spouses were Hong Kong residents [LC Paper No. CB(2)743/09-10(01)] – (a) impact on the capacity of public obstetric services; (b) deliberations of the Family Council; and (c) deliberations of the Steering Committee on Population Policy	
001407 - 001933	Chairman Justice and Peace Commission of the Hong Kong Catholic Diocese	Presentation of views as detailed in the submission [LC Paper No. CB(2)790/09-10(01)] View that although building "Happy Families" was one of the policy initiatives set out in the 2009-2010 Policy Address, the Family Council had yet to study the fundamental element (i.e. family reunion) for building a happy family. It urged the Administration and the Family Council to review the family policy in the light of its impact on the reunion of the Mainland-HKSAR families	
001934 - 002530	Chairman Hong Kong Christian Institute	Presentation of views as detailed in the submission [LC Paper No. CB(2)790/09-10(02)] (a) the population policy should be reviewed as it was piecemeal and detrimental to the disadvantaged; (b) the Administration should explain how the use of subsidised obstetric service by Mainland spouses of Hong Kong residents would cause tremendous pressure on the capacity of obstetric service in public hospitals as set out in the Administration's paper; and (c) the eligibility for using subsidised obstetric service should be considered on a household basis, and not on an individual basis	
002531 - 003130	關注中港家庭權利聯席	Presentation of views as detailed in the submission [LC Paper No. CB(2)790/09-10(03)] Expressing regret that the Steering Committee on Population Policy, the Food and Health Bureau and the Hospital Authority (HA) had turned a deaf ear to the strong call from the community for a review of obstetric service charge arrangements for Mainland spouses of Hong Kong residents and the population policy which had impact on Mainland-HKSAR families	

Time marker	Speaker(s)	Subject(s)	Action required
003131 – 003417	Mainland-Hong Kong Families Rights Association Chairman	Presentation of views as detailed in the submission [LC Paper No. CB(2)790/09-10(04)] View that the existing obstetric service charge arrangements were punitive and discriminatory against those Hong Kong residents with Mainland spouses	
003418 – 003859	Christian Action	View that the obstetric service arrangements posed financial hardship to Hong Kong residents with pregnant Mainland spouses and affected their childbearing plan, and request for same treatment for Mainland women whose spouses were Hong Kong residents and those whose spouses were civil servants in using public obstetric services	
003900 – 004325	Coalition of Population Policy Concerned Group	View that – (a) Mainland women whose spouses were Hong Kong residents should have same treatment as local women in the use of public obstetric service; (b) the Administration should allocate more resources to healthcare services with a view to enhancing the capacity of public obstetric services to cater for the increasing demand; (c) the Family Council lacked representatives from members of the public; and (d) the Administration should provide a timetable for a review of the population policy	
004326 - 004522	Chairman Administration Mr LEUNG Yiu-chung	The Chairman's enquiry about the number of Mainland women who gave births in public hospitals in 2009 The Administration's response that the annual delivery capacity in public hospitals was about 42 000 places and some 30 000 local pregnant women gave births in public hospitals in 2009. Of some 10 000 non-eligible persons (NEPs) who gave births in public hospitals, about 3 500 were Mainlanders whose husbands were Hong Kong residents	
004523 - 005216	Mr WONG Kwok-hing Chairman Administration	Views of Mr WONG Kwok-hing that – (a) the existing obstetric service charge arrangements, which were punitive and discriminatory against those Hong Kong residents whose spouses were Mainlanders, had posed financial hardship to the grassroots Mainland-HKSAR families and should be reviewed; 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 The Administration's response that – (a) the objectives of the obstetric service charge arrangements were to ensure that Hong Kong	

Time marker	Speaker(s)	Subject(s)	Action required
		<p>resident women were given priority for proper obstetric service, and to limit the number of non-local women coming to Hong Kong to give births to a level that could be supported by the healthcare system. Under the prevailing arrangements, all Mainland women with Hong Kong husbands were treated no differently from other NEPs; and</p> <p>(b) civil servants' Mainland spouses were eligible for subsidised obstetric services as part of the civil service medical benefits</p>	
005217 - 005740	Mr WONG Yuk-man Chairman	Views of Mr WONG Yuk-man that the population policy and obstetric service arrangements were inhuman and discriminatory against the grassroots Mainland-HKSAR families, and had further worsened the deep-rooted conflicts in Hong Kong. Given babies born to these families were in effect members of Hong Kong families, the obstetric service charge arrangements should be reviewed	
005741 - 010420	Ms Cyd HO Administration Chairman	<p>Views of Ms Cyd HO that –</p> <p>(a) the concern about default payment for the use of public obstetric services by NEPs could be tackled by requiring them to settle the payment at the time when they made an appointment. As such, there was no need to revise the obstetric service charges for NEPs from \$20,000 to \$39,000; and</p> <p>(b) given that only about 3 500 babies born to Mainland women in public hospitals were fathered by Hong Kong residents in 2009, HA should consider charging Mainland women with Hong Kong husbands at the eligible person (EP) rates by redeploying resources to meet the minimal additional cost so incurred</p> <p>The Administration's response that default payment was not the major consideration for the implementation of the new obstetric service charge arrangements. The objectives of the arrangements were to ensure that local pregnant women were given priority to use the obstetric services and to limit the number of non-local women coming to Hong Kong to give births to a level that could be supported by the healthcare system as well as to deter non-local pregnant women from seeking emergency admission through Accident and Emergency Departments of public hospitals shortly before labour</p>	
010421 - 011444	Mr LEUNG Yiu-chung Chairman Administration	Mr LEUNG Yiu-chung expressed regret that the Administration was disrespectful to the Subcommittee for the non-attendance of the Chief Secretary for Administration (CS) and Principal Officials at its meeting. Given that those babies born to Mainland women in Hong Kong were fathered by Hong Kong residents who were taxpayers and the babies were in effect members of Hong Kong families, he saw no reason why Mainland spouses of Hong Kong residents could not be entitled to subsidised obstetric service at EP rates	

Time marker	Speaker(s)	Subject(s)	Action required
		<p>The Administration's response that –</p> <p>(a) CS, who was also Chairman of the Family Council and the Steering Committee on Population Policy, had been kept informed of the Subcommittee's views; and</p> <p>(b) taking into account the need to ensure rational use of the finite public resources, the Administration considered that the existing obstetric service charge arrangements for NEPs should be maintained</p> <p>Mr LEUNG Yiu-chung was unconvinced that the eligibility for the use of heavily subsidised obstetric services was considered on an individual basis, which was deviated from the policy of requiring applications on a household basis for public housing and Comprehensive Social Security Assistance</p> <p>The Chairman strongly requested for the attendance of CS at a future meeting of the Subcommittee and instructed the Clerk to compile a list of issues to be raised with CS for consideration</p>	<p>Admin Clerk</p>
011445 - 012429	Mr CHEUNG Kwok-che Administration Chairman	<p>Views of Mr CHEUNG Kwok-che that –</p> <p>(a) the population policy placed too much emphasis on attracting talents and quality immigrants. The Quality Migrant Admission Scheme was one of the examples. Contrarily, the obstetric service charge arrangements were discriminatory against Mainland women whose spouses were Hong Kong residents and their children; and</p> <p>(b) to relieve the pressure on the capacity of obstetric service in public hospitals, HA should consider not accepting prior booking for obstetric services from NEPs without marital ties in Hong Kong such that adequate subsidised obstetric service could be provided to both Hong Kong residents and Mainland spouses of Hong Kong residents</p> <p>The Administration's response that –</p> <p>(a) the Government attached great importance to family reunion. The sole objective of the One Way Permit Scheme was to facilitate family reunion. Applicants were not required to meet eligibility criteria applied to other quality immigrants schemes ; and</p> <p>(b) if non-local pregnant women with Hong Kong husbands were entitled to obstetric service at EP rates, this would generate pressure for the Government to apply EP rates to all non-local persons whose spouses were Hong Kong residents for use of public healthcare services. Any change to the present definition of EP to cover non-local persons whose spouses were Hong Kong residents would give rise to heavy burden and substantial increase in the demand for our public healthcare services and potential read-across implications on other heavily subsidised public healthcare services</p>	

Time marker	Speaker(s)	Subject(s)	Action required
012430 - 013524	Chairman Administration	<p>Views of the Chairman that –</p> <p>(a) the eligibility for heavily subsidised obstetric service in public hospitals should be considered on a household basis; and</p> <p>(b) the Family Council should consider the impact of the obstetric service charge arrangements on Mainland-HKSAR families from the family perspective given that giving births by Mainland spouses of Hong Kong residents in Hong Kong would facilitate early reunion of these families and their integration into the community</p> <p>The Administration's response that the Family Council noted the views of the Subcommittee and had deliberated on the existing obstetric service arrangements of HA for non-local resident women from the family angle. It concluded that there was a need to balance consideration of a multitude of factors. As the implementation of the existing obstetric service charge arrangements for non-local women was effective, no review was considered necessary at this stage. Nonetheless, the Administration would convey members' views to the Family Council for considering the eligibility for subsidised obstetric services on a household basis</p> <p>The Administration was requested to provide the respective numbers of non-local women giving births in public and private hospitals in 2009 together with a breakdown by Mainland women whose spouses were Hong Kong residents and non-local residents</p>	<p>Admin</p> <p>Admin</p>
013525 - 013842	Ms Cyd HO Chairman Administration	<p>Ms Cyd HO considered that the financial implications arising from charging Mainland women whose spouses were Hong Kong residents at EP rates for using public obstetric service could be met by HA simply by, say, trimming bonus for senior staff and introducing office energy saving measures. In this connection, Ms HO requested the Administration/HA to provide information on annual expenditure on bonus for HA senior staff and electricity charges for HA's premises</p> <p>Ms HO further requested the Administration to advise whether medical social workers would assist NEPs in applying for fee waiver under the Medical Fee Waiving Mechanism of Public Hospitals administered by HA</p>	<p>Admin</p> <p>Admin</p>
013843 - 014230	Mr WONG Kwok-hing Chairman Administration Ms Cyd HO	<p>Responding to the request for a review of the obstetric service charge arrangements, the Administration advised that as there was an application of judicial review (JR) of obstetric service charges for NEPs in public hospitals, to avoid prejudicing the ongoing JR proceedings, the Administration did not consider it appropriate to further discuss the issue of whether non-Hong Kong residents whose spouses were Hong Kong residents should be eligible for public healthcare services at highly subsidised rates at the present stage</p> <p>The Chairman requested the Administration to provide a written advice on whether it was the Government's policy that it would not carry out a review of the relevant</p>	<p>Admin</p>

Time marker	Speaker(s)	Subject(s)	Action required
		policies or arrangements before the conclusion of the JR proceedings	
014231 - 014630	Mr CHEUNG Kwok-che Chairman Administration	Views of Mr CHEUNG Kwok-che that the obstetric service charge for NEPs at HK\$39,000 was groundless and the refund arrangements should be reviewed HA's response that it would consider the need for reviewing the refund arrangements after the conclusion of the relevant JR application. The JR application would be heard in early March 2010 before the Court of Appeal	
014631 - 014754	Chairman Mainland-Hong Kong Families Rights Association	Reiterated the view that the existing obstetric service charge arrangements should be reviewed	
014755 - 015106	關注中港家庭權利聯席	Whether the Family Council had considered the impact of the existing obstetric service charge arrangements from the perspective of the Mainland-HKSAR families	
015107 - 015410	Justice and Peace Commission of the Hong Kong Catholic Diocese	View that the existing immigration and obstetric service charge arrangements for Mainlanders who were members of Hong Kong families were not conducive to family reunion, and should be reviewed	
015411 - 015508	Mainland-Hong Kong Families Rights Association	View that Mainland spouses of Hong Kong residents should be entitled to equal treatment as those Mainland women whose spouses were civil servants in using public obstetric services	
015509 - 020355	Chairman Administration 關注中港家庭權利聯席	The Administration's response that – (a) the Family Council had been informed of the deliberations of the Subcommittee and views expressed by deputations pertaining to the obstetric service charge arrangements. Nonetheless, it would convey members' views to the Family Council to consider the eligibility for subsidised obstetric service on a household basis; and (b) civil servants' Mainland spouses were eligible for subsidised obstetric services as part of the civil service medical benefits	Admin
020356 - 020849	Chairman Ms Cyd HO	Discussion items for future meetings Ms Cyd HO requested the Administration to assess the implications on Hong Kong's population structure in the light of the integration of local transportation network with that on the Mainland and to provide a paper in this respect	Admin