

立法會
Legislative Council

LC Paper No. CB(2)2646/11-12
(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 20th meeting
held on Tuesday, 13 December 2011, at 2:30 pm
in Conference Room 1 of the Legislative Council Complex

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 Audrey EU Yuet-mee, SC, JP
Hon WONG Kwok-hing, MH
Hon Ronny TONG Ka-wah, SC
Hon Cyd HO Sau-lan
Hon CHAN Hak-kan
Hon CHEUNG Kwok-che
Hon WONG Sing-chi
Hon WONG Yuk-man

Members absent : Hon Albert HO Chun-yan
Prof Hon Patrick LAU Sau-shing, SBS, JP

Public Officers attending : Item I
Ms Angela LEE
Principal Assistant Secretary for Food and Health
(Health)²
Food and Health Bureau

Dr K H LEE
Chief Manager (Cluster Performance)
Hospital Authority

**Attendance by
invitation** : Item I

Mainland-Hong Kong Families Rights Association

Mr WONG Lun-kee
Member

Right of Abode University

Father Franco Mella

Justice and Peace Commission of the Hong Kong
Catholic Diocese

Miss Jackie HUNG Ling-yu
Project Officer

關注中港家庭權利聯席

Mr TSANG Koon-wing
Member

Hong Kong Christian Institute

Mr Andrew SHUM Wai-nam
Programme Secretary (Social Concern)

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

**Staff in
attendance** : Ms Candice LAM
Senior Council Secretary (2) 4

Miss Maggie CHIU
Legislative Assistant (2) 4

Action

I. Use of local obstetric services by Mainland women whose spouses are Hong Kong residents

[LC Paper Nos. CB(2)550/10-11(01) to (02)]

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

2. The Subcommittee received views from five deputations on the use of local obstetric services by Mainland women whose spouses were Hong Kong residents. The deputations' views are summarized at **Annex**. Deputations strongly urged the Administration to increase the provision of adequate obstetric services to cope with the demand of local women and Mainland women with Hong Kong resident husbands, and provide assistance to some 80 Mainland pregnant women with Hong Kong husbands who were unable to secure delivery bookings in local hospitals following the Hospital Authority ("HA")'s decision to stop accepting delivery booking. Members generally shared the concerns of the deputations and called on the Administration to render assistance to these Mainland women to meet their imminent need for obstetric service.

3. Principal Assistant Secretary for Food and Health (Health)2 ("PAS(H)2") advised that the total number of live births to local women increased from some 27 000 in 2005 to some 42 000 births in 2011, whereas the annual capacity of public obstetric services was about 42 000. 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 non-eligible persons ("NEPs") coming to Hong Kong to give births at a level that could be supported by the public healthcare system, and to ensure that local pregnant women were given proper obstetric services and priority to use such services, hence HA's decision to stop accepting bookings for obstetric services from non-local pregnant women. PAS(H)2 further advised that the definition of eligible persons ("EPs") was adopted to ensure that the heavily subsidised healthcare services was properly utilised and priority would be given to local people.

4. Members remained of the view that Mainland pregnant women whose husbands were Hong Kong residents were members of Hong Kong families, and therefore they should not be treated the same as NEPs who had no marital ties in Hong Kong. The current policy on the use of local obstetric service was unfair to these women and was detrimental to family reunion of the cross-boundary families. This also ran contrary to the policies of

Action

encouraging births and fostering Hong Kong people to work on the Mainland.

5. Pointing out that Mainland spouses of civil servants were allowed to use public obstetric services as EPs, members appealed to the Administration to take this into account and review the existing arrangement on the use of subsidised obstetric services by Mainland women with Hong Kong resident husbands. In members' view, the identity of these Mainland women and their marital relationships with Hong Kong residents could be verified upon production of supporting documents.

6. PAS(H)2 clarified that civil servants' Mainland spouses were eligible for subsidised obstetric services as part of the civil service medical benefits. PAS(H)2 stressed that a change to the definition of EPs for public healthcare system would have read-across implication on other heavily subsidised public services. There was no plan to revise the definitions of EPs and NEPs, and the eligibility of EPs for subsidised medical services.

7. Concern was also raised by some deputations and members about the charges for obstetric service by private hospitals which was beyond the affordability of most cross-boundary families. PAS(H)2 advised that while the Administration had no statutory power to regulate the charges of private hospitals, the Code of Practice for private hospitals issued by the Department of Health required private hospitals to have a schedule of charges for reference by the public.

8. Members called on the Administration to engage the parties concerned and work out expeditiously the arrangement for the use of local obstetric services. In response, PAS(H)2 advised that the quota of delivery by non-local women in 2013 would be determined after discussion among the Government, HA and the private hospitals in the first quarter of 2012. The decisions would be made public as soon as practicable.

9. In concluding, the Chairman said that members took a strong view that the Administration should review the existing population policy with a view to facilitating family reunion of Mainland-HKSAR families and social integration. The Chairman suggested and members agreed that the Chief Secretary for Administration, who was also Chairman of the Steering Committee on Population Policy, should be invited to attend a future meeting of the Subcommittee to discuss matters relating to the population policy having impact on the Mainland-HKSAR families.

Action

II. Any other business

10. Members noted that the next Subcommittee meeting would be held in January 2012 to discuss the implementation progress of application for One Way Permit by "overage children" of Hong Kong residents.
11. There being no other business, the meeting ended at 4:30 pm.

Council Business Division 2
Legislative Council Secretariat
1 August 2012

**Proceedings of the 20th meeting of the
Subcommittee to Study Issues Relating to Mainland-HKSAR Families
on Tuesday, 13 December 2011, at 2:30 pm
in Conference Room 1 of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)	Action required
<i>Agenda item I – Use of local obstetric services by Mainland women whose spouses are Hong Kong residents</i>			
000318 - 001053	Chairman	Opening remarks.	
001054 - 001506	Administration Chairman	Briefings by the Administration on the latest situation of obstetric services provided by the public hospitals for non-local women including Mainland women whose spouses were Hong Kong residents. [LC Paper No. CB(2)550/11-12(01)]	
001507 - 001707	Mainland-Hong Kong Families Rights Association Chairman	Presentation of views as detailed in the submission. [LC Paper No. CB(2)604/11-12(01)] (a) the population policy should be revised to the effect that Mainland spouses of Hong Kong residents should be allowed to use public obstetric services on the ground that they were members of Hong Kong families. It was unfair to treat these women differently from local pregnant women; and (b) the surge of demand for local obstetric services from Mainland women was caused by those whose husbands were non-Hong Kong residents, instead of those with marital ties in Hong Kong. The number of births by the latter remained stable in the region of 6% in 2010 and 8% in 2011.	
001708 - 002226	Right of Abode University Chairman	Presentation of views - (a) the policy on obstetric services ran contrary to the population policy of encouraging births; (b) it was incumbent upon the Administration to increase the capacity of public obstetric services to meet the rising demand from local women, instead of restricting Mainland spouses of Hong Kong residents from using local obstetric services; (c) Mainland women whose husbands were	

Time marker	Speaker(s)	Subject(s)	Action required
		<p>Hong Kong residents as well as former right of abode seekers should be regarded as eligible persons ("EPs") in using public services; and</p> <p>(d) in support of non-local women to give birth in Hong Kong according to own choice, with priority be given to Mainland women whose spouses were Hong Kong residents to use local obstetric services.</p>	
002227 - 002553	Justice and Peace Commission of the Hong Kong Catholic Diocese Chairman	<p>Presentation of views -</p> <p>(a) the Administration should study the population policy from the perspective of cross-boundary families and formulate long-term plan to cope with the service demand of these families;</p> <p>(b) the increasing trend of Mainland women giving births in Hong Kong was attributed to the policy of free travel of Mainlanders to Hong Kong and the court ruling of <i>CHONG Fung-yuen</i> case handed down in 2001. It was Government's responsibility to increase the provision of adequate obstetric services to meet the local demand and to give an explanation for not providing obstetric services in the new Tseung Kwan O Hospital;</p> <p>(c) the Administration should advise on the progress of the study being undertaken by the Steering Committee on Population Policy;</p> <p>(d) the Administration should monitor the obstetric service charges of private hospitals; and</p> <p>(e) the Subcommittee should invite the Chief Secretary for Administration ("CS") to attend its future meeting to discuss issues relating to the population policy.</p>	
002554 - 003117	關注中港家庭權利聯席 Chairman	<p>Presentation of views -</p> <p>(a) the Subcommittee should invite officials responsible for obstetric service policy to its meetings; and</p> <p>(b) some 80 Mainland pregnant women whose husbands were Hong Kong residents were</p>	

Time marker	Speaker(s)	Subject(s)	Action required
		<p>unable to secure delivery bookings in local hospitals in the last quarter of 2011 and 2012. They might have to admit via the Accident and Emergency Department of public hospitals for delivery. It appealed to the Administration to assist these women.</p>	
003118 - 003557	Hong Kong Christian Institute Chairman	<p>Presentation of views -</p> <ul style="list-style-type: none"> (a) the crux of the problem of inadequate obstetric service was due to a lack of long-term and people-oriented population policy to address the surge in service demand arising the increasing trend of cross-boundary marriages and integration with the Mainland. The Administration should formulate corresponding measures without delay; (b) it was possible for the Administration to differentiate Mainland pregnant women whose spouses were Hong Kong residents from those with non-Hong Kong resident husbands for the purpose of giving priority to the former to use local obstetric services; and (c) the Administration should monitor the fee and charges and healthcare service standards of private hospitals. 	
003558 - 004140	Administration Chairman	<p>The Administration's response -</p> <ul style="list-style-type: none"> (a) the definition of EPs was adopted to ensure that the heavily subsidized health care services was properly utilized and priority would be given to local people; (b) the surge in demand for obstetric services by NEPs in Hong Kong was attributed to multi-faceted factors, such as confidence in Hong Kong's health care system; (c) it was noteworthy that the demand for obstetric services from local women had continued to increase as shown from the increase in number of new births in Hong Kong given by local women from some 27 000 in 2005 to some 42 000 births in 2011; (d) the Hospital Authority ("HA") had since 	

Time marker	Speaker(s)	Subject(s)	Action required
		<p>2003 been providing an annual capacity of about 42 000 delivery places and had since 2007 increased the manpower of midwives and doctors for obstetric services; and</p> <p>(e) the new Tseung Kwan O Hospital would come into operation in 2013.</p>	
004141 - 005030	Mr Wong Yuk-man Chairman Administration	<p>Views of Mr WONG Yuk-man -</p> <p>(a) disagreed that the Administration was unable to distinct those NEPs whose spouses were Hong Kong residents from those whose husbands were non-local residents in the use of local obstetric service. Since the number of live births born to Mainland women whose husbands were non-Hong Kong residents outweighed the number of births born to Mainland women whose husbands were Hong Kong residents, priority should be given to the latter group to use local obstetric service;</p> <p>(b) it was unfair to allow Mainland women whose husbands were Hong Kong civil servants to use local obstetric service, but not those whose husbands were Hong Kong residents; and</p> <p>(c) the Administration should give due regard to the financial difficulties faced by those Mainland-HKSAR families which could not afford the obstetric service charges of private hospitals.</p> <p>The Administration's response -</p> <p>(a) the eligibility for subsidised public healthcare services was assessed in accordance with the resident status of service users;</p> <p>(b) Mainland spouses of Hong Kong civil servants were eligible for subsidised obstetric service as part of the civil service medical benefits; and</p> <p>(c) a change to the definition of EPs for public healthcare services would have read-across implications on other heavily subsidised public services.</p>	

Time marker	Speaker(s)	Subject(s)	Action required
005031 - 005944	Mr LEUNG Yiu-chung Chairman Administration	<p>Enquiries raised by Mr LEUNG Yiu-chung -</p> <ul style="list-style-type: none"> (a) types of heavily subsidised public services would be impacted if the definition of EPs was changed; and (b) whether the Administration would categorise NEPs into two types, i.e. Mainland women whose husbands were Hong Kong residents and those whose husbands were non-Hong Kong residents. <p>The Administration's response -</p> <ul style="list-style-type: none"> (a) Mainland spouses of civil servants in using local obstetric services were provided as part of employees' benefits in the light of their dependent status; and (b) the definitions of "EP" and "NEP" would be applicable to all major subsidised social benefits. 	
005945 - 010508	Mr WONG Kwok-hing Chairman Administration	<p>Enquiries raised by Mr WONG Kwok-hing -</p> <ul style="list-style-type: none"> (a) the obstetric service arrangement was discriminatory against cross-boundary families and contradictory to the Government policy to encourage Hong Kong people to work on the Mainland; (b) Mainland pregnant spouses of Hong Kong residents would have to admit via the Accident and Emergency Department of public hospitals for delivery if they could not afford the obstetric service charges of private hospitals; and (c) the Administration should classify NEPs into two groups in using local obstetric service, namely Mainland women whose husbands were Hong Kong residents and those whose husbands were non-Hong Kong residents. <p>The Administration's response that -</p> <ul style="list-style-type: none"> (a) it fully respected the choice of individual NEPs to give births in Hong Kong. In the light of finite public resources and limited service capacity, it was Government's policy to give priority to local women to use subsidised obstetric 	

Time marker	Speaker(s)	Subject(s)	Action required
		<p>service; and</p> <p>(b) the definition of EPs and NEPs were not only applicable to the use of obstetric services, but other public healthcare services as well.</p>	
010509 - 011235	<p>Ms Cyd HO Chairman 關注中港家庭權利聯席 Administration</p>	<p>To enable the Administration to differentiate NEPs whose husbands were Hong Kong residents for the purpose of using local obstetric service, Ms Cyd HO invited views of deputations whether it was feasible for the Mainland pregnant women and their Hong Kong husbands to provide supporting documents to prove their identity and marital relationships for the verification of Immigration Department.</p> <p>Views of 關注中港家庭權利聯席 -</p> <p>(a) it would not be difficult for the relevant authorities to verify as to whether the spouses of Mainland pregnant women were Hong Kong residents or not. This could be done simply by asking the Mainland-HKSAR couples to provide supporting documents of their identity and marriage certificates issued by the Hong Kong Government and the Mainland authorities as appropriate; and</p> <p>(b) priority should be given to local pregnant women to use public obstetric services, and spare service capacity should be reserved for those Mainland pregnant women whose husbands were Hong Kong residents.</p> <p>The Administration's advice that Mainland mothers giving birth in Hong Kong were not obliged to provide the father's residential status.</p>	
011236 - 011926	<p>Mr WONG Sing-chi Chairman Administration</p>	<p>Views of Mr WONG Sing-chi that the resource implications of allowing Mainland women with Hong Kong husbands to use subsidised obstetric service would be minimal. The Administration should review the eligibility for local obstetric service by these Mainland women from the perspective of family friendly policy and rights of the babies who were Hong Kong residents.</p> <p>The Administration advised that the Steering</p>	

Time marker	Speaker(s)	Subject(s)	Action required
		<p>Committee on Population Policy chaired by CS would consider the views of the Subcommittee in studying the population policy.</p> <p>The Chairman's advice that the Subcommittee would write to CS conveying members' views on the subject matter.</p>	
011927 - 013730	<p>Ms Audrey EU Chairman Right of Abode University 關注中港家庭權利聯席 Justice and Peace Commission of the Hong Kong Catholic Diocese Administration</p>	<p>Views of Ms Audrey EU that -</p> <ul style="list-style-type: none"> (a) existing policies and practices on Mainland-HKSAR families ran contrary to family reunion and social integration as well as the policy of encouraging births; (b) by virtue of Article 24 of the Basic Law children fathered by Hong Kong residents were Hong Kong residents. To control the use of local obstetric service by Mainland women whose spouses were Hong Kong residents, the arrangement was discriminatory to these families; and (c) it would be very dangerous if the Mainland pregnant women sought emergency admission to give birth. <p>Ms Audrey EU's enquiry about, given the Administration had not taken action to review the eligibility of Mainland women with Hong Kong husbands for local obstetric services, whether the deputations would consider bringing the matter to the attention of international rights organisations in order to uphold the rights of babies born to these Mainland women.</p> <p>Views of the Right of Abode University that the Administration should make policy change to resolve the problem and facilitate social integration of members of cross-boundary families.</p> <p>Views of 關注中港家庭權利聯席 that -</p> <ul style="list-style-type: none"> (a) an application for judicial review of the obstetric service charges for NEPs would be heard in March 2012; and (b) pending the court ruling on the judicial review, the Administration should give priority to Mainland spouses of Hong Kong residents to use local obstetric 	

Time marker	Speaker(s)	Subject(s)	Action required
		<p>services.</p> <p>The Chairman's remarks that the increasing demand for local obstetric service by Mainland women, irrespective of whether their husbands were Hong Kong residents, was largely due to the one-child policy in the Mainland. The existing obstetric service arrangement had also undermined the rights of the babies born to these families.</p> <p>Views of the Justice and Peace Commission of the Hong Kong Catholic Diocese that -</p> <ul style="list-style-type: none"> (a) the Administration had made use of the judicial review for the obstetric service arrangement as an excuse to delay the review of the relevant policy; (b) with reference to the existing policy of allowing Mainland spouses of civil servants to use obstetric services at public hospitals, it was considered feasible to verify the identity of Mainland pregnant women and their marital relationships with Hong Kong residents; (c) Mainland spouses of Hong Kong residents were allowed to use public hospital services prior to the implementation of the population policy in 2003. The Administration should review the existing population policy which had brought about various problems and difficulties to the Mainland-HKSAR families; and (d) the Administration should monitor the charging policy of private hospitals for obstetric service. <p>The Administration's responses -</p> <ul style="list-style-type: none"> (a) the definition and eligibility of EPs for public medical services subsidised by public funds was revised in 2003 to ensure that the public healthcare services could meet public demand and sustain in the long-term given the finite financial resources; and (b) while the Administration had no statutory power to regulate the charges of private hospitals, the Code of Practice for private 	

Time marker	Speaker(s)	Subject(s)	Action required
		hospitals issued by the Department of Health required private hospitals to have a schedule of charges for reference by the public.	
013731 - 014732	關注中港家庭權利聯席 Chairman Administration	<p>Views of 關注中港家庭權利聯席 -</p> <p>(a) as listed in its submission, 78 cases of Mainland spouses of Hong Kong residents were unable to secure booking of obstetric services in Hong Kong. It called on the Administration to give special consideration and provide assistance to these families for delivery services. Otherwise, these Mainland pregnant women would seek to admit via Accident and Emergency Department of public hospitals for delivery as the last resort;</p> <p>(b) it appealed to the Administration to take into account the concerns and service needs of Mainland-HKSAR families in making arrangements regarding the use of obstetric services by Mainland pregnant women in 2013 from the population policy perspective; and</p> <p>(c) the Administration should formulate immediate measures to alleviate the difficulties faced by Mainland pregnant women whose husbands were Hong Kong residents in the use of local obstetric services, and give priority to these women to make use of spare capacity of obstetric services in public hospitals.</p> <p>Views of the Chairman that the Administration should -</p> <p>(a) render immediate assistance to those Mainland women with Hong Kong husbands who were unable to secure bookings of local obstetric services; and</p> <p>(b) engage the parties concerned in working out the arrangements regarding the use of obstetric services by Mainland pregnant women with Hong Kong husbands in 2013.</p> <p>The Administration's advice that the quota of delivery by non-local women in 2013 would be determined after discussion among the</p>	

Time marker	Speaker(s)	Subject(s)	Action required
		Government, HA and the private hospitals in the first quarter of 2012. The decisions would be made public as soon as practicable.	
014733 - 015522	Mr CHEUNG Kwok-che Chairman Administration	Views of Mr CHEUNG Kwok-che that the Administration should - (a) provide assistance to the 78 cases of Mainland pregnant women with Hong Kong husbands who were unable to make delivery bookings in Hong Kong; and (b) accept bookings for obstetric services in public hospitals from Mainland women whose spouses were Hong Kong residents. The Administration's advice that there was no plan to revise the definitions of EPs and NEPs, and the eligibility of EPs for subsidised medical services. The Chairman's suggestion of inviting CS, who was also Chairman of the Steering Committee on Population Policy, to attend a meeting of the Subcommittee to discuss matters relating to the population policy.	
015523 - 015723	Justice and Peace Commission of the Hong Kong Catholic Diocese Chairman Ms Cyd HO	Justice and Peace Commission of the Hong Kong Catholic Diocese's reiteration of the view that the Administration should monitor the fee charging policy of private hospitals for obstetric service.	
015724 - 015855	Chairman	The Chairman's advice that the Administration should review the existing population policy with a view to facilitating family reunion of Mainland-HKSAR families and their early integration into the community.	
<i>Agenda item II – Any other business</i>			
015856 - 015913	Chairman	Date of next meeting.	