

立法會
Legislative Council

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LC Paper No. CB(2)2410/06-07
(These minutes have been seen
by the Administration)

Panel on Health Services

**Minutes of special meeting
held on Monday, 30 April 2007, at 4:30 pm
in the Chamber of the Legislative Council Building**

- Members present** : Dr Hon Joseph LEE Kok-long, JP (Chairman)
Dr Hon KWOK Ka-ki (Deputy Chairman)
Hon CHAN Yuen-han, JP
Hon Bernard CHAN, GBS, JP
Dr Hon YEUNG Sum
Hon Andrew CHENG Kar-foo
Hon LI Fung-ying, BBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Vincent FANG Kang, JP
Hon LI Kwok-ying, MH, JP
Dr Hon Fernando CHEUNG Chiu-hung
- Member attending** : Hon LEE Cheuk-yan
- Members absent** : Hon Fred LI Wah-ming, JP
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
- Public Officers attending** : Item I
Ms Ernestina WONG
Principal Assistant Secretary for Health, Welfare and
Food (Health) 2

Dr W L CHEUNG
Director (Cluster Services)
Hospital Authority

Dr Beatrice CHENG
Chief Manager (Cluster Performance)
Hospital Authority

Attendance by invitation : Item I

Justice and Peace Commission of the Hong Kong
Catholic Diocese

Ms Jackie HUNG
Project Officer

Hong Kong Women Christian Council

Miss LOH Yuen-ching
Executive Secretary

Mr YOONG Man-kam

Association for the Advancement of Feminism

Ms AU Mei-po
Organizer

Ms LAU Ka-yee
Chairperson

New Women Arrivals League

Ms YEUNG Mei
Chairman

Hong Kong Christian Institute

Mr FAN Lap-hin
Project Secretary

Mr LAM Wai-lun

Hong Kong Women's Coalition on Equal Opportunities

Ms CHUNG Yuen-yi
Co-ordinator

Student Christian Movement of Hong Kong

Miss LAU Kim-ling

Miss POON Wan-yu

Hong Kong Association for the Survivors of Women
Abuse (Kwan Fook)

Ms LIU Ngan-fung
Chairperson

準來港婦女關注組

Ms CHUNG Wai-mui

Miss TSANG Suk-ling

Dr Paul YIP
Senior Lecturer, Statistics and Actuarial Science
Department
The Hong Kong University

Dr Anita LEUNG
Clinical Psychologist

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

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

Ms Sandy HAU
Legislative Assistant (2)5

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- I. Further discussion on the obstetric service charge for non-eligible persons whose spouses are Hong Kong residents**
[LC Papers No. CB(2)1552/06-07(01), CB(2)1710/06-07(01)-(02), CB(2)1724/06-07(01)-(06) and CB(2)1751/06-07(01)]

The Chairman invited deputations to present their views on the Hospital Authority (HA)'s new obstetric service arrangements and the obstetric service charge for non-eligible persons (NEPs) whose spouses are Hong Kong residents.

Views of deputations/individuals

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Justice and Peace Commission of the Hong Kong Catholic Diocese

2. Ms Jackie HUNG introduced the submission of the Justice and Peace Commission of the Hong Kong Catholic Diocese (LC Paper No. CB(2)1552/06-07(01)) which recommended the following -

- (a) NEPs whose spouses were Hong Kong residents should not be charged NEP rates for using public medical services;
- (b) HA should allow NEPs whose spouses were Hong Kong residents to pay the old rate of the NEP Obstetric Package Charge at \$20,000 and reimburse the difference between the old and the revised rates to those NEPs who had paid the revised rates for obstetric services at public hospitals;
- (c) additional resources should be allocated to HA to improve its obstetric services; and
- (d) a review should be made to the population policy with regard to eligibility for public benefits of NEPs whose spouses were Hong Kong residents and were not.

Hong Kong Women Christian Council

3. Miss LOH Yuen-ching introduced the submission of the Hong Kong Women Christian Council (LC Paper No. CB(2)1724/06-07(04)) which urged the following -

- (a) NEPs whose spouses were Hong Kong residents should be charged the same for using public medical services as Hong Kong residents;
- (b) HA should reimburse the revised fees for the NEP Obstetric Package Charge to NEPs whose spouses were Hong Kong residents;
- (c) Immigration Department (ImmD) should cease to deny NEP pregnant women whose spouses were Hong Kong residents from entering Hong Kong; and
- (d) a review should be made to the population policy taking account the growing number of marriages between residents of Hong Kong and the Mainland, to ensure family unity and social integration.

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4. Mr YOONG Man-kam told the meeting that his Mainland pregnant wife would need to return to the Mainland to give birth as he could not afford the NEP Obstetric Package Charge. Mr YOONG said that HA's fee charging policy towards NEPs whose spouses were Hong Kong residents was unfair, as non-local spouses of civil servants could enjoy the nominal fees and charges for use of public medical services which were heavily subsidised. Such policy was also discriminatory in that it targetted at NEPs for addressing the heavy workload of the obstetric services in the public hospitals and non-payment of medical fees.

Association for the Advancement of Feminism

5. Ms AU Mei-po said that using the NEP Obstetric Package Charge to address the problem of local pregnant women having difficulty to access public obstetric services was wrong, as the root of the problem lay in the cutting back of obstetrics and gynecology services in the public hospitals in recent years. Ms AU further said that there was a need for the Administration to review the validity of not making a distinction amongst NEPs whose spouses were Hong Kong residents and those who were not, in view of the growing marriages between residents of Hong Kong and the Mainland.

New Women Arrivals League

6. Ms YEUNG Mei introduced the submission of the New Women Arrivals League (LC Paper No. CB(2)1710/06-07(02) which criticised the Administration for putting the blame on NEPs for exerting pressure on the obstetric services in the public hospitals and pay no regard to the fact that many Hong Kong residents who married Mainland women were from low wage earners who could ill afford the NEP Obstetric Package Charge.

Hong Kong Christian Institute

7. Mr FAN Lap-hin presented the views of Hong Kong Christian Institute as set out in its submission (LC Paper No. CB(2)1724/06-07(06)). Specifically, the Institute requested the following -

- (a) HA should immediately cease charging NEPs whose spouses were Hong Kong residents the NEP Obstetric Package Charge, but subsidised fees and charges instead as holders of Hong Kong Identity (HKID) Card; and
- (b) the Administration should conduct a review of the population policy with regard to the eligibility for public benefits by NEPs whose spouses were Hong Kong residents.

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Mr FAN pointed out that it was proposed in the Administration's paper for the Panel on 13 December 2004 that distinction should be made between NEPs whose spouses were Hong Kong residents and those who were not by not charging the former NEP charges because most of them were eligible for One-way Permits (OWPs) to settle in Hong Kong and would become Hong Kong residents in the near future. Furthermore, visiting spouses from the Mainland were in effect members of Hong Kong families, as they were able to stay in Hong Kong virtually year-round under the Two-way Permit Scheme.

8. Mr LAM Wai-lun told the meeting that the introduction of the new rate of the NEP Obstetric Service Charge at \$39,000 on 1 February 2007 had forced him to borrow from family members and credit card companies, as he could barely come up with the old rate at \$20,000 when his wife became pregnant in June last year. It was unfair of the Government to put him in such a predicament, when expecting a child should be a joyous affair.

Hong Kong Women's Coalition on Equal Opportunities

9. Ms CHUNG Yuen-yi presented the views of Hong Kong Women's Coalition on Equal Opportunities as set out in its submission (LC Paper No. CB(2)1724/06-07(05)). Specifically, the Coalition requested the following -

- (a) HA should immediately cease charging NEPs whose spouses were Hong Kong residents NEP charges, and reimburse fees for the NEP Obstetric Package Charge to these NEPs;
- (b) HA should uphold the principle of medical ethics that no one would be denied proper medical care regardless of their means; and
- (c) the Administration should scrap the population policy, which discriminated women and violated human rights for family reunion.

Student Christian Movement of Hong Kong

10. Miss LAU Kim-ling presented the views of Student Christian Movement of Hong Kong as set out in its submission (LC Paper No. CB(2)1724/06-07(03)) which could be summarised as follows -

- (a) the Administration should scrap the unfair arrangements of subjecting NEP pregnant women whose spouses were Hong Kong residents to NEP charges for obstetric services at public hospitals;

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- (b) instead of relying on raising fees and charges to reduce incidents of non-payment of medical bills., HA should focus on strengthening its registration of patients;
- (c) ImmD should not refuse the entry of Mainland pregnant women whose spouses were Hong Kong residents into Hong Kong; and
- (d) the Administration should not point to NEPs for the difficulty of local pregnant women having difficulty in getting proper obstetric services and priority to such services, in order to avoid polarising the community into locals and new arrivals.

Hong Kong Association for the Survivors of Women Abuse (Kwan Fook)

11. Ms LIU Ngan-fung presented the views of Kwan Fook as set out in its submission (LC Paper No. CB(2)1724/06-07(01)) which recommended the following -

- (a) in accordance with the relevant provisions of the United Nations Convention on the Rights of the Child (CRC), it was incumbent upon the Hong Kong Government to ensure the rights of the children bore by Mainland women and fathered by Hong Kong to be born and raised in Hong Kong. The fact that the high rate of the NEP Obstetric Service Charge had the effect of deterring or forcing financially vulnerable Mainland NEPs whose spouses were Hong Kong residents to give birth in the Mainland was a violation of the CRC;
- (b) HA should only charge NEPs whose spouses were Hong Kong residents subsidised fees and charges at public hospitals/clinics, similar to Hong Kong residents;
- (c) HA should immediately reimburse the revised fees for the NEP Obstetric Package Charge to NEPs whose spouses were Hong Kong residents;
- (d) ImmD should not refuse the entry of Mainland pregnant women whose spouses were Hong Kong residents into Hong Kong;
- (e) the Administration should take immediate remedial action to assist those families who were adversely affected by the new obstetric service arrangements; and
- (f) the Administration should review the eligibility for subsidised social services under the population policy, in view of the increasing marriages between residents of Hong Kong and the

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Mainland, to prevent tragedies from recurring and better facilitate family reunion.

準來港婦女關注組

12. Miss TSANG Suk-ling said that charging NEPs whose spouses were Hong Kong residents NEP charge for public obstetric services was unfair, as they were members of Hong Kong families, albeit they had yet to become Hong Kong residents while waiting for their turn to settle in Hong Kong under the OWP Scheme.

13. Ms CHUNG Wai-mui, a Mainlander, told the meeting that the NEP Obstetric Package Charge had put a heavy financial strain on her Hong Kong resident spouse who only earned some \$7,000 a month. Ms CHUNG further said that she could not make her booking in the hospital cluster where she lived, as in the case of local expectant mothers. Although she lived in Tuen Mun, she could only get her booking for obstetric services at the United Christian Hospital in the Kowloon East cluster.

Dr Paul YIP, Senior Lecturer of the Department of Statistics and Actuarial Science of the University Hong Kong

14. Dr Paul YIP presented his views on the need of the Administration to adopt a family-centered population policy to promote social harmony and the long-term sustainability of Hong Kong, details of which were set out in the submission (LC Paper No. CB(2)1724/06-07(02)).

Dr Anita LEUNG, Clinical Psychologist

15. Dr Anita LEUNG introduced her submission (LC Paper No. CB(2) 1751/06-07(01)) which essentially pointed out that clinical experiences evidenced difficulties and frustration in parent-child relationship if the parent was not the primary caregiver in the first five years of the child's life and that a secure mother-child attachment was linked to positive behavior later in the child's life, such as self-esteem, social competence, satisfying peer relations, and persistence in problem solving.

Discussion

16. Dr Fernando CHEUNG asked whether HA had disregarded the medical ethics to treat patients regardless of their means, having regard to the fact that HA would only admit those NEP pregnant women who could afford the new Obstetric Package Charge.

17. Principal Assistant Secretary for Health, Welfare and Food (Health) 2 (PAS/HWF(H)2) responded as follows -

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- (a) there was no question of HA only treating NEPs who could afford the NEP charges, as it was the established policy of HA to treat all patients, including NEPs, in urgent medical condition;
- (b) there was also no question of HA's charging policy being discriminatory against NEPs whose spouses were Hong Kong residents, as all NEPs were charged the specified rates applicable to them;
- (c) as mentioned at previous meetings of the Panel on 8 January and 16 April 2007, the new obstetric service arrangements implemented on 1 February 2007 had been working well so far in achieving the following three objectives. First, to ensure that local expectant mothers were given proper obstetric services and priority to such services. Second, to limit the number of non-local pregnant women coming to Hong Kong to give births to a level that could be supported by Hong Kong's healthcare system. Third, to deter dangerous behaviour of non-local pregnant women in seeking emergency hospital admissions through the Accident and Emergency Departments shortly before labour; and
- (d) the introduction of new Obstetric Package Charge had nothing to do with the observations made by the Director of Audit in his report No. 47 about collection of outstanding fees by HA which was being separately dealt with by HA.

18. Director (Cluster Services) HA supplemented that there was no question of HA adopting the new Obstetric Package Charge to generate more income. Since the implementation of the new obstetric service arrangements on 1 February 2007, the number of births by NEPs had dropped 36% as compared with the same period in 2006, whereas the number of births by local pregnant women was expected to increase some 14%. Director (Cluster Services) HA further said that although the new service charge might render it not affordable for some NEPs to give birth in Hong Kong, these NEPs always had the option of giving their birth in their original place of residence.

19. Dr YEUNG Sum said that the Democratic Party strongly opposed to the policy of making no distinction between NEPs with no marital ties with Hong Kong resident and NEPs whose spouses were Hong Kong residents in the charging of public obstetric services, as the latter was members of Hong Kong families and the child they were bearing was the child of Hong Kong residents. Dr YEUNG pointed out that in order to be eligible for public rental housing, only at least half of the family members at the allocation were required to be Hong Kong residents. In light of the views expressed by members at the special meeting on 16 April 2007 and the views expressed by deputations at

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this meeting, Dr YEUNG asked whether the Administration had come to a view on not treating NEPs with marital ties in Hong Kong on an equal footing with those NEPs with no marital ties in Hong Kong.

20. PAS/HWF(H)2 responded that as mentioned at the special meeting on 16 April 2007, the Administration needed more time to monitor the effects of the new obstetric service arrangements prior to making any changes/fine-tuning to the arrangements, if any. Moreover, the peak period for using the obstetric services was in the latter half of the year.

21. The Chairman said that the review of the new obstetric service arrangements and to make a distinction between NEPs whose spouses were Hong Kong residents and those who were not in the charging of the public obstetric services were two different matters. In response, PAS/HWF(H)2 said that the matter in question would fall under the scope of the review of the new obstetric service arrangements by the Administration.

22. Ms Audrey EU said that it was incumbent upon the Administration to provide a response to the motion passed at the special meeting on 16 April 2007 requesting HA to allow NEPs whose spouses were Hong Kong residents to pay the old rate of the NEP Obstetric Package Charge at \$20,000. Ms EU further asked whether non-local spouses of Hong Kong residents, say, from France and the United Kingdom, were also subjected to the NEP charges for public obstetric services.

23. Director (Cluster Services) HA responded that under HA's charging policy, only holders of HKID card were entitled to the nominal fees and charges which were heavily subsidised. The fact that non-local spouses of Hong Kong residents from places other than the Mainland could come to settle in Hong Kong and obtain a HKID card much faster than the Mainland spouses of Hong Kong residents was a matter outside the purview of HA.

24. Ms Audrey EU urged that a joint meeting be held with other relevant Panels to discuss with the Administration on the adverse effects of the existing population policy with regard to eligibility for public benefits on family unity and social integration, having regard to the split families situation given rise by the NEP Obstetric Package Charge if NEPs whose spouses were Hong Kong residents were forced to give birth in the Mainland due to lack of means. Not only would the situation undermine the development of a child as the first five years of a child's life was critical to his/her development as pointed out by many experts, the longer time taken for the child to settle in Hong Kong under the OWP Scheme would also make it harder for him/her to adapt to the new environment. Ms EU was of the view that the Administration should charge the NEP rates based on whether the child bore by NEPs were a child of Hong Kong residents. Dr YEUNG Sum and Dr Fernando CHEUNG concurred. Dr CHEUNG further said that to allow NEPs whose spouses were Hong Kong

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residents to pay the old rate of the NEP Obstetric Package Charge at \$20,000 would not go against the policy that subsidized services should be restricted to Hong Kong residents as the rate of \$20,000 was set on a cost-recovery basis.

25. PAS/HWF(H)2 reiterated the objectives of the new obstetric service arrangements mentioned in paragraph 17 above. PAS/HWF(H)2 further said that in order to facilitate family reunion, Mainland spouses of Hong Kong residents could apply under the OWP Scheme to settle in Hong Kong. To her understanding, less than five years' time was needed to obtain an OWP. Moreover, the onus was on couples of cross-boundary marriages to decide when and where they wished to have children depending on their own circumstances.

26. Dr Fernando CHEUNG asked whether the Administration had considered not treating NEPs whose spouses were Hong Kong residents as NEPs in the provision of public medical services during the formulation of population policy.

27. PAS/HWF(H)2 responded that the Administration did consider allowing NEPs whose spouses were Hong Kong residents to pay subsidised fees and charges for public medical services during the formulation of population policy, but concluded in the final analysis that there was no need to make distinction amongst NEPs for the charging of public medical services.

28. Ms Audrey EU asked whether HA's charging policy on obstetric services for NEPs had taken into account its impact on family unity and the long-term development of Hong Kong.

29. PAS/HWF(H)2 replied in the negative to Ms EU's question in paragraph 28 above, as the charging policy of HA was based on whether the patients concerned were holders of HKID card or otherwise.

Conclusion

30. In closing, the Chairman requested the Administration to provide a written response by early June 2007 at the latest on the motion passed by the Panel at the special meeting on 16 April 2007 requesting HA to allow NEPs whose spouses were Hong Kong residents to pay the old rate of the NEP Obstetric Package Charge at \$20,000. The Administration was also requested to include in its written response to the Panel the suggestion of refunding fees paid at the time of booking for public obstetric services if the delivery did not take place eventually due to valid reasons such as a miscarriage. The clerk was requested to line up a joint meeting with other relevant Panels to discuss with the Chief Secretary for Administration on the impact of eligibility for public benefits by NEPs whose spouses were Hong Kong residents on population policy and family policy.

Admin

Clerk

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31. There being no other business, the meeting ended at 6:12 pm.

Council Business Division 2
Legislative Council Secretariat
6 July 2007