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Panel on Health Services

Background brief prepared by the Legislative Council Secretariat for the meeting on 18 February 2008

Obstetric Package Charge for Non-eligible Persons

Purpose

This paper gives an account of the past discussions by the Panel on Health Services (the Panel) on the Hospital Authority (HA)'s Obstetric Package Charge for Non-eligible Persons (NEPs).

Background

2. To address the increasing use of obstetric services by Mainland women which exerted heavy pressure on the obstetric services in the public hospitals and deprived local expectant mothers from accessing such services, HA introduced an Obstetric Package Charge for NEPs at a rate of \$20,000 for a stay of three days and two nights in all public hospitals on 1 September 2005.

3. To better channel demand from Mainland women for obstetric services to the private sector, the NEP Obstetric Package Charge was revised to \$39,000 for persons with a booking and \$48,000 for those without one on 1 February 2007. A central booking system for obstetric services was also put into operation in all public hospitals by HA on the same date to enable it to better assess the demand for obstetric services and plan service expansion.

Past discussions

4. The Panel held discussions with the Administration on 8 January 2007 and 16 and 30 April 2007 on the new obstetric service arrangements for NEPs. The Panel also received views from 10 deputations representing various women's groups and religious bodies at the meeting on 30 April 2007. Major views/concerns expressed by members and the Administration's responses are set out in the ensuing paragraphs.

Obstetric service charge for NEPs whose spouses are Hong Kong residents

5. Dr Hon YEUNG Sum, Hon Audrey EU, Hon LEE Cheuk-yan, Dr Hon Fernando CHEUNG, Dr Hon KWOK Ka-ki, Hon Fred LI and Hon Andrew CHENG were of the view that HA should adopt a two-tier structure for the NEP Obstetric Package Charge by applying its revised rate of \$39,000/\$48,000 to NEPs with no marital ties in Hong Kong while allowing NEPs whose spouses were Hong Kong residents to pay the old rate of \$20,000. They pointed out that many NEP pregnant women whose spouses were Hong Kong residents were forced to give birth in the Mainland due to lack of financial means, which was detrimental to family unity and social integration. Under the existing immigration policy, babies fathered by Hong Kong residents but born in the Mainland had to apply under the One-way Permit (OWP) Scheme to settle in Hong Kong, whereas Chinese citizens born in Hong Kong had right of abode in Hong Kong regardless of the status of their parents according to Article 24(2)(1) of the Basic Law.

6. The Administration indicated that it had no intention to introduce an extra tier in the NEP Obstetric Package Charge for NEP whose spouses were residents of Hong Kong. Under the population policy, eligibility for subsidised public benefits was restricted to holders of Hong Kong Identity Card or children under the age of 11 who were Hong Kong residents. Persons not holding a Hong Kong Identity Card, i.e. NEPs, including Two-way Permit (TWP) holders who were spouses of Hong Kong residents, might access public medical services in Hong Kong by paying the specified charges applicable to them. Whilst recognising that marriages between residents of Hong Kong and the Mainland would become increasingly prevalent, the onus should be on those couples who engaged in cross-boundary marriages to make appropriate plans to meet their medical needs.

7. Members considered the Administration's explanation unacceptable for the following reasons. First, the rate of \$20,000 was set on a cost recovery basis. Second, NEPs whose spouses were Hong Kong residents were in effect members of Hong Kong families. Although these NEPs had yet to become residents of Hong Kong under the OWP Scheme, many held TWPs and stayed in Hong Kong throughout the year except for days when they had to return to the Mainland to renew their visit endorsement.

8. The Panel passed a motion urging the Administration to allow NEPs whose spouses were Hong Kong residents to pay the old rate of \$20,000, and requested the Administration to provide a response in writing by June 2007. The Administration advised that it needed more time to monitor the effects of the new obstetric service arrangements prior to making changes to the arrangements, if any.

Eligibility for heavily-subsidised social services

9. Hon Audrey EU, Dr Hon Fernando CHEUNG and Dr Hon YEUNG Sum pointed out that the existing population policy on excluding NEPs whose spouses were Hong Kong residents from getting subsidised social services should be reviewed. They suggested and members agreed that the Panel should line up a joint meeting with other relevant Panels to discuss with the Chief Secretary for Administration (CS) the eligibility

for public benefits by NEPs whose spouses were Hong Kong residents.

10. CS's Office advised that as CS had already briefed and exchanged views with members of the House Committee at the special meeting held on 12 October 2007 on the priority areas being pursued by the Steering Committee on Population Policy, there was nothing new that CS could apprise Panel members at this stage on the population policy concerning eligibility for public benefits by NEPs whose spouses were Hong Kong residents. The Steering Committee, chaired by CS, comprises the Financial Secretary, Secretary for Education, Secretary for Security, Secretary for Food and Health, Secretary for Home Affairs, Secretary for Labour and Welfare, Secretary for Financial Services and the Treasury, and directorates of the Departments concerned as core members.

Refund of the NEP Obstetric Package Charge

11. Dr Hon KWOK Ka-ki was of the view that fees paid at the time of booking should be refunded to the person making the booking, if the delivery did not take place eventually for reasons such as a miscarriage or unexpected matters preventing the NEPs concerned from coming to Hong Kong to give birth.

12. HA advised that the rationale of making the fees paid for the NEP Obstetric Package Charge non-refundable was to make it a serious commitment for the person making the booking, which by itself, had incurred certain necessary costs (e.g. reservation of beds and delivery suites etc.), not to mention the opportunity costs involved in case the limited resources were not fully utilised. This no-refund policy also helped to deter double booking which was not uncommon before the introduction of the revised NEP Obstetric Package Charge. Nevertheless, if a booked case in a public hospital could not take place in unfortunate circumstances such as a miscarriage, HA would offset the medical fees so incurred, such as if the patient had made use of the associated obstetric and gynaecology services in the public hospital, against the amount already paid for under the NEP Obstetric Package Charge.

13. Having considered the actual situation after implementation of the new obstetric services booking arrangements, HA implemented the following refund policy starting from 29 October 2007 after publication in the Gazette -

- (a) refund will be provided under two categories of special circumstances. The first category is the occurrence of miscarriage, termination of pregnancy or still birth. The second category is a change of status of the pregnant women from NEP to Eligible Person (EP) during the period between payment of fees for booking and delivery;
- (b) for NEPs who have paid \$39,000 for the obstetric package charges in public hospitals, partial refund of \$20,000 will be made for justified cases fulfilling the criteria in the first category, after deducting those charges for the HA hospital services they have received for the concerned pregnancy. Under the second category, pregnant women with a change of status from NEP to EP

during the period between payment of the package fee and delivery will be fully refunded for the obstetric package charges, after deducting those charges for the HA hospital services they have received for the concerned pregnancy; and

- (c) those NEPs who have paid on or after 1 February 2007 and fulfill the relevant criteria can apply for a refund.

Relevant papers

14. Members are invited to access the Legislative Council's website (<http://www.legco.gov.hk>) for details of the relevant papers and minutes of the meetings of the Panel held on 8 January 2007, 16 April 2007 and 30 April 2007 and of the House Committee held on 12 October 2007.

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