

立法會
Legislative Council

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Subcommittee to Study Issues Relating to Mainland-HKSAR Families

**Minutes of the sixth meeting
held on Tuesday, 7 June 2016, at 5:30 pm
in Conference Room 1 of the Legislative Council Complex**

- Members present** : Hon IP Kwok-him, GBS, JP (Chairman)
Hon LEE Cheuk-yan
Hon LEUNG Yiu-chung
Hon WONG Kwok-hing, BBS, MH
Hon Cyd HO Sau-lan, JP
Dr Hon LAM Tai-fai, SBS, JP
Hon CHEUNG Kwok-che
Hon YIU Si-wing, BBS
Dr Hon Kenneth CHAN Ka-lok
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Elizabeth QUAT, JP
Hon TANG Ka-piu, JP
- Members absent** : Hon Emily LAU Wai-hing, JP
Hon LEUNG Kwok-hung
Hon Steven HO Chun-yin, BBS
Hon Frankie YICK Chi-ming, JP
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Alice MAK Mei-kuen, BBS, JP
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
- Public Officers attending** : Item I
Professor Sophia CHAN Siu-chee, JP
Under Secretary for Food and Health

Miss Linda LEUNG Ka-ying
Principal Assistant Secretary for Food and Health
(Health)

Dr Ian CHEUNG
Chief Manager (Cluster Performance)
Hospital Authority

Clerk in attendance : Mr Colin CHUI
Chief Council Secretary (2) 4

Staff in attendance : Miss Connie AU
Council Secretary (2) 3

Miss Meisy KWOK
Legislative Assistant (2) 6

Action

I. Policies and measures adopted by the Administration regarding the use of subsidized obstetric services by Mainland-HKSAR families

[LC Paper Nos. CB(2)1622/15-16(01) and (02)]

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

Admin 2. The Subcommittee requested the Administration to:

- (a) clarify whether the population policy and the related measures to raise fertility covered members of Mainland-HKSAR families; and

(Post-meeting note: A written request was made to the Chief Secretary for Administration, Chairman of the Steering Committee on Population Policy, for her clarification on the above.)

- (b) consider allowing Mainland pregnant women whose husbands were Hong Kong residents to give birth in public hospitals in Hong Kong.

II. Any other business

3. The Subcommittee deliberated on other recommendations to be included in the report of the Subcommittee (index of proceedings attached at **Annex**).

Action

Admin

4. The Subcommittee requested the Administration to:
- (a) propose to the Mainland authorities that applications from all the remaining eligible Mainland "overage children" should be accepted in the next phase;
 - (b) propose to the Mainland authorities to allow Mainland adult children, who were currently not eligible to apply for One Way Permit ("OWP") as "overage children" owing to their non-compliance with the prescribed age limit, to apply under the OWP Scheme;
 - (c) propose to the Mainland authorities that Mainland single mothers who wished to reunite with their minor Hong Kong resident children in Hong Kong should be allowed to apply under the OWP Scheme;
 - (d) provide sufficient school places in Hong Kong for cross-boundary students;
 - (e) address the issue relating to the Mainland household registration of persons with Hong Kong permanent resident status (including the absence of a mechanism for renouncing Hong Kong permanent resident status), which had discouraged children of Mainland-HKSAR families with such status from returning to the Mainland for receiving subsidized education; and
 - (f) discuss with the Mainland authorities the possibility to extend the scope of application of the provisional regulation on residential permit to Hong Kong people with a view to solving the problems concerning cross-boundary students and the complication regarding the return of OWP holders to Mainland China.

(Post-meeting note: The recommendations in paragraphs 2 and 4 above were endorsed by members and incorporated into the Subcommittee report (LC Paper No. CB(2)1865/15-16).)

5. There being no other business, the meeting ended at 6:50 pm.

**Proceedings of the sixth meeting of the
Subcommittee to Study Issues Relating to Mainland-HKSAR Families
on Tuesday, 7 June 2016, at 5:30 pm
in Conference Room 1 of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)	Action required
<i>Agenda item I – Policies and measures adopted by the Administration regarding the use of subsidized obstetric services by Mainland-HKSAR families</i>			
000706-000909	Chairman	Opening remarks Members noted a submission (LC Paper No. CB(2)1698/15-16(01)) tabled at the meeting.	
000910-001242	Chairman Admin	The Administration briefed members on the policies and measures adopted by the Administration regarding the use of subsidized obstetric services by Mainland-HKSAR families (LC Paper No. CB(2)1622/15-16(01)).	
001243-001951	Chairman Mr LEE Cheuk-yan Admin	Mr LEE Cheuk-yan commented that: (a) the use of subsidized obstetric services by Mainland-HKSAR families should be considered under the perspective of the population policy. In this connection, he requested the Administration to clarify whether its population policy and related measures on raising fertility covered Mainland-HKSAR families. He added that according to statistics, cross-boundary marriages had made up almost 40% of locally registered marriages in Hong Kong in 2013; and (b) the obstetric service package charge of \$39,000 applicable to non-eligible persons ("NEPs") was obviously in excess of the cost for providing the service. He queried why the fee for obstetric services was not calculated at the daily rate applicable to NEPs for other medical services. The Administration responded that: (a) population policy was not within the policy portfolio of the Food and Health Bureau ("FHB"); (b) as Hong Kong's public healthcare services were heavily subsidized by the Government, it was necessary to ensure that such services could meet local demand. Hence, public healthcare services were mainly provided for Hong Kong residents	

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		<p>and the Hospital Authority ("HA") would consider providing obstetric services to non-local women only when there was spare service capacity. In the absence of spare service capacity, HA had adopted the "zero quota policy" since 2013 and reserved all beds for obstetric services in public hospitals for local women, no booking from non-local women was accepted since then; and</p> <p>(c) the obstetric service package charge for NEPs was set having regard to the cost of providing the service as well as the fee level charged by private hospitals for similar services.</p> <p>Mr LEE commented that HA had taken into account the market rate instead of the affordability of the Mainland-HKSAR families when setting the obstetric service package charge.</p>	
001952-002736	Chairman Mr YIU Si-wing Admin	<p>Mr YIU commented that:</p> <p>(a) while those pregnant Mainland women were spouses of Hong Kong residents and children born to those families would likely contribute to Hong Kong in future, certain assistance should be provided to them with regard to their use of obstetric services in Hong Kong; and</p> <p>(b) if the capacity constraint at local public hospitals could not be resolved in the short term, the Administration should consider providing some form of subsidy/allowance for Mainland pregnant women with Hong Kong resident husbands to deliver in private hospitals in Hong Kong.</p> <p>The Administration:</p> <p>(a) reiterated its policy on the provision of health care services for NEPs at public hospitals;</p> <p>(b) explained that the eligibility for public healthcare services was based on the status of the patients directly receiving the services and not on the status of the patients' family members;</p> <p>(c) advised that it had established a special arrangement with private hospitals to allow</p>	

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		<p>Mainland pregnant women, whose spouses were Hong Kong residents and who wished to give birth in Hong Kong, to make delivery bookings at local private hospitals on the production of specified supporting documents; and</p> <p>(d) briefly explained the fee waiver mechanism for medical fees and charges at public hospitals.</p>	
002737-003514	<p>Chairman Mr CHEUNG Kwok-che Admin</p>	<p>Mr CHEUNG Kwok-che said that given that HA hospitals had handled some 45 000 deliveries in 2011 and the projected number of deliveries in 2016 was about 39 000 only, he queried why HA could not accommodate a certain number, say a few thousand, of deliveries by Mainland women with Hong Kong resident husbands.</p> <p>The Administration explained that:</p> <p>(a) there was a high turnover rate of obstetricians in HA hospitals resulting in a manpower shortage problem. In 2013-2014, 2014-2015 and 2015-2016, the turnover rates of gynaecologist in HA hospitals were 5.2%, 10.8% and 9.4% respectively;</p> <p>(b) some doctors in the gynaecology services had been redeployed to provide obstetric services in order to meet the service demand;</p> <p>(c) the waiting time of gynaecology patients was prolonged, the 90th percentile waiting time of routine cases in the specialist outpatient clinics of gynaecology has reached one to two years in 2015-2016; and</p> <p>(d) HA would review its service capacity from time to time in order to assess whether there was spare service capacity in providing obstetric services for NEPs.</p> <p>Mr CHEUNG expressed concern about the financial burden on grass-root Mainland-HKSAR families if they wanted to give birth in Hong Kong and he commented that the Administration should endeavour to tackle the manpower shortage problem.</p>	
003515-004114	<p>Chairman Admin</p>	<p>The Chairman commented that the lack of spare service capacity was not a justifiable reason for depriving Mainland women with Hong Kong</p>	

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		<p>resident husbands the right to use subsidized obstetric services as they were members of Hong Kong families. He concurred with Mr YIU Si-wing's suggestion regarding the provision of subsidy/allowance for Mainland pregnant women with Hong Kong resident husbands as an interim measure.</p> <p>The Administration explained the definition of eligible persons in response to the Chairman's enquiry.</p>	
004115-005030	Chairman Mr LEE Cheuk-yan Admin	<p>Mr LEE Cheuk-yan commented that:</p> <ul style="list-style-type: none"> (a) the prevailing policy governing the use of subsidized obstetric services by Mainland women whose husbands were Hong Kong residents was unfair to Mainland-HKSAR families. Without the provision of subsidized obstetric services, families having limited financial means and thus unable to meet the medical expenses for delivery in Hong Kong might have to defer their child bearing plan; (b) the current arrangement ran contrary to the population policy of raising fertility; and (c) the fee scale for the use of obstetric services by NEPs at public hospitals should be reviewed. <p>The Administration responded that:</p> <ul style="list-style-type: none"> (a) when setting the obstetric package charge for NEPs, reference had been made to the charges of private hospitals in addition to the costs of providing the services to private patients in HA hospitals; (b) HA hospitals had ceased to accept bookings for obstetric services by non-local women since 2013 and the number of deliveries by NEPs as shown in Annex A of the Administration's Paper (LC Paper No. CB(2)1622/15-16(01)) were deliveries by non-local women rushing directly to the accident and emergency departments for delivery without appointment and complicated delivery cases referred by private hospitals; and (c) a buffer in the service capacity was necessary to cater for any unexpected surge in the demand for inpatient service. 	

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005031-005440	Chairman Admin	<p>The Chairman shared the view that the use of subsidized obstetric services by Mainland women whose husbands were Hong Kong residents should be considered in the light of the population policy.</p> <p>The Administration advised that under the population policy published in 2015, FHB had strengthened the promotion of breastfeeding being one of the various family-friendly measures promulgated in the said policy.</p>	
005441-010236	Chairman Mr LEE Cheuk-yan Admin	<p>Mr LEE Cheuk-yan proposed and members agreed that a written request should be made to the Chief Secretary for Administration, Chairman of the Steering Committee on Population Policy, for her clarification of whether the population policy and the related measures to raise fertility covered Mainland-HKSAR families. He was of the view that a top-down policy steer was necessary to provide momentum for increasing the service capacity of obstetric services in public hospitals to cater for the need of Mainland-HKSAR families.</p> <p>The Chairman said that Hong Kong resident husbands would be able to accompany and render better care to their pregnant Mainland spouses if the latter could deliver in Hong Kong. Mr LEE shared the Chairman's view.</p> <p>It was recommended that the Administration should consider allowing Mainland pregnant women whose husbands were Hong Kong residents to give birth in public hospitals in Hong Kong.</p>	<p>Admin (paragraph 2(a) of minutes)</p> <p>Admin (paragraph 2(b) of minutes)</p>
<i>Agenda item II – Any other business</i>			
010237-010322	Chairman	Discussion of other recommendations to be included in the report of the Subcommittee.	
010323-010832	Chairman Clerk Mr LEE Cheuk-yan Ms Cyd HO	<p>Mr LEE Cheuk-yan pointed out that the One Way Permit ("OWP") applications of Mainland single mothers were currently considered on a case-by-case basis. Both Mr LEE and the Chairman opined that Mainland single mothers should be allowed to apply under the OWP Scheme.</p> <p>Ms Cyd HO commented that while husband-and-wife could apply for OWP for family reunion in Hong Kong, Mainland single mothers should also be allowed to apply for OWP for reunion with her minor children in</p>	

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		<p>Hong Kong. She said that to allow Mainland mothers to settle in Hong Kong would facilitate them to render better care to their minor children.</p> <p>It was recommended that the Administration should propose to the Mainland authorities that Mainland single mothers who wished to reunite with their minor Hong Kong resident children in Hong Kong should be allowed to apply under the OWP Scheme.</p>	<p>Admin (paragraph 4(c) of minutes)</p>
010833-011635	<p>Chairman Clerk Mr LEE Cheuk-yan Ms Cyd HO</p>	<p>The Chairman advised that a provisional regulation on residential permit ("the Regulation") was enforced from 1 January 2016. According to the Regulation, holders of residential permit could enjoy basic public services, including compulsory education, provided by the Mainland authorities at the respective residential places. It was hoped that problems concerning cross-boundary students and complications concerning the return of OWP holders to Mainland china could be resolved to a certain extent if the Regulation could apply to Hong Kong people.</p> <p>The Chairman commented that problems relating to the shortfall in school places were basically addressed with the implementation of a revised arrangement for the Central Allocation under the Primary One Admission ("POA") system to provide cross-boundary students with a separate Choice of Schools List for Central Allocation under POA. Noting that some of the schools available to cross-boundary students were quite far away from the boundary, Ms Cyd HO commented that the Administration should make available sufficient school places in school nets near Shenzhen so as to minimize the travelling time of students. The Chairman said that this might not be feasible as every school has a finite capacity and the time difference for travelling to schools nearer to or further away from Shenzhen was not significant as most students commuted in school coaches.</p> <p>It was recommended that the Administration should:</p> <p>(a) discuss with the Mainland authorities the possibility to extend the scope of application of the Regulation to Hong Kong people with a view to solving the problems concerning cross-boundary students and the complication regarding the return of OWP holders to Mainland China; and</p>	<p>Admin (paragraph 4(f) of minutes)</p>

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		(b) provide sufficient school places in Hong Kong for cross-boundary students.	Admin (paragraph 4(d) of minutes)
011636-011800	Chairman Mr LEE Cheuk-yan Ms Cyd HO	<p>It was recommended that the Administration should propose to the Mainland authorities that applications from all the remaining eligible Mainland "overage children" should be accepted in the next phase.</p> <p>Mr LEE Cheuk-yan recommended that the Administration should propose to the Mainland authorities to allow Mainland adult children, who were currently not eligible to apply for OWP as "overage children" owing to their non-compliance with the prescribed age limit, to apply under the OWP Scheme.</p>	<p>Admin (paragraph 4(a) of minutes)</p> <p>Admin (paragraph 4(b) of minutes)</p>
011801-011906	Chairman Mr LEE Cheuk-yan	It was recommended that the Administration should address the issue relating to the Mainland household registration of persons with Hong Kong permanent resident status (including the absence of a mechanism for renouncing Hong Kong permanent resident status), which had discouraged children of Mainland-HKSAR families with such status from returning to the Mainland for receiving subsidized education.	Admin (paragraph 4(e) of minutes)
011907-012129	Chairman Mr LEE Cheuk-yan	<p>The Chairman advised that members' view should be sought on the above recommendations before such recommendations were incorporated into the Subcommittee report.</p> <p>Closing remarks</p>	