

**The Legislative Council Subcommittee to Follow up Issues Relating to the Unified Screening
mechanism For Non-Refoulement Claims**

18 October 2018 Meeting

Submission from Health In Action About “Right to Health”

1. Health In Action makes the following submissions to the Subcommittee to Follow Up Issues Relating to the Unified Screening Mechanism for Non-Refoulement Claims (‘the Subcommittee’) of the Legislative Council of the Hong Kong Special Administrative Region (“Hong Kong”) for the agenda item ‘Unified Screening Mechanism for Non-Refoulement Claims’, ahead of its meeting on 18 October 2018.
2. In Hong Kong, Non-Refoulement Claimants are entitled to access basic healthcare services at public hospitals and clinics which are managed by the Hospital Authority (HA) and the Department of Health (DH). Regardless to the stage of their claim proceedings on a case-by-case and assessment basis, the charges can be waived by applying for a medical waiver through Medical Social Workers at HA or Social Workers at Integrated Family Services Centres (IFSC) under the Social Welfare Department.
3. The “right to health” is a fundamental human right and requires governments to provide accessible and acceptable basic health service to all living in the city, including nutritious food, safe housing, and basic health care. Prior to 2012, no organization had been focusing specifically on the health needs of asylum seekers and refugees (ASRs) Hong Kong. Health In Action (HIA) started working with ASRs since December 2012 and has conducted projects on addressing ASRs health needs and promoting right to access to health services including publishing multi-lingual health access guidance booklet (known as Healthy Living Booklet)¹. Health In Action works closely with other community service partners and tertiary student groups in collaborating empowerment programmes and trainings to Non-Refoulement Claimants. In general, we welcome to see a raising concern and awareness among the community and the Authorities.
4. Yet, frontline experience has shown Non-Refoulement Claimants are still facing multiple barriers in accessing medical services and exercising their right to health. It includes difficulty in accessing public health care service, unmet needs of dental and eye care, language barriers, cultural barriers, poor health literacy and lack of mental health support.
5. **Lack of streamlined system for registration and medical waiver application**
 - a. Although Non-Refoulement Claimants can access emergency medical care and primary care at out-patient clinics, administrative procedure for registration and procedure in obtaining waivers are convoluted. Staff in public hospitals, clinics, and Social Welfare Department are sometimes found not aware of the entitlements of Non-Refoulement Claimants and rights in accessing in healthcare services.

¹ <http://www.hia.org.hk/wp-content/uploads/2016/01/English-health-booklet.pdf>



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Non-Refoulement Claimants are sometimes turned away at hospitals and clinics while requesting for registration and making appointment with appropriate and official specialty referral letter.

b. As mentioned above, Non-Refoulement Claimants are entitled to access to public hospitals and clinics for accident and emergency service, general out-patient services and while confirming the medical needs, shall be referred to specialty out-patient and in-patient services for appropriate and timely treatment. Staff sometimes are not aware of the waiving arrangement and entitled services. Non-Refoulement Claimants are sometimes told that only emergency service would be entitled and thus are refused to receive disease management services.

c Suggestions: Strengthen training to frontline staff of public hospital and clinics in Hospital Authority, Department of Health and Social Welfare Departments about the policies and procedures of medical services for Non-Refoulement Claimants. Regarding to language barriers, we suggest Hospital Authority to adopt comprehensive medical interpretation service across hospitals and public clinics.

d. There are Non-Refoulement Claimants giving birth in Hong Kong and their babies are unable to get a timely claims application from Immigration Department. Thus, it delays the procedure in receiving ISS assistance and applying medical waiver.

e. Suggestions: Review and streamline medical waivers procedure, issue renewable half-year medical waivers instead of the currently one-off medical waivers

6. Unmet needs of dental and eye care for Non-Refoulement Claimants

a. Currently, only emergency dental services (limited to pain relief and extraction of one tooth only each time) are offered by public dental clinics at limited quota and first-come-first served basis. While free dental care is provided to school children till primary six, other comprehensive dental care are only available in private service and government-funded one of which Non-Refoulement Claimants are not entitled to.

b. Similarly, there is no subsequent support for Non-Refoulement Claimants to receive eyeglasses prescription when required.

c. Suggestions: Should it be required, special grants and/or one-off waiver could be provided to cover the costs of dental treatment and eyeglasses prescription.

7. Health services should be equitably accessible to all persons in need regardless of immigration status. At the same time, the Authorities should adopt more measures which allow ASRs to better integrate into local community, ultimately to make Hong Kong a better and Inclusive society.

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