

For information on
16 April 2019

Legislative Council Panel on Manpower

Foreign Domestic Helpers' Access to Healthcare Services

Purpose

This paper briefs Members on access to healthcare services by foreign domestic helpers (FDHs) working in Hong Kong.

Background

2. Since the early 1970s, the Government has allowed admission of FDHs to work in Hong Kong. As at end-March 2019, there were 391 586 FDHs¹ in Hong Kong, accounting for around 10% of the labour force. FDHs assist local families in performing household chores and taking care of their children and elderly members, thereby unleashing the potential of our local labour force, contributing significantly to Hong Kong's economic development.

3. The Government attaches great importance to safeguarding the employment rights and benefits of FDHs and, at the same time, takes care of the needs of employers. Under the labour laws (the Employment Ordinance (Cap. 57) and the Employees' Compensation Ordinance (Cap. 282)), FDHs enjoy the same protection as local employees, such as payment of wages, weekly rest days, paid statutory holidays, paid annual leave, maternity protection, sickness allowance, severance payment and long service payment, etc. In addition, the Government-prescribed Standard Employment Contract (SEC) provides additional protection to FDHs, including free medical care treatment, among others. Pursuant to clause 9(a) of SEC, in the event that an FDH is ill or suffers personal injury during the period of employment (except for the period during which the FDH leaves Hong Kong of his/her own volition and for his/her own personal purposes), irrespective of whether it is attributable to his/her employment, the employer shall provide free medical treatment to the FDH, including medical consultation, maintenance in hospital and emergency dental

¹ Of whom around 55% (214 211) were from the Philippines, around 43% (168 060) from Indonesia and around 1% (4 557) from India; the rest were from Thailand, Sri Lanka, Pakistan, etc.

treatment. The FDH shall accept medical treatment provided by any registered medical practitioner. The employer may decide whether to provide the FDH with public or private healthcare services, and there is no regulation in SEC in this respect.

Public Healthcare Services

4. The provision of public healthcare services in Hong Kong is primarily prioritised to meet the needs of Eligible Persons² (EPs). The Hospital Authority (HA) would only provide services for Non-Eligible Persons (NEPs) in emergency situations. In non-emergency situations, service provision for NEPs is subject to HA's capacity to provide such service without adversely affecting the services for EPs, and having regard to the clinical conditions of NEPs on each episode.

5. Based on the principle that no one is denied adequate medical treatment due to lack of means, HA provides public healthcare services to EP at highly subsidised rates. On the other hand, NEP charges are set on a cost recovery basis. Holders of Hong Kong Identity Card issued under the Registration of Persons Ordinance (Cap. 177), except those who obtained their Hong Kong Identity Card by virtue of a previous permission to land or remain in Hong Kong granted to them and such permission has expired or ceased to be valid³, are eligible for the charges applicable to EPs.

² Persons meeting the following criteria are eligible for the rates of charges applicable to EPs as stipulated in the Gazette –

- (i) holders of Hong Kong Identity Card issued under the Registration of Persons Ordinance (Cap. 177), except those who obtained their Hong Kong Identity Card by virtue of a previous permission to land or remain in Hong Kong granted to them and such permission has expired or ceased to be valid;
- (ii) children who are Hong Kong residents and under 11 years of age; or
- (iii) other persons approved by the Chief Executive of HA.

³ Like other non-local employees whose valid stay in Hong Kong has expired, FDHs should leave Hong Kong before expiry of their stay, i.e. upon completion of their contract or within two weeks from the date of premature termination of their contract, whichever is the earlier. That said, under exceptional circumstances, the Immigration Department may, based on individual merits, exercise discretion to allow a former FDH to extend his/her stay in Hong Kong as a visitor, with the period of stay granted having regard to the nature and progress of the respective case.

6. An online checking system has been developed with joint collaboration of the Food and Health Bureau, the Department of Health, the Immigration Department (ImmD) and HA for checking the eligibility of non-permanent Hong Kong Identity Card holders (including FDHs) for subsidised public healthcare services. If the resident status of FDH is confirmed valid through the online checking system, EP charges would apply. On the contrary, if the resident status is checked invalid according to the online checking system, NEP charges would apply. The online checking system is maintained and updated by ImmD according to its records.

Medical Fee Waiver Mechanism

7. HA has put in place a medical fee waiver mechanism to provide assistance for needy patients. If FDHs, who are EPs, could not afford medical expenses, they can apply for medical fee waiver at the Medical Social Services Units in public hospitals and clinics or the Integrated Family Service Centre under the Social Welfare Department (SWD). The Medical Social Workers (MSW) or Social Workers (SW) of the family service centres of SWD would assess the applications and assess the eligibility of the applicants, with due consideration given to the financial, social and medical condition of the applicants, and financial contribution received by FDHs from employers, medical insurance or other sources.

8. Patients assessed to be eligible for the medical fee waiver can be exempted from the standard medical fees and charges at a public clinic or hospital, which include accident and emergency, in-patient, general out-patient, specialist out-patient, community and day hospital services as well as dressings, injections and drugs on the HA Drug Formulary.

9. If the system checking result indicates that an FDH has no valid Hong Kong resident status, charges for NEPs will apply. To ensure rational use of limited public resources, generally there is no waiving of medical charges by HA for NEPs unless there are exceptional circumstances (e.g. the NEP having no alternative but to stay in Hong Kong for emergency treatment). Otherwise, HA, in principle, would not provide waiver for NEPs. For each application for waiving of medical charges, the MSW/SW will consider the circumstances of each case, assess whether there are exceptional circumstances and decide whether discretion shall be exercised in favour of waiving the medical charges.

Conclusion

10. The Government attaches great importance to safeguarding the employment rights and benefits of FDHs working in Hong Kong and will continue to step up promotion and public education to ensure that both FDHs and employers understand their entitlements and obligations under the relevant laws and SEC.

**Labour and Welfare Bureau
Labour Department
Immigration Department
Hospital Authority
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