

**立法會**  
**Legislative Council**

LC Paper No. CB(2)92/01-02  
(These minutes have been  
seen by the Administration)

Ref : CB2/PS/4/00

**LegCo Panel on Health Services**

**Subcommittee on improvements to the medical complaints mechanism**

**Minutes of meeting**  
**held on Wednesday, 26 September 2001 at 9:00 am**  
**in Conference Room B of the Legislative Council Building**

**Members Present** : Hon LAW Chi-kwong, JP (Chairman)  
Hon Cyd HO Sau-lan  
Dr Hon TANG Siu-tong, JP  
Hon LI Fung-ying, JP  
Hon Michael MAK Kwok-fung  
Dr Hon LO Wing-lok

**Members Absent** : Hon CHAN Yuen-han, JP  
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP  
Dr Hon YEUNG Sum  
Hon Andrew CHENG Kar-foo

**Public Officers Attending** : Mr Thomas YIU  
Deputy Secretary for Health and Welfare  
  
Mr Eddie POON  
Principal Assistant Secretary for Health and Welfare  
  
Dr Sarah CHOI  
Principal Medical and Health Officer  
Health and Welfare Bureau

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**Clerk in Attendance** : Ms Doris CHAN  
Chief Assistant Secretary (2) 4

**Staff in Attendance** : Mr LEE Yu-sung  
Senior Assistant Legal Adviser

Miss Mary SO  
Senior Assistant Secretary (2) 8

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**I. Confirmation of minutes of meetings held on 22 June 2001, 27 June 2001 and 3 July 2001**

(LC Paper Nos. CB(2)2285/00-01 to CB(2)2288/00-01)

As the above four sets of minutes were only issued to members the day before, the Chairman suggested and members agreed to defer the confirmation of these minutes to the next meeting.

2. The Chairman said that although the great majority of the public did not favour the proposal of setting up a Complaint Office in the Department of Health (DH), a number of issues such as whether an independent office to handle medical complaints should be set up and the complaints handling process adopted by other bodies (apart from the Medical Council of Hong Kong) such as the Hospital Authority, DH, private hospitals and other healthcare professionals still warranted further discussion by the Subcommittee before it could come to a view, if any, on way(s) to improve the medical complaints mechanism and/or make recommendation(s) to the Panel on Health Services for consideration. In this connection, the Chairman was of the view that members should decide on a list of issues to be considered and then adopt one of the two following courses of action -

- (a) Discuss the aforesaid issues amongst themselves first and then forward their views on these issues to the Administration for a response; or
- (b) Not to discuss such issues amongst themselves first but to invite the Administration and other parties concerned, where necessary, to participate in the discussion. To facilitate better discussion, the Administration would be requested to provide a paper setting out its preliminary views on each issue and proposals, if any, prior to the meeting.

3. After discussion, members agreed to adopt the approach outlined in paragraph

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2(b) above. The Chairman undertook to draw up a suggested list of issues for discussion for members' consideration within the week.

**II. Meeting with the Administration**

(LC Paper Nos. CB(2)2289/00-01(01) to (08) and CB(2)2341/00-01(01))

4. Responding to the Chairman's enquiry on the Administration's latest stance on the issue, Deputy Secretary for Health and Welfare (DSHW) said that the majority views expressed during the past few months did not support the proposal of setting up a Complaint Office in the Department of Health (DH). On the other hand, there seemed to be consensus that the principle of professional autonomy should be preserved and respected. However, the views on the need of an additional complaint office and the scope and function of this additional mechanism were split. In order to ensure that the proposal could be implemented smoothly, there needed to be a consensus on the measures to be taken forward. Moreover, the improvement measures should be targeting at the problems of the existing system. Currently, the Medical Council of Hong Kong (the Medical Council) was taking active steps to reform the Council to review the Council's structure, composition, functions including the complaint handling mechanism aiming to strengthen the accountability, transparency and fairness; and to ensure high standard of medical care. Proposals to strengthen the complaint mechanism and support offered to patients were in the pipeline. As the Medical Council was an integral part of the whole complaint system, the Health and Welfare Bureau was of the view that it would be appropriate to keep the options for the Complaint Office open for the time being and consider the way forward with the recommendations of the Medical Council reform when they were ready.

5. Ms Cyd HO and Dr LO Wing-lok enquired whether the Administration had now decided not to pursue the proposal of setting up a Compliant Office in DH, having regard to the overwhelming public's opposition to it. DSHW responded that the Administration was well aware of this fact and would continue to adopt an open-mind on ways to improve the medical complaints mechanism.

6. Mr Michael MAK referred to the submissions received since the last meeting and asked the Administration to address the need for a good regulatory system for other healthcare professions through statutory regulation. He then enquired whether action had been taken to formulate the detailed implementation plan of setting up a Complaint Office in DH, despite the fact that the proposal to create a supernumerary post of Senior Principal Executive Officer (SPEO) in DH for 24 months to coordinate necessary preparatory and planning work related to the Health Care Reform was voted down by the Establishment Subcommittee of the Finance Committee. DSHW replied that no detailed planning work had been commenced in relation to setting up a Complaint Office in DH and clarified that the aim of the proposed supernumerary SPEO post in DH was for the preparation work to implement reform proposals that

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had received general support such as taking up the health advocacy role, transferring of direct curative service, strengthening regulatory role, etc.

7. The Chairman informed the Administration of the Subcommittee's decision to adopt the approach outlined in paragraph 2(b) above, and asked whether it was agreeable to providing a paper setting out its preliminary views on each issue prior to the meeting. DSHW responded that the Administration had no objection to the approach and would be happy to discuss with the Subcommittee on each of the issues relevant to the subjects.

**III. Dates of next meetings**

8. Members agreed to hold the next three meetings on the following dates -

- (a) 31 October 2001 at 8:30 am;
- (b) 16 November 2001 at 8:30 am; and
- (c) 21 November 2001 at 8:30 am.

9. There being no other business, the meeting ended at 9:43 am.

Legislative Council Secretariat  
16 October 2001