

立法會
Legislative Council

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(These minutes have been
seen by the Administration)

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LegCo Panel on Health Services

Subcommittee on improvements to the medical complaints mechanism

Minutes of meeting
held on Monday, 21 May 2001 at 8:30 am
in Conference Room A of the Legislative Council Building

- Members Present** : Hon LAW Chi-kwong, JP (Chairman)
Hon Cyd HO Sau-lan
Hon CHAN Yuen-han
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Dr Hon YEUNG Sum
Hon Andrew CHENG Kar-foo
Dr Hon TANG Siu-tong, JP
Hon LI Fung-ying, JP
Hon Michael MAK Kwok-fung
Dr Hon LO Wing-lok
- Public Officers Attending** : Mr Thomas YIU
Deputy Secretary for Health and Welfare

Dr Sarah CHOI
Principal Medical and Health Officer
- 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

I. Election of Chairman

Mr LAW Chi-kwong was elected chairman of the Subcommittee.

II. Proposed terms of reference

(LC Paper No. CB(2)1480/00-01(01))

2. Mr Michael MAK asked whether it should be included in the proposed terms of the reference that the Subcommittee would make recommendations on how to improve the medical complaints mechanism, taking into the views of the Medical Council of Hong Kong (MCHK), patients and other organisations and the public. Mrs Sophie LEUNG expressed reservation about doing so, as the Subcommittee might not be able to reach a consensus on how to improve the said mechanism. Dr LO Wing-lok concurred with Mrs LEUNG. The Chairman said that there was no need to add the words along the line suggested by Mr MAK, as the proposed terms of reference did not preclude the Subcommittee from making recommendations on ways to improve the medical complaints mechanism. Ms Cyd HO shared the Chairman's view.

3. After discussion, members endorsed the proposed terms of reference as set out in the above paper without further amendments.

4. As to the work plan of the Subcommittee, the Chairman said that deputations from concerned organisations would be invited to give their views on the subject. He also proposed to meet with representatives of MCHK and the Public Complaints Committee of the Hospital Authority (HA). In this connection, he noted that MCHK was also working on its reform proposals. He anticipated that several months would be required to complete discussions.

III. Meeting with the Administration

(LC Paper Nos. CB(2)1480/00-01(02) - (03))

5. At the invitation of the Chairman, Deputy Secretary for Health and Welfare (DSHW) took members through the Administration's paper (LC Paper No. CB(2)1480/00-01(02)) which detailed the Administration's views on improving the patient complaint system.

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6. The Chairman invited members' attention to LC Paper No. CB(2)1480/00-01(03) prepared by the Research and Library Services Division of the Legislative Council, which set out some readily available information on medical complaint mechanism adopted in the United Kingdom (UK), the United States of America (USA) and Australia for members' reference.

7. Miss CHAN Yuen-han disagreed with the problems which, in the Administration's view, would arise from the setting up of an independent complaint office, as stated in paragraph 13 of the Administration's paper. Miss CHAN also opposed the Administration's proposal of setting up a Complaint Office within the Department of Health (DH), and was adamant that the patient complaint mechanism must be independent of the Government. Miss CHAN further said that the Democratic Alliance for the Betterment of Hong Kong and the Hong Kong Federation of Trade Unions respected professional self-regulation. They, however, supported the proposal that the percentage of lay members on MCHK should be increased to 40%, in order to strengthen its accountability, transparency and fairness.

8. DSHW responded that the fact that a Complaint Office would be set up in DH did not mean it would be any less independent than if it was set up outside the Government, having regard to the fact the Complaint Office would automatically be under the scrutiny of the Ombudsman, which provided a good mechanism of checks and balances.

9. Ms LI Fung-ying said that the Administration's paper lacked fairness and objectivity, as it failed to incorporate the views of patient groups and other organisations on the patient complaint system, and had the connotation that the Administration was set on setting up a Complaint Office in DH despite public opinions against the proposal. DSHW responded that the Administration had not come to a decision on the proposal of setting up a Complaint Office in DH, and assured members that the Administration would keep an open mind on any suggestions to improve the patient complaint system.

10. Dr YEUNG Sum and Mr Andrew CHENG also voiced their opposition to the setting up of a Complaint Office in DH. Dr YEUNG said that he was also unconvinced by the reasons given by the Administration for refusing to set up a complaint office outside the Government, particularly the reason that the setting up of an independent complaint office would undermine professional self-regulation. Given that UK, being a very civilised country, had a patient complaint system independent of the Government, Dr YEUNG queried why the same arrangement could not be adopted in Hong Kong.

11. DSHW responded that the Administration had studied overseas practices and experience in handling patient complaints. He would be happy to provide a paper

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setting out the Administration's views on these overseas practices and experience, as well as their suitability and unsuitability for adoption in the local context.

12. Mr Michael MAK echoed Ms LI Fung-ying's views, and urged the Administration to listen to the views of the public before deciding on the way forward in improving the patient complaint system. Mr MAK then enquired whether legislative amendments would be required to implement the proposal of setting up a Complaint Office in DH, such as to empower the staff with the authority to conduct investigation. DSHW replied in the positive to Mr MAK's question. DSHW further said that the Administration needed to examine and would be happy to provide information in due course on the necessary legislative amendments required to effect the various proposals put forward to improve the patient complaint system.

13. Ms Cyd HO said that paragraphs 6 and 7 of the Administration's paper only set out what the Administration considered to be the functions and attributes of an effective complaint mechanism, which was too one-sided. In this connection, Ms HO was of the view that members should discuss amongst themselves what the functions and attributes of an effective complaint mechanism should be, in order to come up with a system which could effectively address the deficiencies in the existing patient complaint system. To facilitate members' discussion in this regard, Ms HO requested the clerk to provide information on how the Public Complaints Committee of HA and MCHK handled complaints and the Research and Library Services Division to provide an overall comparison of the medical complaint mechanisms adopted in UK, USA and Australia.

14. Dr LO Wing-lok urged the Administration to think carefully about setting up a Complaint Office in DH, having regard to the concerns expressed by the public about its lack of independence and impartiality because it was essentially a government office. Moreover, he was not sure whether the medical profession would support it. Dr LO further said that MCHK was currently reviewing its complaints system in order to find out ways to rectify the deficiencies identified, and would shortly invite the public to give views on them. Dr LO hoped that the Administration would also provide information on the resources required to set up an independent complaint system, as well as its impact on the existing channels to address complaints on medical incidents.

15. The Chairman asked the Administration to provide a paper as proposed in paragraph 11 above and to include in the paper the Administration's views on an ideal medical complaints mechanism, in addition to making a comparison and analysis of overseas systems and practices. He noted that MCHK would take several months to complete its reform proposals and asked the Administration about the timeframe for the setting up of a Complaint Office in DH. In response, DSHW said that although the Administration had not started work on formulating the detailed implementation plan, it was mentioned in the Consultation on Health Care Reform that such an office

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was planned to be set up in 2002. In view of the great public concern over the patient complaint system, the Administration had decided to carry on with the discussion with various parties concerned until a consensus was reached before implementing the reform measures.

16. In concluding the discussion, the Chairman suggested and members agreed to the followings -

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| Clerk | (a) the Secretariat to provide information on existing medical complaints mechanisms in Hong Kong; |
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RLSD | (b) both the Administration and the Research and Library Services Division to provide comparison and analysis of medical complaints mechanisms in overseas countries; and |
| | (c) to meet with representatives of the Public Complaints Committee of HA, MCHK, patient groups and other concerned organisations at the next three meetings. |

IV. Schedule of next meetings

17. Members agreed to hold a meeting on 11 June 2001 at 4:30 pm to listen to views of patient groups and other concerned organisations. The Chairman asked members to inform the clerk after the meeting which patient groups and/or concerned organisations they wished to be invited. As regards the meetings with representatives of the Public Complaints Committee of HA and MCHK, members agreed to leave it to the clerk to fix the meeting dates. Members further agreed to hold another meeting on 3 July 2001 at 8:30 am to continue discussion with the Administration.

(Post-meeting note : The next four meetings of the Subcommittee are scheduled as follows -

- (a) 22 June 2001 at 8:30 am to meet with professional associations, patient groups and other concerned organisations;
- (b) 27 June 2001 at 8:30 am to meet with representatives of MCHK;
- (c) 27 June 2001 at 10:45 am to meet with representatives of the Public Complaints Committee of HA; and
- (d) 3 July 2001 at 8:30 am to continue discussion with the Administration.)

18. There being no other business, the meeting ended at 10:00 am.

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Legislative Council Secretariat
15 June 2001