

## **Improvements to the medical complaint mechanism**

### **Submission by Faculty of Medicine, University of Hong Kong**

1. We believe that the present level of complaints against the doctors in the public sector is largely the result of inadequate medical manpower in the face of rising patient expectation. The inadequate manpower stems from a maldistribution of medical manpower and workload between the public and private sector.
2. We agree that as a responsible profession, it is important that there is an effective and credible mechanism for patients to make complaints.
3. Currently there are many possible channels of complaints against medical and health service providers. These include the Hong Kong Medical Council, the public relationship officer/complaint committee in the hospitals, the Public Complaint Committee of Hospital Authority, the Department of Health, the newspapers, the offices of legislative councillors, the Ombudsman, the civil courts etc. These different channels serve different functions. For example, the Medical Council will only deal with professional misconduct of the doctors while the Ombudsman will only deal with administrative issues. Some of the patients may file the complaint to the wrong organization or body thus leading to delay in the settling of the complaint. Some patients file the complaint to many different channels at the same time leading to duplication of the work among the organizations/bodies.

4. There has also been some criticism that the current system for filing complaints against the medical and health profession is cumbersome and it is difficult to get experts to testify against the medical professionals.

5. We believe that there is a need to establish an independent complaint office to advise the patients the proper channel and way to file a complaint. The independent complaint office can also assist the patients to get expert opinion from relevant specialists. When the available evidence does not substantiate the complaint, the patient can be advised accordingly. However, it is important that the power of judgement and discipline should rest with the relevant professional bodies. This complaint office should also be independent of any provider of clinical service. Since the Department of Health is currently still providing some clinical service, the body should be independent of the Department of Health. Moreover, a complaint office independent of any government department may be even more credible.

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