

立法會
Legislative Council

LC Paper No. CB(2)2735/01-02
(These minutes have been
seen by the Administration)

Ref : CB2/PL/HS

LegCo Panel on Health Services

Minutes of meeting
held on Monday, 8 July 2002 at 8:30 am
in Conference Room A of the Legislative Council Building

Members Present : Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP (Chairman)
Dr Hon LO Wing-lok (Deputy Chairman)
Hon Cyd HO Sau-lan
Hon CHAN Kwok-keung
Hon CHAN Yuen-han, JP
Dr Hon YEUNG Sum
Hon Andrew CHENG Kar-foo
Hon LAW Chi-kwong, JP
Dr Hon TANG Siu-tong, JP
Hon LI Fung-ying, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Michael MAK Kwok-fung

Public Officers Attending : All items
Miss Joanna CHOI
Acting Deputy Secretary for Health, Welfare and Food (Health)
Mr Eddie POON
Principal Assistant Secretary for Health, Welfare and Food (Health)
Miss Noel TSANG
Assistant Secretary for Health, Welfare and Food (Health)

Miss Eleanor JIM
Assistant Secretary for Health, Welfare and Food (Health)

Item III

Dr E K YEOH, JP
Secretary for Health, Welfare and Food

Mrs Carrie YAU, JP
Permanent Secretary for Health, Welfare and Food

Dr P Y LEUNG
Deputy Director of Health

Dr W M KO
Director (Professional Services and Public Affairs)
Hospital Authority

Item IV

Dr P Y LEUNG
Deputy Director of Health

Mrs Kathryn WONG
Assistant Director of Health (Administration)

Dr W M KO
Director (Professional Services and Public Affairs)
Hospital Authority

Dr Aylwin CHAN
Executive Manager (Medical Service Development)
Hospital Authority

Item V

Dr P Y LEUNG
Deputy Director of Health

Dr Henry KONG
Senior Medical and Health Officer
Department of Health

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

Staff in Attendance : Ms Janet SHUM
Senior Assistant Secretary (2) 9

I. Confirmation of minutes of meeting held on 10 June 2002
(LC Paper No. CB(2)2493/01-02)

The minutes were confirmed.

II. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)2494/01-02(01) and (02))

2. Members agreed not to hold meeting(s) during the summer recess unless urgent matters requiring immediate action came up.

III. Briefing session for the Secretary for Health, Welfare and Food to exchange views with Panel members on the priority issues on health services

3. The Secretary for Health, Welfare and Food (SHWF) said that he would like to seek members' views on the future work priorities of the Administration in the provision of health services to the public. SHWF said that subsequent to the release of the Consultation Document on Health Care Reform in December 2000 and the completion of public consultation on health care in March 2001, the Administration had formulated 11 strategies and 33 initiatives, and those which were in general supported by the community were being implemented by phases. The issue on the transfer of general out-patient clinics from the Department of Health (DH) to the Hospital Authority (HA) to be reported to members later on at the meeting was one of the key initiatives with proposals for implementation this year. As to the implementation of a few initiatives, studies had been carried out to assess their feasibilities and proposals would be put forward to members at later meetings. SHWF said that other issues on the list of issues to be considered by the Panel such as the regulation of health claims were also important work

priorities of the Administration. SHWF said that he welcomed members' views and comments on the priority issues on health services.

4. Mr MAK said that in view of fact that the former Health and Welfare Bureau had been re-structured to include the policy area of food and environmental hygiene, he expected that SHWF, as the accountable official of the new Health, Welfare and Food Bureau (HWFB), would inform the Panel as regards the new Bureau's future policy portfolio. In particular, Mr MAK enquired how the three policy areas of the new Bureau would be interfaced under SHWF's leadership to enhance efficiency and efficacy. Mr MAK further enquired whether SHWF had any plan to restructure the two departments responsible for food and health respectively and how HWFB would interface with other Bureaux to address the issues of environmental health.

5. SHWF said that co-ordination work had been carried out among the different policy areas within HWFB. In general, the Permanent Secretary of Health, Welfare and Food (PSHWF), would be supported by the Directors of the Departments, on implementation of policies. As to the co-ordination among Bureaux, SHWF said that the Executive Council would be the platform to discuss the collaboration among the Bureaux.

6. Pursuant to Mr MAK's further enquiry on how the policy areas under HWFB would be co-ordinated to address the issue of food health, SHWF said that the two departments responsible for health and food would each address the relevant issues under their own schedule. In the light of the changing role of DH which would focus on health promotion, efforts would be made to work on the promotion of food health as well.

7. In response to Mr MAK's concern that services provided under the two policy areas of food and health should be further rationalised to achieve more efficiency and effectiveness, SHWF agreed that services relating to health such as food health, food quality and safety which fell under the Food and Environmental Hygiene Department (FEHD) could be reviewed to enable even better use of resources. However, the new Bureau would need time to work out further details regarding the reallocation of resources.

8. The Chairman said that as SHWF would also attend the meeting of the Panel on Food Safety and Environmental Hygiene to exchange views with members, issues relating to food and environmental hygiene could be further pursued at that meeting.

9. Dr TANG Siu-tong considered that issues relating to food health such as the bird-flu problem should also be the concern of the Panel. Dr TANG enquired

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whether the new Bureau would continue deploying staff to enhance co-operation between DH and FEHD as in the case of bird-flu.

10. SHWF said that under the new structure, it should be easier to co-ordinate actions of the two departments and to deploy staff when needed. However, as DH and FEHD were each responsible for a wide range of services, the Administration had no plan to introduce any structural changes to the two departments at this stage.

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11. Ms LI Fung-ying enquired about the progress of the reviews on the fee restructuring of public health care services and the Health Protection Account (HPA) raised in the Consultation Document on Health Care Reform. In reply, SHWF said that impact assessment of fees restructuring on the utilisation of public health care services was completed and a paper on the proposed way forward would be provided for members' information at the end of the year. As to health care financing SHWF said that the in-depth studies examining the feasibility of the different structures and the various operational aspects of HPA were still in progress. The estimated time required for the review was 18 months.

12. In view of the Financial Secretary's policy to reduce the real growth in government expenditure to an average of 1.5% each year, and to set targets for savings for re-allocation of resources to areas of high priority, Ms Cyd HO enquired whether any issues under the new Bureau were on the priority list of the Government and whether the medium term budget, which used to be completed at the end of June, had been worked out at this stage. In addition, she enquired how SHWF would cope with the future allocation of expenditure which might be at or below the level of 1.5% real growth.

13. SHWF replied that there had been preliminary discussions on expenditure pressures. He explained that with the implementation of the new system, all Bureaux concerned would re-examine their financial situation, review the mode of existing services, and further explore the possibilities of work process re-engineering and restructuring. As to the budget for the coming year, although the Bureau would make a bid to the centre, it was up to the Chief Executive, to decide on the mechanism of allocation.

14. In response to Ms Cyd HO's concern whether the Administration would take into account the public's opinions on the formulation of the budget under the new system, SHWF said that the public and members' views would be considered in the financial planning process.

15. Dr LO Wing-lok enquired whether the Administration had a timetable for the restructuring of the consultative committees and whether SHWF or PSHWF would be the key person for future communication with the new Bureau. In reply, SHWF said that while he would be the accountable official and the one to attend the Legislative Council meetings, PSHWF would oversee the civil service structure within the Bureau. While the Deputy Secretaries of the Bureau would continue to attend regular Panel meetings, PSHWF and himself would also meet with members when more important policy issues were involved. As to whether SHWF or PSHWF should be approached from the communication point of view, it depended on the circumstances and the issues involved. SHWF said that it was of priority that the framework of coordination between the Principal Official and the Permanent Secretary be established first and the issue of the coordination among Bureaux would be considered later.

16. Ms Cyd HO further enquired about the criteria of the review on the re-distribution of authorities among the Bureaux, the departments and the various statutory bodies. Ms HO expressed concern that consequential amendments would have to be made to current legislation if authorities previously delegated to the Departments or statutory bodies were to be taken back by the Government. SHWF responded that the re-distribution of authorities could also mean devolving power to instead of withdrawing power from the departments. As far as HWFB was concerned, there was no plan to change the status of the statutory bodies.

IV. Transfer of General Out-patient Clinics from Department of Health to Hospital Authority

(LC Paper No. CB(2)2494/01-02(03))

17. The Acting Deputy Secretary for Health, Welfare and Food (Health) briefed members on the transfer of General-outpatient Clinics (GOPCs) from the Department of Health (DH) to Hospital Authority (HA) as detailed in the Administration's paper.

18. Referring to the transfer of the five out-patient clinics mentioned in paragraph 6 of the Administration's paper, Mr Michael MAK enquired whether the transfer had led to a decrease in the utilisation of the Accident and Emergency (A&E) Services and in the number of hospital in-patients. In addition, referring to paragraph 17 of the Administration's paper and an internal consultation paper of DH, Mr MAK enquired how DH would re-deploy the 430 nursing grade staff who had chosen to remain in DH and how HA would be able to maintain the level of services of the former GOPCs with a reduced number of staff.

19. The Director (Professional Services and Public Affairs), Hospital Authority (Director, HA) responded that the transfer of GOPCs from DH to HA was one of the strategic reform proposals of the Health Care Reform to facilitate integration of the primary and secondary levels of care in the public sector. It was also aimed to introduce the practice of family medicine and to provide a suitable venue for the training of family physicians and other primary care professionals. It was not aimed to achieve immediate results by reducing the utilisation of A&E services or the number of hospital in-patients.

20. The Deputy Director of Health (DDH) said that in view of the new initiatives in launching the adolescent health programme and the territory-wide parenting programme, the 430 staff (including Registered Nurses) who had chosen to remain in DH would be redeployed to fill the vacancies required for the operation of the new initiatives. DDH said that while the staff could opt to stay in DH, their re-deployment would be carried out by phases in order not to disrupt the operation of the existing services of the GOPCs transferred to HA.

21. Referring to paragraph 7 of the Administration's paper, Mr LAW Chi-kwong sought further explanation as to how far the work flow of the transferred GOPCs had been improved and the aim of family medicine had been achieved. Director, HA explained that enhanced efficiency in the flow of information between the clinics and other HA clinics should benefit the users. Director, HA added that the hospital consultants concerned had already started to work out clinical guidelines with the doctors of family medicine in order to enhance service quality. As to the question on the implementation of family medicine practice, Director, HA said that while the overall number of consultations might be slightly reduced as each consultation would take longer time than before, the number of patients attended to could be similar as each patient would need to be treated less frequently. Director, HA said that it was envisaged that with the introduction of family medicine practice, there would be a cultural change in the provision and use of clinical services in the long-term.

22. Ms Cyd HO expressed disappointment that the Administration's paper did not explain whether the transfer of GOPCs had any impact on A&E services. Ms Cyd HO enquired whether it was the plan of the Administration to turn patients of A&E services to GOPCs or to medical practitioners in the private sector so as to reduce the utilisation of A&E services. In reply, Director, HA assured members that the aim of the transfer of GOPCs was not to reduce the utilisation of A&E services.

V. Report on Public Consultation on the Proposed Legislative Amendments to Smoking (Public Health) Ordinance (Cap. 371)
(LC Paper Nos. CB(2)2494/01-02(04) and (05))

23. At the invitation of the Chairman, the Principal Assistant Secretary for Health, Welfare and Food (Health) briefed members on the Administration's paper which detailed the report on the public consultation on the proposed legislative amendments to the Smoking (Public Health) Ordinance (Cap.371), the findings of recent surveys commissioned by the Government on the smoke-free policy and the Administration's appraisal of a report on the impact of smoking ban commissioned by the Hong Kong Catering Industry Association.

24. Mr Tommy CHEUNG said that he considered it unfair for the Administration to conclude in its appraisal that the report entitled "Proposed smoking ban: impacts on Hong Kong hospitality businesses" (KPMG report) was flawed in its methods and conclusion. He said that the survey company, KPMG, should be given a chance to explain its approach and findings at the Panel meeting. As to the report of the public consultation and the proposal on the implementation of smoking ban detailed in the Administration's paper, Mr CHEUNG's comments were as follows -

- (a) The Administration should provide more details on the breakdown of the 200 000 signatures, which it claimed 98% was supportive of one or more of the proposed legislative amendments, and it should not leave out the opposition views of the catering industry.
- (b) The Administration should not revoke the current exemption on the display of tobacco advertisement at licensed hawker stalls and small retail outlets as such would affect their income and create more economic hardship.
- (c) The provision in the proposed legislation that the management of the premises concerned should continue to be the primary enforcement agency for the smoking ban was unfair to the employees of the catering industry whose employment contracts did not include such duties.
- (d) The Administration should provide information as to how the smoke-free policy was enforced in other developed countries such as the United States, Canada and Australia and whether premises such as outdoor public space and bars were excluded from the ban.

- (e) The Administration should clarify whether it would prohibit the advertisement of brand names which were in association with tobacco products.

25. In addition, Mr CHEUNG said that the Administration should give prime consideration to the economic impact of the smoking ban. While the surveys commissioned by the Administration and the catering industries respectively held contradictory views on the economic impact of the smoking ban, Mr CHEUNG enquired whether the Government would provide compensation if the enforcement of the smoking ban resulted in an actual loss of catering business. In addition, Mr CHEUNG requested the Administration to provide information on a recent court case lodged by smokers fighting for their rights in Vancouver.

26. In response, PAS(HWF) made the following points -

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- (a) The Administration would provide members with details regarding the breakdown of the 200 000 signatures. As to the 10 000 signatures from the education field, they were signed letters from teachers and students with individual remarks.
- (b) According to the Tobacco Control Office, many advertisements displayed at licensed hawker stalls and small retail outlets were found to be grossly oversized in relation to the size of the stalls and outlets. In addition, the public had expressed concern about the abusive use of the exemption and the adverse effect of the eye-catching tobacco advertisement displayed at the busy spots where the hawker stalls were located. The income of such stalls or outlets should not be affected as they should easily identify non-tobacco products advertisement as substitute given the prominent location of the stalls and the high volume of daily pedestrian traffic.
- (c) As to the enforcement of the ban, studies on the implementation of smoking ban had indicated that public pressure and the management of the no smoking premises were the most important factors for a successful ban. Due to the huge number of catering establishments (exceeding 9 000), it was not feasible for the Administration to carry out territory-wide law enforcement due to limited resources. Effective enforcement must be a concerted effort involving relevant government departments, the management of the smoke-free premises and the public at large.

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- (d) The Administration would provide members with information on the comparable models of the implementation of smoking ban in overseas countries.
 - (e) It was proposed in the legislative amendments to prohibit the brand name of any tobacco product, and any words in association with "tobacco" to be used in any sponsored event, irrespective of whether it was used in association with a non-tobacco product.

27. In addition, PAS(HWF) clarified that the appraisal of the KPMG report was made after careful study and quality assessment. He agreed that the relevant surveys conducted should be able to stand up to vigorous academic appraisal to ensure that they were scientifically and objectively conducted. In this regard, the Administration would be willing to further discuss the surveys and exchange views with interested groups or representatives, and experts involved in the design and conduct of the surveys and studies.

28. Mr Andrew CHENG disagreed that the issue of smoking ban should only be measured in economic terms. In the light of the enormous public support for the ban and the Administration's assessment that the ban would bring along more tourist spending amounting to an additional revenue of up to \$2 billion per year, Mr CHENG considered that the Administration should hesitate no further in implementing the smoking ban. Mr CHENG urged the Administration to submit an amendment bill to the Legislative Council without any further delay.

29. Mr Michael MAK considered that the issue of smoking ban should be viewed from the perspective of public health and agreed that the Administration should speed up implementation of the ban which was widely supported by the public. Referring to the proposed legislative amendment in Annex A of the Administration's paper suggesting that consideration would be given to granting a longer grace period to business that had genuine difficulty in complying with the smoking ban requirement, Mr MAK considered a smoking ban applicable to all establishments should be enforced without exception. In addition, Mr MAK requested the Administration to provide information on the smoking trend in Hong Kong and the factors contributing to the smoking problem.

30. Dr YEUNG Sum also urged the Administration to implement the smoking ban without further delay as the harm of passive smoking to health was proven. Dr YEUNG considered that the Tobacco Control Office should strengthen its role to carry out inspection of no-smoking premises.

31. Ms LI Fung-ying said that the Administration should clarify whether the smoking ban would also apply to food stalls and whether its implementation would have any negative effect on the workforce in the catering industry and the tobacco industry. She considered it impracticable that the Administration should make it a responsibility of the management of the premises, in particular the employees, to enforce the smoking ban. She pointed out that it was important that the Administration should introduce practical and effective measures for the enforcement of the smoking ban.

32. Mr LAW Chi-kong expressed regret about the Administration's further delay in submitting an amendment bill to the Legislative Council despite the strong public and members' support for the proposal. Referring to paragraph 26 of the Administration's paper which stated that a net gain of over 5% for the catering business was equivalent to about 11 000 direct jobs, Mr LAW considered that the Administration should implement the smoking ban immediately. Mr LAW said that with the setting up of the new Bureau, it should be easier to mobilise the manpower of the Food and Environmental Hygiene Department to carry out food inspection and smoking ban checks simultaneously at the food establishments. As to the different surveys mentioned in the Administration's paper, Mr LAW pointed out that while the Administration appraised that the KPMG report was flawed in its methods, the problem of a "biased" sample base was also found in the survey on the tourists commissioned by the Administration as it only sought the views of users.

33. Mr LO Wing-lok also supported early implementation of the smoking ban as 200 000 members of the public had signed up to support the ban. As to the appraisal of the KPMG report, Mr LO said that the Administration could spell out its reasons to support its claim that the report was flawed.

34. Ms Cyd HO agreed that the issue of anti-smoking should be addressed from the public health point of view instead of in monetary term as there were medical costs involved as well. As to law enforcement, she disagreed that the Administration should require the management of the premises to be responsible for enforcement of the ban and urged the Administration to revise such proposal in the amendment bill.

35. Miss CHAN Yuen-han said that she supported the anti-smoking proposal but considered that the Administration should further explain how it had arrived at the estimation that the implementation of the smoking ban would generate a net gain of over 5% or four billion in dollar terms for the catering business and whether the ban would have had an adverse effect on the workforce.

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- Adm 36. PAS(HWF) said that it was prudent for the Administration to further assess the economic impact of the smoking ban and revert to the Panel for further recommendations toward the end of this year. He said that despite an overall decrease in the number of smokers, young female smokers were found to be on a rapid increase. The introduction of further restrictions on advertisement and promotion of tobacco products were part of the anti-smoking efforts jointly proposed by the Hong Kong Council on Smoking and Health and the Administration. As to Mr LAW's suggestion that resources of the departments under the new Bureau could be pooled together to carry out the smoking ban checks, PAS(HWF) said that the Administration would study its feasibility and provide members with a response at future meetings. In addition, PAS(HWF) explained that the Administration had taken several months to examine the KPMG report and invited cross-checkings from overseas before finalising the assessment. He said that the Administration welcomed further discussions and would respond to any questions raised regarding the methodology and results of the various surveys.
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37. Mr Tommy CHEUNG proposed and members agreed that deputations and representatives of all organisations concerned should be invited to a meeting to be held early in the next legislative session to express their views on the findings of the various surveys conducted by the Government and the private sector.

VI. Any other business

38. There being no other business, the meeting ended at 10: 45 am.