

立法會
Legislative Council

LC Paper No. CB(2)838/04-05
(These minutes have been
seen by the Administration)

Ref : CB2/PL/HS

Panel on Health Services

**Minutes of meeting
held on Monday, 10 January 2005 at 8:30 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Andrew CHENG Kar-foo (Chairman)
Dr Hon KWOK Ka-ki (Deputy Chairman)
Hon Albert HO Chun-yan
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon CHAN Yuen-han, JP
Hon Bernard CHAN, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon LI Fung-ying, BBS, JP
Hon Vincent FANG Kang, JP
Hon LI Kwok-ying, MH
Dr Hon Joseph LEE Kok-long
Hon Albert Jinghan CHENG
- Member absent** : Dr Hon YEUNG Sum
- Members attending** : Hon Tommy CHEUNG Yu-yan, JP
Hon WONG Kwok-hing, MH
Hon KWONG Chi-kin
- Public Officers attending** : All items
Miss Susie HO, JP
Deputy Secretary for Health, Welfare & Food (Health)

Item IV

Mr Edward LAW
Principal Assistant Secretary for Health, Welfare & Food
(Health) 3

Miss Daisy LO
Assistant Secretary for Health, Welfare & Food (Health) 7

Dr T H LEUNG, JP
Deputy Director of Health

Dr Cindy LAI
Assistant Director of Health (Special Health Services)

Dr Christine WONG
Senior Medical & Health Officer, Department of Health
(Tobacco Control & Special Health Services)

Item V

Mrs Ingrid YEUNG
Principal Assistant Secretary for Health, Welfare & Food
(Health) 2

Dr William HO, JP
Chief Executive, Hospital Authority

Dr S V LO
Head of Corporate Affairs, Hospital Authority

Mr K T POON
Head of Corporate Communications, Hospital Authority

Mr David ROSSITER
Head of Human Resources, Hospital Authority

Clerk in attendance : Ms Doris CHAN
Chief Council Secretary (2) 4

Staff in attendance : Ms Joanne MAK
Senior Council Secretary (2) 2

I. Confirmation of minutes
(LC Paper No. CB(2)534/04-05)

The minutes of the meeting held on 13 December 2004 were confirmed.

II. Information paper issued since the last meeting

2. There was no information paper issued since the last meeting.

III. Items for discussion at the next meeting
(LC Paper Nos. CB(2)535/04-05(01) to (02))

Deferment of special meeting of the Panel

3. In response to the Administration's request for more time to prepare the discussion papers for the special meeting scheduled for 17 January 2005, members agreed to defer the meeting to 31 January 2005 at 8:30 am.

Rescheduling of the next regular meeting

4. Members agreed that the next regular meeting would be rescheduled from 14 February to 18 February 2005 at 10:45 am because 14 February 2005, being the sixth day of the Lunar New Year, was too close to the Lunar New Year holidays.
5. Members agreed to discuss the following items at the next regular meeting -
 - (a) continuing medical education; and
 - (b) progress on the registration of Chinese medicine practitioners.

(Post-meeting note : At the request of the Administration and with the concurrence of the Chairman, the regular meeting in February 2005 was rescheduled for 25 February 2005 at 8:30 am.)

IV. Proposed amendments to Smoking (Public Health) Ordinance

(LC Paper Nos. CB(2)535/04-05(03) to (05), CB(2)593/04-05(01) and CB(2)621/04-05(02) to (04))

6. The Chairman informed members that a group of students of Hoi Ping Chamber of Commerce Secondary School had submitted a petition consisting of about 21 000 signatures collected by them in Ho Man Tin district in support of prohibiting smoking in all licensed restaurants.

(Post-meeting note : On the instruction of the Chairman, the 21 000 signatures and a CD-Rom on “Smoke Free Lunch” and “Smoke Free Restaurants” provided by the students were forwarded to the Administration for retention.)

7. Referring to a recent survey conducted by the Democratic Party (DP), the Chairman invited members to note the DP’s submission, a submission from Professor A J Hedley of the Tobacco Control Research and Policy Unit of the University of Hong Kong, and a submission from Dr Judith Mackay of Asian Consultancy on Tobacco Control, which were tabled (LC Papers Nos. CB(2)621/04-05(02) to (04)).

8. At the Chairman’s invitation, Principal Assistant Secretary for Health, Welfare & Food (Health) 3 (PASHWF(H)3) gave a PowerPoint presentation introducing the proposed legislative amendments to the Smoking (Public Health) Ordinance (the Ordinance) as detailed in the Administration’s paper.

Discussion

Youth smoking and proposed fund for promotion of anti-smoking and sponsoring research studies

9. Mr KWONG Chi-kin declared that he was the chairman of a district organisation, Action on Smoking or Health Limited (ASH), which promoted anti-smoking. Mr KWONG expressed concern about the increase in the number of smokers among young people and urged the Administration to step up publicity on anti-smoking. Mr KWONG suggested that the Administration should set up a fund for promoting anti-smoking by imposing a levy on the tobacco industry and making reference to similar funds overseas, such as the Victoria Health Promotion Fund in Australia. Mr KWONG further said that some organisations promoting anti-smoking were receiving subsidies from the tobacco industry. Mr KWONG considered that this was wrong in principle and he hoped that the proposed fund could be set up to subsidise these organisations so that they could stop receiving subsidies from the tobacco industry.

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Admin 10. Deputy Secretary for Health, Welfare & Food (Health) (DSHWF(H)) undertook that the Administration would consider the proposal. Dr KWOK Ka-ki suggested that the fund could also be used for sponsoring scientific research studies on the harmful effect of smoking. DSHWF(H) pointed out that the terms of reference of the Hong Kong Council on Smoking and Health (COSH) already included anti-smoking promotional activities and scientific research work. In addition, the Administration and universities had been funding scientific research studies on public health. DSHWF(H) said that the Administration would provide supplementary information on this point. The Chairman requested the Administration to give a written response regarding the proposed fund in the Legislative Council (LegCo) Brief when it submitted the bill to LegCo.

Admin 11. Deputy Director of Health (DDH) said that the Department of Health (DH) had conducted many promotional activities targeted at young people to disseminate anti-smoking messages. The Chairman suggested that DH should strengthen collaboration with the Education and Manpower Bureau in promoting anti-smoking to young people. Miss CHAN Yuen-han suggested that parents' associations should be engaged in the work to curb youth smoking.

Admin 12. Dr Joseph LEE suggested that the Administration should consider prohibiting people aged below 18 from smoking in order to curb youth smoking. Mr Vincent FANG expressed support for the suggestion. DSHWF(H) said that sale of tobacco products to people aged below 18 was prohibited. However, further studies would have to be taken by the Administration on whether or not legislation should be introduced to prohibit people aged below 18 from smoking. Dr LI pointed out that if such legislation was introduced, it would encourage young people to bear responsibility for their own acts. The Chairman requested the Administration to provide information on whether any overseas jurisdictions had put in place such legislative measures for members' reference.

Exceptional arrangements and transitional provisions

13. Referring to paragraphs 19 and 20 of the Administration's paper, Mr Tommy CHEUNG requested the Administration to explain the rationale of its proposal to exclude certain places from the definition of indoor workplaces to be proposed in the bill.

14. DSHWF(H) responded that based on the outcome of a consultation exercise conducted in 2001, there was general support for exemptions to be made for certain places including commercial bathhouses and mahjong places. DSHWF(H) explained that the Administration had considered the fact that the customers of such places were mostly smokers and not young people or children. DSHWF(H) pointed out that the Administration had balanced consideration of the need to

protect customers/employees from passive smoking and the principle of effective enforceability in proposing to exempt commercial bathhouses and mahjong places from the proposed smoking ban. DSHWF(H) added that however, the Administration was willing to re-consider the proposal if members advised otherwise.

15. DSHWF(H) further explained that private residence was also proposed to be exempted from the proposed smoking ban on the grounds of privacy and human rights. Smoking compartments in the airport and correctional institutions where one could not easily go outdoor to smoke would also be excluded from the proposed definition for indoor workplaces.

16. Mr Tommy CHEUNG asked whether the Administration had conducted studies to ascertain whether or not the customers of commercial bathhouses and mahjong places were mostly smokers. He pointed out that some restaurants were also patronised by many smokers. Mr CHEUNG further queried whether the real reason of the proposal was that the Administration would not have the nerve to enforce the proposed smoking ban in commercial bathhouses and mahjong places.

17. DSHWF(H) responded that commercial bathhouses and mahjong places were subject to regulatory control under statutory licensing systems and there was no question of the Administration not being able to enforce the law in these places. DSHWF(H) reiterated that the proposal was put up based on the feedback received during the 2001 consultation exercise and other considerations as explained. Mr LI Kwok-ying considered that the proposal had ignored the need to protect employees of commercial bathhouses and mahjong places from the harm of secondhand smoke, while Dr KWOK Ka-ki believed that commercial bathhouses were also patronised by many non-smokers. They urged the Administration to re-consider the proposal.

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18. Some members shared the view that the proposals set out in paragraph 19 of the Administration's paper on exclusion of some places from the proposed definition for indoor workplaces were unreasonable and illogical and went against the intent to fully protect the public against secondhand smoke in indoor workplaces/public places. Dr Joseph LEE said that the Administration had adopted a selective approach in this area of work. Mrs Sophie LEUNG pointed out that it would be unfair to the inmates of correctional institutions as they would be excluded from protection against exposure to secondhand smoke under the proposal. Dr KWOK Ka-ki concurred with Mrs LEUNG and added that the proposals might contradict the Occupational Safety and Health Ordinance, which imposed an obligation on all employers to provide a safe working environment for their employees. Mr Albert CHENG said that the proposals were unworkable and would only give rise to complaints of unfairness.

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Admin 19. DSHWF(H) reiterated that while the current proposal would subject the majority of indoor areas in non-residential buildings to mandatory smoking ban, some places were proposed to be excluded from the proposed definition for indoor workplaces due to human rights, privacy and enforceability considerations. Nevertheless, DSHWF(H) undertook that the Administration would take into consideration members' comments.

20. The Chairman asked why there was a need for a transitional period of three months for the implementation of mandatory smoking ban in schools and tertiary institutions. PASHWF(H)3 responded that the proposed three-month transitional period was the shortest one among the various proposals. He explained that the three-month transitional period would be counted from the date of enactment of the legislative proposals, but such a date was not known at present. PASHWF(H)3 added that some preparatory work would also have to be done before the legislative proposals, after enactment, could come into operation.

Admin 21. Dr KWOK Ka-ki considered that the proposed transitional period of one year for restaurants, bars and karaokes was excessively long, given that these premises did not need to carry out any structural alteration works to comply with the proposed statutory smoking ban. Dr KWOK said that a transitional period of six months for these premises would be more acceptable, taking into consideration the long period of time likely to be required for the enactment of the legislative proposals. Mr Albert CHENG said that he objected to any transitional arrangements as he did not see any valid reason to justify the need for such arrangements. The Chairman requested the Administration to provide a written response to members' comments on the transitional arrangements. The Chairman pointed out that since the Administration was planning to introduce the bill into LegCo in May/June 2005, he anticipated that the bill would not be passed until end of 2005 or the first quarter of 2006. He said that if the catering industry was further allowed a transitional period of one year, there would be an almost 10-year interval between the last amendment made to the Ordinance in 1997 and the implementation of expansion of statutory no smoking areas.

Proposed expansion of statutory no smoking areas

22. Mr LI Kwok-ying said that the Democratic Alliance for the Betterment of Hong Kong (DAB) supported the proposed expansion of statutory no smoking areas. Miss CHAN Yuen-han said that Members belonging to the Hong Kong Federation of Trade Unions also supported the proposals, although they noted that employees of the catering industry had expressed concern about the impact of the statutory smoking ban on their employment. Dr KWOK Ka-ki said that the legislative proposals had been long awaited and he believed that they were supported by many non-smokers.

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Admin 23. Referring to footnote 5 of the Administration's paper, Mr Tommy CHEUNG requested the Administration to provide information and data to substantiate the point that the catering industry had not been adversely affected by a total smoking ban according to overseas experience. Mr CHEUNG also requested information on the implementation experience of a total smoking ban in workplaces and restaurants in Singapore, Ireland, California and New York, including their legislative and implementation timetables in that regard.

Admin 24. DSHWF(H) agreed to provide the requisite information later. She pointed out that based on available information, in New York the catering industry had registered better business, as reflected by an increase of 8.7% in taxation payments from the trade, as well as creation of more jobs, after a total smoking ban had been implemented in restaurants in March 2003. DSHWF(H) added that the implementation of the total smoking ban was generally supported by New Yorkers and compliance with the ban was satisfactory. Mrs Sophie LEUNG, however, pointed out that it was inappropriate to make reference to the example of New York only, as there were many other factors which accounted for the strong economic performance of New York during the said period of time. The Chairman requested the Administration to provide information on the economic impact of the implementation of the total smoking ban on the catering industry in overseas places, the feedback of the catering industry, and the relevant transitional arrangements for members' reference.

Admin 25. Mr Tommy CHEUNG said that as far as he was aware, the implementation of a total smoking ban in workplaces and restaurants in places, such as Boston and New York, had been carried out by phases, in order to minimise disputes in the community and the adverse impact on the catering trade. He requested the Administration to provide such information for members' reference.

26. Mr Vincent FANG considered that the current proposal would deal a great blow to the business of bars and karaokes as well as the tobacco industry, and violate the human rights of smokers. DSHWF(H) explained that the current proposals were not to prohibit smoking but to protect the public from passive smoking which had been proved to be extremely harmful to health. DDH added that the current proposals were shown by research studies conducted by the World Health Organisation or overseas to be effective in protecting the public against the hazards of secondhand smoke.

Admin 27. Mrs Selina CHOW expressed concern about the pace of Hong Kong in prohibiting smoking in indoor workplaces/public places. She urged the Administration to take into account the fact that entertainment places including bars and karaokes were social activity venues and their business would be affected if a smoking ban was implemented in these places. Mrs CHOW requested the Administration to provide information on any comparison studies it had conducted

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on the pace of Hong Kong and that of other places in prohibiting smoking in indoor workplaces/public places, and to also provide information and data substantiating its claim that after implementing the smoking ban, catering premises would attract more non-smokers to more than make up their loss in business as a result of the ban. Mrs CHOW considered that the Administration should address the concerns of the parties which would be affected by the legislative proposals and take all possible measures to minimise the impact on them. Mrs CHOW added that although smokers only made up a minority of the population, their freedom to smoke should be respected, and the Administration should not take the moral high ground and impose the statutory smoking ban without considering the difficulties of those affected parties.

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28. Mr Albert HO, however, pointed out that the current proposals were not based on moral considerations but were necessitated by public health concerns. He added that there was already scientific evidence demonstrating the harmfulness of secondhand smoke, and social costs had been incurred in dealing with smoking-related problems. DSHWF(H) said that the Administration would provide information on studies conducted on the impact brought about by statutory smoking ban on the catering industry. She further said that as the Secretary for Health, Welfare and Food had pointed out before, the Administration believed that the smoking ban should have no material distorting effect on competitive forces driving the catering industry so long as there was a level playing field and the differential treatments were kept to a minimum.

29. In response to Ms LI Fung-ying, DSHWF(H) said that the Administration also proposed designating the indoor parts of licensed/registered residential care homes for the elderly and nursing homes as statutory no smoking areas under the Ordinance for the health benefits of inmates and staff members therein. Mr Vincent FANG, however, queried why the Administration proposed, on the one hand, that the elderly in residential care homes should not be allowed to smoke even in their own rooms and, on the other hand, to exclude accommodation areas including guest rooms and suites in hotels and guesthouses from the proposed definition for indoor workplaces in the bill. He considered that the two proposals were inconsistent in principle. Mrs Selina CHOW also took the view that the Administration should let the elderly make their own choice as to whether they should discontinue smoking.

Packaging and labelling of tobacco products

30. Mr KWONG Chi-kin expressed support for the proposal to show health warnings with pictorial and graphic contents on the package of cigarette products to enhance the visual impact and deterrent effect of the warnings. Mr Vincent FANG, however, opposed the proposal as he considered that the size of health warnings shown on the package of cigarette products prescribed under

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the existing Ordinance was sufficiently large and effective in serving its purpose. Mr FANG pointed out that the proposed measure had been implemented in Singapore and had aroused great resentment from smokers. He suggested that the Administration should obtain information in this regard.

31. Mr Vincent FANG further said that the current proposals would prevent smokers from obtaining information on tobacco products such as their tar levels. DDH pointed out that the current proposals aimed at preventing the tobacco industry from disseminating misleading information on the tar levels of tobacco products, as there was no scientific evidence indicating that tobacco products with descriptors such as “light”, “mild” and “low tar” posed lesser health risks to smokers.

Law enforcement

32. Ms LI Fung-ying asked the Administration to clarify the definition of “manager” under the Ordinance, and whether a manager would be allowed to delegate the enforcement powers conferred on him to his staff and if so, whether his staff could refuse to undertake the enforcement work. Ms LI also asked whether the legislative proposals would prescribe the appointment of a designated officer, similar to an occupational safety officer under the Occupational Safety and Health Ordinance, in a new statutory no smoking area to take enforcement actions.

33. DSHWF(H) said that under the existing Ordinance, “manager” in relation to a statutory no smoking area included an assistant manager, any person holding an appointment analogous to that of manager or assistant manager or any person who was responsible for the management, or was in charge or control of the statutory no smoking area. DSHWF(H) pointed out that this broad definition was aimed at facilitating the law enforcement work, as it allowed more flexibility in defining persons who could be regarded as “manager” in relation to statutory no smoking areas.

34. Referring to paragraph 17 of the Administration’s paper, Mr LI Kwok-ying requested the Administration to explain the proposal of conferment of enforcement powers on managers of new statutory no smoking areas.

35. DSHWF(H) said that to enable effective handling of smoking-related complaints and expeditious removal of nuisances caused by secondhand smoking, managers of statutory no smoking areas would be empowered to take immediate remedial actions (e.g. requiring a smoker to extinguish a lighted cigarette) upon detecting or being notified of a smoking act. Such powers were not new and had already been conferred on managers in respect of cinemas, shopping malls and restaurants with over 200 seats, etc. However, if premises managers experienced practical difficulties in their encounters with customers, they could refer the case

to the Tobacco Control Office (TCO) for follow-up. DSHWF(H) explained that if enforcement powers, e.g. recording the ID number of smokers, were not conferred on premises managers, they could not take any remedial actions even if they wished to take such actions in the first instance upon detecting a smoking act.

36. Mr LI Kwok-ying asked whether a restaurant manager would bear any responsibility if he was complained by a customer of not taking any actions to stop a smoker from smoking inside the restaurant. PASHWF(H)³ responded that in that situation, it would be the smoker and not the premises manager to be held liable. He added that under the existing Ordinance, a person who contravened statutory smoking ban was liable to a maximum fine of \$5,000.

37. The Chairman pointed out that premises managers were also held liable under similar legislation in Canada. DSHWF(H) responded that as far as a manager's responsibility was concerned, the existing Ordinance and the current proposal were different from the Canadian law having regard to Hong Kong's practical circumstances. DSHWF(H) explained that conferment of enforcement powers and not responsibility on managers of statutory no smoking areas actually served to protect them, and premises managers would not bear any responsibility should they choose not to exercise such powers.

38. Mr LI Kwok-ying asked whether this would be a loophole in the law if managers of new statutory no smoking areas could choose not to exercise the enforcement powers conferred on them after enactment of the legislative proposals. Ms LI Fung-ying shared Mr LI's concern and pointed out that some managers might refrain from enforcing the no smoking requirement to avoid to conflict with customers. Mr Vincent FANG and Miss CHAN Yuen-han both considered that the Administration should not put the responsibility of law enforcement on premises managers.

39. Mr Vincent FANG and Miss CHAN Yuen-han also considered it necessary to improve coordination among Government departments to achieve smooth implementation of the legislative proposals, as they noted that a smoke-free bar had recently been charged by the police of obstructing the street because it had placed ashtrays outside the bar.

40. DSHWF(H) said that premises managers who had difficulty in enforcing the no smoking requirement could call TCO, which would take enforcement actions. DSHWF(H) further said that the Administration also understood that the law enforcement work would not be an easy task and agreed that inter-departmental coordination would be necessary for successful implementation of the legislative proposals. DSHWF(H) stressed that sustained public support would also be essential for smooth implementation of the legislative proposals, and the Administration would step up publicity and public education to promote a no

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smoking culture. DDH added that TCO had been organising training courses for premises managers on the skills in the handling of smoking-related complaints and in persuading smokers not to smoke on their premises.

Admin 41. Mr Albert CHENG welcomed the proposed legislative amendments and requested the Administration to provide supplementary information on the allocation of additional resources for strengthening publicity and public education to promote anti-smoking. Mr CHENG believed that managers of restaurants would probably not enforce the no smoking requirement to avoid conflicts with their customers, if the current proposal was only to confer powers on them without prescribing any responsibility. Mr CHENG proposed that for the purpose of effective law enforcement, the bill should provide that premises managers were required either to take remedial actions or to notify TCO when they spotted any non-compliance with the statutory smoking ban on their premises. Mr CHENG also anticipated that people would tend to call the police to report non-compliance cases and this might cause wasteful employment of police. The Chairman suggested that the Administration should consider empowering premises managers or TCO staff members to issue fixed penalty notices to offenders for the purpose of effective law enforcement.

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Admin 42. In reply to Ms LI Fung-ying's enquiry about the manpower of TCO, DDH said that there were about 30 TCO staff members and, depending on the future extension of the statutory smoking ban, a few dozen additional staff members would be required to take law enforcement actions. Dr KWOK Ka-ki requested the Administration to provide information on the existing manpower of TCO and the additional manpower for implementation of the legislative proposals.

43. DDH said that based on overseas experience, the transitional periods allowed for restaurants were, in general, less than 12 months. DDH further said that based on past experience in prohibiting smoking in indoor public places, the Administration considered it most important to arouse community awareness about the hazards of smoking and secondhand smoking through publicity and educational activities in order to solicit wide public support and promote compliance. DDH pointed out that the Administration had confidence in the implementation of the proposed legislative proposals, as 85% of survey respondents had expressed support for the proposals to protect the public against secondhand smoke in indoor workplaces/public places. Moreover, research studies had shown that secondhand smoke was extremely harmful to health and that had resulted in strong community support for implementing the smoking ban.

44. Mr WONG Kwok-hing urged the Administration to step up publicity on the health hazards posed to employees of restaurants who were exposed to secondhand smoking on a long-term basis and educating them about their rights to be protected against such exposure, such as by putting up posters in restaurants. Mr WONG

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requested the Administration to educate employers of their obligations to protect their staff against secondhand smoking in their working environment and not to use the implementation of statutory smoking ban as an excuse to lay off staff. Mr WONG further suggested that TCO should explore enlisting the assistance and support of the entertainment industry in promoting the concept of no smoking in movies. However, Mrs Selina CHOW considered that the Administration should not interfere with the productions of the industry by imposing such a requirement.

Miscellaneous

45. In response to Mr LI Kwok-ying's enquiry, DSHWF(H) said that except for those entirely situated outdoor, public markets would be covered by the definition of indoor public places to be proposed in the bill.

46. Mr LI Kwok-ying expressed concern that the Administration's paper did not provide any details of the facilities or services available to help smokers quit smoking. DDH responded that 16 clinics under the Hospital Authority (HA) as well as the Education and Training Centre in Family Medicine and elderly health centres under DH were providing counselling service to help people quit smoking. Apart from the public health sector, private doctors were also being trained to provide such service. Pharmacists, dental surgeons and health care auxiliary workers were also engaged in the work of helping people quit smoking.

Further discussion

Admin 47. In response to the Chairman, DSHWF(H) said that HWFB had given drafting instructions to the Department of Justice, which was now drafting the bill. The Chairman requested the Administration to provide a paper giving the supplementary information requested and response to concerns raised by members for further discussion at the February meeting of the Panel. DSHWF(H) agreed.

V. Remuneration of Hospital Authority staff

(LC Paper Nos. CB(2)535/04-05(06) and CB(2)621/04-05(01))

48. At the Chairman's invitation, Chief Executive of HA (CE/HA) gave a PowerPoint presentation introducing the discussion paper on the remuneration packages of HA staff provided for the meeting.

49. Due to shortage of time, members agreed to include this item on the agenda of the next regular meeting for further discussion.

50. The Chairman said that he had to leave for a meeting of the Public Accounts Committee and requested the Deputy Chairman to chair the rest of the meeting on his behalf.

51. Miss CHAN Yuen-han requested the Administration/HA to provide more detailed information on the following issues -

- (a) the arrangement for accommodating existing temporary staff;
- (b) progress in converting well-performing doctors on contract terms to permanent terms of employment, such as the percentage of such doctors converted; and
- (c) the existing senior executive structure with HA's organisation chart for members' reference and any proposed changes to be made.

52. Dr KWOK Ka-ki and Dr Joseph LEE expressed concern that the paper did not provide any concrete proposal to resolve various problems raised in the paper. They considered that information on possible options would be useful to facilitate members' further discussion of the subject. Dr LEE commented that it was not clear from the paper as to what specific areas or what members' comments were sought.

53. Referring to a letter handed to members that morning by a group of temporary staff of HA, Mr KWONG Chi-kin and Mr WONG Kwok-hing asked whether HA could give an undertaking that it would continue to employ the existing 2 400-odd temporary staff members at least until after the Lunar New Year. CE/HA replied that HA could not given such an undertaking as the temporary staff involved many different grades of employees and their contracts were ending on different dates. He explained that continuation of temporary employment depended on actual operational needs. He added that for those temporary staff whose jobs had changed from a temporary to a more permanent, full time nature, HA was planning to convert them into full-time contract employment. Consideration was also being given to converting individual well-performing contract staff to permanent terms of employment.

54. Ms LI Fung-ying asked whether the paper was hinting that the manpower strength and remuneration of senior executives of HA would need to be enhanced and increases would be introduced to medical charges of the public health sector. Ms LI suggested that in considering the issues, the Panel would also need to have detailed information on the establishment of frontline healthcare staff. Referring to paragraphs 20 and 21 of the paper, Ms LI requested information on -

- (a) the types of allowances which would be subject to further review and

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discussion with staff, and whether any of these allowances were intended to be abolished; and

- (b) the number/grade of staff members who had been granted annual increment on the basis of their performance ratings and whether there was any grade the staff members of which had never been granted an annual increment on such basis.

Admin/HA Dr KWOK Ka-ki requested the Administration and HA to provide the requisite information.

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

Council Business Division 2
Legislative Council Secretariat
8 February 2005