

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1243/04-05  
(These minutes have been  
seen by the Administration)

Ref : CB2/PL/HS

**Panel on Health Services**

**Minutes of meeting**  
**held on Friday, 25 February 2005 at 8:30 am**  
**in the Chamber 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  
Dr Hon Joseph LEE Kok-long  
Hon Albert Jinghan CHENG
- Members absent** : Dr Hon YEUNG Sum  
Hon LI Kwok-ying, MH
- Members attending** : Hon LEUNG Yiu-chung  
Hon Emily LAU Wai-hing, JP  
Hon Tommy CHEUNG Yu-yan, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon WONG Kwok-hing, MH  
Hon KWONG Chi-kin

**Public Officers : All items attending**

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

Items II to 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 (Tobacco Control & Special Health Services), Department of Health

Item V

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

Dr William HO, JP  
Chief Executive, Hospital Authority

Mr David ROSSITER  
Head of Human Resources, Hospital Authority

Item VI

Mr Jeff LEUNG  
Principal Assistant Secretary for Health, Welfare & Food (Health) 1

Dr T H LEUNG, JP  
Deputy Director of Health

Dr Constance CHAN  
Assistant Director of Health (Traditional Chinese Medicine)

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

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

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**I. Confirmation of minutes**  
(LC Paper No. CB(2)838/04-05)

The minutes of the meeting held on 10 January 2005 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)839/04-05(01) to (02))

3. Members agreed to discuss the following items at the next regular meeting to be held on Monday, 14 March 2005 at 8:30 am -

(a) Dentists Registration Ordinance - Specialist Register; and

(b) Pandemic Flu preparedness plan - Anti-viral stockpile.

Clerk New items for inclusion on the list of outstanding items for discussion

4. Dr KWOK Ka-ki proposed that the Panel should discuss enhancing the provision of dental care for the elderly and extending school dental care services to post-primary students at a future meeting. Members agreed.

5. As proposed by Mr Albert HO, the Panel requested the Administration to provide information on the Medical Misadventure Fund which was established in

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New Zealand for the purpose of providing compensations to victims of medical blunders. The Panel agreed to include this item on the list of outstanding items for discussion.

6. The Chairman informed members that Mr Bernard CHAN had sent him a letter earlier suggesting that the Panel should discuss the promotion of organ donations at a future meeting. The Panel agreed to put this item on the list of outstanding items for discussion.

Proposed overseas duty visit of the Panel

7. The Chairman informed members that he and the Deputy Chairman proposed that the Panel should undertake an overseas duty visit to a few European countries, such as Ireland and Sweden, which had in recent years introduced laws to prohibit smoking in places of work, restaurants, entertainment places, etc. The Chairman said that the purpose of the duty visit was to gain understanding of these countries' experience in this area of work and the impact of smoking ban on the industries concerned. He added that while the Secretariat was preparing some information on the proposed duty visit for consideration at the next meeting, members were requested to forward any suggestions they had to the Clerk.

Members

8. Mrs Selina CHOW suggested that in order to have balanced consideration of different possible approaches, the proposed visit should also cover places which had not enacted laws to prohibit smoking at workplaces/public places. She further suggested that the visit should be open to all non-Panel Members. The Chairman agreed to consider Mrs CHOW's comments.

**IV. Further discussion on proposed amendments to Smoking (Public Health) Ordinance**

(LC Paper Nos. CB(2)535/04-05(03)-(05), CB(2)593/04-05(01), CB(2)621/04-05(02)-(04), CB(2)791/04-05(01), CB(2)839/04-05(03) and CB(2)944/04-05(01))

9. Members noted that a paper entitled "The cost of diseases caused by tobacco in Hong Kong" provided by the Department of Community Medicine of the University of Hong Kong (HKU) was tabled.

10. At the Chairman's invitation, Principal Assistant Secretary for Health, Welfare & Food (Health) 3 (PASHWF(H)3) gave a Powerpoint presentation on the findings of a study conducted by the Administration on -

- (a) the smokefree workplace laws of five jurisdictions with economic status comparable to that of Hong Kong, namely, California, State

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of New York, Ireland, Singapore and New Zealand; and

- (b) the economic impact of smoking ban on the catering industry in overseas places.

Discussion

*Overseas experience and concern about the impact on the catering/hospitality industries*

11. Ms Emily LAU said that while she appreciated the concern of the catering/hospitality industries, she supported the Administration's proposal to expand statutory no smoking areas. Referring to the Administration's paper, Ms LAU asked why only examples of places where the catering/hospitality industries had not been adversely affected by the imposition of smoking ban were given. She requested further information on any places which had experienced a decline in business and employment of restaurants as a result of the introduction of smoke-free laws.

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12. PASHWF(H)3 pointed out that according to quality reviews of relevant economic impact studies, the respective percentages of these studies indicating no impact, a positive impact or a negative impact of smoke-free laws on sales or employment of restaurants and bars were more or less the same. However, it was noted that all studies which had indicated a negative economic impact of smoke-free laws on the industries were those which were directly or indirectly sponsored by the tobacco industry. PASHWF(H)3 agreed to provide a summary of quality reviews of relevant studies, including those indicating a negative economic impact of smoke-free laws on the industries, for members' reference. He added that there was a large amount of information on such studies on the Internet and the Administration would try its best to compile and analyse such information. The Chairman said that the Research and Library Services Division (RLSD) of the Legislative Council (LegCo) Secretariat could also assist in providing further information on the economic impact of smoke-free laws on the catering/hospitality industries in overseas jurisdictions.

RLSD

13. Mrs Selina CHOW said that although she agreed that there was general consensus on the need to legislate against indoor smoking at workplaces, the Administration should play a neutral role in enacting the relevant legislation and should take active measures to address the concern of the catering/hospitality industries. Referring to the Administration's paper, Mrs CHOW said that the Administration should not have only selected jurisdictions which had introduced draconian smoke-free laws for its study. She suggested that information on other jurisdictions, such as France, Dubai and Japan, where the relevant legal provisions as well as law enforcement in respect of smoking ban were relatively loose, should

also be provided.

14. Permanent Secretary for Health, Welfare & Food (PSHWF) said that the Government was inclined to adopt a relatively tough approach to prohibiting indoor smoking at workplaces/public places as there had been studies and data showing that smoking was linked to the death of about 7 000 people in Hong Kong a year. She undertook that the Administration would widely consult stakeholders in pursuing the relevant legislative amendments and make reference to relevant experience of overseas jurisdictions. She added that based on its initial discussions with the industries, the Administration noted that some members of the industries also 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.

15. Mrs Selina CHOW further asked whether the Administration would consider introducing the statutory smoking ban in stages. She suggested that reference should be made to Singapore which seemed to allow smoking at entertainment places after 11:00 pm.

16. PSHWF responded that the Administration intended to first seek members' views on the transitional arrangements to be made for the industries and reach consensus in that regard before introducing the relevant bill into LegCo in May 2005. The Administration expected that the scrutiny of the bill would take at least six months and hoped that the proposed legislative amendments would take effect by mid-2006. She said that the Administration also wished to enable the industries to start making adjustments as early as possible. Therefore, it would undertake wide publicity on the proposed legislative amendments once they were submitted to LegCo so that the industries could have adequate time to adapt to the new requirements before enactment of the relevant provisions. PASHWF(H)3 added that based on information available, the Administration was not aware that Singapore granted any exemption to entertainment places from no smoking requirements during certain period of time of the day.

17. Referring to the Administration's paper, Mr Tommy CHEUNG expressed dissatisfaction with the incomplete information provided. He informed the Panel that he had also conducted researches on the smoke-free workplace laws of the five jurisdictions selected for the Administration's study and he found that much information on exceptional arrangements made under the quoted statutes was missing in the paper. He said that, for example, under the relevant legislation of California, Ireland and New Zealand, a number of exemptions were provided for indoor places, and in California, smoking was actually allowed at designated areas at workplaces under the relevant legislation. However, such information was not included in the Administration's paper. At the Chairman's request,

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Mr Tommy CHEUNG Mr CHEUNG agreed to forward the information he had compiled to RLSD of the LegCo Secretariat.

18. Referring to paragraphs 18 to 21 of the paper, Mr CHEUNG further said that the findings of studies on economic impact of smoking ban on the catering industry provided by the Administration were unconvincing and too brief. He pointed out that, for example, it was not clear from paragraphs 18 and 19 the rate of increase in employment of California's bars and restaurants, when the base was not given, and the impact on the overall sales of the catering industry in New York and California after enactment of their respective smoke-free workplace laws. He also queried why the paper provided no information on the economic impact of smoke-free dining in Australia. PSHWF responded that there was so much information about these studies that the Administration was unable to include all the information in the paper. She stressed that the Administration had no intention of hiding any particular information since all the information was easily accessible on the Internet. She added that the Administration would fully cooperate with the LegCo Secretariat and entertain any request for information as far as possible.

RLSD 19. Ms LI Fung-ying considered that it seemed inadequate for the Administration to have included only one jurisdiction (Singapore) in Asia for its study. She suggested that reference should also be made to the experience of Japan and she hoped that information on the country's smoke-free workplace laws and law enforcement experience could also be provided.

20. Mr KWONG Chi-kin declared that he was the chairman of a district organization, Action on Smoking or Health Limited, which promoted anti-smoking. He considered that as the Administration was obliged to protect public health, it did not have to take a neutral stance on the issue of anti-smoking. He said that the profitability of the catering/hospitality industries should not be the key consideration in the deliberations on the proposed expansion of statutory no smoking areas. He further suggested that the Administration should strengthen promotion to employees of the catering industry about their right under the law to demand for a safe working environment and that the Administration's consultation with the catering industry should include seeking the views of employees of the industry.

21. PSHWF said that given the long working hours of employees of the catering industry, the potential threat posed to their health due to their prolonged exposure to secondhand smoke should be taken into consideration. Dr KWOK Ka-ki shared the view and called on employers of the catering industry to have regard to the health hazard posed to their employees by long-term exposure to secondhand smoke at work. He further said that there were actually many employers in support of the statutory smoking ban and he suggested that the

Administration should contact these employers and ask them to give their support. He added that given the huge economic loss caused to Hong Kong each year by smoking-related problems as set out in the Administration's paper and found by other studies, he hoped that Members who represented the industries or the commercial and business sectors would also support the current proposal.

22. Mr Albert HO asked whether the Administration had findings of any tracking polls conducted overseas which showed that although the business of the catering industry of a jurisdiction might experience a short-term decline after the imposition of smoking ban, business subsequently picked up when patrons had made adjustments to the smoking ban imposed. PASHWF(H)3 responded that some jurisdictions had conducted such tracking polls, the findings of which had shown that people would adapt to the statutory smoking ban in time after efforts had been made in strengthening publicity to promote public acceptance of relevant laws. He said that taking California as an example, smoke-free workplace laws had been introduced there for over 10 years. Patron smoking compliance in restaurants and bars had gradually improved from 92% and about 50% in 1998 to 98% and almost 80% respectively in 2002.

23. Mr Albert HO asked whether the Administration had any information on the impact of statutory smoking ban on the airline industry, which had implemented the ban for 10 years. PASHWF(H)3 said that the Administration had not gathered such information.

24. Dr Joseph LEE suggested that to allay the concern of the catering/hospitality industries, the Administration should provide detailed information on the short-term as well as long-term economic impact (in terms of job creation and business turnover) of statutory smoking ban on the industries concerned in overseas jurisdictions. He further suggested that the Administration should provide information on any jurisdictions which, after imposition of statutory smoking ban, had seen decreases in numbers of patients and employees suffering from smoking-related diseases and the healthcare expenditures thus saved. Dr LI also requested the Administration to make suggestions as to how it could assist the catering/hospitality industries should they really experience serious decline in business as a result of the imposition of statutory smoking ban. Mr Vincent FANG suggested that consideration should be given to subsidising the affected industries by re-deploying the savings achieved through the introduction of a total smoking ban.

Admin 25. PSHWF said that it would not be easy to obtain the information requested by Dr Joseph LEE but the Administration would try its best to provide such information as far as possible. She explained that there could be many factors contributing to the sales increase of the catering industry of a jurisdiction in a particular period of time and it was difficult to isolate the effect of smoking ban as



the only factor accounting for the increase. She added that given the principle of free economy that Hong Kong practiced, it would not be appropriate for the Government to provide the subsidies as suggested by Mr FANG.

26. Mr Tommy CHEUNG also considered that it was difficult to conclude what economic impact that the introduction of a smoking ban had on the catering/hospitality industries of any one jurisdiction because there could be many factors which accounted for sales growth or decline of the industries. He pointed out that it was more important to look at what exemptions were allowed under the relevant laws in overseas jurisdictions and see whether similar arrangements could be made for local catering/hospitality industries to minimise the impact of the smoking ban on them.

27. Mr Vincent FANG also considered that the Administration should adopt a gradual approach in enacting relevant legislation, and reference should be made to experience of overseas jurisdictions, such as California, which had adopted a step-by-step approach to expanding statutory smoking ban between 1995 and 1998, and Singapore, which first introduced the smoking ban in 1970 and did not impose total smoking ban until the current year. Mr FANG said that all these jurisdictions had introduced statutory smoking ban in stages and other jurisdictions, such as Italy, allowed the designation of specially equipped areas for smoking in a restaurant/entertainment place.

28. On the designation of smoking and no smoking zones, PSHWF said that similar measures were already provided under the Smoking (Public Health) Ordinance (the Ordinance), as restaurants with seating capacity of less than 200 persons were currently not subject to statutory smoking ban and only those providing indoor seating accommodation for over 200 persons were required to designate at least one-third of such area as smoke-free area. PSHWF said that the Administration considered it the right time to expand the statutory smoking ban in order to enhance the protection of public health.

29. Mr Vincent FANG further asked whether there were any overseas jurisdictions which had also adopted such a sweeping approach like Hong Kong in introducing smoke-free workplace laws. PASHWF(H)3 responded that Ireland and New Zealand had also introduced comprehensive smoke-free workplace laws in recent years. They had basically banned smoking in all indoor workplaces/public places and did not allow the designation of smoking zones in those places. PASHWF(H)3 explained that the provision of a smoking zone in a restaurant actually could not protect restaurant patrons and employees from secondhand smoking because tobacco smoke could diffuse from smoking areas to no smoking areas. Operationally, it had caused inconvenience to restaurant management and conflicts between smokers and non-smokers. Moreover, as restaurants/entertainment places might need to carry out structural alteration works

in order to separate smoking and no smoking areas, additional costs could be incurred to the owners.

30. Referring to the Administration's paper, the Chairman said that the levels of penalties imposed on offenders under the relevant smoke-free workplace laws overseas were very high if they were directly applied to Hong Kong. He asked how the Administration was going to set the levels of penalties to be introduced under the proposed legislative amendments. PSHWF said that the Administration intended to impose the same levels of penalties for new offences arising from the proposed amendments as those provided for under the existing Ordinance.

#### *Law enforcement*

31. Ms Emily LAU said that the catering/hospitality industries were very concerned about what legal responsibilities would be imposed on the staff members of a statutory no smoking area. She requested the Administration to provide detailed information in this respect and on the law enforcement experience of overseas jurisdictions. PASHWF(H)3 responded that obligations imposed on the managers of statutory no smoking areas under the overseas laws as quoted in the paper were similar to those imposed under the existing Ordinance. Basically, premises managers were only required to post "No smoking" signs in the areas, to take practicable steps to prohibit smoking in the areas (e.g. removing ashtrays from the areas), and to take rectification actions against smokers upon detection of alleged smoking acts in the areas. PASHWF(H)3 explained that provided that premises managers had taken such measures, they would generally not be held accountable for smoking acts in areas under their supervision. Ms LAU suggested that the Administration should conduct studies on relevant provisions of overseas laws before drafting the bill.

32. Referring to the Administration's paper, Ms LI Fung-ying noted that the personnel/agencies responsible for undertaking relevant law enforcement work in each of the five selected jurisdictions were different, with some jurisdictions only involving health and police departments while others involving premises owners and managers as well to enforce the law. She asked whether the Administration had conducted studies on the effectiveness of law enforcement conducted by these different agencies/personnel and whether restaurant staff would bear criminal liability if they failed to enforce the law under the legislative amendments to be introduced. Mr Vincent FANG suggested that the responsibility to enforce the smoking ban should be borne by the police or the Tobacco Control Office (TCO) and not restaurant staff as they did not want to come into conflict with patrons.

33. PSHWF said that the findings of the study showed that in some jurisdictions, more responsibilities were imposed on the management staff of

premises. She said that although the Administration believed that this approach would prove to be more effective in achieving expeditious removal of nuisances caused by secondhand smoking, it was necessary to take into consideration the local situation and the fact that employees of the catering industry were anxious to keep their jobs and they did not want to be burdened with law enforcement work. She further said that the Administration intended that while some responsibilities would be imposed on the management staff of premises, the primary responsibility in terms of law enforcement should rest with the Government.

34. Deputy Director of Health (DDH) supplemented that after extension of the statutory smoking ban, the Administration would strengthen publicity/public education and the manpower of TCO to take law enforcement actions. The Administration proposed introducing provisions in the Ordinance to empower TCO staff to initiate prosecutions against existing offences in the Ordinance and new offences in the proposed amendments. The Administration also proposed giving TCO certain general powers of enforcement such as the powers of entry, investigation, sample-taking and seizure. He added that as past experience had shown, although the Administration had encountered some problems in the initial stage of enforcing the existing Ordinance, compliance proved to be satisfactory in the long term.

35. Dr KWOK Ka-ki said that the Administration could allay the concern of the catering/hospitality industries by undertaking that it would strengthen support for the industries in respect of law enforcement. In this connection, he asked whether the Economic Development and Labour Bureau (EDLB) and the Occupational Safety and Health Council could be asked to provide manpower for law enforcement and research support. PSHWF responded that the Health, Welfare and Food Bureau would secure the support of other bureaux as far as possible in the implementation of the statutory smoking ban. She added that the Administration would try to secure the industries' and public support in introducing the proposed legislative amendments.

*Human rights consideration*

36. Mr Albert HO asked whether the smoke-free workplace laws in any overseas jurisdictions had ever been challenged by people on the ground of violating human rights. Mr Tommy CHEUNG said that he remembered that there seemed to be such a case in British Columbia, Canada. PSHWF said that the Administration would try to obtain further information. The Chairman said that RLSD could also assist to provide information as well.

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RLSD

*Further discussion*

37. Ms Emily LAU said that she hoped that the bill could be introduced into

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LegCo in May or earlier and that the legislative amendments could be passed by the end of 2005 and take effect in mid-2006 without any unnecessary delays. Mr Tommy CHEUNG, however, took the view that the Administration should first conduct more thorough research studies on overseas smoke-free workplace laws, especially the exceptional arrangements made, before drafting the bill. He suggested that the Panel should hold a special meeting to solely discuss the smoke-free workplace laws overseas and meet with representatives of the tobacco industry and the catering/hospitality industries, including their staff members.

RLSD

38. As proposed by the Chairman, the Panel agreed to further discuss the subject in April 2005. The Chairman said that he hoped that RLSD could provide the requisite supplementary information before the special meeting.

**V. Remuneration of Hospital Authority staff**

(LC Paper Nos. CB(2)535/04-05(06), CB(2)621/04-05(01) and CB(2)839/04-05(04))

39. Mr Vincent FANG declared that he was a member of the Hospital Authority (HA) Board. He considered that converting the temporary staff members to contract employment would be conducive to boosting staff morale. He expressed support for the arrangements for temporary staff members set out in the paper. Chief Executive, HA (CE/HA) responded that HA was planning to convert temporary staff members who had worked in HA for at least one year with proven good performance to contract employment packages. He said that details of the plan were being worked out, taking into account HA's budgetary constraints, manpower needs, and organisational development, etc. He also took the opportunity to inform members that HA was considering the establishment of a mechanism for granting increments to some employees recruited after June 2002 on the basis of their performance in order to boost staff morale.

40. Mr WONG Kwok-hing requested information on the number of temporary staff working in the HA, the range of their length of service, and how many of them would be offered contract employment packages. He said that those who had recently switched to contract employment packages had complained that their annual leave entitlement was less than that of their counterparts who had signed contracts earlier and their family members were also not entitled to medical benefits.

41. CE/HA responded that depending on operational needs, budgetary constraints and performance of the staff, more than 80% of the existing 2 420 temporary staff with more than one year's service would be offered contract employment packages. At the request of Mr WONG, CE/HA agreed to provide the number of temporary staff who would not be offered contract employment

HA

packages.

42. CE/HA further said that in order to enable more temporary staff to switch to contract employment packages, the HA had discussed the adjustments needed to be made to contract employment packages with the staff concerned. Mr WONG Kwok-hing asked whether the HA would consider providing the family members of the newly recruited contract staff members with medical benefits as well, as these staff members considered that their close contact with patients posed a risk of infection to their family members.

43. CE/HA explained that there would be additional resources implications if the terms and conditions of the current contract employment packages were to be enhanced. He reiterated that HA had thoroughly discussed the issue with staff members and the current contract employment packages, though not as good as those of the previous ones, still provided more secured tenure and better terms and conditions than those offered to temporary staff. As regards risk of infection, CE/HA pointed out that HA had been providing the necessary training and protective gear for staff members to protect them from infection at work.

44. Referring to a reply given by the Permanent Secretary for Economic Development and Labour (Labour) at the meeting of the Panel on Manpower on the previous day, Mr WONG Kwok-hing asked CE/HA to reaffirm that all the existing temporary jobs in HA would be extended. CE/HA replied that it was decided that the employment of all the existing temporary staff in HA, subject to their satisfactory performance, would be extended this year.

45. Dr KWOK Ka-ki referred to HA's difficult budgetary situation and asked whether the Administration could undertake to cover the cost of the temporary staff involved. Principal Assistant Secretary for Health, Welfare & Food (Health) 2 (PAS(HWF)(H)2) explained that the extension of these temporary jobs was separately funded by the Administration. She said that since 2000, the Administration had created a number of temporary jobs in the public sector to help the unemployed enter/re-enter the labour market and to meet operational needs. She stressed that the job extensions depended on whether or not there were real operational needs. CE/HA agreed to provide information on the financial implications that would arise from converting the existing temporary staff with proven good performance to contract employment packages.

HA

46. Ms LI Fung-ying asked about the progress of the review on various job-related allowances. CE/HA responded that HA had reviewed the need for continued payment of existing job-related allowances and, after conducting thorough consultations with staff members, it had decided to abolish 10 categories of allowance/reimbursement payment with effect from 2003. He said that eight more types of allowances, as set out in paragraph 6 of the paper, would be further

reviewed. In response to Ms LI, CE/HA said that a timetable for conducting the review had yet to be worked out.

47. The Chairman and Miss CHAN Yuen-han both expressed concern about the prevailing problem of low morale of HA doctors, who had to cope with very heavy work pressure on the one hand and the examination pressure arising from their six-year specialist training on the other. Miss CHAN said that these doctors were also worried that they might not be offered contract renewal upon completion of their training.

48. CE/HA responded that in recent years the turnover of the specialists in HA had provided doctors who had completed specialist training the opportunity to be employed by HA. He pointed out that increasingly more and more doctors on the Resident Training Programme for various clinical specialties were being offered opportunities to continue to work in HA after they had completed training in the past two years. He said that HA intended to retain contract doctors with proven good performance in HA. Miss CHAN Yuen-han further asked whether consideration would be given to extending the contract period for training beyond six years. CE/HA responded that HA had already allowed flexibility to extend the contract period for training beyond six or seven years, and beyond eight years in exceptional circumstances, on a case-by-case basis and based on individual merits.

49. The Chairman asked CE/HA to brief members on the present position of the review of the remuneration packages of the senior executive team. CE/HA responded that HA had recently appointed an external consulting firm to conduct the review scheduled for completion in the first half of 2005. The outcome of the review would then be deliberated by the HA Board.

## **VI. Registration of Chinese medicine practitioners** (LC Paper No. CB(2)839/04-05(05))

50. Referring to paragraphs 9 and 15 of the paper, Mr Vincent FANG pointed out that among the 2 619 Listed Chinese Medicine Practitioners (LCMPs) who were required to attend the Licensing Examination, only 539 had become registered Chinese medicine practitioners (CMPs) as of December 2004. He asked whether consideration would be given to conducting more rounds of the CMP Licensing Examination in order to speed up the process. Dr KWOK Ka-ki asked about the long term plan for the 3 000 LCMPs who were still unable to attain the registration status.

51. DDH responded that the Chinese Medicine Practitioners Board (the Practitioners Board) held at least one round of the CMP Licensing Examination

each year and a few hundred candidates attended it each time. He said that more rounds of examination could be conducted each year depending on the actual situation. He pointed out that LCMPs could decide on their own when they were ready to take or retake the examination. DDH said that the Administration considered it pragmatic in the interests of the actual social needs to allow LCMPs to continue with their practice as an interim measure. Meanwhile, LCMPs were encouraged to enhance their professional standards, such as by attending the relevant training and studies, to meet the formal requirements for registration. DDH added that the Administration had yet to set a time limit for LCMPs to obtain the registration status.

52. Miss CHAN Yuen-han said that there were some CMPs who claimed that they possessed the required practicing experience and academic qualifications but had missed the cut-off date for applications. DDH said that following the passage of the relevant subsidiary legislation in 2000, the Chinese Medicine Council (CMC) had invited applications from practising CMPs for registration under the “transitional arrangements” as provided by the Chinese Medicine Ordinance. The application period ended on 30 December 2000. However, subsequent to a court case, the closing date for applications had already been extended by one to two years, during which some more applications had been received by CMC.

53. Mr LEUNG Yiu-chung said that he had received many complaints from the CMP profession on the continuing education in Chinese medicine (CME). He said that the participants had complained that the level of the training programmes was rather elementary and they felt that it was a waste of their time and money to attend the programmes. He requested the Administration to explain the criteria adopted for the selection of the CME Programme Providers.

54. Assistant Director of Health (Traditional Chinese Medicine) said that more than one year ago, the Practitioners Board had conducted extensive consultation with the CMP profession on the criteria for assessment of training institutions to be recognised as accredited CME Programme Providers. She informed members that the Practitioners Board had invited all local Chinese medicine training institutions and professional associations to apply and in the selection process, consideration was given to their history of teaching, facilities, teaching staff, course content, organisational structure, etc. There were a total of 30 accredited CME Programme Providers. DDH said that CME actually took different forms, including participation in seminars, training courses and publication of papers on Chinese medicine in the relevant periodicals.

55. Ms LI Fung-ying said that practising CMPs had been complaining that the scope of the Licensing Examination was unfair to them because it was too comprehensive without taking into account the fact that each CMP had his main

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stream of practice. DDH explained that the Licensing Examination was aimed at ensuring the professional standard of CMPs and was directed at a comprehensive professional assessment of the candidates' fundamental knowledge of Chinese medicine. He said that it was necessary for the examination to cover both fundamental and clinical subjects of general Chinese medicine.

56. Miss CHAN Yuen-han said complaints had been made that the Practitioners Board had imposed many extra requirements when it assessed the practising experience and qualifications of LCMPs who applied for registration. She felt that the Practitioners Board lacked flexibility in considering the types of documents produced by the applicants in support of their claims regarding their practicing experience or qualifications. She suggested that the Department of Health should look into those complaint cases.

57. Mr LEUNG Yiu-chung pointed out that the present membership of CMC was due to expire in September 2005. He suggested that consideration should be given to allowing the CMP profession to elect their own representatives to be members of CMC. In response, PSHWF said that the important thing was for the Council to be able to effectively gauge views from the profession, both through its members and through liaison with the practitioners. The Administration would nonetheless consider the feasibility of the suggestion. The Chairman requested the Administration to give a written response to the concerns raised by members concerning the imposition of extra requirements on CMPs applying for registration by the Practitioners Board and the election of members of CMC in about one month's time.

Admin

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

Council Business Division 2  
Legislative Council Secretariat  
11 April 2005