

Ref: AM 12/01/19 (08-12)

**Subcommittee on Members' Remuneration
and Operating Expenses Reimbursement**

**Background Brief on
Non-disclosure of private information about Members' medical claims**

Purpose

This paper sets out the background on the open inspection of Members' medical claims and the arrangements for the non-disclosure of Members' private information on such claim documents.

Background

2. Proposals on the remuneration package and expenses reimbursements available to Legislative Council ("LegCo") Members are recommended by the Independent Commission on Remuneration for Members of the Executive Council and the Legislature of the Hong Kong Special Administrative Region⁽¹⁾ ("the Independent Commission") and proposed by the Administration for the approval of the Finance Committee ("FC") of LegCo. The Secretary General, as the Controlling Officer, issues explanatory notes on the remuneration package and provides guidelines on how claims for reimbursements should be made, based on the proposals approved by FC and general accounting principles.

3. Prior to 1 October 2008, LegCo Members could claim reimbursement for their personal medical and dental insurance payments out of the Office Operation Expenses Reimbursement ("OOER") provided for the reimbursement of their office operating expenses, such as office rents, staff remunerations, equipment and furniture, website expenses and consultancy services. Under the Independent Commission's stated "principle that LegCo Members' use of their expenses allowance should be accountable and transparent as far as possible", all supporting documents for the claim of OOER are open for public inspection at the Library of the LegCo Secretariat.

⁽¹⁾ The Independent Commission has been renamed as the Independent Commission on Remuneration for Members of the Executive Council and the Legislature, and Officials under the Political Appointment System of the Hong Kong Special Administrative Region to reflect the expansion of its terms of reference with effect from 1 April 2008 to cover the remuneration for officials under the Political Appointment System.

4. On the recommendation of the Independent Commission, the Administration proposed in 2008 that, instead of paying Members' personal medical and dental insurance premiums out of OOER, an annual accountable medical allowance of \$25,000 (price adjusted to \$26,130 with effect from 1 October 2008) be made available to each serving Member of the Fourth LegCo (i.e. October 2008 to September 2012). Furthermore, the allowance can be used to pay for Members' actual medical and dental expenses. The proposal was approved by the Finance Committee on 11 January 2008.

5. On 10 October 2008, the LegCo Secretariat issued an Explanatory Note on Remuneration and Benefits for Legislative Council Members ("Explanatory Note") to all Members. For reference, the section of the Explanatory Note covering the nature and amount of the medical allowance, the reimbursement conditions and procedures, as well as the claim form to be used is extracted in the **Attachment**.

6. As personal data and private information shown on claim documents will be made public when the claim documents are open for public inspection, paragraph 7 of the Explanatory Note states that such information can be covered before the claim documents are presented to the Secretariat for reimbursement:

"All claim forms and supporting documents are available for inspection or photocopying by the public. Members may block out personal identifiers and data (such as Hong Kong identity card numbers, credit card numbers or home addresses), as well as private information (such as diagnoses recorded in supporting documents for medical expenses), before the supporting documents are presented to the Secretariat, if such information is not intended to be available for public inspection."

Matters for deliberation

7. Following the publication of the details of some Members' claims for reimbursement of medical expenses by the media in local newspapers, some Members have enquired about the extent of information to be provided in the claim form to enable the Secretariat to process the claims but without disclosing private information for public inspection.

**Extract from
Explanatory Note — Remuneration and Benefits for
Legislative Council Members**

X X X X X X

Medical Allowance

2. A Member is entitled to a medical allowance of \$26,130 each year to cover his/her medical expenses, which include actual medical and dental expenses, as well as premiums for personal medical and dental insurance cover.

3. Except as provided for in paragraph 4 below, the medical allowance ceiling of \$26,130 applies to medical expenses paid by the Member concerned from 1 October to 30 September next (reimbursement year), in respect of medical benefits enjoyed during the Member's tenure of office.

4. For an insurance premium paid or an insurance policy started before a Member takes office, the premium covering any period of tenure of the Member may be reimbursed on a time-apportionment basis, out of the medical allowance provided for the first reimbursement year after taking office.

5. As the allowance is for a serving Member, medical insurance premiums in respect of any period after the end of the LegCo term have to be borne by the Member concerned, unless he/she is re-elected, in which case the unreimbursed amounts can be claimed in the ensuing LegCo term.

6. **Form M**, in **Appendix I**, should be used for claiming the medical allowance within three months after payment.

7. All claim forms and supporting documents are available for inspection or photocopying by the public. Members may block out personal identifiers and data (such as Hong Kong identity card numbers, credit card numbers or home addresses), as well as private information (such as diagnoses recorded in supporting documents for medical expenses), before the supporting documents are presented to the Secretariat, if such information is not intended to be available for public inspection.

X X X X X X

CLAIM FOR MEDICAL ALLOWANCE
BY MEMBERS OF LEGISLATIVE COUNCIL

To : Secretary General
Legislative Council Secretariat
(Attn : Accounts Office)

I, _____, Member of the Legislative Council (LegCo),
certify that the following are my personal medical expenses paid in the month of
_____ 200____. ^(Note 1)

HK\$

Medical (including dental) expenses	
Premiums on medical (including dental) insurance cover		_____
Supporting documents and certified expenses amounted to		_____ ^(Note 2)

The above are supported by invoices, receipts or other documentary evidence duly certified by me.

Unless blocked out by me, information disclosed on the supporting documents may be made available for public inspection. ^(Note 3)

Signature of Member

Date

^(Note 1) For an insurance premium paid or an insurance policy started before a Member takes office, the premium covering any period of tenure of the Member may be reimbursed on a time-apportionment basis, out of the medical allowance provided for the first reimbursement year after taking office.

^(Note 2) The ceiling of \$26,130 for reimbursement of a Member's personal medical and dental expenses (including premiums on insurance cover) applies to payments made from 1 October 2008 to 30 September 2009. Insurance premiums in respect of any period after the end of the current LegCo term have to be borne by the Member concerned, unless he/she is re-elected, in which case the unreimbursed amounts can be claimed in the ensuing LegCo term.

^(Note 3) Members may block out personal identifiers and data (such as Hong Kong identity card numbers, credit card numbers or home addresses), as well as private information (such as diagnoses recorded in supporting documents for medical expenses), before the supporting documents are presented to the Secretariat, if such information is not intended to be available for public inspection.