

立法會

Legislative Council

LC Paper No. CB(2)2495/08-09
(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE

Panel on Security

Minutes of meeting held on Monday, 6 July 2009, at 9:00 am in Conference Room A of the Legislative Council Building

- Members present** : Hon LAU Kong-wah, JP (Chairman)
Hon James TO Kun-sun (Deputy Chairman)
Hon Albert HO Chun-yan
Dr Hon Margaret NG
Hon CHEUNG Man-kwong
Dr Hon Philip WONG Yu-hong, GBS
Hon Emily LAU Wai-hing, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon LEUNG Kwok-hung
Hon CHIM Pui-chung
Hon CHAN Hak-kan
Hon WONG Kwok-kin, BBS
Hon IP Kwok-him, GBS, JP
- Members attending** : Hon LEE Cheuk-yan
Hon LI Fung-ying, BBS, JP
Dr Hon Joseph LEE Kok-long, SBS, JP
Dr Hon PAN Pey-chyou
Hon Paul TSE Wai-chun
- Members absent** : Hon WONG Yung-kan, SBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon WONG Yuk-man
- Public Officers attending** : Item III
Mr NGAI Wing-chit
Deputy Secretary for Security 3

Mr CHOW Wing-hang
Principal Assistant Secretary for Security (D)

Mr David CHIU, IDSM
Deputy Director of Immigration

Item IV

Ms Carol YUEN
Deputy Secretary for Security 2

Mr CHAN Chor-kam
Deputy Director of Fire Services

Mr MAK Kwai-pui
Chief Ambulance Officer
Fire Services Department

Mr NG Wai-keung
Senior Divisional Officer
(Information Technology Management Unit)
Fire Services Department

Dr Gordon WONG Chi-keung
Medical Director
Fire Services Department, Hong Kong Ambulance
Command

Item V

Mr NGAI Wing-chit
Deputy Secretary for Security 3

Mr LO Ying-ki, Alan
Principal Assistant Secretary for Security (C)

Mr David CHIU, IDSM
Deputy Director of Immigration

Attendance : Item III
by invitation

Hong Kong Bar Association

Mr Robert WHITEHEAD, SC

Mr P Y LO

The Law Society of Hong Kong

Mr Lester HUANG

Mr Peter BARNES

Society for Community Organization

Mr TSOI Yiu-cheong, Richard
Community Organizer

Hong Kong Human Rights Monitor

Mr LAW Yuk-kai
Director

Mr KWOK Hiu-chung
Education Officer

Clerk in attendance : Mr Raymond LAM
Chief Council Secretary (2) 1

Staff in attendance : Ms Connie FUNG
Senior Assistant Legal Adviser 1

Mr YICK Wing-kin
Assistant Legal Adviser 8

Miss Josephine SO
Senior Council Secretary (2) 1

Miss Kiwi NG
Legislative Assistant (2) 1

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I. Confirmation of minutes of previous meeting
(LC Paper No. CB(2)2055/08-09)

The minutes of the meeting held on 5 May 2009 were confirmed.

II. Information papers issued since the last meeting
(LC Paper Nos. CB(2)1957/08-09(01), CB(2)2018/08-09(01) and
CB(2)2018/08-09(02))

2. Members noted that the following papers had been issued since the last meeting -

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- (a) Referral from Duty Roster Members on employment service support for rehabilitated offenders; and
- (b) The Coroner's replies regarding the Police's investigation report into the death of a Nepalese arising from an open fire incident in Hung Hom on 17 March 2009.

3. Referring to the referral from Duty Roster Members as referred to in paragraph 2(a), Ms Audrey EU suggested that the issue of employment service support for rehabilitated offenders should be discussed at a future meeting. Members agreed to include the item in the Panel's list of outstanding items for discussion.

III. Review of the torture claim screening mechanism
(LC Paper Nos. CB(2)2054/08-09(01) and (02))

4. The Chairman reminded the deputations attending the meeting that they were not covered by the protection under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) when addressing the Panel. At the invitation of the Chairman, four deputations presented their views on the subject.

Views of deputations

The Law Society of Hong Kong (the Law Society) and Hong Kong Bar Association (the Bar)
(LC Paper Nos. CB(2)1234/08-09(01) & CB(2)2054/08-09(03))

5. Mr Lester HUANG presented the views of the Law Society and the Bar, as detailed in their joint submission and position paper. He said that the Law Society and the Bar were of the view that there was an imminent need for the Administration to introduce a new legislation for implementation of a coherent and comprehensive system which catered for contemporaneous screening of torture claimants, asylum seekers or those seeking refugee status. The system should be able to help prevent abuse and withstand legal challenge in court.

6. Mr Robert WHITEHEAD referred Members to the joint position paper from the Law Society and the Bar on the legislative framework for torture claimants and asylum seekers (LC Paper No. CB(2)1234/08-09(01)), and highlighted the Law Society's and the Bar's concerns over the existing procedures adopted by the Administration for assessing torture claims, which in their view were unfair and cumbersome. He stressed the importance of putting in place comprehensive legislation for the determination of refugee status and torture claims.

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Hong Kong Society for Community Organization (SOCO)
(LC Paper No. CB(2)2054/08-09(05))

7. Mr TSOI Yiu-cheong presented the views of SOCO as detailed in its submission. He said that SOCO shared the view of the Law Society and the Bar that the Government of the Hong Kong Special Administrative Region (HKSAR) should put in place a legal regime, establishing a comprehensive and effective procedure for assessment of torture claims made under the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and claims for refugee status filed with the United Nations High Commissioner for Refugees (UNHCR) under the 1951 United Nations Convention relating to the Status of Refugees (the Refugee Convention).

Hong Kong Human Rights Monitor (HKHRM)
(LC Paper No. CB(2)2054/08-09(06))

8. Mr KWOK Hiu-chung took Members through the submission of HKHRM. He said that HKHRM shared the view that the Administration should expedite its study regarding the implementation of a legislative regime for handling torture claims, with a view to establishing comprehensive and effective procedures for assessment of torture claims and determination of refugee status. The procedures should meet high standards of fairness as demanded by the court rulings.

Administration's response to deputations' views

9. Deputy Secretary for Security (3) (DS(S)3) made the following points in response to the submissions of deputations -

- (a) CAT had been applied to Hong Kong since 1992. Under Article 3 of CAT, no State Party should expel, return or extradite a person to another State where there were substantial grounds for believing that he would be in danger of being subjected to torture. Only a small number of torture claims were lodged pursuant to this Article in the past. From 1992 to 2004, the HKSAR Government received 44 claims in total;
- (b) in June 2004, the Court of Final Appeal decided in a judicial review case that the procedures for screening torture claims should meet high standards of fairness and allow every reasonable opportunity for the claimant to establish his claim. Thereafter, the number of torture claims had surged;
- (c) the HKSAR Government had been reviewing the torture claim screening mechanism from time to time, with a view to achieving

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effective screening, ensuring procedural fairness and preventing abuse. Nevertheless, the Court of First Instance (CFI) decided in December 2008 in another judicial review case that the screening procedures put in place by the Administration were unable to meet the high standards of fairness. The screening process was suspended since the handing down of the CFI's judgment. As at mid-June 2009, there were some 5 000 claims pending screening;

- (d) to deal with the backlog of claims, there was a need to resume screening as soon as possible. The Administration aimed to implement the enhanced screening procedures for torture claims, as set out in paragraphs 6 to 12 of the Administration's paper, in September or October 2009. It also planned to introduce legislation on the screening procedures, such that the procedures would be based on clear statutory provisions. The Administration would brief and consult the Panel on the relevant legislative proposals by the end of 2009, with a view to introducing a bill into the Legislative Council (LegCo) within the 2009-2010 legislative session;
- (e) the HKSAR Government's established position on the Refugee Convention remained unchanged, i.e., the Convention did not apply to Hong Kong and the Government did not have any obligation to admit persons seeking refugee status or to handle refugee status determination; and
- (f) despite the non-application of the Refugee Convention to Hong Kong, asylum seekers might approach the Hong Kong Sub-office of UNHCR to lodge asylum/refugee claims. The HKSAR Government had all along been supporting the operation of UNHCR's Hong Kong Sub-office through provision of office accommodation at nominal rent.

Discussion

10. The Deputy Chairman expressed concern that HKSAR lacked a clear asylum policy. He sought information on how people who sought refugee status or made torture claims came to Hong Kong, and questioned whether the refugee status or torture claim lodged by a person should be processed by the country/place of his first landing. Mr CHEUNG Man-kwong echoed the Deputy Chairman's view and enquired about the definition of "place of first landing" under international conventions and treaties.

11. In response, DS(S)3 and Principal Assistant Secretary for Security (D) (PAS(S)D) advised that -

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- (a) the majority of torture claimants were South Asians, mostly from Pakistan, India, Bangladesh and Sri Lanka. About half of the claimants were illegal immigrants (IIs) and the other half overstayers. Although most of these IIs came to Hong Kong en route from the Mainland, many of them did not lodge any claim, including claim for refugee status, in the Mainland until after having arrived Hong Kong;
- (b) CAT had been applied to Hong Kong since 1992. The People's Republic of China (PRC) was also a State Party to CAT. It was understood that under CAT, PRC and HKSAR were regarded as one single country and there was no clear definition for the term "place of first landing". Notwithstanding this, the HKSAR Government would explore with the Mainland authorities as to whether IIs sneaked into the territory from the Mainland and making refugee or CAT claims afterwards should be sent back to the Mainland, such that their refugee or CAT claims could be processed by the Mainland being the place of their first landing; and
- (c) the Administration noted that some countries in Europe, as well as the United States and Canada, had entered into agreements on refugee status determination which stipulated that claims for refugee status had to be dealt with by the country where the claimants first landed. The Administration would make reference to overseas practices in considering whether similar arrangements might be applied locally.

12. The Deputy Chairman and Mr CHEUNG Man-kwong asked why the Refugee Convention, to which China and Macao had already ratified, was not extended to Hong Kong. They held the view that the Administration should reconsider its position regarding the extension of the Convention, with a view to speeding up the refugee status determination process, since UNHCR was in lack of resources to assess the refugee claims speedily. Mr CHEUNG enquired whether the Administration had provided any manpower resources, as a share of government recurrent expenditure, to UNHCR to assist the latter in refugee status determination.

13. DS(S)3 responded that the Immigration Department (ImmD) had entered into a Memorandum of Understanding with UNHCR to enhance cooperation. Under the existing cooperation framework, a number of ImmD officers were seconded to the Hong Kong Sub-office of UNHCR. PAS(S)D added that to protect local workers and to avoid creating any magnet effect, refugees, asylum seekers and torture claimants were not allowed to work in Hong Kong. However, assistance would be provided to those with subsistence needs to prevent them from becoming destitute.

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14. Ms Emily LAU requested the Administration to provide more detailed information on humanitarian assistance currently provided to torture claimants and asylum seekers released on recognizance, including the nature, level and form of support for these people.

15. Ms Emily LAU noted the issues and concerns raised by deputations over the torture claim screening mechanism. She sought the deputations' views on the Administration's plan to implement the enhanced screening procedures in September or October 2009.

16. Mr TSOI Yiu-cheong of SOCO said that the paper provided by the Administration was too brief and did not provide any details on the enhanced measures to be introduced, such as the setting up of an independent and comprehensive status determination mechanism to process torture claims, the provision of publicly-funded legal assistance to claimants who did not have such means, and whether the enhanced screening procedures would adhere to the high standard of fairness as required in the court judgment.

17. Mr Lester HUANG said that the Law Society and the Bar were aware that the Administration had already started discussions with the Duty Lawyer Service, on condition of strict confidentiality, regarding the provision of legal representation for CAT claimants, and it was the intention of the Administration to establish a program of such representation through an extension of the existing Duty Lawyer Scheme (DLS). The Law Society and the Bar were concerned about the suitability of DLS to provide such a service. Mr HUANG highlighted the major issues of concern of the two legal professional bodies, including the ability and experience of the lawyers on the panel to undertake such work, when few had experience in the area. Training should be provided to those lawyers assigned to represent CAT claimants. The Law Society and the Bar were of the view that these lawyers should have or acquire during training knowledge in a number of key areas, including refugee law, procedural fairness and management of clients with special needs, such as unaccompanied minors, victims of mental or physical trauma. Mr HUANG further said that those who had sufficient skills, experience and knowledge might not be satisfied with the duty lawyer rates, particularly in representing CAT claimants on petitions to the Secretary for Security against decisions of the Director of Immigration.

18. Mr LAW Yuk-kai of HKHRM stressed that the enhanced procedures for screening torture claims should meet the high standards of fairness as decided by the courts. He considered that the legislative framework to be introduced for handling torture claims should dovetail with the enhancement measures to be put in place. He further suggested that the Administration should prioritize the 5 000-odd claims already in hand according to their urgency when it resumed the screening process in September or October this year.

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19. In response, DS(S)3 made the following points -
- (a) the screening process was suspended since the handing down of the CFI's judgment. To deal with the backlog of torture claims, the Administration needed to resume screening as soon as possible;
 - (b) since CFI handed down its judgment in December 2008, the Administration had further reviewed the torture claim screening mechanism having regard to the experiences of other common law jurisdictions, in particular the United Kingdom and Canada. It had also strengthened the training and support for the officers responsible for the screening; and
 - (c) in view of the CFI's judgment, the Administration would revise the relevant procedures and guidelines to allow legal representatives of claimants to be present at screening interviews. It would also allow attendance of legal representatives at petition hearings. The Administration was actively exploring the provision of publicly-funded legal assistance to the claimants who did not have such means. It was discussing with relevant service providers, including the Duty Lawyer Service, on possible provision of such services. If an agreement was reached, the Administration would, through subvention to the relevant service providers under a pilot scheme, provide legal assistance to those claimants who had such a need during the screening process, including the provision of legal advice, as well as legal representation of the claimants in petition hearings.

20. Ms Audrey EU asked about the number of asylum seekers who had lodged both refugee and torture claims, and the average time required for determination of torture claims.

21. Deputy Director of Immigration advised that among the torture claim cases received over the years, about 43% of the claimants had made both refugee and torture claims, with 57% of them having only lodged torture claims. The time needed for assessing each case varied with factors such as the individual circumstances of the case. Statistics of the assessed torture claim cases showed that it took about 14.8 months on average to complete the processing of a case.

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22. Regarding the average time required for assessing torture claim cases, Ms Audrey EU asked for a further breakdown of the figures by the nature of the applications, i.e. cases where the claimants had made both refugee and torture claims versus those who only lodged torture claims. She shared the views of deputations that the Administration should introduce a coherent and

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comprehensive system which catered for contemporaneous screening of refugee and torture claimants. She requested the Administration to provide a written response setting out the rationale and justifications for not extending the Refugee Convention to Hong Kong and developing its refugee status determination procedures, and its views towards the suggestion.

23. Ms Audrey EU shared the concern of the Law Society and the Bar about the suitability of DLS to provide legal representation services to CAT claimants. She enquired whether the Administration had discussed the matter with the Law Society and the Bar.

24. DS(S)3 responded that the Administration was actively exploring the provision of publicly-funded legal assistance to CAT claimants who did not have such means. Apart from discussing with the Duty Lawyer Service on the possible provision of such services, including issues of training and experience, the Administration had also discussed the matter with the Law Society and the Bar.

25. Dr Margaret NG said that to her knowledge, the Administration first discussed the matter with the Duty Lawyer Service only, and it was not until recently that the Law Society and the Bar were involved in the discussion. She asked when the Administration initiated the discussion with the legal profession. She also sought information on the operation of the proposed legal representation scheme, including the duty lawyer fees.

26. In response, DS(S)3 and PAS(S)D advised that -

- (a) the Administration started discussion with the Duty Lawyer Service on key issues relating to the provision of legal representation for CAT claimants in January 2009. The Law Society and the Bar were not involved in the initial discussion because it was noted that representative of these two legal professional bodies sat in the council of the Duty Lawyer Service;
- (b) as the two legal professional bodies preferred to have direct communication, the Administration had arranged a series of meetings with the Law Society and the Bar in recent months to gauge their views on the proposed legal representation scheme;
- (c) the Administration had entered into a Memorandum of Administrative Arrangement (MAA) with the Duty Lawyer Service in implementing the existing DLS which provided legal representation by qualified lawyers in private practice to eligible defendants appearing in all Magistrates Courts, Juvenile Courts and Coroners Courts. If an agreement was reached on the provision of legal services to CAT claimants, the Administration

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would draw up a new MAA to set out the details of all relevant arrangements, including the lawyer fees proposed for different forms of professional services, the qualification and experience required for lawyers participating in the scheme, and the specialized training to be provided for lawyers undertaking such work; and

- (d) the Administration attached great importance to improving the torture claim screening mechanism. In reviewing the procedures under the existing mechanism, reference had been made to the experiences of other common law jurisdictions with a view to achieving effective screening and ensuring high standards of procedural fairness. The enhanced measures would allow legal representatives of claimants to be present at screening interviews. It would also allow attendance of legal representatives at petition hearings. Furthermore, petitions lodged by claimants against the result of the screening would be handled and decided by independent persons with a legal background, and hearings would be conducted in the petition process if deemed necessary.

27. Responding to Dr Margaret NG's enquiry, Mr Lester HUANG confirmed that the Administration had held three meetings with the Law Society and the Bar since 3 June 2009. He said that the Law Society and the Bar were ready to assist the Administration in the provision of the necessary training to lawyers participating in the proposed legal representation scheme.

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28. At the request of Dr Margaret NG, the Administration undertook to provide the Panel with supplementary information on its discussion with the two legal professional bodies and the Duty Lawyer Service regarding the provision of legal services through DLS to CAT claimants. The Chairman requested that the information paper should cover various issues of concern, including the rates of duty lawyer fees proposed by the Administration, the specialized training to be provided for lawyers participating in the scheme and the details of similar framework in overseas jurisdictions.

29. Ms Audrey EU, Dr Margaret NG and Mr CHEUNG Man-kwong expressed concern that the Administration had proposed to amend the Immigration Ordinance (Cap. 115) to specify as an offence the taking of employment or establishing/joining in business by IIs and other ineligible persons. They held the view that the Administration should speed up its review of the torture claim screening mechanism and introduce more comprehensive legislative proposals to tackle all the issues, including the problem of employment of IIs, in one go.

30. DS(S)3 responded that the Immigration (Amendment) Bill 2009 sought to address the specific problem of illegal employment by IIs. The

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Administration's review of the torture claim screening mechanism was an issue outside the scope of the Bill. DS(S)3 reiterated that it was the intention of the Administration to introduce legislation on the screening procedures, such that the procedures would be based on clear statutory provisions. The Administration would consult the Panel on the relevant legislative proposals by the end of 2009, with a view to introducing a bill into LegCo within the 2009-2010 legislative session.

31. Given the various issues raised and concerns expressed by Members and deputations, Ms Audrey EU considered that the Panel should convene a special meeting in September 2009 to further discuss the Administration's review of the torture claim screening mechanism, before its implementation of the enhanced measures and resumption of the screening process in September or October 2009. She hoped that the Administration could formulate before then a more concrete proposal regarding the operation of the legal representation scheme, setting out, among others, the details of the specialized training to be provided for lawyers undertaking such work and the relevant duty lawyer rates. Her view was supported by Dr Margaret NG and Ms Emily LAU. Dr NG said that in finalizing the scheme, the Administration should consult the legal profession regarding the procedural fairness ensured to persons seeking protection under CAT. Echoing Dr NG's view, Ms LAU suggested the two legal professional bodies to submit to the Administration any further views they might have for fine-tuning the proposal. She further requested that the special meeting should be held before the end of July 2009.

32. Having considered Members' comments and to allow sufficient time for the Administration to discuss with the two legal professional bodies and to finalize the arrangements for the legal representation scheme, the Chairman suggested that the Panel should hold a special meeting in late September 2009 to continue discussion with the Administration on its review of the torture claim screening mechanism. Members agreed.

(Post-meeting note: With the concurrence of the Chairman, the special meeting would be held on Tuesday, 29 September 2009, at 2:30 pm. Members were informed of the meeting arrangement vide LC Paper No. CB(2)2135/08-09 on 7 July 2009.)

33. The Chairman reminded the Administration that it should provide the information requested by Members before the special meeting in September 2009.

IV. Proposed introduction of the Medical Priority Dispatch System
(LC Paper Nos. CB(2)2054/08-09(09) and FS27/08-09)

34. Deputy Secretary for Security 2 (DS(S)2) highlighted the salient points

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of the Administration's paper. She informed Members that the main objective of introducing the Medical Priority Dispatch System (MPDS) was to enhance the emergency ambulance service (EAS), with a view to providing quicker response and better services to patients in more critical or life-threatening conditions.

35. The Deputy Chairman and Mr LEE Cheuk-yan expressed concern whether the ultimate objective of the Administration's introduction of MPDS was to pave way for imposing charges on EAS in the long run. They cautioned that as EAS was a matter of life and death to patients making ambulance calls, the Administration should be mindful of the knock-on effect of introducing MPDS in Hong Kong. The Deputy Chairman in particular expressed concern about the ability of operators in the Fire Services Communications Centre (FSCC) in assessing the degree of urgency of incoming calls and exercising judgment in prioritizing response to the calls. He held the view that instead of introducing MPDS, the Administration should review the current provision and adequacy of EAS and consider allocating more resources for such purpose, so as to enhance the overall response time performance of ambulance service.

36. In response, DS(S)2 made the following points -

- (a) the Administration did not have plan to introduce charges on EAS in proposing the implementation of MPDS. The primary objective of the current proposal was to enhance the existing EAS by providing quicker response to patients in greatest need;
- (b) the Administration was committed to providing effective and efficient EAS for all persons who needed to be conveyed to a hospital. Although the next-in-queue dispatch system was commonly used in most Asian countries and the performance of Hong Kong's existing ambulance service compared favourably with most overseas standards, the Administration noted that advanced ambulance services in over 20 countries had already adopted a priority dispatch system to prioritize their response to ambulance calls in accordance with their degree of urgency. The Administration considered that there was scope for introducing MPDS in Hong Kong with a view to facilitating priority response to critical or life-threatening cases;
- (c) in examining the feasibility of introducing MPDS in Hong Kong, the Administration had made reference to the good practices of advanced ambulance services overseas, including cities in Australia, Canada, the United Kingdom and the United States, which had adopted a priority dispatch system to categorize calls and handle them in accordance with their degree of urgency. Most countries or cities adopted a response time target of eight to

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10 minutes for the most critical cases, and a longer response time target for the non-acute calls. For instance, Toronto's response time target for life-threatening emergencies was nine minutes with 90% reliability. In London, the standard for the most critical emergency calls was eight minutes with a 75% compliance requirement;

- (d) the Administration had started launching a four-month public consultation on its proposal to introduce MPDS. Subject to public support for the broad principles of MPDS and the dispatch framework, the Administration proposed to introduce MPDS no later than 2012. In the meantime, the Administration would step up publicity efforts to explain to the community how the proposed MPDS would operate; and
- (e) to cope with the changes in service demand, the Administration had all along been reviewing the resources required for EAS. Apart from increasing the provision of manpower for the ambulance service as needed, the Fire Services Department (FSD) had earmarked resources in 2009-2010 for the replacement of 196 ambulances and the procurement of 21 additional ambulances. After all these ambulances had been delivered by batches in 2009 and 2010, the age of FSD's ambulance fleet would be reduced from the current average of around 8 years to 1.9 years.

37. Mr WONG Kwok-kin said that he was in support of the Administration's plan to adopt improvement measures to reduce the response time of EAS. He however had reservations about the implementation of MPDS as a solution to problems identified with the existing dispatch system, including the alleged abuse of EAS. Noting that the new dispatch system required FSCC operators to solicit essential information from the callers so as to assess the degree of urgency of each emergency ambulance call, he expressed concern about the reliability of the new system in ensuring operators' formation of infallible judgment, hence the effective prioritization of emergency dispatch services. Mr WONG considered that as ambulance service appeared to have been abused, the Administration should critically examine how the existing resources could be better deployed and explore other possible measures to prevent abuse of ambulance service.

38. In response, DS(S)2 and Deputy Director of Fire Services (DDFS) advised that -

- (a) under the proposed MPDS, a set of structured questions would be asked to solicit the essential information from the caller. The MPDS questioning protocol was designed to identify a potentially life-threatening situation readily. The most obvious

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and critical cases could be identified as early as the third entry question and an ambulance would be dispatched immediately. According to overseas experience, it would only take around 15 to 20 seconds on average for the operator to ascertain the condition of a patient and assign the appropriate ambulance response;

- (b) the MPDS questioning protocol was based on a clinically supported framework endorsed by the International Academy of Emergency Dispatch (IAED). Advanced ambulance services in more than 20 countries, including Australia, Canada, the United Kingdom and the United States, had already adopted such a system to prioritize their response to ambulance calls in accordance with their degree of urgency. The proposed MPDS would help differentiate the nature of sickness or injury and accord a quicker response to more critical or life-threatening cases, such as patients with heart attack, trauma or severe injury;
- (c) the primary objective of proposing MPDS was to enhance the existing EAS by providing quicker response to people in greatest need. The Administration would carefully consider all the comments and views received during the consultation before finalizing the proposal; and
- (d) the Administration was fully aware of the community concern about the alleged abuse of EAS. It was in the progress of analyzing some 10 000 emergency calls received in 2008, with a view to ascertaining whether there was abuse. The Panel would be informed of the findings once available.

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39. Mr CHEUNG Man-kwong shared the Deputy Chairman's concern about the ability of FSCC operators in exercising good judgment and prioritizing response to the calls, in particular when the calls were made by elderly persons or young children who might not be able to give clear or specific answers to the protocol questions. He enquired whether the Administration would consider dividing incoming emergency ambulance calls into two, instead of three, response modes, viz critical/life-threatening cases justifying prompt and immediate attention against non-urgent/non-acute cases. Echoing Mr CHEUNG's view, Ms LI Fung-ying and Ms Audrey EU expressed deep concern about the need for callers to answer so many entry questions under the proposed MPDS. Ms LI was particularly concerned whether the questions and answers would cause delay in the dispatch of ambulances and the provision of emergency treatment to patients. Echoing their views, Mr Abraham SHEK said that he would not support the Administration's proposal to introduce a priority dispatch system in Hong Kong.

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40. DS(S)2 responded that under the proposed MPDS, incoming ambulance calls would be divided into three response modes. Response 1 calls, which would be handled with priority, were those involving patients in critical or life-threatening conditions, such as a person having a heart attack or someone who was unconscious. The Administration proposed to set the target response time to nine minutes in order to provide quicker response to these patients and enhance their chance of survival and recovery. Serious but non-life-threatening cases would be categorized as Response 2 calls and the response time target would be maintained at 12 minutes. Non-acute cases would be categorized as Response 3 calls with a response time target of 20 minutes. DS(S)2 advised that with the aid of the MPDS questioning protocol, FSCC operators could identify a potentially life-threatening situation readily. The most obvious and critical cases could be identified as early as when the third entry question was answered and an ambulance would be dispatched immediately. As explained earlier, the protocol was based on a clinically supported framework endorsed by IAED. The questions would be phrased in simple and laymen language and mainly close-ended. In order to ensure that the questions were effective and easy to understand, FSD would seek the advice of medical experts from the relevant fields to fine-tune the wording before implementation.

41. DDFS supplemented that in the event that the caller was not able to give clear or specific responses to the protocol questions, FSCC operators would adhere strictly to the overriding principle of "if in doubt, dispatch immediately". In other words, they would choose to err on the safe side, classify an uncertain call as a Response 1 call, and send an ambulance to the scene as soon as possible.

42. Mr CHAN Hak-kan expressed concern about the work pressure on the part of FSCC operators, if MPDS was implemented. He asked whether the Administration had assessed the new pressure faced by FSCC operators, and whether any measures were in place to address the issue. Ms Audrey EU shared the concern of Mr CHAN, and enquired about the details of how the proposed MPDS would operate.

43. DS(S)2 and DDFS responded that -

- (a) if the introduction of MPDS was supported by the public, the Government would need two to three years to carry out the preparatory work, including public education, staff training, and system installation and testing. The new dispatch system would at the earliest be implemented in 2012;
- (b) under the proposed MPDS, a set of structured questions would be asked to solicit essential information from the caller. The questions would be phrased in simple and laymen language and mainly close-ended. With the aid of a software protocol, the

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operator in FSCC could ascertain the condition of a patient as early as when the third entry question was answered and would then assign the appropriate ambulance response. According to overseas experience, it would only take around 15 to 20 seconds on average for the operator to ascertain the condition of a patient and assign the appropriate ambulance response. Whilst the ambulance was travelling on the road to the patient, the operator would continue to ask the caller a few more questions to obtain additional specific details about the sickness or injury. The information would be relayed to the ambulance crew en-route to better prepare them for the emergency service required;

- (c) the proposed MPDS would allow ambulancemen to make more effective use of their professional skills and enable critical patients to receive timely professional pre-hospital medical treatment at the scene and during emergency transport to a hospital. To cater for the enhanced work requirement on staff members of FSD, the Administration would allocate additional resources to FSD where necessary; and
- (d) to ensure the provision of quality service for the public upon the operation of the new dispatch system, sufficient training would be provided to FSD staff. Every FSCC staff would have to undergo and pass the Emergency Medical Dispatcher Certification Course and be re-certified every two years. Frontline ambulance crew would also receive training to help them appreciate the improved mechanism of reassigning ambulances.

44. Mr CHAN Hak-kan said that to enable FSCC staff to have a better grasp of the condition of a patient, including the patient's medical history such as heart disease, diabetes or asthma, the Administration should strengthen cooperation with the Hospital Authority (HA) to explore the feasibility of shared use of HA's healthcare record system. DS(S)2 responded that the Administration would consider the suggestion.

45. Mr LEE Cheuk-yan and Ms LI Fung-ying noted with concern that there had been a substantial increase in demand for ambulance service over the years, but the ambulancemen manpower had only been increased by about 5%. They questioned whether the disproportionate increase in manpower resources had undermined the quality of ambulance service, leading to FSD's inability to meet the target response time of 12 minutes. Ms LI recalled that the Public Accounts Committee (PAC), in examining the Audit Report on the provision of EAS, had made a number of recommendations for improvement of EAS provided by FSD. She expressed disappointment that the Administration did not take heed of PAC's recommendations.

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46. DS(S)2 responded that the Administration attached much importance to the provision of ambulance service. Where necessary, it would allocate additional resources to FSD, with a view to further improving the reliability of the ambulance fleet and relieving the work pressure of ambulance staff. As explained earlier, FSD would replace its ambulance fleet by batches in 2009 and 2010. After the replacement/procurement exercise, the age of FSD's ambulance fleet would be reduced from the current average of around 8 years to 1.9 years. FSD would also create some 120 permanent posts in 2009-2010 to meet the operational needs of ambulance service. DS(S)2 emphasized that to cope with the changes in service demand, the Administration would consider stepping up public education to encourage the appropriate use of EAS, implementing appropriate management measures to make best use of existing resources and enhance operational efficiency, and increasing the provision of manpower for the ambulance service as needed. The main objective of these measures was to enable FSD to meet its response time pledge of 12 minutes for 92.5% of emergency calls. The response time performance of the ambulance service in 2006, 2007, 2008 and the first four months of 2009 was 92.7%, 92.8%, 92.2% and 93.5% respectively.

47. Responding to Mr LEE Cheuk-yan's enquiry about the target response time for a Response 1 call, DDFS explained that under MPDS, the response time target of Response 1 calls was proposed to be reduced from 12 minutes to nine minutes, comprising a two-minute activation time and a seven-minute travelling time. DDFS added that according to the records of FSD, the ambulance crew could normally arrive at the scene within nine minutes in about 72.7% of the cases for all categories of calls in 2008.

48. Dr PAN Pey-chyou said that he supported in principle the proposal to improve the response time for EAS. Regarding the protocol questions under the proposed MPDS, he opined that instead of adopting questions directly from overseas ambulance services, the Administration should modify the questions to suit the local culture and language environment. He sought information on overseas experiences in practising the priority dispatch system, in particular the accuracy of their operators in assessing the degree of urgency of incoming calls. He considered that the Administration should test the performance of the questioning protocol to ensure its reliability prior to implementation. Dr PAN further asked whether the Administration had considered the request by ambulancemen's union for detaching the Ambulance Command from FSD.

49. In reply, DS(S)2 and Medical Director, FSD advised that -

- (a) if MPDS was implemented in Hong Kong, FSD would conduct tender exercises for the procurement of software protocol and hardware. The questioning protocol would need to be modified to suit the local culture and language environment;

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- (b) in the past few years, the Administration had explored several possible measures, including the introduction of MPDS in Hong Kong, for continuous improvement in EAS. According to the findings of the consultancy study on the feasibility of introducing MPDS, the performance of similar priority dispatch systems adopted by advanced ambulance services overseas was reliable. Notwithstanding this, the Administration recognized that further fine-tuning and validations would be required before it could be adopted for use locally; and
- (c) as far as management of ambulance service was concerned, there were cases in other countries where ambulance service was put under the direct supervision of the head of a law enforcement agency, as in the case of the Hong Kong. The primary concern of the Administration was to ensure that the services provided to members of the public were cost-effective and of high quality standards.

(Members agreed that the meeting should be extended to end at 12:30 pm.)

50. Dr Joseph LEE expressed concern whether the proposed MPDS was formulated after extensive consultation with frontline ambulancemen and designed by persons possessing relevant expertise and experience.

51. Chief Ambulance Officer, FSD (CAO/FSD) responded that the Administration had involved relevant parties, including frontline ambulance staff and FSCC operators, in the design of the proposed MPDS. Besides, Ambulance Officers had been actively participating in the design process. CAO/FSD advised that ever since FSD launched the Rapid Response Vehicle (RRV) Scheme in November 2006, each RRV was manned by an Ambulance Officer. The main function of the RRV Scheme was to provide support to frontline ambulance personnel. The Ambulance Officer manning the RRV performed service quality assurance duties to enhance frontline management and operation efficiency. Hence, they should have general knowledge of and practical experience in matters relating to the existing ambulance dispatch system.

52. Responding to Dr Joseph LEE's enquiry about the expected number of people who would benefit from the new dispatch system, DS(S)2 said that -

- (a) according to the findings of the consultancy study commissioned by FSD on the implementation of MPDS, it was estimated that the patients' conditions in about 30% of incoming calls would be classified as critical or life-threatening (i.e. Response 1 calls). Since the response time target of Response 1 calls would be reduced from 12 minutes to nine minutes, the new dispatch

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system would provide speedier response to those patients in critical or life-threatening conditions; and

- (b) according to some medical researches, the survival rate of patients suffering from heart attack or sudden cardiac arrest could be increased by 10% for every one-minute improvement in the giving of emergency treatment. If MPDS was implemented, patients suffering from a heart attack could benefit from the three-minute improvement in EAS.

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53. At the request of the Chairman, the Administration agreed to provide more detailed information on the number of patients who would benefit from and the potential benefits brought about by the new dispatch system.

54. Dr Philip WONG recalled that at the PAC hearing on the Audit Report on the provision of EAS, the Director of Fire Services had indicated that FSD would review the turnout time of ambulances for different types of ambulance depots. He enquired about the progress of the review and suggested that the Administration should consider stationing ambulances at strategic locations, with a view to shortening the turnout time.

55. CAO/FSD and DS(S)2 replied that -

- (a) FSD had started a benchmarking study on the 1-minute turnout time. The review aimed to examine the turnout time of ambulances for different types of ambulance depots. The relevant figures might be used to identify room for improvement in the design of depots, with a view to shortening the turnout time;
- (b) FSD had been adopting a strategic approach in the stationing of ambulances. At present, ambulances were stationed in some of the fire stations and strategic points in the territory such as the Lo Wu Control Point and the Lok Ma Chau Control Point, in addition to ambulance depots; and
- (c) FSD was aware that the emergency ambulance resources in the New Territories (NT) Region had been stretched to their limits and there was a growing demand for EAS in the northern part of the NT Region. FSD would continue to search for new sites, e.g. Sheung Shui, for construction of new ambulance depots.

56. Noting that FSD would adopt a different response time target for each of the three response modes such that the level of ambulance response would be commensurate with the degree of urgency of the categorized emergency ambulance calls, Mr Paul TSE sought information on the number of emergency calls received in 2008 and the expected distribution of these calls among the

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three response modes if MPDS was implemented. He also expressed concern as to how the MPDS questioning protocol would meet the needs of tourists from other countries.

57. In response, DDFS advised that -

- (a) in 2008, FSD received some 600 000 emergency ambulance calls or about 1 640 calls a day on average. According to the consultancy study commissioned by FSD, it was estimated that for 30% of these calls, the patients' conditions would be classified as critical or life-threatening (i.e. Response 1 calls). Serious but non-life-threatening cases (i.e. Response 2 calls) would constitute 20% and non-emergency/non-acute cases (i.e. Response 3 calls) 50%; and
- (b) in order to ensure that the protocol questions were effective and easy to understand, FSD would seek the advice of medical experts from relevant fields to fine-tune the wording before implementation. Apart from Cantonese and English, the questions would also be made available in other languages, such as Putonghua, so as to cater for the needs of patients with different language backgrounds.

58. Mr Paul TSE noted with concern that the response time target for Response 3 calls under MPDS was pitched at 20 minutes, which was much longer than the current response time target of 12 minutes for all emergency calls. He commented that given the considerable number of calls to be classified as Response 3 calls, the proposed MPDS might not be able to gain acceptance from the public.

59. In response, DDFS pointed out that HA had been adopting the Accident and Emergency Triage Categorization System for years. Under the system, patients would be classified and assigned to different categories, on arrival at the emergency room and after receiving preliminary diagnoses. For those non-critical cases, the patients might have to wait for a long time before medical attendance and treatment was provided.

60. Mr LEUNG Kwok-hung said that in view of the controversy over the proposed MPDS, the proposal should be shelved until such time when a consensus was reached.

61. Concluding the discussion, the Chairman said that the issue "Proposed introduction of the Medical Priority Dispatch System" should continue to be put on the list of outstanding items for discussion and be followed up in the future.

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V. Review of travel alert and other assistance to Hong Kong travellers
(LC Paper Nos. CB(2)2054/08-09(10) and CB(2)2100/08-09(01))

62. Noting the results of the Government's review of the travel alert system and the proposed enhancements to the mechanism for providing assistance to Hong Kong residents travelling abroad, Mr CHEUNG Man-kwong said that the crux of the problem was with the availability of sound measures to facilitate the safe and effective evacuation of Hong Kong residents stranded overseas, rather than the institution of an Outbound Travel Alert (OTA) system and classification of travel warnings by colour code. He considered that other than adequate and timely provision of transport facilities, the Administration should establish various means of communication, such as through mobile phone short message services, to disseminate emergency information to travellers abroad and to receive requests for assistance from Hong Kong residents in distress overseas.

63. DS(S)3 responded that the Administration fully appreciated the need to establish additional means of communication. For this reason, ImmD would improve the "1868" overseas hotline service, by doubling the capacity of the hotline from 23 to 46 lines and adding to it queue position functions such as call recording, automatic call distribution and interactive voice response. The Administration would also explore the feasibility of establishing an e-network to allow Hong Kong residents to inform ImmD's Assistance to Hong Kong Residents Unit (AHU) their itinerary and emergency contact information, such as email address, before travelling abroad. When a travel warning on the place they travelled to was issued, AHU could send them the relevant information by email. As this proposal entailed some technical issues, the Administration would make reference to overseas experience and ascertain its viability. If proved viable, the Administration would put in resources to upgrade the existing system and launch the service.

64. DS(S)3 further said that following the incident in late 2008 where hundreds of Hong Kong residents were stranded in Thailand, there were views that the Government should have made quicker decision to arrange chartered flights to expedite the return of stranded Hong Kong residents. There were also calls for the Government to better prepare for arranging chartered flights or chartered seats should similar occasions arise again in future. Against this background, the Administration had discussed and agreed with airlines to establish a mechanism. Where circumstances warranted the expeditious return of Hong Kong residents and when the number of people requiring assistance was not large, the Government would request airlines to reserve certain number of seats on their readily available flights to travellers referred by AHU (chartered seat arrangement). If a larger number of Hong Kong residents required assistance and the chartered seat arrangement could not cater for the demand, the Government would arrange chartered flight. The Administration had already had discussions with local airlines on these arrangements and a

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number of relevant issues including the number of chartered seats, lead time for chartered flight to be ready and arrangement to recover fees from passengers.

65. Mr Paul TSE was concerned about the timeframe taken by the Administration for delivery of the proposed enhancements as set out in Annex B to the Administration's paper. He sought details about the proposal to co-opt other bureaux/departments and trade representatives as members of the Emergency Coordinating Team (ECT).

66. DS(S)3 said that the Administration planned to take forward the recommended enhancements in three phases. For items to be implemented in the short term, they would come into effect before the end of September 2009. Those identified as medium-term or long-term measures were expected to be in place in mid-2010 and late 2010 respectively. Regarding the membership of ECT, DS(S)3 advised that the Administration had already appointed representatives from the Transport and Housing Bureau and the Tourism Commission as standing members of ECT. The Administration also planned to co-opt representatives from other bureaux/departments and relevant trades into ECT on a need basis.

67. Responding to Mr Paul TSE's enquiry as to whether the Administration would assess the degree of risk associated with various travel destinations and issue a colour alert based on the possible danger to public health, DS(S)3 advised that the Administration had explored the possibility of strengthening the OTA system by closer cooperation with the Department of Health (HD). To provide better service for Hong Kong residents who planned to travel abroad, the Administration would add in the OTA webpage a hyperlink to HD's Health's Travel Health Service webpage. At the same time, HD would continue to promulgate information on public hygienic situations overseas and related recommendations, based on the World Health Organization's advice and other relevant information.

68. Citing the incident in Thailand in late 2008, Mr LEUNG Kwok-hung stressed that where sudden incidents outside Hong Kong had widespread impact on or posed significant threat to personal safety, it was of paramount importance that the Administration would exercise good judgment and make prompt decisions in response to requests for assistance from Hong Kong residents stranded abroad. He insisted that the Administration should conduct an inquiry to investigate the incident in Thailand, such that the Administration could learn from this incident and avoid recurrence of similar problems in future. The Deputy Chairman echoed Mr LEUNG's view.

69. The Deputy Chairman enquired whether an employee could refuse to go to a place on which the Administration had issued a Red or Black alert, if he was so requested by his employer. He considered that the Administration should provide clear guidelines on work arrangements in case of Black alert

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for the reference of employers and employees. In his view, if the employment contract did not provide that the employer might arrange the employee to undertake overseas duties in case of Black alert, it should not be treated as a breach of contract if the employee refused to go to a place with risk to personal safety.

70. In reply, DS(S)3 made the following points -

- (a) during the review of the travel alert system, the Security Bureau, together with the relevant bureaux, had exchanged views with the travel trade as well as the airlines and insurance sectors. In general, they agreed that the new OTA system would provide clearer messages and facilitate the public understanding of the risk to personal safety associated with the visit to a particular place. The relevant trade and sectors would make the necessary orientation upon the implementation of the new system. For example, tour operators would coordinate as far as possible the arrangements for outbound tour groups under different alert. In case of Black alert, all tours bound for the relevant place would be cancelled; in case of Red alert (i.e. the threat might be relatively localized or short-term), tour operators would decide whether to adjust the itineraries to avoid places in danger. The Administration encouraged tour operators to explain to their customers the relevant arrangements so that the customers could get prepared; and
- (b) the Administration was well aware that employees might be required to visit a particular place to undertake work-related activities even if there were signs of threat in the relevant place which might affect their personal safety. The Administration encouraged employers to discuss with employees to draw up prior work arrangements and contingency measures for situations where Black or Red alert was issued in order to avoid unnecessary dispute and confusion, similar to what was done in anticipation of typhoon or rainstorm warnings. Nevertheless, the Administration would refer the suggestion of the Deputy Chairman to the relevant bureau for consideration.

71. There being no other business, the meeting ended at 12:40 pm.