

(Translation)

**Motion on
“Establishing an independent statutory
Office of the Health Service Ombudsman”
moved by Hon Andrew CHENG
at the Council meeting of 30 November 2011**

**Motion as amended by Dr Hon PAN Pey-chyou, Hon Paul CHAN and
Hon CHAN Hak-kan**

That, with the increasing needs and pressure of public and private health services in Hong Kong, medical incidents in public and private health services have occurred frequently in recent years, but there is a current lack of a uniform, credible and highly transparent mechanism for handling health service complaints from members of the public, causing the public to feel helpless; in this connection, this Council urges the Administration to, without violating the principle of professional autonomy, establish an independent statutory Office of the Health Service Ombudsman to ensure that complaints targeting at health service are properly handled and transparency in the handling of complaints is enhanced, thereby improving the quality of health service; the functions of the Office should include:

- (a) to centralize the receipt of public complaints against all public and private health service providers registered in Hong Kong;
- (b) to conduct investigations into the complaints received, with statutory powers to request the relevant parties to provide related information, such as medical files and internal investigation reports, for facilitating investigations, and inform the complainants and the parties under complaint of the investigation results within a reasonable time frame;
- (c) to assist complainants in obtaining independent professional advice on their cases;
- (d) to assist the two sides in communicating with each other on an equal footing, and to conduct conciliation and handle compensation matters with their mutual consent;
- (e) to provide complainants in need with information about further actions on ascertaining liability through judicial means as well as professional liability proceedings and investigation, and offer reasonable assistance to complainants for instituting such procedures;

- (f) to regularly announce to the public the statistics on complaint cases and the handling of medical complaints, so as to enable the public to know the trend of complaints about health services; and
- (g) to promote civic education to enable the public to understand the causes of medical incidents and complaints, so as to deepen public awareness of health service risks, and prompt health service providers to improve the quality of health services;

at the same time, the Administration should review the composition of the Medical Council of Hong Kong, consider introducing the participation of more independent lay members of credibility to enhance the strength of public monitoring and safeguarding public interest, and consider raising the proportion of lay member participation in handling complaint cases regarding misconduct in a professional respect, so as to further ensure that the investigation into and the handling methods and procedures for such cases are fair, just and impartial; the Administration should also study establishing an emergency financial assistance mechanism for medical incidents modelled on the Traffic Accident Victims Assistance Scheme, so as to offer timely assistance to families with financial difficulties arising from medical incidents.