

立法會
Legislative Council

LC Paper No. CB(3) 169/11-12

Ref : CB(3)/M/MM

Tel : 3919 3300

Date : 24 November 2011

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 30 November 2011

**Amendments to motion on
“Establishing an independent statutory
Office of the Health Service Ombudsman”**

Further to LC Paper No. CB(3) 149/11-12 issued on 17 November 2011, three Members (Dr Hon PAN Pey-chyou, Hon Paul CHAN and Hon CHAN Hak-kan) have respectively given notices of their intention to move separate amendments to Hon Andrew CHENG’s motion on “Establishing an independent statutory Office of the Health Service Ombudsman” scheduled for the Council meeting of 30 November 2011. As directed by the President, the respective amendments will be printed in the terms in which they were handed in on the Agenda of the Council.

2. The President will order a joint debate on the above motion and amendments. To assist Members in debating the motion and amendments, I set out below the procedure to be followed during the debate:

- (a) the President calls upon Hon Andrew CHENG to speak and move his motion;
- (b) the President proposes the question on Hon Andrew CHENG’s motion;
- (c) the President calls upon the three Members, who intend to move amendments, to speak in the following order, but no amendment is to be moved at this stage:
 - (i) Dr Hon PAN Pey-chyou;

- (ii) Hon Paul CHAN; and
- (iii) Hon CHAN Hak-kan;
- (d) the President calls upon the designated public officer(s) to speak;
- (e) the President invites other Members to speak;
- (f) the President gives leave to Hon Andrew CHENG to speak for the second time on the amendments;
- (g) the President calls upon the designated public officer(s) again to speak;
- (h) in accordance with Rule 34(5) of the Rules of Procedure, the President has decided that he will call upon the three Members to move their respective amendments in the order set out in paragraph (c) above. The President invites Dr Hon PAN Pey-chyou to move his amendment to the motion, and forthwith proposes and puts to vote the question on Dr Hon PAN Pey-chyou's amendment;
- (i) after Dr Hon PAN Pey-chyou's amendment has been voted upon, the President deals with the other two amendments; and
- (j) after all amendments have been dealt with, the President calls upon Hon Andrew CHENG to reply. Thereafter, the President puts to vote the question on Hon Andrew CHENG's motion, or his motion as amended, as the case may be.

3. For Members' ease of reference, the terms of the original motion and of the motion, if amended, are set out in the **Appendix**.

(Mrs Justina LAM)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on
“Establishing an independent statutory
Office of the Health Service Ombudsman”
to be held at the Council meeting
of 30 November 2011**

1. Hon Andrew CHENG’s original motion

That, as 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, this Council urges the Administration to, without violating the principle of professional autonomy, establish an independent statutory Office of the Health Service Ombudsman to receive complaints concerning public and private health services from the public, investigate and conciliate complaints as well as handle compensation matters under a uniform mechanism, also inform complainants of the investigation outcome within a reasonable time frame and regularly announce to the community the situation regarding handling of medical complaints, so as to ensure that complaints targeting at health service are properly handled and transparency in the handling of complaints is enhanced, and thereby improving the quality of health service.

2. Motion as amended by Dr Hon PAN Pey-chyou

That, as *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 ~~receive complaints concerning public and private health services from the public, investigate and conciliate complaints as well as handle compensation matters under a uniform mechanism, also inform complainants of the investigation outcome within a reasonable time frame and regularly announce to the community the situation regarding handling of~~ medical complaints, so as to ensure that complaints targeting at health service are properly handled and transparency in the handling of complaints is

enhanced, and 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.*

Note: Dr Hon PAN Pey-chyou's amendment is marked in *bold and italic type* or with deletion line.

3. Motion as amended by Hon Paul CHAN

That, as 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 receive complaints concerning public and private health services from the public, investigate and conciliate complaints as well as handle compensation matters under a uniform mechanism, also inform complainants of the investigation outcome within a reasonable time frame and regularly announce to the community the situation regarding handling of medical complaints, so as to ensure that complaints targeting at health service are properly handled and transparency in the handling of complaints is enhanced, and thereby improving the quality of health service; *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.*

Note: Hon Paul CHAN's amendment is marked in *bold and italic type* or with deletion line.

4. Motion as amended by Hon CHAN Hak-kan

That, as 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, *and the complicated procedures for claiming compensation also render families with urgent financial difficulties unable to receive timely assistance*, this Council urges the Administration to, without violating the principle of professional autonomy, establish an independent statutory Office of the Health Service Ombudsman to receive complaints concerning public and private health services from the public, investigate and conciliate complaints as well as handle compensation matters under a uniform mechanism, also inform complainants of the investigation outcome within a reasonable time frame and regularly announce to the community the situation regarding handling of medical complaints, so as to ensure that complaints targeting at health service are properly handled and transparency in the handling of complaints is enhanced, and thereby improving the quality of health service; *at the same time, the Administration should 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.*

Note: Hon CHAN Hak-kan's amendment is marked in *bold and italic type*.