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17 April 2013

Clerk to Panel on Public Service
(Attn.: Ms Anita SIT)
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong

Dear Ms SIT,

**Panel on Public Service
Motion passed at the meeting on 18 March 2013**

I refer to the motion moved by Dr Hon TANG Ka-piu and Hon KWOK Wai-keung, and passed by the Panel on Public Service on 18 March 2013. The Administration's written response is set out in the ensuing paragraphs.

The Government's policy on the provision of medical and dental benefits to civil service eligible persons

The Government, as an employer, is committed to honouring its contractual obligation of providing medical and dental benefits to civil service eligible persons as part of their terms and conditions of service. The scope of such benefits is set out in the relevant Civil Service Regulations (CSRs), Civil Service Bureau Circulars and Circular Memoranda.

Under the existing provisions in the CSRs, save for the charges applicable to hospital maintenance, dentures and dental appliances as provided for in the CSRs, civil service eligible persons are entitled to free medical treatment and services, X-ray examinations and medicines, but only when such benefits are provided by the Government's Department of Health (DH) or the

medical facilities of the Hospital Authority (HA). They may also apply to DH for reimbursement of medical expenses if the attending HA doctors certify that the drugs, equipment and services concerned are prescribed in accordance with medical necessity and are chargeable by HA or not available in HA.

With respect to Chinese medicine services, the Administration has explained at previous Panel meetings (including at the most recent Panel meeting on 18 March 2013) that we are not in a position to provide such services as part of the medical and dental benefits for civil service eligible persons. DH does not currently operate any Chinese medicine clinics (CMCs) and its role is more of a regulatory body rather than a service provider insofar as Chinese medicine is concerned. HA also does not operate any CMCs as part of its core services, although 17 public CMCs have been commissioned and each of them operates on a tripartite collaboration model involving the HA, a non-governmental organisation (NGO) and a local university to promote the development of “evidence-based” Chinese medicine practice. The NGOs are responsible for the day-to-day operation of the public CMCs, and staff of these clinics are employed by them (i.e. they are not HA staff). As such, the public CMC services do not form part of HA’s standard services, and fall outside the scope of civil service medical and dental benefits under the prevailing policy. It would also be worth pointing out that HA staff do not receive free medical treatment and services at the CMCs.

While the Administration is committed to improving the medical and dental benefits for civil service eligible persons within its contractual obligations, the extension of the scope of civil service medical benefits to include Chinese medicine services would require substantial additional resources. The Government has to balance competing claims in considering improvements to civil service medical benefits. Currently, we are focusing our resources on improving dental and specialist out-patient services which are in great demand from civil service eligible persons.

The Chinese Medicine Development Committee

The Government has all along been committed to promoting the development of Chinese medicine, and is now proactively examining the future development needs of the Chinese medicine sector, so that traditional Chinese medicine can play a more active role in promoting the health of the general public. In this regard, the Chief Executive announced in the 2013 Policy Address the establishment of the Chinese Medicine Development Committee (the Committee). The Committee, chaired by the Secretary for Food and Health, will focus its deliberations on policies and measures to further the development of Chinese medicine in Hong Kong, including amongst other things, expanding the role of Chinese medicine practitioners and Chinese medicine in the public healthcare system.

We understand that the Committee has held its first meeting in March 2013, during which it started its discussion on various aspects of the development of Chinese medicine in Hong Kong, including personnel training and professional development, Chinese medicine services, scientific research and Chinese medicines industry development; and set the future direction and targets for its focused areas of work. We would keep in view any significant changes to the role of Chinese medicine in our public healthcare system that would warrant a review of their implications on civil service medical benefits.

Response to Members' comments expressed at the Panel meeting on 18 March 2013 and subsequent correspondence

We would like to take the opportunity to supplement and further respond to various comments and related issues expressed by Members at the Panel meeting on 18 March 2013 and subsequent correspondence received.

No discrimination against Chinese medicine services

As explained in paragraph 3 above, the scope of the civil service medical benefits is contractually based, and covers services provided by DH or HA. Neither HA nor DH provides Chinese medicine services as their standard services at present. Hence, Chinese medicine services, including those provided by the 17 public CMCs (the day-to-day operation of which is by NGO operators as mentioned in paragraph 4 above), are not currently included in the medical benefits provided to civil service eligible persons. There is no question of any discrimination against Chinese medicine or Chinese medicine practitioners.

Recognition of medical certificates issued by registered Chinese medicine practitioners for the grant of sick leave and maternity leave

Recognition of medical certificates issued by registered Chinese medicine practitioners for the grant of sick leave and maternity leave to Government employees, and the arrangement for officers who have sustained injury on duty/occupational diseases to claim reimbursement for medical expenses incurred for treatment provided by registered Chinese medicine practitioners, are statutory requirements under the Employment Ordinance and Employees' Compensation Ordinance respectively. This is distinct from the provision of medical benefits to civil service eligible persons as a staff benefit in accordance with their terms of employment.

A parallel may be drawn between Chinese and western medical practitioners in this regard. Under existing policy, medical services provided by private western medical practitioners clearly fall outside the scope of civil service medical benefits. The Government nevertheless recognises medical

certificates issued by private western medical practitioners for the grant of sick leave and maternity leave. This is consistent with the treatment of sick leave and maternity leave certificates issued by registered Chinese medicine practitioners.

Fee waiver for the Comprehensive Social Security Assistance (CSSA) recipients in the Public CMCs

We are given to understand that unlike for HA's general out-patient clinics where CSSA recipients are entitled to a full fee waiver, including waiver of drug charges, public CMCs adopt different arrangements for fee waivers for CSSA recipients. At present, each public CMC is required to provide at least 20% of the total patient attendances in Chinese medicine general consultation to CSSA recipients with the fees and charges (including consultation fee and two doses of herbal medicine) waived. For other Chinese medicine services provided by NGO operators (such as acupuncture, bone-setting, tui-na, etc), the above fee waiver arrangement does not apply.

Way Forward

The Administration will continue to keep in view any significant changes to the nature and mode of service delivery of the CMCs in future that would merit a review of their implications on civil service medical benefits, taking into account resource implications, Government's financial capability and competing claims in considering the areas of improvements to civil service medical benefits.

Yours sincerely,



(Ms Selene TSOI)
for Secretary for the Civil Service

c.c. Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Chairman, Legislative Council Panel on Public Service

Secretary for Food and Health
(Attn : Miss Ophelia LUI)

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