

立法會
Legislative Council

LC Paper No. CB(2)1306/13-14
(These minutes have been seen
by the Administration)

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Subcommittee on
Resolution of the Board of Directors of the Po Leung Kuk
Minutes of the meeting
held on Wednesday, 19 March 2014, at 9:00 am
in Conference Room 2A of the Legislative Council Complex

Members present : Hon MA Fung-kwok, SBS, JP (Chairman)
Hon Emily LAU Wai-hing, JP
Hon Abraham SHEK Lai-him, GBS, JP
Hon WONG Ting-kwong, SBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon IP Kin-yuen
Dr Hon Elizabeth QUAT, JP
Hon Christopher CHUNG Shu-kun, BBS, MH, JP

Public Officers attending : Item II

The Administration

Miss Victoria TSE Wein-yin
Assistant Director of Home Affairs (1) (Acting)

Ms Queenie WU Chung-yi
Government Counsel (Law Drafting Division)
Department of Justice

Dr Joanna SO Shuk-kuen
Senior Medical and Health Officer (Health Care Voucher)
Department of Health

Mr KOK Che-leung
Assistance Director (Subventions)
Social Welfare Department

Po Leung Kuk

Dr Eric CHENG Kam-chung, MH, OStJ, JP
Chairman

Mr James CHAN Yum-min
Chief Executive Officer

Mrs Bridget YU CHAN Wai-ping
Principal Social Services Secretary (Family, Child
Care, Children and Youth)

Clerk in attendance : Ms Alice LEUNG
Chief Council Secretary (2) 2

Staff in attendance : Mr Timothy TSO
Assistant Legal Adviser 2

Miss Josephine SO
Senior Council Secretary (2) 6

Miss Emma CHEUNG
Legislative Assistant (2) 2

Action

I. Election of Chairman

Ms Emily LAU, the member who had the highest precedence in the Council among members of the Subcommittee present, presided over the election of Chairman.

2. Ms Emily LAU invited nominations for the chairmanship of the Subcommittee. Mr MA Fung-kwok was nominated by Dr Elizabeth QUAT and the nomination was seconded by Ms Emily LAU. Mr MA accepted the nomination. As there was no other nomination, Ms LAU declared Mr MA Fung-kwok elected as the Chairman of the Subcommittee.

Action

II. Meeting with the Administration

(File Ref: HAD HQ CR/11/16/1/4SF1/(C), L.N. 24 of 2014, LC Paper Nos. LS28/13-14, CB(2)605/13-14(01) and CB(2)1085/13-14(02) to (05))

3. The Subcommittee deliberated (index of proceedings attached at **Annex**).

Declaration of interest

4. Mr WONG Ting-kwong declared that he was an ex-officio member of the Po Leung Kuk Advisory Board, nominated by the Members of the Legislative Council to serve on it.

Follow-up actions arising from the discussion

5. There were concerns as to whether the Resolution of the Board of Directors of the Po Leung Kuk ("the Resolution") as presently drafted would allow Po Leung Kuk ("PLK") to expand its scope of services to establish private hospitals in future and provide medical and health services on a commercial basis. Noting PLK's explanation that it did not have any plan to expand into private hospital services in the short and medium terms and the objective of PLK's plan was to provide medical and health services at low charges to the general public and for free to the under-privileged, Ms Emily LAU and Mr IP Kin-yuen considered that for the sake of clarity and to avoid departing from its objective, it would be desirable to state clearly PLK's fee charging policy for provision of medical and health services (i.e. to provide free or low charges services) in the Schedule to the Po Leung Kuk Ordinance (Cap. 1040) ("PLK Ordinance"). Mr WONG Ting-kwong and Mr Christopher CHUNG considered that there was no need to provide explicitly in the Schedule PLK's fee charging policy for the provision of medical and health services. PLK and the Administration were requested to consider members' views and provide a written response. The Administration was also requested to advise in writing whether the expression of "medical and health care institutions in Hong Kong" in the proposed new paragraph 1(da) of the Schedule could cover private hospitals.

PLK & Admin

6. As regards the amended paragraphs 16 and 27 of the Schedule to the PLK Ordinance, some members (including Ms Emily LAU, Mr Abraham SHEK and Dr Priscilla LEUNG) had expressed the view that the amended provisions as presently drafted might create a misconception that PLK was allowed to manage and operate whatever kinds of institutions it liked. Ms Emily LAU and Mr Abraham SHEK suggested that for the purpose of enhancing clarity and avoid any possible

Action

Admin

ambiguities in respect of the institutions that were under the control of PLK, the Administration should consider proposing amendments to the Resolution to clearly define/specify in the Schedule PLK's scope of services, including what kinds of institutions and services it could operate and provide. Some other members including Mr WONG Ting-kwong and Mr Christopher CHUNG considered that amendments to the amended provisions might not be necessary since the types of organizations and institutions that the board of PLK might maintain, manage, operate, regulate or supervise and make regulations for were already bound by paragraph 1 of the Schedule to the PLK Ordinance in which the types of organizations and institutions were listed. The Administration was requested to review the drafting of the amended paragraphs 16 and 27(1) of the Schedule and provide a written response to members' view and suggestion.

Admin

7. Concern was also raised about the monitoring of PLK's compliance with statutory requirements in respect of the existing medical and health services provided to its service users as well as the proposed expanded scope of services to the general public. The Administration was requested to provide detailed information in this regard.

Admin

8. Regarding the proposed new paragraph 1(fa) of the Schedule, members noted that specific reference was made to include "dental services" in respect of the medical and health services to be provided by PLK. Some members wondered whether it would reduce the flexibility for PLK to introduce in future other forms of medical and health services not explicitly specified in the new paragraph 1(fa). The Administration undertook to provide an explanation in writing on why specific reference of "dental services" was made.

9. The Subcommittee completed the scrutiny of the Resolution.

III. Any other business

10. The Subcommittee agreed that to allow more time for the scrutiny work, the Chairman would move at the Council meeting of 26 March 2014 a proposed resolution to extend the scrutiny period of the Resolution to the Council meeting of 16 April 2014.

11. The Chairman requested the Administration and PLK to address the various issues of concern raised by members on the Resolution. He would decide whether it was necessary to hold a further meeting, which had been tentatively scheduled for Monday, 31 March 2014, at 9:00 am, after

Action

circulation to members of the Administration's/PLK's response. Members agreed.

12. There being no other business, the meeting ended at 10:43 am.

Council Business Division 2
Legislative Council Secretariat
14 April 2014

**Proceedings of the meeting of the
Subcommittee on Resolution of the Board of Directors of the Po Leung Kuk
on Wednesday, 19 March 2014, at 9:00 am
in Conference Room 2A of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action Required
000045 - 000152	Ms Emily LAU Dr Elizabeth QUAT Mr MA Fung-kwok	Election of Chairman	
000153 - 000417	Chairman	Chairman's opening remarks	
000418 - 000825	Admin Po Leung Kuk ("PLK")	Briefing by the Administration and PLK on the Resolution of the Board of Directors of the Po Leung Kuk ("the Resolution") - Legislative Council Brief (File Ref.: HAD HQ CR/11/16/1/4SF1/(C)).	
000826 - 001336	Chairman Ms Emily LAU ALA2 Admin	Briefing on the issues raised in Assistant Legal Adviser ("ALA2")'s letter dated 17 March 2014 to the Administration (LC Paper No. CB(2)1085/13-14(04)) and the Administration's reply (LC Paper No. CB(2)1085/13-14(05)).	
001337 - 001941	Chairman Mr Christopher CHUNG Admin PLK	<p>Mr Christopher CHUNG's expression of support for the Resolution and his concern as to whether the Resolution as presently drafted would allow PLK to provide costly medical and health services and provide such services on a commercial basis.</p> <p>The Administration's and PLK's advice that the purpose of the Resolution was to amend the Schedule to the Po Leung Kuk Ordinance (Cap. 1040) ("PLK Ordinance") to enable PLK to establish, maintain and manage medical and health care institutions in Hong Kong and to provide all kinds of medical and health services (including dental services) ("medical and health services") for the Hong Kong community. The objective of PLK was to provide medical and health services at low charges to the general public and for free to the under-privileged.</p> <p>PLK further advised that -</p> <p>(a) in accordance with the PLK Ordinance, the medical services were only provided to the service recipients of PLK's social service units ("SSUs");</p>	

Time marker	Speaker	Subject(s)	Action Required
		<p>(b) at present, the Integrated Health Centre ("IHC") in Kowloon only provided general out-patient consultation, health talk, simple health assessment and physiotherapy service. The out-patient service fee was \$45 (including 3 days' basic medicine). For people aged 65 or above, recipients of Comprehensive Social Security Allowance/ Disability Allowance and other low-income people, the service was provided free of charge;</p> <p>(c) the initiative was self-financing in nature. The medical and health services provided in IHC were mainly financed by funds from PLK's own accounts. The funding provision allocated for the purpose in the last financial year was about \$2.5 million;</p> <p>(d) PLK's proposal was to make the medical and health services also available to the general public. As a start, PLK planned to expand its services in IHC in Kowloon and Chinese medical and dental services in SSUs and also to establish more IHCs, in order to serve a wider sector of the public. PLK would explore the feasibility of further expanding its scope of services upon gaining more experience in the medical and health field, with due regard to the availability of resources and expertise; and</p> <p>(e) PLK did not have any plan to expand into private hospital services in the short and medium terms.</p>	
001942 - 003239	Chairman Ms Emily LAU PLK Admin	<p>Ms Emily LAU's expression of support for the Resolution. Her views that it was necessary for the Administration to clearly define/specify in the Schedule to the PLK Ordinance PLK's scope of services, including what kinds of institutions and services it could operate and provide, and that PLK's fee charging policy for provision of medical and health services (i.e. to provide free or low charge services) should also be stated clearly in the Schedule.</p> <p>Ms LAU was also concerned about the monitoring of PLK's compliance with statutory requirements in respect of the medical and</p>	<p>PLK and Admin to consider and provide a written response (para. 5 and 6 of the minutes refer)</p> <p>Admin to provide detailed information in</p>

Time marker	Speaker	Subject(s)	Action Required
		<p>health services provided to existing service users as well as the proposed expanded scope of services to the general public.</p> <p>The Administration's advice that in providing any specific medical or health services, PLK was required to comply with all applicable statutory requirements.</p> <p>PLK's elaboration on the background to expand the existing scope of services to medical and health services for the Hong Kong community, and PLK's development plan in this regard.</p>	<p>this regard (para. 7 of the minutes refers)</p>
003240 - 003759	<p>Chairman Dr Priscilla LEUNG Admin</p>	<p>Dr Priscilla LEUNG's concern and the Administration's explanation about the drafting of the amended paragraphs 16 and 27 of the Schedule to the PLK Ordinance, which related to provisions on PLK's Board to manage corporation and power to make regulations.</p>	
003800 - 004020	<p>Chairman PLK</p>	<p>The Chairman's expression of support for the Resolution. His enquiry and PLK's advice on (i) the size of its professional team providing medical and health services at present and in future and (ii) the plan of setting up more IHCs for the purpose of extending the existing services to the general public.</p>	
004021 - 004344	<p>Chairman Mr IP Kin-yuen Admin</p>	<p>Mr IP Kin-yuen's concurrence with the view that PLK's fee charging policy for provision of medical and health services (i.e. to provide free or low charge services) should be clearly stated in the Schedule to the PLK Ordinance and his enquiry on PLK's development plan in respect of provision of medical and health services.</p> <p>The Administration's advice that PLK's proposal to provide medical and health services to the general public had the in-principle policy support of the Food and Health Bureau. It was in line with the Government's policy of welcoming the private and non-governmental sector to develop and increase the supply of medical and related services to meet the increasing demand and needs of the community.</p>	<p>PLK and Admin to consider and provide a written response (para. 5 of the minutes refers)</p>

Time marker	Speaker	Subject(s)	Action Required
004345 - 005234	Chairman Mr Abraham SHEK Admin ALA2	<p>Mr Abraham SHEK's expression of support for PLK's proposal to provide medical and health services to the general public. His view that the Administration should consider proposing amendments to the Resolution to clearly define/ specify in the Schedule PLK's scope of services, including what kinds of institutions and services it could operate and provide.</p> <p>ALA2's explanation on the difference in drafting between the existing and the amended paragraphs 16 and 27(1) of the Schedule, and that the two amended paragraphs should be read in conjunction with paragraph 1.</p>	Admin to review and provide a written response (para. 6 of the minutes refers)
005235 - 010821	Chairman Mr WONG Ting-kwong Ms Emily LAU Mr Christopher CHUNG Mr Abraham SHEK PLK	<p>Mr WONG Ting-kwong declared that he was an ex-officio member of the Po Leung Kuk Advisory Board. His view that it was important to draft the provisions in a concise and precise manner and PLK's provision of medical and health services was bound by the objects set out in paragraph 1 of the Schedule to the PLK Ordinance. Whether or not the kinds of institutions were listed again in paragraphs 16 and 27(1) would not affect the coverage of the relevant provisions.</p> <p>Mr Christopher CHUNG's view on the drafting of the amended paragraphs 16 and 27(1) of the Schedule. Ms Emily LAU's and Mr Abraham SHEK's request for the Administration to review the drafting of the amended paragraphs 16 and 27(1) of the Schedule.</p>	Admin to review and provide a written response (para. 6 of the minutes refers)
010822 - 010925	Chairman ALA2	The Subcommittee examined the provisions of the Resolution, with the aid of the marked-up copy of the Schedule to the PLK Ordinance as amended by the Resolution prepared by the Legal Service Division (LC Paper No. CB(2)1085/13-14(02))	
010926- 011505	Chairman Admin Ms Emily LAU ALA2 Mr WONG Ting-kwong	<p><u>The proposed new paragraph 1(da) of the Schedule</u></p> <p>Whether the expression of "medical and health care institutions in Hong Kong" in the proposed new paragraph 1(da) of the Schedule could cover private hospitals.</p>	Admin to advise in writing (para. 5 of the minutes refers)

Time marker	Speaker	Subject(s)	Action Required
011506 - 012504	Chairman Ms Emily LAU Admin Mr WONG Ting-kwong ALA2 PLK Mr IP Kin-yuen Mr Christopher CHUNG	<p><u>The proposed new paragraph 1(fa) of the Schedule</u></p> <p>Members' enquiries on why specific reference was made to include "dental services" in respect of the medical and health services to be provided by PLK, and whether the provision as presently drafted would reduce the flexibility for PLK to introduce in future other forms of medical and health services not explicitly specified in the new paragraph 1(fa) of the Schedule.</p> <p>ALA's advice on the drafting of the new paragraph 1(fa) of the Schedule.</p>	<p>Admin to provide an explanation in writing (para. 8 of the minutes refers)</p>
012505 - 013150	Chairman Admin Ms Emily LAU PLK Mr Christopher CHUNG	<p><u>The amended paragraphs 16 and 27 of the Schedule</u></p> <p>Discussion on the kinds of institutions currently under the control of PLK and the drafting of the amended paragraphs 16 and 27(1) of the Schedule.</p> <p>Completion of the examination of the provisions of the Resolution.</p>	
013151 - 014224	Chairman Ms Emily LAU PLK ALA2 Mr Christopher CHUNG Mr WONG Ting-kwong Mr IP Kin-yuen	<p>Ms Emily LAU's and Mr IP Kin-yuen's reiteration of view that PLK's fee charging policy for provision of medical and health services (i.e. to provide services at low charges or free-of-charge) should be stated clearly in the Schedule to the PLK Ordinance.</p> <p>In response to members' enquiry, ALA2's advice on the drafting of the provision to achieve the intended effect of including PLK's fee charging policy in the Schedule to the PLK Ordinance. Reference might be made to relevant provisions provided in existing legislation governing other charitable institutions, such as those in the Schedule (e.g. paragraph 1(a)) to the Tung Wah Group of Hospitals Ordinance (Cap. 1051).</p> <p>Mr Christopher CHUNG's and Mr WONG Ting-kwong's view that there was no need to provide explicitly in the Schedule PLK's fee charging policy for the provision of medical and health services.</p>	<p>PLK and Admin to consider and provide a written response (para. 5 of the minutes refers)</p>

Time marker	Speaker	Subject(s)	Action Required
014225 - 014453	Chairman Ms Emily LEUNG	The Subcommittee's agreement to extend the scrutiny period of the Resolution. Tentative date of next meeting.	

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Legislative Council Secretariat
14 April 2014