

立法會
Legislative Council

LC Paper No. CB(2)15/03-04

Ref : CB2/PL/HS

Paper for the House Committee meeting on 10 October 2003

**Report of the Panel on Health Services
on its proposal for a select committee to be appointed
to inquire into the handling of the SARS outbreak**

Purpose

This paper reports on the proposal of the Panel on Health Services (the Panel) that the Legislative Council (LegCo) should appoint a select committee to inquire into the handling of the Severe Acute Respiratory Syndrome (SARS) outbreak by the Government and the Hospital Authority (HA).

Background

2. At the special meeting of the Panel on 14 May 2003, members passed a motion that LegCo should appoint a select committee to inquire into the handling of the SARS outbreak by the Government and HA, and to conduct a comprehensive review of the whole process.

3. The Panel's proposal was considered by the House Committee on 30 May 2003. The House Committee passed a motion requesting the Government to appoint an independent Commission of Inquiry in or before October 2003 to conduct an investigation to find out the truth and whether any person should be held responsible. Should the Government refuse to do so, the House Committee would consider setting up a select committee.

4. The Chairman of the House Committee wrote to the Chief Executive (CE) on 6 June 2003 conveying the request for the appointment of a Commission of Inquiry to inquire into the handling of the SARS outbreak. In his reply to the Chairman of the House Committee on 28 June 2003, CE asked Members to give the SARS Expert Committee a chance to complete its report before drawing any conclusion on what follow-up action was necessary.

Deliberations and proposal of the Panel

5. The SARS Expert Committee published its report on 2 October 2003. The Expert Committee formed the judgment that it "has not found any individual deemed to be culpable of negligence, lack of diligence or maladministration" in the handling of the SARS epidemic.

6. The Panel discussed the findings and recommendations of the report at special meetings held on 2 and 6 October 2003. Members shared the view that since the SARS Expert Committee mainly focused on lessons to be learnt, a select committee should be appointed by LegCo with powers conferred under section 9(1) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) to inquire into the handling of the SARS epidemic by the Government and HA. The select committee should focus on the performance and accountability of the senior officers in the handling of the outbreak and pinpoint responsibility for any negligence, lack of diligence or maladministration if evidence of such was found.

7. At the special meeting of the Panel on 6 October 2003, members unanimously passed a motion proposed by the Panel Chairman, the wording of which is as follows -

"That this Panel recommends to the House Committee to appoint a select committee to inquire into the Government's and the Hospital Authority's handling of the SARS outbreak, which should include eliciting the facts of the events of the outbreak, examining the performance and accountability of the Government and its officials and the principal officers of the Hospital Authority during the outbreak."

8. Members agreed that matters relating to drawing up of the terms of reference of the select committee proposed to be appointed would need to be further discussed at the House Committee meeting on 10 October 2003.

The Panel's view

9. The Panel agreed that its proposal for a select committee to be appointed by LegCo with powers conferred under section 9(1) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) to inquire into the handling of the SARS outbreak by the Government and HA should be considered by the House Committee.

Advice sought

10. The House Committee is invited to consider the Panel's proposal to appoint a select committee as set out in paragraph 9 above.

Council Business Division 2
Legislative Council Secretariat
9 October 2003