

立法會
Legislative Council

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Panel on Transport and Panel on Financial Affairs

**Joint Subcommittee on Issues Relating to
Insurance Coverage for the Transport Sector**

**Minutes of meeting
held on Monday, 13 February 2012, at 2:30 pm
in Conference Room 2A of the Legislative Council Complex**

Members present : Hon Miriam LAU Kin-ye, GBS, JP (Chairman)
Hon James TO Kun-sun
Hon Ronny TONG Ka-wah, SC
Hon CHAN Kin-por, JP

Members absent : Hon CHEUNG Hok-ming, GBS, JP
Hon IP Wai-ming, MH

Public Officers attending : Item I

Miss Constance CHOY
Principal Assistant Secretary for Transport and Housing
(Transport) 1 (Acting)

Ms Jennifer CHAN
Principal Assistant Secretary for Financial Services and the
Treasury (Financial Services)

Mr Albert SU
Assistant Commissioner/Management and Paratransit
Transport Department

Mr Dannis LEUNG
Chief Transport Officer/Planning/Taxi
Transport Department

Mr HO Ying-foo
Superintendent (Fraud Division) (Commercial Crime Bureau)
Hong Kong Police Force

Mr SIU Wai-sing
Chief Inspector (Fraud Division) (Commercial Crime Bureau)
Hong Kong Police Force

Mr TSANG Hing-tong
Senior Social Security Officer (Accident Compensation)
Social Welfare Department

Mr LEE Tin-yan
Senior Government Counsel
Department of Justice

Mr Ros LAM, JP
Assistant Commissioner of Insurance
(General Business Division)
Office of the Commissioner of Insurance

Dr LEE Koon-hung
Chief Manager (Cluster Performance)
Hospital Authority

Mr Harry WONG
Governing Committee Member
The Hong Kong Federation of Insurers

Miss Kelly MOK
Deputy Chairman
The Hong Kong Federation of Insurers - Accident Insurance
Association

Clerk in attendance : Mrs Sharon TONG
Principal Council Secretary (2)

Staff in attendance : Ms Mina CHAN
Council Secretary (2) 7

Ms Michelle LEE
Legislative Assistant (2) 7

I. Meeting with the Administration

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

2. The Joint Subcommittee noted and drew the Administration's attention to the update on the list of issues to be studied (LC Paper No. CB(2)1001/11-12(01)).

3. The Joint Subcommittee was advised by Principle Assistant Secretary for Transport and Housing (Transport) 1 (Acting) ("PAS(T)1(Atg)") that The Kowloon Motor Bus Company (1933) Limited ("KMB") deposited \$2,000,000 with the Director of Accounting Services in accordance with section 4(4)(c) of the Motor Vehicles Insurance (Third Party Risks) Ordinance and appropriated a Contingency Fund for meeting potential liability up to a limit ("excess limit"). KMB had also taken out an external insurance policy to cover potential liability beyond the excess limit. It was not completely self-insured. According to PAS(T)1(Atg), the taxi and public light bus trades consulted did not consider the self-insured option applicable to them. In view of this, members agreed that further discussion on this issue was not needed.

4. The Joint Subcommittee was advised by Mr Harry WONG of the Hong Kong Federation of Insurers ("HKFI") that the Governing Committee of HKFI would discuss the feasibility of establishing a central database for insurance claims and might form a task force to study the issue of concern.

5. In studying possible measures to tackle the problems of exaggeration of injuries and abuse issuance of sick leave certificate, Mr CHAN Kin-por suggested that -

- (a) an independent medical review system be jointly established by the Hospital Authority and the insurance sector;
- (b) a central reporting mechanism be provided by the Hospital Authority to receive complaints relating to exaggeration of injuries from insurance companies; and
- (c) consideration should be given to the introduction of "a fit note system" (i.e. replacement of the conventional sickness certificate with a new medical certificate called "the fit note") as implemented in the United Kingdom.

6. Chief Manager (Cluster Performance), Hospital Authority said that he raised no objection to Mr CHAN Kin-por's suggestion on the joint establishment of an independent medical review system. However, he pointed out the operational difficulties, for example, privacy concern and impact on physician-patient relationship, in implementing a central reporting mechanism to handle cases suspected of exaggerating injuries. He would seek the advice of the Medical Council of Hong Kong on how a doctor should handle information received from a third party alleging that a patient had been exaggerating his/her injury.

7. The Joint Subcommittee noted that the Hong Kong Police Force had conducted a seminar in February 2012 for the insurance sector on the implementation and operation of its reporting mechanism for referral of suspected cases of insurance fraud. At the request of the Chairman, Superintendent (Fraud Division)(Commercial Crime Bureau), Hong Kong Police Force agreed to conduct another seminar specifically for the transport sector.

8. In considering whether it would be feasible for Hong Kong to make reference to a recommendation made in the United Kingdom to introduce an Independent Assessment Service for individuals with persistent sickness absence, members agreed that the Secretary for Food and Health, the Secretary for Labour and Welfare and representatives of HKFI be invited to the next meeting for discussion.

(Post-meeting note: In response to the Joint Subcommittee's invitation, the Food and Health Bureau and the Labour and Welfare Bureau had indicated that they would not send representatives to attend the next meeting. Their replies were circulated for members' reference on 27 February 2012.)

II. Any other business

9. The Chairman reminded members that the next meeting of the Joint Subcommittee originally scheduled for 1 March 2012 had been rescheduled to 2 March 2012 at 3:00 pm or immediately after the House Committee meeting, whichever was later.

10. There being no other business, the meeting ended at 4:00 pm.

**Proceedings of meeting of the Joint Subcommittee on
Issues relating to Insurance Coverage for the Transport Sector
held on Monday, 13 February 2012, at 2:30 pm
in Conference Room 2A of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action Required
000159 - 000339	Chairman	Opening remarks	
000340 - 000408	Chairman	Update on the list of issues to be studied by the Joint Subcommittee (LC Paper No. CB(2)1001/11-12(01))	
000409 - 000635	Chairman Admin	Presentation of paper by the Administration (LC Paper No. CB(2) 1001/11-12(02))	
000636 - 001001	Chairman Admin	Presentation of paper by the Administration (LC Paper No. CB(2) 1039/11-12(01))	
001002 - 001330	Chairman The Hong Kong Federation of Insurers	Problem of prolonged sickness absence after injuries; and Feasibility of establishing a data-sharing mechanism in Hong Kong	
001331 - 003507	Chairman Admin Hospital Authority Mr CHAN Kin-por The Hong Kong Federation of Insurers	Possible measures to tackle the problems of exaggeration of injuries and abuse issuance of sick leave certificate; Feasibility of jointly implementing an independent medical review system by the Hospital Authority and the insurance sector; and Proposal to establish a central reporting mechanism by the Hospital Authority to receive complaints relating to exaggeration of injuries from insurance companies	
003508 - 004811	Chairman Mr James TO Hospital Authority	Internal review mechanism for medical treatment in the Hospital Authority	
004812 - 010010	Chairman The Hong Kong Federation of Insurers Mr James TO Hospital Authority	Feasibility of conducting joint medical assessment by the Hospital Authority and the insurance sector on cases of patients with prolonged recovery	

Time marker	Speaker	Subject(s)	Action Required
010011 - 011041	Chairman Mr CHAN Kin-por Admin Hospital Authority	Feasibility of making reference to a recommendation made in the United Kingdom to introduce an Independent Assessment Service for individuals with persistent sickness absence (LC Paper No. CB(2)907/11-12(01))	
011042 - 011450	Chairman Admin	Implementation and operation of the reporting mechanism provided by the Police for referral of suspected cases of insurance fraud	
011451 - 012005	Chairman Mr James TO Admin Mr CHAN Kin-por	Insurance fraud investigation undertaken by the Police	
012006 - 012555	Chairman Mr James TO Mr CHAN Kin-por The Hong Kong Federation of Insurers Admin	Invitation for the Food and Health Bureau, the Labour and Welfare Bureau and the Hong Kong Federation of Insurers to attend the next meeting; and Attendance list for the next meeting	
012556 - 012618	Chairman	Date of next meeting and closing remarks	

Council Business Division 2
Legislative Council Secretariat
2 April 2012