

立法會
Legislative Council

Ref : CB2/PL/HS

LC Paper No. CB(2)157/14-15
(These minutes have been
cleared with the Chairman)

Panel on Health Services

Minutes of meeting
held on Thursday, 9 October 2014, at 9:20 am
in Conference Room 3 of the Legislative Council Complex

- Members present** : Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN (Chairman)
Dr Hon LEUNG Ka-lau (Deputy Chairman)
Hon Albert HO Chun-yan
Hon Vincent FANG Kang, SBS, JP
Hon WONG Ting-kwong, SBS, JP
Hon CHAN Kin-por, BBS, JP
Hon CHEUNG Kwok-che
Hon Albert CHAN Wai-yip
Hon YIU Si-wing
Hon Charles Peter MOK, JP
Hon CHAN Han-pan, JP
Hon Alice MAK Mei-kuen, JP
Dr Hon KWOK Ka-ki
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Dr Hon Elizabeth QUAT, JP
Hon POON Siu-ping, BBS, MH
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
- Members attending** : Hon IP Kwok-him, GBS, JP
Hon Alan LEONG Kah-kit, SC
Dr Hon CHIANG Lai-wan, JP
- Clerk in attendance** : Ms Maisie LAM
Chief Council Secretary (2) 5

Staff in attendance : Miss Flora TAI
Assistant Secretary General 2

Ms Janet SHUM
Senior Council Secretary (2) 5

Miss Karen LAI
Council Secretary (2) 6

Ms Michelle LEE
Legislative Assistant (2) 5

Ms Louisa YU
Clerical Assistant (2) 5

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I. Election of Chairman and Deputy Chairman for the 2014-2015 session

[Appendixes III and IV to LC Paper No. CB(2)10/14-15]

Election of Chairman

Dr LEUNG Ka-lau, the incumbent Chairman, invited members to make nominations for the chairmanship of the Panel for the 2014-2015 session.

2. Referring to paragraph 3.58 of the Handbook for Chairmen of Panels ("the Handbook"), Mr Albert CHAN proposed to move the following motion -

"I move that the motion on the election of Chairman and Deputy Chairman be now adjourned."

(動議原文: "本人動議現即中止待續有關選舉正副主席的議案。")

3. At Dr LEUNG Ka-lau's invitation, the Clerk explained that paragraph 3.58 of the Handbook provided the procedure for the moving of a procedural motion to adjourn the discussion on a substantive motion proposed under Rule 22(p) of the House Rules ("HR"). The agenda items of the first meeting of a Panel in a session, including the election of Chairman and Deputy Chairman, were in general matters relating to the

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administrative arrangements of a Panel. There were no substantive subject matters for deliberation.

4. Mr Albert CHAN, however, considered that all agenda items of a meeting of a Panel were substantive items of business and there was no question of some items being the administrative arrangements of a Panel. He pointed out that there were precedents that members of a committee deliberated on the eligibility of the candidates stood for the election of Chairman of the committee concerned (such as whether there would be any conflict of interests for those candidates if elected to chair meetings of the committee). In his view, there was substantive deliberation under the agenda item of election of Chairman and Deputy Chairman.

5. Assistant Secretary General 2 confirmed that there were past cases where, in response to the requests of members, candidates standing for the election of Chairman or Deputy Chairman of a committee were invited to present their platforms and answer questions from members. That said, the agenda item of election of Chairman and Deputy Chairman was still an administrative arrangement of the committee concerned, and there was no substantive motion for members to discuss.

6. Mr Albert CHAN remained unconvinced that the agenda item of election of Chairman and Deputy Chairman did not involve a substantive subject matter for deliberation.

7. Mr Christopher CHUNG and Mr WONG Ting-kwong considered the moving of an adjournment motion under the current agenda item groundless. Mr Vincent FANG remarked that the issue of whether a forum should be held for a candidate standing for the election of Chairman of the Panel for the 2014-2015 session to present his/her platform should only be considered when a nomination had been made. Mr Christopher CHUNG urged the incumbent Chairman to make a ruling on whether the adjournment motion proposed to be moved by Mr Albert CHAN was admissible.

8. Dr LEUNG Ka-lau said that to his understanding, a substantive motion should be a self-contained motion in which the party concerned expressed its views on a specific matter. He therefore ruled that in the absence of a substantive motion under discussion, a procedural motion to adjourn the discussion was not admissible. Mr Albert CHAN did not agree with Dr LEUNG Ka-lau's view, considering that calling for nomination was itself a motion. He added that the election result might be subject to judicial review if there was any procedural irregularity during the process.

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9. Dr LEUNG Ka-lau pointed out that his calling for nominations for the chairmanship of the Panel for the 2014-2015 session was made in accordance with HR 22(f) and the "Procedures for Election of the Chairman and Deputy Chairman of a Committee" set out in Appendix IV to HR.

10. Mr Albert CHAN requested the Clerk and the legal advisor to the Panel to provide him with a written explanation on whether the calling for nominations for chairmanship by the incumbent Chairman constituted a substantive motion, and whether any dispute arising from the aforesaid question would affect the validity of the election result. The Clerk was requested to follow up.

(Post-meeting note: A letter was issued by the Clerk to Mr Albert CHAN on 20 October 2014.)

11. Pursuant to HR 22(f) and Appendix IV to HR, Dr LEUNG Ka-lau called for nominations for the chairmanship of the Panel for the 2014-2015 session. Prof Joseph LEE was nominated by Dr KWOK Ka-ki and the nomination was seconded by Mr CHEUNG Kwok-che, Mr Albert HO, Mr Vincent FANG, Mr Charles Peter MOK and Dr Fernando CHEUNG. Prof Joseph LEE accepted the nomination.

12. As there was no other nomination, Dr LEUNG Ka-lau declared Prof Joseph LEE elected as the Chairman of the Panel for the 2014-2015 session. Prof Joseph LEE then took the chair.

Election of Deputy Chairman

13. The Chairman called for nominations for the deputy chairmanship of the Panel for the 2014-2015 session. Dr LEUNG Ka-lau was nominated by Mr CHEUNG Kwok-che and the nomination was seconded by Dr KWOK Ka-ki, Mr CHAN Han-pan and Mr WONG Ting-kwong. Dr LEUNG Ka-lau accepted the nomination.

14. As there was no other nomination, the Chairman declared Dr LEUNG Ka-lau elected as the Deputy Chairman of the Panel for the 2014-2015 session.

II. Schedule of meetings for the 2014-2015 session

15. Members agreed that the Panel would continue to hold its regular meetings on the third Monday of each month at 4:30 pm. Members agreed

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to adopt the proposed meeting schedule for the 2014-2015 session which was tabled at the meeting.

III. Items for discussion at the next meeting

[Appendixes V and VI to LC Paper No. CB(2)10/14-15]

Regular meeting on 20 October 2014

16. Members agreed that the following items proposed by the Administration be discussed at the next regular meeting on 20 October 2014 -

- (a) Retention of the two supernumerary directorate posts of the Healthcare Planning and Development Office for five years; and
- (b) Mechanism put in place by the Hospital Authority to ensure safety in the use of medical equipment and products.

Proposed items for discussion at future meetings

17. Expressing concern about the occurrence of another adverse incident on 8 October 2014 whereby a female patient collapsed when undergoing liposuction procedure in a private clinic, Dr KWOK Ka-ki, Dr Helena WONG and Miss Alice MAK considered that the regulation of high-risk medical procedures performed in ambulatory setting should be discussed by the Panel at the earliest opportunity in the 2014-2015 session.

18. Dr Helena WONG sought information about the progress of the research report being prepared by the Research Office of the Legislative Council Secretariat for the Panel on regulation of aesthetic practices in selected places. The Chairman advised that the draft research report had been completed and an informal meeting to discuss the draft report would be arranged. Dr Helena WONG considered that the Panel should discuss the finalized report at a future meeting upon its completion.

(Post-meeting note: The informal meeting for discussion of the draft research report on regulation of aesthetic practices in selected places has been scheduled for 3 November 2014 at 9:00 am.)

19. Miss Alice MAK held the view that the few recent adverse incidents involving high-risk procedures provided by beauty parlours were caused by misconduct on the part of the doctors concerned. She suggested that the

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Panel should discuss at the earliest possible time the mechanism of the Medical Council of Hong Kong for handling matters in relation to professional conduct of registered medical practitioners.

20. The Chairman said that the list of outstanding items for discussion would be updated to reflect members' suggestions. He would relay members' views to the Administration during the informal meeting between the Chairman, the Deputy Chairman and the Secretary for Food and Health to discuss the work plan of the Panel for the 2014-2015 session.

21. There being no other business, the meeting ended at 9:45 am.

Council Business Division 2
Legislative Council Secretariat
23 October 2014