

LCQ7: Road safety involving crane lorries

Following is a question by Dr Hon Lo Wai-kwok and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (June 26):

Question:

It has been reported that on the 16th of last month, the crane of a crane lorry running on the road in the Western District hooked and damaged an overhead cable of the tramway system, allegedly because the crane had not been folded properly. As a result, the tram service at the road section concerned was suspended for works personnel to repair the cable. Regarding road safety involving crane lorries, will the Government inform this Council:

(1) of the number of traffic accidents caused by cranes of crane lorries not folded properly and the resultant casualties, in each of the past five years;

(2) whether it reviewed and improved, in the past three years, the measures regulating the operation of crane lorries, such as raising the penalties for contravening the work safety requirements; if so, of the details; if not, the reasons for that; and

(3) whether it will discuss with members of the relevant trades ways to improve the design of crane lorries and the operational guidelines as well as enhance the training for the operators in relation to safe work practices, so as to avoid the occurrence of similar kind of accidents; if so, of the details; if not, the reasons for that?

Reply:

President,

My reply to the various parts of Dr Hon Lo Wai-kwok's question is as follows:

(1) According to the records of the Transport Department (TD), during the period from January 2014 to May 2019, there were two cases of traffic accidents involving crane lorries with cranes not properly folded. One of the cases occurred in 2015 causing minor injury to a passenger, and the other occurred in 2018 causing serious injury to a driver of a crane lorry. The TD does not maintain records of traffic accidents not involving casualties.

(2) and (3) At present, the Government has put in place appropriate regulations regarding the safety requirements for crane lorries running on roads. All commercial vehicles (including crane lorries) running on roads must undergo and pass vehicle examination prior to first registration and annually thereafter in order to ensure that the vehicles are roadworthy and all on-board mobile industrial equipment is securely installed. As stipulated

under regulation 6 of the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A), the overall height of a crane lorry (including the load and equipment it carries) must not exceed 4.6 metres when running on roads. Also, when a crane lorry is operated in an industrial undertaking, the crane operator must comply with the training and qualification requirements as stipulated under the Factories and Industrial Undertakings Ordinance (Cap. 59) for protection of safety of the workers.

Separately, regulation 58 of the Road Traffic (Traffic Control) Regulations (Cap. 374G) provides that the driver of a motor vehicle on a road shall ensure that the motor vehicle, all its parts and accessories, and its load shall be such that no danger is caused or is likely to be caused to any person; or no damage is caused or is likely to be caused to a road or to public or private property. Otherwise, the driver commits an offence, and is liable to a fine of \$5,000 and imprisonment for three months on first conviction.

The TD has also prescribed the Code of Practice for the Loading of Vehicles, which reminds crane operators to have the crane lowered and returned to its stowed position after operating the crane attached to the vehicle. The Code of Practice also recommends the installation of warning systems on vehicles to alert drivers if the cranes are out of their stowed position when the vehicles are in motion. The TD will continue its publicity and education efforts to remind crane lorry owners, drivers and crane operators to take greater heed of and observe the safety regulations on the use of lorries running on roads. The TD will also seek to raise the trade's awareness of safe driving of crane lorries through its regular meeting with the goods vehicle trade and publication of the Goods Vehicle Trade Newsletter.

The Government will continue to monitor the safety of crane lorries running on roads with a view to examining the need to strengthen regulation in a timely manner.

LCQ1: Remittance of money to the Mainland

Following is a question by the Hon Ho Kai-ming and a reply by the Secretary for Financial Services and the Treasury, Mr James Lau, in the Legislative Council today (June 26):

Question:

It is learnt that in order to save time and cost, quite a number of Hong Kong people choose to use money changers instead of banks to remit Renminbi

for them from Hong Kong to the Mainland. However, such money changers are regarded as "underground banks" as they have not been granted approval by the Mainland authorities for operating cross-border remittance business. Upon detection of illegal remittances, the law enforcement agencies on the Mainland may freeze the accounts of money changers and the Mainland beneficiaries concerned. As a result, the remitters fall into a "remittance trap" inadvertently. In this connection, will the Government inform this Council:

(1) of the number of complaints involving money changers received by the Government in each of the past three years, with a breakdown by type of complaints and the level to which the amount of money involved belonged;

(2) of the measures to enhance the regulation of the service of remitting money for customers to the Mainland provided by money changers, so as to avoid Hong Kong people suffering losses; and

(3) whether it will improve the current procedure and arrangements for banks to remit money for their customers to the Mainland, including discussing with the Mainland authorities the raising of the daily remittance limit per person and simplifying the vetting and approval procedure; if so, of the details?

Reply:

President,

Having regard to the international standards on anti-money laundering and counter terrorist-financing (AML/CFT), the Government commenced the Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) Ordinance (AMLO) (Cap. 615) in 2012 to impose statutory customer due diligence and record-keeping requirements on financial institutions (including money service operators (MSOs)). The Ordinance also introduces a licensing regime for MSOs and empowers the Customs and Excise Department (C&ED) to supervise their AML/CFT compliance.

Under the AMLO, any person who operates a money service business (including money changing service and/or remittance service) in Hong Kong must obtain a licence from the C&ED. the C&ED may grant a licence to an MSO applicant only if it is satisfied that the applicant and ultimate owners (if any) are fit and proper persons to operate a money service business. If the applicant is a corporation or a partnership, all directors, partners, and ultimate owners (if any) must be fit and proper persons. In deciding whether a person is fit and proper, the C&ED must have regard to whether the person has been convicted of an offence relating to money laundering or terrorist financing under the Organized and Serious Crimes Ordinance (Cap. 455), Drug Trafficking (Recovery of Proceeds) Ordinance (Cap. 405) or United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575) (including similar offences in other jurisdictions); whether he/she has persistently failed to comply with the AML/CFT requirements stipulated under the AMLO or the AML/CFT Guideline promulgated by the C&ED; whether he/she has been convicted for an offence for which it was necessary to find that the person had acted fraudulently,

corruptly or dishonestly; whether the person, being an individual, is an undischarged bankrupt or is the subject of any bankruptcy proceedings; and whether the person, being a corporation, is in liquidation or is the subject of a winding up order, etc. In addition to the above, the C&ED may consider any other matter that it considers relevant in determining whether a person is fit and proper.

My reply to various parts of the question raised by the Hon Ho Kai-ming is as follows:

(1) From 2016 to 2018, the C&ED received a total of 37 complaints relating to MSOs, 18 of which relate to failure to complete remittance transactions for various reasons after MSOs received funds from their customers.

(2) On top of the AML0, MSOs must comply with other legislations, including those relating to consumer protection. For example, the Trade Descriptions Ordinance (TDO) (Cap. 362) stipulates that any trader (including MSOs) who applies a false or misleading claim during the course of offering a service to a consumer commits an offence; such offence may be reported to the C&ED. Further, a report may be made to the Police if an MSO or any trader is suspected of fraud or other criminal offences.

Aside from criminal investigation, the C&ED will also commence an investigation under the AML0 against the alleged MSO. If the licensee is found not to have complied with the AML0 or the AML/CFT Guideline, the C&ED may institute a criminal prosecution or impose administrative measures against the licensee, including public reprimand, order for remedial action, fines and/or imposition of additional licensing conditions. If the licensee is no longer considered to be a fit and proper person to operate a money service business, the C&ED will suspend or revoke his/her MSO licence.

From January to April 2019, two persons who operate a money service business were arrested for suspected contravention of the TDO and theft respectively, and their MSO licences have been suspended by the C&ED. Investigation is ongoing. During the same period, the C&ED suspended/revoked another five MSO licences for various other reasons.

In addition to strengthening enforcement, the C&ED conducts regular outreach (e.g. distribution of pamphlets, providing latest information at its website, etc) to remind the public to engage only licensed MSOs and stay vigilant to the laws and regulations of other jurisdictions when remitting money so as to prevent any loss.

(3) The Hong Kong Monetary Authority (HKMA) attaches importance to the accessibility of financial and banking services to Hong Kong residents in the Mainland. The HKMA maintains liaison with the Mainland authorities on issues relating to payment, account opening, wealth management, and remittance etc, and measures of financial facilitation are introduced accordingly. The HKMA will follow up as appropriate with the Mainland authorities on arrangements to remit Renminbi having regard to the local situation.

Thank you, President.

LCQ21: Provision and management of public markets

Following is a question by the Hon Andrew Wan and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (June 26):

Question:

Some members of the public have pointed out that the government's efforts in providing and managing public markets have been ineffective. For instances, patronage of North Kwai Chung Market has remained low due to the prolonged delay in retrofitting air conditioning system, Tsuen King Circuit Market was closed as a result of mismanagement, and there has been a shortage of public market in new towns such as Tung Chung and Tin Shui Wai. In this connection, will the Government inform this Council:

- (1) whether it has formulated plans to redevelop the public markets in New Territories West; if so, of the details (including the name of the public markets involved and the timetable for redevelopment);
- (2) whether it has formulated plans to renovate the public markets in New Territories West; if so, of the details (including the name of the public markets involved and the timetable for renovation);
- (3) whether it will pursue the "single site, multiple use" model in multi-storey developments in redeveloping public markets, and build municipal complexes to provide the various types of public facilities; if so, of the details; if not, the reasons for that;
- (4) as the Chief Executive indicated in last year's Policy Address that the Government would build a public market in Tung Chung and Tin Shui Wai respectively, whether the Government will provide more public markets in phases having regard to the current and anticipated future population of the two districts; if so, of the details; if not, the reasons for that; and
- (5) as the Financial Secretary announced in his 2018-2019 Budget Speech that the Government would earmark \$2 billion for implementing a Market Modernisation Programme over the next 10 years, whether it has assessed the number of public markets that can benefit from the funding; whether it will provide additional funding in a timely manner in order that the relevant works can be carried out in more public markets; if so, of the details; if not, the reasons for that?

Reply:

President,

The Government is implementing the ten-year Market Modernisation Programme (MMP) to improve the operating environment of existing public markets. The Government is also planning to develop new public markets in certain districts. My reply to the various parts of the question is as follows:

(1), (2) and (5) In identifying markets for implementation of projects of different scales (including redevelopment, fundamental overhaul and refurbishment and minor improvement works) under MMP, the Food and Environmental Hygiene Department (FEHD) will select public markets with regard to their geographical location and distribution, condition of facilities, business viability, community needs and tenants' readiness so as to benefit the public as a whole.

Having regard to a preliminary assessment of existing markets and views gathered from the Subcommittee on Issues Relating to Public Markets under the Legislative Council Panel on Food Safety and Environmental Hygiene, the FEHD has proposed that, in the first phase of the MMP, a fundamental overhaul for four markets and refurbishment and minor improvement works for at least another three markets will be taken forward. The pioneering project of the MMP will be the overhaul of Aberdeen Market while the other three markets to be overhauled are located in Kowloon and the New Territories. We have been actively liaising with the tenants there and other stakeholders with a view to reaching a consensus on the way forward as soon as possible. The overhaul arrangements for Aberdeen Market will set a model for future similar projects. After the details of the Aberdeen Market project are finalised, we will kick-start other first phase projects progressively.

The FEHD will continue to follow up on the first-phase projects and identify more markets suitable for the MMP, so as to make the best use of the \$2 billion earmarked, to improve the operating environment of markets. We will assess the need for more funding at a later stage when the funds earmarked are about to be fully committed.

(3) In line with government policy, where the site is zoned for "Government, Institution or Community" purposes, we will pursue the "single site, multiple use" model in multi-storey developments and welcome collaboration with other government departments to accommodate compatible use.

(4) As announced in the 2018 Policy Address, the Government plans to build new public markets in Tin Shui Wai and Tung Chung Town Centre respectively. The Government has also initially identified suitable sites in the east of Tung Chung New Town Extension Area as well as in the southwest of Hung Shui Kiu New Development Area (NDA) to build public markets. Apart from the above, we are also looking for locations in Tseung Kwan O and the Kwu Tung North NDA to build new markets.

Providing a new public market requires the use of scarce land resources and entails public financial commitment, both capital and recurrent. We also observe the evolving customer preference for shopping venues in purchasing fresh provisions. Given these premises, in considering whether a public market should be built, we have to duly assess the need for the market and cost effectiveness and to ensure proper use of public resources.

The provision of new public markets would be considered on a case-by-case basis. The Government will take into account relevant factors including demographic mix, community needs, provision of both public and private market facilities nearby and number of fresh provision retail outlets in the vicinity. We would also consider the actual situation of individual districts and the views of stakeholders in the process.

LCQ19: Public dental services

Following is a question by Dr the Hon Elizabeth Quat and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (June 26):

Question:

There are views that as the population of Hong Kong is ageing, dental services are facing great challenges. There were nearly 310 000 poor elderly persons in 2015, representing a poverty rate of 30 per cent. Quite a number of elderly persons are suffering from various dental problems and rely on public dental services heavily. However, such services are grossly inadequate, rendering elderly persons with financial difficulties unable to receive diagnoses and treatments. Regarding public dental services, will the Government inform this Council:

- (1) whether it knows the number of dentists who obtained practising qualifications in each of the past five years;
- (2) whether it knows the current number of registered dentists in Hong Kong and, among them, the respective numbers of dentists practising in public organisations and private dental clinics/organisations;
- (3) of the specific measures in place to increase dentist manpower;
- (4) of the specific measures in place to encourage non-locally trained dentists and graduates in dentistry to come to Hong Kong and practise in public organisations;
- (5) whether it has projected the manpower demand and supply situation of

dentists in each of the coming 10 years; if so, of the details; if not, the reasons for that;

(6) whether it has plans to increase the number of dental clinics under the Department of Health, so as to expand the free emergency dental treatment (commonly known as "general public dental sessions" (GP dental sessions)) provided for the public; if so, of the details; if not, the reasons for that;

(7) whether it will consider increasing the consultation quota of GP dental sessions through means such as allocating resources and streamlining procedure; and

(8) whether it will introduce a population-wide dental care scheme; if so, of the details and timetable; if not, the reasons for that?

Reply:

President,

(1) The annual number of newly-registered dentists in the past five years are set out in the table below:

Year	2014	2015	2016	2017	2018
Number	53	58	70	65	71

(2) As at end of May 2019, there were 2 342 dentists on the list of registered dentists in Hong Kong under the Dentists Registration Ordinance (Cap. 156).

According to the 2015 Health Manpower Survey conducted by the Department of Health (DH), the distribution of those economically active dentists who were practising in different sectors is set out in the following table:

Sector of Work*	Government	Private	Others †
Percentage of Dentists	19.5%	74.0%	6.5%

Notes:

* Figures refer to the sector in which the dentists worked for the main job.

† Figures included dentists working in the Hospital Authority, subvented sector, academic sector and Prince Philip Dental Hospital.

(3) To meet the anticipated demand for dental manpower, the Government has increased the annual intake of University Grants Committee (UGC)-funded first-year-first-degree (FYFD) training places in dentistry from 53 to 73 by 20 (about 40%) in the 2016/17-2018/19 triennium. In the 2019/20 to 2021/22

triennium, the number of UGC-funded FYFD places in dentistry will be further increased to 80 per annum. The Government will also provide for 20 UGC-funded taught postgraduate places in dentistry in the 2019/20 to 2021/22 triennium.

(4) Under Dentists Registration Ordinance (Cap. 156), there is an arrangement of deemed registration for dentists recruited from overseas for the purpose of teaching and performing hospital work in the Faculty of Dentistry of the University of Hong Kong.

There are suggestions from the dental profession to introduce a limited registration mechanism similar to that for doctors to facilitate qualified non-locally trained professional to practise dentistry in Hong Kong for teaching, research and hospital work under prescribed conditions, and to abolish the arrangement of deemed registration upon the introduction of limited registration to strengthen professional regulation.

The Government has invited the Dental Council of Hong Kong to make proposal on how to implement the recommendations of the Strategic Review on Healthcare Manpower Planning and Professional Development (Strategic Review) (including the establishment of a limited registration mechanism for dentists). The Government will continue to actively liaise with the Council on the recommendations of the Strategic Review.

(5) The Government published the Report of Strategic Review on Healthcare Manpower Planning and Professional Development (Report) in mid-2017. The projections on healthcare manpower have taken into account demographic changes and other relevant factors, including the known and planned services and developments, the requirements of public and private healthcare, social welfare and education sectors, as well as the demand for primary, secondary and tertiary care services in Hong Kong.

According to the manpower projections in the Report, the manpower of dentists will be in shortage in the medium to long term. The manpower gaps for dentists in 2020, 2025 and 2030 are set out in the table below –

	Manpower Gap		
	2020	2025	2030
Best guestimate	96	121	127
	(4.2%)	(5.1%)	(5.1%)

Note: A positive number indicates shortfall. Percentages in brackets refer to the percentages of manpower gaps in full-time equivalent terms over the overall demands for dentists.

Taking into account the findings of the Report, the Government will increase the number of UGC-funded FYFD training places in dentistry from 73 to 80 per annum in the 2019/20 to 2021/22 triennium. The Government has commenced a new round of manpower projection exercise. The results are

expected to be available in 2020. Subject to the result of the new manpower projection, the Government will further consider increasing the number of FYFD training places in dentistry in the next triennium.

(6) to (8) The Government's policy on dental services aims to raise public awareness of oral health and encourage the public to develop proper oral health habits through promotion and education. To enhance oral health of the community, the Oral Health Education Unit of the DH has implemented oral health promotion programmes targeting different age groups and disseminated oral health information through various channels over the years.

Providing comprehensive dental services for the public requires substantial amount of financial resources. Therefore, besides publicity, education (including the School Dental Care Service) and promotion on oral health, the Government shall allocate resources to the provision of emergency dental services to the public and prioritise resources for persons with special dental care needs, in particular elderly with financial difficulties.

The dental clinics under the DH are mainly responsible for providing dental benefits for civil servants/pensioners and their eligible dependents as required of the Government as terms of employment for civil servants, and therefore civil servants/pensioners and their eligible dependents are the major service targets of these clinics. Nonetheless, the Government provides general public sessions to offer free emergency dental treatments to the public through designated sessions in 11 government dental clinics of the DH. In addition, the Oral Maxillofacial Surgery and Dental Units of the DH in 7 public hospitals provide specialist dental treatment to the special needs groups by referral from registered dental or medical practitioners. Currently, the government dental clinics are at full service capacity reaching almost 100 per cent occupancy of all appointment time slots. It is not possible for DH to extend or allocate more slots for general public sessions on top of the existing schedule.

Regarding the question raised about the need of elderly dental services, the Government has launched the Outreach Dental Care Programme for the Elderly through subventing non-governmental organisations to provide free outreach dental services for elders in residential care homes or day care centres, and those residing in similar facilities (e.g. Nursing Homes for the elderly registered under the DH).

Moreover, in September 2012, the Community Care Fund Elderly Dental Assistance Programme (the Programme) was launched for provision of free removable dentures and related dental services to eligible low-income elders. The Programme was expanded in phases in the past few years to cover elders aged 65 or above receiving Old Age Living Allowance in February 2019.

Besides, under the Comprehensive Social Security Assistance Scheme, recipients who are old, disabled or medically certified to be in ill health are eligible for a dental grant to cover the dental treatment items (including dentures, crowns, bridges, scaling, fillings, root canal treatment and tooth extraction).

Currently, the Elderly Health Care Voucher Scheme also subsidises eligible elders aged 65 or above with an annual voucher amount of \$2,000 to use private primary healthcare services, including dental services.

LCQ22: Early withdrawal of Mandatory Provident Fund accrued benefits

Following is a question by the Hon James To and a written reply by the Secretary for Financial Services and the Treasury, Mr James Lau, in the Legislative Council today (June 26):

Question:

Under the Mandatory Provident Fund Schemes Ordinance (Cap. 485), Mandatory Provident Fund (MPF) scheme members may withdraw their accrued benefits early under specified circumstances (such as early retirement, permanent departure from Hong Kong and terminal illness). In this connection, will the Government inform this Council:

(1) of the following figures on early withdrawal of MPF accrued benefits under each specified circumstance in each year between 2015 and 2018:

(i) the respective numbers of applications received, approved and rejected by the trustees,
(ii) the average age of the applicants,
(iii) the total amount of accrued benefits in the approved cases, and
(iv) the highest, lowest and average amounts of accrued benefits in the approved cases; and

(2) as the aforesaid ordinance stipulates that a member with a "terminal illness" means the member "has an illness that is likely to reduce the life expectancy of the member to 12 months or less", but that definition depends on the subjective estimations by individual doctors on the life expectancy of their patients, whether the Government will formulate a more objective and less stringent definition for "terminal illness", such as setting out, in the form of a table in respect of the various death-causing illnesses, the specific stage(s) for each illness to be regarded as terminal illness?

Reply:

President,

(1)

(i) The Mandatory Provident Fund Schemes Authority (MPFA) started collecting from MPF trustees the number of claims processed by them for early withdrawal of MPF accrued benefits on various grounds since 2016. From 2016 to 2018, the numbers of claims for early withdrawal of MPF accrued benefits on various grounds processed by MPF trustees are as follows:

Year	Early Retirement	Permanent Departure from Hong Kong	Total Incapacity	Terminal Illness	Small Balance	Death
2016	22 100	32 700	2 100	900	300	6 700
2017	23 400	36 500	2 200	900	200	7 800
2018	20 800	33 800	1 800	800	100	7 100

Note: The figures above are rounded to the nearest hundredth

The MPFA has not collected from MPF trustees the number of rejected claims for early withdrawal of MPF accrued benefits on various grounds.

(ii) The MPFA only maintains record of the average age of MPF scheme members who withdrew MPF accrued benefits on ground of permanent departure from Hong Kong. The average age of scheme members who withdrew MPF accrued benefits on ground of permanent departure from Hong Kong is as follows:

Year	Average age of scheme members who withdrew MPF on ground of permanent departure from Hong Kong
2015	40
2016	40
2017	40
2018	41

(iii) From 2015 to 2018, the total amount involved in the claims processed by MPF trustees each year for early withdrawal of MPF accrued benefits on various grounds are as follows:

(HK\$ million)

Year	Early Retirement	Permanent Departure from Hong Kong	Total Incapacity	Terminal Illness Note (2)	Small Balance	Death	Total
2015	Note (1)	3,528	172	28	1	505	Note (1)
2016	1,859	3,323	157	86	1	502	5,928
2017	2,703	4,573	203	106	1	706	8,291

2018	2,682	4,792	211	114	Note (3)	689	8,489
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Notes:

(1) Before 2016, the MPFA did not collect from MPF trustees the figures relating to early withdrawal of MPF benefits on ground of early retirement

(2) "Terminal illness" has been included as one of the grounds for early withdrawal of MPF accrued benefits since August 2015

(3) Less than HK\$0.5 million

(iv) The MPFA started collecting from MPF trustees the number of claims processed by them for early withdrawal of accrued benefits on various grounds since 2016. From 2016 to 2018, the average amounts of MPF accrued benefits withdrawn early by MPF scheme members on various grounds are as follows:

(HK\$)

Year	Early Retirement	Permanent Departure from Hong Kong	Total Incapacity	Terminal Illness	Small Balance	Death
2016	84,100	101,700	75,500	91,000	2,600	74,900
2017	115,500	125,200	92,100	115,000	2,600	91,000
2018	128,900	141,700	117,400	136,300	2,700	97,000

The MPFA does not have information on the highest and lowest amounts of early withdrawal of MPF accrued benefits on various grounds.

(2) According to the Mandatory Provident Fund Schemes (General) Regulation (Cap. 485A), if a registered medical practitioner or registered Chinese medicine practitioner is of the opinion that a scheme member has any illness that is likely to reduce the member's life expectancy to 12 months or less, and issues a medical certificate to the member, the member may lodge a claim for early withdrawal of MPF benefits on ground of "terminal illness".

The definition of "terminal illness", as well as the approach to certify one's remaining life expectancy, is formulated after taking into account the views received from respondents (especially medical practitioners) during the consultation exercise in relation to the adding of "terminal illness" as one of the grounds for early withdrawal of MPF accrued benefits. As a result of medical advances, many serious illnesses previously considered as incurable may soon become curable with the development of new drugs or medical treatments. Moreover, the health conditions may vary from person to person even if they suffer from the same illness. As such, it would be difficult to generalise in the form of a table different kinds of terminal illnesses.

The government is of the view that the existing definition could better facilitate scheme members and medical practitioners in handling various cases in a practical manner. As such, the government currently has no plans to amend the definition of "terminal illness".