

LCQ5: Complaints handled by Medical Council of Hong Kong

Following is a question by the Hon Chan Hoi-yan and a reply by the Secretary for Health, Professor Lo Chung-mau, in the Legislative Council today (February 19):

Question:

This Council passed in 2018 the amendments to the Medical Registration Ordinance, with the aim of improving the complaint investigation and disciplinary inquiry mechanism of the Medical Council of Hong Kong (MCHK) to address the problem of a backlog of cases. In this connection, will the Government inform this Council if it knows:

- (1) the average time taken by MCHK to handle a complaint case at present, and the average processing times at the consideration stage by Preliminary Investigation Committee and the inquiry stage respectively;
- (2) the total number of complaint cases received by MCHK in each of the past five years and, among them, the respective numbers of cases in which inquiries were held and the complaints were determined to be substantiated, with a breakdown by the type of medical practitioners involved (i.e. private medical practitioners, medical practitioners employed by the Hospital Authority, as well as medical practitioners of the Department of Health); and
- (3) among the complaint cases handled by MCHK in each of the past five years, the respective numbers of cases in which the handling time was less than two years, two to four years, five to seven years, and eight years or more; among these cases, the shortest, longest and median time taken from the lodging of the complaint by the complainant to the completion of all procedures, and the main reasons for cases taking a longer time to handle (i.e. more than two years)?

Reply:

President,

Healthcare professions in Hong Kong observe the principle of professional autonomy. Their statutory regulatory bodies were established by legislations. They are responsible for the registration of professionals, and maintaining and uplifting relevant professional standard and conduct. These regulatory bodies must be accountable to the public in discharging their duties, ensuring that Hong Kong can maintain healthcare professional standards and safeguarding the broader interests of the community.

The Medical Council of Hong Kong (MCHK) is a statutory body established under the Medical Registration Ordinance (MRO) with the objectives of

developing and facilitating medical professional competencies and standards, safeguarding ethical conduct and protecting patients. The MCHK is empowered by the MRO to regulate the medical profession, including handling the registration of medical practitioners, organising Licensing Examinations, formulating codes and guidelines for the profession, and conducting disciplinary inquiries against complaints made by members of the public in respect of professional misconduct of medical practitioners.

Handling complaint cases is an important function of the MCHK. The mechanism of complaint investigation and disciplinary inquiries must be fair, impartial, transparent and efficient, in order to ensure healthcare professional standards and patients' safety, and facilitate mutual trust between patients and healthcare professionals. The Government's role is to ensure that the operation models of regulatory bodies keep up with time and the system work smoothly to meet the changing needs of society. To that end, the Government keeps the MRO under regular review to enable the MCHK to better carry out its various statutory functions, including the function of handling complaints, and propose amendments to the MRO to enhance the efficiency of the complaint-handling mechanism where necessary.

With regard to the complaint-handling mechanism which was unable to operate effectively due to statutory limitations in the MRO, leading to a backlog of complaint cases, the Government proposed to amend the MRO in 2017 to enhance the efficiency and flexibility of the mechanism. Newly introduced measures include setting up inquiry panels under the MCHK to conduct inquiries, increasing participation of lay persons in inquiry proceedings, and increasing the number of assessors. The legislative amendment was passed by the Legislative Council in 2018, enhancing the efficiency of the MCHK in handling complaints. After the legislative amendment, the number of inquiry cases heard per year increased from an average of 25 before 2018 to an average of 48 in the past five years, marking an increase of 90 per cent. The average time for processing a disciplinary inquiry case also dropped from around six years to an average of 3.5 years.

At present, the establishment of the MCHK Secretariat comprises 30 civil service posts, and contract staff are also engaged. The Government will review the services provided by the Secretariat for the MCHK from time to time, and increase its operational efficiency through various measures, such as increasing the use of information technology and organisational structure to better support the MCHK in discharging its statutory duties. The Government will also consider suitably increasing manpower and other resources for the Secretariat where necessary.

In response to the Hon Chan Hoi-yan's question, after consulting the MCHK Secretariat, the consolidated reply is as follows:

In the past five years, the number of complaint cases the MCHK received per year ranged from around 500 to over 3 000. The number of cases requiring disciplinary inquiries and involving doctors in private practice and in the public sector, and the number of substantiated cases, are set out at Annex 1.

The MCHK had concluded over 8 700 complaint cases in the past five years. The average time taken since receipt of complaints till conclusion of cases is 27 months. In 98 per cent of these cases, disciplinary procedures were completed within four years after receiving the complaint. Other cases that required longer processing time were usually more complex in nature, requiring time to examine relevant medical record(s), seek medical experts' report(s), and consult legal advice, etc. Among these complaint cases, the Preliminary Investigation Committees (PICs) dismissed around 7 000 cases for being frivolous or complainant not providing further information, decided that no inquiry by an inquiry panel was to be held in around 1 500 cases, and referred three cases involving the physical and mental condition of the medical practitioner to the Health Committee for consideration. Disciplinary inquiries were required in only 221 cases, i.e. less than 3 per cent. Those some 8 700 concluded complaint cases, broken down by processing time, are set out at Annex 2.

President, the Government will continue to strive for reforms to enhance healthcare quality and efficiency, including inviting major institutions in the Hong Kong healthcare sector to establish the Institute for Medical Advancement and Clinical Excellence last December as a professional platform to develop evidence-based clinical protocols and explore the feasibility of devising service quality and efficiency standards for healthcare services with the plan to consult the sector within this year.

Regulatory bodies of healthcare professions must also undergo constant reform to meet the expectation of the community. The Government will keep the operation of the MCHK under ongoing review, and is happy to listen to the views of different sectors.

Thank you, President.

LCQ2: Monitoring of public organisations

Following is a question by Dr the Hon Kennedy Wong and a reply by the Secretary for Financial Services and the Treasury, Mr Christopher Hui, in the Legislative Council today (February 19):

Question:

There are views pointing out that the Reports of the Director of Audit (the Reports) in recent years have revealed the governance problems of quite a number of public organisations, and this has aroused concerns about the Government's ability to monitor public organisations. In this connection, will the Government inform this Council:

(1) as it has been reported that, to the Director of Audit's surprise, the arrangements concerning claims for allowances as put in place by some organisations receiving subventions from government funds are contrary to government guidelines, whether the authorities will review how to enhance the monitoring of such organisations, so as to comply with the guidelines on the governance of public organisations in respect of a key element therein relating to robust internal control as well as reporting and monitoring mechanisms;

(2) as it has been reported that the Audit Commission will place more emphasis on conducting audits on public organisations, funds and social welfare organisations in the future, of the details of the specific work plan; whether the organisations concerned include statutory bodies such as the Hong Kong Trade Development Council, which receive relatively substantial government subventions; and

(3) of the number of public organisations which needed to improve their governance in the light of the recommendations made in the Reports in the past five years, and whether it has looked into the average time taken by such organisations to implement the relevant improvement measures; whether it will step up efforts in monitoring the progress of the relevant work of public organisations; if so, of the details; if not, the reasons for that?

Reply:

President,

Thank you Dr the Hon Kennedy Wong for the question, offering me a chance to talk about the monitoring of public organisations. The Government attaches great importance to good corporate governance of public organisations and monitors these organisations under a multi-pronged approach. Enhancing corporate governance of public organisations not only uplifts their overall efficiency and cost effectiveness, but also plays an integral role in facilitating effective implementation of the organisations' policies and work objectives. Generally speaking, while respecting the need for public organisations to maintain flexibility in operation and its independence, the Government considers the objectives of setting up the organisations and the powers conferred on them, and formulates regulatory mechanisms for these organisations as appropriate and necessary. Detailed arrangements are mapped out by the relevant bureaux.

In consultation with the Administration Wing and the Audit Commission (AUD), our reply to Dr the Hon Kennedy Wong's question is as follows:

(1) Public organisations should devise a proper governance framework, having regard to the size of the public organisations, the nature of their work and relevant Ordinances. The relevant bureaux should also ensure that a good governance framework is in place in the organisations under their purview. Such arrangements generally consist of the following elements:

(i) To set clear work objectives;

(ii) To make a clear delineation of roles and responsibilities between the Government, the governing body and the senior management of the public organisation; and

(iii) To put in place robust internal monitoring and reporting systems.

Bureaux also appoint appropriate personnel (e.g. those with relevant experience and professional knowledge) to the governing bodies of the public organisations, with a view to monitoring the organisations in an effective manner.

In terms of financial control, subvented organisations are required to prepare a budget annually and submit audited financial accounts to the Government. Where necessary, the Government may include the relevant organisations into the scope of audit by the AUD having regard to the actual circumstances. The subvented organisations should also develop comprehensive understanding of the relevant guidelines pertaining to the management and control of government funding, put in place an appropriate system of cost control and monitoring, and abide by the principle of financial prudence with a view to ensuring proper use of public money and cost-effectiveness. The relevant bureaux will also formulate appropriate monitoring measures, such as drawing up service level agreements and setting out consequences of non-compliance with the responsibilities therein, to maintain effective supervision. This will be done having regard to the organisations' individual targets, nature and circumstances.

Where the Director of Audit (the Director) selects individual public organisations for conducting Value for Money (VFM) audits, the respective bureaux/Controlling Officers (COs) should give their full co-operation and supervise the public organisations under their purview in implementing the audit recommendations conscientiously. They should also review how to strengthen monitoring of the relevant organisations in accordance with the elements of robust internal control and reporting/monitoring systems as set out in the guidelines on governance of public organisations.

In a nutshell, the Government has strived to enhance the governance of public organisations on various fronts. Bureaux will conduct reviews on the governance of public organisations under their purview from time to time to ensure their effective operation and good governance.

(2) The AUD conducts VFM audits on a wide range of subjects, with a view to ensuring proper use of public money. In addition to bureaux and departments, the AUD may conduct audits on various bodies such as public organisations, funds and social welfare organisations, having regard to the following circumstances:

(i) The body receives more than half of its income from public money;

(ii) The Director is empowered under an Ordinance to audit the accounts of the body and there are currently 23 such bodies. The Director reviews and conducts audits on the economy and efficiency with which these bodies have used their resources in performing their functions and exercising their

powers;

(iii) The Chief Executive authorises the Director to audit the accounts and records of the body in the public interest; or

(iv) By virtue of an agreement made between the Government and the individual body, the Director is empowered to audit the body's accounts and records. Examples include social welfare organisations funded under the Lump Sum Grant Subvention System.

As the Hong Kong Trade Development Council does not meet the above criteria, it does not fall into the Director's scope of audit.

In selecting VFM audit projects and according priorities, the Director takes into account a number of factors, including the materiality of projects, their timeliness, the public money and risks involved, and the benefits to be brought about. Until the reports are tabled in the Legislative Council (LegCo), the issues under the AUD's investigation are confidential. Therefore, we cannot disclose the specific work plans.

(3) Among the 10 reports which the Director prepared from 2020 to 2024, 12 chapters involved audit recommendations for 12 public organisations to improve their governance. Of these public organisations, six have fully implemented the recommendations made by the AUD and the Public Accounts Committee (PAC) of LegCo. On average, it takes about 1.5 years for the said organisations to implement all the recommendations.

The Government makes regular reports to the LegCo implementation progress of various recommendations in the form of Government Minutes and Annual Progress Reports. In addition to efforts by the relevant bureaux/COs in monitoring their public organisations in implementing audit recommendations seriously and expeditiously, the AUD would also discuss with the PAC the progress of audited organisations (including public organisations) in implementing the recommendations.

Thank you, President.

Effective Exchange Rate Index

The effective exchange rate index for the Hong Kong dollar on Wednesday, February 19, 2025 is 107.1 (up 0.1 against yesterday's index).

LCQ3: Default on payment of project costs by main contractors of public housing projects

Following is a question by the Hon Dennis Leung and a reply by the Secretary for Housing, Ms Winnie Ho, in the Legislative Council today (February 19):

Question:

It has been reported that the relevant works of a number of public housing projects of the Hong Kong Housing Society (HKHS) and the Hong Kong Housing Authority (HA) were delayed or even suspended last year because the main contractors had defaulted on payment of project costs to their subcontractors. In this connection, will the Government inform this Council:

(1) as it has been reported that HKHS replaced the main contractors of the relevant projects last year due to the aforesaid circumstances, whether it has assessed if the relevant projects and those projects belonging to HA which had experienced delay or works suspension can be completed as scheduled; if they can, of the respective dates of intake; if not, the respective numbers of months by which intake will be delayed;

(2) whether the Government will look into and investigate if there are subcontractors being owed project costs and workers being owed wages in respect of the works projects currently undertaken by HKHS and HA, and whether it has measures in place to avoid the occurrence of the relevant circumstances; if it will, of the details; if not, the reasons for that; and

(3) how HKHS and HA will step up monitoring work in the future to ensure the smooth and scheduled implementation of works and avoid delay and works suspension, and whether they will establish an effective mechanism for replacing the main contractors who have persistently defaulted on payment of project costs to their subcontractors and led to works suspension; if so, of the details; if not, the reasons for that?

Reply:

President,

I would like to thank the Hon Dennis Leung for his concern about whether the construction of public housing development projects can proceed robustly. In consultation with the Hong Kong Housing Society (HKHS), our consolidated reply to the question raised by the Hon Dennis Leung is as follows:

The Hong Kong Housing Authority (HA) and HKHS endeavour to correspond to the Government's policy objectives and are fully committed to constructing

public rental housing (PRH) units and subsidised sale flats, increasing the number and scale of public housing development projects, and accelerating the supply of public housing units.

HA and HKHS, being the major stakeholders of the construction industry, have been managing construction projects in a professional manner and monitoring the contractors' performance according to the well-established mechanism. Each stage of the construction works is supervised by professionals and experienced construction staff are also stationed on site to supervise daily construction operations and work progress. In addition, we have been paying close attention to whether the contractors have sufficient cash flow to carry out the works smoothly. Currently, we also adopt payment arrangements as deemed appropriate, e.g. providing advance payment to contractors at the onset of the contracts, shortening the time frame of payment certification for every phase of works, etc., with a view to facilitating contractors' maintenance of a stable cash flow and enabling smooth construction works.

In respect of securing wage payment to workers, HA has implemented the "Wage Monitoring System" for its construction contracts since 2006. On-site Labour Relations Officers (LRO) will verify workers' records submitted by the contractor, handle workers' complaints and enquiries, and monitor the overall status of wage payment. If there are any suspected cases of wage arrears, the LRO will promptly contact the workers concerned, report the cases to the works project team, and refer the cases to the Labour Department (LD) for follow-up action if necessary.

Furthermore, we have adopted multiple measures in our construction contracts to step up the monitoring and works management of sub-contracting, including limiting the sub-contracting to a maximum of two tiers and requiring the main contractor to submit and implement the sub-contractors management plans.

In response to cases of wage arrears incurred from individual projects of HA and HKHS in recent months, both took immediate actions to urge the main contractors to resolve the wage arrears in a proactive manner. HA and HKHS also leveraged data from the "Wage Monitoring System" and looked into the cases of wage arrears with the contractors and LD so as to co-ordinate as appropriate. Furthermore, special payment arrangement was adopted in disbursing construction fee to main contractors to ensure that the main contractors would simultaneously issue cheques to workers for unpaid wages upon receiving payment from HA and HKHS. Representatives of HA and HKHS were present on site to monitor the cheque distribution to ensure the cheques were handed over to the workers. At the moment, most of the wage arrears cases have been properly resolved.

HA and HKHS are both concerned about any sub-contractors' claims regarding payment defaults by main contractors. While neither HA nor HKHS is a relevant party to these contracts, both co-ordinate in a proactive manner with the main contractors and their sub-contractors with a view to resolving the commercial disputes as soon as feasible. HA and HKHS also sternly request

the main contractors to properly manage the sub-contracts and resolve disputes in a responsible manner, including by negotiation, mediation, arbitration, litigation, etc. HA and HKHS also proactively facilitate the communication among the main contractors, the sub-contractors and workers.

HA and HKHS have been closely monitoring the progress of their housing projects. In case of delays in individual projects, HA and HKHS strive to take immediate follow-up actions, including urging the contractors to increase manpower, stepping up on-site inspections of construction sites, convening special site meetings to review the construction process with a view to catching up with the delays, arranging meetings between the management of the contractors and construction staff at a more senior level to urge for improvement, arranging flat in-take by phase in those completed domestic block(s) wherever practicable, etc. Through all kinds of practical and effective means, HA and HKHS strive to resolve the difficulties encountered during construction and minimise project delays. In order to ensure smooth construction progress, both HA and HKHS have replaced the main contractors in some of their projects, including two HA projects located in Tung Chung and Fanling, and two HKHS projects located in Fanling and Kwun Tong. Replacement of the main contractor of another HKHS project located in Hung Shui Kiu is also underway. We will continue to monitor the performance of all contractors in HA and HKHS construction sites, and reflect the contractors' performance in their future tender scoring through the performance assessment mechanism. In spite of individual cases, the overall public housing production target for the next ten years remains unchanged under the unremitting efforts of HA and HKHS.

Thank you, president.

Inspection of aquatic products imported from Japan

In response to the Japanese Government's plan to discharge nuclear-contaminated water at the Fukushima Nuclear Power Station, the Director of Food and Environmental Hygiene issued a Food Safety Order which prohibits all aquatic products, sea salt and seaweeds originating from the 10 metropolis/prefectures, namely Tokyo, Fukushima, Ibaraki, Miyagi, Chiba, Gunma, Tochigi, Niigata, Nagano and Saitama, from being imported into and supplied in Hong Kong.

For other Japanese aquatic products, sea salt and seaweeds that are not prohibited from being imported into Hong Kong, the Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department will conduct comprehensive radiological tests to verify that the radiation levels of these products do not exceed the guideline levels before they are allowed to be

supplied in the market.

As the discharge of nuclear-contaminated water is unprecedented and will continue for 30 years or more, the Government will closely monitor and step up the testing arrangements. Should anomalies be detected, the Government does not preclude further tightening the scope of the import ban.

From noon on February 18 to noon today (February 19), the CFS conducted tests on the radiological levels of 258 food samples imported from Japan, which were of the "aquatic and related products, seaweeds and sea salt" category. No sample was found to have exceeded the safety limit. Details can be found on the CFS's thematic website titled "Control Measures on Foods Imported from Japan" (www.cfs.gov.hk/english/programme/programme_rafs/programme_rafs_fc_01_30_Nuclear_Event_and_Food_Safety.html).

In parallel, the Agriculture, Fisheries and Conservation Department (AFCD) has also tested 50 samples of local catch for radiological levels. All the samples passed the tests. Details can be found on the AFCD's website (www.afcd.gov.hk/english/fisheries/Radiological_testing/Radiological_Test.html).

The Hong Kong Observatory (HKO) has also enhanced the environmental monitoring of the local waters. No anomaly has been detected so far. For details, please refer to the HKO's website (www.hko.gov.hk/en/radiation/monitoring/seawater.html).

From August 24, 2023, to noon today, the CFS and the AFCD have conducted tests on the radiological levels of 116 679 samples of food imported from Japan (including 76 474 samples of aquatic and related products, seaweeds and sea salt) and 27 074 samples of local catch respectively. All the samples passed the tests.