

立法會
Legislative Council

LC Paper No. CB(2)642/03-04

Ref : CB2/SC2

**Select Committee to inquire into the handling of
the Severe Acute Respiratory Syndrome outbreak by
the Government and the Hospital Authority**

**Minutes of the first meeting
held on Wednesday, 5 November 2003 at 8:30 am
in the Chamber of the Legislative Council Building**

- Members present** : Dr Hon LAW Chi-kwong, JP (Chairman)
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP (Deputy Chairman)
Hon Kenneth TING Woo-shou, JP
Dr Hon David CHU Yu-lin, JP
Hon Cyd HO Sau-lan
Hon Martin LEE Chu-ming, SC, JP
Hon CHAN Kwok-keung, JP
Hon CHAN Yuen-han, JP
Hon Andrew CHENG Kar-foo
Hon Michael MAK Kwok-fung
Dr Hon LO Wing-lok, JP
- Clerk in attendance** : Miss Flora TAI
Chief Assistant Secretary (2) Select Committee
- Legal adviser in attendance** : Mr Jimmy MA, JP
Legal Adviser
- Staff in attendance** : Mr LAW Kam-sang, JP
Deputy Secretary General
- Mrs Justina LAM
Assistant Secretary General 2
- Miss Monna LAI
Assistant Legal Adviser 7

Mrs Eleanor CHOW
Senior Assistant Secretary (2) Select Committee 1

Miss Betty MA
Senior Assistant Secretary (2) Select Committee 2

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I. Proposed areas of study
(LC Paper No. CB(2)238/03-04(01))

The Chairman referred members to the paper tabled at the meeting (LC Paper No. CB(2)238/03-04(01)) which detailed 18 outbreaks and two issues as possible areas of investigation. The Chairman invited members to consider whether other events or issues should be added.

2. The Chairman said that the Severe Acute Respiratory Syndrome (SARS) Expert Committee had commented, in its report, on the lack of contingency plans for dealing with outbreaks of infectious diseases in Hong Kong. The Chairman suggested that the issue should be included as a proposed area of study.

3. Ms Cyd HO supported the Chairman's suggestion. She said that the topic should cover communication between the head office of the Hospital Authority (HA) and individual public hospitals, and a mechanism for the dissemination of information and advice to staff on how to handle an outbreak. She further said that the Select Committee should find out whether deficiencies existed in the mechanism and what lessons were to be learned. Mrs Sophie LEUNG and Mr Martin LEE concurred with Ms HO.

4. The Chairman pointed out that lessons to be learned from the SARS outbreak in terms of improving systems and organization had already been covered in the reports issued by the SARS Expert Committee and the Hospital Authority Review Panel on SARS Outbreak (HA Review Panel). He reminded members that the focus of the Select Committee's work was to examine the performance and accountability of the Government and HA in the handling of the SARS outbreak.

5. Mr CHAN Kwok-keung suggested that the handling of the case of Professor LIU by Kwong Wah Hospital (KWH) should be included as an area of study. Dr LO Wing-lok and Miss CHAN Yuen-han expressed support for Mr CHAN's suggestion. Dr LO said that KWH had apparently taken effective precautionary measures when treating Professor LIU as no healthcare worker was infected. It was therefore worthwhile to examine how KWH had handled the patient, whether warning had been given to other hospitals, the head office of HA and the Department of Health (DH) of a highly infectious disease, and whether the parties concerned had reacted appropriately from the public health

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perspective. Dr LO further said that although the outbreak at Metropole Hotel had resulted in the spread of SARS in the community, it was of lesser significance as an area of study in terms of infection control and surveillance for infectious diseases.

6. Mr Michael MAK declared that he was a staff member of HA. Mr MAK said that KWH had done an excellent job in handling Professor LIU's case. The Select Committee should conduct a comparative study of the infection control measures taken by KWH and those adopted by other hospitals. Mr MAK expressed support for Mr CHAN Kwok-keung's suggestion in paragraph 5 above.

7. Mr Andrew CHENG said that while he supported Mr CHAN's suggestion, he was concerned whether there would be adequate time to study and compare the various infection control measures adopted by the hospitals concerned during the SARS outbreak. Referring to item (b)1 of the paper concerning the provision of personal protective equipment (PPE) for healthcare workers, Mr CHENG proposed to expand the topic to include isolation facilities and measures. Mr Michael MAK supported the proposal. Dr LO Wing-lok said that manpower deployment in handling SARS patients and infection control should also be examined.

8. The Chairman said that the protection of healthcare workers, patients in and visitors to hospitals against SARS infection depended very much on the provision of the necessary hardware (e.g. isolation facilities, protective gears) and software (e.g. control measures, supply and distribution of protective gears) as well as effective manpower deployment in handling SARS patients. The Chairman added that item (b)1 would be revised in accordance with members' views.

9. Mr Michael MAK said that the notification mechanism for infectious diseases between the Mainland and Hong Kong at the early stages of the SARS outbreak should be studied with a view to identifying whether, and if yes, how improvements should be made.

10. The Chairman pointed out that the issue raised by Mr MAK was a systemic one. He expressed concern that if the Select Committee were to examine current systems and organization and identify possible areas of improvement, it would duplicate the work of the SARS Expert Committee and HA Review Panel. He pointed out that a subcommittee had already been formed under the Panel on Health Services to monitor the implementation of the recommendations of the SARS Expert Committee and HA Review Panel. The focus of the work of the Select Committee was to examine the performance and accountability of the Government and HA in handling the SARS outbreak. He considered that in addressing the question of accountability, the Select Committee should examine the decision-making

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process of a decision, the respective roles played by the parties involved in making the decision and the decision itself. Given the time constraint, systemic issues should not be the focus of the Select Committee. The Chairman suggested that the issue raised by Mr MAK could be examined under item (a)1 from the perspective of identifying who were responsible for designing and implementing the notification mechanism and whether the persons involved had exercised due diligence in carrying out their work.

11. Referring to the case of a businessman being transferred from a Hanoi hospital to Hong Kong and that of an expatriate lecturer being brought from Shenzhen to be treated in Hong Kong, Mr Michael MAK said that issues relating to the measures to prevent the bringing of SARS into Hong Kong at border control points should also be studied by the Select Committee.

12. Miss CHAN Yuen-han said that at the meeting of the Panel on Health Services on 12 June 2003, Mr David CHU informed the Administration and members that the health authorities in Guangdong Province had issued a report in January 2003 to alert the health units in Guangdong Province of an outbreak of atypical pneumonia. Miss CHAN suggested that the matter should be followed up. The Chairman advised that the matter would be dealt with under item (a)1 of the list.

13. The Chairman summarized the issues to be included as proposed areas of study, as follows -

- (a) notification mechanism of infectious diseases between Hong Kong and Guangdong Province;
- (b) warning to other hospitals resulting from the handling of Professor LIU by KWH;
- (c) contingency plan for dealing with an outbreak of infectious diseases;
- (d) communication between the head office of HA and individual public hospitals;
- (e) measures to prevent the bringing of SARS into Hong Kong at border control points; and
- (f) facilities and measures for the protection of healthcare workers, patients in and visitors to hospitals against SARS infection.

14. The Chairman said that given the time constraint, the numerous areas identified for investigation and high public expectation, it would be prudent for the Select Committee to give priority to a few major areas for investigation.

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15. Dr LO Wing-lok said that in his view, the most important event of the SARS epidemic was the outbreak at Prince of Wales Hospital (PWH). This was because when PWH began to divert patients to other hospitals, it set in motion a chain of outbreaks at Alice Ho Miu Ling Nethersole Hospital (AHNH) and Tai Po Hospital (TPH). Dr LO further said that another two major areas for investigation were the early events in Guangdong and Hong Kong, and the outbreaks at Amoy Gardens, United Christian Hospital (UCH) and Princess Margaret Hospital (PMH). Dr LO suggested that in inquiring into these three major events, important issues such as notification system between Hong Kong and the Mainland, surveillance system for infectious diseases, contingency plans for handling outbreak of infectious diseases, and infection control in hospitals should also be examined. Using this approach, the Select Committee would be able to study, in a comprehensive manner, the decision-making processes in the Government and HA in the management and control of the SARS outbreak.

16. Mr Andrew CHENG said that another approach was to focus on three fundamental issues, namely, the surveillance system for infectious diseases, contingency plans for handling outbreak of infectious diseases, and infection control facilities and measures in public hospitals.

17. The Chairman said that members should decide whether to adopt an “event based” or “system based” approach in conducting the inquiry. In his view, the “system based” approach suggested by Mr CHENG would be more time-consuming as the Select Committee would have to study thoroughly the relevant systems before proceeding to inquire into the events. The “event based” approach proposed by Dr LO, on the other hand, would enable the Select Committee to focus on the decision-making processes in order to assess the performance and accountability of the persons concerned in making those decisions.

18. Miss CHAN Yuen-han expressed support for Dr LO’s approach and added that in view of the time constraint, if outbreaks at housing estates were to be inquired into, the Select Committee should focus on Amoy Gardens only.

19. Mr Michael MAK said that the key events in the SARS epidemic should be the focus of the Select Committee’s inquiry. He further said that unlike AHNH and TPH, there was no spread of SARS among the healthcare workers in Queen Mary Hospital (QMH), KWH and Queen Elizabeth Hospital. The Select Committee should study the infection control measures taken by these hospitals in order to find out whether there were deficiencies in the infection control measures of certain hospitals, and whether any person(s) should be held responsible.

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20. Mrs Sophie LEUNG declared that she was a former member of the HA Board and the Governing Committee of QMH. She said that given the long list of areas of investigation and the limited time available, the Select Committee should be more focused in its inquiry. She reckoned that if there were problems such as inadequate infection control in hospitals, they would surface when investigation into the main events were carried out. It was not necessary for the Select Committee to single out such areas for investigation.

21. Ms Cyd HO said that infection control in elderly homes should be another area of study. The Chairman responded that the area was of lesser concern given that there was no major SARS outbreak in elderly homes.

22. Referring to Dr LO Wing-lok's suggestion of studying the outbreaks at PWH, AHNH and TPH, the Chairman asked whether members wished to consider according priority to the three outbreaks, given the time constraint.

23. Miss CHAN Yuen-han said that the outbreaks at PWH, AHNH and TPH should be investigated together. In her view, it was necessary to find out whether the decision to divert and transfer patients from one hospital to another had been prudent.

24. Dr LO Wing-lok said that the three outbreaks were inter-related and the three hospitals were under the management of the New Territories East Cluster. It was necessary to examine whether factors such as the preparedness of a hospital to receive SARS patients, and effectiveness of isolation facilities had been thoroughly considered before decisions on diverting and transferring patients were made. Dr LO added that some healthcare workers had expressed concern about the handling of SARS patients in Tun Mun Hospital (TMH) as two of its healthcare workers had died of SARS. Dr LO suggested that the outbreak at TMH should be studied together with the outbreaks at Amoy Gardens, PMH and UCH.

25. The Chairman concluded that the following groups of events would be studied by the Select Committee -

- (a) handling of the case of Professor LIU by KWH and the outbreak at Metropole Hotel;
- (b) the SARS outbreaks at PWH, AHNH and TPH; and
- (c) the SARS outbreaks at Amoy Gardens, UCH, PMH and TMH.

26. The Chairman asked members whether the inquiry into three main events should be prioritized according to their importance or chronology of events. Members agreed to follow the chronology of events.

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27. Legal Adviser (LA) said that the Select Committee should regularly review the areas of investigation in the light of the progress of the work of the Select Committee.

28. Mr Michael MAK said that the statistics on the number of SARS patients treated by each public hospital should be obtained to facilitate investigation.

II. Proposed work schedule

(LC Paper No. CB(2)225/03-04(01))

Work plan

29. Ms Cyd HO expressed concern about the time available for the Select Committee to carry out its inquiry. Ms HO said that to facilitate better planning, it was necessary to estimate the total hours available for the Select Committee to hold hearings and deliberations in order to assess how much work the Select Committee could handle. Given that the three groups of events or areas of study were of equal importance, sufficient time should be allocated for each area. Ms HO suggested that more meetings should be held, if necessary, and that a tentative work plan should be drawn up for the consideration of members.

30. The Chairman said that the time required for holding hearings would depend on the complexity of each area of study and the number of witnesses to be summonsed. In taking evidence, members had to decide whether to adopt an “event based” or “witness based” approach, or a combination of the two approaches. An “event based” approach would mean that the three groups of events would be inquired into one after the other, and that certain witnesses would have to give evidence on more than one occasion. A “witness based” approach, on the other hand, would aim to minimise the need for witnesses to appear more than once before the Select Committee. The Chairman said that the “witness based” approach would likely apply to overseas witnesses who would need to come to Hong Kong to give evidence. The Chairman asked the Secretariat to prepare a proposed work plan for discussion at the next meeting of the Select Committee.

Work schedule

31. Members noted the proposed work schedule as set out in LC Paper No. CB(2)225/03-04(01). Members agreed that the Select Committee would meet twice a week, i.e. on every Tuesday and Saturday morning from 8:30 am to 12:30 pm.

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32. Members agreed that meetings would not be held on the following dates -

- (a) 23 and 30 December 2003 (Christmas and New Year break);
- (b) 27 January 2004 (Chinese New year break);
- (c) 30 March 2004 (special Finance Committee meeting); and
- (d) 6 April 2004 (Easter break).

33. Members agreed that meetings should be tentatively scheduled for 20 December 2003 and 20 January 2004. Members noted that the meeting on 29 November 2003, which was the Legislative Council (LegCo) Building Open Day, might have to be held in the Citibank Tower. The Secretariat would advise members of the meeting venue in due course.

Additional meetings

34. Miss CHAN Yuen-han suggested that more meetings should be held at the beginning so that the Select Committee would have more time to manage its work towards the end. The Chairman said that there were practical difficulties in scheduling more meetings as the Select Committee on Building Problems of Public Housing Units, of which two members of this Select Committee were also members, would soon resume its work and would likely meet on every Tuesday afternoon. The Chairman suggested that upon the Select Committee on Building Problems of Public Housing Units completing its inquiry, which was expected to take about three months, this Select Committee could schedule additional meetings for Tuesday afternoon.

35. Ms Cyd HO said that she did not favour meeting for eight hours on a single day. She suggested that additional meetings be scheduled for every Wednesday morning instead.

36. The Chairman said that the Public Works Subcommittee met every Wednesday morning, and that Tuesday was the only day for which regular meetings of committees were not scheduled. The Chairman said that long meetings would be inevitable, particularly in obtaining evidence from overseas witnesses. The Chairman added that in order for members to prepare for hearings, internal deliberative sessions (about half an hour) would be held before and after each hearing. Miss CHAN Yuen-han said that the Select Committee on Building Problems of Public Housing Units had adopted the same practice.

37. Members agreed that additional meetings, if necessary, would be held on Tuesday afternoons.

III. Proposed practice and procedure
(LC Paper No. CB(2)225/03-04(02))

38. The Chairman invited members to give views on the proposed practice and procedure for the Select Committee as set out in the paper.

39. On the conduct of meetings, members noted that in accordance with Rule 79(2) of the Rules of Procedure, meetings of a select committee would be held in public unless the chairman otherwise ordered in accordance with any decision of the select committee. The Chairman advised that other select committees had held their internal deliberations in camera. The Chairman proposed and members agreed that the same practice should be adopted by this Select Committee.

40. Referring to paragraphs 22 and 23 of the paper regarding personal interest to be disclosed, Mr Michael MAK enquired what a member should do if he or she was in doubt whether or not certain interest should be declared. LA advised that the purpose of making such declarations was for maintaining the integrity of the Select Committee. If a member was in doubt, the best way to deal with the matter from his own point of view and for safeguarding the credibility of the Select Committee was to disclose the personal interest in question.

41. Mr Michael MAK said that given his dual capacity as a LegCo Member representing the Health Services constituency and as a staff member of HA, he was worried that he might forget to declare non-pecuniary interest on some occasions.

42. The Chairman pointed out that when Mr MAK was nominated as a member of the Select Committee at the House Committee meeting on 31 October 2003, his capacity as an employee of HA was known to other Members. The Chairman said that it was important for all members to observe the principles adopted by the Select Committee which included, among others, fairness and transparency. He further said that members of the Select Committee should not, for instance, appear as witnesses before the Select Committee. If a member possessed certain information which he believed to be relevant to the work of the Select Committee, such information should be submitted to the Select Committee by a third party.

43. Members endorsed the practice and procedure of the Select Committee as set out in the paper.

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IV. Any other business

44. Dr LO Wing-lok said that the Select Committee should consider inviting local or overseas medical professionals to give independent expert advice to the Select Committee. Mr Michael MAK suggested that the Select Committee should conduct site visits, if necessary. The Chairman said that the public should be invited to provide information to the Select Committee. The Chairman suggested that all these matters be further discussed at the next meeting.

45. The Chairman said that based on the areas of study, the Secretariat would draw up a list of information to be obtained from the Health, Welfare and Food Bureau (HWFB) and HA. The list would be circulated for members' comments before issuance to the parties concerned.

46. Mr Martin LEE suggested that the responses of HWFB/DH and HA to the reports of the SARS Expert Committee and HA Review Panel should be included in the list of information to be obtained from HWFB and HA.

47. The Chairman said that the lockers outside Room 004 on the ground floor of the LegCo Building had been assigned for the exclusive use of members.

48. Members agreed that the next meeting would be held on Saturday, 11 November 2003, at 8:30 am to discuss the work plan for the Select Committee. The meeting would be held in camera.

49. The meeting ended at 11:10 am.

Council Business Division 2
Legislative Council Secretariat
11 December 2003