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Mutual Understanding



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2023 年報
ANNUAL REPORT

私營醫療機構投訴委員會
COMMITTEE ON COMPLAINTS AGAINST
PRIVATE HEALTHCARE FACILITIES

提升服務
Service Improvement



資訊透明
Transparency



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主席的話

Message from the Chairperson



私營醫療機構投訴委員會（下稱“投訴委員會”）自二零二零年十二月一日成立以來，已投入運作超過三年。我很榮幸獲委任為投訴委員會主席，並見證投訴委員會的成立和過去幾年取得的成果。

在提升病人安全方面，處理投訴是其中一個基石。為此，投訴委員會根據《私營醫療機構條例》（下稱“《條例》”）成立，以考慮就對持有相關牌照的私營醫療機構所作出的投訴（下稱“對機構投訴”）中，該機構有否遵守《條例》及相關實務守則。

過去三年，在所有委員的共同努力下，投訴委員會秉持專業和公正的態度處理投訴，並向私營醫療機構提出有關改善措施的建議，致力促進服務的提升。我們會透過本年度報告第五章內的案例說明和分析，分享有關處理投訴的一些經驗和對私營醫療機構作出的建議。我們相信這些經驗分享提供了學習的機會，將會有利於私營醫療機構服務的改進。

The Committee on Complaints against Private Healthcare Facilities (“Complaints Committee”) has commenced operation for more than three years since its establishment on 1 December 2020. I am honoured to serve as the Chairperson of the Complaints Committee and witnessed the establishment and achievements of the Complaints Committee in the past few years.

Complaints handling is one of the corner stones in enhancing patient safety. Under this background, the Complaints Committee is established under the Private Healthcare Facilities Ordinance (“the Ordinance”) to consider complaints against licensed private healthcare facilities (“facility complaints”) on matters related to their compliance with the Ordinance and relevant codes of practice.

With the concerted efforts of all members in the past three years, the Complaints Committee has processed facility complaints in a professional and impartial manner, and provided advice to private healthcare facilities (“PHFs”) on improvement measures to bring forth service improvement. In Chapter 5 of this report, we will present some case illustrations and analysis to share our experience in complaints handled and the recommendations that we have made for the PHFs. We believe that such experience sharing provides an opportunity to learn and is conducive to service improvement of the PHFs.

在處理投訴的過程中，我們觀察到有很大部分的投訴均與私營醫療機構的職員和病人之間的溝通不善或誤解有關。另類爭端排解可促使爭議及早得到解決，並有助達成和解，以達致雙贏的結果。為此，《條例》亦賦權予投訴委員會可在合適的情況下提議投訴人和私營醫療機構就有關爭議尋求另類爭端排解。為了讓委員能為合適的個案作出相關建議，投訴委員會在參考文獻、海外經驗及專家意見後，於第四次投訴委員會大會上就建議另類爭端排解作出詳細審議，並在《條例》的框架下建立其機制。

我再次衷心感謝投訴委員會所有委員對投訴委員會的工作所作出的巨大貢獻，以及他們對工作的熱誠和投入。藉著委員專業、公正和富有洞察力的建議，投訴委員會秉持了獨立和不偏不倚的投訴處理機制，有助私營醫療機構改善其服務。此外，我亦感謝秘書處職員在處理對機構投訴的工作上不懈的支持。

新一屆投訴委員會於二零二三年十二月一日開始。展望未來，能在下一個任期繼續為投訴委員會服務，本人深感榮幸。投訴委員會將繼續秉持專業和公正的態度處理每一宗投訴，致力促進私營醫療機構的服務提升和病人安全。

During complaints handling, we observed that a significant proportion of complaints were related to miscommunication or misunderstanding between PHF's staff and patients. Alternative dispute resolution ("ADR") promotes early resolution of disputes and facilitates settlements to reach a win-win outcome for both parties. To this end, the Ordinance also empowers the Complaints Committee to advise the complainant and the PHF to seek ADR where appropriate. To facilitate members in making recommendations of ADR on suitable cases, taking reference to the literature, overseas practice and expert opinions, the Complaints Committee further deliberated and established the mechanism of recommending ADR within the framework provided under the Ordinance in the fourth meeting of the Complaints Committee.

Once again, I would like to express my heartfelt gratitude to all our members for their dedications, passion and commitment to the work of the Complaints Committee. With their professional, unbiased and insightful recommendations, the complaints handling mechanism under the Complaints Committee were independent and impartial and contributed to the service improvement of PHFs. Furthermore, I would also like to thank the Secretariat for their unfailing support in our work of handling facility complaints.

The new term of Complaints Committee started on 1 December 2023. Looking forward, it remains a great privilege for me to serve the Complaints Committee in the next term. We will continue to handle every complaint in a professional and impartial manner, aiming to bring forth service improvement of PHFs and enhancement of patient safety.

劉文文女士, BBS, MH, JP
私營醫療機構投訴委員會主席

Ms LAU Man-man, Lisa, BBS, MH, JP
Chairperson, Committee on Complaints against Private Healthcare Facilities

引言 Introduction

本年度報告為投訴委員會發布的第三份年報，載錄投訴委員會由二零二三年一月一日至十二月三十一日內的工作。投訴委員會希望藉此與私營醫療機構分享處理投訴個案的經驗，以促進私營醫療機構就投訴個案的經驗學習和服務提升。

《條例》於二零一八年十一月獲立法會通過，並於二零一八年十一月三十日刊憲，為註冊醫生和／或註冊牙醫執業的私營醫療機構，包括醫院、日間醫療中心及診所，提供新的規管制度。《條例》正按不同類型的私營醫療機構的風險程度分階段實施。

投訴委員會於二零二零年十二月一日在《條例》下成立，處理對持有相關牌照的私營醫療機構就牌照生效當日或之後的事宜作出的投訴。《條例》下的醫院牌照及首批日間醫療中心牌照於二零二一年一月一日起開始生效，投訴委員會亦自此開始處理對機構投訴的工作。

投訴委員會就對機構投訴的事宜上，考慮該機構有否遵守《條例》及相關實務守則。投訴委員會沒有司法權力去處理涉及註冊醫護專業人員的專業操守及判斷事宜的投訴，有關事宜應由相關專業規管機構處理。

This annual report, covering the period from 1 January to 31 December 2023, is the third report published by the Complaints Committee. Through this publication, the Complaints Committee aims to share experience of handling of complaint cases with PHFs and to facilitate experience learning from the complaint cases and service improvement of PHFs.

The Ordinance was passed by the Legislative Council in November 2018 and was published in the gazette on 30 November 2018 to provide a new regulatory regime for PHFs where registered medical practitioners and/ or registered dentists practise, including hospitals, day procedure centres (“DPCs”) and clinics. The Ordinance is being implemented in phases based on the risk level of various types of PHFs.

The Complaints Committee was established under the Ordinance on 1 December 2020 to handle complaints against licensed PHFs related to matters occurred on or after the licence came into effect. The Complaints Committee has started its work in handling facility complaints since 1 January 2021 when the hospital licences and the first batch of DPC licences under the Ordinance took effect.

The Complaints Committee considers facility complaints on matters related to their compliance with the Ordinance and relevant codes of practice. While the Complaints Committee has no jurisdiction over complaints related to matter of professional conduct and judgement of registered healthcare professional, the issues should be handled by relevant professional regulatory authorities.

投訴委員會的委員及職能 Membership and Functions of Complaints Committee

2.1 投訴委員會

2.1.1 投訴委員會的組成

根據《條例》，投訴委員會的委員由醫務衛生局局長委任。投訴委員會由註冊醫生／牙醫和來自不同背景的業外委員，包括其他醫護專業人員、病人組織、法律界、工程界和消費者權益組織組成。新一屆獲醫務衛生局局長委任的委員，任期由二零二三年十二月一日開始，任期為三年。

2.1 Complaints Committee

2.1.1 Composition of Complaints Committee

In accordance with the Ordinance, members of the Complaints Committee are appointed by the Secretary for Health. The Complaints Committee consists of registered medical practitioners/ dentists, as well as lay members from various backgrounds including other healthcare professionals, patient groups, legal sector, engineering sector and consumer rights sector. A new term of members has been appointed by the Secretary for Health for three years with effect from 1 December 2023.

2.1.2 投訴委員會的成員

Membership of Complaints Committee



主席 Chairperson

劉文文女士, BBS, MH, JP
Ms LAU Man-man, Lisa, BBS, MH, JP



副主席 Deputy Chairperson

張德康醫生, JP
Dr CHEUNG Tak-hong, JP



委員 Member

陳清霞議員, GBS, JP

Dr the Honourable CHAN Ching-har, Eliza, GBS, JP



委員 Member

陳秀雯教授*

Professor CHAN Sau-man, Sandra*



委員 Member

陳永佳先生

Mr CHAN Wing-kai



委員 Member

鄭荔英教授*

Professor CHEING Lai-ying, Gladys*

***直至二零二三年十一月三十日 until 30 November 2023**



委員 Member

鄭俊平工程師*

Ir CHENG Chun-ping, Norman*



委員 Member

馮玉娟教授, BBS

Professor FUNG Yuk-kuen, Sylvia, BBS



委員 Member

何錦源醫生

Dr HO Kam-yuen



委員 Member

何應富先生

Mr HO Ying-foo

***直至二零二三年十一月三十日 until 30 November 2023**



委員 Member

郭晶強先生, SBS, FSDSM
Mr KWOK Jing-keung, SBS, FSDSM



委員 Member

郭亮明先生, SBS, CSDSM
Mr KWOK Leung-ming, SBS, CSDSM



委員 Member

黎卓先教授
Professor LAI Cheuck-seen, Edward



委員 Member

梁熊顯教授*
Professor LANG Hung-hin, Brian*

***直至二零二三年十一月三十日 until 30 November 2023**



委員 Member

李慧琴教授

Professor LEE Hui-cheng, Angeline



委員 Member

李繼堯醫生, BBS

Dr LEE Kai-riu, Anthony, BBS



委員 Member

梁國齡醫生*

Dr LEUNG Kwok-ling, Ares*



委員 Member

梁彥欣醫生

Dr LEUNG Yin-yan, Jenny

***直至二零二三年十一月三十日 until 30 November 2023**



委員 Member

廖偉明醫生

Dr LIU Wai-ming, Haston



委員 Member

劉西恩醫生

Dr LOW Say-woon, John Matthew



委員 Member

呂少麟先生[#]

Mr LUI Siu-lun[#]



委員 Member

彭佳源醫生^{*}

Dr PANG Kai-yuen^{*}

***直至二零二三年十一月三十日 until 30 November 2023**

#由二零二三年十二月一日起 from 1 December 2023 onwards



委員 Member

潘偉麟 醫生
Dr POON Wai-lun



委員 Member

蘇詠儀 醫生[#]
Dr SO Wing-yee[#]



委員 Member

張源津 醫生[#]
Dr TEOH Yuen-chun, Jeremy[#]



委員 Member

湯熾忠 先生^{*}
Mr TONG Chi-chung, Eddy^{*}

***直至二零二三年十一月三十日 until 30 November 2023**

#由二零二三年十二月一日起 from 1 December 2023 onwards



委員 Member

徐志文博士[#]
Dr TSUI Chi-man[#]



委員 Member

黃吳潔華女士
Mrs WONG NG Kit-wah, Cecilia



委員 Member

黃慧儀工程師[#]
Ir WONG Wai-yee, Priscilla[#]



委員 Member

黃穎兒醫生[#]
Dr WONG Wing-yee, Victoria[#]

[#]由二零二三年十二月一日起 from 1 December 2023 onwards



委員 Member

黃婉芳女士

Ms WONG Yuen-fong, Pauline



委員 Member

胡志和醫生[#]

Dr WU Chee-wo[#]



委員 Member

胡偉強先生

Mr WU Wai-keung, Paul



委員 Member

楊超發醫生^{*}

Dr YEUNG Chiu-fat, Henry^{*}

***直至二零二三年十一月三十日 until 30 November 2023**

#由二零二三年十二月一日起 from 1 December 2023 onwards



委員 Member

楊協和醫生

Dr YEUNG Hip-wo, Victor



委員 Member

葉秀華女士, JP

Ms YIP Sau-wah, Lisa, JP



委員 Member

袁淑賢醫生[#]

Dr YUEN Shi-yin[#]



委員 Member

袁少林先生

Mr YUEN Siu-lam

#由二零二三年十二月一日起 from 1 December 2023 onwards

2.1.3 投訴委員會的職能

《條例》第73條訂明，投訴委員會的職能如下：

- 就私營醫療機構的投訴管理政策，向衛生署署長（“署長”）提供意見；
- 接收和考慮對機構投訴；
- 就關乎對機構投訴的事宜，向署長作出建議，包括是否向有關的私營醫療機構採取規管行動；
- 在適當的個案中，將對機構投訴轉介予規管機構，以作出任何跟進行動；
- 就任何改善措施，向私營醫療機構作出建議；
- 將該委員會處理對機構投訴所帶出的任何一般規管問題，向署長報告；
- 定期發表摘要報告；及
- 向公眾宣傳可如何作出投訴。

2.2 投訴委員會的小組

投訴委員會轄下設有初步處理小組和個案小組，分別支援投訴委員會對機構投訴進行初步處理，及決定對機構投訴的指控是否成立。

2.1.3 Functions of Complaints Committee

The functions of the Complaints Committee as set out in section 73 of the Ordinance are as follows:

- to advise the Director of Health (“Director”) on the policies on complaints management for PHFs;
- to receive and consider facility complaints;
- to make recommendations to the Director on matters relating to facility complaints, including whether to take any regulatory action against the PHFs concerned;
- to refer, in appropriate cases, facility complaints to regulatory authorities for any follow-up action;
- to make recommendations to PHFs on any improvement measures;
- to report to the Director any general regulatory issue arising from the facility complaints handled by the Complaints Committee;
- to publish summary reports on a regular basis; and
- to publicise how complaints may be made to the public.

2.2 Panels of Complaints Committee

Two types of panels, namely Preliminary Processing Panel (“PPP”) and Case Panel (“CP”), are set up under the Complaints Committee to support the Committee in preliminary processing of the facility complaints and in deciding whether the allegations in the facility complaints are substantiated respectively.

2.2.1 初步處理小組的組成和職能

由主席委任的初步處理小組由五名投訴委員會委員組成，當中須包括最少一名業外委員，任期一年。

初步處理小組的成員（於二零二三年十一月三十日）如下：

馮玉娟教授, BBS

郭晶強先生, SBS, FSDSM

黎卓先教授

廖偉明醫生

湯熾忠先生

初步處理小組考慮對機構投訴的所有相關資料，就初步處理有關投訴的結果，向投訴委員會提交報告，特別是關於是否委出個案小組。《條例》第84(2)條訂明，投訴委員會可於以下情況拒絕委出個案小組：

- (i) 投訴的事項並非關於該私營醫療機構有否違反《條例》或其相關實務守則；
- (ii) 投訴於相關事件發生後2年後才作出；
- (iii) 匿名投訴，或投訴人的身分不明，或投訴人無法聯絡；
- (iv) 投訴的事宜已轉介予死因裁判官，或死因裁判官正考慮該事宜；
- (v) 是項投訴關乎商業事宜；
- (vi) 投訴人已就同一事宜，已提出法律程序；或
- (vii) 有關對機構投訴為瑣屑無聊或缺理據。

2.2.1 Composition and Functions of Preliminary Processing Panel

A PPP is appointed by the Chairperson which consists of five Complaints Committee members, including at least one lay member, for a term of one year.

Membership of the PPP (as at 30 November 2023) are set out below:

Professor FUNG Yuk-kuen, Sylvia, BBS

Mr KWOK Jing-keung, SBS, FSDSM

Professor LAI Cheuck-seen, Edward

Dr LIU Wai-ming, Haston

Mr TONG Chi-chung, Eddy

The PPP will consider all related information about the facility complaint and report to the Complaints Committee on the result of preliminary processing of the facility complaint, in particular whether to appoint a CP. The Complaints Committee may refuse to appoint a CP under the following circumstances as stipulated in section 84(2) of the Ordinance:

- (i) the facility complaint is not related to compliance with the Ordinance or the related code of practice;
- (ii) the facility complaint is made two years or later after the subject event happened;
- (iii) the facility complaint is made anonymously or the complainant cannot be identified or traced;
- (iv) the subject matter of the facility complaint has been referred to, or is being considered by, the coroner;
- (v) the facility complaint relates to a commercial matter;
- (vi) the complainant has instituted legal proceedings for the same subject matter; or
- (vii) the facility complaint is frivolous or groundless.

2.2.2 個案小組的組成和職能

個案小組由召集人及二或四名其他非初步處理小組的投訴委員會委員組成（當中須包括最少一名屬註冊醫生或註冊牙醫及最少一名業外委員），該等成員須由投訴委員會主席委任。

個案小組將根據收集到的資料以決定投訴的指控是否成立。如個案小組認為有關投訴成立，個案小組可適當地在向投訴委員會提交的報告中，作出一項或多於一項以下的建議：

- (i) 將該投訴轉介予署長，以評估有關私營醫療機構違反牌照規定的情況，以及針對該機構的任何必要規管行動；
- (ii) 將該投訴轉介予另一規管機構，以調查該投訴，以及作任何跟進行動；
- (iii) 就任何改善措施，向有關私營醫療機構提供意見；及
- (iv) 將有關個案的事實所帶出的任何規管問題，或個案小組在考慮該機構投訴時所作的觀察，向署長報告。

2.2.2 Composition and Functions of Case Panel

A CP consists of a convener and two or four members, who are not PPP members, from the Complaints Committee (including at least one registered medical practitioner or registered dentist and one lay member) appointed by the Chairperson.

The CP will, in accordance with the information gathered, decide whether the allegations in the complaints are substantiated, and make one or more of the following recommendations as appropriate in its report to the Complaints Committee if the CP finds the facility complaint is substantiated:

- (i) refer the facility complaint to the Director for assessment of any breach of a licensing requirement by the PHF and any necessary regulatory action against the facility;
- (ii) refer the facility complaint to another regulatory authority for investigation of the complaint and any follow-up action;
- (iii) advise the PHF on any improvement measures; and
- (iv) report to the Director any regulatory issue arising from the facts of the case or the CP's observations during consideration of the facility complaint.

投訴處理機制 Complaints Handling Mechanism

3.1 兩層投訴管理制度

第一層

在兩層的投訴管理制度下處理對機構投訴，私營醫療機構的持牌人須設立投訴處理程序，在其服務提供者的層面接受、處理和回應公眾對該機構的投訴。

服務使用者的任何意見、不滿或投訴應先由相關持牌私營醫療機構處理。

第二層

在有關私營醫療機構處理該投訴後，如投訴人對其處理及回覆仍感到不滿，可向投訴委員會作進一步投訴。

對機構投訴須：

- 以具體事實佐證；
- 附有一項法定聲明，該聲明須關乎為佐證該投訴而提供的資料之真實性及準確性；及
- 附有同意書。

投訴委員會在處理對機構投訴時，會審視該機構有否遵守《條例》及其相關實務守則，以考慮有關投訴是否成立。

3.1 Two-tier Complaints Management System

Tier One

Under the two-tier complaints management system in handling facility complaint, the licensee of a PHF is required to put in place a complaints handling procedure for receiving, managing and responding to complaints that are against the PHF.

It is recommended that feedbacks, dissatisfactions or complaints from service users should first be handled by the licensed PHFs.

Tier Two

If the complainant is still not satisfied with the handling and reply of the PHF concerned, the complainant may then make a further complaint to the Complaints Committee.

The facility complaint must be:

- substantiated by specific facts;
- accompanied by a statutory declaration as to the truthfulness and correctness of the information given to substantiate the complaint; and
- accompanied by a consent.

The Complaints Committee, when handling a facility complaint, will examine if the said PHF has complied with the Ordinance and the relevant code of practice to consider whether the complaint is substantiated.

3.2 投訴處理程序

在調查及考慮投訴時，投訴委員會會審視所有相關資料，包括投訴人提交的資料、有關私營醫療機構的紀錄和報告及專家意見等。調查完成後，投訴委員會會以書面回覆投訴人有關投訴委員會的決定。

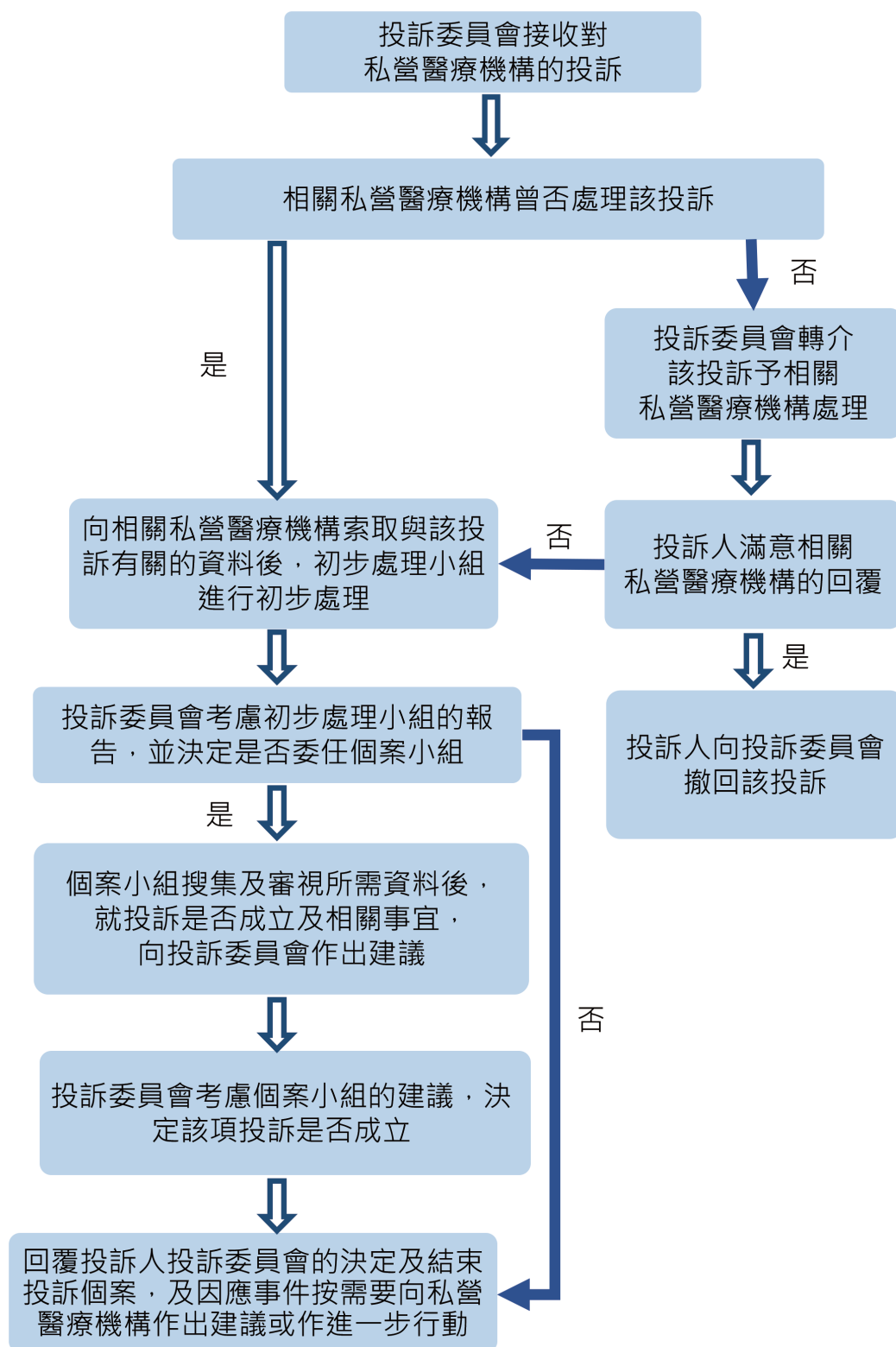
如投訴成立，投訴委員會會作出適當的跟進行動，例如在適當的個案中，投訴委員會可將該投訴轉介予衛生署就該機構作出所需的規管行動。如有需要，投訴委員會可就任何改善措施，向有關私營醫療機構提出建議。

3.2 Complaints Handling Procedures

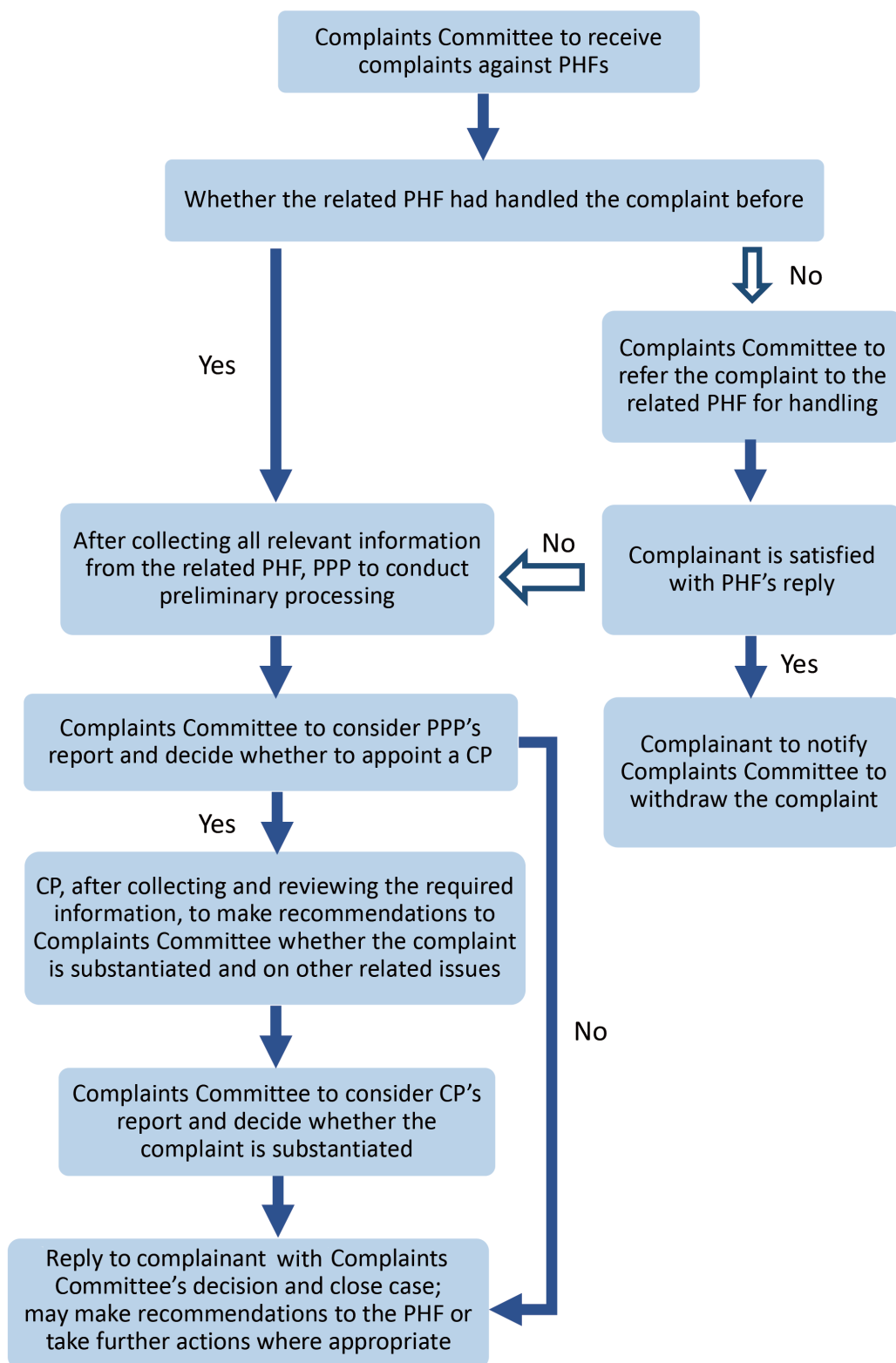
In investigating and considering complaints, the Complaints Committee will examine all the relevant information including the information provided by the complainant, records and reports of the PHF concerned and professional opinions etc. Upon completion of investigation, the Complaints Committee will inform the complainant in writing of its decision.

If the complaint is substantiated, the Complaints Committee will take follow-up actions as appropriate. For example, the Complaints Committee may refer the case to the Department of Health for any necessary regulatory action against the PHF, if appropriate. Whenever required, the Complaints Committee may make recommendations to PHFs on any improvement measures.

投訴委員會對私營醫療機構的投訴處理程序概覽如下：



An overview of the complaints handling procedures of the Complaints Committee is illustrated below:



投訴委員會在過往一年的工作 Work of Complaints Committee in the Past Year

4.1 投訴委員會工作的概覽

於二零二三年，投訴委員會收到36宗對持牌私營醫療機構的投訴（32宗為對私家醫院的投訴及四宗為對日間醫療中心的投訴），而去年則收到24宗投訴（20宗為對私家醫院的投訴及四宗為對日間醫療中心的投訴）。此外，投訴委員會在二零二三年處理了215宗查詢，而去年則處理了212宗查詢（請參閱附錄內之統計圖表）。投訴數字的增加可能與公眾對投訴委員會工作的認識有所提高有關。

在二零二三年，初步處理小組及個案小組分別舉行了十次及四次會議以考慮投訴個案；而在已考慮並總結的28宗投訴個案中，一宗個案的投訴成立、三宗個案的投訴不成立、23宗個案經初步處理後不獲進一步考慮，以及一宗個案在投訴委員會總結相關個案前投訴人已撤回有關投訴。

4.1 Overview of the Work of Complaints Committee

In 2023, the Complaints Committee received 36 complaints against licensed PHFs (32 cases were against private hospitals and four cases were against DPCs) as compared to 24 for the previous year (20 were complaints against private hospitals and four were against DPCs). The Complaints Committee also handled 215 enquiries during the year compared to 212 for the previous year (please refer to the statistics in the Appendix). The increase in number of complaints may suggest an increase in public awareness of the work of the Complaints Committee.

A total of 10 PPP meetings and four CP meetings were held in the year to consider the complaint cases. Amongst the 28 considered and concluded cases in 2023, one case was substantiated, three cases were not substantiated, 23 cases were dismissed after preliminary processing, and one case was withdrawn by the complainant before the case was concluded by the Complaints Committee.

就遵從《條例》及實務守則的事項上，投訴委員會根據條例將一宗個案向署長報告以作所需的跟進行動，並向11宗投訴個案所涉及的私營醫療機構提出改善措施建議，以避免日後發生同類事件。

有關收到和已總結的投訴的統計摘要載於附錄。

4.2 加強宣傳

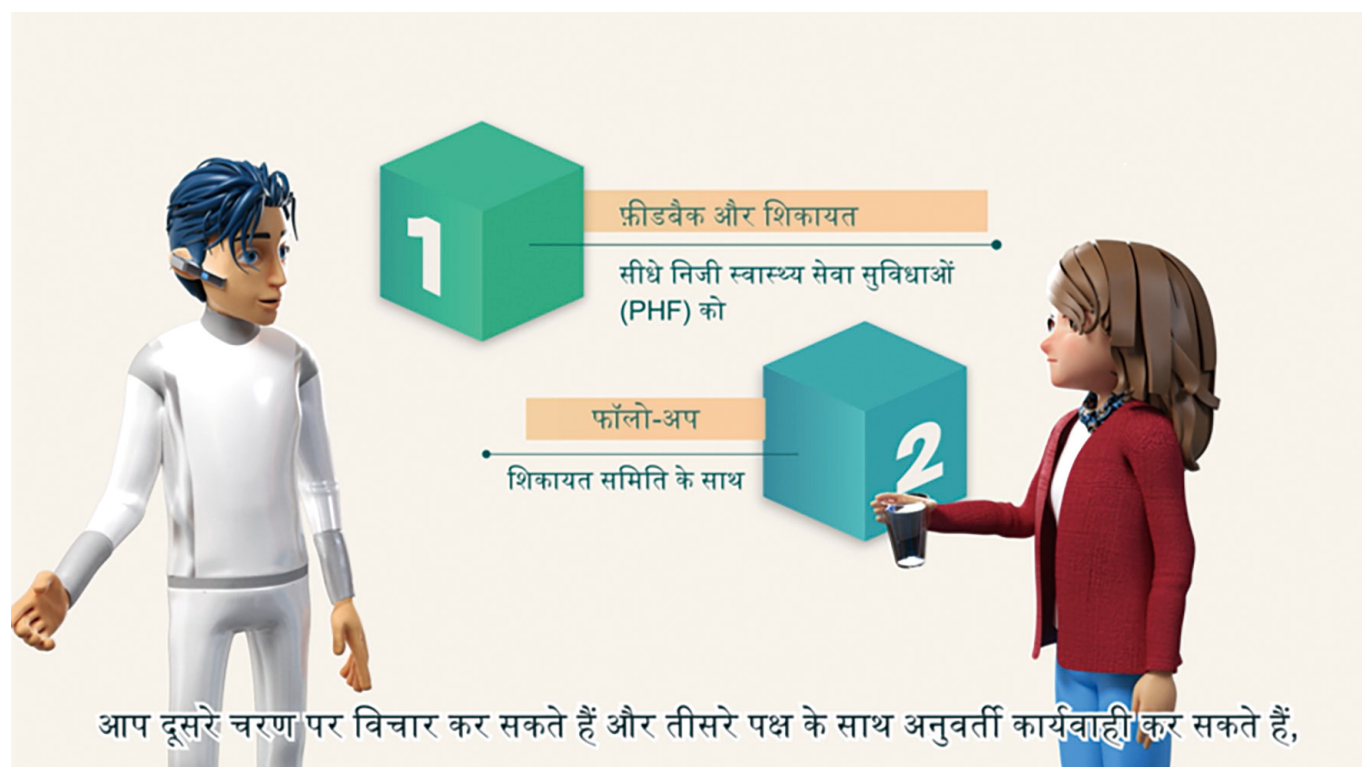
除了宣傳單張及常見問題外，投訴委員會於二零二三年六月，亦將介紹投訴委員會的架構、服務範圍及投訴處理程序的三套動畫短片，翻譯成六種少數族裔語言，並上載於投訴委員會的網頁內，以便向少數族裔人士提供有關資訊。

In accordance with the Ordinance, the Complaints Committee reported one case to the Director for follow up action as required concerning compliance issue on the Ordinance and relevant code of practice; and made recommendations to the PHFs involved in 11 complaint cases on improvement measures to avoid similar incidents in the future.

Summary statistics on complaints received and concluded are at the [Appendix](#).

4.2 Enhanced Publicity

To facilitate dissemination of relevant information to ethnic minorities, in addition to the leaflet and frequently asked questions, three sets of animated videos introducing the structure and scope of the Complaints Committee, as well as the complaints handling procedures were translated into six ethnic minority languages and uploaded to the website of the Complaints Committee in June 2023.



投訴委員會的網頁內六種少數族裔語言的動畫短片

Animated videos in six ethnic minority languages in the website of the Complaints Committee

同年十月，投訴委員會推出新版本的網頁 (<https://www.ccphf.org.hk/tc/home/>)。新版本的網頁從便利用家的角度出發，並新增了快速連結，讓市民可更便捷地瀏覽最常查閱的資訊，包括如何作出投訴和投訴處理機制等。

來年，投訴委員會期望與私營醫療機構有更多意見交流的機會，從而加強宣傳投訴委員會的工作，以及加深雙方對兩層投訴管理制度運作的了解。

The Complaints Committee also launched its revamped website in October of the same year (<https://www.ccphf.org.hk/en/home/>). The revamped website adopts a more user-friendly approach and is equipped with shortcut links to allow prompt access to most visited pages such as how to make a complaint and complaints handling procedures of the Complaints Committee.

In the coming year, we are looking forward to having more opportunities to exchange ideas with PHFs, so as to further publicise the work of the Complaints Committee and enrich the understanding on the operation of two-tier complaints management system.



新版本的投訴委員會網頁
Revamped website of the Complaints Committee

4.3 投訴委員會大會及有關另類爭端排解的討論

根據《條例》第85條，個案小組如在考慮對機構投訴時，可建議投訴委員會提議對機構投訴的投訴人就某投訴事項尋求另類爭端排解。於二零二三年十一月舉行的投訴委員會大會上，委員進一步審議並通過了作出另類爭端排解建議的機制。

投訴委員會期望透過行使《條例》賦予的權力，於處理合適投訴個案的過程中引入另類爭端排解，藉此使投訴人與私營醫療機構達致雙贏的局面。

4.3 Meeting of the Complaints Committee and Discussion on Alternative Dispute Resolution

In accordance with section 85 of the Ordinance, a CP may recommend the Complaints Committee to advise the complainant of a facility complaint to seek an ADR to an issue it finds in considering the complaint. At the meeting of the Complaints Committee held in November 2023, members further deliberated and endorsed the mechanism for making recommendation of ADR.

The Complaints Committee expects that, by exercising the power provided under the Ordinance to introduce ADR in its complaints handling procedures for appropriate cases, a win-win situation can be achieved between complainants and PHFs.



委員於投訴委員會大會上進行交流

Members discussed and shared their views in the meeting of the Complaints Committee

案例說明及分析 Case Illustrations and Analysis

案例說明及分析

過去一年，透過在投訴委員會處理的個案中，我們注意到私營醫療機構在投訴處理上仍有可改進的地方。我們將透過本章節的案例說明來分享所得的經驗和觀察，希望私營醫療機構從中有所獲益。

投訴委員會在收到對私營醫療機構的投訴時，會考慮投訴人提供的資料，並評估該投訴是否有可能違反實務守則內相關條款。投訴委員會會通知有關私營醫療機構有關的投訴正被調查，並會根據實務守則要求該私營醫療機構提供相關資料。若私營醫療機構能直接地回應投訴委員會的要求並提供至關重要的資料，將有助機構有效率地於投訴委員會規定的時限內作出回覆。

私營醫療機構在處理投訴時，相關的文件和紀錄（包括但不限於醫療紀錄）將被視為重要證據，以用作評估該私營醫療機構有否遵守實務守則的要求。除了各種臨床文件外，該私營醫療機構與病人和病人親屬之間的各種溝通紀錄也應盡可能保存。

Case Illustrations and Analysis

In the past year, through complaints handled by the Complaints Committee, we noted areas for improvement that PHFs could make during complaint handling. In this chapter, we will share our experiences and observations through case illustrations. We hope PHFs would find the illustrations insightful.

When the Complaints Committee receives a complaint against a PHF, the complaint will be assessed for possible non-compliance with the relevant clause(s) of the Codes of Practice (“CoPs”) using the information provided by the complainant. The PHF concerned will be informed that the case is being investigated and the PHF will be requested to provide relevant information under the concerned requirements of the CoPs. It would be helpful if the PHF concerned could give pertinent information and respond directly to the request. This would help the PHF concerned to respond to the Complaints Committee efficiently within the given timeframe.

In considering a complaint, documentation and records, including but not limited to medical records, would serve as important proof for assessment on compliance with the CoPs. Apart from various clinical documents, other means of communication among PHFs, patients, and patients’ relatives should also be maintained and preserved as far as practicable.

案例說明

投訴委員會希望藉著分享以下個案的處理手法以及投訴委員會所提供的建議，讓私營醫療機構可以從類似的個案中汲取經驗，改善服務，並減少爭議。以下的四個案例摘要，各有值得學習的要點，並帶出重要資訊可供參考：

Case Illustrations

The Complaints Committee would like to share the following cases which it is of the view that by learning from the experiences on handling of these cases, PHFs may make improvement in their services and minimise the chance of disputes. Suggestions or advice are also given if similar scenarios are encountered. Below are the summaries of the four chosen cases, each illustrated a lesson to learn with specific important message underlying the case:

個案一：處理就同一事項重複提出的投訴

背景資料

一名病人就其足踝受傷的處理和主診醫生之診症態度，以多封信函重複地向私營醫療機構提出投訴。因病人對其調查結果和答覆仍感到不滿，她其後於四天內再發出11封信函以作進一步投訴。由於該私營醫療機構沒有就此11封信函給予回覆，病人遂向投訴委員會投訴該私營醫療機構沒有回應其投訴。

Case 1: Dealing with Multiple Repeated Complaints

Background

A patient made repeated complaints to a PHF regarding the management of her ankle injuries and the attitude of the doctor-in-charge through multiple correspondence. She was dissatisfied with the investigation results and reply of the PHF, and made further complaints via 11 correspondence within four days. The PHF did not respond to the 11 correspondence. The patient complained to the Complaints Committee regarding the unresponsiveness of the PHF.



調查及評估

調查顯示該私營醫療機構已就投訴事項進行調查，並依照其處理投訴程序規定之期限內回覆投訴人其調查結果。由於隨後11封信函中的主要投訴事項跟先前投訴之內容類近，該機構認為投訴事項經已處理，亦無額外資料可作補充。此外，因投訴人隨後的函件當中內容涉及惡意批評，而投訴人亦聲稱將向相關規管機構及傳播媒體作出投訴，私營醫療機構決定在收到相關規管機構之查問後再作回應。

在此個案中，雖然私營醫療機構有依照既定機制處理原先之投訴，並已就相關事宜回覆投訴人，然而，投訴委員會認為該私營醫療機構在如何處理其後11封重複的投訴信函方面，仍有改善的空間。

觀察及學習要點

若私營醫療機構對投訴人發出的信函不作出回應，有機會導致投訴人的不滿及激發其情緒。這可能令投訴人覺得其投訴未被認真對待或沒有經仔細調查。投訴委員會建議私營醫療機構對於已經過充份調查並已作出回覆的個案，如投訴人其後就同一事宜重複作出投訴，私營醫療機構應向投訴人釐清其未解決之關注事項，以作處理。針對短期內重複收到與先前投訴內容類同之信函，投訴委員會建議有關私營醫療機構可一併答覆投訴人並參照先前之相關回應，而非不再作回應。

Investigation and assessment

Investigation revealed that the PHF had conducted an investigation regarding the complaint issues and replied to the complainant with investigation results within the period stipulated in the PHF's complaints handling procedure. As the key complaint issues in the subsequent 11 correspondence were similar to the previous complaints, the PHF considered that the complaint issues had already been addressed with no additional information to supplement. In addition, as the subsequent complaints involved malicious criticism and the complainant claimed that the complaints would be brought to relevant regulatory bodies and mass media, the PHF decided to respond upon receiving inquiries from relevant regulatory authorities.

While the PHF handled the complaints according to the established mechanism and replied to the complainant on the matter concerned, the Complaints Committee considered that the PHF had rooms for improvement in handling repeated complaints in the 11 correspondence.

Observation and learning points

Unresponsiveness to correspondence sent by complainants may cause dissatisfaction and arouse complainants' emotions. It may give an impression that the complaints are not looked into or not taken seriously. The Complaints Committee advised that for cases with repeated complaints on the same matter that have been adequately investigated and replied to, clarification should be made with the complainants for any outstanding issues of concern, which would be handled accordingly. For repeated complaints submitted within a short period on matters addressed in previous replies, it would be better to give a collective reference to the relevant previous replies instead of having no response.

個案二：於私營醫療機構作實習／教學之政策

背景資料

一名病人前往私營醫療機構接受超聲波掃描檢查。當時由一名超聲波技師見習生，在一名高級超聲波技師的監督下為病人進行掃描檢查。其間病人留意到是次檢查主要是由該名見習生進行，她對於並未獲事先通知有關安排而感到不滿。雖然涉事職員已致歉，但病人拒絕接受並向該私營醫療機構提出投訴。該私營醫療機構迅速地對個案作出調查及向投訴人回覆有關調查結果，並以書面道歉及作全額退款安排。惟投訴人對該私營醫療機構的答覆仍表示不滿，因而向投訴委員會投訴。

Case 2: Policy on Coaching / Teaching in Private Healthcare Facilities

Background

A patient attended a PHF for an ultrasound scan in a check-up. A trainee sonographer under the supervision of a senior sonographer, jointly performed the scan. The patient noticed that the scan was mainly performed by the trainee. She was dissatisfied as she was not given prior notification about the arrangement. The patient did not accept the apology from the staff and filed a complaint to the PHF. The PHF investigated the case promptly, replied to the complainant about the investigation results with a written apology and a full refund. The complainant, however, was not satisfied with the PHF's reply and complained to the Complaints Committee.



調查及評估

調查發現該名高級超聲波技師因誤以為她的見習生在檢查前已將有關安排告知病人而未作進一步核實，因此並沒有事前徵求該病人的同意。根據該私營醫療機構的內部政策和手冊，如果有見習生或學生參與檢查或醫療程序，職員應在事前獲得顧客的同意及授權。儘管相關政策和手冊曾分發給該名高級超聲波技師，但該私營醫療機構並未有將政策再作傳閱或在分發後提醒職員。因此，該職員因不熟悉現行政策，而忘記在顧客接受檢查或進行政序之前取得其同意。

觀察及學習要點

私營醫療機構可藉此個案明白尊重病人權益和維持職員良好溝通技巧的重要性。投訴委員會建議私營醫療機構優化相關政策及手冊，提醒職員在顧客接受檢查或進行政序前必須取得其同意及授權並作記錄。私營醫療機構亦應確保職員熟悉相關政策和手冊之內容，並須定期傳閱，讓職員時刻了解規定的要求。

Investigation and assessment

Investigation revealed that the senior sonographer did not obtain the patient's consent as she incorrectly assumed her trainee had informed the patient of the arrangement without taking further steps to verify. According to the PHF internal policy and manual, staff should obtain prior consent and authorisation from the client if a trainee or student is involved in the examination or medical procedure. Although the concerned policy and manual had been distributed to the senior sonographer, the PHF did not circulate the policy or remind the staff further subsequent to the distribution. The staff was not familiar with the policy in place and forgot to obtain consents from clients.

Observation and learning points

The PHF should be aware of the importance of respecting the patients' rights and maintaining good communication skills of staff. The Complaints Committee recommended the PHF to enhance the related policy and manual by requesting staff to obtain and document prior consent and authorisation from clients before examination or medical procedures. PHF should also ensure staff are conversant with the enhanced policy and manual with circulation at regular intervals to keep staff refreshed on the compliance requirement.

個案三：有關病人護理的溝通

背景資料

一名病人因胸口疼痛入住一家私營醫療機構，並獲醫生處方藥物，包括按需要時服用的撲熱息痛止痛藥。某晚，病房護士在派發止痛藥時發現病人已入睡，該名護士試圖喚醒病人，但病人示意她把藥物放在桌上。就此，護士提議病人若稍後有需要該藥物時可以告知護士，而病人睡醒後並未有要求止痛藥。不過，他於出院時向該私營醫療機構投訴有關護士態度惡劣，並要求該名護士就當晚未有向他派發藥物而道歉。儘管涉事職員的上司向病人解釋不派發藥物的原因，並就是次誤會表示歉意，但病人堅持要求該護士當面道歉。由於私營醫療機構拒絕其要求，病人隨後向投訴委員會作出投訴。

Case 3: Communication on Practice of Patient Care

Background

A patient was admitted to a PHF due to chest pain and was prescribed medication by the doctor, including paracetamol on a need basis. When distributing the paracetamol one night, a nurse found the patient was asleep. The nurse tried to wake him up, but he signaled the nurse to leave his medication on the table. In response, the nurse suggested him to inform the nurse when he needed the medication. The patient did not demand medication after waking up. However, the patient complained about the nurse's poor attitude and requested an apology for not providing the medication that evening upon discharge. The supervisor of the concerned staff explained to the patient the reason for not providing the medication and apologised for the misunderstanding. The patient insisted on requesting the nurse to apologise in person, which was declined by the PHF. The patient then lodged a complaint against the PHF with the Complaints Committee.



調查及評估

調查顯示該名職員有遵循私營醫療機構制定的相關程序指引派藥，當中訂明不可把藥物放置於檯面或儲物櫃上而不作看管。然而，在病人向該私營醫療機構投訴之前卻沒有任何職員向病人解釋該藥物只是按需要時服用，以及當晚不派發藥物之原因。對於沒有醫學背景的病人或許難以理解臨床護理之因由，以致產生誤會。

觀察及學習要點

儘管沒有證據顯示私營醫療機構就此投訴個案有違反《條例》及相關實務守則，投訴委員會建議私營醫療機構應積極與病人溝通，主動給予病人更多資訊或解釋其護理行為的原因。這不但有助減少病人對事件誤解和爭議，更能彼此建立良好關係。

Investigation and assessment

Investigation revealed that the staff followed the nursing guidelines of the administration of medication, which stipulated that medications should not be left unattended on the bedside table or locker. However, the staff or the PHF did not explain to the patient that the medication was on a need basis and the rationale for not providing the medication that night until the patient complained to the PHF. Without a medical background, a patient may have difficulty understanding the rationale of clinical care and results in misunderstanding.

Observation and learning points

There is no evidence suggested non-compliance with the Ordinance and relevant code of practice. The Complaints Committee advised proactive communication with patients by giving more information or explanation on the rationale of their actions, which may help to minimise misunderstandings and disputes, and building a good rapport.

個案四：價目之透明度和收費的通知

背景資料

一名病人因胸部不適，於公眾假期期間前往私營醫療機構門診求醫。經醫生診症後，他被轉介至專科門診接受詳細的檢查，包括驗血和心臟超音波檢查。病人表示他無法回想在就診期間曾被告知檢查所需費用。上述檢查費用是透過私營醫療機構提交的保險索償來處理，病人其後才發現其投保的保障限額只能支付部分費用。他亦聲稱該私營醫療機構收取的檢查費用並非其網站上建議的收費，而該私營醫療機構也沒有在事前告知他在公眾假期進行專科診症和心臟超音波檢查需要收取附加費用，他因此向該私營醫療機構投訴。經考慮後，該私營醫療機構拒絕更改其醫療帳單。病人就收費透明度之事宜向投訴委員會提出投訴。

Case 4: Price Transparency and Notification of Charges

Background

A patient attended the out-patient department of the PHF on a public holiday due to chest discomfort. After doctor consultation, he was referred to specialist outpatient clinic for medical investigations, including blood tests and echocardiogram. The patient could not recall being informed of the price of investigations during the consultation. The payment was settled through insurance claims submitted by the PHF and the patient found that the insurance could cover only part of the costs. He claimed that the price was not the one suggested on the PHF's website, and he was not informed about a surcharge of the specialist consultation fees and echocardiogram conducted on public holiday. He then complained to the PHF regarding the issue. After review, the PHF declined to change the medical bill. The patient lodged a complaint with the Complaints Committee regarding the issue of price transparency.



調查及評估

根據該私營醫療機構的解釋，儘管有關費用預算未必會常規地被記錄，但按其一貫做法，醫生及員工會以口頭形式於進行醫護程序前告知病人相關的費用預算。調查亦發現該私營醫療機構在護士站已備有心臟超音波檢查收費之資訊，並會在病人要求時提供。收費指南上亦列明如在午夜後、公眾假期和周日進行指定的檢查，則需要繳付附加費用。

觀察及學習要點

調查過程沒發現有證據顯示該私營醫療機構未有提供或備存相關收費資料，因此投訴個案不成立。價目收費對消費者而言是重要的資訊，私營醫療機構應注意病人有權在進行任何醫護程序前了解相關收費資料，亦須提醒職員在病人進行治療或程序前應主動提供費用預算。為避免出現爭議，職員應盡量在可行情況下就已向病人提供費用預算的事宜作紀錄。

Investigation and assessment

According to the PHF, it was their established practice for doctors and their staff to inform patients of the budget estimates verbally before the procedures though the estimates might not be documented routinely. It was also found that price information for echocardiograms was readily available at the nursing station and would be provided to patients upon request. The List of Price Information also stated that there was a surcharge for specified investigations received during midnights, public holidays, and Sundays.

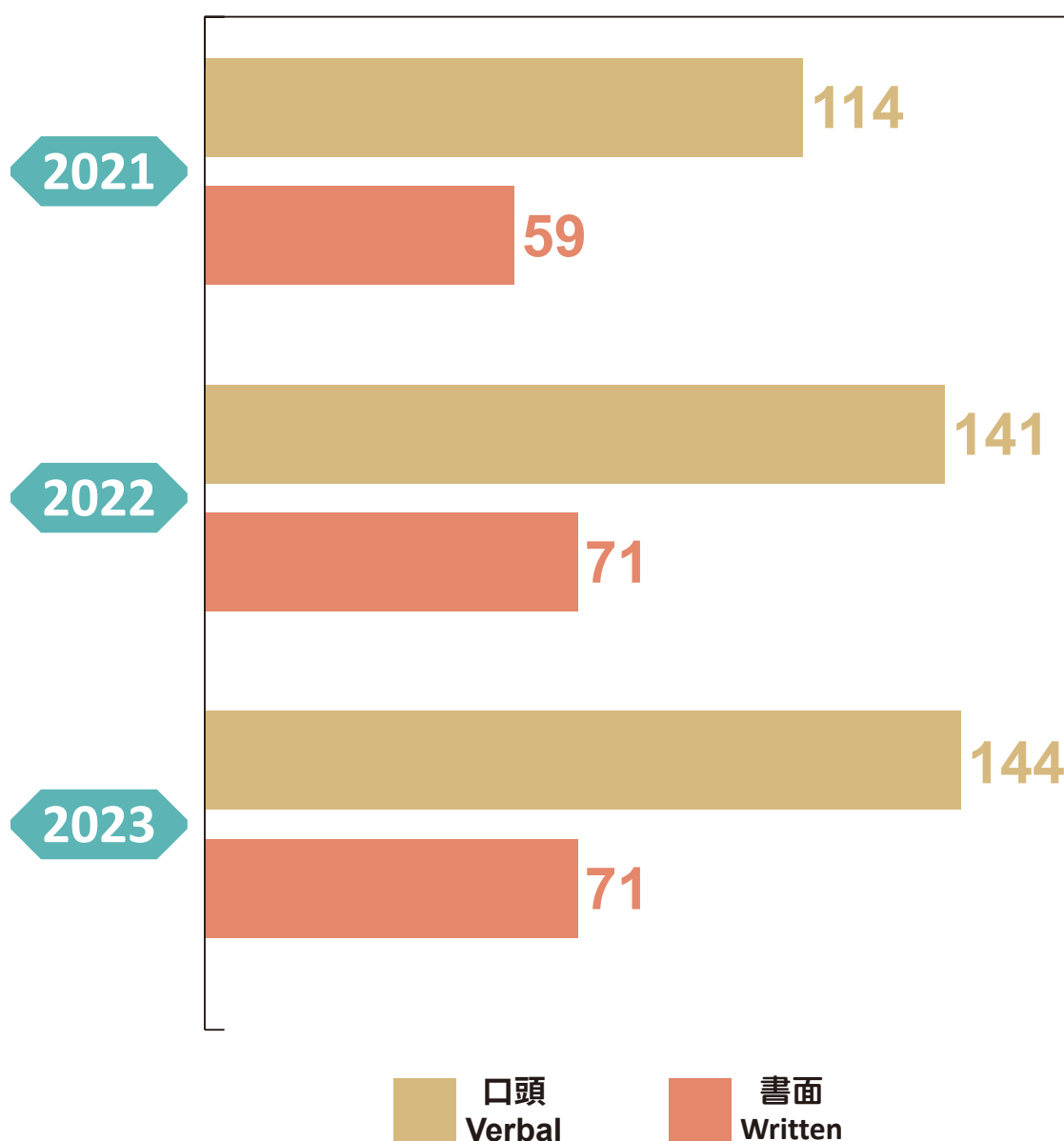
Observation and learning points

The complaint case was not substantiated as no evidence was found to indicate that the concerned price information was not provided or made available. Price and fees are important consumer information. PHFs are reminded that patients have the right to know the fees and charges prior to any procedures and staff should be reminded to provide the budget estimates prior to the procedures proactively. To avoid dispute, proper documentation on provision of the budget estimates should be made wherever practicable.

統計數字 Statistics

1 查詢數字 Number of enquiries

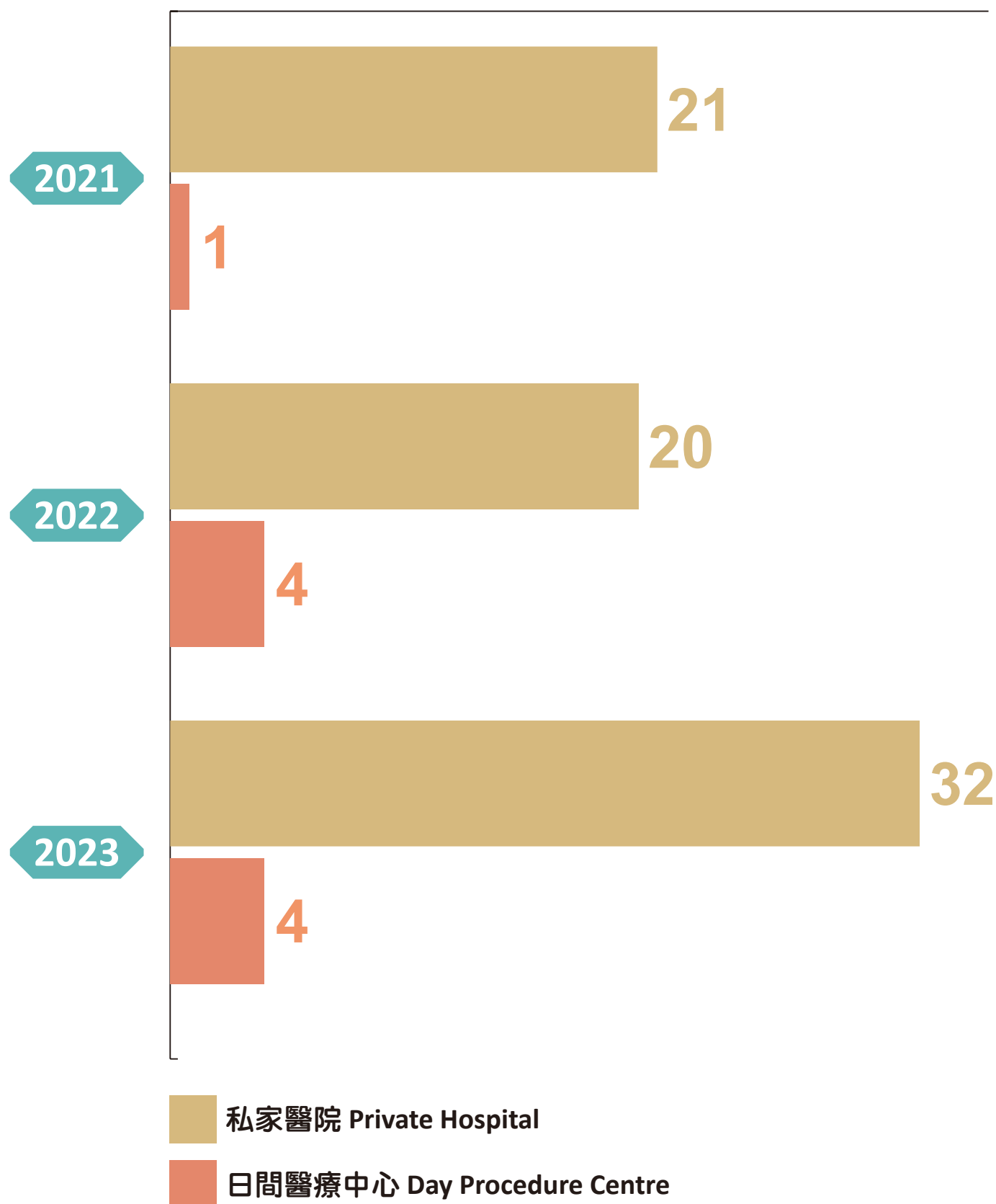
收到的查詢數目
Number of enquiries received



2 對持牌私營醫療機構的投訴數字

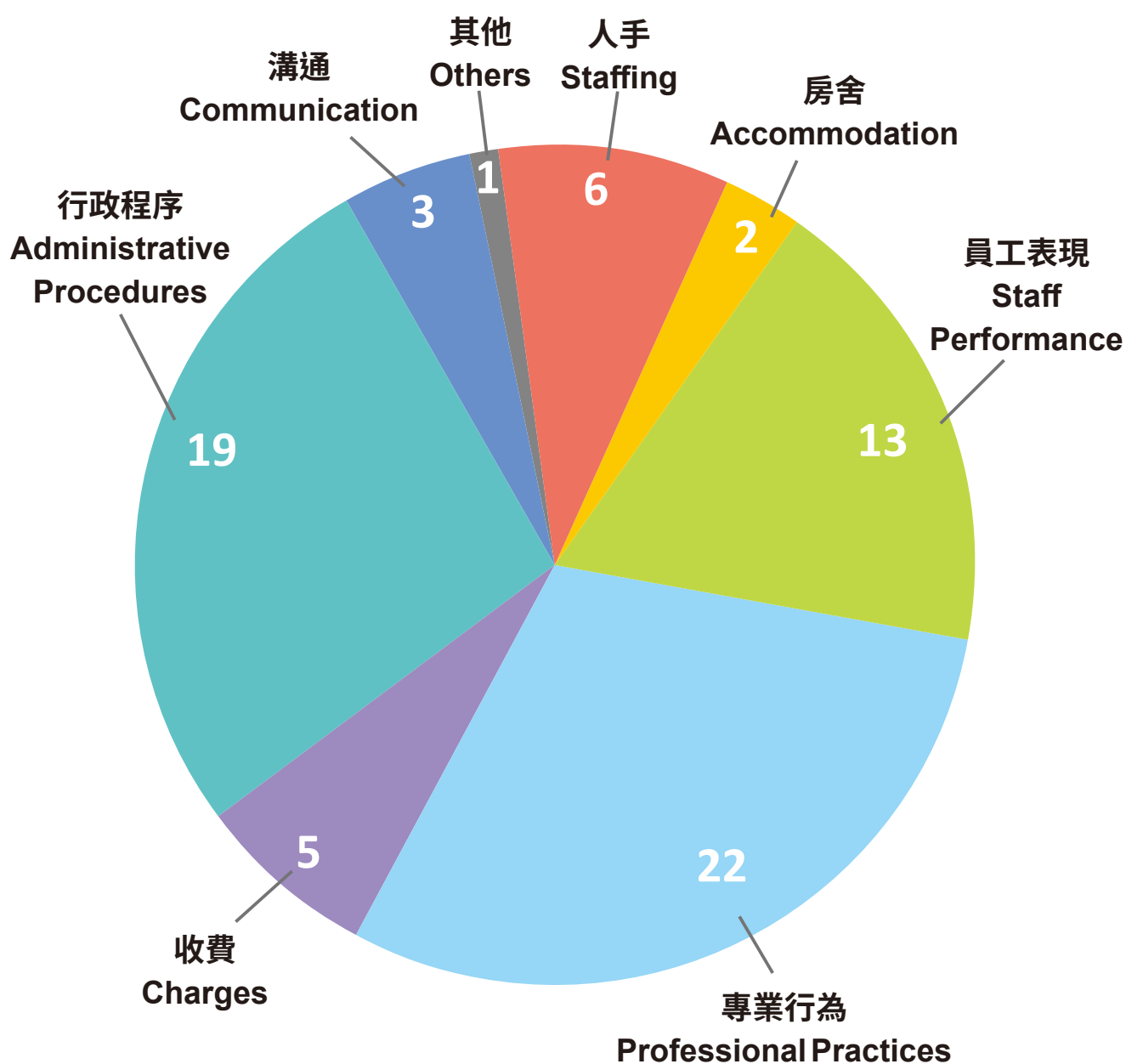
Number of complaints against licensed private healthcare facilities

收到的個案數目
Number of cases received



2023年收到的個案中投訴事宜的類別

Categories of complaint issues for cases received in 2023



*一宗投訴可能涉及多個類別。

*One complaint may involve more than one category.

4

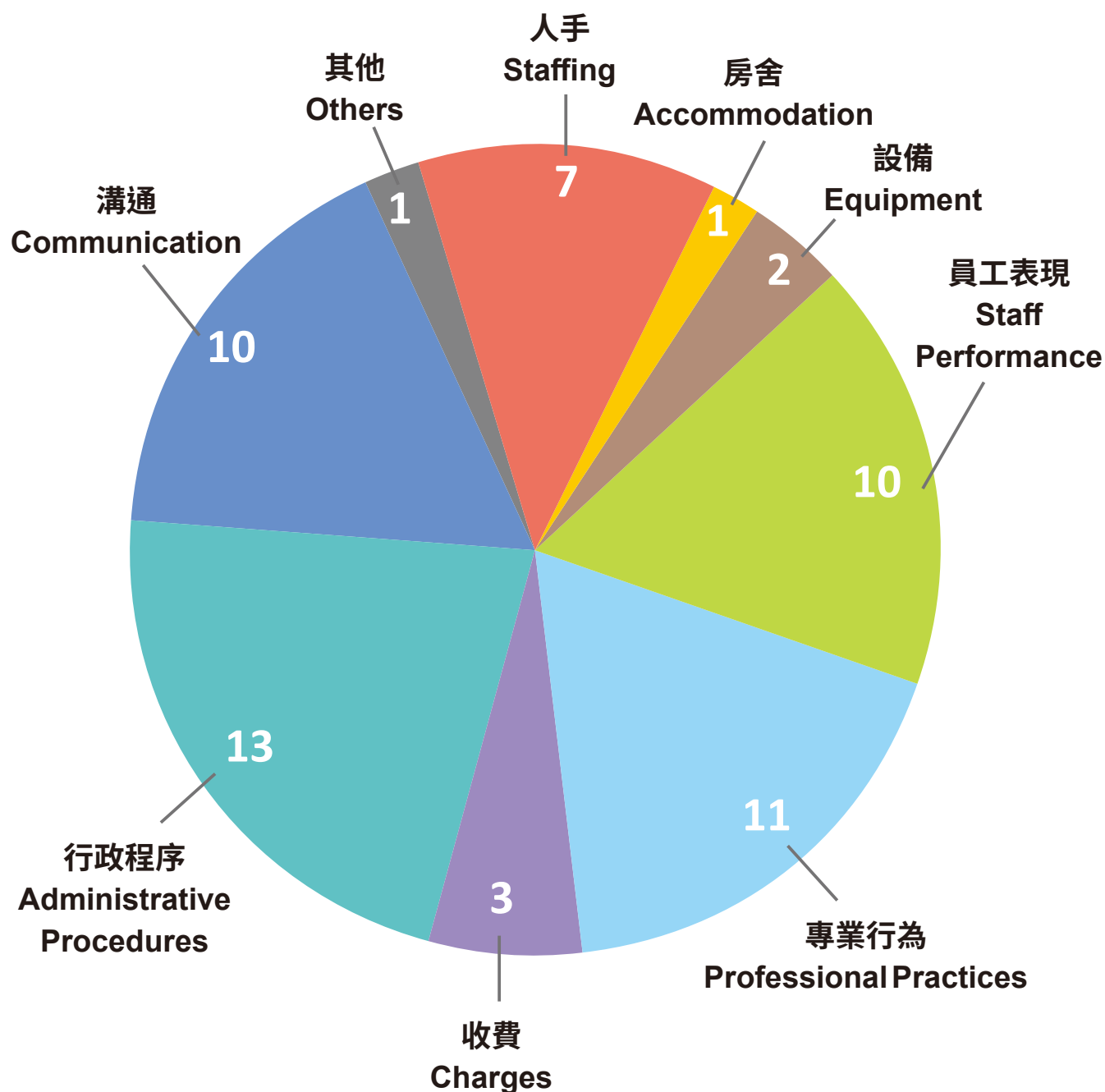
截至2023年12月31日的個案進度

Progress of cases as at 31 December 2023

個案進度 Progress of cases	個案數目 Number of cases
(a) 2023年收到的個案 Cases received in 2023	36
(b) 由上年度轉入的個案 Cases brought forward from last year	19
(c) 2023年已考慮並總結的個案 Cases considered and concluded in 2023	28
(i) 投訴成立 Substantiated	1
(ii) 投訴不成立 Not substantiated	3
(iii) 經初步處理後不獲進一步考慮的個案 Dismissed after preliminary processing	23
(iv) 投訴人主動撤回的個案 Withdrawn by the complainant	1
(d) 正在考慮中並會轉撥下年度的個案 Cases under consideration and carried forward = (a) + (b) – (c)	27

2023年已總結個案的涉及事宜類別

Categories of involved issues for cases concluded in 2023



*一宗投訴可能涉及多個類別。

*One complaint may involve more than one category.

6 2023年初步處理小組和個案小組的工作統計數字

Work statistics of Preliminary Processing Panel and Case Panel in 2023

會議類別 Types of meetings	會議數目 Number of meetings	考慮的個案數目* Number of cases considered*
初步處理小組會議 Preliminary Processing Panel Meeting	10	23
個案小組會議 Case Panel Meeting	4	5

*一宗投訴個案可能在多於一個初步處理小組／個案小組會議上被考慮。

*One complaint case may be considered in more than one Preliminary Processing Panel/ Case Panel Meeting.



私營醫療機構投訴委員會

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