

LCQ11: Enactment of laws to encourage people to help others altruistically

Following is a question by the Hon Luk Chung-hung and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (November 28):

Question:

It is learnt that some countries have enacted "Good Samaritan" laws which provide that a rescuer may be exempt from legal liabilities for certain damage caused to the rescued person by gratuitously undertaking such rescue in emergency situations. In addition, the United States enacted the Good Samaritan Food Donation Act in 1996 to discharge food donors from the legal liabilities that might arise from recipients falling sick after consuming the donated food. There have been comments that although the Fire Services Department has recently introduced a character named "Anyone" to promote to the public the message that "anyone can save lives", the current absence of the aforesaid legislation in Hong Kong has discouraged members of the public from helping others altruistically. In this connection, will the Government inform this Council:

- (1) whether it conducted, in the past three years, studies on enacting the aforesaid legislation and consultation with the relevant policy bureaux, government departments and stakeholders; if so, of the details; if not, the reasons for that;
- (2) whether it has reviewed the adequacy of the measures currently in place to protect rescuers and food donors from bearing legal liabilities; and
- (3) of the measures in place to promote the culture of rendering first aid and donating surplus food to other people?

Reply:

President,

Having consulted the Security Bureau (SB) and the Environment Bureau (ENB), my reply to the various parts of the question raised by the Hon Luk Chung-hung is as follows:

- (1) and (2) For first aiding, there is currently no legislation in Hong Kong which provides for the exemption of rescuers from legal liabilities that might be incurred in performing first aid. The issue of whether such legislation is necessary and suitable to be introduced requires thorough discussion among relevant policy bureaux, departments and stakeholders, taking into consideration various factors and requisite conditions, including the public awareness of heart attack and their knowledge of the first aid for

it, as well as the level of first aid training of rescuers.

As regards food donation, when the Environment and Conservation Fund (ECF) provides the funding support for surplus food recovery projects, food safety and public health are important factors of consideration. The ECF requires the participating non-governmental organisations (NGOs) to have implementation plan to ensure food safety in accordance with the "Food Safety Guidelines for Food Recovery" as prepared with the assistance of the Centre for Food Safety under the Food and Environmental Hygiene Department. Furthermore, during the operation of the project, at least one full-time officer possessing relevant qualifications should be appointed as the Hygiene Manager or the Hygiene Supervisor in the project team to be in charge of the food safety issues.

ENB understands that food donors and recipients have entered into food donation agreements and have made arrangements to deal with food safety and legal liability issues for the food donation projects currently. These help eliminate the anxiety of food donors arising from possible food safety liabilities. In view of this, there is no plan to introduce the Good Samaritan Law for food donation at this stage.

(3) The Government has been carrying out through different channels public promotion on first aid knowledge and food donation.

The Fire Services Department (FSD) provides community training courses on cardiopulmonary resuscitation (CPR) and the use of automated external defibrillators (AED) for members of the public, including "CPR Training Programme in Campus", "Press to shock – Save a life" Public Access Defibrillation Course and the "Community Awareness on Responding to Emergency" (CARE) Programme. These courses teach the public about the knowledge and skills of CPR and the use of AED, in the hope that when a patient suffers from cardiac arrest, members of the public can immediately resuscitate the patient and increase the patient's survival rate. Moreover, the FSD has established the Community Emergency Preparedness Division in October 2018. The Division is responsible for formulating and implementing strategies on community emergency preparedness as well as introducing new elements into public education on fire prevention and ambulance services, which include strengthening the public's knowledge on CPR and the use of AED.

The Accident and Emergency Training Centre of the Hospital Authority (HA) will continue to provide various types of emergency medical training courses, including courses on CPR and the use of AED, for HA staff and members of the public.

The Government will continue to collaborate with other public and private organisations through various means for the publicity, promotion, education and training on first aid skills.

Regarding food donation, according to the "Food Waste & Yard Waste Plan for Hong Kong 2014 – 2022" published by the Government in 2014, promotion of

food donation would help food waste reduction at source. In view of this, amongst other plans, the ECF provides support to NGOs in collecting edible surplus food from markets, retail shops and food wholesalers, as well as distributing them to those in need in the society, with an aim to create a caring society and reduce food waste generation. As of October 2018, the ECF has approved of 37 projects with funding support of over \$68 million. Around 6 900 tonnes of surplus food would be collected and distributed to around 8.9 million beneficiaries.