

LCQ6: Industrial action of staff members of Hospital Authority

Following is a question by Professor the Hon Joseph Lee (Hon Starry Lee to ask on his behalf) and a reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (November 12):

Question:

It has been reported that early this year, the Hospital Authority Employees Alliance (HAEA) called on its members to go on strike from February 3 to 7 in an attempt to press the Hospital Authority (HA) to put forward to the Government the demand for implementing "border-closing" measures, so as to prevent persons infected with coronavirus disease 2019 from entering Hong Kong via the Mainland, spreading the epidemic in the community and causing an outbreak. Early last month, the Human Resources Division of the HA sent emails to those healthcare staff it believed to have been absent from duty, seeking their explanations or clarifications on their "absence from duty". In this connection, will the Government inform this Council:

(1) whether it knows the number of staff members to whom the HA sent emails to seek their explanations or clarifications on their "absence from duty", with a breakdown by the grade to which they belonged; the number of staff members from whom the HA received replies when the reply deadline expired on the 24th of last month, with a breakdown by the contents of their replies and the grade to which they belonged; the expenditure incurred so far by the HA for seeking legal advice on related matters;

(2) as some HA staff members have indicated that they had not participated in the strike but they still received the emails, whether it knows the number of them (with a breakdown by the grade to which they belonged), and why the HA sent them the emails; and

(3) as the HA has stated that the staff members' action was an "absence from duty", while the HAEA has stated that such an action was a lawful industrial action initiated by a trade union formally registered under section 5 of the Trade Unions Ordinance and protected by law, whether the Government will intervene, in the hope that the dispute will be resolved expeditiously; if so, of the details; if not, the reasons for that?

Reply:

President,

The Government and the Hospital Authority (HA) always take the safeguarding of public health as the top priority. The healthcare profession always gives prime consideration to patients' health and no other factors should be allowed to affect its duties and the patients. This has all along

been the professionalism and ethics of the healthcare profession, and the expectation of the society and the general public for the healthcare professionals.

The dedication of healthcare professionals is the cornerstone of the effective operation of the public healthcare system. During February 3 to 7 this year, the industrial action of certain HA staff was not in the interests of patients and severely affected the public hospital services. For example, all hospital clusters under the HA had to reduce elective surgeries by 50 per cent and quotas for patients with episodic illnesses in general outpatient clinics (GOPCs) by 25 per cent, reschedule follow-up appointments of chronic patients, and curtail physiotherapy and occupational therapy outpatient services by about 50 per cent. Services including Neonatal Intensive Care Units, High Dependency Units, Cardiothoracic Surgery, Isolation Wards, Emergency Medicine Ward, certain cancer services (including chemotherapy, radiotherapy and cancer surgery) and percutaneous coronary intervention procedures were affected or delayed in different extent due to the lack of manpower.

As an employer, the HA has put in place established mechanism, human resources regulations and code of conduct to regulate and manage issues in relation to the conduct and discipline of staff. If there is violation of the code of conduct and/or human resources regulations, the HA will take a very serious and prudent approach in following up on the matter in accordance with the relevant human resources regulations and legal advice, and handle it in a fair and just manner according to the established mechanism.

In consultation with the HA, my consolidated reply to Professor the Hon Joseph Lee's question is as follows:

It came to the HA's attention early this year that a staff union had initiated industrial action. In this connection, on February 2, the HA called on healthcare staff to stay on duty and take the safeguarding of Hong Kong people's health as the top priority while joining hands with the HA to fight the epidemic. The HA reiterated that the industrial action would directly affect public hospital services, which was not in the interests of patients. On the same day, the HA convened the Central Command Committee to review the services and manpower situation in various hospital clusters. Upon evaluation, all hospital clusters needed to significantly adjust services to focus their manpower on maintaining emergency and essential services, including tackling the epidemic. The HA also arranged drug refill services for follow-up patients of specialist outpatient clinics (SOPCs) who were in stable conditions so as to focus manpower on providing inpatient services and treating patients attending first appointment at SOPCs. Furthermore, GOPCs managed to maintain all clinics open by such measures as rearranging duty rosters and hiring part-time staff, but follow-up appointments were rescheduled due to the reduced service capacity.

In response to the absence from duty by healthcare staff from 3 to 7 February this year, the HA Head Office and hospital clusters activated the Major Incident Control Centres to closely monitor the operation of public

hospitals and to deploy manpower and adjust non-emergency services with regard to service needs, with a view to focusing resources on dealing with the epidemic and maintaining emergency medical services. Meanwhile, the Government and the HA repeatedly urged healthcare staff participating in the industrial action to return to work as soon as possible to avoid affecting public hospital services and treatment of patients.

The HA noted that around 7 000 staff members had not reported duty as scheduled on various days from February 3 to 7 this year. In early October, the HA sent letters to the staff members concerned requesting for their verification of the day(s) of absence as stated in the letter and explanation on their absence from duty. We understand that the replies are being processed by the HA, and the breakdown by staff grade and the reasons stated in their replies are not yet available. The HA will follow up the matter in accordance with legal advice and relevant human resources regulations in a fair, reasonable, rational and lawful manner.

In the fight against the coronavirus disease 2019 (COVID-19) epidemic, the Government and the HA are committed to protecting the safety of both healthcare staff and patients. The Government has earlier allocated \$4.7 billion from the Anti-epidemic Fund to provide additional resources for the HA in tackling the epidemic, in particular for ensuring sufficient support and protection for frontline healthcare staff. In end-September, the Government sought approval from the Finance Committee of the Legislative Council for an additional allocation of \$3,044 million for the HA to establish and operate Community Treatment Facility and temporary hospital, and to sustain its existing anti-epidemic efforts and support for frontline healthcare staff. With the additional allocation, the HA has endeavoured to procure protective equipment for frontline staff and provide all necessary service and manpower support. Non-emergency services have also been adjusted to focus resources on fighting the epidemic.

The HA has all along attached importance to communication with staff so as to enhance mutual understanding and trust, and provide them with the necessary support. The HA understands the worries of frontline staff about the COVID-19 epidemic and their concerns over the work arrangements. Since the early stage of the epidemic, the HA has proactively addressed staff concerns expressed on various platforms, such as the media and the social media. The HA has also set up a 24-hour hotline to answer their queries.

Lastly, I would like to take this opportunity to thank once again the HA staff who have remained dedicated to their duties to maintain public hospital services. The HA will continue to maintain communication with staff members and unions, address their concerns and provide appropriate support for frontline staff, so as to keep up their concerted efforts to combat the epidemic in the interests of patients.

Thank you, President.