

Report on end-of-life care public consultation released

The Food and Health Bureau (FHB) today (July 24) released the Consultation Report on end-of-life care legislative proposals regarding advance directives and dying in place, which summarises the outcome of the consultation and maps out the way forward.

The FHB launched a three-month public consultation on September 6, 2019, and 607 written submissions have been received. The objective of the public consultation was to consult the public on the proposals to codify the current common law position in respect of an advance directive (AD) and to increase the safeguards attached to it; remove legislative impediments to implementation of advance directives by emergency rescue personnel; and amend the relevant provisions to facilitate dying in place in residential care homes for the elderly (RCHEs).

A spokesman for the FHB said, "Most respondents reflected solid support for the Government's initial legislative proposals and expressed many constructive views."

Having considered the views of the public and stakeholders, the Government proposes to refine the specifics of the original proposals, including:

(a) the role expected of the medical practitioner witness, who should be satisfied that the person making the AD has been informed of the nature and effect of the AD and the consequences of refusing the relevant treatments, would be expressly spelt out;

(b) a second witness would be required for a verbal revocation of an AD reported by a family member or carer;

(c) a statutory prescribed Do-Not-Attempt Cardiopulmonary Resuscitation form would be used, instead of a non-statutory model form; and

(d) the proposed exemption to the reporting requirement under the Coroners Ordinance in respect of natural deaths in RCHEs in which the deceased was attended to by a medical practitioner within 14 days of death will only be applicable for persons who have been previously diagnosed as having a terminal illness.

"We are taking steps to iron out details of the proposed legislative changes in collaboration with various government bureaux, departments and stakeholders, with a view to introducing the relevant bill to the Legislative Council in the next legislative term. In the meantime, we will also sustain our efforts on non-legislative initiatives to improve the quality of life of patients up to the last moments, and the well-being of their families even beyond the patients' departure," the spokesman added.

The consultation report "End-of-life Care Legislative Proposals on Advance Directives and Dying in Place" can be downloaded from the FHB website (www.fhb.gov.hk/en/press_and_publications/consultation/190900_eolcare/index.html).