

Food and Health Bureau's arrangement for distribution of Rapid Antigen Test kits to the elderly Investigation Report

The complainant complained to this Office against the Food and Health Bureau ("FHB") between 18 and 26 May 2022.

The Complaint

2. On 20 April 2022, FHB issued a press release, announcing that free Rapid Antigen Test kits ("RAT kits") would be provided at elderly service units ("service units") for the elderly, regardless of whether or not they were members of the units. The complainant alleged that she made a complaint to 1823 on 26 April against a Chinese medicine clinic for posting a notice, indicating that it would only provide RAT kits to the clinic's elderly patients. 1823 referred her complaint to FHB, and the latter replied that the complaint should be followed up by the Hospital Authority ("HA"). The complainant considered FHB, which was responsible for arranging for the distribution of RAT kits, to have failed on its part to handle her complaint and liaise with HA to find out why the clinic concerned posted the notice. It showed that FHB had not taken measures to ensure that the service units would follow its instruction to distribute RAT kits to elderly persons who were neither their members nor patients ("**Allegation (1)**").

3. The complainant also alleged that the inconsistency in service units' arrangement for distribution of RAT kits reflected FHB's confusing arrangement and lack of coordination ("**Allegation (2)**"). Despite that the distribution of RAT kits was intended for the elderly, FHB failed to make it convenient for elderly persons in that the relevant press release provided only general information about the distribution arrangement without giving the details such as the quantity, date and time of the distribution in each service unit ("**Allegation (3)**").

Our Investigation

4. This Office conducted a preliminary inquiry against FHB and subsequently launched a full investigation on 14 July 2022. In accordance with the re-structuring of the Government, the Health Bureau ("HHB") took up the distribution of free RAT kits to the elderly since 1 July. Hence, we requested that HHB respond to our investigation. We also asked the departments managing the service units, namely the Department of Health ("DH"), Social Welfare Department ("SWD") and HA, for information. On 10 October, we issued our draft investigation report to HHB, DH, SWD and HA for comment. Having scrutinised the relevant information, we completed the investigation on 15 November.

Our Findings

Arrangement for Distribution of Free RAT kits to the Elderly and Division of Work

5. In March 2022, FHB contacted the Government departments and organisations serving the elderly to discuss the distribution of RAT kits at their service units for encouraging the elderly to conduct self-administering RAT. After deliberation, FHB, DH, SWD and the Chinese Medicine Clinics cum Teaching and Research Centres (“CMCs”), which are jointly managed by HA, non-governmental organisations and a local university, would engage a total of 680 units in 18 districts throughout the territory to distribute RAT kits.

6. FHB/HHB (hereinafter referred to as “the Bureau”) oversaw the distribution of free RAT kits to the elderly and was responsible for engaging the participation of departments and organisations. The Bureau also coordinated preparation work including arranging logistics companies to deliver RAT kits. The Bureau’s Primary Healthcare Office (“PHO”), DH, SWD and HA coordinated the replenishment and delivery of supplies of their service units while the details of delivery arrangements such as the opening hours of distribution spots and the queuing arrangement would be decided by the service units according to their own circumstances.

7. The Bureau generally handled complaints about the policy formulated for distribution of free RAT kits to the elderly while complaints about the implementation and arrangement of service units would be handled by the respective department or organisation managing the service units.

Duration and Targets of Distribution of RAT Kits

8. On 13 April 2022, the Bureau announced in a press release that free RAT kits would be available at service units for eligible elderly persons (including members, service users or patients of the service units) aged 60 or above between 19 April and 31 May. The Bureau had provided hyperlinks to the participating service units including those under DH, SWD and HA in its press release for public information.

9. Long queues had been found at many service units and some elderly persons complained about not being able to get RAT kits because they were not members or service users of the respective service units. Hence, the Bureau announced on 20 April, the second day of the distribution of free RAT kits, that the distribution arrangement would be enhanced by providing stock replenishment to individual service units and improving the logistics arrangements. Moreover, except for some of SWD’s service units which would only distribute RAT kits to members or service users aged 60 or above because of their mode of services, the remaining service units would extend the

distribution of RAT Kits to all elderly persons aged 60 or above (including members and non-members).

10. On 4 May, the Bureau issued another press release to encourage the elderly to administer RAT tests on themselves from time to time and highlighted the enhanced distribution arrangement (see **paragraph 9**). After reviewing the distribution of RAT kits at CMCs, HA considered it necessary to inform the public that the RAT kits distributed at CMCs were mainly for patients of the clinics. At HA's request, the Bureau included this piece of information in the press release.

11. On 27 May, the Bureau announced the distribution of about 6 million RAT kits through the aforesaid channels and the distribution arrangement would be extended to the end of June. On 17 June, the Government announced that such arrangement would continue until the pandemic was under control.

The Bureau's Response

12. According to the established work arrangement, the Bureau was responsible for handling complaints about the overall policy formulated for the distribution of RAT kits (see **paragraph 7**). Since the arrangement commenced in April 2022, the Bureau had handled complaints about verification of identity of elderly persons collecting RAT kits and the number of RAT kits collected, authorised collection arrangements, whether the distribution spots should be extended to the Home Affairs Enquiry Centres under the Home Affairs Department in 18 districts as well as the principle of resource allocation.

13. The Bureau considered that the complainant's complaint of 26 April 2022 was about whether elderly persons other than CMCs' elderly patients could collect free RAT kits at CMCs, which was a matter of the implementation arrangement. Hence, the complaint should be followed up by HA.

14. The Bureau explained that the distribution of free RAT kits involved a large number of participating service units in 18 districts throughout the territory. Given that these units offered different kinds of services, the actual distribution of RAT kits might vary from one service unit to another. The Bureau had not required the participating departments to standardise the dissemination of information on the distribution arrangement and considered it more appropriate for the service units to work out their own arrangements for dissemination of information to cater the general needs of their target groups. The Bureau understood that the elderly generally learned about the arrangement for distribution of RAT kits via the service units they frequented.

15. The District Health Centres ("DHCs") and the DHC Expresses under PHO (collectively referred to as "service centres") had also taken part in the distribution of free RAT kits to the elderly. Generally, the service centres would distribute free RAT

kits during their opening hours, but the actual distribution arrangement might be adjusted, depending on their operation and the number of RAT kits for distribution. For example, the service centres in Sai Kung distributed RAT kits between 2:30 pm and 3:30 pm on Monday and Thursday, between 7:00 pm and 8:00 pm on Tuesday, and between 9:30 am and 10:30 am on Wednesday and Friday. For managing people flow and avoiding confusion, some service centres set different time slots for distribution of RAT kits to different target groups. For example, the service centres in Kowloon City distributed RAT kits only to members between 3:00 pm and 8:00 pm on Tuesday and Thursday. Service centres would disseminate relevant information by posting notice or giving updates on their websites and social media accounts.

Information Provided by DH, SWD and HA

Distribution arrangement

16. At 14 participating Elderly Health Centres (“EHCs”) under DH, RAT kits would be available for the elderly from 8:30 am to 1:00 pm and from 2:00 pm to 5:30 pm from Monday to Friday while stocks lasted. After the logistics companies engaged by the Bureau delivered the replenishment, EHCs would resume distribution. EHCs were required to provide the number of RAT kit distributed daily and the Elderly Health Service Head Office would make a report to the Bureau regularly.

17. SWD distributed RAT kits to the elderly via 213 subsidised elderly centres in Hong Kong, targeting both members and non-members of the centres. In general, elderly centres would confirm the delivery arrangement with the logistics companies assigned by the Bureau and start distributing RAT kits once they received the kits and until all were given out. Elderly centres would arrange for the next round of distribution after the logistics companies delivered the replenishment. As RAT kit distribution was not routine work of the elderly centres, the centres would distribute the kits provided that their operation would not be affected. Moreover, some centres could not keep a large quantity of RAT kits due to limited space. Elderly centres would devise distribution arrangement (such as giving out tickets) according to their own circumstances to avoid long queues.

18. For those service units serving primarily the frail elderly including the Day Care Centres/Units for the Elderly, Integrated Home Care Services Teams, Enhanced Home and Community Care Services Teams and the Recognised Service Providers under the Pilot Scheme on Community Care Service Vouchers for the Elderly subsidised by SWD, they had to focus on the needs of their target groups. Hence, they could not spare efforts to distribute RAT kits to non-service user elderly (see **paragraph 9**).

19. During operation hours, 18 district-based CMCs operating on a tripartite collaboration model involving HA, non-governmental organisations and a local

university distributed RAT kits to their primary service targets, namely the clinics' patients and their relatives or carers on a first-come-first-served basis. Starting from 21 April, CMCs also distributed RAT kits to elderly persons who were not their patients subject to their actual operation. Based on the on-site situation and operational needs, CMCs could decide on the schedule and location of distribution as well as the queuing arrangements.

Complaint handling

20. On receiving complaints about distribution of RAT kits at individual service units, DH/SWD would follow up on the complaints direct and issue replies in accordance with the internal procedures for complaint handling.

21. Based on established procedures, HA would refer complaints about CMCs' arrangement for distribution of RAT kits to the respective clinics for follow-up action and reply. HA received 1823's referral of the complainant's case on 11 May and replied to the complainant on 13 June, explaining that starting from 21 April, the clinic would distribute free RAT kits to non-patient elders who visited the clinic in person and could produce their proof of age (see **paragraph 19**). Nevertheless, the clinic concerned had not updated the notice promptly, causing misunderstanding.

22. The Bureau requested that DH, SWD and HA regularly provide information about the quantity of RAT kits distributed by their service units and maintain communication with the Bureau to convey comments from service units and review their distribution arrangement in a timely manner.

Dissemination of information

23. The address, telephone number and opening hours of the 14 EHCs participating in the distribution of RAT kits were provided on the website of DH's Elderly Health Service. A notice would be posted at a conspicuous spot outside the centres when all RAT kits were distributed.

24. SWD's website provides information on subsidised elderly centres including the name of organisations/centres, district, address, telephone/fax number, email address and operation hours. Elderly persons and their family could contact the centres through the listed information to enquire of the arrangement for distribution of RAT kits.

25. Generally, SWD's elderly centres would post at the entrance a notice about the distribution of RAT kits and their staff would answer enquiries and provide assistance. Some centres also disseminated information on RAT kit distribution by SMS and through online platforms, members' meetings and activities of the centres.

26. HA provides the address, telephone number and opening hours of CMCs on the website of CM KINeTics (“CMK”). Those who intended to get free RAT kits could read the notice posted at CMCs for information on the distribution arrangement.

Our Comments

Allegations (1) and (2)

27. The Bureau’s distribution of RAT kits to the elderly had engaged 680 service units under different departments, covering 18 districts in Hong Kong. Hence, it was difficult for one single department to handle all the work and relevant complaints. The Bureau was responsible for formulating the relevant policy and coordinating the distribution arrangement, while the details of the actual distribution were formulated and implemented by the participating departments/service units. Complaints were handled in accordance with same principle. We consider this arrangement reasonable. According to the departments’ records, the Bureau had consulted the departments prior to implementing and adjusting the arrangement for distribution of RAT kits. On the other hand, DH, SWD and HA had related to the Bureau the actual distribution at the participating service units and their views.

28. We consider that as the Bureau aimed to help the elderly to develop the habit of undergoing RAT as soon as possible, it would certainly want to expand its scope of distribution of RAT kits. Given that the service types, target groups and mode of operations varied from one service unit to another, the service units on the other hand had to make sure that their normal services would not be affected by the additional workload of RAT kit distribution. On 20 April, the Bureau decided to extend the scope of distribution to cover also elderly persons who were neither patients nor members of the clinics/service units, and allowing the participating departments and service units to determine whether or not to extend the scope of distribution and decide on the order of priority and arrangement for distribution of RAT kits according to their own circumstances. That was a compromise solution. We find it understandable that some service units under SWD could only distribute RAT kits to their service users given their actual circumstances.

29. Therefore, The Ombudsman considers **Allegations (1) and (2) unsubstantiated.**

30. The Bureau mainly relied on the logistics companies assigned to despatch RAT kits to the service units. As this complaint occurred at the early stage of implementation of RAT kit distribution in April 2022 when the distribution arrangement was a short-term measure to combat COVID-19, it is understandable that the Bureau was unable to arrange regular despatches of RAT kits to the service units. The service units were thus not able to work out a fixed schedule for distribution of RAT kits. That

said, distribution of RAT kits had already continued for a few months and extended further (see **paragraph 11**) but some service units still had to wait for the logistics companies to confirm the delivery date of RAT kits each time (see **paragraphs 16 and 17**). Hence, the service units could not make preparation and notify the elderly in advance. For example, DH's service units could only post a notice on the day to announce whether there would be distribution of RAT kits or whether all the kits had been given out (see **paragraph 23**). We see room for improvement in the Bureau's arrangement. The Bureau should have examined the statistics and views from the participating departments/service units and requested that the logistics companies regularise the schedules for delivering RAT kits so that the service units and elderly persons intending to obtain the kits could prepare for it in advance.

Allegation (3)

31. The Bureau had already explained the reason for not requiring the participating departments to standardise the dissemination of information on the distribution arrangement (see **paragraph 14**). We accept the Bureau's explanation. Also, we notice that the websites of DHC Expresses, DH, SWD and HA's CMK linked in the press release all provided basic information such as the service units' address and telephone number. It was rather convenient for members of the public to find the location of the service units and the contact information on these websites. Nevertheless, as subsidised elderly centres were sorted by their service types on SWD's website, the name of the centres would be repeated on the list, which might cause inconvenience to the elderly.

32. According to the Bureau, the elderly could generally learn about the distribution arrangement from the service units they frequented (see **paragraph 14**). In our view, given that the general arrangement for distribution of RAT kits (including the date and time of deliveries and target groups) might vary from one service unit to another (see **paragraph 6**), if the elderly (especially those who were neither members nor service users) needed to obtain the RAT kits, they would have to check the details of distribution arrangement of each service unit, make enquiries or visit the service units they were not familiar with. Moreover, unless the logistics companies could make regular deliveries of RAT kits, the elderly could only check for the availability of RAT kits by making enquiries or visiting the service units, even for the service units they frequented, on the day under the prevailing arrangement.

33. We find inadequacies and impropriety in the existing dissemination of information on the distribution of RAT kits by the service units. Such practice had been inconvenient for the elderly and their family. Enquiries from the elderly would also put extra workload on the service units, which might affect their daily services.

34. Therefore, The Ombudsman considers **Allegation (3) partially**

substantiated. In our opinion, the Bureau should review with the participating departments/service units the current method of disseminating information about the distribution of RAT kits so as to make it more convenient for members of the public and increase the transparency.

Conclusion

35. In light of the above, **the complainant's complaint against HHB was partially substantiated.**

Recommendations

36. The Ombudsman recommends that HHB:

- (1) request logistics companies to devise regular schedule for distribution of RAT kits to service units so that the latter could make preparation and notify the elderly in advance (see **paragraph 30**); and
- (2) review with the participating departments/service units the current method of disseminating information about the distribution of RAT kits (see **paragraph 34**).

Views of the Bureau/Departments

37. HHB, DH, SWD and HA had commented on our draft investigation report. After giving consideration, we have incorporated some of their comments in this final report.

38. HHB has liaised with the participating departments and confirmed that our recommendations (see **paragraph 36**) are feasible. The Bureau explained that in the past the logistics companies would try to accommodate service units' ad-hoc requests for changing schedule, and it would inevitably affect the itinerary and schedule of RAT kit delivery. In future, the logistics companies will only change their itinerary for emergency case while non-urgent adjustments will be made in the following week. Hence, the logistics companies should be able to draw up a delivery schedule for the following few days for service units' information and the latter could publish a timely schedule to enhance transparency.

39. DH said that while the distribution of RAT kits had continued for a few months, the elderly's demand for the kits at the EHCs and the daily required quantity fluctuated. Besides, the centres could only keep a limited number of RAT kits due to limited space. Although the logistics companies arranged deliveries of RAT kits almost every day for replenishing the stock for some service units, the stocks were

sometimes exhausted on the day they were replenished due to surge in demand. Moreover, the deliveries might sometimes be delayed due to shortage of manpower in the logistics companies or traffic congestion, rendering it impossible for the EHCs to notify elderly persons promptly of the distribution schedule. The centres could only post a notice after all RAT kits were given out.

Concluding remarks

40. We are pleased to note that HHB has accepted our recommendations (see **paragraph 38**).

41. We consider that DH’s view (see **paragraph 39**) justifies having regular schedules for delivering RAT kits to the service units. Where the quantity of RAT kits and schedule for distribution are uncertain, some elderly persons tend to arrive at the service units earlier to make enquiries or join the queue and try to get more RAT kits while stocks last. On the contrary, if the service units have a regular schedule for distribution of RAT kits and give timely notification to the public, it could indirectly encourage the elderly to make plans and prior arrangement.

42. Hence, we maintain our recommendations in **paragraph 36**. We will follow up on the progress of HHB’s implementation of the recommendations.

**Office of The Ombudsman
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