



**The Hong Kong Academy of Nursing**  
**香港護理專科學院**

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By email: [sfhoffice@fhb.gov.hk](mailto:sfhoffice@fhb.gov.hk)

Professor Sophia CHAN  
Secretary for Food and Health

14 December 2019

Dear Professor Chan,

**Re: Response to the End-of-life Care Legislative Proposal**

The Hong Kong Academy of Nursing applauds the Hong Kong Government SAR to release the Consultation Document “End of Life Care, Legislative Proposals on Advanced Directives (AD) and Dying in Place”. We fully agree with the proposals to (a) codify the current common law position in respect of an advance directive and to increase the safeguards attached to it; (b) remove legislative impediments to implementation of advance directives by emergency rescue personnel; and (c) amend the relevant provisions of the Coroners Ordinance (Cap.504) to facilitate dying in place in residential care homes for the elderly (“RCHEs”).

Specifically, we propose the followings:

1. Hong Kong legislation should provide a clear legal framework on ADs to avoid potential conflicts between ADs and statutory duties to rescue or sustain life.
2. The key provisions of a possible new AD legislation should follow the fundamental principle of respecting a person’s right to self-determination, facilitate the applicability by including pre-specified conditions in the advance direction form, and allow the right of revocation in either verbal or written format supported with evidence.
3. The AD forms should be launched through model form with amendments allowed to facilitate applicability and revocation, with pre-specified conditions including (a) terminal illness, (b) persistent vegetative state or a state of irreversible coma and (c) other end-stage irreversible life-limiting condition, or any conditions as pre-specified by the person.
4. It is the responsibility of the individual/family/carer to produce the original AD document.
5. We support that AD is applicable when the patient suffers from the pre-specified conditions. When the DNACPR form is attached to applicable AD, the emergency rescue personnel should be protected by law not to attempt CPR since the individual’s expressed wishes should be respected.
6. It is noted in the document that 96% of elderly died in hospitals and 40% of which resided in elderly homes. The HK Government SAR should simplify the death reporting for RCHEs. This will greatly reduce administrative work and facilitate the elderlies to spend their last days in an environment that is regarded as home to them.



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7. To promote end of life care, we agree that consequential legislative amendment should also take place including :
  - 7.1 Mental Health Ordinance
  - 7.2 Fire Services Ordinance
  - 7.3 Coroners Ordinance
8. We urge the Hong Kong SAR Government to provide resources as follows:
  - 8.1 Support training and education to promote understanding of frontline staff working in the health care facilities, RCHEs to facilitate the implementation of AD and Dying in Place.
  - 8.2 Arrange information sessions for the general public to enhance their understanding of AD and Dying in Place to allay their fear and anxiety.
  - 8.3 Introduce administrative system in place to keep AD in the healthcare data base system for easy retrieval and document timely changes such as revocation.
9. With the rolling out of AD, we urge the HKSAR Government to consider Advance care planning should also be promulgated so that the health care team and the patient/family could work together to design a tailor made care plan well in advance, so that the patient's wishes are addressed and well respected.
10. Provision of resources should be set aside to enhance the Community Nursing services and Hospice Home Visiting Teams to provide support to the elderly living at home for a peaceful and good death.
11. Provision of resources should also be made available for the RCHE to improve facilities to sustain serene and peaceful environment for the elderly to rest and die in place. Provision should also be made to provide bereavement services for the elderly staying in the RCHEs experiencing their fellow residents passed away.

Thank you!

Yours Sincerely,

Frances Kam Yuet WONG

RN PhD FAAN FHKAN (Education & Research)  
President, The Hong Kong Academy of Nursing