TaoYuan Progress Report
'It is all Open Source, Stupid'
~ Dr HO Chung Ping, Chairman, Information Technology Committee

The TaoYuan project will arrive at a significant developmental landmark soon, i.e., the signing of an official contract with the project developer. The project was awarded to the Mobigator, which is an American-based company with a strong local presence in Hong Kong. It was chosen for its past experience in the local medical IT field as well as its commitment to the health informatics development in Hong Kong.

There had been some frustrating delay in the project due to some disagreement over contractual matters. The main concern was over the ownership of the software. It was partly due to the complexity of the Open Source concept.

When we applied for the funding from the Government, the HKMA proposed that the clinic system would be Open Source software. This would be very important for the future development as the user can hire any IT experts to maintain and further expand the system. If the system is a closed one like the current proprietary systems in the market, only the software vender will have the source code and the user has to stick to the vendor for technical support and upgrade. Another point to consider was that the Government is planning to build a common electronic platform to store patients' health data from the 'womb to tomb'. This would need the input from the private as well as the public sector. Since the majority of the primary care providers are private practitioners, an Open Source system will greatly enhance the development of a common platform in the future.

It was the HKMA plan and it was agreed that the finished software (HKMA CMS 3.0) would be made available to all doctors for free. The ownership of the software will be given to the HKMA and Information Software Industry Association (the ISIA), our technical partner. Apart from being an Open Source system, it would be a cross platform program, i.e., it can be run on any computer systems like the Windows PC, the Mac, Linux and Unix systems etc.

When the contract was about to be signed, there was concern about the ownership as the concept of Open Source 'ownership' was not familiar to everybody. In fact it appeared that 'ownership' was not compatible with 'Open Source'. To clarify the Open Source concept, I have circulated a simple fact sheet through emails and the gist of the letter was as below.

1. What do we want actually?

We shall need Open Source GPL software. By this we mean we shall distribute the software for free with the source code. The user will be licensed to use the software, they can also further improve the software. They can sell the improved software for a fee, but they must enclose the new source code.

2. Can anybody make a commercial use of the TYP software?

Yes. As you know, medical IT is always evolving. A vendor may use the TYP software, add some features (e.g. RFID, eHR connectivity etc) and sell it for a fee. However, they must enclose the source code in binary and high level form as (1) above.

3. Can somebody use our software to make a closed source program to sell?

No. We do not object to commercial activity, but we object to CLOSED source.

4. If the software is open to everyone, why need an ownership?

Only the individual copyright holders have the authority to sue when a license violation takes place.
For instance, if somebody violate (3) above, the owner can sue.

5. Who should have the ownership?

It was the view of our sponsor (the OGCIO) that the ownership should belong to the industrial body, i.e., the HKMA. However, the HKMA requested (and was accepted) that ISIA should have shared ownership as well.

With these simple principles and a lot of diplomacy and understanding, we finally reached an agreement and it is expected that a tri-party contract would be signed soon and the work can begin in full swing.

There are lots of hurdles in developing software in Open Source instead of closed source manner. The TaoYuan project is the first major medical Open Source Software to be developed in Hong Kong. Many vendors were not interested in the project as they did not like developing a product which will be shared with others in the future, especially the fee was not high (in this case it was $0.67 million, a very small sum for a project of this nature). The concept of Open Source was not well understood. However, our software will need to evolve to meet the needs and challenges of the future. For this reason, we stick to the Open source option even it caused us to walk the extra mile — and a very challenging one.