

**For discussion on
10 July 2012**

Legislative Council Panel on Health Services

Closure Arrangements for the Winding Up of a Private Hospital

PURPOSE

This paper briefs Members on the arrangements to ensure a smooth winding up of the Hong Kong Central Hospital following a decision by management of the hospital to close its operation.

BACKGROUND

2. The Department of Health (DH) is responsible for registration and inspection of private hospitals in Hong Kong. The Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap. 165) empowers the Director of Health to register private hospitals subject to conditions relating to accommodation, staffing or equipment. DH has also promulgated a “Code of Practice for Private Hospitals, Nursing Homes and Maternity Homes” since August 2003. It sets out the standards of good practice for private hospitals to adopt with a view to enhancing patient safety and quality of health care services.

3. There are currently 12 private hospitals registered under Cap. 165. One of them, the Hong Kong Central Hospital (“HKCH”) which is situated in leased premises through tenancy agreement with its landlord, the Hong Kong Sheng Kung Hui, will soon be winding up following a decision by the landlord to terminate the tenancy agreement with the hospital. In order to safeguard patients’ interests and ensure compliance with relevant legal requirements, DH has instructed HKCH to submit a plan on its closure arrangements within one week of the judgment. The plan should include, among others, arrangements for existing in-patients, handling of medical records and disposal of hospital equipment and

wastes. HKCH was reminded to ensure that the continuity of care of patients would not be adversely affected by its cessation of services, and to observe all relevant laws and codes of practice, such as the Personal Data (Privacy) Ordinance, Radiation Ordinance, Waste Disposal Ordinance, and the Code of Professional Conduct issued by the Medical Council of Hong Kong.

SERVICES OF HKCH

4. HKCH, with 85 beds, provides in-patient, out-patient and day care services. The annual number of hospital in-patient discharges and deaths ranged from 7 100 to 8 500 in year 2007 to 2010, accounting for 1.9 % to 2.5% of in-patient discharges and deaths of all private hospitals, or 0.5% or less of all hospitals in Hong Kong. The impact on in-patient services following the winding up of HKCH should be insignificant, as its caseload could readily be absorbed by other private hospitals and, where necessary, public hospitals under the aegis of the Hospital Authority (HA).

5. HKCH is among the 26 institutions approved under Section 47A of the Offences against the Person Ordinance, Cap 212, to provide treatment for termination of pregnancy (TOP). Under the Ordinance, TOP must be carried out in an approved hospital or clinic, by a registered medical practitioner and on the opinion of two registered medical practitioners that the continuance of pregnancy would involve greater risks to the physical and mental health of the pregnant women than if the pregnancy is terminated, or a substantial risk of the child, if born, to be seriously handicapped. In 2011, there were 5 800 cases of TOP performed in HKCH, accounting for around 49% of all TOP cases in Hong Kong (**Annex**).

6. Since HKCH has been a major provider of TOP services in Hong Kong, we are in discussion with relevant institutions to help ensure that sufficient capacity is available to meet the legitimate demands for TOP following the closure of the hospital. We have been liaising with the Family Planning Association of Hong Kong to explore the feasibility of enhancing its capacity so that it could take on more cases of termination

of early pregnancy (mostly those less than nine weeks into their pregnancy) that do not require hospital care. Needs for TOP in hospital setting will be met by other hospitals approved to provide treatment for TOP, which include 18 public hospitals and five private hospitals. HA will closely monitor the situation, and make suitable adjustment to its service capacity and priority as and when necessary having regard to the legitimate demands for TOP services and the uptake situation in the private sector.

CONTINUITY OF CARE

7. To ensure continuity of care of patients, HKCH was instructed to make proper arrangements for long-stay in-patients under its care. Currently it has just a few long-stay patients and they were all informed of the impending closure. HKCH has been requested to provide assistance for their transfer to other healthcare providers if needed.

MONITORING OF HOSPITAL OPERATION AND CLOSURE

8. Following the ruling of the Court of First Instance, HKCH was instructed to only provide booked services, day care, out-patient services and short-stay treatment (such as minor surgical procedures), on the condition that sufficient manpower and supporting services and facilities are in place to ensure patient safety. HKCH must also maintain adequate supply of essential medical supplies for services being provided, and these services should cease to be operated when critical personnel and supporting services or facilities are no longer available or insufficient.

9. DH has been scrutinizing HKCH's weekly submission of service data as well as conducting inspection to the hospital to monitor its service provision and closure arrangements.

HANDLING OF MEDICAL RECORDS

10. HKCH was requested to devise a plan for handling of medical records after the closure, with measures to protect their integrity and confidentiality as well as to protect patients' right, while taking into account the requirements/provisions of relevant laws and regulations and the circumstances of the hospital such as the medical malpractice insurance. Advice from the Office of the Privacy Commissioner for Personal Data (PCPD) is being sought on privacy matters concerning medical records held by HKCH. Any handling of medical records must be conducted in accordance with the Personal Data (Privacy) Ordinance and with relevant code(s) of professional practice.

11. HKCH will shortly make public announcement on the arrangements for their patients, or doctors with patients' consent, to obtain copies of medical records held therein before closure. HKCH has also been requested to put in place a suitable arrangement so that its patients could have access to their own medical records within a reasonable period of time after it closes down.

COMMUNICATION

12. DH has reminded HKCH to devise communication plan to inform its patients, visiting doctors, service partners and the community on the detailed closure plan.

WAY FORWARD

13. DH will liaise closely with the management of HKCH on its provision of services and monitor its closure arrangement in order to ensure patient safety and compliance with relevant legal requirements.

ADVICE SOUGHT

14. Members are invited to note the content of the paper.

Food and Health Bureau
July 2012

Number of pregnancies terminated by institution, 2002 - 2011

Category	Year									
	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011#
Public Hospital	2 224	1 561	1 576	1 314	1 140	1 193	1 232	1 101	812	1 081
Hong Kong Family Planning Association	3 917	3 922	3 329	2 972	2 533	2 012	1 932	2 051	1 353	1 748
Private Hospital	12 510	11 937	10 977	9 906	9 837	10 310	10 035	8 876	9 066	9 030
Total	18 651	17 420	15 882	14 192	13 510	13 515	13 199	12 028	11 231	11 859

Source : Department of Health

Note : # Provisional number