

Bills Committee on Electronic Health Record Sharing System Bill

**List of follow-up actions arising from the discussion
at the meeting on 2 February 2015**

The Administration was requested to -

Issues relating to the substitute decision maker arrangement

- (a) in respect of members' concern about whether the interest of those elderly persons who were incapable of managing their own affairs or giving a joining or sharing consent at the relevant time would be undermined as the Bill imposed no obligation on eligible substitute decision maker ("SDM") to take action on their registration, provide for reference of members statistics on the number of elderly persons participating in the Public Private Interface-Electronic Patient Record Sharing Pilot Project, with a breakdown by whether or not they were residents of residential care homes for the elderly;
- (b) for disputes caused by different family members of a mentally incapacitated person holding different views on matters relating to the latter's participation in the Electronic Health Record Sharing System ("eHRSS") (such as the joining of eHRSS and giving of sharing consent to particular healthcare providers), seek response from the Labour and Welfare Bureau to a member's suggestion of referring such disputes to the Guardianship Board or the court for resolution; and
- (c) consider whether a cohabitee living with a healthcare recipient ("HCR") would be included as an eligible SDM of an HCR;

Drafting issues

- (d) consider aligning the expressions used in the Chinese and the English text of the definition of "healthcare recipient" in clause 2(1) to achieve consistency. The Chinese text was "指曾經...接受醫護服務的個人", whereas the English text was "means an individual for whom healthcare has been performed ...";
- (e) in respect of the expression "immediate family member" (which was defined under clause 2(1) as "in relation to a healthcare recipient, means an individual who is related to the recipient by blood, marriage, adoption or affinity"), the Chinese rendition of which was "家人", in clauses 2(1),

3(2)(d) and 3(4)(f), consider aligning the Chinese and English expressions to achieve consistency; and

- (f) in respect of members' concern that the expression "The Government or a public officer is not liable ..." in clause 57(1) did not make any specific reference to the Electronic Health Record Sharing System Ordinance, provide examples of provisions in other ordinances on limitation of Government and public officers' liability in similar circumstances.

Council Business Division 2
Legislative Council Secretariat
6 February 2015