



中華人民共和國香港特別行政區政府總部食物及衛生局
Food and Health Bureau, Government Secretariat
The Government of the Hong Kong Special Administrative Region
The People's Republic of China

27 March 2015

Ms Maisie LAM
Clerk to the Bills Committee
on the Electronic Health Record Sharing System Bill

Dear Ms LAM,

Draft proposed amendments
in relation to the Electronic Health Record Research Board

Further to our written response to the Bills Committee following its 3rd meeting on 26 May 2014 (LC Paper No. CB(2)1775/13-14(03)) and our letter dated 23 February 2015 to the Assistant Legal Advisor (LC Paper No. CB(2)911/14-15(01)), we hereby provide for members' reference our draft proposed amendments to Clause 53 of the Electronic Health Record Sharing System Bill in relation to the Electronic Health Record Research Board. The draft amendments are marked in revision mode on an extract of the bill at **Annex**. They may be further refined subject to discussion with the Department of Justice.

Yours sincerely,

(Ms Ida LEE)

for Secretary for Food and Health

c.c. Assistant Legal Advisor 4,
Legal Service Division
Legislative Council Secretariat
Department of Justice

(Miss Carrie WONG)
(Attn.: Ms Rayne CHAI
Miss Queenie WU
Mr Patrick YEUNG)

**Proposed draft amendments
in relation to the Electronic Health Record Research Board**

(Note: Draft amendments are marked in *red* on the following extract of the draft bill.)

53. Establishment of Board

- (1) A board is established with the name “Electronic Health Record Research Board” in English and “電子健康紀錄研究委員會” in Chinese.
- (2) The Board is to consist of the following members—
 - (a) the Permanent Secretary for Food and Health (Health), as ex officio member and chairman;
 - (b) the Commissioner, or a person nominated by the Commissioner as representative, as ex officio member; and
 - (c) not more than 10 other members appointed by the Secretary.
- (2A) A person may be appointed as a non-ex officio member only if the person is, in the Secretary’s opinion, a person—
 - (a) having expertise or experience in healthcare, privacy protection, statistics, research, law or information technology;
 - (b) representing the interests of healthcare recipients; or
 - (c) having other experience that would render the person suitable for the appointment.
- (3) A non-ex officio member may hold office for ~~the period~~ a term of not exceeding 5 years and on the terms specified in his or her letter of appointment by the Secretary.
- (3A) A non-ex officio member is eligible for reappointment on the expiry of a term.
- (4) A non-ex officio member may resign from the Board by notice in writing to the Secretary.
- (5) Except as provided in this Ordinance, the Board may regulate its procedure and may make standing orders for that purpose.
- (5A) The Secretary may terminate the office of a non-ex officio member if satisfied that the member
 - (a) has ceased to be of the capacity by virtue of which he or she was appointed; or
 - (b) is otherwise unable or unfit to perform the functions of a member of the Board.
- (5B) Every appointment or termination under this section is to be notified in the Gazette.
- (6) In this section—

non-ex officio member (非當然委員) means a member of the Board appointed under subsection (2)(c).
