



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

10 April 2015

Miss Carrie Wong
Assistant Legal Advisor
Legal Service Division
Legislative Council Secretariat
Legislative Council

Dear Miss Wong,

Bills Committee on Electronic Health Record Sharing System (eHRSS) Bill

Thank you for your letter dated 8 April 2015. Our responses to your enquiries are set out below.

Service location of a healthcare provider (HCP)

2. Under Clause 17 of the bill, an HCP that **provides healthcare at one (or more than one) service location(s)** may apply to the Commissioner for the Electronic Health Record (eHRC) to be registered as an HCP for the eHRSS for that (or those) location(s). In the case of more than one service locations, the application may be a single application for all the locations or a separate registration for each location that the HCP chooses to register.

3. As defined in Clause 2(1), “healthcare”, in relation to an individual, means “an activity **performed in Hong Kong by a healthcare professional** for the individual” for improving the individual’s health etc. A “healthcare professional” means a person specified in the Schedule, which comprises 13 types of healthcare professionals registered under relevant ordinances **in Hong Kong**. The effect of Clause 17 and Clause 2(1), when read together, is that the service location(s) for which an HCP registers for the eHRSS have to be **in Hong Kong**.

4. The above geographical restriction of the service locations effectively renders overseas HCPs without any service locations in Hong Kong ineligible for registration for the eHRSS. As we have explained at the last meeting of the Bills Committee on 31 March 2015, this arrangement is for safeguarding the privacy of healthcare recipients (HCRs). Like other local legislations, the future eHRSS Ordinance cannot be enforced outside Hong Kong. It will be very difficult to follow up with overseas HCPs on non-compliance. In special cases where an HCR wishes to show his/her health records stored in the eHRSS to an overseas HCP, he/she could approach us to make a data access request concerning the records. The HCR himself/herself could then forward the copy of such records to the overseas HCP.

Location where an HCP may access eHRSS

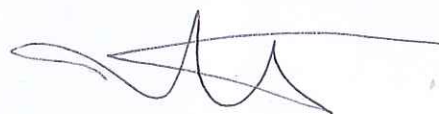
5. The “service location” in Clause 17 of the bill is concerned with the information required for registration of HCPs. The bill has not stipulated that HCPs could only access the eHRSS at those particular locations.

6. The connection between individual electronic medical record (eMR) system or user workstation of HCPs with the eHRSS is restricted through registered and pre-defined connection modes. The HCPs can connect their own eMR system or workstation (which could be notebook) with the eHRSS through Virtual Private Network or fixed Internet Protocol address or with registered security module.

7. Connection from certain mobile device (such as smart phone) with the eHRSS **direct** is currently not supported. However, it is technically possible for HCPs to access the eHRSS using mobile devices **through their eMR systems** subject to compliance with security requirements defined by the eHRC such as appropriate security policy and measures. The bill therefore does not have specific clauses to preclude HCPs from accessing the eHRSS outside Hong Kong. That said, in accordance with Clause 26 (which provides that the data and information of an HCR contained in the eHRSS may be used for improving the efficiency, quality, continuity or integration of the **healthcare** provided, or to be provided, to the HCR) and the aforementioned definition of “healthcare” in Clause 2(1), any access to the eHRSS for the purpose of using the concerned data and information for improvement of healthcare has to be for an activity performed **in Hong Kong** by a healthcare professional registered under relevant ordinances **in Hong Kong** for improving the individual’s health etc., and cannot be for an activity performed outside Hong Kong or one

performed by a healthcare professional not registered in Hong Kong.

Yours sincerely,



PP.

(Ms Ida Lee)

for Secretary for Food and Health

c.c. Clerk to Bills Committee
Department of Justice

(Ms Maisie Lam)

(Attn.: Ms Rayne Chai

Miss Queenie Wu

Mr Patrick Yeung)