

Bills Committee on Electronic Health Record Sharing System Bill

**List of follow-up actions arising from the discussion
at the meeting on 12 May 2015**

The Administration was requested to -

- (a) in respect of the drafting of clause 41(6)(b),
 - (i) review whether it was more appropriate to use "at the time" and "at a future time" instead of "on the same occasion" and "on any future occasion" in the English text; and if not, consider -
 - (A) replacing the word "any" in the phrase "on any future occasion" with "a"; and
 - (B) amending the Chinese renditions "同時" and "在日後任何時間" to more accurately reflect the meaning of the English text; and
 - (ii) review the drafting of the Chinese text with a view to making the clause more comprehensible and readable;
- (b) in respect of clause 48(1)(h) which provided that the Commissioner for the Electronic Health Record ("eHRC") had the function to devise a mechanism for handling complaints relating to the operation of the Electronic Health Record Sharing System ("eHRSS"),
 - (i) consider to stipulate in the Bill the manner and form in which complaints were to be made and handled; and
 - (ii) advise the proposed procedures for handling complaints relating to the operation of eHRSS;
- (c) in respect of clause 50 which empowered eHRC to require a registered healthcare provider to produce records or documents in certain circumstances,

- (i) given that the term "document" was not defined in the Bill, review whether it was sufficient for the Bill to rely on the definition of "document" in the Interpretation and General Clauses Ordinance (Cap. 1) for requiring the healthcare providers concerned to produce, on request, documents in electronic or any other forms;
 - (ii) consider replacing "registered healthcare provider" with "prescribed healthcare provider" in subclause (1) in order to subject the Department of Health and the Hospital Authority to the requirement;
 - (iii) advise the policy intent for using the expression "in the healthcare provider's possession" but not "in the possession or under the control of the healthcare provider" in subclause (1)(b); and
- (d) provide the draft code of practice to be issued by eHRC under clause 51 for reference of the Bill Committee.

Council Business Division 2
Legislative Council Secretariat
15 May 2015