

Bills Committee on the Medical Registration (Amendment) Bill 2016

**Government's response to the follow-up action arising from the
discussion at the meeting on 23 May 2016**

**Request for the Release of Medical Records/Reports of Patients from
the Hospital Authority to the Medical Council of Hong Kong**

This note provides the Government's response to the follow-up action on the release of medical records/reports of patients from the Hospital Authority ("HA") to the Medical Council of Hong Kong ("MCHK").

2. The time taken by HA to release medical records/reports depends on the complexity of the case and the availability of relevant consent. The average time required for the past three years (2012 to 2014) was around three months.

3. According to the record of the Medical Council Secretariat ("MC Secretariat"), HA has decided not to release medical records/reports to MCHK for three cases in view of HA's duty of confidentiality, which forbids it from releasing medical records/reports without patients' consents.

4. In March 2016, the Food and Health Bureau held a meeting with the Chairman of MCHK and representatives of HA. It was agreed that should there be divergent legal views on whether there would be an overriding public interest for HA to disclose the relevant medical reports/records to MCHK, MCHK would make an application to the court for a ruling.

5. At present, MCHK, through the Department of Justice, is making an application to the court for the release of patients' medical records/reports to facilitate investigation of two complaints¹. As the lawsuits are still in preparatory stage, the legal cost involved cannot be estimated for the time being.

**Food and Health Bureau
May 2016**

¹ For the remaining complaint case, MCHK is still liaising with HA for release of patients' medical records/reports.