

Bills Committee on Private Healthcare Facilities Bill

**List of follow-up actions required of the Administration
arising from the discussion at the meeting on 7 November 2017**

The Administration was requested to:

- (a) in respect of its proposal to exclude from the Bill any facility which was managed or controlled by The University of Hong Kong ("HKU") or The Chinese University of Hong Kong ("CUHK"); a day procedure centre, clinic or health services establishment; and primarily used for teaching or research relating to medicine or dentistry,
 - (i) advise whether and, if so, the reason(s) why the Administration held the same view as the representatives from the Faculties of Medicine of HKU and CUHK who attended the meeting of the Bills Committee on 9 October 2017 that subjecting the facilities managed or controlled by the Faculties under the Bill would stifle teaching and research activities;
 - (ii) provide details of the existing governance mechanism of HKU and CUHK for the day procedure centres, clinics or health services establishments under their aegis, including information on how medical incidents of and complaints against these facilities would be handled, and explain the reason(s) why the putting in place of such mechanism could justify the above proposal;
 - (iii) advise whether and, if so, how the activities of the facilities concerned, including, among others, those 14 existing facilities set out in the Annex to LC Paper No. CB(2)196/17-18(02), would be quantified to assess their meeting of the requirement of "primarily used for teaching or research relating to medicine or dentistry"; and
 - (iv) consult the stakeholders, such as patient organizations and service users of the 14 facilities set out in the Annex to LC Paper No. CB(2)196/17-18(02), on the proposal and revert in writing the views so gauged;
- (b) in respect of the requirement under clause 42(2) that persons operating, or intending to operate, a small practice clinic had to make, if they so wished, the requests for a letter of exemption for the clinic concerned in the form and way specified by the Director of Health ("the Director"), provide the working draft of the request form for reference of the Bills Committee when available;

- (c) in respect of its position that having made reference to the arrangement under the complaints management system in the Hospital Authority ("HA"), it was considered appropriate that the Committee on Complaints against Private Healthcare Facilities might, under clause 84(2)(b), refuse to appoint a case panel to consider a facility complaint if the event to which the complaint related occurred more than two years before the day on which the complaint was made, advise HA's rationale for imposing a two-year time limit for filing a complaint;
- (d) explain the reason(s) why while cosmetic tattooing (e.g. eyebrow tattooing) was exempted from being regarded as medical procedure and hence, could be performed by beauty practitioners at beauty parlours without their being regarded as day procedure centres or clinics under the Bill, the sale, possession and administration of local anaesthetic were subject to various restrictions under the legislation (e.g. the Pharmacy and Poisons Ordinance (Cap. 138)), which in some members' view had hindered beauty parlours from providing such services;
- (e) provide a response to the view of some members that, having regard to the fact that the carrying out of those cosmetic procedures that had to be performed by registered medical practitioners (e.g. injections of Botox) only accounted for a small proportion of the services (e.g. a few hours per week) provided by some beauty parlours which would be regarded as day procedure centres or clinics under the Bill, a registered medical practitioner should be allowed to serve at the same time as the chief medical executive of more than two (say, up to 10) day procedure centres or clinics which were operated by different licensees. Under clause 53(4), a person appointed under clause 49(1) could not serve at the same time as the chief medical executive of more than two day procedure centres or clinics;
- (f) advise whether a permitted facility (i.e. a private healthcare facility for which a licence was in force or an exemption under clause 43 was in force) would be regarded as having met the requirement of having a direct and separate entrance under clause 67 if the facility concerned was located in a room or unit of a premises with two or more rooms or units, each having a separate entrance with clear signage and involved the provision of unrelated services (e.g. medical services vis-à-vis beauty services); and
- (g) provide, when available, for reference of the Bills Committee a copy each of the working draft of the codes of practice to be issued by the Director under clause 102 for compliance with by day procedure centres and clinics in respect of the regulatory standards of the facilities concerned.