

Bills Committee on Private Healthcare Facilities Bill

**List of follow-up actions required of the Administration
arising from the discussion at the meeting on 16 March 2018**

The Administration was requested to:

- (a) explore whether the proposed deferment period as specified under clause 36(3) whereby the Director of Health ("the Director") might, if satisfied that the conditions specified in clause 36(4) were met, defer the cancellation of a licence on the death of the licensee who operated a day procedure centre, clinic or health services establishment as a sole proprietor (i.e. six weeks after the date of death of the licensee) would be sufficient enough for a new operator to apply for a new licence for the facility, as well as for the Director to process the application and issue a new licence as appropriate such that the facility concerned could continue to operate before it was qualified for the new licence;
- (b) in respect of clause 42 which provided that persons operating, or intending to operate, a small practice clinic might ask, if they so wished, the Director for a letter of exemption for the clinic concerned,
 - (i) provide, as it had undertaken under paragraph 16 of LC Paper No. CB(2)454/17-18(02), the draft of the request form for a letter of exemption to illustrate the information required so as to facilitate the clause-by-clause examination of the clause; and
 - (ii) advise what could be done by the person making the request or the operator of an exempted clinic if he or she was aggrieved by the decision of the Director to refuse to issue a letter of exemption pursuant to clause 43(4) or revoke the exemption granted pursuant to clause 45, having regard to the fact that no appeal mechanisms against such decisions were provided for in the Bill;
- (c) consider whether the Chinese rendition "行止端正" of the term "integrity" in the English text of clause 51(c) could accurately reflect the English text, and give due regard to the use of the Chinese renditions "行事持正" and "正直品格" for the same term under section 18B(1)(c) of the Professional Accountants Ordinance (Cap. 50) and section 2 of the Solicitors' Practice Rules (Cap. 159H) respectively;

- (d) advise the progress or outcome of the consultation work that it had carried out on the proposal raised by some members at previous meetings of the Bills Committee that a registered medical practitioner should be allowed to serve at the same time as the chief medical executive of more than two day procedure centres or clinics which were operated by different licensees. According to the response given by the Administration in paragraph 22 of LC Paper No. CB(2)454/17-18(02), it would fully assess the implications of this proposal in consultation with the relevant stakeholders before considering whether it was appropriate to relax the above requirement as set out in clause 53(4) via an amendment to the Bill;
- (e) in respect of the requirement under clause 63(2) that the licensee of a private hospital had to publish the historical statistics on fees and charges for the specified treatments and procedures in the way specified by the Director, advise with an example the types and the form of presentation of the requisite statistics; and
- (f) in respect of its advice that certain provisions, including, among others, the prohibition and offence provisions, of the Bill, if passed, would come into operation at a later stage by means of the gazettal of a commencement notice, advise the provisions involved, the initial commencement timetable of these provisions, as well as the measure(s) to be put in place by the Administration to ensure that the stakeholders would be aware of the phased implementation timetable of the new regulatory regime.