

Bills Committee on Private Healthcare Facilities Bill

**Government's response to the follow-up issues raised at
the Bills Committee meeting on 14 May 2018**

Purpose

This paper sets out the Government's response to the follow-up issues raised at the meeting of the Bills Committee on Private Healthcare Facilities Bill (the Bill) held on 14 May 2018.

Clause 80 of the Bill

2. Clause 80(1) of the Bill provides the duty of confidentiality that a member, or the secretary, of the Committee on Complaints against Private Healthcare Facilities (Complaints Committee) must not disclose or give to another person any information or document obtained for the purpose of considering a facility complaint. Clause 80(2) provides exceptions to the duty by setting out the scenarios in which the member or secretary may disclose or give to another person the information or document concerned. Under clause 80(2)(a), a member of the Complaints Committee may disclose the information concerned to another member, if the disclosure is necessary for performing the first-mentioned member's functions under the Bill. We consider that no amendment to clause 80 is required, as the current wording is able to reflect our intended scope of prohibition in respect of confidentiality of information and document.

Clause 92 of the Bill

3. Under clause 92(1) of the Bill, except with the prior approval in writing of the Director of Health, or except as provided or permitted by any other law, no premises (other than a permitted facility) may bear a title or description that – (a) includes an expression specified in Schedule 7 to the Bill, or a similar expression; and (b) suggests that the services provided in the premises are medical services provided in a private healthcare facility.

Upon review of our intention, we consider that the word “及” could be added at the end of clause 92(1)(a) of the Chinese text.

Civil Liability of Public Officers

4. Under clause 120 of the Bill, a public officer is not civilly liable for an act done or omitted to be done by the public officer in good faith in performing or purportedly performing a function under the Bill. Nonetheless, such immunity does not affect any liability of the Government for the act or omission. Similar immunity arrangement can be found in Ordinances enacted in recent years¹. The Government does not have statistics or details on cases in which a public officer was held civilly liable for an act done or omitted to be done by the public officer in performing or purportedly performing a function under the laws of Hong Kong.

Food and Health Bureau
Department of Health
May 2018

¹ Similar provisions can be found in the Electronic Health Record Sharing System Ordinance (Cap. 625), Property Management Services Ordinance (Cap. 626) and Private Columbaria Ordinance (Cap. 630).