

**立法會**  
***Legislative Council***

LC Paper No. CB(3) 111/18-19

Ref : CB(3)/B/FH/5 (16-17)

Tel : 3919 3307

Date : 7 November 2018

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

---

**Council meeting of 14 November 2018**

**Amendments to Private Healthcare Facilities Bill**

The Second Reading debate on the above Bill will be resumed at the Council meeting of 14 November 2018. Subject to the Bill receiving Second Reading, the President has given permission for the Secretary for Food and Health to move amendments to the Bill.

2. As directed by the President, the amendments are attached for Members' consideration.

(Lilian MOK)  
for Clerk to the Legislative Council

Encl.

# Private Healthcare Facilities Bill

## Committee Stage

### Amendments to be moved by the Secretary for Food and Health

#### Clause

#### Amendment Proposed

2(1)

By adding in alphabetical order—

“***scheduled university*** (附表大學) means a university specified in Schedule 1A;”.

3

By deleting the clause and substituting—

#### **“3. Meaning of *private healthcare facility***

(1) A private healthcare facility is any of the following facilities that is not managed or controlled by a specified authority—

(a) a hospital;

(b) a day procedure centre;

(c) a clinic;

(d) a health services establishment,

other than a day procedure centre, clinic or health services establishment primarily used for teaching or research relating to medicine or dentistry and that is managed or controlled by a scheduled university.

(2) Also, a private healthcare facility does not include any premises that are not normally used for medical purposes but are temporarily used for emergency or rescue purposes.”.

12(3)

In the definition of ***excepted premises***, by deleting paragraph (e) and substituting—

“(e) a day procedure centre, clinic or health services establishment primarily used for teaching or research relating to medicine or dentistry and that is managed or controlled by a scheduled university;

- (f) any premises that are not normally used for medical purposes but are temporarily used for emergency or rescue purposes;”.

36(3) By deleting “6” and substituting “12”.

50 By deleting “3” and substituting “4”.

51(c) In the Chinese text, by deleting “行止端正” and substituting “行事持正”.

53(4) By deleting everything after “executive” and substituting—  
“of—

- (a) if serving only day procedure centres—more than 2 day procedure centres;
- (b) if serving only clinics—more than 3 clinics; or
- (c) if serving both—more than 1 day procedure centre and 1 clinic.”.

53(5) By deleting “3” and substituting “4”.

53(5)(b) By deleting “10” and substituting “8”.

56(2) By deleting “3” and substituting “4”.

61(1) and (2) By deleting “specified by the Director” and substituting “prescribed by regulations for the purposes of this subsection”.

62(1) and (2) By deleting “specified by the Director” and substituting “prescribed by regulations for the purposes of this subsection”.

70 In the heading, by deleting “**Names or descriptions not be used for certain rooms**” and substituting “**“Operating room” etc. not to be used except with prior approval**”.

72(1) By deleting paragraph (b) and substituting—  
“(b) one or more legal advisers.”.

82(1) By adding—

“(ab) a next of kin of the patient;”.

92(1)(a) In the Chinese text, by adding “及” after “詞語 ;”.

92(6) By deleting everything after “in relation” and substituting—

“to—

(a) premises managed or controlled by a specified authority; or

(b) a day procedure centre, clinic or health services establishment primarily used for teaching or research relating to medicine or dentistry and that is managed or controlled by a scheduled university.”.

93(1) By deleting “section 42,” and substituting “section 42, or in a notice under section 44,”.

96(1) By deleting paragraph (b) and substituting—

“(b) if proceedings for a compoundable offence have been commenced, apply for a stay and compound the proceedings.”.

118(1)(a) By adding “costing and” before “financing”.

118 By adding—

“(1A) The Secretary may in writing authorize a public officer to exercise the power under subsection (1), and the officer may be assisted by any person the officer reasonably requires to exercise the power.”.

118(2) By deleting everything after “than” and substituting—

“the following persons, and the information may only be disclosed and used for the purpose of formulation of healthcare policies—

(a) the Director;

(b) the Hospital Authority;

(c) a public officer authorized under subsection (1A);

(d) a person referred to in subsection (1A) who assists the public officer.”.

- 118(4) By adding—  
“(da) type of ward;”.
- 118(4)(h) By deleting “size.” and substituting “items and their amounts;”.
- 118(4) By adding—  
“(i) any other information that the Secretary may reasonably require.”.
- 122(2) By adding—  
“(fa) prescribe the price information to be provided, and the way it is to be provided, by the licensee of a private healthcare facility for the purposes of section 61;  
(fb) prescribe the treatments and procedures for which estimates of fees and charges are to be provided, and the way they are to be provided, by the licensee of a hospital for the purposes of section 62;”.
- 123 By deleting “Schedules 1” and substituting “Schedules 1A, 1”.
- 124 In the definition of *registered hospital*, by adding “of a hospital” after “certificate of registration”.
- 124 In the definition of *scheduled nursing home*, by adding “of a nursing home” after “certificate of registration”.
- 125(2) In the Chinese text, by deleting “該等相聯處所(整個處所或根據第(3)款可包括在申請內的某部分)” and substituting “根據第(3)款可包括在申請內的所有該等相聯處所，或(如根據第(3)款，該等處所只有部分可包括在申請內)處所部分”.
- New By adding—  
**“125A. Application for licence where scheduled nursing home already registered**  
(1) This section applies in relation to a person’s application for a hospital licence made under section 13 if—  
(a) the person is a registered person in relation to a scheduled nursing home;

- (b) the certificate of registration is valid at the time of the application; and
  - (c) the application is made within the period specified by the Director under subsection (3).
- (2) If a person applies for a hospital licence under section 13 in reliance on this section, the application needs only to be accompanied by the fee specified in item 12 of Schedule 3.
- (3) The Director may, by notice published in the Gazette, specify a period within which an application for a hospital licence under section 13 may be made in reliance on this section.”.

New

By adding—

**“136A. Shared entrance acceptable in some cases**

- (1) This section applies in relation to a clinic if—
- (a) a provisional clinic licence is issued for the clinic under section 135(2); and
  - (b) on the date the licence is issued—
    - (i) the clinic has a private entrance that is shared with premises (*shared entrance*) that serve a purpose that is not reasonably incidental to the clinic (*other premises*); and
    - (ii) to access the clinic, it is necessary to pass from the shared entrance through part of the other premises (*passage area*).
- (2) Section 67 does not apply in relation to the clinic during the validity period of the provisional clinic licence while—
- (a) the other premises are also managed or controlled by the licensee of the clinic;
  - (b) any notice or sign of the clinic is displayed only at, or in the immediate vicinity of, the direct entrance to the clinic;
  - (c) the passage area is not designated for a purpose other than passage or waiting (for example, it is not designated as a changing room);

- (d) there is nothing in the passage area that blocks access to the clinic; and
  - (e) access to the other premises does not involve passing through the clinic.
- (3) Subsection (2) does not limit any conditions to which the provisional clinic licence may be subject under section 135(4).
  - (4) The licensee must ensure that access to the clinic through the passage area is granted to the Director or an authorized officer for the purposes of section 113.
  - (5) In this section—
 

***private entrance*** (私人入口) means an entrance to premises that do not consist of any common area of the building in which the premises are situated.”.

154

By adding—

“(4) Section 22(5A)(i), Chinese text—

**Repeal**

“診療所”

**Substitute**

“診所”.

(5) Section 22(5A)(ii), Chinese text—

**Repeal**

“診療所”

**Substitute**

“診所”.”.

161

In the proposed section 3(7), by deleting “specified by the Director of Health under the Private Healthcare Facilities Ordinance ( of 2017” and substituting “required under the Private Healthcare Facilities Ordinance ( of 2018”.

New

By adding before Schedule 1—

**“Schedule 1A**

## **Scheduled Universities**

1. The University of Hong Kong
2. The Chinese University of Hong Kong”.

Schedule 3      By deleting “[ss. 25, 108, 123, 125,” and substituting “[ss. 25, 108, 123, 125, 125A,”.



Private Healthcare Facilities Bill

**Committee Stage**

Amendment to be moved by the Secretary for Food and Health

Clause

Amendment Proposed

146

By deleting the clause.