

**Private Healthcare Facilities Bill
Debate and voting arrangements**

- Object of the Bill :**
- (a) to provide for the regulation of private healthcare facilities (PHFs);
 - (b) to repeal the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance and provide for the transfer of nursing homes for elderly persons to be regulated under the Residential Care Homes (Elderly Persons) Ordinance;
 - (c) to repeal the Medical Clinics Ordinance and its subsidiary legislation; and
 - (d) to provide for incidental and related matters.

First debate	: Clauses and schedules with no amendment	– Clauses 1, 4 to 11, 13 to 35, 37 to 49, 52, 54, 55, 57 to 60, 63 to 69, 71, 73 to 81, 83 to 91, 94, 95, 97 to 117, 119, 120, 121, 126 to 145, 147 to 153, 155 to 160 and 162 to 195, and Schedules 1, 2 and 4 to 9
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Voting : To vote on the above clauses and schedules standing part of the Bill

Second debate	: Clauses/schedule with amendments and new clauses and new schedule proposed by the Secretary for Food and Health (“SFH”), and clause with amendment proposed by Dr Hon Fernando CHEUNG	– Clauses 2, 3, 12, 36, 50, 51, 53, 56, 61, 62, 70, 72, 82, 92, 93, 96, 118, 122 to 125, 146, 154 and 161 and Schedule 3, new clauses 125A and 136A, and new Schedule 1A
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Joint debate on the original clauses/schedule and the amendments thereto, and the new clauses and new schedule

Debate theme : **Amendments to various matters**

SFH’s first group of amendments (which cover all clauses/schedule with amendments but exclude clause 146)

Clauses 2, 3, 12, 92 and 123

- To exclude PHFs which meet the following criteria from being regulated under the Bill:
 - (a) managed or controlled by a university specified in the new Schedule 1A (i.e The University of Hong Kong and The Chinese University of Hong Kong);
 - (b) a day procedure centre, clinic or health services establishment; and
 - (c) primarily used for teaching or research relating to medicine or dentistry.

Clauses 3, 12, 51, 70, 72, 92, 93, 96, 118, 124, 125 and 154 and Schedule 3

- To make technical, textual and consequential amendments to the above clauses/schedule.

Clause 36

- To amend clause 36(3) to the effect that in case of the death of the licensee of a day procedure centre, a clinic or a health services establishment who is an individual, the Director of Health, before the cancellation of the facility's licence, may defer the cancellation until the expiry of twelve weeks after the date of death of the licensee if it is satisfied that the relevant conditions are met.

Clauses 50, 53 and 56

- To amend clauses 50, 53(4) and (5) and 56(2) to allow each chief medical executive to take charge of at most: (a) three clinics; (b) two day procedure centres; or (c) one day procedure centre and one clinic, at the same time.

Clause 53

- To amend clause 53(5)(b) to allow that a person who is a registered medical practitioner or a registered dentist being registered for not less than eight years (instead of 10 years) in Hong Kong may be appointed under clause 50 to serve as a chief medical executive of the clinics operated at the same time by the same licensee.

Clauses 61, 62 , 122 and 161

- To amend clauses 61(1) and (2), 62(1) and (2), 122(2) and 161 to empower the Government to make regulations pertaining to two price transparency measures, namely provision of price information and budget estimates.

Clause 82

- To amend clause 82(1) to allow a next of kin of the patient to make a complaint to the Committee on Complaints against PHFs.

SFH's second group of amendment to delete clause 146 and Dr Hon Fernando CHEUNG's amendment to clause 146

Clause 146

- SFH and Dr Hon Fernando CHEUNG respectively propose the following amendment to clause 146 of the Bill on the minimum area of floor space for each resident in a nursing home:

	Proposal in the Bill	SFH's amendment	Dr Hon Fernando CHEUNG's amendment	Amendment
Minimum area of floor space for each resident in a nursing home	6.5 m ²	Deletion of clause 146 (i.e. remove the proposal from the Bill)	16 m ²	LC Paper Nos. <u>CB(3) 111/18-19 and CB(3) 119/18-19</u>

SFH's third group of amendments (to add new clauses and a new schedule to the Bill)

New clause 125A

- To specify that if a nursing home in Schedule 9 applies for a private hospital licence providing palliative hospice services and the application for the licence is made within the period to be specified as well as the certificate of registration concerned is valid at the time, the application is only required to be accompanied by a lower fee tantamount to renewal of licence for a hospital.

New clause 136A

- To specify that the requirement on separate entrance should not apply during the validity period of a provisional clinic licence, subject to certain conditions.

New Schedule 1A

- To provide that PHFs managed or controlled by a university in the above schedule will not be regulated under the Bill.

Mover	Voting	Remarks
SFH	SFH's 1 st group of amendments	Irrespective of whether SFH's 1 st group of amendments are passed or not, she <u>may move</u> her 2 nd group of amendment.
SFH	SFH's 2 nd group of amendment	If SFH's 2 nd group of amendment is <u>passed</u> , Dr Hon Fernando CHEUNG <u>may not move</u> his amendment.
Dr Hon Fernando CHEUNG	If SFH's 2nd group of amendment is negated , vote on Dr CHEUNG's amendment	Irrespective of whether Dr CHEUNG's amendment is passed or not, SFH <u>may move</u> her 3 rd group of amendments.
SFH	SFH's 3 rd group of amendments	New clauses and new schedule be read the second time and added to the Bill.

SFH's amendments

(set out in LC Paper No. CB(3) 111/18-19 issued on 7 November 2018)

Dr Hon Fernando CHEUNG's amendment

(set out in LC Paper No. CB(3) 119/18-19 issued on 9 November 2018)