

立法會
Legislative Council

LC Paper No. CB(2)876/18-19

(These minutes have been
seen by the Administration)

Ref : CB2/SS/5/18

**Subcommittee on Private Healthcare Facilities Ordinance
(Specification of Date for Section 135(1)(a)) Notice
and Private Healthcare Facilities Ordinance
(Specification of Date for Section 136(1)(a)) Notice**

**Minutes of the first meeting
held on Friday, 21 December 2018, at 2:30 pm
in Conference Room 2B of the Legislative Council Complex**

Members present : Dr Hon Pierre CHAN (Chairman)
Hon CHAN Han-pan, BBS, JP
Dr Hon KWOK Ka-ki
Hon SHIU Ka-fai

Public Officers attending : Mr FONG Ngai
Deputy Secretary for Food and Health (Health) 3
Food and Health Bureau

Mr Michael LI Chi-lung
Acting Principal Assistant Secretary for Food and Health
(Health) 4
Food and Health Bureau

Dr Sarah CHOI Mei-yee, JP
Head, Office for Regulation of Private Healthcare
Facilities
Department of Health

Dr FUNG Ying
Principal Medical and Health Officer (Private Healthcare
Facilities) 2
Department of Health

Miss Elaine NG Pui-kei
Senior Government Counsel
Department of Justice

Clerk in attendance : Ms Maisie LAM
Chief Council Secretary (2) 5

Staff in attendance : Ms Clara TAM
Assistant Legal Adviser 9

Miss Kay CHU
Senior Council Secretary (2) 5

Miss Maggie CHIU
Legislative Assistant (2) 5

Action

I. Election of Chairman

Dr Pierre CHAN was elected Chairman of the Subcommittee.

2. Members agreed that there was no need to elect a Deputy Chairman.

II. Meeting with the Administration

[File Ref.: L.N. 261 of 2018, L.N. 262 of 2018, FHB/H/53/6, LC Paper Nos. LS31/18-19 and CB(2)492/18-19(02)]

3. The Subcommittee deliberated (index of proceedings attached at **Annex**).

Follow-up action required of the Administration

- Admin 4. The Administration undertook to provide for members' reference information on the Symposium on Healthcare Facilities Management 2019 jointly organized by the Department of Health and the Hong Kong Academy of Medicine on 19 and 26 January 2019.

III. Any other business

Invitation of public views and date of next meeting

Action

5. Members agreed that the Subcommittee should receive views from the public on the Private Healthcare Facilities Ordinance (Specification of Date for Section 135(1)(a)) Notice and the Private Healthcare Facilities Ordinance (Specification of Date for Section 136(1)(a)) Notice ("the two Notices"). In line with usual practice, a general notice would be posted on the Legislative Council website and invitation letters would be issued to the 18 District Councils to invite views on the two Notices.

(Post-meeting note: With the concurrence of the Chairman, the second meeting of the Subcommittee has been scheduled for 15 January 2019 at 2:45 pm to receive views of members of the public on the two Notices and to continue its discussion with the Administration.)

Extension of scrutiny period

6. Members agreed that the Chairman would give notice to move a proposed resolution at the Council meeting of 9 January 2019 to extend the scrutiny period of the two Notices, so as to allow more time for the Subcommittee to study the two Notices. Members noted that if the proposed resolution was passed at the relevant Council meeting, the period for amending the two Notices would be extended to the Council meeting of 30 January 2019.

7. There being no other business, the meeting ended at 4:28 pm.

Council Business Division 2
Legislative Council Secretariat
25 February 2019

**Proceedings of the first meeting of
Subcommittee on Private Healthcare Facilities Ordinance
(Specification of Date for Section 135(1)(a)) Notice
and Private Healthcare Facilities Ordinance
(Specification of Date for Section 136(1)(a)) Notice
held on Friday, 21 December 2018, at 2:30 pm
in Conference Room 2B of the Legislative Council Complex**

Time marker	Speaker	Subject(s)/Discussion	Action required
<i>Agenda item I: Election of Chairman</i>			
000342 - 000511	Mr CHAN Han-pan Dr KWOK Ka-ki Mr SHIU Ka-fai Dr Pierre CHAN	Election of Chairman	
<i>Agenda item II: Meeting with the Administration</i>			
000512 - 000633	Chairman	Opening remarks	
000634 - 001130	Admin	Briefing by the Administration on (a) the Private Healthcare Facilities Ordinance (Specification of Date for Section 135(1)(a)) Notice and the Private Healthcare Facilities Ordinance (Specification of Date for Section 136(1)(a)) Notice ("the two Notices"); and (b) its paper concerning the implementation plan and timeline of the Private Healthcare Facilities Ordinance (Cap. 633) ("the Ordinance") [LC Paper No. CB(2)513/18-19(01)] which was tabled at the meeting.	
001131 - 002742	Chairman Dr KWOK Ka-ki Admin	Dr KWOK Ka-ki's view that the Administration should closely liaise with relevant stakeholders, particularly operators of day procedure centres and clinics, and medical and dental professions, by various means to help them prepare for the new regulatory regime. Suggested means included organizing briefings on a hospital cluster basis, issuing newsletters, setting up a general enquiry hotline and uploading a set of frequently asked questions and answers onto the website of the Office for Regulation of Private Healthcare Facilities ("the PHF Office") under the Department of Health ("DH"). The Administration's elaboration on measures that had been or to be taken to raise different sectors' awareness of the licensing scheme, including providing a dedicated enquiry line (number: 3107 2939), organizing briefings and meetings for relevant professional bodies and sectors (e.g. the two-day Symposium on Healthcare Facilities Management 2019 ("the Symposium") on 19 and 26 January 2019 and the upcoming meetings with the Hong Kong Private Hospitals Association and the Hong Kong Dental Association on invitation); and sending letters to relevant stakeholders to keep them posted of the development.	
002743 - 003846	Chairman Mr SHIU Ka-fai Admin	In response to Mr SHIU Ka-fai's enquiry, the Administration explained that given the nature of the provisional day procedure centre licence and provisional clinic licence, it would be appropriate to specify the date on which the Ordinance was	

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		<p>gazetted (i.e. 30 November 2018) as the specified date on which a day procedure centre and a clinic that was operating would count as an existing day procedure centre and an existing clinic for the transitional arrangements ("the specified date").</p> <p>Mr SHIU Ka-fai's suggestion that a dedicated briefing should be organized for the beauty industry to enhance their understanding of the Ordinance. In response, the Administration undertook to provide information on the Symposium for members' onward dissemination to interested parties, including the beauty industry.</p> <p>Referring to section 138 of the Ordinance which provided that subject to certain conditions, a clinic was not required to comply with the requirements of having a direct and separate entrance as set out in section 67 of the Ordinance during the validity period of its provisional licence, Mr SHIU Ka-fai enquired as to whether section 138 would still apply if the lease of the premises of the clinic concerned was renewed before the commencement of application for clinic licence. The Administration affirmed that the provision would apply as long as there was no change in the operator of the clinic.</p>	Admin
003847 - 004424	Chairman Admin	<p>The Chairman's concern about the Administration's work plan to process the applications for day procedure centre licence; and his question about whether the first batch of day procedure centre licences which might take effect in early 2021 covered only the provisional day procedure centre licences. The Administration advised that the specified period for applicants to make a day procedure centre licence application under section 135 of the Ordinance would begin in early 2020 and last for about four months. It was expected that the PHF Office would have six to eight months' time before issuing the first batch of provisional day procedure centre licences.</p>	
004425 - 005450	Chairman Dr KWOK Ka-ki Admin	<p>Dr KWOK Ka-ki's reiteration of the need to maintain close communication with operators of private healthcare facilities ("PHFs") and other relevant stakeholders to ensure that they were fully prepared before the new regulatory regime came into force in full scale.</p> <p>In reply to Dr KWOK Ka-ki's concern over the readiness of premises of the existing day procedure centres to meet the accommodation and equipment standards under the new regime, the Administration advised that:</p> <p>(a) a Project Steering Committee on Standards for Ambulatory Facilities was set up by DH and the Hong Kong Academy of Medicine in mid-2015 to, among others, draw up standards for day procedure centres. These standards would be adopted to become codes of practice for day procedure centres to be issued by the Director of Health under section 102 of the Ordinance when the new regime came into effect; and</p> <p>(b) DH had completed Phases I and II of the Survey on Private Ambulatory Facilities to collect information on PHFs providing ambulatory medical and dental services and their</p>	

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		<p>modes of operation, and to estimate the numbers and types of PHFs accordingly. DH was conducting the Phase III Survey to collect information from day procedure centres currently in operation to assess how far their operating rooms and designated rooms for medical procedures could meet the regulatory standards.</p>	
005451 - 010120	Chairman Admin	<p>The Chairman's concern over the time required by the PHF Office to process applications for a licence to be issued under section 17 of the Ordinance ("full licence") respectively made by an operator of an existing day procedure centre, an operator of a day procedure centre being set up after the specified date, i.e. 30 November 2018, and a person who intended to operate a new day procedure centre.</p> <p>The Administration's advice that the time required to process an application for a day procedure centre licence would hinge on, among others, the number of applications received.</p>	
010121 - 011539	Chairman Dr KWOK Ka-ki Admin Mr SHIU Ka-fai	<p>Dr KWOK Ka-ki's enquiry and the Administration's elaboration on the phased implementation of the licensing scheme for day procedure centres and clinics.</p> <p>In response to Dr KWOK Ka-ki's enquiry, the Administration advised that examples of documentary proof of a day procedure centre or a clinic operating on the specified date were a copy of Business Registration Certificate showing that medical services concerned were carried out on the premises by the applicant, records of procurement or maintenance of drugs and medical equipment, other licence(s) relating to the provision of medical services concerned, and records of employment or appointment of healthcare staff.</p> <p>Dr KWOK Ka-ki's views that the Administration should make public as early as possible the licence application procedure, including the types of documents that an applicant had to provide to prove that the day procedure centre or the clinic concerned was already in operation on the premises on the specified date. Separately, those licence applications not being made by a person who operated a day procedure centre or a clinic on the specified date (who could continue to operate the facility with a provisional licence) should be processed first, such that the facilities concerned could commence operation at an earlier time.</p>	
011540 - 012850	Chairman Admin	<p>The Chairman's further enquiry about the time required by the PHF Office to process an application for and issue of a provisional licence and a full licence under the new regime.</p> <p>The Administration's advice that it was difficult to estimate at this stage the time required to process an application. That said, to ensure smooth processing of licence applications upon the full implementation of the new regulatory regime (i.e. when all PHFs were required to operate with licences or letters of exemption), applicants for a day procedure centre licence should submit the application with all required documents to the PHF</p>	

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		<p>Office at least two months before commencement of the centre's operation. It was hoped that a licence would be issued within 15 working days upon verification of meeting the licensing requirements. For application for a clinic licence or letter of exemption, it should best be made at least one month before the clinic commenced operation. Subject to full compliance with all licensing or exemption requirements, as the case might be, it was hoped that a licence or letter of exemption would be issued within 10 working days. The Administration assured members that ample time would be given to facility operators to prepare for the new regime.</p> <p>The Chairman's view that there should be no difficulty for the Administration to work out a pledge in respect of the time required to process a licence application by making reference to the manpower situation of the PHF Office and the findings of DH's Survey on Private Ambulatory Facilities that the number of day procedure centres and medical and/or dental clinics in the territory was around 500 and 5 000 respectively.</p>	
012851 - 020018	Chairman Mr SHIU Ka-fai Admin Dr KWOK Ka-ki	<p>On Dr KWOK Ka-ki's concern about the establishment of the PHF Office, the Administration advised that it would seek to increase by around 100 staff in phases, from the existing establishment of about 40 staff in the PHF Office involved in licensing work, in order to support the new regulatory regime.</p> <p>Dr KWOK Ka-ki and the Chairman's strong view that the Administration should work out a pledge in respect of the time required for the PHF Office to process an application so as to facilitate persons intending to operate a day procedure centre or a clinic to have a better estimation of when the facility could commence operation, as well as the rental and staff expenditure to be incurred before the commencement of operation of the facility.</p> <p>The Administration made the following response:</p> <p>(a) prior to the issuance of a full licence, staff of the PHF Office would inspect the premises of the PHF to which the application related upon receipt of notification of compliance with the relevant licensing requirements from the applicant. Where necessary, the applicant concerned would be required to make amendment to the application, or alternation or improvement to the premises. Follow-up inspection(s) by staff of the PHF Office would be conducted upon receipt of the applicant's notification on the readiness for re-inspection after alteration or improvement. A full licence would be issued when full compliance with the licensing requirements was confirmed; and</p> <p>(b) consideration would be given to setting the target processing times for different stages of licence application, such as the target time to conduct verification inspection upon receipt of notification of compliance with the relevant licensing requirements from the applicant, in the light of the actual</p>	

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		<p>experience in processing applications for day procedure centre licence and clinic licence.</p> <p>Mr SHIU Ka-fai urged the Administration to organize sector targeted briefings to facilitate individual sectors, in particular the beauty industry, to better understand those provisions relating to their operation. Dr KWOK Ka-ki suggested that quarterly briefings should be conducted at different districts to help relevant stakeholders to prepare for the new regime. The Administration assured members that efforts would continuously be made to raise different sectors' awareness of the new licensing scheme through different channels.</p>	
015904 - 020018	Chairman Admin Dr KWOK Ka-ki	At Dr KWOK Ka-ki and the Chairman's request, the Administration agreed to brief the Panel on Health Services on a yearly basis on the progress made towards the full implementation of the new regulatory regime.	
<i>Agenda item III: Any other business</i>			
020019 - 020209	Chairman Dr KWOK Ka-ki	<p>Date of the next meeting for receiving public views on the two Notices</p> <p>Extension of the scrutiny period of the two Notices</p>	
020210 - 020235	Chairman	Closing remarks	

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