

For discussion
on 12 January 2024

Bills Committee on Advance Decision on Life-sustaining Treatment Bill

Proposed Work Plan

Introduction

This paper sets out the proposed work plan on taking forward the Advance Decision on Life-sustaining Treatment Bill (the Bill) for Members' consideration.

Proposed Arrangements

2. The Bill contains six parts (62 clauses) and two schedules. To facilitate Members' scrutiny of the Bill, we propose, for Members' consideration, the following timetable –

Subject		Relevant Part and Schedule	No. of Meetings Required (Estimated Timing)
General Discussion			1
<ul style="list-style-type: none"> • General principles and introduction on the Bill 		N/A	(12 January 2024)
Clause-by-clause examination			1
1	<u>Preliminary</u> <ul style="list-style-type: none"> • Commencement • Definition, and the meaning of words and expressions 	Part 1 (clauses 1 – 4)	(January 2024)
2	(a) <u>Advance Medical Directive (AMD)</u> <ul style="list-style-type: none"> • Making and revocation of AMD • Operation of instructions in AMD <ul style="list-style-type: none"> (i) Certain instructions of no effect in AMD 	Part 2 (clauses 5 – 21) Schedule 1	

	<ul style="list-style-type: none"> (ii) Validity and applicability of an instruction in AMD (iii) Notice of the AMD to treatment providers and no requirement to search for AMD by treatment providers (iv) Empowering Court of Final Instance to make declarations for determining matters related to AMD <ul style="list-style-type: none"> • Protection of treatment providers 		
	<p>(b) <u>Model Forms of AMD</u></p> <ul style="list-style-type: none"> • Form 1 - AMD • Form 2 - AMD (For Refusal of Cardiopulmonary Resuscitation Only) 		
Lunar New Year (10 February – 13 February 2024)			
3	<p>(a) <u>Do-Not-Attempt Cardiopulmonary Resuscitation (DNACPR) Order</u></p> <ul style="list-style-type: none"> • Making and revocation of DNACPR orders • Operation of DNACPR orders <ul style="list-style-type: none"> (i) Validity and applicability of DNACPR orders (ii) Notice of the DNACPR orders and no requirement to search for DNACPR orders by persons • Protection of certain persons in specified circumstances (i.e. treatment providers, rescuers, and console operators at the Fire Services Communications Centre) 	Part 3 (clauses 22 – 43); Schedule 2	1 (February to March 2024)
	<p>(b) <u>Prescribed Forms of DNACPR Order</u></p> <ul style="list-style-type: none"> • Form 1 – DNACPR Order (AMD-Based) • Form 2 - DNACPR Order (Not AMD-Based) (For Mentally Incapable Adult) • Form 3 - DNACPR Order (Not AMD-Based) (For Minor) • Form 4 – Continuation Sheet for DNACPR Order (For Adult) 		

	<ul style="list-style-type: none"> Form 5 – Continuation Sheet for DNACPR Order (For Minor) 		
Easter (29 March – 1 April 2024) Ching Ming Festival (4 April 2024)			
4	(a) <u>Offences</u> <ul style="list-style-type: none"> Three types of Offences and Levels of Penalties <ul style="list-style-type: none"> (i) Obstruction of following AMD (ii) Damaging copy or revocation record of AMD / DNACPR order (iii) Making false or misleading representations with intent to prevent or procure following AMD / DNACPR orders 	Part 4 (clauses 44 – 51)	1 (April 2024)
	(b) <u>Miscellaneous Provisions</u> <ul style="list-style-type: none"> Certain acts not authorized in the Bill Insurance policies not affected by AMD / DNACPR orders Transitional arrangements for certain advance decision instruments made before the commencement of the Bill Standard of proof by defendant in certain criminal proceeding Requirements of certified translation of AMD other than Chinese or English Certain powers conferred upon Secretary for Health 	Part 5 (clauses 52 – 58)	
	(c) <u>Related Amendments</u> <ul style="list-style-type: none"> Implications on other legislation and consequential amendments <ul style="list-style-type: none"> (i) Fire Services Ordinance (Cap. 95) (ii) Mental Health Ordinance (Cap. 136) (iii) Electronic Transactions Ordinance (Cap. 553) 	Part 6 (clauses 59 – 62)	
Rounding Up			
Overall review, including Committee Stage Amendments		N/A	1

(CSAs)		(June 2024)
Submission of final report of the Bills Committee to the House Committee	N/A	Q2 2024
Issue notices to resume Second Reading Debate and CSAs	N/A	Q2 2024
Resumption of Second Reading Debate and Third Reading	N/A	Q2 2024

Proposed Timetable

3. After completion of the clause-by-clause examination, the Administration would prepare Committee Stage Amendments for discussion with the Bills Committee in June 2024. If all goes well, the Bills Committee deliberation would be completed thereafter and the resumption of the second reading of the Bill could take place in the second quarter of 2024.

4. Noting that the Bill entails substantial operational aspects (e.g. making and revocation) of AMDs and DNACPR orders, we recommend commencing the Ordinance after allowing adequate time for medical institutions, relevant policy bureaux and departments and other related organisations to draw up or revise protocols, records and systems, and provide training to their staff.

Advice Sought

5. Members are invited to consider and endorse the proposed arrangements and timetable.

Health Bureau
January 2024