

**Bills Committee on Electronic Health Record Sharing System
(Amendment) Bill 2025**

**List of follow-up actions required of the Administration arising from
discussion at the meeting on 2 June 2025**

The Bills Committee requested the Administration to provide written response on the following matters regarding the Electronic Health Record Sharing System (Amendment) Bill 2025 (“the Bill”):

- (a) Regarding clause 29 of the Bill:
 - (i) examine the drafting of the Chinese text of paragraph (b) of the definition of “related person” in the proposed new section 26S(1) of the Electronic Health Record Sharing System Ordinance (Cap. 625) and consider amending it to read as “凡該接受者根據第26W(1)條授權的某人” or “根據第26W(1)條授權的某人” to enhance the clarity of the provision;
 - (ii) explain, in relation to the proposed new sections 26S(2) and 26V of Cap. 625, the considerations for defining a minor as someone under the age of 16, and examine whether this age should be changed to under 18 to align with the definition of “minor” in other ordinances (e.g. Personal Data (Privacy) Ordinance (Cap. 486)) to avoid public confusion; and provide information on the age definition of a minor for purposes of decisions regarding do-not-attempt cardiopulmonary resuscitation and advance medical directives;
 - (iii) examine the proposed new sections 26W(3) and 26X(3) of Cap. 625 (relating to the authorization of a person by a registered healthcare recipient and the revocation of such authorization), and consider adding provisions that the Commissioner for Electronic Health Records (“the Commissioner”) shall notify the person to whom an authorization has been given or revoked by a registered healthcare recipient of the authorization or the revocation of the authorization;
- (b) with reference to section 33(2) of Cap. 625 on the matters to be taken into account by the Electronic Health Record Research Board in considering applications for the use of identifiable particulars made to the Secretary for Health (“the Secretary”) under section 32 of Cap. 625, examine whether amendments are necessary to section 36 of Cap. 625 (relating to matters that the Commissioner must take into account when

considering an application for the use of non-identifiable data made to the Commissioner under Section 35 of Chapter 625) to state that the Commissioner must consider the public interest when processing such applications;

- (c) examine section 46 of Cap. 625 concerning offences relating to contravening conditions for research or statistics purpose, and consider whether an offence relating to contravention of a condition imposed by the Commissioner under section 36(2)(a) of Cap. 625 should be added, in addition to the existing offence relating to contravention of a condition imposed by the Commissioner under section 34(1)(a) of Cap. 625;
- (d) regarding clause 37 of the Bill, examine the proposed new section 37A of Cap. 625 and consider adding relevant provisions such as the Commissioner's power to impose any conditions when making an authorization;
- (e) regarding clause 40 of the Bill, examine whether the proposed new section 41A of Cap. 625 (offence relating to purporting to be or holding out as eHealth System) needs amending to clearly state that the prosecution has to prove mens rea of the defendant; and consider increasing the penalties for the offences under the proposed new sections 41A and 41B of Cap. 625 (offence relating to use of title of Electronic Health System etc. to mislead others) to reflect their seriousness;
- (f) regarding clause 42 of the Bill, examine the drafting of the English text of the proposed amended section 47(8)(b)(iv) of Cap. 625 and consider adding "that is" after "a healthcare facility" to enhance the clarity of the provision;
- (g) regarding clause 43 of the Bill, examine the drafting of the proposed new section 47B(4) of Cap. 625 to clearly specify that the 21-day period for disputing liability for the relevant offence is calculated on a calendar day basis to avoid doubt; and
- (h) prepare a list or flowchart of the existing offences under Part 5 of Cap. 625, and of the proposed new offences under Cap. 625 introduced by the Bill, along with their respective penalties and enforcement mechanisms, to facilitate the Bills Committee's scrutiny of the relevant provisions.