

Electronic Health Record Sharing System (Amendment) Bill 2025
Debate and voting arrangements

Object of the Bill : Seeks to:

- (a) amend the Electronic Health Record Sharing System Ordinance (Cap. 625) to expand the functions of the **“Electronic Health Record Sharing System” (“eHealth”)**, including:
 - (i) **renaming eHealth and expanding the purposes for which it is maintained;**
 - (ii) **revising the scopes of health data, sharable data and the consents under eHealth;**
 - (iii) **requiring specified healthcare providers (“HCPs”) to provide specified health data to eHealth;**
 - (iv) **recognizing non-Hong Kong HCPs and non-Hong Kong information infrastructures for the operation of eHealth;**
 - (v) **expanding the types of healthcare professionals that may have access to the health data of registered healthcare recipients (“HCRs”);**
 - (vi) **facilitating the use of electronic medical documents;**
 - (vii) **expanding the purposes for which data and information contained in electronic health records may be used; and**
- (b) make **consequential amendments** to other Ordinances.

Joint debate : Clauses with no amendments, and clauses with amendments, and new heading and new clauses proposed by the Secretary for Health (“S for Health”)	— Clauses 1 to 60, proposed new heading of Division 2A of Part 3, and proposed new clauses 58A and 58B
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Joint debate on the original clauses and the amendments (including the proposed new heading and new clauses)(as set out in the table in **Annex 1**).

A total of 65 amendments proposed by S for Health

The amendments seek to amend the following matters (please refer to **Annex 2** for details):

- A. Commencement date**
- B. Transitional arrangement on the consent mechanism**
- C. Enforcement arrangements in relation to the requirement for specified HCPs to provide specified health data to eHealth**
- D. Notification by the Commissioner for the Electronic Health Record on the authorization of persons and revocation of such authorization by registered HCRs**
- E. Suspension and revocation of recognition of non-Hong Kong HCPs and non-Hong Kong information infrastructures**

F. Authorization made by the Government for the use of data contained in electronic health records	
G. Elements and penalties of offences	
H. Other drafting, technical or consequential amendments	
Voting order :	<ol style="list-style-type: none"> 1. Clauses with no amendments standing part of the Bill 2. S for Health's amendments (excluding the addition of the proposed new heading and new clauses) 3. Clauses with or without amendments standing part of the Bill 4. Proposed new heading and new clauses be read the second time and added to the Bill

S for Health's amendments

(set out in LC Paper No. CB(2)1451/2025(01) issued on 16 July 2025)

Council Business Divisions
Legislative Council Secretariat
21 July 2025

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Clauses with no amendments	Clauses 2 to 9, 11 to 13, 16 to 25, 30 to 32, 34 to 36, 38, 39, 41, 42, 44 to 46, 48, 50 to 54 and 57 to 60
Clauses with amendments proposed by the Secretary for Health (“S for Health”) (excluding the proposed new heading and new clauses)	Clauses 1, 10, 14, 15, 26 to 29, 33, 37, 40, 43, 47, 49, 55 and 56
New heading and new clauses proposed by S for Health	Heading of Division 2A of Part 3, and clauses 58A and 58B

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Amendments proposed by the Secretary for Health

<i>Main objects of the amendments</i>	<i>Clause(s) involved</i>
A. Commencement date	
<ul style="list-style-type: none"> - To provide that the Bill, if passed (“the Ordinance”), would come into operation on 1 December 2025 to tie in with the implementation of the five-year development plan of the Electronic Health Record Sharing System (“eHealth”). - To consequentially amend the proposed amended section 5 of the Electronic Health Record Sharing System Ordinance (Cap. 625) and the proposed new section 26P of, and sections 1 and 2 of the proposed new Schedule 6 to, Cap. 625. 	Clauses 1, 10, 29 and 56
B. Transitional arrangement on the consent mechanism	
<ul style="list-style-type: none"> - To amend section 1 of the proposed new Schedule 6 of Cap. 625 to specify that if a registered healthcare recipient (“HCR”) has given a “joining consent” before the commencement of the Ordinance and also gives a “sharing consent” after the commencement of the Ordinance, the “joining consent” is to be treated as a “joining consent” after the commencement of the Ordinance from the date on which the “sharing consent” is given. 	Clause 56
C. Enforcement arrangements in relation to the requirement for specified healthcare providers (“HCPs”) to provide specified health data to eHealth	
<ul style="list-style-type: none"> - To amend the proposed new section 26Q(2) of Cap. 625, namely, to provide that unless the relevant HCR has given the specified HCP concerned a notice, in the form and manner specified by the Commissioner for the Electronic Health Record (“eHRC”), stating that the HCR does not consent to the provision of the specified health data to eHealth (“notice of disagreement”), the specified HCP must provide the specified health data to eHealth. - To consequentially amend the proposed new section 47A(3) of Cap. 625 by removing the defence in relation to the notice of disagreement. 	Clauses 29, 43 and 56

<i>Main objects of the amendments</i>	<i>Clause(s) involved</i>
<ul style="list-style-type: none"> - To amend the proposed new section 26R(1) of Cap. 625 to specify that the eHRC may issue an enforcement notice to a specified HCP, if the eHRC is satisfied that the specified HCP has contravened the proposed new section 26Q(2) of Cap. 625 after making such inquiry as the eHRC considers necessary; and to consequentially amend the drafting of the proposed new section 26R(2) of Cap. 625. - To amend the proposed new section 26R(4) of Cap. 625 by removing the arrangement for the eHRC to amend an enforcement notice to streamline procedures and enhance the drafting of the provision. - To amend the proposed new section 47B(2) of Cap. 625 to more clearly reflect the legislative intent. The provision is intended to provide an opportunity for a specified HCP, who fails to provide the specified health data to eHealth within the timeframe stipulated in the enforcement notice issued by the eHRC, to discharge his/her legal liability for the offence under the proposed new section 47A(1) of Cap. 625 (offence relating to enforcement notice) by paying a fixed penalty and providing the specified health data to eHealth. - To amend section 4(3) of the proposed new Schedule 4 to Cap. 625 to specify that notice of a recovery order may be served by sending it by post to the last known address of the person against whom the recovery order is made. 	
D. Notification by the eHRC on the authorization of persons and revocation of such authorization by registered HCRs	
<ul style="list-style-type: none"> - To amend the proposed new sections 26W(3) and 26X(3) of Cap. 625, by adding provisions that the eHRC shall notify the person to whom an authorization has been given or revoked by a registered HCR of the authorization or revocation of the authorization. 	Clause 29
E. Suspension and revocation of recognition of non-Hong Kong HCPs and non-Hong Kong information infrastructures	
<ul style="list-style-type: none"> - To amend the proposed new sections 26C and 26G of Cap. 625 to more clearly reflect the legislative intent, namely, if the recognition of a non-Hong Kong HCP or a non-Hong Kong information infrastructure is suspended as the eHRC reasonably suspects that the 	Clauses 14, 15, 26 to 28

<i>Main objects of the amendments</i>	<i>Clause(s) involved</i>
<p>relevant recognition may impair the security or compromise the integrity of eHealth, the eHRC is to take appropriate measures to restrict access to eHealth so that the HCP or information infrastructure concerned is prohibited from providing new data or information of a registered HCR to eHealth during the period of suspension.</p> <ul style="list-style-type: none"> - To consequentially amend sections 10 and 24 of Cap. 625 (provisions concerning the suspension of registration of HCRs and HCPs). - To amend the proposed new sections 26D and 26H of Cap. 625 to more clearly reflect the legislative intent, namely, if the eHRC activates the procedures for revoking the recognition of a non-Hong Kong HCP or a non-Hong Kong information infrastructure, the eHRC is to take appropriate measures to restrict access to eHealth so that no new data or information of a registered HCR may be provided by the HCP or information infrastructure to eHealth, and the electronic health record of a registered HCR is not to be made available to the HCP or information infrastructure through eHealth, during the period after the notice of revocation is given and before the date on which the revocation takes effect. - To consequentially amend sections 11 and 25 of Cap. 625 (provisions concerning the cancellation of registration of HCRs and HCPs). 	
F. Authorization made by the Government for the use of data contained in electronic health records	
<ul style="list-style-type: none"> - To amend the proposed new section 37A of Cap. 625 to specify that the eHRC may impose conditions that the eHRC considers appropriate for an authorization made for the purposes of the proposed new section 30B (use of identifiable data for Government-authorized health care programmes), and the proposed new section 30C (use of non-identifiable data for formulation of public policies), of Cap. 625. - To consequentially amend the proposed new sections 30B and 30C of Cap. 625. 	Clauses 33 and 37

<i>Main objects of the amendments</i>	<i>Clause(s) involved</i>
G. Elements and penalties of offences	
<ul style="list-style-type: none"> - To amend the proposed new section 41A(1) of Cap. 625 (offence relating to purporting to be or holding out as eHealth) to clearly set out the mental element of the offence. - To amend the penalty level for the offences under the proposed new sections 41A and 41B (offence relating to use of title of Electronic Health System etc. to mislead others) of Cap. 625 from a fine at level 3 (HK\$10,000) to a fine at level 6 (HK\$100,000). 	Clause 40
H. Other drafting, technical or consequential amendments	
<ul style="list-style-type: none"> - To make drafting, technical or consequential amendments to various clauses. 	Clauses 28, 29, 43, 47, 49, 55, 56, proposed new heading of Division 2A of Part 3, and proposed new clauses 58A and 58B