

**Subcommittee on  
Resolution of the Board of Directors of the Po Leung Kuk  
Follow-up to the 1<sup>st</sup> Meeting on 19 March 2014**

**Introduction**

At the meeting of the Subcommittee on Resolution of the Board of Directors of the Po Leung Kuk on 19 March 2014, Members discussed the Resolution of the Board of Directors of the Po Leung Kuk (the PLK Resolution) to expand its scope of services to medical and health services. In response to the views of Members, the Administration submits supplementary information and proposed amendments to the PLK Resolution as follows :

**The Government's Regulatory Regime**

2. Regarding the medical and health services that Po Leung Kuk (PLK) is providing or may provide in the future, same as other service providers and depending on the kinds of medical and health services provided, PLK must comply with all applicable statutory requirements, as well as the relevant land lease conditions.

***(1) Regulation of Medical and Health Services***

Services of nursing homes and integrated health centres

3. In accordance with the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap. 165), the Department of Health (DH) registers nursing homes subject to the conditions relating to accommodation, staffing and equipment. The Code of Practice for Private Hospitals, Nursing Homes and Maternity Homes issued by DH also sets out the requirements on accommodation, staffing, equipment and services for nursing homes to meet. Also, under the Medical Clinics Ordinance (Cap. 343), DH registers medical clinics subject to the conditions relating to accommodation, staffing and equipment, and has issued the Code of Practice for Clinics Registered under the Medical Clinics Ordinance which sets out the standards of good practice and requirements on accommodation, staffing, equipment and services that the medical clinics have to comply with.

4. At present, PLK has nine nursing homes registered under the

Hospitals, Nursing Homes and Maternity Homes Registration Ordinance and one medical clinic (i.e. integrated health centre) registered under the Medical Clinics Ordinance. DH will monitor their compliance with the relevant ordinances and codes of practice through inspections, review of annual registration reports and investigation of complaints or serious medical incidents. Moreover, if there is a change of scope or scale of services of the nursing homes or the medical clinic, the license holder must seek approval from DH, which will assess whether the standards of staffing, accommodation, equipment and supporting facilities are suitable for the proposed services. Approval by DH is required before the commencement of operation of such services.

#### Chinese medicine services

5. Organizations and persons providing Chinese medicine services must comply with the requirements of the relevant legislation and guidelines, including the Chinese Medicine Ordinance (Cap. 549), Code of Professional Conduct for Registered Chinese Medicine Practitioners in Hong Kong, Code of Conduct for Listed Chinese Medicine Practitioners, etc. Regarding PLK's proposal to expand the Chinese medicine services under its social service units, these services must comply with the requirements of the aforementioned legislation and guidelines.

#### Dental services

6. In addition to registration of dentists and regulation of the dental profession according to the Dentists Registration Ordinance (Cap. 156), the Government regulates body corporates carrying out the dentistry business, in accordance with relevant clauses on dental companies as set out in Section 12 of the Ordinance.

#### Primary care services

7. In recent years, the Government has been encouraging local non-governmental organizations (NGOs) to take part in projects providing primary care services at the community level. The services provided by these NGOs must comply with the requirements of the relevant legislation and the service standards and professional requirements of DH or the Hospital Authority. An example is the Elderly Health Assessment Pilot Programme (the Programme). According to the service requirements of the Programme, PLK has to provide protocol-based health assessment and follow-up services to 500 elderly over a two-year pilot period, having regard to the "Hong Kong

Reference Framework for Preventive Care for Older Adults in Primary Care Settings”. DH will continue to monitor the participating NGOs (including PLK) and assess their service compliance to the requirements of the Programme.

## ***(2) Regulation of Healthcare Professionals***

8. Currently, there are 13 healthcare disciplines that are subject to statutory regulation, including dentists and dental hygienists. They are required to register with the relevant boards/councils before they can practise in Hong Kong. When providing medical and health services to the community, PLK should ensure that the healthcare professionals it employs are with appropriate skills and qualifications. For those healthcare professions which are subject to registration mechanisms in Hong Kong, including medical practitioners, Chinese medicine practitioners, dentists, pharmacists, nurses, midwives, chiropractors, dental hygienists and supplementary medical professions (i.e. medical laboratory technologists, occupational therapists, optometrists, radiographers and physiotherapists), PLK is required to employ healthcare professionals that are registered with the relevant statutory boards/councils. The registration and conduct of these healthcare professionals are subject to the regulation of the relevant legislation and boards/councils.

## **Drafting Matters**

### ***(1) Inclusion of Provisions on Fee Charging***

9. At the meeting on 19 March 2014, some Members considered that for the sake of clarity, PLK’s fee charging policy on the provision of medical and health services (i.e. free of charge or at low charges) should be expressly provided in the Schedule to the Po Leung Kuk Ordinance (Cap. 1040) (PLK Ordinance). Hence, we propose to amend the PLK Resolution to stipulate in its objects that PLK shall provide all kinds of medical and health services, free of charge or at low charges, for the Hong Kong community. It is also proposed to add a corresponding fee charging provision for the services provided in the carrying out of the objects of PLK. (Please refer to paragraphs 1(2) and 1(3) of the Schedule at Annex.)

***(2) Definition of Medical and Health Care Institutions***

10. In the light of Members' enquiry and to enhance clarity, we propose to introduce a technical amendment to set out under the objects of PLK (i.e. paragraph 1(da) of the Schedule to the PLK Ordinance) that PLK shall establish, maintain and manage hospitals, clinics, dispensaries, health centres and other medical and health care institutions in Hong Kong. (Please refer to paragraph 1(1) of the Schedule at Annex.)

***(3) Provisions on Board to Manage Corporation and Power to Make Regulations***

11. Some Members suggested providing expressly in paragraphs 16 and 27 of the Schedule to the PLK Ordinance the types of organisations and institutions that the Board may maintain, manage, operate, regulate or supervise and make regulations for. We propose to introduce technical amendments to set out in detail that these institutions include accommodations, homes, nurseries, schools and other educational institutions, charitable organizations, hospitals, clinics, dispensaries, health centres and other medical and health care institutions under the control of PLK as set out in its objects. (Please refer to paragraphs 1(4) and 1(5) of the Schedule at Annex.)

***(4) Reasons for Specifying Dental Services in Paragraph 1(fa) of the Schedule to the Po Leung Kuk Ordinance***

12. According to the Medical Clinics Ordinance, "medical treatment" means medical treatment of any description but excludes the treatment given by a dentist registered, deemed to be registered or exempt from registration under the Dentists Registration Ordinance. Furthermore, section 59ZA of the Mental Health Ordinance (Cap. 136) has separate definitions for "dental treatment" and "medical treatment". In view that "medical treatment" does not necessarily cover "dental treatment" in some existing legislation relating to medical treatment and dental treatment, stipulating in the PLK Ordinance that "medical and health services" include "dental services" would enhance clarity of the provision and avoid any future dispute. The legal advice is that the express provision that "medical and health services" include "dental services" would not undermine the scope of the term "medical and health services".

## **Resolution to Amend the PLK Resolution**

13. The draft Resolution of the Legislative Council to amend the PLK Resolution is at **Annex** for Members' reference.

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## **Interpretation and General Clauses Ordinance**

### **Resolution of the Legislative Council**

#### **Resolution of the Board of Directors of the Po Leung Kuk**

Resolution made and passed by the Legislative Council under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) on 2014.

**Resolved** that the Resolution of the Board of Directors of the Po Leung Kuk, published in the Gazette as Legal Notice No. 24 of 2014 and laid on the table of the Legislative Council on 26 February 2014, be amended as set out in the Schedule.

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## Schedule

### Amendments to Resolution of the Board of Directors of the Po Leung Kuk

#### 1. Schedule amended (Amendments to Po Leung Kuk Ordinance)

- (1) The Schedule, paragraph 1(1), before “medical”—  
**Add**  
“hospitals, clinics, dispensaries, health centres and other”.
- (2) The Schedule, paragraph 1(2), before “for”—  
**Add**  
“, free of charge or at low charges,”.
- (3) The Schedule, after paragraph 1(2)—  
**Add**  
“(2A) The Schedule, after paragraph 2(h)—  
**Add**  
“(ha) to charge fees, as the corporation thinks fit, for the services provided in the carrying out of any of the objects of the corporation;”.’”.
- (4) The Schedule, paragraph 1(3)—  
**Repeal**  
“institutions of any of the kinds”  
**Substitute**  
“accommodations, homes, nurseries, schools and other educational institutions, charitable organizations, hospitals, clinics, dispensaries, health centres and other medical and health care institutions”.

(5) The Schedule, paragraph 1(4)—

**Repeal**

“institutions of any of the kinds”

**Substitute**

“of the accommodations, homes, nurseries, schools and other educational institutions, charitable organizations, hospitals, clinics, dispensaries, health centres, and other medical and health care institutions”.

Clerk to the Legislative Council

2014