



1 March 2015

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Healthcare Planning and Development Office  
Food & Health Bureau  
19/F, East Wing, Central Government Offices  
2 Tim Mei Avenue, Tamar, Hong Kong

Dear Sir,

**Consultation on  
Regulation of Private Healthcare Facilities**

At the highest level of medical qualification in Hong Kong, specialists in the 15 Colleges of the Hong Kong Academy of Medicine are bound by the Latin phrase “Opus medicinae salus”, which features in the Academy’s logo. This motto, meaning “The physician leads the way to good health”, serves as a reminder to put medical expertise authority to wise use, so as to facilitate the return of health to patients and to promote health among the whole community. Our mission should be of restoring, maintaining, and promoting health, or salutogenesis.

The Hong Kong Academy of Medicine, being a statutory body in Hong Kong to train and accredit medical and dental specialists, is committed to upkeep the standard of practice of medical and dental professionals to ensure patient safety for the community. We welcome the government’s initiative for the review, and fully agreed that there is a need to introduce a robust and comprehensive regulatory regime for private healthcare facilities to improve the current situation.

The Academy is of the view that patient safety for potentially “high-risk procedures” is best safeguarded by having the procedure carried out:

- a) in an accredited surgery facility (be they public or private); and
- b) by persons properly trained and qualified. Doctors and professionals performing potentially “high-risk procedures” should have undergone the necessary training and assessment to standards recognized by an appropriate authority.

As to the consultation document, the Academy and its Colleges (the College of Community Medicine has submitted their view separately to the Secretary for Food and Health separately) support in principle the proposed scope of regulation; the 19 regulatory aspects and their applicability in the 5 regulatory areas. We however would like to highlight a few points.

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### **On the Scope of Regulation**

Besides “Hospital”, “Facilities providing high-risk medical procedures in ambulatory setting”, and “Facilities providing medical services under the management of incorporated bodies”, the government may need to consider including “Private medical laboratories”. Currently in Hong Kong, only medical laboratories inside private hospitals are subject to regulation. There is no registration / regulation of non-hospital-based private medical laboratories. We do not even have a list of "registered" medical laboratories in Hong Kong to ensure the standard of performance/quality. This is unacceptable when compared with countries practising modern medicine.

### **On the Proposed Regulatory Framework**

#### *Standard of Facilities and Clinical Quality*

- While the regulatory requirements and guidelines to be set should be practical, patient safety must always be the most important element to consider. It is also vital to keep a balance between professional regulation and legal requirements while maintaining public trust.
- Overseas guidelines can be taken as references but they need to be adapted to suit local situations.
- Details should be worked out by experts in the specialty areas (the Academy and its Colleges will be happy to offer assistance).
- We understand the balance between cost effectiveness in credentialing of visiting doctors, clinical audit, and sentinel events management. On the other hand, regulation should be considered, depending on the scale of operation, for non-hospital Private Healthcare Facilities.
- The information generated by the mechanisms of clinical audit and sentinel events management should be considered as **legal privilege**. This is essential to encourage accurate reporting and more vigorous quality assurance. These reports should not be presented in malpractice lawsuits.
- Requirements and guidelines must be reviewed regularly and modified following new technological developments (besides high-risk procedures, novel procedures that are invasive in nature should also be evaluated). It must be a dynamic process, to be guided by an effective evaluation system, with close involvement of both the public and private sectors.

*Price Transparency*

- While we agree transparency of price is an important issue, we understand that fees could sometimes be unpredictable in case of emergency and complicated procedures.

*Powers of the Regulatory Authority*

- The Regulatory Authority should avoid micro-managing the private hospitals.

The Academy is in the process of establishing a credentialing system, which will be a step towards enabling only those properly trained and possessing the relevant knowledge/experience to perform high-risk tasks and procedures in appropriate settings. The Academy will continue working with its Colleges in advising the HKSAR government the necessary steps to be implemented for the protection of patient safety, as well as send representatives to relevant government advisory committees and working groups.

With best regards,

Yours sincerely,

Dr Donald Li  
President

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