

Chapter:	113	HOSPITAL AUTHORITY ORDINANCE	Gazette Number	Version Date
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		Long title		30/06/1997
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An Ordinance to establish a body corporate to manage and control public hospitals for provision therein of hospital services, and to provide for matters incidental thereto or connected therewith.

(Enacted 1990)

[The Ordinance other than items 1 to 9 and 11 to 15 of Schedule 4	}		<i>L.N. 364 of 1990</i>
		1 December 1990	
Items 1 to 9 and 11 to 15 of Schedule 4	}		<i>L.N. 429 of 1991]</i>
		1 December 1991	

(Originally 68 of 1990)

Part:	I	PRELIMINARY		30/06/1997
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Section:	1	Short title		30/06/1997
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- (1) This Ordinance may be cited as the Hospital Authority Ordinance.
- (2) (Omitted as spent)

(Enacted 1990)

Section:	2	Interpretation	60 of 2000	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 60 of 2000 s. 3

- (1) In this Ordinance, unless the context otherwise requires-
 - "Authority" (醫管局) means the Hospital Authority established under section 3(1);
 - "Chairman" (主席) means the Chairman of the Authority appointed under section 3(3)(a);
 - "committee" (委員會) means a committee established under section 13;
 - "fee" includes a charge;
 - "function" (職能) includes a duty;
 - "Hospital Governing Committee" (醫院管治委員會) means a Hospital Governing Committee established under section 13(2)(b);
 - "hospital services" (醫院服務) means services provided in, or in connection with, public hospitals, and includes services specified in a notice under subsection (2) to be hospital services;
 - "prescribed hospital" (訂明醫院) means a hospital specified in Schedule 1 or 2, and includes any ancillary premises, structures and grounds, and any common parts of hospital premises adjoining any other premises;
 - "principal officer" (主要行政人員) means a person employed by the Authority to be a principal officer of the Authority;
 - "public hospital" (公營醫院) means a prescribed hospital the management and control of which have been vested in the Authority under an agreement referred to in section 5(a);
 - "public officer" (公務員) means a person employed in the Civil Service of the Government;
 - "Regional Advisory Committee" (區域諮詢委員會) means a Regional Advisory Committee established under section 13(2)(a);
 - "staff" (職員), in relation to the Authority, includes employees referred to in section 5(a) the management and control of whom have been vested in the Authority under an agreement referred to in that section.

- (2) The Chief Executive may, by notice in the Gazette, specify such services- (Amended 60 of 2000 s. 3)
- (a) as he thinks fit; and
 - (b) as are specified in that notice,
- to be hospital services.

(Enacted 1990)

Part:	II	ESTABLISHMENT, FUNCTIONS AND POWERS OF THE HOSPITAL+ AUTHORITY	60 of 2000	01/07/1997
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Section:	3	Establishment of the Authority	60 of 2000	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 60 of 2000 s. 3

- (1) There is hereby established a body corporate to be called the Hospital Authority.
- (2) The Authority shall have perpetual succession and a common seal and shall be capable of suing and being sued.
- (3) The Chief Executive shall appoint as members of the Authority- (Amended 60 of 2000 s. 3)
 - (a) a Chairman, not being a public officer;
 - (b) not more than 3 public officers;
 - (c) not more than 4 principal officers; and
 - (d) not more than 23 other members, not being public officers.
- (4) The members of the Authority shall form its governing body with authority, in the name of the Authority, to perform the functions and exercise the powers of the Authority.
- (5) The relevant provisions of Schedule 3 shall have effect with respect to the Authority and its members.
- (6) The Authority shall not be regarded as a servant or agent of the Government or as enjoying any status, immunity or privilege of the Government.
- (7) Part VII of the Interpretation and General Clauses Ordinance (Cap 1) shall apply to the Authority and appointments to the Authority except in so far as it is inconsistent with the provisions of this Ordinance.
- (8) Every appointment under subsection (3) shall be notified in the Gazette.

(Enacted 1990)

Section:	4	Functions of the Authority	L.N. 130 of 2007	01/07/2007
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Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

The Authority shall-

- (a) in accordance with the provisions of this Ordinance and the relevant agreements referred to in section 5(a) entered into, manage and control public hospitals;
- (b) advise the Government of the needs of the public for hospital services and of the resources required to meet those needs;
- (c) manage and develop the public hospitals system in ways which are conducive to achieving the following objectives-
 - (i) to use hospital beds, staff, equipment and other resources efficiently to provide hospital services of the highest possible standard within the resources obtainable;
 - (ii) to improve the efficiency of hospital services by developing appropriate management structures, systems and performance measures;
 - (iii) to improve the environment in public hospitals to meet the needs of patients;
 - (iv) to attract, motivate and retain qualified staff;
 - (v) to encourage public participation in the operation of the public hospitals system; and
 - (vi) to ensure accountability to the public for the management and control of the public hospitals system;

- (d) recommend to the Secretary for Food and Health, for the purposes of section 18, appropriate policies on fees for the use of hospital services by the public, having regard to the principle that no person should be prevented, through lack of means, from obtaining adequate medical treatment; (Amended L.N. 106 of 2002; L.N. 130 of 2007)
- (e) establish, and assist others to establish, public hospitals;
- (f) promote, assist and take part in-
 - (i) the education and training of persons involved or to be involved in hospital services or other services relevant to the health of the public; and
 - (ii) research relating to hospital services;
- (g) perform such other functions as are imposed on it under this Ordinance or any other enactment; and
- (h) apply its resources towards the performance of its functions specified or referred to in this section, in particular the promotion, development and maintenance of hospital services.

(Enacted 1990)

Section:	5	Powers of the Authority	L.N. 130 of 2007	01/07/2007
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Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

The Authority may do all such things as are necessary for, or incidental or conducive to, the better performance of its functions and in particular but without prejudice to the generality of the foregoing, may-

- (a) for the provision of hospital services, enter into and carry out, any agreement with the Government or any other person for the management and control by the Authority of-
 - (i) any property held, or managed and controlled, by the Government or the person;
 - (ii) any employee of the Government or the person; or
 - (iii) the Hospital Services Department of the Government;
- (b) acquire and hold property of any description if in the opinion of the Authority such property is necessary for-
 - (i) the accommodation of the Authority or of any committee; or
 - (ii) the performance of any function which the Authority may perform, and, subject to the terms and conditions upon which such property is held, dispose of it;
- (c) enter into, carry out, assign or accept the assignment of, vary or rescind, any contract, agreement or other obligation;
- (d) provide in public hospitals, whether by itself or by other persons under agreements entered into with them, facilities for the purchase and consumption of food and drink, and such other amenities and facilities as the Authority is of the opinion are necessary or expedient to provide for the benefit of patients in, the staff of, or visitors to, public hospitals;
- (e) establish and maintain such hospital services as the Authority considers necessary or desirable for the purposes of this Ordinance;
- (f) erect, provide, equip, maintain, alter, remove, demolish, replace and improve the buildings, premises, furniture and equipment used by the Authority for the provision of hospital services subject to the terms and conditions upon which any such property is managed and controlled pursuant to an agreement referred to in paragraph (a);
- (g) subject to section 18, charge fees for the provision of hospital services;
- (h) employ such persons as it thinks fit to carry out hospital services or any other matter relating to the performance of its functions or the exercise of its powers;
- (i) engage the services of such technical and professional advisers as it thinks fit to advise the Authority on any matter relating to the performance of its functions or the exercise of its powers;
- (j) undertake and execute any lawful trust which has as an object the furtherance of any function which the Authority is required or is permitted by this Ordinance to perform or any other similar object;
- (k) accept and solicit gifts and donations, whether subject to any trust or not;
- (l) with the approval of the Secretary for Food and Health, make grants, upon such conditions, if any, as the Authority determines, of financial assistance out of the resources of the Authority to charitable and other organizations, and to other persons, involved in services relevant to the health of the public;

(Amended L.N. 106 of 2002; L.N. 130 of 2007)

- (m) establish and maintain a system for providing a proper consideration of complaints from users of hospital services, or of members of the public, in relation to hospital services;
- (n) with the approval of the Secretary for Food and Health, establish (including own and acquire) any body corporate for the purpose of doing any thing which the Authority may do and may vest in any body corporate so established such functions and powers as in the opinion of the Authority are calculated to facilitate the provision of hospital services by the Authority; (Amended L.N. 106 of 2002; L.N. 130 of 2007)
- (o) exercise such other powers as are conferred on it under this Ordinance or any other enactment; and
- (p) perform any of its functions or exercise any of its powers either alone or in association with any person involved in hospital services.

(Enacted 1990)

Section:	6	Delegations	60 of 2000	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 60 of 2000 s. 3

(1) Subject to subsection (2), the Authority may, with or without restrictions as it thinks fit, delegate in writing any of its functions or powers to-

- (a) any member of the Authority;
- (b) any committee;
- (c) any employee of the Authority;
- (d) any public officer who is working in a public hospital;
- (e) any employee referred to in section 5(a) the management and control of whom have been vested in the Authority under an agreement referred to in that section; or
- (f) any other person, or class of persons, specified by the Chief Executive, by notice in the Gazette, for the purposes of this section. (Amended 60 of 2000 s. 3)

(2) The Authority shall not delegate any of its functions or powers under-

- (a) Part III (except that its power under section 8(1) may be delegated to a Hospital Governing Committee subject to the restriction that it shall only be exercised in relation to the public hospital for which it is established);
- (b) this section or section 13, 18 or 21; or
- (c) such provisions of Schedule 3 which are specified in that Schedule as functions or powers which the Authority shall not delegate.

(3) Subject to the terms of the relevant delegation of the Authority or to any directions of the Authority, a delegate of the Authority-

- (a) shall perform the delegated functions and may exercise the delegated powers as if it were the Authority itself; and
- (b) shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

(Enacted 1990)

Part:	III	FINANCIAL PROVISIONS	L.N. 106 of 2002	01/07/2002
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Section:	7	Resources of the Authority, etc.	L.N. 106 of 2002	01/07/2002
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(1) The resources of the Authority shall consist of-

- (a) all money-
 - (i) paid by the Government to the Authority and appropriated for that purpose by the Legislative Council; and
 - (ii) otherwise provided to the Authority by the Government; and
- (b) all other money and property, including gifts, donations, fees, rent, interest and accumulations of income received by the Authority.

(2) The Secretary for Financial Services and the Treasury may give directions in writing of a general or specific character to the Authority in relation to the amount of money which may be expended by the Authority in any financial year and the Authority shall comply with those directions. (Amended L.N. 106 of 2002)

(Enacted 1990)

Section:	8	Borrowing powers	L.N. 130 of 2007	01/07/2007
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Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

(1) Subject to subsection (2), the Authority may borrow by way of overdraft such money as it may require for meeting its obligations or performing its functions under this Ordinance.

(2) The Secretary for Food and Health may give directions in writing of a general or specific character to the Authority in relation to the amount of money which may be borrowed under subsection (1) and the Authority shall comply with those directions. (Amended L.N. 106 of 2002; L.N. 130 of 2007)

(3) The Authority may with the approval of the Secretary for Food and Health borrow, otherwise than by way of overdraft, such money as it may require for meeting its obligations or performing its functions under this Ordinance. (Amended L.N. 106 of 2002; L.N. 130 of 2007)

(4) A person lending money to the Authority shall not be concerned to inquire whether the borrowing of the money is legal or regular or whether the money raised has been properly applied and shall not be prejudiced by any illegality or irregularity or by misapplication or non-application of the money.

(Enacted 1990)

Section:	9	Investment of surplus funds	L.N. 130 of 2007	01/07/2007
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Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

(1) Subject to subsection (2), the Authority may invest money that is not immediately required.

(2) The Authority shall not invest money pursuant to subsection (1) except in such forms of investment as the Secretary for Food and Health approves. (Amended L.N. 106 of 2002; L.N. 130 of 2007)

(Enacted 1990)

Section:	10	Accounts, audit and annual report of the Authority	L.N. 130 of 2007	01/07/2007
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Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

(1) The Authority shall keep or cause to be kept proper accounts and proper records in relation to the accounts in respect of-

- (a) the Authority; and
- (b) the public hospitals.

(2) The Authority shall, as soon as practicable after the expiry of a financial year, prepare a consolidated statement of the accounts of-

- (a) the Authority; and
- (b) the public hospitals,

which statement shall include an income and expenditure account and a balance sheet.

(3) The Authority shall appoint an auditor who shall, as soon as practicable, audit the accounts required under subsection (1) and the statement of accounts required under subsection (2) and shall submit a report on the statement to the Authority.

(4) The Authority shall, as soon as practicable and in any case not later than 9 months after the expiry of a financial year (or such further period as the Secretary for Food and Health allows), furnish- (Amended L.N. 106 of

2002; L.N. 130 of 2007)

- (a) a report on the activities of the Authority for that year;
- (b) a copy of the statement of accounts required under subsection (2) for that year; and
- (c) the auditor's report on the statement,

to the Secretary for Food and Health who shall cause the same to be tabled in the Legislative Council. (Amended L.N. 106 of 2002; L.N. 130 of 2007)

(Enacted 1990)

Section:	11	Director of Audit's examination	30/06/1997
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(1) The Director of Audit may, in respect of any financial year, conduct an examination into the economy and efficiency with which the Authority has expended its resources in performing its functions and exercising its powers.

(2) Subject to subsection (3), the Director of Audit shall have a right of access at all reasonable times to all such documents as he may reasonably require for conducting an examination under this section and shall be entitled to require from any person holding or being accountable for any such document such information and explanation as he considers reasonably necessary for that purpose.

(3) Subsection (2) applies only to documents in the custody and control of the Authority.

(4) The Director of Audit may report to the President of the Legislative Council the results of an examination conducted by him under this section.

(5) Without prejudice to the power of the Director of Audit to conduct an examination under this section, this section applies to any sum of money paid by the Authority in the exercise of its power under section 5(1).

(Enacted 1990)

Section:	12	Exemption from taxation	30/06/1997
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The Authority shall be exempt from taxation under the Inland Revenue Ordinance (Cap 112).

(Enacted 1990)

Part:	IV	COMMITTEES	30/06/1997
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Section:	13	Establishment of committees	30/06/1997
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(1) The Authority may establish such committees for the better performance of its functions and exercise of its powers as it thinks fit.

(2) Without prejudice to the generality of the Authority's power to establish committees under subsection (1), the Authority may-

- (a) for a particular region of Hong Kong, establish a committee, to be called a Regional Advisory Committee, to provide the Authority with advice-
 - (i) on the needs of that region for hospital services; and
 - (ii) to assist the Authority in the better performance of its functions and exercise of its powers in relation to that region; or
- (b) for a particular public hospital, establish a committee, to be called a Hospital Governing Committee, to govern the public hospital in accordance with the provisions of this Ordinance and any directions of the Authority.

(3) The relevant provisions of Schedule 3 shall have effect with respect to a committee and its members.

(4) Subject to the relevant provisions of Schedule 3, the Authority-

- (a) may appoint members of the Authority, and persons who are not such members, to be members of a committee; and
- (b) shall appoint the chairman of a committee and determine the number of members of a committee.

(5) Part VII of the Interpretation and General Clauses Ordinance (Cap 1) shall apply to a committee and appointments to the committee except in so far as it is inconsistent with the provisions of this Ordinance.

(Enacted 1990)

Section:	14	Functions and powers of committees		30/06/1997
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A committee-

- (a) shall perform such functions and may exercise such powers as are-
 - (i) imposed or conferred on it under this Ordinance; or
 - (ii) delegated to it by the Authority under section 6; and
- (b) may, subject to the relevant provisions of Schedule 3 and to any directions of the Authority, regulate its own procedure.

(Enacted 1990)

Part:	V	MISCELLANEOUS	60 of 2000	01/07/1997
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Section:	15	Chief Executive may give directions	60 of 2000	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 60 of 2000 s. 3

The Chief Executive may, if he considers the public interest so requires, give directions in writing of a general or specific character to the Authority in relation to the performance of its functions or the exercise of its powers and the Authority shall comply with those directions.

(Enacted 1990. Amended 60 of 2000 s. 3)

Section:	16	Secretary for Food and Health to consult with the Secretary for Financial Services and the Treasury before exercising certain powers*	L.N. 130 of 2007	01/07/2007
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Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

The Secretary for Food and Health shall, before exercising any of his powers under section 5(1), 8(2) or (3) or 9(2), consult with the Secretary for Financial Services and the Treasury.

(Enacted 1990. Amended L.N. 106 of 2002; L.N. 130 of 2007)

Note:

* (Amended L.N. 130 of 2007)

Section:	17	Secretary for Food and Health may obtain information*	L.N. 130 of 2007	01/07/2007
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Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

The Authority shall upon request by the Secretary for Food and Health afford to him sufficient facilities for obtaining information with respect to the property, liabilities and activities of the Authority and shall furnish him with returns, accounts and other information and afford to him facilities for the verification of information furnished in the manner and at the times that the Secretary for Food and Health requires.

(Enacted 1990. Amended L.N. 106 of 2002; L.N. 130 of 2007)

Note:

* (Amended L.N. 130 of 2007)

Section:	18	Fees for hospital services	L.N. 130 of 2007	01/07/2007
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Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

(1) A Hospital Governing Committee may, subject to any directions given to it under subsection (5), determine the fees payable for hospital services provided by the public hospital for which it is established.

(2) At any time when there is no Hospital Governing Committee established for a public hospital, the Authority may, subject to any directions given to it under subsection (6), determine the fees payable for hospital services provided by the public hospital.

(3) A Hospital Governing Committee in a determination under subsection (1), and the Authority in a determination under subsection (2), may, subject to any directions given to it under subsection (5) or (6), as the case may be, specify, either generally or specifically, the circumstances in which, and by whom, a fee for a hospital service provided by the public hospital to which the determination relates may be reduced, waived or refunded, in whole or in part.

(4) Where a Hospital Governing Committee has made a determination under subsection (1), or the Authority has made a determination under subsection (2), it shall, as soon as practicable, and subject to any directions given to it under subsection (5) or (6), as the case may be, cause the determination made by it to be published in the Gazette.

(5) The Authority may, subject to any directions given to it under subsection (6), give directions in writing of a general or specific character to a Hospital Governing Committee in relation to the exercise of its power under subsection (1) or (3), or the performance of its duty under subsection (4), and the Hospital Governing Committee shall comply with those directions.

(6) The Secretary for Food and Health may give directions in writing of a general or specific character to the Authority in relation to the exercise of its power under subsection (2), (3) or (5), or the performance of its duty under subsection (4), and the Authority shall comply with those directions. (Amended L.N. 106 of 2002; L.N. 130 of 2007)

(Enacted 1990)

Section:	19	Governing body of prescribed hospital specified in Schedule 2 may enter into agreement referred to in section 5(a), etc.	60 of 2000	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 60 of 2000 s. 3

(1) The governing body, by whatever name called, of a prescribed hospital specified in Schedule 2 may, notwithstanding the provisions of any specified document applicable to the governing body or prescribed hospital, enter into, and carry out, an agreement referred to in section 5(a) to such extent, and subject to such terms and conditions, as are agreed between the governing body and the Authority.

(2) Where the governing body, by whatever name called, of a prescribed hospital specified in Schedule 2 enters into an agreement referred to in section 5(a)-

(a) the provisions of any specified document applicable to the governing body or the prescribed hospital shall not apply to-

(i) the governing body;

(ii) the prescribed hospital;

(iii) the Authority; or

(iv) any other person specified by the Chief Executive, by notice in the Gazette, for the purposes of this section, (Amended 60 of 2000 s. 3)

to the extent that the provisions of any such specified document are inconsistent with the provisions of that agreement or this Ordinance; and

(b) the governing body may, at the same time as it enters into that agreement, or subsequently, and notwithstanding the provisions of any specified document applicable to the governing body or prescribed hospital, assign to the Authority, with the acceptance of the Authority, any contract, agreement or other obligation entered into by the governing body in relation to the prescribed hospital.

(3) In this section, "specified document" (指明文件) means-

(a) any enactment other than this Ordinance;

- (b) any articles, or memorandum, within the meaning of the Companies Ordinance (Cap 32); or
- (c) any constitution or rules.

(Enacted 1990)

Section:	20	Amendment of Schedules 1, 2 and 3	60 of 2000	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 60 of 2000 s. 3

The Chief Executive may by order amend Schedule 1, 2 or 3 but any order to amend Schedule 3 shall be subject to the approval of the Legislative Council.

(Enacted 1990. Amended 60 of 2000 s. 3)

Section:	21	Bylaws	L.N. 362 of 1997	01/07/1997
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(1) The Authority may make bylaws not inconsistent with this Ordinance regulating the conduct of persons within any specified property.

(2) Without prejudice to the generality of bylaws which may be made under subsection (1), such bylaws may provide for all or any of the following-

- (a) the control of trading and advertising in any specified property;
- (b) the preservation of good order in any specified property;
- (c) the prevention of nuisances in any specified property; and
- (d) the eviction of trespassers from any specified property.

(3) The following provisions shall apply in relation to bylaws made under this section-

- (a) any bylaw so made may provide that a contravention of specified provisions shall be an offence and may prescribe penalties not exceeding a fine of \$2000 and imprisonment for 3 months for the offence;
- (b) without prejudice to any Ordinance relating to the prosecution of criminal offences or to the powers of the Secretary for Justice in relation to the prosecution of criminal offences, prosecutions under any bylaw so made may be brought in the name of the Authority; (Amended L.N. 362 of 1997)
- (c) the Authority shall cause to be printed copies of all of its bylaws which shall be kept at its principal office and at each public hospital and be available for sale to any person at a reasonable cost.

(4) For the purposes of this section, "specified property" (指明物業) means-

- (a) any public hospital; and
- (b) any other property-
 - (i) the management and control of which have been vested in the Authority under an agreement referred to in section 5(a); and
 - (ii) specified in bylaws made under this section as being property to which such bylaws shall apply.

(Enacted 1990)

Section:	22	Public hospitals to be public places, etc.		30/06/1997
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(1) Each public hospital shall be deemed to be a public place for the purposes of the Summary Offences Ordinance (Cap 228) and the Public Order Ordinance (Cap 245).

(2) For the purposes of the Road Traffic (Parking on Private Roads) Regulations (Cap 374 sub. leg.O), the Authority shall be deemed to be the owner, within the meaning of the Road Traffic Ordinance (Cap 374), of each private road, within the meaning of that Ordinance, comprised within the boundaries of a public hospital.

(Enacted 1990)

Section:	23	Protection of members of Authority, etc.		30/06/1997
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(1) No member of the Authority or of any committee, acting in good faith, shall be personally liable for any act done or default made-

- (a) by or on behalf of the Authority; or
- (b) by or on behalf of any committee,

in the performance or purported performance of the functions, or the exercise or purported exercise of the powers, imposed or conferred on the Authority under this Ordinance.

(2) The protection conferred under subsection (1) on members of the Authority or of a committee in respect of any act or default shall not in any way affect the liability of the Authority for that act or default.

(Enacted 1990)

Section:	24	(Omitted as spent)		30/06/1997
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(Omitted as spent)

Schedule:	1	HOSPITALS THE MANAGEMENT AND CONTROL OF WHICH MAY BE VESTED IN THE AUTHORITY UNDER AGREEMENTS WITH THE GOVERNMENT	L.N. 60 of 2006	24/03/2006
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[sections 2(1) & 20]

Castle Peak Hospital
 Hong Kong Eye Hospital (Added L.N. 385 of 1993)
 Kowloon Hospital
 Kwai Chung Hospital
 North District Hospital (Added L.N. 623 of 1997)
 Pamela Youde Nethersole Eastern Hospital (Added L.N. 385 of 1993)
 Prince of Wales Hospital
 Princess Margaret Hospital
 Queen Elizabeth Hospital
 Queen Mary Hospital
 Shatin Hospital (Replaced L.N. 385 of 1993)
 Siu Lam Hospital
 St. John Hospital
 Tai Po Hospital (Added L.N. 152 of 1997)
 Tang Shiu Kin Hospital
 Tsan Yuk Hospital
 Tseung Kwan O Hospital (Added L.N. 285 of 1999)
 Tuen Mun Hospital
 Wong Chuk Hang Hospital (Added L.N. 233 of 1995)

(Amended L.N. 162 of 2002; L.N. 60 of 2006)

Schedule:	2	HOSPITALS THE MANAGEMENT AND CONTROL OF WHICH MAY BE VESTED IN THE AUTHORITY UNDER AGREEMENTS WITH PERSONS OTHER THAN THE GOVERNMENT	L.N. 60 of 2006	24/03/2006
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[sections 2(1), 19(1) & (2) & 20]

Alice Ho Miu Ling Nethersole Hospital
 Bradbury Hospice (Added L.N. 165 of 1995)
 Caritas Medical Centre
 Cheshire Home, Chung Hom Kok (Replaced L.N. 428 of 1991)
 Cheshire Home, Shatin (Replaced L.N. 428 of 1991)
 The Duchess of Kent Children's Hospital at Sandy Bay (Replaced L. N. 285 of 1999)
 Grantham Hospital
 Haven of Hope Hospital
 Hong Kong Buddhist Hospital
 Kwong Wah Hospital

MacLehose Medical Rehabilitation Centre
 Our Lady of Maryknoll Hospital
 Pok Oi Hospital
 Ruttonjee Hospital (Replaced L.N. 428 of 1991)
 Tung Wah Eastern Hospital
 Tung Wah Group of Hospitals Fung Yiu King Hospital (Replaced L.N. 399 of 1994)
 Tung Wah Group of Hospitals Wong Tai Sin Hospital (Replaced L.N. 152 of 1997)
 Tung Wah Hospital
 United Christian Hospital
 Yan Chai Hospital

(Amended L.N. 428 of 1991; L.N. 170 of 2000; L.N. 60 of 2006)

Schedule:	3	PROVISIONS WITH RESPECT TO THE AUTHORITY AND COMMITTEES AND THEIR MEMBERS	L.N. 130 of 2007	01/07/2007
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Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

[sections 3(5), 6(2)(c),
13(3) & (4), 14(b)
& 20]

1. Interpretation

In this Schedule-

"Director of Operations" (執行總監) means the principal officer appointed by the Authority to be the Director of Operations for the Authority;

"Hospital Chief Executive" (醫院行政總監), in relation to a public hospital, means the person appointed by the Authority to be the Hospital Chief Executive for the public hospital;

"teaching hospital" (教學醫院) means the Prince of Wales Hospital or the Queen Mary Hospital where such hospital is a public hospital.

2. Terms and conditions of appointment of Chairman

The Chief Executive shall determine the terms and conditions of appointment of the Chairman.

(Amended 60 of 2000 s. 3)

3. Employment of principal officers

(1) The Authority shall determine the terms and conditions of employment of the principal officers but shall obtain the approval of the Chief Executive to any proposed employment of a principal officer (including the terms and conditions thereof) and to any suspension or dismissal of the principal officers. (Amended 60 of 2000 s. 3)

(2) A principal officer shall, on behalf of the Authority, perform such functions and exercise such powers as the Authority assigns, or delegates under section 6, to him.

(3) A principal officer shall not without the permission of the Chairman take part in any deliberation of the Authority which concerns the terms of his own employment, suspension or dismissal and shall not vote on any question concerning those matters.

4. Terms of appointment of members

(1) Subject to paragraphs 2, 3 and 7 and subparagraph (2), a member of the Authority shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for re-appointment.

(2) Any member of the Authority, not being a public officer, shall be appointed for a term not exceeding 3 years.

(3) A member of the Authority appointed under section 3(3)(a) or (d) may at any time by notice in writing to the Chief Executive resign his office. (Amended 60 of 2000 s. 3)

5. Members of Authority to disclose interests in respect of certain contracts

(1) A member of the Authority who is in any way directly or indirectly interested in a contract made or proposed to be made by-

- (a) the Authority;
- (b) an employee, agent or a partner of the Authority; or
- (c) a body corporate established by the Authority,

shall disclose the nature of his interest at a meeting of the Authority.

(2) The Authority shall record the disclosure in the minutes of the meeting of the Authority

(3) A member who has an interest in a contract referred to in subparagraph (1)-

- (a) shall not without the permission of the Chairman or other member presiding take any part in any deliberation of the Authority with respect to that contract; and
- (b) shall not in any event vote on any matter concerning it.

(4) For the purposes of subparagraph (1), a member may give a notice in writing at a meeting of the Authority to the effect that he is a member of a company or firm and is to be regarded as interested in any contract which may, after the date of the notice, be made with the company or firm and the notice shall be regarded as a sufficient disclosure of his interest in relation to any contract so made or proposed to be so made.

(5) A member of the Authority need not attend in person at a meeting of the Authority to make a disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice in writing which is brought up and read at the meeting.

6. Fees and allowances payable to members of Authority

(1) The Authority may pay its members such fees and allowances as the Secretary for Food and Health, after consulting with the Secretary for Financial Services and the Treasury, determines. (Amended L.N. 106 of 2002; L.N. 130 of 2007)

(2) The provisions of this paragraph shall not apply to any member of the Authority who is a public officer.

7. Chief Executive may in certain circumstances declare office of member of Authority to be vacant

If the Chief Executive is satisfied that a member of the Authority appointed under section 3(3)(d)-

- (a) has been absent from 3 consecutive meetings of the Authority without the permission of the Authority;
- (b) has become bankrupt or made an arrangement with his creditors;
- (c) is incapacitated by physical or mental illness; or
- (d) is otherwise unable or unfit to discharge the functions of a member,

the Chief Executive may declare his office as a member of the Authority to be vacant, and shall notify the fact in such manner as the Chief Executive thinks fit; and upon such declaration the office shall become vacant.

(Amended 60 of 2000 s. 3)

8. Quorum of Authority, etc.

(1) The quorum of the Authority shall be not less than half the members thereof for the time being but, in any case, not less than 10 and, while a member is disqualified from taking part in a decision or deliberation of the Authority in respect of a matter, he shall be disregarded for the purpose of constituting a quorum of the Authority for deciding, or deliberating on, that matter.

(2) All matters for determination at a meeting of the Authority shall be decided by a majority of votes of the members present and voting and where there is an equality of votes the Chairman or other member presiding shall have a casting vote in addition to his original vote.

9. Procedure of Authority

Subject to the provisions of this Schedule, the Authority shall have power to regulate its own procedure including the manner in which decisions of the Authority may be made by a quorum of its members otherwise than at a meeting of the Authority.

10. Employees, etc. of the Authority

- (1) Subject to paragraph 3(1), the Authority shall determine-
 - (a) the remuneration, and the terms and conditions of employment, of its employees; and
 - (b) the standards of work and conduct of its employees, and matters relating to their suspension or dismissal from office.
- (2) The Authority shall determine the remuneration and the terms and conditions of engagement of technical and professional advisers, and the manner of their engagement.
- (3) The Authority may-
 - (a) grant, or make provision for the grant of, pensions, gratuities and retirement benefits to employees;
 - (b) provide other benefits for the welfare of employees and their dependants;
 - (c) authorize payments, whether or not legally due, to the personal representatives of a deceased employee or to any person who was dependent on such employee at his death; and
 - (d) pay to the Government amounts representing the cost of pensions, allowances, gratuities, or pension benefits payable by the Government pursuant to section 5 of the Pensions (Special Provisions) (Hospital Authority) Ordinance (Cap 80) in respect of service under the Authority rendered by persons transferred from service under the Government to service under the Authority. (Amended 4 of 1992 s. 7)
- (4) The Authority may-
 - (a) establish, manage and control; or
 - (b) enter into an arrangement with the Government, any company or association for the establishment, management and control by the Government, that company or association either alone or jointly with the Authority of, (Amended 4 of 1992 s. 7)any fund or scheme for the purpose of providing for the pensions, gratuities, benefits and payments referred to in subparagraph (3).
- (5) The Authority may make contributions to and may require employees to make contributions to any fund or scheme referred to in subparagraph (4).
- (6) In this paragraph "employees" (僱員) includes any class of employee which the Authority specifies and in subparagraph (3) includes former employees.

11. Members of Regional Advisory Committee

The Authority shall appoint to a Regional Advisory Committee established for a region-

- (a) a chairman of the Regional Advisory Committee who-
 - (i) is a member of the Authority referred to in section 3 (3)(d); and
 - (ii) is not the chairman of another Regional Advisory Committee;
- (b) the Director of Operations or his representative;
- (c) the Director of Health or his representative;
- (d) 1 representative of each public hospital in the region;
- (e) where a region contains a teaching hospital, 1 representative of the university concerned; and
- (f) not more than 10 other members whom the Authority considers have suitable attributes or qualifications (in particular, involvement in community or district organizations) to serve the Regional Advisory Committee.

12. Functions of Regional Advisory Committee

A Regional Advisory Committee established for a region shall-

- (a) advise the Authority on planning to meet the need for hospital services and the provision of specific

services in particular public hospitals in the region having regard to the relationship between health services provided by the Department of Health, and hospital services, in the region;

- (b) review the performance of particular public hospitals in the region;
- (c) monitor public opinion and review the pattern of any complaints about hospital services in the region and suggest improvements to the provision of hospital services in the region;
- (d) advise the Authority and public hospitals in the region on the allocation of resources within the region; and
- (e) advise the Authority on any specific matters relating to the region at the request of the Authority.

13. Members of Hospital Governing Committee established for teaching hospital

- (1) The Authority shall appoint to a Hospital Governing Committee established for a teaching hospital-
 - (a) the Director of Operations or his representative;
 - (b) the Hospital Chief Executive;
 - (c) 1 representative, not being a public officer or member of the staff of the Authority, of the Regional Advisory Committee, if any, established for the region in which the teaching hospital is situated;
 - (d) 2 representatives of the medical faculty of the university concerned; and
 - (e) 2 members whom the Authority considers, because of their expertise in administration and management, interests in health services, or involvement in community or district organizations, have suitable attributes or qualifications to serve the Hospital Governing Committee.

(2) The Authority shall appoint the chairman of a Hospital Governing Committee referred to in subparagraph (1) from one of the members appointed under subparagraph (1)(c) or (e). (Amended 80 of 1997 s. 102)

14. Functions of Hospital Governing Committee established for teaching hospital

A Hospital Governing Committee established for a teaching hospital shall-

- (a) oversee the management of the teaching hospital and monitor its overall efficiency and cost-effectiveness to ensure that the hospital services and teaching requirements are met having regard to the overall needs of the public; and
- (b) having regard to the functions of the Authority, provide policy guidance to the Hospital Chief Executive on ways to optimise the utilization of the hospital beds, staff and equipment of the teaching hospital and improve the teaching hospital environment to ensure the provision of hospital services of the highest possible standard within the resources obtainable.

15. Members of Hospital Governing Committee established for public hospital which is a prescribed hospital specified in Schedule 2

The Authority shall appoint to a Hospital Governing Committee established for a public hospital which is a prescribed hospital specified in Schedule 2-

- (a) a chairman, for which purpose the Authority shall consult with the governing body of the prescribed hospital;
- (b) the Director of Operations or his representative;
- (c) the Hospital Chief Executive;
- (d) such number of members as is agreed between the Authority and the governing body of the prescribed hospital and nominated by the governing body; and
- (e) not less than 3 other members.

16. Functions of Hospital Governing Committee established for public hospital other than teaching hospital

A Hospital Governing Committee established for a public hospital other than a teaching hospital shall-

- (a) advise the Authority of the needs of the public hospital to provide hospital services to the public and of the resources required to meet those needs; and

- (b) oversee the management of the public hospital in ways which are conducive to achieving the following objectives-
 - (i) to optimize the utilization of hospital beds, staff and equipment to ensure the public hospital provides hospital services of the highest possible standard within the resources obtainable;
 - (ii) to improve the public hospital environment for the benefit of patients; and
 - (iii) to attract, motivate and retain qualified staff.

17. Members of committee to disclose interests in respect of certain contracts

(1) A member of a committee who is in any way directly or indirectly interested in a contract made or proposed to be made by-

- (a) the Authority;
- (b) the committee;
- (c) an employee, agent or a partner of the Authority or the committee; or
- (d) a body corporate established by the Authority,

shall disclose the nature of his interest at a meeting of the committee.

(2) The committee shall record the disclosure in the minutes of the meeting of the committee.

(3) A member who has an interest in a contract referred to subparagraph (1)-

- (a) shall not without the permission of the chairman of the committee or other member presiding take any part in any deliberation of the committee with respect to that contract; and
- (b) shall not in any event vote on any matter concerning it.

(4) For the purposes of subparagraph (1), a member may give a notice in writing at a meeting of a committee to the effect that he is a member of a company or firm and is to be regarded as interested in any contract which may, after the date of the notice, be made with the company or firm and the notice shall be regarded as a sufficient disclosure of his interest in relation to any contract so made or proposed to be so made.

(5) A member of a committee need not attend in person at a meeting of the committee to make a disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice in writing which is brought up and read at the meeting.

18. Fees and allowances payable to members of committee

(1) The Authority may pay to the members of a committee such fees and allowances as the Secretary for Food and Health, after consulting with the Secretary for Financial Services and the Treasury, determines.

(2) The provisions of this paragraph shall-

- (a) not apply in the case of any member of a committee who is a public officer; and
- (b) apply in the case of a member of a committee who is a member of the Authority only to such extent as the Secretary for Food and Health, after consulting with the Secretary for Financial Services and the Treasury, determines.

(Amended L.N. 106 of 2002; L.N. 130 of 2007)

19. Authority not to delegate certain functions and powers

The Authority shall not delegate under section 6 any functions or powers imposed or conferred on it under paragraph 3, 6 or 10(1)(a), (4) or (5).

20. Fixing of seal of the Authority

The fixing of the seal of the Authority shall be-

- (a) authorized by the Authority; and
- (b) authenticated by the signatures of the Chairman and any 2 members of the Authority authorized by the Authority, either generally or specifically, to act for that purpose.

21. Documents of the Authority

(1) The Authority may make and execute any document in the performance of its functions or the exercise of its powers or in connection with any matter reasonably incidental to or consequential upon the performance of its functions or the exercise of its powers.

(2) Any document purporting to be executed under the seal of the Authority shall be admitted in evidence and shall, unless the contrary is proved, be deemed to have been duly executed.

22. Certain documents not required to be sealed

Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal may be entered into or executed on behalf of the Authority by any principal officer generally or specifically authorized by the Authority for that purpose.

(Enacted 1990)

Schedule:	4	(Omitted as spent)		30/06/1997
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(Omitted as spent)