

**For discussion
on 27 June 2001**

**LegCo Panel on Health Services
Subcommittee on improvements to the medical complaints mechanism**

Purpose

This paper serves to brief members of the Subcommittee on the progress of the Medical Council's reform proposals.

Background

2. A 17-member Working Group was established by the Medical Council on 2 May 2001 to make proposals to reform the Medical Council. Prof. Felice Lieh-Mak has been elected to chair the Working Group. A membership list of the Working Group is attached at Appendix I.

3. The terms of reference of the Working Group is to review the structure, composition and functions of the Medical Council to (i) strengthen accountability, transparency and fairness; and (ii) ensure a high standard of medical care.

4. Five functional groups have also been set up under the Working Group to carry out its work as follow :-

- (a) Functional Group on consultation with the public;
- (b) Functional Group on consultation with the profession;
- (c) Functional Group on review of the functions of related organizations locally and abroad;
- (d) Functional Group on review of administrative procedures of the Medical Council; and
- (e) Functional Group on amendment to the Medical Registration Ordinance.

5. The membership list of each functional group is attached at Appendix II.

Progress of work of the five Functional Groups

6. The progress of work of the five functional groups is summarized as follow :-

- (a) The Functional Group on consultation with the public and the Functional Group on consultation with the profession have started consultation work and will continue to collect opinions and suggestions from members of the public and the profession on future reforms of the Medical Council.
- (b) The Functional Group on review of the functions of related organizations locally and abroad has collected material from medical professional organizations in United Kingdom, Australia, New Zealand, United States and South Africa and studied these organizations in terms of their authority, functions, composition, registration, continuing medical education (CME) and complaints handling system. After analysis, the group will provide a summary on the formation, composition, CME, complaints handling system and professional standards of these organizations for the consideration of other functional groups.
- (c) The Functional Group on review of administrative procedures of the Medical Council has started to consider reforms which can be effected by administrative measures as well as identify other areas which will require amendments to the law.
- (d) The Functional Group on amendment to the Medical Registration Ordinance has examined various sections of the Medical Registration Ordinance and will coordinate with the other functional groups with a view to making recommendations for amendment to the Medical Registration Ordinance.

Proposals for Reform

7. The Working Group met on 10 May 2001 and 5 June 2001 and agreed to review and examine the areas relating to the complaints mechanism, disciplinary inquiry and composition of the Medical Council and the maintenance of professional standards with a view to making recommendations for reform. Of these areas, priority consideration would be accorded to the mechanism for handling complaints

and the disciplinary inquiry of the Medical Council.

8. Some preliminary views and identified areas for consideration on the mechanism for handing complaints are set out as below :-

- (a) There are too many bodies responsible for different aspects of the health care service. To an aggrieved patient and/or relative, he will have difficulty in finding out whether he should file the complaint with the Hospital Authority, the Medical Council, the Department of Health, the para-medical association and so on. Therefore, there is a case for setting up a central complaint unit. The public will know that they can direct their complaint to this body, whether the complaint is against doctors, hospital, nurses, technicians, etc. This body will then direct the complaint to the relevant bodies.
- (b) Consideration has to be given on whether the central complaint unit mentioned in (a) above should be an independent ombudsman or should be established under the Department of Health or the Medical Council.
- (c) Since the Department of Health is setting up a Complaint Office through administrative measures, the Working Group would liaise with the Department of Health to clarify/ensure the following :-
 - (i) composition of the office is balanced;
 - (ii) procedure of receiving and handling complaints in a user-friendly, transparent and fair manner;
 - (iii) accountability of the office;
 - (iv) how will the Department of Health deal with cases relevant to itself; and
 - (v) interface with the Medical Council.
- (d) Consideration will be given to define the limited remit of the Medical Council more clearly so that it will only handle cases relating to professional misconduct, professional competence and minor breaches not amounting to professional misconduct.
- (e) Consideration will be given to the role of the Preliminary Investigation Committee of the Medical Council and its investigation power relating to (d) above.

(f) How to ensure that cases rejected by the Preliminary Investigation Committee are dealt with in a fair and transparent manner.

(g) Consideration will also be given to the chairmanship and membership of the Preliminary Investigation Committee.

9. The Working Group will consider all the above issues in greater detail at its next meeting on 3 July 2001.

*The Medical Council of Hong Kong
June 2001*

Appendix I

Membership List of the Working Group on Reform of the Medical Council 改革醫務委員會工作小組成員名單

Member 成員	Brief Background 簡介
Prof. Felice LIEH-MAK (Chairman) 麥列菲菲教授 (主席)	Member of Medical Council 醫務委員會委員
Dr. LEE Kin-hung 李健鴻醫生	Chairman of Medical Council 醫務委員會主席
Prof. CHUNG Sheung-chee, Sydney 鍾尙志教授	Chairman of the Licentiate Committee, Medical Council 醫務委員會執照組主席
Dr. LAW Chi-lim, Robert 羅致廉醫生	Chairman of the Preliminary Investigation Committee, Medical Council 醫務委員會初步偵訊委員會主席
Dr. LEONG FUNG Ling-yee, Lilian 梁馮令儀醫生	Chairman of the Health Committee, Medical Council 醫務委員會健康事務委員會主席
Prof. LEUNG Ping-chung 梁秉中教授	Chairman of the Ethics Committee, Medical Council 醫務委員會道德事務委員會主席
Prof. TANG Wai-king, Grace 鄧惠瓊教授	Chairman of the Education and Accreditation Committee, Medical Council 醫務委員會教育及評審委員會主席
Dr. David FANG 方津生醫生	Member of Medical Council 醫務委員會委員
Dr. KO Wing-man 高永文醫生	Member of Medical Council 醫務委員會委員
Dr. the Hon. LO Wing-lok 勞永樂醫生	Member of Medical Council 醫務委員會委員
Dr. SAW Thian-aun, Paul 蘇天安醫生	Member of Medical Council 醫務委員會委員

Dr. SHIH Tai-cho, Louis 史泰祖醫生	Member of Medical Council 醫務委員會委員
Dr. YEUNG Chiu-fat, Henry 楊超發醫生	Member of Medical Council 醫務委員會委員
Mrs. CHENG CHO Chi-on, Mariana 鄭曹志安女士	Lay member of Medical Council 醫務委員會業外委員
Mr. Robert KWOK 郭勤功先生	Lay member of Medical Council 醫務委員會業外委員
Mr. LAM Kan-ming, Mark 林鏡明先生	Lay member of Medical Council 醫務委員會業外委員
Ms. YAU Ho-chun, Nora 邱可珍女士	Lay member of Medical Council 醫務委員會業外委員

Appendix II

Membership List of the Functional Group on Consultation with the Public **諮詢公眾功能小組成員名單**

Member 成員	Brief Background 簡介
Ms. YAU Ho-chun, Nora (Chairman) 邱可珍女士 (主席)	Lay member of Medical Council 醫務委員會業外委員
Mrs. CHENG CHO Chi-on, Mariana 鄭曹志安女士	Lay member of Medical Council 醫務委員會業外委員
Dr. Margaret CHUNG 鍾惠玲博士	Member of Vocational Training for the Disabled Steering Committee 傷殘人士就業培訓指導委員會委員
Ms. Leonie KI 紀文鳳女士	Managing Director, New World China Enterprises Projects Limited 新世界中國實業項目有限公司董事總經理
Dr. LEONG FUNG Ling-ye, Lilian 梁馮令儀醫生	Representative of Hong Kong Academy of Medicine 香港醫學專科學院代表
Prof. Felice LIEH-MAK 麥列菲菲教授	Chairman of the Working Group on Reform of the Medical Council 改革醫務委員會工作小組主席
Ms. LIN Oi-chu 連愛珠女士	Chief Executive, Hong Kong Aids Foundation 香港愛滋病基金會總幹事
Dr. the Hon. LO Wing-lok 勞永樂醫生	Chairman of the Functional Group on Consultation with the Profession 諮詢業內人士功能小組主席
Ms. MAK Yin-ting 麥燕庭女士	Chairman, Hong Kong Journalists Association 香港記者協會主席
Prof. TANG Wai-king, Grace 鄧惠瓊教授	Chairman of the Education and Accreditation Committee, Medical Council 醫務委員會教育及評審委員會主席
Dr. YU Yuk-ling 余毓靈醫生	Representative of Hong Kong Academy of Medicine 香港醫學專科學院代表

Membership List of the Functional Group on Consultation with the Profession
諮詢業內人士功能小組成員名單

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Dr. the Hon. LO Wing-lok (Chairman) 勞永樂醫生 (主席)	Member of Medical Council 醫務委員會委員
Dr. CHAN Tai-kwong 陳棣光醫生	Representative of Hong Kong Academy of Medicine 香港醫學專科學院代表
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Prof. CHUNG Sheung-chee, Sydney 鍾尙志教授	Chairman of the Licentiate Committee, Medical Council 醫務委員會執照組主席
The Hon. LI Ka-cheung, Eric 李家祥議員	Member of the Legislative Council 立法會議員
Dr. LI Sum-wo 李深和醫生	The Association of Licentiates of Medical Council of Hong Kong 香港醫務委員會執照醫生協會
Dr. POON Wai-ming 潘偉明醫生	Government Doctors' Association 政府醫生協會
Prof. TANG Wai-king, Grace 鄧惠瓊教授	Chairman of the Education and Accreditation Committee, Medical Council 醫務委員會教育及評審委員會主席
Dr. TSE Tak-fu 謝德富醫生	The Association of Private Medical Specialists of Hong Kong 香港私人執業專科醫生協會有限公司
Dr. WONG Tak-cheung 黃德祥醫生	Public Doctors' Association 公共醫療醫生協會
Dr. YEUNG Chiu-fat, Henry 楊超發醫生	Member of Medical Council 醫務委員會委員

**Membership List of the Functional Group on Review of the Functions
of Related Professional Organizations Locally and Abroad**
研究海外及本地有關專業團體功能小組成員名單

Member 成員	Brief Background 簡介
Dr. David FANG (Chairman) 方津生醫生 (主席)	Member of Medical Council 醫務委員會委員
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Dr. YEUNG Chiu-fat, Henry 楊超發醫生	Member of Medical Council 醫務委員會委員

**Membership List of the Functional Group on Review of Administrative
Procedures of the Medical Council**

醫務委員會行政程序檢討功能小組成員名單

Member 成員	Brief Background 簡介
Dr. SHIH Tai-cho, Louis (Chairman) 史泰祖醫生 (主席)	Member of Medical Council 醫務委員會委員
Dr. CHAN Chok-wan 陳作耘醫生	Representative of Hong Kong Academy of Medicine 香港醫學專科學院代表
Ms. CHAN Sui-ching, Iris 陳萃菁女士	The Alliance for Patients' Mutual Help Organizations 病人互助組織聯盟
Mr. CHAN Wing-kai 陳永佳先生	Consumer Council 消費者委員會
Dr. KO Wing-man 高永文醫生	Member of Medical Council 醫務委員會委員
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**Membership List of the Functional Group on Amendment
to the Medical Registration Ordinance
醫生註冊條例檢討功能小組成員名單**

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Mr. Clifton CHIU 趙志鋸先生	Accountant 執業會計師
Prof. CHUNG Sheung-chee, Sydney 鍾尙志教授	Chairman of the Licentiate Committee, Medical Council 醫務委員會執照組主席
Dr. KO Wing-man 高永文醫生	Member of Medical Council 醫務委員會委員
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