



中華人民共和國香港特別行政區政府總部食物及衛生局
Food and Health Bureau, Government Secretariat
The Government of the Hong Kong Special Administrative Region
The People's Republic of China

Our Ref.: (4) in L/M to FHB/H/1/5 Pt. 133

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24 April 2014

Chairman, LegCo Panel on Health Services
(Attn: Ms Maisie LAM)
Legislative Council Complex
11 Legislative Council Road
Central, Hong Kong

Dear Ms LAM,

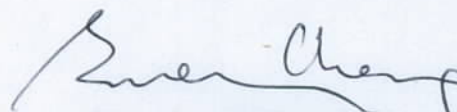
**Legislative Council Panel on Health Services
Handling of Complaint Cases by the Medical Council of Hong Kong**

Thank you for your letter of 8 April 2014 enclosing an email from a member of the public who raised concerns on the complaint handling mechanism of the Medical Council of Hong Kong (MCHK).

The MCHK is a statutory body established under the Medical Registration Ordinance (Cap. 161) for handling matters in relation to the registration of medical practitioners in Hong Kong. Among other things, the MCHK is entrusted with the power to handle complaints and conduct inquiry and disciplinary proceedings concerning the professional conduct of a registered medical practitioner. In so doing, the MCHK is required to observe the relevant provisions of Cap. 161 and the Medical Practitioners (Registration and Disciplinary Procedure) Regulation, which stipulate the investigation and disciplinary proceedings as well as the mechanism for declaration of interest by its members.

For Members' reference, please find enclosed a note prepared by the MCHK Secretariat explaining MCHK's complaint handling mechanism (Annex A) and a case brief on the complaint raised by the member of the public in question (Annex B). Due to the presence of case particulars in Annex B, we suggest that its circulation be restricted to Members of the Health Services Panel only.

Yours sincerely,



(Eureka CHEUNG)
for Secretary for Food and Health

c.c. Secretariat, Medical Council of Hong Kong
[Attn: Mr Joseph SIU]

Complaint Handling Mechanism of the Medical Council of Hong Kong

The Medical Council of Hong Kong (MCHK) is established under the Medical Registration Ordinance (Cap. 161) for handling matters in relation to the registration of medical practitioners in Hong Kong, including the conduct of inquiry and disciplinary proceedings concerning the professional conduct of a registered medical practitioner. The MCHK processes complaints in accordance with the relevant procedures stipulated in Cap. 161 and the Medical Practitioners (Registration and Disciplinary Procedure) Regulation, which also provide for the arrangement where conflict of interest arises.

Preliminary Investigation Committee

2. Upon receipt of a complaint concerning the professional conduct of a registered medical practitioner in Hong Kong, the case will be referred to the Preliminary Investigation Committee (PIC) of the MCHK for initial scrutiny. The PIC is established by the MCHK in accordance with Part III E of Cap. 161 to conduct preliminary investigation into complaints and to make recommendation to the MCHK on the conduct of inquiry. The PIC comprises seven members, including a chairman and a deputy chairman who shall be elected by the MCHK from among its members and a lay member of the MCHK.

3. In accordance with Cap. 161 and the established procedures, the MCHK processes all complaints through part or all of the following three stages –

- (a) Initial consideration by the chairman and the deputy chairman in consultation with a lay member of the PIC to decide whether the complaint is groundless, frivolous or not pursuable, and therefore cannot or should not proceed further or that it should be referred to the PIC for full consideration;
- (b) Examination at PIC meetings of a complaint as well as explanation of the medical practitioner concerned, and the

forming of a decision on whether or not there is a prima-facie case to refer the complaint to the MCHK for a formal inquiry; and

- (c) Inquiry by the MCHK comprising a panel of at least five Council Members including a lay member to hear the evidence from both the complainant and the defending registered medical practitioner(s).

4. The progress of all complaint cases is regularly reviewed by the MCHK, which comprises 24 medical members and four lay members. Information on 'How the Medical Council Deals with Complaints' is promulgated vide the MCHK homepage, at <http://www.mchk.org.hk/complain/index.htm>.

Declaration of Interest by PIC Members

5. Sections 7(1) and 7(2) of the Medical Practitioners (Registration and Disciplinary Procedure) Regulation stipulate that members of the PIC have to declare conflict of interest in a case referred to them and should not participate in deliberation of the case where there is a conflict of interest. Where the PIC chairman or the deputy chairman declares to the MCHK any possible and potential conflict of interest in a case referred to them, the Chairman of the MCHK shall appoint a member of the PIC to perform the functions of the chairman or the deputy chairman under section 7(4) of the Regulation. The same applies to other PIC members who should declare any conflict of interest and refrain from deliberation in the case if necessary. The MCHK strictly follows the relevant requirements in processing complaint cases.

Secretariat, Medical Council of Hong Kong
April 2014