

**Medical Registration (Amendment) Bill 2016**

**Draft committee stage amendments proposed by the Government**

*(version as of 9 May 2016)*

For the proposed committee stage amendments on the (a) two members of the Medical Council of Hong Kong (MCHK) to be elected by the Hong Kong Academy of Medicine and (b) proposed four additional lay Council members, the wording of the proposed committee stage amendments and marked-up version of relevant sections of the Medical Registration Ordinance are at **Annex A** and **Annex B** respectively.

**Food and Health Bureau**  
**May 2016**

Medical Registration (Amendment) Bill 2016

**Committee Stage**

Amendments to be moved by the Secretary for Food and Health

<u>Clause</u>	<u>Amendment Proposed</u>
4	<p>By deleting the clause and substituting—</p> <p><b>“4. Section 3 amended (establishment and composition of Council)</b></p> <p>(1) Section 3(2)—</p> <p><b>Repeal paragraph (g)</b></p> <p><b>Substitute</b></p> <p>“(g) 8 lay members appointed by the Chief Executive—</p> <p>(i) 3 of whom are elected by the organizations specified by the Secretary for Food and Health under subsection (3AA) in accordance with the guidelines issued by the Secretary in consultation with those organizations; and</p> <p>(ii) 1 of whom is nominated by the Consumer Council;”.</p> <p>(2) Section 3(2)(h)—</p> <p><b>Repeal</b></p> <p>everything after “practitioners”</p> <p><b>Substitute</b></p> <p>“elected by the Academy of Medicine in accordance with its regulations or procedures;”.</p> <p>(3) Section 3(3)—</p> <p><b>Repeal</b></p> <p>“, (g) or (h)”</p>

**Substitute**

“or (g)”.

- (4) After section 3(3)—

**Add**

“(3AA) The Secretary for Food and Health may, for the purposes of subsection (2)(g)(i), specify by notice published in the Gazette organizations that, in the Secretary’s opinion, represent the interests of patients.”.

- (5) Section 3(3A)—

**Repeal**

“(2)(i)” (where it first appears)

**Substitute**

“(2)(h), (i)”.

- (6) Section 3(5A)—

**Repeal**

everything after “holding office under” and before “the member elected”

**Substitute**

“subsection (2)(h) or (i), the member resigns or the member’s office becomes vacant—

- (a) the Academy of Medicine or the Hong Kong Medical Association (as the case requires) must, as soon as possible, conduct an election to elect a person qualified under subsection (2)(h) or (i) (as the case requires) to fill that vacancy; and

- (b) ”.

New By adding—

**“12A. Section 35 amended (transitional)**

After section 35(9)—

**Add**

“(10) If, on the commencement date of section 4 of the Medical Registration (Amendment) Ordinance 2016, the term of office of a member of the Council referred to in section

3(2)(h) as in force immediately before that date has not yet expired, the member may continue to hold office until the member's term of office expires.”.

**Medical Registration (Amendment) Bill 2016**  
**Committee Stage**  
**Amendments to be moved by the Secretary for Food and Health**

**Marked-up version of relevant clauses**

*(version as of 9 May 2016)*

**Clause 4 of the Bill – Section 3 of the Medical Registration Ordinance (Cap. 161)**  
**amended (establishment and composition of Council)**

Section:	3	Establishment and composition of Council	37 of 2000	01/07/1997
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- (1) There shall be established within Hong Kong a Council to be called the Medical Council of Hong Kong. (Amended 25 of 1984 s. 10)
- (2) The Council shall consist of-
- (a)-(b) (Repealed 7 of 1996 s. 3)
  - (c) 2 registered medical practitioners to be nominated by the Director and appointed by the Chief Executive; (Amended 25 of 1984 s. 10)
  - (d) 2 registered medical practitioners nominated by the University of Hong Kong and appointed by the Chief Executive; (Amended 63 of 1982 s. 3)
  - (da) 2 registered medical practitioners nominated by The Chinese University of Hong Kong and appointed by the Chief Executive; (Added 63 of 1982 s. 3)
  - (db) 2 registered medical practitioners to be nominated by the Hospital Authority and appointed by the Chief Executive; (Added 68 of 1990 s. 24)
  - (e)-(f) (Repealed 7 of 1996 s. 3)
  - (g) ~~84 lay members to be appointed by the Chief Executive;—(Added 3 of 1988 s. 3)8 lay members appointed by the Chief Executive—~~
    - (i) 3 of whom are elected by the organizations specified by the Secretary for Food and Health under subsection (3AA) in accordance with the guidelines issued by the Secretary in consultation with those organizations; and
    - (ii) 1 of whom is nominated by the Consumer Council;
  - (h) 2 registered medical practitioners ~~nominated by the Academy of Medicine and appointed by the Chief Executive;—(Added 7 of 1996 s. 3)~~ elected by the Academy of Medicine in accordance with its regulations or procedures;
  - (i) 7 registered medical practitioners who are members of the Hong Kong Medical Association and nominated in accordance with the regulations or procedures of the Association relating to the filling of offices under this paragraph and elected by the Council members of the Association in accordance with those regulations or procedures; (Added 7 of 1996 s. 3)
  - (j) 7 registered medical practitioners registered in Part I of the General Register and ordinarily resident in Hong Kong elected by all registered medical practitioners registered in Parts I and III of the General Register pursuant to an election held under the Election Regulation. (Added 7 of 1996 s. 3)  
(Replaced 14 of 1960 s. 2. Amended 37 of 2000 s. 3)
- (3) Subject to subsections (4) and (6), a member of the Council appointed under subsection (2)(c), (d), (da), ~~(g) or (h)~~ or (g) shall hold office for a period of 3 years from the

*Note:*

*Revisions made in purple are amendments proposed by the Medical Registration (Amendment) Bill 2016.*

*Revisions made in blue are amendments proposed by the Government's draft Committee Stage Amendments.*

date of his appointment and, at the expiry of his period of appointment or of any period for which he is reappointed, shall be eligible for reappointment for further periods of 3 years each. (Amended 63 of 1982 s. 3; 3 of 1988 s. 3)

(3AA) The Secretary for Food and Health may, for the purposes of subsection (2)(g)(i), specify by notice published in the Gazette organizations that, in the Secretary's opinion, represent the interests of patients.

(3A) Subject to subsections (4) to (6), a member elected under subsection ~~(2)(i)~~(2)(h), (i) or (j), other than the first 14 members elected under subsection (2)(i) and (j) and a member elected to fill a vacancy caused by an elected member ceasing to be a member in accordance with subsection (4), (6) or (6A), shall hold office for 3 years from the date of notification in the Gazette of his having been elected, and shall be eligible for re-election. (Added 7 of 1996 s. 3)

(3B) Subject to subsection (5A), the Hong Kong Medical Association shall, within 3 months before the expiry of the period of office of a member of the Council holding office under subsection (2)(i), conduct an election to elect a person qualified under subsection (2)(i) to succeed that member. (Added 7 of 1996 s. 3)

(4) Any member of the Council may at any time resign by giving notice in writing to the Chairman.

(5) Where, before the expiry of the period of his appointment, any member of the Council appointed by the Chief Executive resigns or his office becomes vacant, the Chief Executive may appoint a person who is suitably qualified for appointment under subsection (2) to hold office in place of that member until the expiry of the period for which he was appointed. (Amended 37 of 2000 s. 3)

(5A) Where, before the expiry of the office of a member holding office under ~~subsection (2)(i), the member resigns or his office becomes vacant, the Hong Kong Medical Association shall, as soon as possible, conduct an election to elect a person qualified under subsection (2)(i) to fill that vacancy, and~~ subsection (2)(h) or (i), the member resigns or the member's office becomes vacant—

- (a) the Academy of Medicine or the Hong Kong Medical Association (as the case requires) must, as soon as possible, conduct an election to elect a person qualified under subsection (2)(h) or (i) (as the case requires) to fill that vacancy; and
- (b) the member elected to fill the vacancy shall hold office from the date of election until the expiry of the original term of office of the person whom he succeeds. (Added 7 of 1996 s. 3)

*Note:*

Revisions made in **purple** are amendments proposed by the Medical Registration (Amendment) Bill 2016.

Revisions made in **blue** are amendments proposed by the Government's draft Committee Stage Amendments.

**Clause 4 of the Bill – Section 35 of the Medical Registration Ordinance (Cap. 161)**  
**amended (transitional)**

*After section 35(9) — Add section 35(10)*

Section:	35	Transitional	25 of 1997	30/06/1997
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(9) For the purposes of section 35(7) and (8), the definition of "recognized Commonwealth diploma" (獲承認的英聯邦文憑) in the Original Provisions shall be construed to mean a diploma granted by any of the recognized Commonwealth institutions or bodies specified in Schedule 4. (Added 25 of 1997 s. 5)

(10) If, on the commencement date of section 4 of the Medical Registration (Amendment) Ordinance 2016, the term of office of a member of the Council referred to in section 3(2)(h) as in force immediately before that date has not yet expired, the member may continue to hold office until the member's term of office expires.

**Food and Health Bureau**  
**May 2016**

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