

**For information
on 16 November 2015**

Legislative Council Panel on Health Services

REGULATION OF MEDICAL PROFESSION

PURPOSE

This paper aims to brief Members on the regulation of medical profession in Hong Kong.

BACKGROUND

2. Operating under the principle of professional autonomy, the Medical Council of Hong Kong (MCHK) is an independent statutory body established under and empowered by the Medical Registration Ordinance (Cap. 161) to assure and promote the professional competence of medical practitioners in Hong Kong in order to protect patients and the public.

3. The MCHK is responsible for the registration of medical practitioners and specialists, the conduct of Licensing Examination, and the maintenance of ethics, professional standards and discipline in the medical profession. This paper will provide information on the composition and key functions of the MCHK.

THE MEDICAL COUNCIL OF HONG KONG

Composition

4. The MCHK comprises 24 medical practitioners and four lay members. Among the medical practitioner members, seven are elected by registered medical practitioners, seven others are elected by the Hong Kong Medical Association, while two each are nominated by the Director of Health, the University of Hong Kong (HKU), The Chinese University of

Hong Kong (CUHK), the Hospital Authority (HA) and the Hong Kong Academy of Medicine and appointed by the Chief Executive (CE). The four lay members are appointed by the CE.

Key Functions

Registration

5. A person is qualified to be registered as a medical practitioner if he/she has been awarded a degree of medicine and surgery offered by the HKU or the CUHK, and undergo a year of internship training at the HA. Non-locally trained medical graduates are required to pass the Licensing Examination administered by the MCHK and complete a prescribed period of internship at the HA before they can register for practice in Hong Kong. The MCHK, after due inquiry, can order removal of the name of a registered medical practitioner from the General Register or Specialist Register permanently or for a period as the Council thinks fit.

6. To facilitate more non-locally trained medical graduates to practise in Hong Kong, the MCHK has increased the frequency of the Licensing Examination from once to twice a year starting from 2014. In addition, the MCHK has introduced more flexibility to the relevant internship requirement. Under the new arrangement, any person who has passed the Licensing Examination can apply for exemption from a specialty of internship training if he/she has a comparable specialist experience. The internship period could be shortened from one year to six months.

7. According to section 14A of Cap. 161, a non-locally trained doctor may apply to the MCHK for approval to practise in Hong Kong by way of limited registration without having to pass the licensing examination. Non-locally trained doctors with acceptable qualifications and proven experience, if selected for employment by specified institutions (including the Department of Health, the HA, the HKU and the CUHK, etc.) for the purpose of teaching, conducting research or performing clinical or hospital work, may apply to the MCHK for limited registration in Hong Kong. Limited registration is valid for one year, subject to yearly renewal of the registration status upon approval by the MCHK.

Complaint handling and disciplinary inquiries

8. The MCHK handles complaints received against registered medical practitioners, conducts investigations into allegations of professional misconduct and takes disciplinary actions in accordance with the procedures laid down in Cap. 161 and the Medical Practitioners (Registration and Disciplinary Procedure) Regulation. If the MCHK finds that a medical practitioner is guilty of professional misconduct, it can impose punishment by issuing him/her disciplinary order or even revoke his/her professional registration.

Preliminary Investigation Committee and Disciplinary Inquiries

9. 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 elected by the MCHK from among its members and a lay member of the MCHK. The quorum of a PIC meeting is three, at least one of whom shall be a lay member, subject to the majority being registered medical practitioners, including the chairman or deputy chairman, or both.

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

- (a) Initial consideration by the PIC chairman and 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, or not less than three members of the Council and two assessors, at least 1 of whom shall be a lay member but subject to the majority being registered medical practitioners, to hear the evidence from both the complainant and the defending registered medical practitioner(s).

11. The essential elements of professional regulation are the determination of standard of practice, the control of entry to the profession through maintaining a register, and the power to remove a doctor from the register in specific defined circumstances. Through carrying out its functions, the MCHK has been striving to maintain a high standard of care, provides the public with the assurance that registered practitioners are fit to practice, and maintains confidence and trust between doctors and patients.

HEALTHCARE MANPOWER PLANNING AND PROFESSIONAL DEVELOPMENT

12. In the face of challenges posed by a growing and ageing population and increasing public demand for healthcare services, the Government has set up a steering committee chaired by the Secretary for Food and Health to conduct a strategic review on healthcare manpower planning and professional development in Hong Kong. The objectives of the strategic review are to meet the projected demand for healthcare manpower as well as foster the professional development of the healthcare professions concerned, with a view to ensuring the healthy and sustainable development of the healthcare system in Hong Kong and provision of quality healthcare services to the public, and thereby maintaining a high level of trust and respect of the community towards our healthcare services. The review covers primarily 13 healthcare professions which are subject to statutory regulation, including doctors.

13. The Steering Committee is conducting, among others, an overall review on the existing regulatory framework of the healthcare professions concerned, including –

- (a) functions of the statutory regulatory bodies;
- (b) membership of the statutory regulatory bodies, in particular, lay membership;
- (c) complaint handling and disciplinary inquiries mechanisms; and
- (d) training and development, in particular, mandatory continuous professional education and development.

14. Subject to deliberation of the Steering Committee, it is expected that the strategic review will be completed in 1st half of 2016. The Government will take forward the relevant recommendations of the Steering Committee as appropriate upon completion of the review.

Food and Health Bureau
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