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**Panel on Health Services**

**Information note prepared by the Legislative Council Secretariat  
for the meeting on 16 November 2015**

**Composition of the Medical Council of Hong Kong  
and its Preliminary Investigation Committee and Health Committee**

The Medical Council of Hong Kong ("MCHK") is an independent statutory body established under the Medical Registration Ordinance (Cap. 161) for handling matters in relation to the registration and regulation of medical practitioners in Hong Kong. MCHK comprises 24 registered medical practitioners and four lay members appointed by the Chief Executive. Among the 24 MCHK members who are registered medical practitioners, seven are elected by all registered medical practitioners registered in Parts I and III of the General Register, seven others are members of the Hong Kong Medical Association ("HKMA") nominated by the Association, and the rest ten included two registered medical practitioners nominated by the Director of Health ("DoH"), the University of Hong Kong, the Chinese University of Hong Kong, the Hospital Authority ("HA") and the Hong Kong Academy of Medicine respectively and appointed by the Chief Executive.

2. Functions of MCHK include, among others, 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 the Medical Registration Ordinance and the Medical Practitioners (Registration and Disciplinary Procedure) Regulation (Cap. 161E). Under the Regulation, the chairman and the deputy chairman of the Preliminary Investigation Committee ("PIC") of MCHK will decide whether a complaint is frivolous or groundless and should not proceed further. If they consider that the case raises a question as to whether the fitness to practise of a registered medical practitioner is impaired by reason of his physical or mental condition and the question should be considered by the Health Committee of MCHK

direct, they may refer the case to the Health Committee and recommend it to conduct a hearing. If the chairman and the deputy chairman of PIC consider that the complaint should be referred to PIC for full consideration, PIC will conduct preliminary investigation into the case and make recommendation to MCHK as to whether or not an inquiry should be conducted. PIC may also refer the case in whole or in part to the Health Committee for a hearing if there is a question that the fitness to practise of the medical practitioner concerned may be impaired.

3. PIC comprises a chairman and a deputy chairman elected from among members of MCHK; one of the four lay members of MCHK; and four others who are registered medical practitioners not being members of MCHK, each nominated by HKMA, DoH, HA and any member of MCHK respectively. The Health Committee comprises a chairman and two members elected from among members of MCHK; one of the four lay members of MCHK; one to three persons who are not members of MCHK, whom MCHK considers appropriate; and four others who are registered medical practitioners not being members of MCHK, with two nominated by HKMA and the other two each nominated by DoH and HA respectively.

4. In May 2001, MCHK set up a Working Group on the Reform of the Medical Council to review MCHK's structure, composition and functions with a view to strengthening its accountability, transparency and fairness in order to ensure high standard of medical care. MCHK submitted its recommendations, which included, among others, increasing the number of its lay members from four to eight and increasing the number of lay members in PIC from one to three, to the then Health and Welfare Bureau in December 2001.

5. The Panel on Health Services ("the Panel") was briefed vide LC Paper No. CB(2)1032/01-02(04) on the views of the Administration on MCHK's various reform recommendations. On the recommendation relating to the increasing of lay representation in MCHK, the Administration advised that it was supportive of the proposal. According to the Administration, the inclusion of lay members in a professional regulatory body was to demonstrate to the public that the profession was not regulated by its professionals alone. This would address the criticism of professionals protecting the interest of each other and enhance the credibility of the system, hence commanding greater public confidence. In addition, lay involvement was conducive to the governance and operation of the regulatory body with the lay members' perspective and expertise. There was, however, a need to ensure an adequate number of professional members to deal with work in connection with professional regulation. The Administration considered that the recommendation of increasing the number of lay members in PIC from one to three would bring noticeable improvement over the existing

arrangement, as lay representation would account for one-third of the size of PIC. The Administration would further discuss with MCHK on its various reform recommendations.

6. The Panel has not received further information from the Administration on how the above recommendations of MCHK would be taken forward. Separately, two written questions were raised at the Council meeting of 6 July 2005 and 24 January 2007 concerning, respectively, the complaint handling mechanism and the functions, composition and structure of MCHK. According to the Administration, the complaint handling mechanism of MCHK had been working well and the Administration did not see an immediate need to take forward the relevant proposals. In particular, administrative arrangement had been put in place to require the obtaining of consent from a lay member before a complaint could be dismissed by the chairman and deputy chairman of PIC. The Administration had no plans to conduct a review on the functions, composition and structure of MCHK.

7. In recent years, there has been grave concern in the community over the transparency and fairness of the operation of MCHK, in particular its complaint handling mechanism. In June 2014, MCHK put forth a proposal of increasing the number of lay persons in the panel of assessors<sup>1</sup> for the purpose of conducting inquiries and allowing them to substitute lay members of MCHK in forming the quorum in preliminary investigations and inquiries for the Administration's consideration. In response to an oral question and a written question respectively raised at the Council meetings of 2 July and 20 November 2014 concerning the above proposal, the Secretary for Food and Health advised that the proposal did not involve changing the membership or composition of MCHK. The Administration was actively discussing the proposal with MCHK and would proceed with the drafting of legislation. Separately, the review being conducted by the Steering Committee on Strategic Review on Healthcare Manpower Planning and Professional Development chaired by himself covered, among others, the regulatory framework governing the 13 healthcare professions subject to statutory regulation (including medical practitioners). This included the functions and composition of the regulatory bodies concerned. The Administration would take forward the recommendations of the Steering Committee as appropriate upon completion of the review.

8. Hon Tommy CHEUNG Yu-yan proposes to introduce a Member's Bill to

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<sup>1</sup> The panel of assessors consists of 10 registered medical practitioners who are not members of MCHK, with two nominated by DoH, HA, the Hong Kong Academy of Medicine, the University of Hong Kong, the Chinese University of Hong Kong respectively, and four lay persons who are not members of MCHK nominated by the Secretary for Food and Health.

amend the Medical Registration Ordinance to the effect that the number of lay members appointed by the Chief Executive to MCHK would be increased from four to eight; and the number of lay members in PIC and the Health Committee would respectively be increased from one to two. The Panel will discuss the legislative proposal at its meeting on 16 November 2015.

Council Business Division 2  
Legislative Council Secretariat  
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