

# 《2017年醫生註冊(修訂)條例草案》

Medical Registration (Amendment) Bill 2017

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## 目的 Objectives

### 1. 改善醫委會的投訴調查和紀律研訊機制

Improve the complaint investigation and disciplinary inquiry mechanism of MCHK

### 2. 增加醫委會的業外委員人數

Increase lay membership in MCHK

### 3. 讓醫委會可批准有限度註冊申請年期由不多於一年延長至不多於三年

Enable MCHK to approve applications for limited registration from not exceeding one year to not exceeding three years

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# 醫委會處理投訴情況

## Complaints Handling of MCHK

### 投訴個案

No. of caseload

新增個案：~每年500宗  
積壓個案數目：~760宗 (2017年8月)  
No. of new cases: ~500 annually  
No. of backlog: ~ 760 (As of August 2017)

偵委會初步考慮階段

PRE-PIC

~330

偵委會

PIC

~330

研訊

INQUIRY

~100

### 處理時間

Handling Time

由接獲投訴至進行研訊：~6年  
From receipt of case till inquiry: ~6 years  
新個案排期等候時間：  
Waiting time for new case:

偵委會會議：~1年  
研訊會議：~約2年半(最新排期：2020年3月)  
PIC meeting: ~ 1 year  
Inquiry meeting- 2.5 years (Latest schedule: March 2020)

**目標：在3年內清理積壓個案及以後在2年內處理大部分需要進行聆訊的個案**  
*Aim: 3 years to clear backlog and thereafter complete majority of cases requiring inquiry within 2 years*

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## 改善投訴調查和紀律研訊機制 - 主要建議

Improve the complaint investigation and disciplinary inquiry mechanism –  
Key Proposals

### 1. 由研訊小組取代醫委會研訊會議進行研訊

Inquiry Panel, instead of Inquiry Council, to conduct inquiries

### 2. 調整及簡化偵委會組成

Refined and simplified composition of PIC

### 3. 成立多於一個偵委會及研訊小組

More than one PIC and Inquiry Panel

### 4. 大量增加審裁員數目(最多140人)及審裁員組成更多元化

Substantial increase in the no. of assessors (up to 140) and diversification of the composition of assessors

### 5. 醫委會委員及/或審裁員可組成偵委會及研訊小組

MCHK members and/or assessors could form PIC & Inquiry Panel

### 6. 增加業外人士參與但少於一半

Increased lay participation but less than half

### 7. 偵委會及研訊小組醫生成員須佔多數

Majority of PIC and Inquiry Panel members need to be doctors

### 8. 增加法律支援的彈性

Increased flexibility in legal support

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# 程序

## Procedures

### 現時 Existing

#### 偵委會初步考慮階段

(由偵委會主席作初步考慮，  
如駁回個案，須再由偵委會副主席及業外委員考慮)  
Pre-PIC Stage  
(preliminary consideration by PIC chairman,  
for dismissed cases, consultation with deputy chairman  
and lay Council member)

1個  
偵委會  
1 PIC

“進行研訊的醫委會會議”  
“Council conducting inquiry”

### 建議 Proposed

#### 偵委會初步考慮階段

(由偵委會主席作初步考慮，  
如駁回個案，須再由偵委會副主席及業外人士考慮)  
Pre-PIC Stage  
(preliminary consideration by PIC chairman,  
for dismissed cases, consultation with deputy chairman and  
lay person)

多於1個  
偵委會  
>1 PIC

多於1個研訊小組  
>1 Inquiry Panel

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# 審裁員

## Pool of Assessors

### 現時 Existing

總數: 14 Total: 14

- 由醫委會委任
  - 10名由5個機構提名的醫生  
(醫管局、衛生署、香港大學、香港中文大學及香港醫學專科學院各提名2名)
  - 4名業外人士，由食衛局局長提名
- Appointed by MCHK
  - 10 doctors nominated by 5 institutions  
(2 each from HA, DH, HKU, CUHK, HKAM)
  - 4 lay nominated by SFH

### 建議 Proposed

總數: 28 – 140 Total: 28 – 140

- 由醫委會委任
- 醫委會獲授權釐訂資格要求
- 審裁員的組成在法例以附表形式載列
  - 16-80名醫生
    - 8個機構各提名2-10名 –  
現時: 醫管局、衛生署、香港大學、香港中文大學及香港醫學專科學院  
新增: 香港醫學會、香港西醫工會、香港公共醫療醫生協會
  - 12-60名業外人士
    - 以下團體各提名2-10名 –
    - 1) 病人組織
    - 2) 香港大律師公會
    - 3) 香港律師會
    - 4) 香港社會服務聯會
    - 5) 香港會計師公會
    - 6) 政府當局
- To be appointed by MCHK
- MCHK to be empowered to set qualification requirements
- Composition of assessors to be set out in schedule of the Ordinance
  - 16-80 doctors
    - 2-10 each nominated by 8 institutions –  
Existing: HA, DH, HKU, CUHK, HKAM  
Newly added: HKMA, HKDU, PDA
  - 12-60 lay
    - 2-10 each nominated by –
    - 1) Patient organizations
    - 2) Hong Kong Bar Association
    - 3) Law Society of Hong Kong
    - 4) Hong Kong Council of Social Service
    - 5) Hong Kong Institute of Certified Public Accountants
    - 6) Government

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# 偵委會

PIC

## 現時 Existing

### 一個偵委會

#### 組成

- 醫委會委任7名成員
  - 3名醫委會委員(最少一人須為業外委員)
  - 4名非醫委會委員的人士(全部均為醫生,分別由香港醫學會、衛生署、醫管局和醫委會委員各提名1人)

#### 現行做法

6名醫生 + 1名醫委會業外委員

#### 主席及副主席

- 由醫委會委員互選

#### 法定人數(3名成員)

- 其中最少一人須為醫委會業外委員,但過半數委員(包括主席或副主席或兩者在內)須為醫生

#### One PIC

#### Composition

- 7 members appointed by MCHK
  - 3 MCHK members (at least 1 lay member)
  - 4 non-MCHK members (doctors whom HKMA, DH, HA and a MCHK member can each nominate 1)

#### Current practice

6 doctors + 1 lay Council member

#### Chairman and Deputy Chairman

- elected from among its MCHK members

#### Quorum (3 members)

- at least one of whom shall be a lay Council member, subject to the majority being doctors, including the chairman or deputy chairman, or both

## 建議 Proposed

### 多於一個偵委會

#### 組成

- 醫委會委任7名成員
- 醫委會委員或審裁員
  - 4名醫生
  - 3名業外人士

#### 主席及副主席

- 醫委會委員或審裁員,由醫委會委任

#### 法定人數(3名成員)

- 其中最少一人須為業外人士,但過半數委員(包括主席或副主席或兩者在內)須為醫生

#### More than one PIC

#### Composition

- 7 members appointed by MCHK
- MCHK member/ assessor
  - 4 doctors
  - 3 lay persons

#### Chairman and Deputy Chairman

- MCHK member/ assessor to be appointed by MCHK

#### Quorum (3 members)

- at least one of whom shall be a lay person, subject to the majority being doctors, including the chairman or deputy chairman, or both

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# 研訊

Inquiry

## 現時 Existing

### 進行研訊的醫委會會議

#### 法定人數

- 5名醫委會委員;或
- 3名醫委會委員+2名審裁員
- 其中最少一人為醫委會業外委員,但過半數須為醫生

#### 主席

- 醫委會主席
- 若醫委會主席曾參與同一個案的調查或其他程序,有關研訊會議的主席則由醫委會委員互選

#### 紀律處分權力

- 所有紀律處分權力以作出命令及覆核裁決

#### Council conducting inquiry

#### Quorum

- 5 MCHK members OR
- 3 MCHK members + 2 assessors
- at least one lay Council member and the majority must be doctors

#### Chairman

- Council Chairman
- If the Council Chairman has involved in the preceding investigation/proceeding of a case, a chairman will be elected from among its MCHK members

#### Disciplinary power

- Full disciplinary power to make order and review its decisions

## 建議 Proposed

### 多於一個研訊小組

#### 組成

- 醫委會委任5名成員
- 醫委會委員或審裁員
  - 3名醫生
  - 2名業外人士

#### 研訊委員會主席

- 醫委會委員或審裁員,由醫委會委任

#### 紀律處分權力

- 所有紀律處分權力以作出命令及覆核裁決

#### More than one Inquiry Panel

#### Composition

- 5 members appointed by MCHK
- MCHK member/ assessor to be appointed by MCHK
  - 3 doctors
  - 2 lay persons

#### Inquiry Committee Chairman

- MCHK member/ assessor

#### Disciplinary power

- Full disciplinary power to make order and review its decisions

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# 法律支援

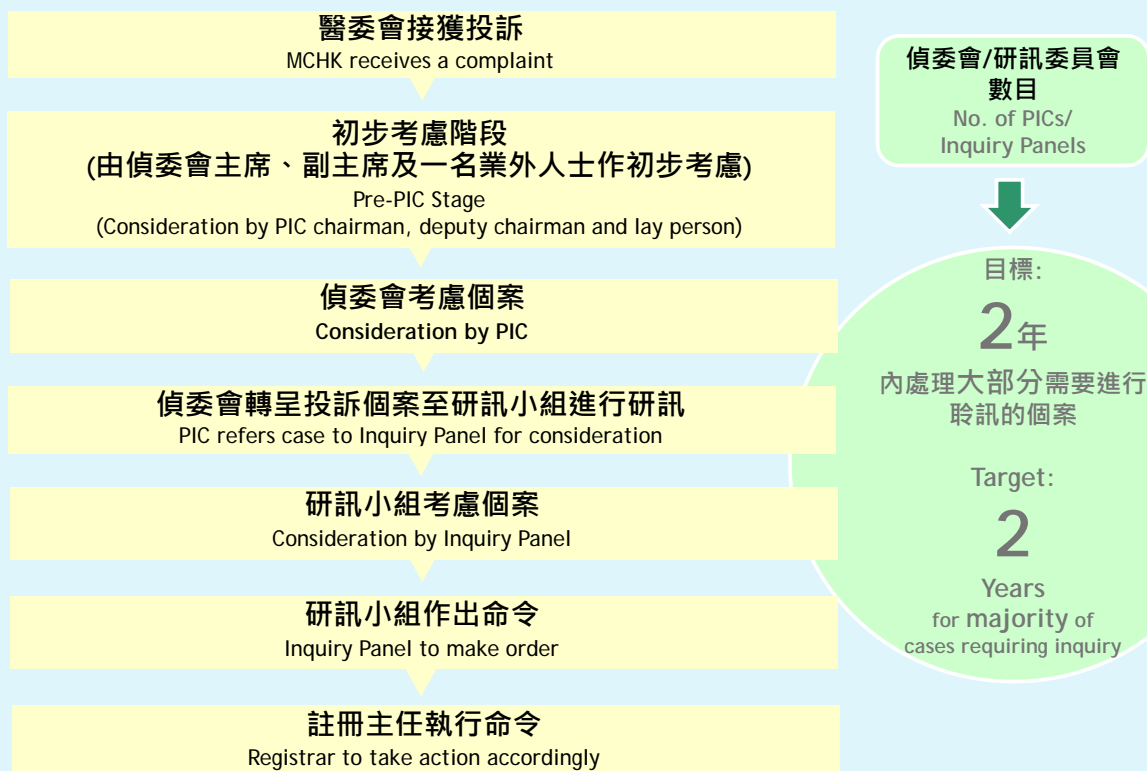
## Legal Support

| 現時<br>Existing   | 建議<br>Proposed   |
|--|--|
| <p>醫委會法律顧問</p> <ul style="list-style-type: none"><li>醫委會可委任一名法律顧問</li></ul>  | <p>醫委會法律顧問</p> <ul style="list-style-type: none"><li>醫委會可委任多於一名法律顧問</li></ul>  |
| <p>為研訊提供法律支援</p> <ul style="list-style-type: none"><li>律政司司長可指定律政司的律政人員在研訊中執行醫委會秘書的法定職責</li></ul>  | <p>為研訊提供法律支援</p> <ul style="list-style-type: none"><li>除律政司的律政人員外，律政司司長可指定任何私人執業的大律師或律師在研訊中執行醫委會秘書的法定職責</li></ul>  |
| <p>Legal adviser to MCHK</p> <ul style="list-style-type: none"><li>MCHK may appoint one legal adviser</li></ul>  | <p>Legal adviser to MCHK</p> <ul style="list-style-type: none"><li>MCHK may appoint <u>more than one</u> legal advisers</li></ul>  |
| <p>Provision of legal support for disciplinary inquiries</p> <ul style="list-style-type: none"><li>The Secretary for Justice may appoint legal officers of the Department of Justice to carry out the statutory duties of the Secretary of MCHK in inquiries</li></ul> | <p>Provision of legal support for disciplinary inquiries</p> <ul style="list-style-type: none"><li>The Secretary for Justice may appoint <u>any counsel or solicitor in private practice</u> (besides legal officers of the Department of Justice) to carry out the statutory duties of the Secretary of MCHK in inquiries</li></ul> |

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# 建議日後程序

## Proposed Procedural Flow



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