

立法會
Legislative Council

LC Paper No. LS121/01-02

Paper for the House Committee Meeting on 21 June 2002

**Legal Service Division Report on the
Proposed Resolution under section 12 of the
Hong Kong Academy of Medicine Ordinance (Cap. 419)**

The Secretary for Health and Welfare has given notice to move a motion on 3 July 2002 to pass the above resolution. By this resolution the Administration seeks the approval of the Legislative Council of the Hong Kong Academy of Medicine (Amendment) Regulation 2002 ("the Amendment Regulation"), made by the Hong Kong Academy of Medicine ("the Academy"). The sole provision in the Amendment Regulation is the repeal of section 9(3) of the Hong Kong Academy of Medicine Regulation (Cap. 419 sub. leg.) ("the principal Regulation").

2. Section 9 of the principal Regulation provides for the terms of office of members of the Council of the Academy. Subsections (3) and (4) provide for the following :-

- "(3) No Fellow shall serve on the Council for a continuous period of more than 8 years, provided that the years of service as an ex officio member shall not count.
- (4) No Fellow shall serve more than 12 years on the Council during his lifetime, provided that the year of service of the immediate past President as a Council member shall not count."

Members may note that subsection (3) deals with the maximum number of years that a Fellow may continuously be a member, while subsection (4) deals with the maximum number of years in a lifetime that a Fellow may be a member.

3. According to the draft speech of the Secretary for Health and Welfare (circulated to Members separately), the reason for the repeal of section 9(3) is that the Council of the Academy believes that section 9(4) is sufficient to cover a Fellow's maximum tenure, and there is no strong reason of discontinuing a Fellow's service at the end of the 8th year while he is allowed to serve a total of 12 years.

4. The proposed resolution is in order from the legal and drafting points of view.

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