



LEGISLATIVE COUNCILLOR (MEDICAL) Dr. Hon LEUNG Ka-lau

立法會議員 (醫學界) 梁家驩醫生

立法會《2016年醫生註冊(修訂)條例草案》委員會主席
方剛議員台鑒：

《2016年醫生註冊(修訂)條例草案》修訂

就《2016年醫生註冊(修訂)條例草案》(下稱《條例草案》)，政府建議把香港醫務委員會的業外委員數目由4名增至8名。醫學界均贊成增加業外委員，但要求政府相對增加由選舉產生的業內委員人數。

因此，本人擬於全體委員會審議階段，提出兩項修正案，同時建議修訂《條例草案》第4條，關於醫務委員會的設立及組成，其中一項可簡稱為「4+4」修正案，另一項為「6+6」修正案(詳見附件)，供議員考慮及選擇。

「4+4」修正案旨在增加4名業外委員及4名由選舉產生的業內委員，使業外委員總數增至8名，業內委員總數增至11名醫生。「6+6」修正案則旨在增加6名業外委員及6名由選舉產生的業內委員，使業外委員總數增至10名，業內委員總數增至13名醫生。在這兩個方案下，醫委會內的選舉和委任席位都能維持1:1的比例。

上述兩項修訂均能增加醫委會的公信力及維護醫學界的「專業自主」。本人期盼主席及各位議員能支持有關的修正案。

順祝
政安！

梁家驩議員 謹啟

二零一六年五月三十日

附件：修正案

《2016 年醫生註冊(修訂)條例草案》

委員會審議階段

由梁家驩議員動議的修正案

條次

建議修正案

4

刪去該條而代以 —

“4. 修訂第 3 條(醫務委員會的設立及組成)

(1) 第 3(2)條 —

廢除(g)段

代以

“(g) 8 名業外委員，由行政長官委任 —

(i) 其中 3 人由食物及衛生局局長根據第(3AA)款指明的組織，按照局長在諮詢該等組織後發出的指引選出；及

(ii) 其中 1 人由消費者委員會提名；”。

(2) 第 3(2)(j)條 —

廢除

“7”

代以

“11”。

(3) 在第 3(3)條之後 —

加入

“(3AA) 食物及衛生局局長可為施行第(2)(g)款，藉憲報公告指明其認為代表病人利益的組織。”。

(4) 在第 3(7)條之後 —

加入

“(7A) 在緊接《2016 年醫生註冊(修訂)條例》

(2016 年第 號) 第 4(2)條生效後所出現的 4 個第 2(j) 款下的醫務委員會委員的職位空缺，由緊接該條例第 4(2)條生效後，依據選舉規例所舉行的選舉(並非第(5B)款所提述的選舉)所選出的候選人填補。”。

新條文

在第 12 條之後加入 —

“12A. 修訂第 35 條(過渡性條文)

在第 35(9)條之後 —

加入

“(10) 如在《2016 年醫生註冊(修訂)條例》(2016 年第 號)第 4 條的生效日期當日，第 3(2)(j)條(緊接該日期前有效者)所提述的醫務委員會委員的任期尚未屆滿，則該委員可繼續任職，直至其任期屆滿為止。”。

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(1) 第 3(2)條 —

廢除(g)段

代以

“(g) 10 名業外委員，由行政長官委任 —

(i) 其中 5 人由食物及衛生局局長根據第(3AA)款指明的組織，按照局長在諮詢該等組織後發出的指引選出；及

(ii) 其中 1 人由消費者委員會提名；”。

(2) 第 3(2)(j)條 —

廢除

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代以

“13”。

(3) 在第 3(3)條之後 —

加入

“(3AA) 食物及衛生局局長可為施行第(2)(g)款，藉憲報公告指明其認為代表病人利益的組織。”。

(4) 在第 3(7)條之後 —

加入

“(7A) 在緊接《2016 年醫生註冊(修訂)條例》

(2016 年第 號) 第 4(2)條生效後所出現的 6 個第 2(j) 款下的醫務委員會委員的職位空缺，由緊接該條例第 4(2)條生效後，依據選舉規例所舉行的選舉(並非第(5B)款所提述的選舉)所選出的候選人填補。”。

新條文

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Medical Registration (Amendment) Bill 2016

Committee Stage

Amendments to be moved by Dr Hon LEUNG Ka-lau

Clause

Amendment Proposed

4

By deleting the clause and substituting—

“4. Section 3 amended (establishment and composition of Council)

(1) Section 3(2)—

Repeal paragraph (g)

Substitute

“(g) 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;”.

(2) Section 3(2)(j)—

Repeal

“7”

Substitute

“11”.

(3) 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.”.

(4) After section 3(7)—

Add

“(7A) The 4 vacancies of the offices of members of the Council under subsection 2(j) which arise immediately after the commencement of section 4(2) of the Medical Registration (Amendment) Ordinance 2016 (of 2016) are to be filled by candidates elected by the election, not being an election referred to in subsection (5B), held under the Election Regulation next after the commencement of section 4(2) of that Ordinance.”.

New

By adding after clause 12—

“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 (of 2016), the term of office of a member of the Council referred to in section 3(2)(j) 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.”.

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By deleting the clause and substituting—

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“(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.”.

(4) After section 3(7)—

Add

“(7A) The 6 vacancies of the offices of members of the Council under subsection 2(j) which arise immediately after the commencement of section 4(2) of the Medical Registration (Amendment) Ordinance 2016 (of 2016) are to be filled by candidates elected by the election, not being an election referred to in subsection (5B), held under the Election Regulation next after the commencement of section 4(2) of that Ordinance.”.

New

By adding after clause 12—

“12A. Section 35 amended (transitional)

After section 35(9)—

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“(10) If, on the commencement date of section 4 of the Medical Registration (Amendment) Ordinance 2016 (of 2016), the term of office of a member of the Council referred to in section 3(2)(j) 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.”.