立法會 Legislative Council

LC Paper No. CB(2)2001/15-16 (These minutes have been seen by the Administration)

Ref: CB2/BC/4/15

Bills Committee on Medical Registration (Amendment) Bill 2016

Minutes of the second meeting held on Monday, 11 April 2016, at 8:30 am in Conference Room 1 of the Legislative Council Complex

Members : Hon Vincent FANG Kang, SBS, JP (Chairman)
present Hon CHAN Han-pan, JP (Deputy Chairman)

Hon Albert HO Chun-yan Hon James TO Kun-sun Hon LEUNG Yiu-chung

Hon Emily LAU Wai-hing, JP

Hon Tommy CHEUNG Yu-yan, GBS, JP

Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN

Dr Hon LEUNG Ka-lau

Hon Mrs Regina IP LAU Suk-yee, GBS, JP

Hon Paul TSE Wai-chun, JP Hon Alan LEONG Kah-kit, SC Hon NG Leung-sing, SBS, JP

Hon YIU Si-wing, BBS Hon Charles Peter MOK, JP

Hon Kenneth LEUNG

Hon Alice MAK Mei-kuen, BBS, JP

Dr Hon KWOK Ka-ki Hon KWOK Wai-keung Hon Dennis KWOK

Dr Hon Fernando CHEUNG Chiu-hung

Hon IP Kin-yuen

Hon TANG Ka-piu, JP

Hon Christopher CHUNG Shu-kun, BBS, MH, JP

Members : Hon LEUNG Kwok-hung attending Hon WU Chi-wai, MH

Members : Hon Cyd HO Sau-lan, JP

absent Dr Hon Priscilla LEUNG Mei-fun, SBS, JP

Hon WONG Yuk-man

Hon Steven HO Chun-yin, BBS Hon Frankie YICK Chi-ming, JP Dr Hon Elizabeth QUAT, JP Dr Hon CHIANG Lai-wan, JP Hon CHUNG Kwok-pan

Public Officers: Mr Richard YUEN Ming-fai, JP

attending Permanent Secretary for Food &Health (Health)

Food and Health Bureau

Mr Chris SUN Yuk-han, JP

Head, Healthcare Planning and Development Office

Food and Health Bureau

Mr FONG Ngai

Principal Assistant Secretary for Food & Health (Health) 3

Food and Health Bureau

Miss Natalie LAU Wai-kwan

Assistant Secretary for Food & Health (Health) 8

Food and Health Bureau

Miss Maggie CHOW Wan-kam

Secretary, Medical Council of Hong Kong

Department of Health

Mr Joseph SIU Wing-ho

Deputy Secretary (Medical Council) 1

Department of Health

Miss Cindy CHEUK Chi-wing

Government Counsel Department of Justice

Attendance by invitation

Item II

Hong Kong Patients' Voices

Mr LAM Chi-yau

Chairman

Hong Kong Public Doctors' Association

Dr Pierre CHAN

President

Mr CHAN Tsz-tai

Hong Kong Doctors Union

Dr Henry YEUNG Chiu-fat

President

Dr HO Pak-leung

Ms LAU Siu-lan

Ms LAM Gee-wah

Dr CHOI Kin

The Hong Kong Medical Association

Dr SHIH Tai-cho

President

Dr WONG Yee-him

Hospital Authority

Dr CHEUNG Wai-lun

Director (Cluster Services)

Dr PONG Chiu-fai

The Federation of Medical Societies of Hong Kong

Prof CHEUNG Man-yung

Hon Secretary

Dr David LAM Tzit-yuen

Liberal Party

Mr Ken CHOW Chairman, New Territories West District Affairs Committee

Liberal Party Youth Committee

Mr Matthew CHOI Representative

Association of Private Medical Specialists of Hong Kong

Dr Samuel KWOK Po-yin President

Hong Kong Patients' Rights Association

Mr PANG Hung-cheong Community Organizer

Society for Community Organization

Mr Richard TSOI Yiu-cheong Community Organizer

Hong Kong Academy of Medicine

Dr LUK Hung-to Council Member

Rehabilitation Alliance Hong Kong

Mr LAU Kwok-lam Senior Project Officer

Hong Kong Alliance of Patients' Organizations Limited

Mr CHAN Wai-kit Vice Chairman (External Affairs) Mr Peter CHEUNG Shung-tak

Ms Eugina LAU Mei-kuen

Mr TAI Siu-ching

Association of Hong Kong Nursing Staff

Mr LEUNG Ka-man Chief Executive

The Medical Council of Hong Kong

Prof Joseph LAU Wan-yee, SBS Chairman

Mr Curtis NG Tsz-chung

Clerk in : Ms attendance Chie

: Ms Maisie LAM

Chief Council Secretary (2) 5

Staff in attendance

: Ms Wendy KAN

Assistant Legal Adviser 6

Ms Priscilla LAU

Council Secretary (2) 5

Ms Louisa YU

Legislative Assistant (2) 5

Miss LEE Wai-yan Clerical Assistant (2) 5

Action

I. Application for late membership

[LC Paper No. CB(2)1221/15-16(01)]

<u>The Chairman</u> referred to the application from Mr WONG Yuk-man for late membership of the Bills Committee. <u>The Bills Committee</u> agreed that the application from Mr WONG Yuk-man be accepted.

Action

II. Meeting with deputations and the Administration

[File Ref.: FHCR1/F/3261/92, LC Paper Nos. LS44/15-16, CB(3)422/15-16, CB(2)1118/15-16(02) to (04), CB(2)1131/15-16(01), CB(2)1221/15-16(02) to (13), CB(2)1230/15-16(01) to (02), CB(2)1236/15-16(01), CB(2)1249/15-16(01) to (02) and CB(2)1250/15-16(01) to (06)]

- 2. <u>The Bills Committee</u> deliberated (index of proceedings attached at **Annex**).
- 3. <u>The Bills Committee</u> received oral representation from 28 deputations on the Bill, and noted ten written submissions from an organization and nine individuals not attending the meeting.

Admin

4. <u>Members</u> noted that the Administration would consult the relevant stakeholders to address the concern of some members of the medical profession on the need to maintain an equal ratio of appointed members and elected members in the Medical Council of Hong Kong ("the Medical Council"); and in consultation with the major patient groups and patient support groups, work out a nomination mechanism for the organizations concerned to nominate certain number of lay persons, say, two lay persons, representing the interests of patients for appointment by the Chief Executive to fill the additional lay member seats of the Medical Council as proposed under the Bill.

Admin

5. The Administration was requested to provide in writing the details, including the implementation timetable, of the additional manpower resources to be provided to the Medical Council Secretariat to strengthen its administrative support to the Medical Council and its committees and sub-committees, in particular the support required of for expediting the process for conducting complaint investigation and disciplinary inquiry concerning the professional misconduct of registered medical practitioners.

III. Any other business

- 6. <u>Members</u> agreed that the next two meetings of the Bills Committee would be held on 19 April 2016 at 8:30 am and 25 April 2016 at 4:30 pm respectively.
- 7. There being no other business, the meeting ended at 11:06 am.

Council Business Division 2
<u>Legislative Council Secretariat</u>
26 August 2016

Proceedings of the second meeting of the Bills Committee on Medical Registration (Amendment) Bill 2016 held on Monday, 11 April 2016, at 8:30 am in Conference Room 1 of the Legislative Council Complex

Time marker	Speaker	Subject(s)/Discussion	Action required		
Agenda it	Agenda item I: Application for late membership				
000346 - 000439	Chairman	Mr WONG Yuk-man's application for late membership			
Agenda it	em II: Meeting with depu	tations and the Administration	<u>.</u>		
000440 - 000749	Chairman	Opening remarks Declaration of the Chairman			
000750 - 001106	Hong Kong Patients' Voices	Presentation of views (LC Paper No. CB(2)1250/15-16(02))			
001107 - 001416	Hong Kong Public Doctors' Association	Presentation of views (LC Paper No. CB(2)1221/15-16(04))			
001417 - 001722	Mr CHAN Tsz-tai	Presentation of views (LC Paper No. CB(2)1221/15-16(05))			
001723 - 002035	Hong Kong Doctors Union	Presentation of views (LC Paper No. CB(2)1250/15-16(01))			
002036 - 002311	Dr HO Pak-leung	Presentation of views (LC Paper No. CB(2)1221/15-16(06))			
002312 - 002550	Ms LAU Siu-lan	Presentation of views			
002551 - 002915	Ms LAM Gee-wah	Presentation of views			
002916 - 003221	Mr Peter CHEUNG Shung-tak	Presentation of views			
003222 - 003454	Ms Eugina LAU Mei- kuen	Presentation of views			
003455 - 003838	Dr CHOI Kin	Presentation of views (LC Paper No. CB(2)1250/15-16(03))			
003839 - 004150	The Hong Kong Medical Association ("the Medical Association")	Presentation of views (LC Paper No. CB(2)1221/15-16(07))			
004151 - 004509	Dr WONG Yee-him	Presentation of views (LC Paper No. CB(2)1221/15-16(08))			

Time marker	Speaker	Subject(s)/Discussion	Action required
004510 - 004831	Hospital Authority ("HA")	Presentation of views (LC Paper No. CB(2)1250/15-16(04))	required
004832 - 005147	Dr PONG Chiu-fai	Presentation of views (LC Paper No. CB(2)1250/15-16(05))	
005148 - 005504	The Federation of Medical Societies of Hong Kong	Presentation of views (LC Paper No. CB(2)1249/15-16(01))	
005505 - 005838	Dr David LAM Tzit- yuen	Presentation of views (LC Paper No. CB(2)1221/15-16(09))	
005839 - 010123	Liberal Party	Presentation of views	
010124 - 010442	Liberal Party Youth Committee	Presentation of views	
010443 - 010744	Association of Private Medical Specialists of Hong Kong	Presentation of views	
010745 - 011105	Hong Kong Patients' Rights Association	Presentation of views (LC Paper No. CB(2)1250/15-16(06))	
011106 - 011439	Society for Community Organization	Presentation of views (LC Paper No. CB(2)1250/15-16(06))	
011440 - 011754	Hong Kong Academy of Medicine ("the Academy of Medicine")	Presentation of views (LC Paper No. CB(2)1221/15-16(10))	
011755 - 012106	Rehabilitation Alliance Hong Kong	Presentation of views (LC Paper No. CB(2)1230/15-16(01))	
012107 - 012340	Hong Kong Alliance of Patients' Organizations Limited	Presentation of views (LC Paper No. CB(2)1221/15-16(11))	
012341 - 012654	Mr TAI Siu-ching	Presentation of views	
012655 - 013002	Association of Hong Kong Nursing Staff	Presentation of views (LC Paper No. CB(2)1236/15-16(01))	
013003 - 013335	The Medical Council of Hong Kong ("the Medical Council")	Presentation of views (LC Paper No. CB(2)1230/15-16(02))	
013336 - 013542	Mr Curtis NG Tsz-chung	Presentation of views (LC Paper No. CB(2)1221/15-16(13))	
013543 - 014235	Chairman Admin	The Administration's response to the major concerns and issues raised by the deputations:	
		(a) the legislative proposal to increase the number of lay	

Time	Speaker	Subject(s)/Discussion	Action
marker		members on the Medical Council of Hong Kong ("the Medical Council") from four to eight was based on the recommendation made by the working group and task force established by the Medical Council in 2001 and 2014 respectively, and the proposal put forth by Mr Tommy CHEUNG in his proposed Member's Bill in 2015;	required
		(b) the Administration would consult members of the medical profession with a view to addressing its concern of the need to maintain an equal ratio of appointed members and elected members in the Medical Council;	Admin
		(c) the legislative proposals to increase the total number of assessors and enable the Medical Council to have more than one legal adviser as well as establish more than one Preliminary Investigation Committee ("PIC") would help shortening the time required by the Medical Council to handle complaints. In addition, the Administration would provide additional resources to strengthen the secretariat and legal support to the Medical Council in this regard. The Medical Council had also been requested to consider whether the complaint handling procedures could be streamlined and expedited; and	
		(d) the legislative proposal to extend the maximum term of limited registration and renewal of such registration from a period of not exceeding one year to a period of not exceeding three years was aimed at addressing the current medical manpower constraint problem of public hospitals in the face of an ageing population. The Administration had no plan to change the requirements for non-locally trained medical practitioners to practise in Hong Kong which required separate amendments to the relevant sections of the Medical Registration Ordinance (Cap. 161) ("the Ordinance").	
014236 - 014337	Chairman	The Chairman's decision to extend the meeting for 15 minutes beyond its appointed time to allow more time for discussion.	
014338 - 014747	Chairman Dr KWOK Ka-ki Admin	Dr KWOK Ka-ki's view that: (a) there was a need for the Medical Council to streamline its complaint investigation and disciplinary inquiry procedures, as well as enable it to have more secretarial support and more than one legal adviser so as to shorten the time it required for handling complaints;	
		(b) the lay member seats on the Medical Council (including those seats proposed to be representing patients' interests) should be filled by persons nominated or elected through a transparent procedure so as to ensure that the appointment of lay members by the Chief Executive ("CE") was not based on political consideration; and	
		(c) consideration should be given to setting up an arbitration system independent from the Medical Council to handle medical complaints which did not involve professional misconduct of medical practitioners.	

Time marker	Speaker	Subject(s)/Discussion	Action required
014748 - 015155	Chairman Mr Tommy CHEUNG	Mr Tommy CHEUNG's expression of support to the Bill as an initial step to reform the Medical Council, and his view on the legislative proposal concerning the proposed four additional lay member seats:	20,000
		(a) the four additional lay members should include two persons representing patients' interests, as well as two persons elected by Members of the Legislative Council ("LegCo") from among their own members;	
		(b) the proposal from some members of the medical profession to correspondingly increase the number of elected medical practitioner members on the Medical Council by four could not achieve the same effect of changing the ratio of lay members to medical practitioner members from 1:6 as at present to 1:3 as proposed under the Bill; and	
		(c) the proposal from some other members of the medical profession to convert the two existing appointed seats to be nominated by the Academy of Medicine for appointment by CE to two elected seats so as to maintain an equal ratio of appointed members and elected members in the Medical Council warranted the Administration's consideration.	Admin
015156 -	Mr LEUNG Yiu-chung Admin (a	Mr LEUNG Yiu-chung's view that:	
015621		(a) the Bill only proposed piecemeal improvements to the existing complaint investigation and disciplinary inquiry mechanism of the Medical Council. An independent medical complaint office should instead be established to address the public's criticism of medical professionals protecting the interest of each other under the existing mechanism;	
		(b) he raised no objection to some deputations' view of the need to maintain the equal ratio of elected and appointed members in the Medical Council in order to uphold the principle of professional autonomy; and	
		(c) it was of paramount importance to ensure that patients' interests were adequately represented in the Medical Council. It should be expressly set out in the legislation that some of the lay members to be appointed by CE on the Medical Council were to be elected by the patient groups and patient support groups.	
		The Administration's advice that its intention at this stage was to improve the existing, but not to establish a new, mechanism for handling complaints against professional misconduct of medical practitioners. Subject to the deliberation of the Bills Committee and its discussion with the patient groups and patient support groups, the Administration would consider setting out in the legislation that the four additional lay members to be appointed by CE as proposed under the Bill would be representing the interests of patients and consumers.	

Time	Speaker	Subject(s)/Discussion	Action
marker 015622 - 020144	Chairman Miss Alice MAK Admin	Miss Alice MAK's concern about the existing cumbersome procedures of the Medical Council in handling complaints against professional misconduct of medical practitioners, as well as the factors to be taken into account by the chairman and deputy chairman of PIC in determining whether a complaint should be referred to PIC for consideration. Miss Alice MAK's views that: (a) the ratio of lay members to medical practitioner members in the Medical Council should be further increased to 1:1, such as that of the medical regulatory bodies in some overseas places;	required
		(b) the proposal from some deputations to convert the two existing appointed seats to be nominated by the Academy of Medicine for appointment by CE to two elected seats warranted the Administration's consideration. The election could be in the form of indirect election; and	Admin
		(c) the Administration should provide an undertaking that additional manpower resources would be provided to the Medical Council Secretariat upon the passage of the Bill.	Admin
020145 - 020535	Chairman Mr YIU Si-wing Dr HO Pak-leung Admin	Mr YIU Si-wing's expression of support to the legislative proposal of increasing the number of lay members on the Medical Council by four so as to enhance its credibility. In response to Mr YIU Si-wing's enquiry about how the Medical Council's existing procedures for handling complaints could be expedited, Dr HO Pak-leung's view that (a) the Administration should provide additional manpower resources to the Medical Council Secretariat; (b) the Medical Council and the Academy of Medicine could encourage medical practitioners to receive training on expert report writing; (c) the Administration should provide honorarium as a token of appreciation to experts who provided assistance to the investigation work; (d) the Police and the Department of Justice should give priority to investigating those medical incidents which had aroused wide public concern so as to enable the Medical Council to conduct disciplinary inquiry at an earlier time after the completion of the legal proceedings concerned; and (e) the Medical Council should be enabled to establish more than one PIC. The Administration's advice that consideration would be given to providing honorarium to experts who provided assistance to the investigation work at the PIC stage. Mr YIU Si-wing's request for the Administration to provide in writing a timetable in respect of the provision of additional manpower resources to the Medical Council Secretariat.	Admin
020536 - 021055	Chairman Mr IP Kin-yuen Admin Hong Kong Patients' Rights Association	Mr IP Kin-yuen's view that the Bill could not address the existing bottlenecks that had hampered the current operation of the complaint investigation and disciplinary inquiry mechanism of the Medical Council as pointed out by some deputations; and his request for the Administration to advise in writing on the	Admin

Time	Speaker	Subject(s)/Discussion	Action
marker	Hong Kong Patients' Voices	timetable to provide additional manpower resources to the Medical Council Secretariat so as to shorten the time required by the Medical Council for handling complaints.	required
		The Administration's advice that solely providing additional manpower resources to the Medical Council Secretariat without the implementation of the legislative proposals of enabling the Medical Council to have more than one legal adviser and establish more than one PIC could not significantly shorten the time required by the Medical Council for handling complaints. Representative of the Hong Kong Patients' Voices considered that the passage of the Bill would enable the Medical Council to conduct PIC meetings more frequently.	
		Referring to the power of CE to appoint lay persons to fill the proposed four additional lay member seats of the Medical Council, Mr IP Kin-yuen invited deputations' view on how to provide checks and balance on CE's appointment power so as to ensure that the interests of patients could be represented in the Medical Council, in particular under the current term Government.	
		Representative of the Hong Kong Patients' Rights Association suggested that under the principle that it was unlikely that CE might reasonably refuse to appoint a nominee if the nomination was a pre-condition for appointment by CE under the law, the persons to be appointed by CE to fill the existing four and the proposed four additional lay member seats should be nominated by specified statutory bodies, professional bodies and patient groups through a transparent procedure.	
021056 - 021512	Chairman Ms Emily LAU Admin	Ms Emily LAU's call for the Administration to endeavour to forge a consensus among the medical profession, the organizations representing patients and consumers' interests, as well as LegCo Members on how to take forward the Bill which was highly controversial in nature, so that the Bill could be dealt with before the prorogation of the Fifth LegCo.	Admin
021513 - 022033	Chairman Mr Alan LEONG Admin	Mr Alan LEONG's view that under the current term Government, there was a strong argument from some members of the medical profession that the legislative proposal of increasing the number of lay members to be appointed by CE on the Medical Council would enable CE to exercise political influence in the affairs of the Medical Council. To address the above concern which was, in his view, the most controversial issue under the Bill, there was a need for the Administration to work out a mechanism as to how CE would exercise the appointment power.	
		The Administration's response that its intention was to appoint two persons representing patients' interests and two persons representing consumers' interests on the Medical Council. The latter could be nominated by the Consumer Council. As regards the former, an option was for nominations to be made by patient groups and patient support groups. Given that there was no single body in the community representing all patients, it would	

Time marker	Speaker	Subject(s)/Discussion	Action required
mar ker		consult the major patient groups and patient support groups on the nomination arrangement.	required
		Mr Alan LEONG's call for the Administration to maintain close communication with the relevant stakeholders to work out a nomination mechanism in this regard as early as practicable for the Bills Committee's consideration.	Admin
022034 - 022247	Chairman Mr Kenneth LEUNG Admin	Referring to clause 8 which sought to amend section 20S of the Ordinance concerning the composition of PIC, Mr Kenneth LEUNG opined that a pool of registered medical practitioners and lay persons should instead be formed for the purpose of establishing PIC. This apart, the Administration should provide additional manpower and financial resources to strengthen the secretarial and legal support to the Medical Council, and for the Medical Council to provide honorarium for experts providing assistance to the investigation work of PIC.	
		The Administration's advice that it was proposed under the Bill that the number of lay persons on PIC would be increased from one lay member of the Medical Council to two lay persons who might either be a lay member of the Medical Council or a lay assessor appointed under the proposed amended section 21B(2)(f) of the Ordinance. The total number of lay members on the Medical Council would be increased from four to eight, whereas the total number of lay assessors would be increased from four to 14 under the Bill.	
022248 - 022739	Chairman Prof Joseph LEE Admin	Prof Joseph LEE's views that there was a broad consensus amongst the relevant stakeholders and LegCo Members on the legislative proposal of increasing the number of lay members on the Medical Council so as to enhance its creditability. However, the Administration should adhere to the principle of maintaining an equal ratio of appointed and elected members in the Medical Council to uphold professional autonomy; provide additional manpower resources to the Medical Council Secretariat; and consider introducing co-opted member seats in the Medical Council. The Administration's response that there were at present already	
		24 registered medical practitioner members in the Medical Council, forming the majority of the membership.	
022740 - 023436	Chairman Dr LEUNG Ka-lau The Medical Association HA Admin	Dr LEUNG Ka-lau's enquiry and the response made by the representative of the Medical Association on the nomination and election procedures adopted by the Medical Association for the filling of the seven registered medical practitioner member seats in the Medical Council as provided for under section 3(2)(i) of the Ordinance.	
		Dr LEUNG Ka-lau's views that:	
		(a) while not opposing to the legislative proposal of extending the maximum term of limited registration and renewal of such registration from a period of not exceeding one year to a period of not exceeding three years so as to address	

Time	Speaker	Subject(s)/Discussion	Action
marker		the current medical manpower shortage problem of public hospitals, he considered that the term of employment of a	required
		medical practitioner on limited registration to be offered by HA could still be more than one year even without the passage of the Bill but, subject to that, the renewal application for practice with limited registration in HA was approved by the Medical Council;	
		(b) it was not desirable that the existing ten assessors and the proposed additional ten assessors who were registered medical practitioners had to be nominated by specified person and bodies (i.e. the Director of Health, HA, the University of Hong Kong, The Chinese University of Hong Kong and the Academy of Medicine); and	
		(c) it was not feasible for the Medical Council to establish more than one PIC as proposed under the Bill if there was no increase in the number of medical practitioner members of the Medical Council, as it was a normal practice to elect members of the Medical Council who were registered medical practitioners to be the PIC chairman and deputy chairman.	
		The Administration's advice that the legislative proposal that the additional 10 assessors who were registered medical practitioners would be nominated by specified person or bodies was based on the existing arrangement in this regard; and it would consider any suggested amendments proposed by members to the Bill.	
023437 - 023626	Chairman	The Chairman's remarks that there was a general support for the legislative proposal of increasing the number of lay members on the Medical Council by four. The passage of the Bill would be a first step in improving the existing complaint investigation and disciplinary inquiry mechanism of the Medical Council.	
_	em III: Any other business	S	
023627 - 023740	Chairman Ms Emily LAU	Date of next meeting	
		Closing remarks	

Council Business Division 2
<u>Legislative Council Secretariat</u>
26 August 2016