

立法會
Legislative Council

LC Paper No. CB(2)2003/15-16

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seen by the Administration)

Ref : CB2/BC/4/15

Bills Committee on Medical Registration (Amendment) Bill 2016

Minutes of the fourth meeting
held on Monday, 25 April 2016, at 4:30 pm
in Conference Room 1 of the Legislative Council Complex

Members present : Hon Vincent FANG Kang, SBS, JP (Chairman)
Hon Albert HO Chun-yan
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
Hon Cyd HO Sau-lan, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Dr Hon LEUNG Ka-lau
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Frankie YICK Chi-ming, 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
Dr Hon CHIANG Lai-wan, JP
Hon CHUNG Kwok-pan

- Members absent** : Hon CHAN Han-pan, JP (Deputy Chairman)
Hon James TO Kun-sun
Hon Alan LEONG Kah-kit, SC
Hon WONG Yuk-man
Hon NG Leung-sing, SBS, JP
Hon Steven HO Chun-yin, BBS
Dr Hon Elizabeth QUAT, JP
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
- Public Officers attending** : Mr Richard YUEN Ming-fai, JP
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
- Clerk in attendance** : 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

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I. Meeting with the Administration

[File Ref.: FHCR1/F/3261/92, LC Paper Nos. LS44/15-16, CB(2)1118/15-16(02) to (04), CB(2)1131/15-16(01), CB(2)1317/15-16(01), CB(2)1349/15-16(01) to (02), CB(2)1363/15-16(01) and CB(3)422/15-16]

The Bills Committee deliberated (index of proceedings attached at **Annex**).

- Admin
2. The Bills Committee requested the Administration to:
- (a) provide the proposed legislative timetable to enable the Legislative Council to deal with the Bill before its prorogation on 16 July 2016;
 - (b) provide details of the arrangements to be introduced by the Administration for the patient-related groups to elect representatives among themselves for appointment by the Chief Executive for filling the three additional lay member seats representing patients' interests in the Medical Council of Hong Kong ("the Medical Council"), including, among others, what would constitute a patient-related group. According to the Administration, the arrangements would not be specified in the legislation in order to allow flexibility of implementation;
 - (c) consider, having taken into account members' various proposals of increasing the elected element in the composition of the Medical Council with a view to maintaining the current ratio of 1:1 between elected and appointed members, refining the Administration's latest proposal of converting the two existing appointed medical practitioner members nominated by the Hong Kong Academy of Medicine ("the Academy of Medicine") to two medical practitioner members to be elected in accordance with the rules and regulations to be devised by the Academy of Medicine in this regard;
 - (d) advise the efforts made by the Administration in consulting the

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medical sector and the patient groups, including information on the organizations being consulted, on its latest proposals concerning maintaining the ratio of elected and appointed members as well as the arrangements for nominating representatives to fill the four additional lay member seats in the Medical Council;

- (e) in respect of the nine bottlenecks of the existing complaints investigation and disciplinary inquiry mechanism of the Medical Council as identified by the Hong Kong Public Doctors' Association in its submission (LC Paper No. CB(2)1221/15-16(04)),
 - (i) provide information on the breakdown, by the nine bottlenecks, of the average time required by the Medical Council for the handling of complaint cases at different stages; and
 - (ii) advise the respective administrative measures for shortening the time required of the Medical Council for handling complaints as referred to in item (i) above, with a breakdown by those that could only be implemented upon the enactment of the Bill and those that could still be implemented even if the Bill was not passed;
- (f) in respect of the applications from persons whose names had been removed from the registers of medical practitioners for the restoration of their names to the relevant registers, provide information on the median time required for arranging inquiries of the Medical Council for the purpose of deciding whether to allow or refuse the applications in the past year and the number of scheduled inquiries which were postponed due to not having sufficient members to form a quorum; and
- (g) address the concern raised by members regarding the possible conflict of interest that might arise when the appointed or elected members of the Medical Council were from medical groups.

3. The Administration indicated that it would provide its proposed draft Committee stage amendments ("CSAs") to the Bill for consideration by the Bills Committee at the next meeting.

4. Dr LEUNG Ka-lau indicated his intention to move a CSA to the effect that the number of medical practitioner members and lay members in the

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Medical Council would both be increased by four. The Chairman invited members who intended to propose CSAs to the Bill and wished their CSAs to be considered by the Bills Committee to forward their proposed CSAs to the Secretariat as early as practicable for consideration by the Bills Committee at its next two meetings.

II. Any other business

5. The Chairman reminded members that the next two meetings of the Bills Committee would be held on Tuesday, 3 May 2016, at 2:30 pm and Monday, 9 May 2016, at 4:30 pm respectively.
6. There being no other business, the meeting ended at 6:39 pm.

Council Business Division 2
Legislative Council Secretariat
26 August 2016

**Proceedings of the fourth meeting of
the Bills Committee on Medical Registration (Amendment) Bill 2016
held on Monday, 25 April 2016, at 4:30 pm
in Conference Room 1 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)/Discussion	Action required
<i>Agenda item I: Meeting with the Administration</i>			
000844 - 000954	Chairman	Opening remarks	
000955 - 001956	Chairman Admin	Briefing by the Administration on its responses to the follow-up actions arising from the discussion at the meeting on 19 April 2016 [LC Paper Nos. CB(2)1349/15-16(02) and CB(2)1363/15-16(01)].	
001957 - 002030	Chairman	Members noted the submissions from the Hong Kong Doctors Union [LC Paper No. CB(2)1365/15-16(01)] and the Hong Kong Medical Association ("the Medical Association") [LC Paper No. CB(2)1365/15-16(02)] which were issued to members before the meeting; and a paper provided by Dr LEUNG Ka-lau, which was tabled at the meeting, concerning the commissioned survey conducted by the Public Opinion Programme of the University of Hong Kong ("HKU") ("the survey") in April 2016 in respect of the public views on the reform of the Medical Council of Hong Kong ("the Medical Council") [LC Paper No. CB(2)1374/15-16(01)].	
002031 - 002659	Chairman Mr Tommy CHEUNG Admin	<p>Mr Tommy CHEUNG's enquiry about the eligibility for voting, nomination and candidacy in the election of three lay persons representing patients' interests for appointment by the Chief Executive ("CE") to fill the proposed additional lay member seats in the Medical Council.</p> <p>The Administration's advice that its initial thought was that in order for an organization to be eligible for nomination and voting in the election, the relevant patient groups and patient support groups would have to be recognized by credible patient-related platform(s) that had knowledge and experience in dealing with patient groups, say, the Hospital Authority ("HA"). The patient groups would be required to register with the electoral office during a specified registration period after the announcement of the election date.</p> <p>In response to Mr Tommy CHEUNG, the Administration's affirmation that having regard to the principle of professional and academic autonomy, its latest proposal was to convert the two existing appointed seats of the Medical Council to be nominated by the Hong Kong Academy of Medicine ("the Academy of Medicine") for appointment by CE to two elected seats to be elected by the Academy of Medicine in accordance with its regulations or procedures. CE's appointment would not be required for the members elected by the Academy of Medicine.</p>	

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002700 - 003111	Chairman Miss Alice MAK Admin	<p>Miss Alice MAK sought the Administration's response to the concern raised by some members of the medical profession that increasing the number of lay members in the Medical Council alone but not also the number of registered medical practitioner members could not shorten the time required by the Medical Council in handling complaints.</p> <p>The Administration's advice that 24 out of the 28 members of the Medical Council were registered medical practitioners. The legislative proposal of increasing the number of lay members on the Medical Council was in response to the community's call for enhancing lay participation in the Medical Council. The Administration did not consider it necessary to further increase the number of registered medical practitioner members in the Medical Council. The above legislative proposal, together with the legislative proposals of enabling the Medical Council to set up more than one Preliminary Investigation Committee ("PIC") and increasing the total number of assessors from 14 to 34, would help shorten the time required by the Medical Council in handling complaints.</p>	
003112 - 003714	Chairman Dr KWOK Ka-ki Admin	<p>In response to Dr KWOK Ka-ki's enquiry about the use of the additional \$4 million earmarked for strengthening the manpower of the Medical Council Secretariat in order to shorten the time for handling complaints, the Administration's advice that it would be for the Medical Council to decide on the manpower requirement. It was expected that, upon the passage of the Bill and depending on the nature of the case, the average time for handling a complaint case would be shortened from 58 months to around 24 to 36 months.</p> <p>Dr KWOK Ka-ki's suggestion to convert one of the two registered medical practitioner member seats to be nominated respectively by HKU, The Chinese University of Hong Kong ("CUHK"), HA and the Academy of Medicine for appointment by CE to four elected seats to be elected by registered medical practitioners with full registration and limited registration in order to preserve professional autonomy of the medical profession.</p> <p>The Administration's advice that it objected to the suggestion as the registered medical practitioners nominated by HKU and CUHK had a role to maintain professional competency of local medical graduates, whereas the registered medical practitioners nominated by HA had to provide views to the Medical Council from the perspective of the major public healthcare services provider. It should also be noted that the Academy of Medicine supported the Administration's proposal of converting the two existing appointed seats of the Medical Council to be nominated by the Academy of Medicine for appointment by CE to two elected seats to be elected by the Academy of Medicine in accordance with its regulations or procedures.</p>	
003715 - 004638	Chairman Mr LEUNG Yiu-chung Admin	Mr LEUNG Yiu-chung's expression of appreciation that the Administration had taken heed of his suggestion that three out of the four persons to be appointed by CE to fill the additional	

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		<p>lay member seats in the Medical Council would be lay persons representing patients' interests, with the remaining one as a representative nominated by the Consumer Council.</p> <p>Mr LEUNG Yiu-chung surmised that the reason why there was a relatively high percentage of registered medical practitioners concerned were found guilty of a disciplinary offence after an inquiry was because many complaint cases were not referred to the Medical Council for inquiries. He considered that to ensure that the complaint cases were handled at the pre-PIC stage (i.e. under initial consideration by the PIC chairman and deputy chairman) and PIC stage in an impartial manner, the Administration should further increase lay participation in the Medical Council.</p> <p>The Chairman's enquiry as to whether there were cases whereby the chairman and deputy chairman of PIC considered the complaint concerned being groundless or frivolous and hence should not be proceeded further but the lay member of PIC held a contrary view.</p> <p>The Administration's advice that a complaint would be dismissed only if the chairman, deputy chairman and the lay member of PIC reached a consensus that the complaint was groundless or frivolous, and should not proceed further. This apart, it was proposed under the Bill that at least one of the members forming the quorum of a meeting of PIC shall be a lay person i.e. a lay member of the Medical Council or a lay assessor.</p>	
004639 - 005130	Chairman Dr LEUNG Ka-lau Admin	Dr LEUNG Ka-lau's elaboration on the outcomes of the survey as set out in LC Paper No. CB(2)1374/15-16(01).	
005131 - 005725	Chairman Dr Fernando CHEUNG Admin	<p>While supporting the policy direction of the Bill, Dr Fernando CHEUNG called for the Administration to:</p> <p>(a) take into account the strong view of some members of the medical profession against the Administration's proposal of converting the two existing appointed seats of the Medical Council to be nominated by the Academy of Medicine to elected seats to be elected by the Academy of Medicine and refine the proposal; and</p> <p>(b) provide in writing details of the arrangements to be introduced by the Administration for the patient-related groups to elect representatives among themselves for appointment by CE for filling the three additional lay member seats representing patients' interests in the Medical Council.</p>	Admin
005726 - 010050	Chairman Admin	The Chairman's request for the Administration to provide the proposed legislative timetable to enable the Legislative Council to deal with the Bill before its prorogation on 16 July 2016; and	Admin

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		<p>his view that given that there were different views on how to increase the elected element in the composition of the Medical Council and the limited time available for the Bills Committee to scrutinize the Bill, the Administration's proposal of converting the two existing appointed seats of the Medical Council to be nominated by the Academy of Medicine to elected seats to be elected by the Academy of Medicine was a practicable proposal to take the Bill forward.</p>	
010051 - 010539	<p>Chairman Dr KWOK Ka-ki Admin</p>	<p>Dr KWOK Ka-ki's reiteration of his suggestion to convert one of the two registered medical practitioner member seats to be nominated respectively by HKU, CUHK, HA and the Academy of Medicine for appointment by CE to four elected seats to be elected by registered medical practitioners with full registration and limited registration; and the Administration's recap of its response in this regard.</p> <p>Dr KWOK Ka-ki's request for the Administration to advise the efforts made by it in consulting the medical profession on the proposal concerning maintaining the ratio of appointed members and elected members.</p>	<p>Admin</p>
010540 - 011437	<p>Chairman Dr LEUNG Ka-lau Admin</p>	<p>While welcoming the proposal of increasing the number of lay members on the Medical Council by four (with three persons representing patients' interests and one person representing consumers' interests), Dr LEUNG Ka-lau was concerned about the lack of concrete details of the arrangements for the patient-related groups to elect representatives among themselves for appointment by CE for filling the seats concerned.</p> <p>Dr LEUNG Ka-lau's elaboration on the existing nomination and election mechanism adopted respectively by the Medical Association for electing seven registered medical practitioners who were members of the Medical Association as members of the Medical Council, and by the Academy of Medicine for nominating two registered medical practitioners for appointment by CE on the Medical Council; and his view that the latter was a further indirect mechanism than the former. The Chairman invited Dr LEUNG Ka-lau to provide, as far as practicable, written information in this regard for reference by the Bills Committee.</p>	
011438 - 012622	<p>Chairman Dr LEUNG Ka-lau Admin</p>	<p>Dr LEUNG Ka-lau's remarks that the Academy of Medicine did not object to his view that increasing the number of registered medical practitioner members in the Medical Council in parallel by four would be conducive to improving the Medical Council's efficiency and facilitating the formation of the quorum of a meeting. In his view, assuming that the quorum for meetings of the Medical Council would remain the same (i.e. 13 members), it would be easier to form a quorum if the membership size was larger. The outcome of the survey also revealed that members of the public did not have a strong view against an increase in the number of registered medical practitioner members in the Medical Council.</p>	

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		<p>The Chairman's view that since registered medical practitioners already formed the majority of the membership of the Medical Council, some members of the public had reservation about a parallel increase in both the number of registered medical practitioners members and lay members in the Medical Council. In addition, the Bill should serve as the first step in improving the complaint handling and disciplinary inquiry mechanism of the Medical Council, any further proposals to reform the Medical Council could be dealt with in future legislative exercises.</p> <p>The Administration's advice that the proposal of increasing the number of lay members on the Medical Council by four was in response to the global trend of greater involvement of lay persons in professional regulatory bodies. It should be noted that any further increase in the membership size of the Medical Council might affect the efficiency of the operation.</p>	
012623 - 014553	<p>Chairman Dr KWOK Ka-ki Mr IP Kin-yuen Miss Alice MAK Admin</p>	<p>Dr KWOK Ka-ki sought explanation as to the reason why the Administration did not give consideration to his suggestion of converting one of the two registered medical practitioner member seats to be nominated respectively by HKU, CUHK, HA and the Academy of Medicine for appointment by CE to four elected seats to be elected by registered medical practitioners with full registration and limited registration so as to preserve professional autonomy.</p> <p>In respect of the two registered medical practitioner member seats to be nominated by HA for appointment by CE, Miss Alice MAK's view that consideration should be given to allowing all registered medical practitioners serving in HA to elect their representatives to sit on the Medical Council.</p> <p>The Administration's recap of the indispensable roles played by the registered medical practitioners nominated by HKU, CUHK and HA in the Medical Council; and its advice that professional autonomy of the medical profession was upheld by having the majority of members of the Medical Council being registered medical practitioners. Its latest proposal of converting the two existing appointed seats of the Medical Council to be nominated by the Academy of Medicine for appointment by CE to two elected seats to be elected by the Academy of Medicine in accordance with its regulations or procedures, which was suggested by the Academy of Medicine itself, had addressed the request of some members of the medical profession that the current equal ratio between the appointed members and elected members in the Medical Council should be maintained after the addition of four lay member seats in the Medical Council.</p> <p>Mr IP Kin-yuen's remarks that given the explanation of the Administration, the representation of the Academy of Medicine, which was a statutory body responsible for setting the standard for medical specialist training in Hong Kong, in the Medical Council should be comparable to that of the two universities. He did not subscribe to the Administration's view that the</p>	

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		<p>appointed seats to be nominated by the Academy of Medicine should be converted to elected seats while the same principle could not be applied to the appointed seats to be nominated by HKU and CUHK. In addition, he did not see how the elected element in the composition of the Medical Council would be increased after the conversion, as the Academy of Medicine had time and again emphasized that its current mechanism for electing two registered medical practitioners to be appointed by CE to the Medical Council (i.e. nominated and elected by the Council of the Academy of Medicine) should be preserved so as to maintain fairness to all its Colleges which were of different membership size.</p>	
014554 - 015305	<p>Chairman Dr LEUNG Ka-lau Admin</p>	<p>Dr LEUNG Ka-lau's remarks that:</p> <p>(a) according to the outcome of the survey, the majority of the respondents did not hold a strong view against his proposal to increase the number of registered medical practitioners and lay members in the Medical Council both by four. It should be noted that in so doing, the ratio of lay members to registered medical practitioner members in the Medical Council would become 1:3.5, which was similar to the ratio of 1:3 as achieved under the legislative proposal of increasing the number of lay members by four alone. To achieve the ratio of 1:3, the number of registered medical practitioners and lay members in the Medical Council could both be increased by six; and</p> <p>(b) although the suggestion of Miss Alice MAK to convert the two existing seats to be nominated by HA for appointment by CE to two elected seats to be elected by registered medical practitioners serving in HA was not the best option, it was better than the Administration's proposal of converting the two existing seats to be nominated by the Academy of Medicine for appointment by CE to two elected seats to be elected by the Academy of Medicine as the latter would be a more indirect election. In his view, it was not appropriate for HA, being the largest employer of registered medical practitioners, to be represented on the Medical Council as there might be conflict of interest.</p> <p>Dr LEUNG Ka-lau's request for the Administration to provide in writing the median time required for arranging inquiries of the Medical Council for the purpose of deciding whether to allow or refuse the applications for the restoration of names to the registers of medical practitioners in the past year and the number of scheduled inquiries which were postponed due to not having sufficient members to form a quorum.</p>	<p>Admin</p>
015306 - 015638	<p>Chairman Miss Alice MAK Admin</p>	<p>Miss Alice MAK's concern about the difficulty encountered by the Medical Council in forming the quorum for meetings as raised by Dr LEUNG Ka-lau; and her request for the Administration to provide in writing measures put in place by the Medical Council to address the possible conflict of interest that might arise when the appointed or elected members of the Medical Council were from medical groups.</p>	<p>Admin</p>

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015639 - 015918	Chairman Dr LEUNG Ka-lau Admin	<p>The Administration's indication of its intention to provide its proposed draft Committee stage amendments ("CSAs") to the Bill for consideration by the Bills Committee at the next meeting.</p> <p>The Chairman invited Dr LEUNG Ka-lau to provide as early as practicable his proposed CSAs to the Bills Committee for consideration.</p>	
015919 - 020959	Chairman Dr Fernando CHEUNG Miss Alice MAK Dr LEUNG Ka-lau Mr IP Kin-yuen Dr KWOK Ka-ki Admin	<p>Given that many members of the medical profession held a strong view against the Administration's proposal of converting the two existing appointed seats to be nominated by the Academy of Medicine to two elected seats to be elected by the Academy of Medicine, Dr Fernando CHEUNG called for the Administration to refine its proposal and seek the support of the medical profession in this regard.</p> <p>Miss Alice MAK's view that any legislative proposals of the Administration to improve the operation of the Medical Council had to balance the interests of both the medical profession and the patient-related groups; and Mr IP Kin-yuen's call for the Administration to engage the medical profession and the patient-related groups to work out a proposal that could balance the interests of both parties and maintain an equal ratio of appointed members to elected members in the Medical Council.</p> <p>Dr KWOK Ka-ki's emphasis of the need for the Bills Committee to study the Bill carefully; and his request for the Administration to advise in writing the efforts it had made in consulting the medical profession and the patient-related groups on the relevant proposals.</p> <p>The Chairman's remark that the passage of the Bill was pivotal to improving the complaint investigation and disciplinary inquiry mechanism of the Medical Council; and Dr LEUNG Ka-lau's request for the Administration to provide in writing information on the breakdown, by the nine bottlenecks as identified by the some deputations at the meeting on 11 April 2016, of the average time required by the Medical Council for the handling of complaint cases at different stages and the administrative measures that could be implemented (including those that could only be implemented upon the enactment of the Bill and those that could be implemented even if the Bill was not passed) for shortening the time required.</p>	<p>Admin</p> <p>Admin</p>
<i>Agenda item II: Any other business</i>			
021000 - 021020	Chairman	Closing remarks	