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The Hong Kong Medical Association

FOUNDED IN 1920-INCORPORATED IN 1960 AS A COMPANY LIMITED BY GUARANTEE  
MEMBER OF WORLD MEDICAL ASSOCIATION AND CONFEDERATION OF MEDICAL ASSOCIATIONS IN ASIA & OCEANIA

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## Submission

### Bills Committee on Medical Registration (Amendment) Bill 2016

With regards to Medical Registration Ordinance (Amendment) Bill, the Hong Kong Medical Association has always been supportive of increased lay membership, given a 1:1 ratio of appointed to elected membership in the Medical Council of Hong Kong (MCHK) is maintained.

The HKMA fully understands the dissatisfaction of the public in respect of the delay in handling complaints. We, therefore, are supportive of introducing changes to the structure of MCHK. Nevertheless, increasing lay membership alone without adding Council members who are registered medical practitioners to take up the chairmanship of the additional Preliminary Investigation Committee and parallel Inquiry Panels, the amendment bill cannot really bring about substantial improvements.

While the Government highlighted that increasing public participation is a worldwide trend, one must not forget that pursuance of democracy is also a common goal and core societal value. Increasing only members who are appointed by the Chief Executive of HKSAR will render appointed Council members the majority in MCHK. Such a change predisposes to biases in decision making within the Council. We believe that a healthy balance in the Council is crucial in safeguarding the welfare of the public at large. We support public participation but a transparent and fair mechanism is needed for appointing additional members to the MCHK.

One has to understand that, the role of MCHK is not restricted to handling complaints and disciplinary hearings, its other core functions include assuring and promoting quality in the medical profession, fostering ethical conduct, and monitoring medical research and development of advance technologies. These require highly specialized knowledge that only doctors can understand and manage. As such, there is a practical need to maintain sufficient doctor members in MCHK in order to fulfill its function. That explains the need of professional autonomy.

In January 2016, the HKMA conducted a survey to solicit doctors' views on the composition of MCHK. By 1 February, a total of 2,964 valid responses were received out of 13,412 questionnaires successfully sent, giving a response rate of 22.1%. The

vast majority (79.42%) expressed that the appointed to elected ratio should remain at status quo (1:1) while 521 (17.58%) suggested ratio with less appointed members. Here we hear a united voice of the medical profession asking for the 1:1 ratio to be maintained.

Elected members are representatives of front line doctors who have been faithfully serving the Hong Kong public especially in crucial time like SARS. The balance of elected and appointed member ensures the sustainable balance of view from different stakeholders including doctors, the government and the public, especially in face of the current challenges and those ahead.

As stated in the Legislative Council Brief (FHCR1/F/3261/92), one of the aims of the Medical Registration (Amendment) Bill 2016 is to facilitate the admission of non-locally trained doctors, in particular specialists, to practice in Hong Kong. We wish to clarify that the questions of the Licensing Examinations are set by The University of Hong Kong and The Chinese University of Hong Kong, at a level at par with the examinations for local graduates. With this in mind, we do not see how the proposed changes in MCHK would facilitate the admission of non-locally trained doctors.

The World Medical Association reaffirmed in its Declaration of Seoul on Professional Autonomy and Clinical Independence in 2008 the importance of professional autonomy as an essential component of high quality medical care and therefore of benefit to patients. As the regulatory body of the medical profession in Hong Kong, the professional autonomy in MCHK has to be protected and preserved. Self-regulation and professional autonomy has been granted to other professions like The Hong Kong Bar Association and Hong Kong Institute of CPA, and it is the medical profession's prominent wish to maintain equal number of appointed and elected members in MCHK.

The HKMA has on multiple occasions reflected the concerns of the medical profession to the Secretary of Food and Health. The HKMA asks the Government to seriously consider the medical profession's demand of 1:1 ratio and take into account the importance of adding elected members along with adding lay members to increase efficiency of MCHK.