

**Consumer Council's Views on  
Medical Registration (Amendment) Bill 2016**

**11 April 2016**

1. The Consumer Council (the Council) is pleased to submit its views to the Legislative Council Bills Committee regarding the legislative proposals of amending the Medical Registration Ordinance (Chapter 161) that to:

- i. increase lay participation in the Medical Council of Hong Kong (MCHK) and its committees;
- ii. change MCHK's complaint investigation and disciplinary inquiry mechanism; and
- iii. extend the term of registration of medical practitioners with limited registration.

**Level of Lay Participation**

2. The existing Medical Registration Ordinance stipulates that four of the 28 members of MCHK be public members, while one of the seven members of the Preliminary Investigation Committee (PIC) must come from the public. Both have 14% of their positions filled by members of the public.

3. As information provided by the Government, in comparison with other advanced economies such as Australia, Canada and New Zealand where lay persons comprise one-third of the membership in medical regulatory bodies, the professional-layman ratio of the MCHK or its committees is relatively low. In the United Kingdom, the lay membership even accounts for 50% of the total membership.

4. The Council understands that assessing medical complaints requires technical knowledge, and medical professionals are in an appropriate position to pass judgement on the practice and conduct of their peers, where matters of techniques are concerned. However, this does not necessarily imply that a majority of members should come from the medical profession.

5. Where there is a need for specialist technical knowledge on procedure, for example, specialists can be brought in who are not formal members. Technical knowledge is, in effect, only required on a needs basis depending on the nature of complaint. On the other hand, in upholding professional standards and safeguarding the public interest, advice or opinions should be provided by reference to the wider community.

6. The Council therefore welcomes the current legislative proposal that the number of lay members being appointed to MCHK be increased from four to eight, achieving a lay representation of 25%; and the number of lay MCHK members

appointed to PIC and Health Committee be increased from one to two. The Council is of the view that increasing lay involvement in MCHK and its committees could enhance the public accountability, transparency and credibility of MCHK and help improve its complaint investigation and disciplinary inquiry mechanism.

7. Nevertheless, the Council considers that the proposed 25% lay representation is a step forward to balance the need of having professional presence and to increase transparency with wider public involvements. In the Council's view, the proportion of public membership should be reviewed from time to time and has the potential to increase further.

### **Complaint Investigation and Disciplinary Inquiry Mechanism**

8. To speed up complaint investigation and the holding of disciplinary inquiries, the Council supports the legislative proposals that to enable MCHK to establish more than one PIC; to change the quorum for disciplinary inquiries and increase the number of assessors; to enable solicitor or counsel to be appointed to carry out the duties of the Secretary of MCHK in inquiries; and to increase the number of legal advisers to MCHK.

9. Whilst supporting the improvement in speed and efficiency of complaint investigation and disciplinary inquiry, the Council emphasizes that the quality and transparency of appointments have to be strongly uphold, to avoid the risk of having the quality of investigations and inquiries being sacrificed. An appropriate system of checks and balances should be established.

### **Limited Registration of Non-locally Trained Medical Practitioners**

10. At present, the limited registration of non-locally trained doctors is valid for up to one year only and subject to annual renewal by MCHK. Such term is too stringent and unattractive to attract quality medical talents to serve Hong Kong, resulting to the annual average number of doctors employed by the Department of Health, the Hospital Authority and the two medical schools in Hong Kong under limited registration is only around 110 over the past five years. To attract more experienced non-locally trained doctors to teach, conduct research or perform clinical work in Hong Kong, the Council supports the legislative proposal of extending the maximum term of registration and renewal of medical practitioners with limited registration from not exceeding one year to not exceeding three years.