

**Bills Committee on the Medical Registration (Amendment) Bill 2016**

**Government's response to the follow-up actions arising from the discussion at the meeting on 11 April 2016**

This note provides the Government's response to the follow-up actions arising from the discussion at the meeting on 11 April 2016.

**Secretariat Support to the Medical Council of Hong Kong**

2. At present, in addition to the Secretary of the Medical Council of Hong Kong ("MCHK"), six staff (including one Chief Executive Officer, one Senior Executive Officer, one Executive Officer I, one Executive Officer II, one Clerical Officer and one Assistant Clerical Officer in the Medical Council Secretariat) are primarily or exclusively deployed to perform duties related to the handling of complaints and conduct of inquiries for MCHK. The annual staff cost of these six staff is about \$4 million<sup>1</sup>.

3. Upon the passage of the Medical Registration (Amendment) Bill 2016, MCHK may appoint more than one Preliminary Investigation Committee ("PIC"). For each additional PIC established, we will provide additional resources to the Medical Council Secretariat correspondingly to ensure that the Secretariat can provide adequate support to MCHK to handle complaints and conduct disciplinary inquiries. We are currently in discussion with MCHK Secretariat and the additional manpower resources required and the implementation timetable will depend on the passage of the Amendment Bill.

**Legal Support**

4. At present, the Department of Justice ("DoJ") will provide legal support to MCHK at PIC, inquiry and litigation stages, representing

---

<sup>1</sup> According to the Notional Annual Mid-point Salary Tables (NAMS) issued by the Treasury

the Secretary of MCHK at the inquiry<sup>2</sup>. Separately, a Legal Adviser will be appointed by MCHK to provide legal advice to MCHK in inquiries and hearings<sup>3</sup>. The cost of legal support is borne by the Government. With the anticipated increase in the number of cases handled, we will provide additional resources to DoJ for enhancing legal support to MCHK and to MCHK itself for engaging more than one legal adviser.

### **Provision of Honorarium to Experts at PIC stage**

5. MCHK has submitted a proposal on the provision of honorarium as a token of gratitude to experts who provide assistance to the investigation work at the PIC stage. The Government has been discussing with MCHK and hopes to come up with an agreed arrangement soon.

### **Food and Health Bureau April 2016**

---

<sup>2</sup> Under the current regime, upon the request made by the Chairman of MCHK, a legal officer will be appointed to represent the Secretary of MCHK in a disciplinary inquiry. The appointed legal officer will advise PIC on the sufficiency or otherwise of evidence and vet the notice of inquiry, undertake the preparatory work relating to the inquiry as well as appearing before the inquiry to present the case on behalf of the Secretary of MCHK. The current practice is that DoJ also provides legal representation to MCHK in respect of litigation arising from appeals against its decisions made in inquiries and applications for judicial review of the decisions made by MCHK and its various committees.

<sup>3</sup> The annual cost for a Legal Adviser in the handling of complaints and conduct of inquiries / hearing is about \$1.7 million.