

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 16 May 2016**

**Arrangement of the Medical Council of Hong Kong on forming quorum for
conducting inquiries**

This note provides the Government's response to the follow-up action on the arrangement of the Medical Council of Hong Kong ("MCHK") on forming quorum for conducting inquiries.

2. At the last Bills Committee meeting held on 16 May 2016, a member sought further clarification on the arrangement of MCHK on forming quorum for conducting an inquiry through a roster system. At present, the quorum for MCHK to conduct an inquiry is stipulated under section 21B of the Medical Registration Ordinance ("MRO") (Cap. 161). The quorum can either be a panel of at least five Council members, or not less than three Council members and two assessors, at least one of whom shall be a lay Council member and subject to the majority being registered medical practitioners. The legislation only stipulates the quorum (i.e. the minimum number of persons for conducting an inquiry) and MCHK is empowered to make the necessary arrangements to enable the conduct of inquiries according to MRO and its subsidiary legislation, as explained in the paragraphs below. It is a function and a duty of MCHK to conduct inquiries into complaints referred to it by the Preliminary Investigation Committee ("PIC") in accordance with MRO and its subsidiary legislation. There is nothing in the legislation which provides for a right of a Council member to participate in each and every inquiry.

3. Before 2009, it was MCHK's policy that all Council members (except the chairman and deputy chairman of PIC and the lay Council member who had considered the case at PIC stage) would be invited to indicate their availability for inquiries. Members were free to join the inquiry or to decline participation. No inquiry could be held if no lay Council member signed up for the hearing. The panel of assessors would be approached when the quorum of five Council members could not be met for conducting an inquiry.

4. In 2008, the Independent Commission Against Corruption (“ICAC”), at the invitation of MCHK, made recommendations relating to the procedures of disciplinary inquiries of MCHK. One of its recommendations was that MCHK should consider implementing a “roster system” for members to serve on the inquiry panels. MCHK accepted ICAC’s recommendations and set up a task force to formulate proposals for implementing ICAC’s recommendations.

5. In view of ICAC’s recommendations, the Task Force proposed that a rota of seven adjudicating members (comprising four Council members who are registered medical practitioners, one lay Council member and two assessors) should be drawn up for each inquiry hearing. Such arrangement helps minimise the chance of an aborted inquiry due to insufficient quorum. MCHK endorsed the proposal of the Task Force in 2009 and its Secretariat has accordingly arranged the roster system for conducting inquiries since then. The roster system allows a distribution of work among Council members for taking part in disciplinary inquiries and facilitates MCHK to form a quorum for the conduct of inquiries.

Food and Health Bureau
May 2016