

**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 23 May 2016**

**Election Arrangement for the Three Persons Representing  
Patients' Interests at the Medical Council of Hong Kong**

This paper provides the preliminary proposal on the election arrangement for the three persons representing patients' interests at the Medical Council of Hong Kong ("MCHK").

2. The Government has met major patient groups<sup>1</sup> in the past months to consult them on the election arrangement for the three persons representing patients' interests at the MCHK.

3. **The view of the patient groups we have met is that the legislation or subsidiary legislation should not prescribe a rigid definition of patient groups or patient support groups**, but allow sufficient flexibility to include as many existing patient groups as possible, and provide adequate latitude to include new patient group(s) and credible platform(s) to be established in the future. **They also proposed that the legislation or the subsidiary legislation should not specify the detailed election arrangement so that the relevant arrangement could be improved when necessary having regard to the operational experience.**

4. **The patient groups we have met also suggested that the detailed and concrete considerations in recognising patient groups or patient support groups as well as the election arrangement should not be prescribed in the Ordinance or the subsidiary legislation, but**

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<sup>1</sup> Including Hong Kong Alliance of Patients' Organizations Limited, Hong Kong Society for Rehabilitation, Society for Community Organization - Hong Kong Patients' Rights Association, Rehabilitation Alliance Hong Kong, Alliance for Renal Patients Mutual Help Association, The Brightening Association (HK) Ltd, Christian Oi Hip Fellowship Ltd, Hong Kong Stoma Association, Hong Kong Adult Blood Cancer Group Limited, Care For Your Heart - Cardiac Patients Mutual Support Association, Hong Kong Ankylosing Spondylitis Association, and Hong Kong Patients' Voices. These groups have a total of over 50 000 members, including patients/patients' families.

**should instead be spelt out in relevant government papers and the speech by the Secretary for Food and Health on the resumption of the Second Reading debate of the Medical Registration (Amendment) Bill 2016.** The advantage of such approach is that this could allow the community and patient groups to have a better understanding of “organizations that represent the interests of patients” while at the same time reserving sufficient latitude for flexibility and adaptability to refine the arrangement taking into account the future development and the experience gained from the election(s) held among patient groups or patient support groups when necessary.

5. After further consultation with patient groups, the preliminary proposal on the election procedures is as follows -

### **Proposed arrangements**

#### **(a) Electoral office**

6. The Secretary for Food and Health will appoint a person / an organization with relevant experience to conduct the election. The Secretary of MCHK<sup>2</sup> could be a possible choice.

#### **(b) Conduct of election**

7. The election will normally be conducted on a triennial basis.

#### **(c) Eligibility of electors**

8. Electors are eligible organizations. After the announcement of the election date, relevant organizations may submit their applications to the electoral office, which shall vet the applications in accordance with the principles (detailed in paragraph 10) set by the Secretary for Food and Health. The electoral office may seek the advice of the Secretary for Food and Health during the vetting process. When the registration

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<sup>2</sup> The Secretary of MCHK is currently responsible for the conduct of election of the seven Council members who are registered medical practitioners.

period ends, the electoral office shall publish in the gazette and newspapers the list of organizations which are eligible for voting in the election.

9. The electoral office shall issue the notice of election before the election date. Organizations which are on the list of eligible electors on the date of issue of the notice of election shall become electors and shall be eligible to vote in the election mentioned in the notice.

10. Taking into consideration that as many patient groups as possible should be included and that it is difficult to formulate a precise definition of patient groups or patient support groups, the Secretary for Food and Health will take into account, including but not limited to, the following factors to recognise “organizations that represent the interests of patients” which have the voting right.

- (a) The organization should be a registered society or company  
The organization should be a registered society or company, i.e. (i) a society established under the Societies Ordinance (Cap. 151) or (ii) a company registered under the Companies Ordinance (Cap. 32) or the new Companies Ordinance (Cap. 622).
- (b) The organization should be recognised by credible patient-related platforms  
The organization should be recognised by a credible patient-related platform, including but not limited to, the Hospital Authority, the Community Rehabilitation Network and Financial Support Scheme for Self-help Organizations of Persons with Disabilities / Chronic Illnesses of the Social Welfare Department.
- (c) The organization should represent patients’ interests  
The mission of the organization should be promoting and/or representing patients’ interests. It must make available for inspection the instrument or rules governing its mission or activities, for instance, the Memorandum and Articles of

Association in the case of a corporation, or the Constitution in the case of a society.

(d) The organization should be in active operation

The organization should have been in operation for a specified period, and have been carrying out activities to promote and/or represent patients' interests, and/or advocating medical policies.

11. If any organization considers itself a qualified group but fails to meet the four requirements as listed in paragraph 10 (a) to (d) above, the Secretary for Food and Health may consider the case on an individual merit basis.

**(d) Nomination of candidates**

12. Each eligible organization may nominate one candidate.

**(e) Voting**

13. The voting at the poll is to be conducted by secret ballot. Each eligible organization will be entitled to three votes. The three candidates who obtain the greatest number of votes will be elected.

**(f) Term of office**

14. The term of office of the three lay Council members is three years, and the members may be re-elected.

**(g) By-election**

15. If the office of an elected member becomes vacant, and the unexpired term of office at the time the vacancy arises is not less than twelve months, the electoral office must, as soon as practicable, hold a by-election to elect a qualified candidate to hold that office for the unexpired term. The term of office of the member elected through the by-election is the unexpired term of the vacant office.

16. The Government agrees with the proposal of the patient groups regarding definition of “organizations that represent the interests of patients” and relevant election arrangement, and will continue to discuss with the patient groups the detailed election arrangements.

### **Suggested timetable for the first election**

17. If the Medical Registration (Amendment) Bill 2016 could be passed within the current term of Legislative Council, we suggest the timetable for conducting the first election as follows -

<b>Tentative date</b>	<b>Procedures</b>
July 2016	Confirmation of detailed election arrangement with patient groups
August 2016	Announcement of election date by the electoral office
August to October 2016	Submission of application to become electors by relevant organizations to the electoral office Vetting of applications, announcement of the list of eligible electors by the electoral office
October 2016	Issue of the notice of election by the electoral office
November 2016	Nomination
December 2016	Election
January 2017	Appointment by the Government

**Food and Health Bureau**  
**May 2016**