

**Bills Committee on the Medical Registration (Amendment) Bill 2016
The Government's Response on the Draft Committee Stage
Amendments Proposed by Dr Hon LEUNG Ka-lau**

This paper provides the Government's response on the draft committee stage amendments ("CSA") proposed by Dr Hon LEUNG Ka-lau.

Composition of the Medical Council of Hong Kong and the Proposed Medical Registration (Amendment) Bill 2016

2. The Medical Council of Hong Kong ("MCHK") currently has a total of 28 members, with 24 doctor members¹ and four lay members. The proportion of lay membership is about 14%. The Medical Registration (Amendment) Bill 2016 ("the Bill") proposes to increase the number of lay members from four to eight. The total number of Council members will increase from 28 to 32 and the proportion of lay membership will increase from 14% to 25%.

CSAs proposed by Dr Hon LEUNG Ka-lau

3. Dr Hon LEUNG Ka-lau has proposed two CSAs, i.e. the "4+4" CSA and the "6+6" CSA.

"4+4" CSA

4. "4+4" CSA aims to increase the number of doctor members elected by doctors with full registration and limited registration by 4 from 7 to 11 while increasing 4 lay members. Under the "4+4" CSA, the total number of Council members will increase from 28 to 36 and the proportion of lay membership will increase from 14% to 22%.

¹ Seven are elected by doctors with full and limited registration, seven are nominated by the Hong Kong Medical Association ("HKMA") and elected by the Council members of HKMA, and ten which two each are nominated by Department of Health, University of Hong Kong, Chinese University of Hong Kong, Hospital Authority and Hong Kong Academy of Medicine and appointed by CE.

“6+6” CSA

5. “6+6” CSA aims to increase the number of lay members by 6 from 4 to 10 and the number of doctor members elected by doctors with full registration and limited registration by 6 from 7 to 13. Under the “6+6” CSA, the total number of Council members will increase from 28 to 40 and the proportion of lay membership will increase from 14% to 25%.

The Government’s response

6. We object to these two CSAs. The purpose of the Bill is to increase the public participation in MCHK so as to increase its accountability, transparency and credibility. MCHK currently has 28 Council members, with 24 doctor members. We consider that the number and representation of doctors is sufficient. Patient-related groups have also clearly objected to further increasing the number of doctor members. Members may refer to the submission by the Hong Kong Alliance of Patients’ Organizations (LegCo paper no. CB(2)1413/15-16(02)) and the Society for Community Organization (LegCo paper no. CB(2)1413/15-16(01)). The Government does not accept the proposed corresponding increase of doctor members (i.e. “4+4” or “6+6” CSAs).

7. Some consider that there may be insufficient number of doctor members to form more than one Preliminary Investigation Committee (“PIC”) and thus, propose to increase the number of elected doctor members. MCHK currently has a total of 28 members, with 24 doctor members and four lay members. There are five statutory committees under MCHK, namely Licentiate Committee, Education and Accreditation Committee, Ethics Committee, PIC and Health Committee. The composition of each statutory committee is stipulated under the Medical Registration Ordinance (“MRO”) (Cap. 161) and a total of 18 seats² in these five statutory committees are to be filled by Council members. Currently, there are 16 doctor members and four lay Council

² Among the 18 seats, 16 seats can either be taken up by medical or lay Council members and two seats are required to be taken up by lay Council members only.

members serving on these statutory committees³. In other words, there are eight doctor members who are available to serve on additional PIC(s) if formed. Moreover, there is no prohibition under MRO for the 16 doctor members serving on other statutory committees to serve concurrently on PIC⁴.

8. Some also consider that there are insufficient doctor members in the Council, causing difficulties in conducting inquiries. Under MRO, in addition to the members of MCHK, the assessors appointed by MCHK⁵ can also participate in inquiries. At present, the quorum for MCHK to conduct an inquiry is stipulated under section 21B(1) of MRO. 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.

9. To facilitate MCHK to conduct inquiry meetings more frequently and in parallel, we propose to increase the number of assessors from 14 (i.e. ten medical assessors and four lay assessors) to 34 (i.e. 20 medical assessors nominated four each by Director of Health, Hospital Authority, University of Hong Kong, Chinese University of Hong Kong and Hong Kong Academy of Medicine; and 14 lay assessors nominated by the Secretary for Food and Health). We propose to adjust the quorum of an inquiry meeting to allow more flexibility for MCHK to

³ The four lay Council members are serving on PIC each for three months on a rotational basis. In addition to their PIC membership, two of the lay Council members also serve on other statutory committees.

⁴ It is MCHK's current arrangement that multi-membership on various statutory committees should be avoided as far as possible. As stated under footnote 3 above, there are currently two lay Council members sitting on more than one statutory committee at the same time.

⁵ Under section 21B(2) of the existing MRO, MCHK must appoint a panel of assessors who are non-Council members for the purpose of conducting an inquiry, including -

- (a) Ten "medical assessors" who are registered medical practitioners nominated two each by the -
 - (i) Director of Health;
 - (ii) Hospital Authority;
 - (iii) Hong Kong Academy of Medicine ;
 - (iv) University of Hong Kong;
 - (v) Chinese University of Hong Kong; and
- (b) four lay assessors nominated by the Secretary for Food and Health.

form a quorum to conduct an inquiry. Under the Bill, the proposed quorum is a panel of five persons, with at least (i) one Council member who is a registered medical practitioner; (ii) one assessor who is a registered medical practitioner; and (iii) one lay person (who is a lay Council member or lay assessor), but subject to the majority being registered medical practitioners.

10. Currently, MCHK forms quorum for the conduct of inquiries by implementing a rota of seven adjudicating members, comprising four Council members who are registered medical practitioners, one lay Council member and two assessors which at least one is medical assessor. Therefore, the proposed arrangement to include at least one medical assessor in forming quorum of five persons for the conduct of inquiries is consistent with the existing arrangement of MCHK.

11. The policy intent is to make it clear for medical assessors to participate in inquiries and ensure that there is a balanced participation including doctor Council members, lay persons as well as medical assessors, in the inquiries. This would enhance openness, credibility and transparency of the inquiries at the same time.

12. The refined quorum arrangement, accompanied with the proposed increase in the number of lay Council Members and both medical and lay assessors and the increased legal support and flexibility under the Bill, will facilitate MCHK to conduct inquiries more frequently and in parallel.

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