

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

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

**Assessors appointed by the Medical Council of Hong Kong and the arrangement of forming quorum for conducting an inquiry**

2. Under the existing Medical Registration Ordinance ("MRO"), in addition to the members of Medical Council of Hong Kong ("MCHK"), the assessors appointed by MCHK can also participate in inquiries. The panel of assessors includes -

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

3. The quorum for MCHK to conduct an inquiry is stipulated under section 21B(1) of MRO. At present, 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.

## **Proposed Medical Registration (Amendment) Bill 2016**

4. To facilitate MCHK to conduct inquiry meetings more frequently and in parallel, the Government proposes 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 DH, HA, HKU, CUHK and HKAM; and 14 lay assessors nominated by SFH). We propose to adjust the quorum of an inquiry meeting to allow more flexibility for MCHK to form a quorum to conduct an inquiry. Under Medical Registration (Amendment) Bill (“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), subject to the majority being registered medical practitioners.

### **CSAs proposed by by Dr Hon LEUNG Ka-lau**

5. The CSA proposed by Dr Hon LEUNG Ka-lau aims to add ten medical assessors to be appointed by the Hong Kong Medical Association (“HKMA”), and suggests amending the quorum for conducting inquiries under the Bill by removing the arrangement of at least one medical assessor i.e. the proposed quorum is a panel of five persons, with at least (i) one Council member who is a registered medical practitioner and (ii) one lay Council member or lay assessor), subject to the majority being registered medical practitioners.

### **The Government’s response**

#### Adding ten medical assessors to be appointed by HKMA

6. We object to CSA. The suggestion of adding medical assessors nominated by HKMA had been previously raised in the scrutiny of the Medical Registration (Amendment) (No. 2) Bill 1995, which sought to, among others, introduce a panel of assessors for the purpose of conducting inquiry. The consideration at the time, which still applies, was that, as HKMA already had seven representatives on MCHK, there was no need for HKMA to further nominate representatives to the panel

of assessors. We consider that the refined quorum arrangement, accompanied with the proposed increase in the number of lay Council Members<sup>1</sup> 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.

#### Refinement to the quorum for conducting inquiries

7. We object to CSA. 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.

8. 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.

9. As mentioned in paragraph 6 above, we consider that 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.

**Food and Health Bureau**  
**June 2016**

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