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3 May 2016

The Honorable Vincent Fang
Chairman, Bills Committee on
Medical Registration (Amendment) Bill 2016
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

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Dear Chairman,

Medical Registration (Amendment) Bill 2016

I refer to the Bills Committee meeting held on 25 April 2016, and note that members of the Bills Committee would like to know more about the election process of the Council of Hong Kong Academy of Medicine (“HKAM”) and Presidents of its constituent Colleges. I would like to supplement the Bills Committee with the information and restate the position of HKAM regarding the Medical Registration (Amendment) Bill 2016.

HKAM

Operating under the principle of professional autonomy, HKAM is a statutory body established under the Hong Kong Academy of Medicine Ordinance (Cap. 419). It has statutory power to organise, monitor, assess and accredit all medical specialist training and to oversee the provision of continuing medical education in Hong Kong. HKAM is the **only statutory body representing specialists** in Hong Kong. HKAM’s representation in the Medical Council of Hong Kong (“MCHK”) is essential as HKAM sets standard for specialist medical practitioners and assures their quality. Currently, HKAM has 15 specialty Colleges and around 7,400 Fellows. There are altogether about 14,000 registered medical practitioners, including specialists, in Hong Kong.

Council of HKAM

The composition of the HKAM Council is stipulated under section 9 of Cap 419. The HKAM Council has 26 members, including-

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Mr. Jacob Tse

Auditor
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- a) 6 Officers (President, Vice-President (General Affairs), Vice-President (Education & Examinations), Honorary Secretary, Honorary Treasurer, Editor);
- b) 15 President of each HKAM College (ex-officio members); and
- c) 5 elected Council members (no more than 1 member of any single College may be elected to the HKAM Council under this category).

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Each of the Council members is elected through a **fair, transparent and open process**. As stipulated under section 8 of the Hong Kong Academy of Medicine Regulation (Cap. 419B), the six Officers shall be nominated and elected by members of the HKAM Council and the five elected Council members shall be nominated and elected by all Fellows. The 15 College Presidents are ex-officio members who are elected according to the constitutions of each College (detailed in the following paragraphs). As the number of Fellows in each College varies from over 1,600 to less than 200, the current design of the Council allows that all Colleges are equally represented at the Council regardless of their size.

Election of College Council and Presidents

The 15 Colleges are managed by their respective Councils. Elections of College President and members are conducted in accordance with the constitutions (Memorandum & Articles, Bylaws etc.) of individual Colleges. Councillors of **all** Colleges are elected by **general election**.

Election of College President is either by **general election (11 Colleges including Colleges of Community Medicine, Emergency Medicine, Family Physicians, Ophthalmologists, Orthopaedic Surgeons, Otorhinolaryngologists, Paediatricians, Pathologists, Physicians, Psychiatrists and Radiologists)** or **election by the College Council which are elected by general election (4 Colleges including Colleges of Anaesthesiologists, Dental Surgeons, Obstetricians & Gynaecologists and Surgeons)**.

We would like to point out that the constitutions of Colleges are known to and accepted by their Fellows. College constitutions can be amended through general meetings after deliberations and voting. Therefore **Fellows of a College have a final say on the election process of their President**, and this should be respected for professional autonomy.

The composition of the HKAM Council is illustrated at **Annex**.

ELECTED COUNCIL MEMBERS

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Dr. S.F. Hung
Prof. Gabriel Leung
Dr. H.T. Luk
Dr. Matthew Tsui

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Recent Discussion at the Bills Committee meeting - Nomination and Election of HKAM Representatives to MCHK

It is noted that at the recent Bills Committee meetings, some Legislative Council members have some misunderstandings on the current operation of HKAM. Therefore, I would like to take this opportunity to clarify these misunderstandings and reiterate HKAM's position on the Medical Registration (Amendment) Bill.

There is an allegation that HKAM representatives act under the influence of the Government. I would like to clearly state that **such allegation is totally unacceptable, invalid and adversely interfering with the independence as well as professional and academic autonomy of HKAM and its Colleges.** The independence and professional autonomy of HKAM are always upheld by its Council and governed by the Hong Kong Academy of Medicine Ordinance (Cap. 419). As mentioned in our previous submissions to the Bills Committee, the two representatives to be appointed to MCHK are nominated and elected by the HKAM Council. The representatives are all professionally independent and would represent the interest of specialists as well as patients.

HKAM welcomes the Government's proposal to increase four lay MCHK members and accepts the Government's proposal on converting two existing appointed MCHK members nominated by HKAM to elected MCHK members by HKAM. Under the principle of professional autonomy, we support the Government's proposal to allow HKAM to decide on how to elect the two members to MCHK. HKAM should have its own autonomy under its law in setting the rules and regulations governing its elections and operations. I would like to emphasise again that current election of representatives to MCHK demonstrates fairness to all Colleges irrespective of their size as each specialty College makes an equal contribution to the public.

HKAM agrees that the ratio of appointed and elected members in MCHK should be maintained at 1:1. The Government's current proposal on converting two existing appointed members nominated by HKAM to elected members by HKAM has achieved the 1:1 ratio. We do not see the need to pursue other amendments, as the proposal is straightforward and realistic. We wish to support it.

It is not appropriate to directly compare the election process of HKAM Council with that of other non-statutory bodies. HKAM is the only statutory body looking after postgraduate medical training, and its



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representation is comparable to that of the two Universities. MCHK should have representation from HKAM which is the statutory body empowered to set standards for, and assure quality / safe practice of, specialist medical practitioners.

I hope that the above information would help the Bills Committee understand the election process of the HKAM Council and HKAM's position on the Medical Registration (Amendment) Bill 2016.

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Yours sincerely,

Dr. Donald Li
President

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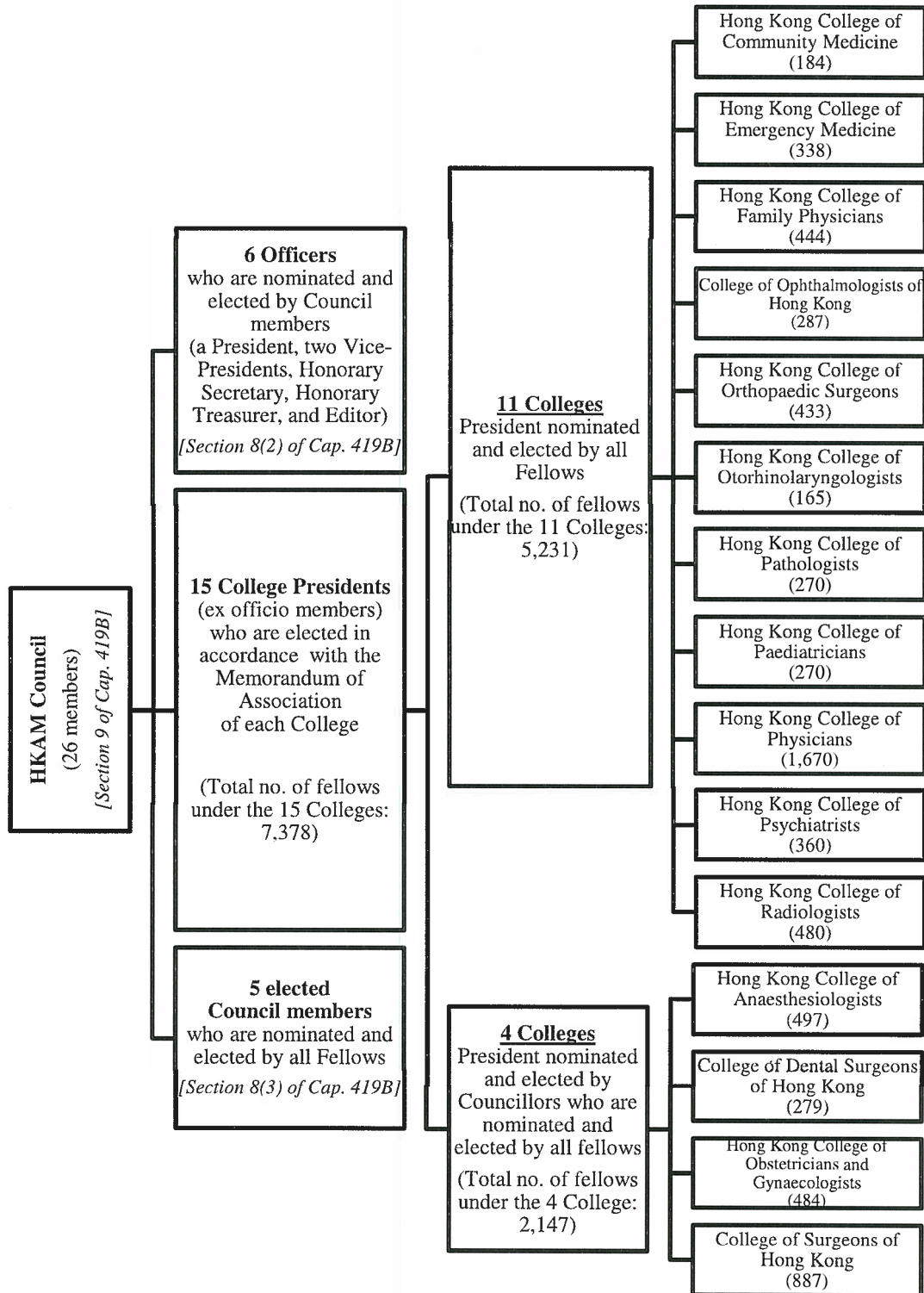
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Council of Hong Kong Academy of Medicine



*Number in brackets refers to the number of Fellows of the respective College as at 25 Jan 2016