

Medical Registration (Amendment) Bill 2016

Debate and voting arrangements

- Object of the Bill :** To amend the Medical Registration Ordinance (Cap. 161) (“the Ordinance”) to:
- (a) increase the number of lay persons on the Medical Council of Hong Kong (“MCHK”) and its committees;
 - (b) enable MCHK to establish more than one Preliminary Investigation Committee;
 - (c) extend the term of registration of medical practitioners with limited registration;
 - (d) change the quorum for disciplinary inquiries and increase the number of assessors;
 - (e) enable solicitor or counsel to be appointed to carry out the Secretary’s duties in respect of inquiries; and
 - (f) increase the number of legal advisers to MCHK.

First debate	: Clauses with no – Clauses 1, 2, 3, 5, 6, 7, 9, 12, 13 and 14 amendment
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Voting	: To vote on the above clauses standing part of the Bill
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Second debate	: Clause of the first group of amendment and the new clause respectively proposed by the Secretary for Food and Health (“SFH”) and Dr Hon KWOK Ka-ki – Clause 4 and new clause 12A
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Joint debate on the original clause and the amendments thereto, and the new clause.

Debate theme: Composition of MCHK

Clause 4

- The first group of amendment respectively proposed by SFH and Dr Hon KWOK Ka-ki seeks to amend clause 4 of the Bill to change the composition of MCHK under section 3(2) of the Ordinance and to provide for related matters. Details are in **Annex 1**.

New clause 12A

- New clause 12A respectively proposed by SFH and Dr Hon KWOK Ka-ki seeks to add section 35(10) in the Ordinance to provide for the transitional arrangements if either one of their first groups of amendment is passed.

Mover	Voting	Remarks	Amendment(s)
SFH	SFH's 1 st group of amendment	<p>If SFH's 1st group of amendment is <u>passed</u>, he <u>may move</u> the addition of his new clause 12A, but Dr Hon KWOK Ka-ki <u>may not move</u> his 1st group of amendment and will <u>withdraw</u> his amendment on new clause 12A.</p> <p>If SFH's 1st group of amendment is <u>negatived</u>, he will <u>withdraw</u> his amendment on new clause 12A and Dr KWOK <u>may move</u> his 1st group of amendment.</p>	LC Paper No. <u>CB(3) 735/15-16</u>
SFH	Addition of SFH's new clause 12A	--	
Dr Hon KWOK Ka-ki	Dr KWOK's 1 st group of amendment	<p>If Dr KWOK's 1st group of amendment is <u>passed</u>, he <u>may move</u> the addition of his new clause 12A.</p> <p>If Dr KWOK's 1st group of amendment is <u>negatived</u>, he will <u>withdraw</u> his amendment on new clause 12A.</p>	LC Paper No. <u>CB(3) 746/15-16</u>
Dr Hon KWOK Ka-ki	Addition of Dr KWOK's new clause 12A	--	

Third debate : Clauses of SFH's second – Clauses 8 and 10 group of amendments

Joint debate on the original clauses and the amendments thereto.

Debate theme: Preliminary Investigation Committee's handling of interests

Clause 8

- To amend section 20S(4) of the Ordinance to provide that at a meeting of the Preliminary Investigation Committee, if both the chairman and the deputy chairman declare their interest in respect of a particular case which is to be decided at a meeting, the other members present and forming a quorum must elect a person from among themselves to preside at the meeting.

Clause 10

- To make textual amendments to section 21(c) and (d) of the Ordinance.

Voting : To vote on the above amendments together, and then vote on the original clauses or the clauses as amended standing part of the Bill

Fourth debate : Clause of Dr Hon KWOK – Clause 11 Ka-ki's second group of amendment	
Joint debate on the original clause and the amendment thereto.	
Debate theme: Quorum of a MCHK meeting for the purpose of an inquiry and the composition of panel of assessors	
– Dr Hon KWOK Ka-ki's second group of amendment seeks to amend clause 11 of the Bill to change (i) the quorum of a MCHK meeting for the purpose of an inquiry; and (ii) the composition of the panel of assessors under section 21B of the Ordinance; and to make corresponding amendments to relevant provisions. Details are in Annex 2.	
Voting	: To vote on the above amendment, and then vote on the original clause or the clause as amended standing part of the Bill
Fifth debate : Schedules with no amendment – Schedules 1 and 2	
Voting	: To vote on the above Schedules together standing part of the Bill

SFH's amendments

(printed in LC Paper No. CB(3) 735/15-16 issued on 24 June 2016)

Dr Hon KWOK Ka-ki's amendments

(printed in LC Paper No. CB(3) 746/15-16 issued on 28 June 2016)

Council Business Division 3
Legislative Council Secretariat
 28 June 2016

Medical Registration (Amendment) Bill 2016
Committee stage

Second debate : Composition of the Medical Council of Hong Kong (“MCHK”)

Section 3(2) of the Medical Registration Ordinance (“the Ordinance”)	Composition of MCHK	Number of members under section 3(2) of the Ordinance	Proposed changes to section 3 of the Ordinance in clause 4 of the Bill	Secretary for Food and Health’s (“SFH”) 1 st group of amendment	Dr Hon KWOK Ka-ki’s 1 st group of amendment
Subsection (c)	Nominated by the Director of Health and appointed by the Chief Executive (“CE”)	2 RMPs	No change	No change	
Subsection (d)	Nominated by the University of Hong Kong and appointed by CE	2 RMPs		No change	Reduced to 1
Subsection (da)	Nominated by The Chinese University of Hong Kong and appointed by CE	2 RMPs			Reduced to 1
Subsection (db)	Nominated by the Hospital Authority and appointed by CE	2 RMPs			Reduced to 1
Subsection (g)	Appointed by CE	4 lay members	Increased to 8	Increased to 8 (specifying that the 4 newly added members include 3 members elected by organizations representing the interests of patients specified by the Administration; 1 member nominated by the Consumer Council)	Same as SFH’s amendment
Subsection (h)	Nominated by the Academy of Medicine (“the Academy”) and appointed by CE	2 RMPs	No change	2 (the above 2 members to be elected by the Academy in accordance with its regulations or procedures)	Reduced to 1
Subsection (i)	Nominated in accordance with the regulations or procedures of the Hong Kong Medical Association and elected by the Council members of the Association	7 RMPs		No change	
Subsection (j)	Elected by all registered medical practitioners registered in Parts I and III of the General Register pursuant to an election held under the Election Regulation	7 RMPs		No change	Increased to 11
	Total	28	32	32	32

Medical Registration (Amendment) Bill 2016
Committee stage

Fourth debate : Quorum of a Medical Council of Hong Kong (“MCHK”) meeting for the purpose of an inquiry and the composition of the panel of assessors

(i) Quorum of a MCHK meeting for the purpose of an inquiry				
Quorum under section 21B(1) of the Medical Registration Ordinance (“the Ordinance”)		Proposed changes to section 21B(1) of the Ordinance in clause 11 of the Bill		Dr Hon KWOK Ka-ki’s 2 nd group of amendment
(i) 5 MCHK members; or (ii) not less than 3 MCHK members and 2 assessors; at least 1 of whom shall be a lay member but subject to the majority being registered medical practitioners (“RMPs”)		(i) 1 of them is a MCHK member who is a RMP; (ii) 1 of them is a lay member of MCHK or a lay assessor; and (iii) 1 of them is an assessor who is a RMP; while the majority of the persons at the meeting must be RMPs		Same as the proposed changes in the Bill
(ii) Composition of the panel of assessors				
Section 21B(2) of the Ordinance	Number of assessors		Proposed changes to section 21B(2) of the Ordinance in clause 11 of the Bill	Dr Hon KWOK Ka-ki’s 2 nd group of amendment
Subsection (a)	Nominated by the Director of Health	2 RMPs	Increased to 4	Same as the proposed changes in the Bill
Subsection (b)	Nominated by the Hospital Authority	2 RMPs	Increased to 4	
Subsection (c)	Nominated by the Academy of Medicine	2 RMPs	Increased to 4	
Subsection (d)	Nominated by the University of Hong Kong	2 RMPs	Increased to 4	
Subsection (e)	Nominated by The Chinese University of Hong Kong	2 RMPs	Increased to 4	
Add subsection (ea)	Nominated by the Hong Kong Medical Association	Without this category	Without this category	Add this new category of assessors (8 RMPs)
Subsection (f)	Nominated by the Secretary for Food and Health	4 lay persons	Increased to 14	Same as the proposed changes in the Bill
	Total	14	34	42