

立法會
Legislative Council

LC Paper No. CB(2)840/17-18
(These minutes have been
seen by the Administration)

Ref : CB2/BC/5/16

Bills Committee on Medical Registration (Amendment) Bill 2017

Minutes of the first meeting
held on Tuesday, 27 June 2017, at 4:30 pm
in Conference Room 2 of the Legislative Council Complex

Members present : Hon Tommy CHEUNG Yu-yan, GBS, JP (Chairman)
Hon LAU Kwok-fan, MH (Deputy Chairman)
Hon LEUNG Yiu-chung
Prof Hon Joseph LEE Kok-long, SBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon LEUNG Kwok-hung
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon Steven HO Chun-yin, BBS
Hon Frankie YICK Chi-ming, JP
Hon WU Chi-wai, MH
Hon YIU Si-wing, BBS
Hon CHAN Han-pan, JP
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, BBS, JP
Hon KWOK Wai-keung
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Dr Hon Elizabeth QUAT, JP
Hon Martin LIAO Cheung-kong, SBS, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon CHU Hoi-dick
Dr Hon Junius HO Kwan-yiu, JP
Hon HO Kai-ming
Hon Holden CHOW Ho-ding
Hon SHIU Ka-chun

Hon Wilson OR Chong-shing, MH
Dr Hon Pierre CHAN
Hon CHAN Chun-ying
Hon CHEUNG Kwok-kwan, JP
Dr Hon CHENG Chung-tai
Hon Jeremy TAM Man-ho
Dr Hon LAU Siu-lai

Members absent : Dr Hon KWOK Ka-ki
Hon Dennis KWOK Wing-hang
Dr Hon Fernando CHEUNG Chiu-hung

[According to the Judgment of the Court of First Instance of the High Court on 14 July 2017, LEUNG Kwok-hung, Nathan LAW Kwun-chung, YIU Chung-yim and LAU Siu-lai have been disqualified from assuming the office of a member of the Legislative Council, and have vacated the same since 12 October 2016, and are not entitled to act as a member of the Legislative Council.]

Public Officers attending : Mr Chris SUN Yuk-han, JP
Head, Healthcare Planning and Development Office
Food and Health Bureau

Mr FONG Ngai
Principal Assistant Secretary for Food and Health
(Health) 3
Food and Health Bureau

Miss Natalie LAU Wai-kwan
Assistant Secretary for Food and Health (Health) 8
Food and Health Bureau

Miss Lisa LAI
Secretary, Medical Council of Hong Kong
Department of Health

Mr Joseph SIU Wing-ho
Deputy Secretary (Medical Council) 1
Department of Health

Clerk in attendance : Ms Maisie LAM
Chief Council Secretary (2) 5

Staff in attendance : Ms Wendy KAN
Assistant Legal Adviser 6

Ms Priscilla LAU
Council Secretary (2) 5

Miss Maggie CHIU
Legislative Assistant (2) 5

Action

I. Election of Chairman

Election of Chairman and Deputy Chairman

Mr Tommy CHEUNG was elected Chairman of the Bills Committee and Mr LAU Kwok-fan was elected Deputy Chairman of the Bills Committee.

II. Meeting with the Administration

[File Ref.: FHCR1/F/3261/92, LC Paper Nos. LS74/16-17, CB(2)1818/15-16, CB(2)1723/16-17(02) to (04) and CB(3)628/16-17]

2. The Bills Committee deliberated (index of proceedings attached at **Annex**).

3. Members agreed to receive views from the public on the Bill at the next meeting scheduled for Tuesday, 11 July 2017, at 5:00 pm. In line with usual practice, a general notice would be posted on the Legislative Council website and invitation letters would be issued to the 18 District Councils for the purpose.

Admin

4. The Bills Committee requested the Administration to:

- (a) in respect of the employment of non-locally trained medical practitioners with limited registration by the Hospital Authority ("HA"),

First registration

- (i) provide details of the recruitment procedures and the general qualifications and experience required of the candidates;
- (ii) provide the respective numbers of applications received by HA in each recruitment exercise, the applications so shortlisted by HA for submission to the Medical Council

Action

of Hong Kong ("the Medical Council") for approval, and the applications so approved by the Medical Council in each of the past five years;

- (iii) advise the criteria adopted by HA for shortlisting the applications in the recruitment exercises, including the reasons why a number of applicants were considered by HA as not suitable for the posts concerned; and

Renewal of limited registration

- (iv) advise the respective numbers of renewal applications for limited registration submitted by HA to the Medical Council and the renewal applications approved by the Medical Council in each of the past five years;
 - (v) of those medical practitioners whose limited registration had been renewed, advise their total number of years served in HA and their existing or last serving ranks; and
- (b) in respect of the employment of non-locally trained medical practitioners with limited registration by the University of Hong Kong and The Chinese University of Hong Kong,
- (i) provide details of the respective mechanisms put in place by the two universities to monitor the performance and the renewal of limited registration of these medical practitioners;
 - (ii) advise the duties of the medical practitioners so employed, including whether they were required to carry out clinical practice of medicine or hospital work; and
 - (iii) of those medical practitioners whose limited registration had been renewed, advise their total number of years served in the university concerned.

III. Any other business

5. There being no other business, the meeting ended at 6:29 pm.

**Proceedings of the first meeting of
the Bills Committee on Medical Registration (Amendment) Bill 2017
held on Tuesday, 27 June 2017, at 4:30 pm
in Conference Room 2 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)/Discussion	Action required
<i>Agenda item I: Election of Chairman</i>			
000415 - 001320	Mr LEUNG Yiu-chung Ir Dr LO Wai-kwok Mr Frankie YICK Mr Tommy CHEUNG Mr LEUNG Kwok-hung Dr LAU Siu-lai Mr Martin LIAO Dr CHENG Chung-tai Mr SHIU Ka-chun Dr Pierre CHAN	Election of Chairman	
001321 - 002059	Chairman Ms Claudia MO Mr Jeremy TAM Dr Pierre CHAN Mr Frankie YICK Mr Steven HO Mr LAU Kwok-fan	Election of Deputy Chairman	
<i>Agenda item II: Meeting with the Administration</i>			
002100 - 002311	Chairman Dr Pierre CHAN Ms Alice MAK	Members agreed that the Bills Committee would receive public views on the Medical Registration (Amendment) Bill 2017 ("the Bill") at its next meeting on 11 July 2017.	
002312 - 003404	Chairman Admin	Briefing by the Administration on the Bill.	
003405 - 003942	Chairman Dr Pierre CHAN Admin	Dr Pierre CHAN's remark that the medical sector supported reforming the Medical Council of Hong Kong ("the Medical Council"). Dr Pierre CHAN's concern that the number of applications the Hospital Authority ("HA") received in recruitment exercises of medical practitioners with limited registration to address manpower shortage far outnumbered the number of shortlisted applications. The Administration explained that HA would consider each application according to the eligibility criteria and ensure that the applicants met the eligibility requirement. The Administration agreed to provide in writing information on (a) the details of the recruitment procedures and the general qualifications and experience required of the candidates for the employment of non-locally trained medical practitioners with limited registration by HA; and (b) the criteria adopted by HA for shortlisting the applications in the recruitment exercises, including the reasons why a number of applicants were considered by HA as not meeting the requirement for the posts concerned.	Admin

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003943 - 004459	Chairman Dr CHENG Chung-tai Admin	<p>Noting that non-locally trained medical practitioners with limited registration were not required to pass the Licensing Examination and undergo a period of assessment to ascertain their professional standards, Dr CHENG Chung-tai enquired about the rationale for extending the validity period and renewal period of limited registration from a period of not exceeding one year to a period of not exceeding three years. He was concerned that these medical practitioners might serve at the specified institutions for a long time through renewals of their limited registration.</p> <p>The Administration's advice that those non-locally trained medical practitioners with acceptable qualifications and proven clinical experience, if selected for employment by the specified institutions, might apply to the Medical Council for registration as a medical practitioner with limited registration. Each application and its renewal would be subject to the approval by the Medical Council which was empowered under the Medical Registration Ordinance (Cap. 161) ("the Ordinance"). The Bill did not propose any change to the existing requirements for limited registration but only extended the validity period and renewal period of limited registration in order to attract more experienced non-locally trained medical practitioners to apply for limited registration in Hong Kong.</p>	
004500 - 005137	Chairman Mr LEUNG Yiu-chung Admin	<p>Mr LEUNG Yiu-chung's view that it was more desirable to make reference to the practice of some overseas countries such that the complaint investigation and disciplinary inquiry mechanism for the medical profession would be separated from the Medical Council through the setting up of an independent medical complaints office, instead of establishing inquiry panels under the auspices of the Medical Council with the possibility of overlapping membership between the two as proposed under the Bill, to perform the above function.</p> <p>The Administration's advice that:</p> <p>(a) the Tripartite Platform on Amendments to the Medical Registration Ordinance considered that the practice of Singapore, whereby the Complaints Panel appointed by the Singapore Medical Council would appoint a Complaint Committee to handle complaints against medical practice, was an appropriate reference;</p> <p>(b) it was proposed that a modern mechanism separated from but under the auspices of the Medical Council, i.e. inquiry panels to be set up under the Medical Council to conduct inquiry. The inquiry panel to be appointed by the Medical Council would comprise five members who could be either members of the Medical Council or assessors who were not members of the Medical Council. The inquiry panels would have full disciplinary power to make order and review their decisions;</p> <p>(c) the proposed expansion in the number of assessors, the qualification requirements of whom would be specified by the Medical Council, from 14 to the range of 28 to 140 would facilitate the setting up of more than one Preliminary</p>	

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		<p>Investigation Committee ("PIC") and inquiry panel to enable the completion of complaint investigation and disciplinary inquiries within a reasonable period of time; and</p> <p>(d) lay participation would be increased throughout the process.</p>	
005138 - 005924	Chairman Ms Claudia MO Admin	<p>Ms Claudia MO remarked that 78% of the respondents to a survey conducted under the Public Opinion Programme of the University of Hong Kong ("HKU") in December 2016 objected to the legislative proposal of extending the validity period and renewal period of limited registration. In her view, the proposal might result in the influx of medical practitioners who received their medical training in the Mainland, who would then become qualified for permanent residency after staying in Hong Kong for a continuous period of seven years.</p> <p>The Administration's response that:</p> <p>(a) detailed information on the number of non-locally trained medical practitioners with limited registration employed by HA, HKU, The Chinese University of Hong Kong ("CUHK") and the Department of Health and the places where they received their medical training had been set out in Annex E to the Legislative Council ("LegCo") Brief on the Bill (File Reference: FHCR1/F/3261/92); and</p> <p>(b) HA would only employ those medical practitioners who possessed, among others, a specialist qualification comparable to the intermediate examination of the constituent colleges of the Hong Kong Academy of Medicine ("the Academy of Medicine"). Currently, there was no relevant framework for recognizing specialist qualification in the Mainland.</p>	
005925 - 010541	Chairman Dr Helena WONG Admin	<p>Dr Helena WONG's remark that the Democratic Party in principle welcomed the legislative proposals.</p> <p>In response to Dr Helena WONG's enquiry, the Administration advised that in view of the heavy workload of PIC, the term of office for members of PIC was proposed to be shorter than that of members of the Medical Council (i.e. a period not exceeding 12 months as specified by the Medical Council and eligible for reappointment vis-a-vis a period of three years and eligible for reappointment, re-election and re-nomination, as the case might be). Dr Helena WONG considered that the Medical Council should tap the experienced PIC members to conduct preliminary investigations.</p>	
010542 - 011109	Chairman Ms Alice MAK Admin	<p>At Ms Alice MAK's request, the Administration's elaboration on the procedures put in place by HA in respect of initiation of recruitment, selection, recruitment and monitoring of the non-locally trained medical practitioners with limited registration as detailed in the Appendix of Annex E to the LegCo Brief.</p> <p>While expressing support for the proposed extension of the maximum validity period and renewal period of limited registration and agreeing that HA had a stringent mechanism of</p>	

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		<p>employing non-locally trained medical practitioners under limited registration in place, Ms Alice MAK urged HA to promise expressly that such medical practitioners it employed would only be engaged in frontline clinical work and the career prospects of local medical graduates with full registration would not be affected. Given the backlog of complaint cases, she also called for the early passage of the Bill in order to, among others, improve the complaint investigation and disciplinary inquiry mechanism of the Medical Council such that complaints could be handled within a reasonable time.</p>	
011110 - 012313	<p>Chairman Dr Junius HO Admin Mr LEUNG Kwok-hung</p>	<p>Dr Junius HO's expression of support for the Bill; his view that the legislative proposal of extending the maximum validity period and renewal period of limited registration would not favour non-locally trained medical practitioners from a particular place; and his enquiries about the targeted number of non-locally trained medical practitioners to be recruited by HA under the legislative proposal and how far the medical manpower shortage problem of HA could then be relieved.</p> <p>The Administration's advice that HA currently employed 14 non-locally trained medical practitioners with limited registration. It was expected that the legislative proposal could attract more experienced non-locally trained specialists to perform clinical works in HA by extending the maximum validity period and renewal period of limited registration. However, the final decision of non-locally trained medical practitioners hinged on many factors and it was difficult to estimate the increase in the number of such medical practitioners.</p> <p>At the Chairman's request, the Administration agreed to advise in writing the respective numbers of renewal applications for limited registration submitted by HA to the Medical Council and the renewal applications approved by the Medical Council in each of the past five years.</p> <p>In respect of the employment of non-locally trained medical practitioners with limited registration by HKU and CUHK, Mr LEUNG Kwok-hung requested the Administration to advise in writing, (a) of those whose limited registration had been renewed, their total number of years served in the university concerned; and (b) the duties of the medical practitioners so employed, including whether they were required to carry out clinical practice of medicine or hospital work.</p>	<p>Admin</p> <p>Admin</p>
012314 - 012956	<p>Chairman Dr Pierre CHAN Admin</p>	<p>Dr Pierre CHAN's concern about the variance in the mechanisms put in place by HA, HKU and CUHK concerning the initiation of recruitment, selection, recruitment and monitoring of non-locally trained medical practitioners with limited registration.</p> <p>The Administration's advice that while the requirements for limited registration were set out in the Ordinance and the Medical Council was empowered under the Ordinance to consider each application on a case-by-case basis, the mechanism might vary as the nature of employment differed among different specified institutions (including HA, HKU and CUHK). It was appropriate</p>	

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		<p>for them to design their own mechanisms in respect of employment of non-locally trained medical practitioners with limited registration to suit their individual needs.</p> <p>Dr Pierre CHAN's request for the Administration to provide details of the respective mechanisms put in place by HKU and CUHK to monitor the performance and the renewal of limited registration of the non-locally trained medical practitioners with limited registration under their employment.</p>	Admin
012957 - 013642	Chairman Dr CHENG Chung-tai Admin	<p>Dr CHENG Chung-tai's view that the legislative proposal of extending the validity period and renewal period of limited registration was not justifiable as medical practitioners with full registration had to renew their registration annually.</p> <p>The Administration clarified that the registration status of medical practitioners with full registration was not subject to annual renewal. They only needed to apply for an annual practising certificate, and upon payment of the prescribed fee, they would be issued with the certificate which would be in force for a period of 12 months. Medical practitioners with full registration were not required to renew their registration. However, the registration status of a medical practitioner with limited registration was subject to renewal upon expiry of the validity period (which was currently up to one year under the Ordinance). The requirement for applying an annual practising certificate applied to both medical practitioners with full registration and limited registration. Dr CHENG Chung-tai was of the view that if the validity period specified in a practicing certificate for limited registration would be longer than 12 months upon passage of the Bill, the medical practitioners concerned should be subject to an annual review of their performance.</p>	
013643 - 014315	Chairman Mr LEUNG Yiu-chung Admin	<p>Mr LEUNG Yiu-chung called on the Administration to address squarely the medical manpower shortage problem of HA by, say, increasing the number of first-year-first-degree publicly funded places in medicine to increase the manpower supply at source and improving the working environment at public hospitals to retain its frontline healthcare staff. In his view, the current legislative proposal of extending the maximum validity period and renewal period of limited registration on the one hand lacked evidence, such as outcome of survey amongst the medical practitioners with limited registration employed by HA, to justify that it would result in an increase of applications from qualified non-locally trained medical practitioners, and on the other hand could not address the medical manpower shortage problem of HA effectively.</p> <p>The Administration assured that local medical graduates would be the primary source of manpower supply. The number of first-year-first-degree publicly funded places in medicine had been increased from 420 to 470 since the 2016-2017 academic year. Separately, HA had put in place measures to retain its medical practitioners and attract retired doctors to work in HA for an extended period of time after retirement. Since it took at least 13 years to train a specialist, recruiting experienced non-locally trained</p>	

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		<p>medical practitioners through limited registration would help HA to alleviate its medical manpower shortage to a certain extent. It was expected that the legislative proposal could attract more qualified non-locally trained medical practitioners to serve in HA through limited registration to meet HA's imminent service needs in the short term.</p>	
014316 - 014843	<p>Chairman Ms Alice MAK Admin</p>	<p>Ms Alice MAK urged the Administration to increase the number of first-year-first-degree publicly funded places in medicine. Separately, HA should extend the retirement age of its medical practitioners. In her view, the legislative proposal of extending the validity period and renewal period of limited registration was worth putting forward so as to ascertain its effectiveness in attracting more experienced non-locally trained specialists to help alleviate the medical manpower shortage of HA. That said, HA had to ensure that all non-locally trained medical practitioners with limited registration so employed, irrespective of their ranks and years of service, would be engaged in frontline clinical work.</p> <p>Ms Alice Mak requested the Administration to advise in writing (a) the respective numbers of applications received by HA in each recruitment exercise, the applications so shortlisted by HA for submission to the Medical Council for approval, and the applications so approved by the Medical Council in each of the past five years; and (b) in respect of those medical practitioners with limited registration employed by HA whose limited registration had been renewed, their total number of years served in HA and the existing or last serving ranks.</p>	<p>Admin</p>
014844 - 015203	<p>Chairman Mr CHAN Han-pan Admin</p>	<p>Since it took time to train a specialist, Mr CHAN Han-pan expressed support for the legislative proposal of extending the maximum validity period and renewal period of limited registration as an immediate solution to address the medical manpower shortage in public hospitals.</p>	
015204 - 015915	<p>Chairman Mr LEUNG Kwok-hung Admin ALA6</p>	<p>In response to Mr LEUNG Kwok-hung's concern about the duties of medical practitioners with limited registration employed by HKU and CUHK, in particular, whether they were allowed to carry out clinical practice of medicine or hospital work, the Administration advised that these medical practitioners could not perform any work other than those specified by HKU or CUHK.</p> <p>The Legal Adviser to the Bills Committee's advice that under section 14A(3) of the Ordinance, the limits of a medical practitioner's limited registration would be defined by specifying, (a) the period for which the registration was to have effect; and (b) the employment or type of employment for the purposes of which the registration had effect, etc.</p>	
015916 - 020308	<p>Chairman Mr Michael TIEN Admin</p>	<p>In reply to Mr Michael TIEN's enquiry, the Administration advised that all those non-locally trained medical practitioners with limited registration employed by HA in the past few years to address the manpower shortage problem received their medical training from overseas places, including Australia, Canada, New Zealand, the United Kingdom and the United States. If medical practitioners who received their medical training in the Mainland</p>	

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		<p>and other overseas places chose to practise in Hong Kong under full registration, they had to pass the Licensing Examination administered by the Medical Council and complete a period of assessment in approved hospitals as determined by the Medical Council.</p> <p>Noting that HA would not employ medical practitioners who had not obtained a specialist qualification comparable to the intermediate examination of the constituent colleges of the Academy of Medicine and there was no relevant framework for recognizing specialist qualification in the Mainland, Mr Michael TIEN remarked that there was no cause for concern that the legislative proposal would open the gate for medical practitioners from Mainland to practise in HA through limited registration.</p>	
<i>Agenda item III: Any other business</i>			
020309 - 020330	Chairman Mr LEUNG Kwok-hung	Closing remarks	

Council Business Division 2
Legislative Council Secretariat
6 February 2018