

立法會
Legislative Council

LC Paper No. CB(2)1907/17-18
(These minutes have been
seen by the Administration)

Ref : CB2/BC/5/16

Bills Committee on Medical Registration (Amendment) Bill 2017

Minutes of the fourth meeting
held on Wednesday, 27 September 2017, at 2:30 pm
in Conference Room 1 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
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon Steven HO Chun-yin, BBS
Hon Frankie YICK Chi-ming, SBS, 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
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung, JP
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Dr Hon Elizabeth QUAT, BBS, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon CHU Hoi-dick
Dr Hon Junius HO Kwan-yiu, JP
Hon Holden CHOW Ho-ding
Hon SHIU Ka-chun
Dr Hon Pierre CHAN
Hon CHEUNG Kwok-kwan, JP
Dr Hon CHENG Chung-tai
Hon Jeremy TAM Man-ho

- Member attending** : Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
- Members absent** : Prof Hon Joseph LEE Kok-long, SBS, JP
Hon Dennis KWOK Wing-hang
Hon Martin LIAO Cheung-kong, SBS, JP
Hon HO Kai-ming
Hon CHAN Chun-ying
- Public Officers attending** : The Administration
- 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 Yuk-wan
Secretary, Medical Council of Hong Kong
Department of Health
- Mr Joseph SIU Wing-ho
Deputy Secretary (Medical Council) 1
Department of Health
- Miss Cindy CHEUK Chi-wing
Senior Government Counsel
Department of Justice
- The Medical Council of Hong Kong
- Prof Joseph LAU Wan-ye, SBS
Chairman
- Dr CHEUNG Tak-hong, JP
Chairman, Preliminary Investigation Committee

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. Meeting with the Administration

[File Ref.: FHCR1/F/3261/92, LC Paper Nos. LS74/16-17, CB(2)1723/16-17(02), CB(2)2098/16-17(01) to (03) and CB(3)628/16-17]

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

Admin

2. The Bills Committee requested the Administration to:

- (a) provide information on the countries/regions where the 35 non-locally trained medical practitioners with limited registration employed by the Hospital Authority ("HA") as referred to in paragraph 13 of LC Paper No. CB(2)1824/16-17(02) received their basic medical training;
- (b) in respect of the non-locally trained medical practitioners with limited registration, provide information on the registration status notification mechanism between the Medical Council of Hong Kong ("the Medical Council") and the medical authorities outside Hong Kong which these medical practitioners registered with;
- (c) in respect of the three applications for renewal of limited registration (one submitted by the University of Hong Kong ("HKU") and two submitted by The Chinese University of Hong Kong ("CUHK")) concerning three non-locally trained medical practitioners who did not continue to register with the relevant overseas medical authorities at the time the applications were submitted, provide information on the

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reason(s) why HKU and CUHK decided to continue the employment and why the Medical Council approved the applications. According to section 14A(2) of the Medical Registration Ordinance (Cap. 161), one of the requirements for limited registration was that the person concerned satisfied the Medical Council that he/she was registered with an approved medical authority outside Hong Kong;

- (d) provide the guidelines put in place by HKU and CUHK to govern the provision of private patient services by its medical practitioners, including both registered medical practitioners with full registration and limited registration; and
- (e) in respect of those non-locally trained medical practitioners with limited registration employed by HKU and CUHK who had to perform clinical duties, in particular those who were engaged in training and/or short-term exchange programmes,
 - (i) provide the number of complaints, if any, against these non-locally trained medical practitioners in relation to their clinical work which were received by HKU, CUHK and the Medical Council respectively;
 - (ii) the mechanism, if applicable, currently put in place by HKU and CUHK to monitor their clinical performance so as to ensure patient safety; and
 - (iii) advise whether for the sake of patient safety, consideration would be given to enhancing the qualification requirements for these non-locally trained medical practitioners, say, by making reference to the relevant requirement employed by HA that the person concerned had to have a specialist qualification comparable to the intermediate examination of the constituent colleges of the Hong Kong Academy of Medicine.

II. Any other business

3. Members agreed that the next meeting of the Bills Committee would be held on 25 October 2017 at 8:30 am.

Action

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

Council Business Division 2
Legislative Council Secretariat
3 August 2018

**Proceedings of the fourth meeting of
the Bills Committee on Medical Registration (Amendment) Bill 2017
held on Wednesday, 27 September 2017, at 2:30 pm
in Conference Room 1 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)/Discussion	Action required
<i>Agenda item I: Meeting with the Administration</i>			
001048 - 001345	Chairman	Opening remarks	
001346 - 003159	Chairman Admin	Briefing by the Administration on its responses to the follow-up actions arising from the discussion at the meeting on 20 July 2017 [LC Paper No. CB(2)2098/16-17(02)], and its PowerPoint materials on the key proposals to improve the complaint investigation and disciplinary inquiry mechanism of the Medical Council of Hong Kong ("the Medical Council") under the Bill [LC Paper No. CB(2)2130/16-17(01)].	
003200 - 003306	Chairman	Date of next meeting	
003307 - 003747	Chairman Dr Pierre CHAN Admin	Dr Pierce CHAN's request for the Administration to provide information on the countries or regions where the 35 non-locally trained medical practitioners with limited registration employed by the Hospital Authority ("HA") as referred to in paragraph 13 of LC Paper No. CB(2)1824/16-17(02) received their basic medical training.	Admin
003748 - 005147	Chairman Dr KWOK Ka-ki Chairman of the Medical Council PIC Chairman of the Medical Council	<p>Referring to a past medical complaint concerning the prenatal check-up carried out by a non-locally trained medical practitioner with limited registration from the Mainland at the Prince of Wales Hospital, Dr KWOK Ka-ki was concerned about the professional standards of those non-locally trained medical practitioners with limited registration employed by the University of Hong Kong ("HKU") and The Chinese University of Hong Kong ("CUHK") as medical trainees and whether there were any medical complaints against these non-locally trained medical practitioners.</p> <p>Chairman of the Medical Council and Chairman of the Preliminary Investigation Committee of the Medical Council ("PIC Chairman of the Medical Council") advised that the Medical Council would consider whether the applications for registration as a medical practitioner with limited registration met the requirements set out in section 14A of the Medical Registration Ordinance (Cap. 161) ("the Ordinance").</p> <p>Chairman of the Medical Council remarked that HKU and CUHK had developed various reciprocal arrangements with other institutions concerning collaborative training, academic exchange and skills transfer. The employment of medical trainees through limited registration under such arrangements was important to the exchanges and training for local medical practitioners.</p>	

<p>005148 - 005923</p>	<p>Chairman Ms Claudia MO Chairman of the Medical Council Admin</p>	<p>Ms Claudia MO's concern that the legislative proposal to extend the period of limited registration of medical practitioners would encourage more medical practitioners who received their medical training in the Mainland to come to practise medicine in HA and the two teaching hospitals under limited registration.</p> <p>Chairman of the Medical Council and the Administration's advice that HA would only employ those non-locally trained medical practitioners who, in addition to their meeting of the statutory requirements for limited registration, possessed a specialist qualification comparable to the intermediate examination of the constituent colleges of the Hong Kong Academy of Medicine ("Academy of Medicine"); had at least three years' working experience in hospitals after completion of internship; and were able to speak fluent English and Cantonese (except for the specialties of anaesthesia, pathology and radiology) to ensure that they had attained the required medical standard for performing frontline clinical work in pressurized areas of public hospitals independently. It should be noted that there was currently no relevant framework for recognizing specialist qualification in the Mainland.</p> <p>On Ms Claudia MO's enquiries concerning the legislative proposal to increase substantially the number of assessors from 14 to up to 140, the Administration advised that there was a need to expand the pool of assessors such that enough Preliminary Investigation Committees ("PIC") and the proposed inquiry panels could be formed to handle complaints within a reasonable time. It was proposed that an assessor would hold office for a period not exceeding three years as specified by the Medical Council. If re-nominated by the nominating authority concerned, the assessor would be eligible for reappointment for a further period or periods not exceeding three years each on the expiry of the assessor's period of appointment or reappointment.</p>	
<p>005924 - 010936</p>	<p>Chairman Dr CHENG Chung-tai Chairman of the Medical Council Admin</p>	<p>Dr CHENG Chung-tai's enquiry and Chairman of the Medical Council and the Administration's replies concerning the statutory requirement for limited registration that the applicant concerned should be registered with a recognized medical authority outside Hong Kong.</p> <p>Dr CHENG Chung-tai's request for the Administration to advise in writing the registration status notification mechanism between the Medical Council and the medical authorities outside Hong Kong which the non-locally trained medical practitioners with limited registration registered with.</p> <p>In response to the Chairman's enquiry, Chairman of the Medical Council advised that non-locally trained medical practitioners with limited registration practising in Hong Kong were required to apply for a practising certificate annually.</p>	<p>Admin</p>
<p>010937 - 012114</p>	<p>Chairman Dr Helena WONG Admin Chairman of the Medical Council</p>	<p>While expressing support for the legislative proposal to extend the validity period and renewal period of limited registration from not exceeding one year to not exceeding three years, Dr Helena WONG was concerned about the expected number of applications for limited registration as well as renewal applications for limited</p>	

		<p>registration that would be received by the Medical Council if the Bill was passed.</p> <p>The Administration and Chairman of the Medical Council's advice that:</p> <p>(a) there was no limit on how many times a medical practitioner with limited registration could apply for renewal of the limited registration. It should be noted that whether a medical practitioner with limited registration who had resided in Hong Kong for a continuous period of not less than seven years was eligible for the right of abode in Hong Kong would be subject to the Immigration Ordinance (Cap. 115);</p> <p>(b) the purposes of HA and the two universities in employing non-locally trained medical practitioners with limited registration were different. It was difficult to predict the number of applications for limited registration to be made by non-locally trained medical practitioners after the passage of the Bill; and</p> <p>(c) apart from proposing to extend the validity period and renewal period of limited registration to attract more non-locally trained medical practitioners, in particular those who were local residents, to practise in Hong Kong, the Administration had already increased the number of first-year-first-degree publicly funded training places in medicine to increase the manpower supply at source.</p>	
012115 - 012516	Chairman Ms Alice MAK Chairman of the Medical Council	<p>On Ms Alice MAK's enquiry about whether the lay assessors to be serving on PICs, Health Committee and the proposed inquiry panels would be drawn from the same pool of lay assessors, the Administration's reply in the affirmative.</p> <p>In reply to Ms Alice MAK's enquiry, Chairman of the Medical Council's advice that members of the Medical Council would consider each individual application for limited registration and application for renewal of limited registration.</p>	
012517 - 013837	Chairman Dr Pierre CHAN Admin Chairman of the Medical Council	<p>Dr Pierre CHAN's request for the Administration to provide in writing the reason(s) why HKU and CUHK decided to continue the employment and why the Medical Council approved those three applications for renewal of limited registration (one submitted by HKU and two submitted by CUHK) concerning three non-locally trained medical practitioners who did not continue to register with the relevant overseas medical authorities at the time the applications were submitted.</p>	Admin
013838 - 014212	Chairman Mr IP Kin-yuen Admin	<p>In reply to Mr IP Kin-yuen's enquiry, the Administration's advice that in accordance with Promulgations No. 3 and No. 4 published by the Medical Council in the Government Gazette, applications for limited registration could be made by such persons (whose names had been entered prior to the end of 1964 into a list maintained by the Registrar of Clinics, the Department of Health ("DH")) appointed for the provision of primary healthcare, and to be responsible for the medical management of those clinics exempted from the provisions of section 7 of the Medical Clinics Ordinance (Cap. 343) (for Promulgation No. 3) or those clinics</p>	

		registered under the Medical Clinics Ordinance (for Promulgation No. 4).	
014213 - 020156	Chairman Dr Pierre CHAN Admin PIC Chairman of the Medical Council Chairman of the Medical Council Dr KWOK Ka-ki	<p>Dr Pierre CHAN and Dr KWOK Ka-ki's concern about the mechanisms in place to monitor the work performance of medical practitioners with limited registration or temporary registration for the sake of patient safety, and to handle medical complaints against these medical practitioners, in particular when the medical practitioners concerned were no longer practising in Hong Kong by the time the complaint cases were concluded.</p> <p>The Administration, Chairman of the Medical Council and PIC Chairman of the Medical Council's advice that existing sections 14A and 14B of the Ordinance had respectively set out the requirements for limited registration and temporary registration. There was no difference in the handling of complaint cases against medical practitioners with full registration and those with limited registration or temporary registration by the Medical Council. It was believed that HA and the Faculties of Medicine of the two universities would closely monitor the performance of medical practitioners with limited registration they employed.</p>	
<i>Break</i>			
021451 - 022636	Chairman Mr Jeremy TAM Admin PIC Chairman of the Medical Council	<p>Noting that HA would only employ those non-locally trained medical practitioners who, in addition to their meeting of the statutory requirements for limited registration, met the qualification, work experience and language requirements it imposed, Mr Jeremy TAM considered that non-locally trained medical practitioners with limited registration employed by HKU and CUHK should be subject to the same qualification and work experience requirements as they might have to perform clinical duties.</p> <p>The Administration and PIC Chairman of the Medical Council's advice that the statutory requirements for limited registration were aimed to ensure that the medical practitioners so registered had met the required professional standard to practise medicine safely in Hong Kong. Where necessary, HKU and CUHK were in a better position to, based on their operational needs, determine any additional requirements in respect of recruitment of non-locally trained medical practitioners with limited registration.</p>	
022637 - 023943	Chairman Mr IP Kin-yuen Admin	<p>Mr IP Kin-yuen's concern about the deterrent effect of the disciplinary actions taken by the Medical Council against those medical practitioners with limited registration who were no longer practising in Hong Kong by the time the complaint cases were concluded. The Chairman's remarks that where appropriate, the complainants could also resort to civil proceedings against the parties concerned.</p> <p>In response to Mr IP Kin-yuen's enquiry, the Administration's advice that the proposed extension of the validity period and renewal period of limited registration covered all types of employment in respect of which limited registration was appropriate or necessary as specified in the relevant promulgations published by the Medical Council in the Gazette. It would be for the Medical Council to determine the length of the</p>	

		validity period or renewal period of limited registration for each application, which would be up to three years if the Bill was passed.	
023944 - 024918	Chairman Dr CHENG Chung-tai Admin PIC Chairman of the Medical Council	<p>In response to Dr CHENG Chung-tai's enquiries about the legislative proposal to enable the Secretary for Justice to, on the application of the chairperson of an inquiry panel, appoint a solicitor or counsel, including a legal officer within the meaning of the Legal Officers Ordinance (Cap. 87), to carry out the duties of the Secretary of the Medical Council in respect of an inquiry by the inquiry panel, the Administration advised that the Secretary for Justice would determine the eligibility of the solicitors and counsels to assume the above role based on operational needs.</p> <p>In response to the Chairman and Dr CHENG Chung-tai's enquiry, the Administration advised that the remuneration for the Legal Adviser to the Medical Council was currently capped at \$280,000 per month.</p> <p>On Dr CHENG Chung-tai's concern about the measures to be put in place by the Medical Council for the avoidance of potential conflict of interests by the appointed counsels and solicitors in disciplinary inquiries if the above legislative proposal was passed, PIC Chairman of the Medical Council advised that the Medical Council had mechanism and guidelines in place for handling conflict of interests under inquiries to ensure that each inquiry would be conducted in a fair and impartial manner.</p>	
024919 - 030018	Chairman Dr KWOK Ka-ki Admin	Dr KWOK Ka-ki's concern about the work performance of the medical practitioners with limited registration employed by HKU and CUHK who had to carry out clinical duties, in particular those who were engaged in training and/or short-term exchange programmes; and his request for the Administration to provide written information on the number of complaints, if any, against these medical practitioners received by HKU, CUHK and the Medical Council as well as the mechanism currently put in place by HKU and CUHK to monitor their clinical performance.	Admin
030019 - 032026	Chairman Mr Michael TIEN Admin Chairman of the Medical Council PIC Chairman of the Medical Council	<p>Referring to the additional qualification requirement imposed by HA on the employment of non-locally trained medical practitioners with limited registration (i.e. possessed a specialist qualification comparable to the intermediate examination of the constituent colleges of the Academy of Medicine) and the fact that those non-locally trained medical practitioners with limited registration employed by HKU and CUHK were not subject to the same requirement, Mr Michael TIEN considered that for the sake of patient safety, the proposed extension of limited registration from a period of not exceeding one year to a period of not exceeding three years should only be applicable to those medical practitioners meeting the above qualification requirement.</p> <p>The Administration reiterated that it would be for the Medical Council to determine the length of the validity period or renewal period of limited registration for each application. Chairman of the Medical Council and PIC Chairman of the Medical Council stressed that the purposes of HA and the two universities in employing non-locally trained medical practitioners with limited registration were different. It would be more appropriate for HKU</p>	

		and CUHK to, based on their operational needs, determine their own qualification requirements in respect of recruitment of non-locally trained medical practitioners with limited registration. All medical practitioners so employed would perform their clinical duties under an appropriate degree of supervision.	
032027 - 033237	Chairman Mr SHIU Ka-chun Admin PIC Chairman of the Medical Council	<p>Mr SHIU Ka-chun welcomed the legislative proposal to enable patient organizations to elect three lay members to the Medical Council.</p> <p>Noting that the number of Fellows in each College of the Academy of Medicine varied from 1 600 to less than 200, Mr SHIU Ka-chun was concerned about how the Academy of Medicine would elect two registered medical practitioners to sit on the Medical Council in accordance with its regulations or procedures. The Chairman's remarks that to his understanding, Fellows of the Academy of Medicine had different views as to whether these two seats should be directly elected by all Fellows or indirectly elected by members of the Council of the Academy of Medicine.</p> <p>The Administration advised that having regard to the principle of professional autonomy, it was considered appropriate for the Academy of Medicine, being a statutory body responsible for medical specialist training, to determine how it would elect the two registered medical practitioners to sit on the Medical Council. PIC Chairman of the Medical Council remarked that the Medical Council currently comprised, among others, seven registered medical practitioners who were members of the Hong Kong Medical Association nominated in accordance with its relevant regulations or procedures and elected by its Council members in accordance with those regulations or procedures.</p>	
033238 - 034909	Chairman Dr Pierre CHAN Admin Chairman of the Medical Council	<p>Dr Pierre CHAN's remarks that the Council of the Academy of Medicine currently comprised six officers, 15 College Presidents and five elected Council members. It was noted that there had been cases that some Council members were elected from those Colleges which had fewer number of Fellows, such as Community Medicine and Emergency Medicine.</p> <p>Dr Pierre CHAN's request for the Administration to provide the guidelines put in place by HKU and CUHK to govern the provision of private patient services by its medical practitioners, including both registered medical practitioners with full registration and limited registration.</p> <p>Dr Pierre CHAN's enquiry and the Administration and Chairman of the Medical Council's reply concerning the countries of those institutions which the two universities had engaged reciprocal training, academic exchange and skills transfer arrangements with.</p>	Admin
034910 - 035604	Chairman Mr Jeremy TAM Admin	Mr Jeremy TAM's enquiry and the Administration's reiteration of the terms of office of the assessors whose number would be increased from 14 to up to 140 under the Bill. The Chairman's remark that the Secretary for Food and Health could consider stating in her speech during the Second Reading debate on the Bill the arrangements concerning the nomination of assessors by the specified authorities to ensure that the assessors so appointed	

		would assume office in batches. On Mr Jeremy TAM's concern about the possibility of conflict of interests if the same assessor would serve both PIC and the inquiry panel of the same case, the Administration advised that there was no cause for such concern, as the assessor concerned could not serve in the inquiry panel of the same case.	
035605 - 040230	Chairman Dr KWOK Ka-ki Admin	Referring to the view made by Mr Michael TIEN at the earlier part of the meeting, Dr KWOK Ka-ki requested the Administration to consider enhancing the qualification requirements for those non-locally trained medical practitioners with limited registration employed by HKU and CUHK who had to perform clinical duties. In reply to Dr KWOK Ka-ki's enquiry about the composition of an inquiry panel, the Administration advised that it was proposed under the Bill that an inquiry panel would comprise three registered medical practitioners and two lay persons. It was considered that the proposed composition was appropriate in order to facilitate the formulation of more than one inquiry panel to handle complaints within a reasonable time. Holding the view that the remuneration for the part-time Legal Adviser to the Medical Council was not on a low side, Dr KWOK Ka-ki considered that in future, the legal advisers engaged by the Medical Council should be on a full-time instead of a part-time basis. The Administration's advice that if the Bill was passed, the Medical Council would consider the appropriate mode of employment of the legal advisers based on the workload.	Admin
<i>Agenda item II: Any other business</i>			
040231 - 040237	Chairman	Closing remarks	