

立法會
Legislative Council

LC Paper No. CB(2)752/18-19

(These minutes have been
seen by the Administration)

Ref : CB2/BC/5/16

Bills Committee on Medical Registration (Amendment) Bill 2017

**Minutes of the fifth meeting
held on Wednesday, 25 October 2017, at 8:30 am
in Conference Room 3 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
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 Alice MAK Mei-kuen, BBS, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung, JP
Hon Dennis KWOK Wing-hang
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Dr Hon Elizabeth QUAT, BBS, 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 Holden CHOW Ho-ding
Hon SHIU Ka-chun
Dr Hon Pierre CHAN
Hon CHAN Chun-ying

Hon CHEUNG Kwok-kwan, JP
Dr Hon CHENG Chung-tai
Hon Jeremy TAM Man-ho

**Members
absent** : Hon Mrs Regina IP LAU Suk-yea, GBS, JP
Hon Kenneth LEUNG
Hon HO Kai-ming

**Public Officers :
attending** : The Administration

Mr FONG Ngai
Head, Healthcare Planning and Development Office
Food and Health Bureau

Miss Natalie LAU Wai-kwan
Acting Principal Assistant Secretary for Food and Health
(Health) 3
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

Hong Kong Academy of Medicine

Prof Gilberto LEUNG Ka-kit
Vice-President (Education & Examinations)

**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(03), CB(2)109/17-18(01) to (03) and CB(3)628/16-17]

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

2. Members agreed that the Bills Committee should invite written views from those organizations and individuals which/who had presented their views to the Bills Committee on the Administration's revised proposal on the composition of the Medical Council of Hong Kong as set out in LC Paper No. CB(2)109/17-18(03).

Clause-by-clause examination of the Bill

3. The Bills Committee commenced clause-by-clause examination of the Chinese text of the Bill up to clause 12.

Admin

4. Members noted that the Administration would propose amendments to the Bill in response to the observations raised by the Legal Adviser to the Bills Committee concerning clause 1(3) of the Bill as set out in paragraphs 2 and 3 of her letter dated 7 September 2017 to the Administration (LC Paper No. CB(2)2098/16-17(03)).

Admin

5. The Chairman requested the Administration to provide before the next meeting of the Bills Committee its written response to the letter from the Legal Adviser to the Bills Committee referred to in paragraph 4 above, as well as its draft amendments to the Bill concerning the revised proposal on the composition of the Medical Council of Hong Kong. Members agreed that upon receipt of the above response from the Administration, the Bills Committee might, where necessary, revisit clauses 1 to 12 at a future meeting.

Action

II. Any other business

6. Members agreed that the next three meetings of the Bills Committee would be scheduled as follows:

- (a) Friday, 3 November 2017, from 8:30 am to 10:30 am;
- (b) Monday, 13 November 2017, from 2:30 pm to 6:30 pm; and
- (c) Monday, 27 November 2017, from 2:30 pm to 4:30 pm.

7. There being no other business, the meeting ended at 10:26 am.

Council Business Division 2
Legislative Council Secretariat
1 February 2019

**Proceedings of the fifth meeting of
the Bills Committee on Medical Registration (Amendment) Bill 2017
held on Wednesday, 25 October 2017, at 8:30 am
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)/Discussion	Action required
<i>Agenda item I: Meeting with the Administration</i>			
001432-001657	Chairman	Opening remarks	
001658 - 002609	Chairman Admin	Briefing by the Administration, with the aid of PowerPoint presentation materials, on its revised proposal on the composition of the Medical Council of Hong Kong ("the Medical Council") [LC Paper Nos. CB(2)109/17-18(03) and CB(2)141/17-18(01)].	
002610 - 003420	Chairman Dr KWOK Ka-ki Admin	Meeting schedule in November 2017 Invitation of views on the Administration's revised proposal on the composition of the Medical Council.	
003421 - 004820	Chairman Dr KWOK Ka-ki Admin VP(EE) of the Academy of Medicine	<p>While welcoming the Administration's revised proposal that the four existing registered medical practitioner member seats nominated by the Director of Health and the Hospital Authority ("HA") (two by each institution) should be halved, with the two seats so spared to accommodate two registered medical practitioner members who were Fellows to be nominated and elected by Fellows of the Hong Kong Academy of Medicine ("the Academy of Medicine") in accordance with its regulations or procedures ("the two proposed seats"), Dr KWOK Ka-ki was concerned about whether any additional thresholds would be imposed on the eligibility to stand for the election, to nominate and to vote in the election. He was also concerned that those registered medical practitioners who had years of practice in the field of family medicine but had not been admitted as Fellows of the Academy of Medicine under the one-off grandfathering arrangement at the time of its establishment would be unable to stand for the election, to nominate and to vote in the election.</p> <p>The Administration advised that under the revised proposal, the above two proposed seats would be filled in accordance with the regulations or procedures to be formulated by the Academy of Medicine in this regard.</p> <p>Vice-President (Education & Examinations) of the Academy of Medicine ("VP(EE) of the Academy of Medicine") responded that the statutory power of the Academy of Medicine was confined to organize, monitor, assess and accredit all medical specialist training and to oversee the provision of continuing medical education for specialists. The Academy of Medicine would organize a forum and conduct a survey to solicit views of its Fellows on the nomination and election mechanism for filling the two proposed seats. An issue that needed to be addressed in the discussion was the role of the two registered</p>	

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		<p>medical practitioners so elected in the Medical Council, which would shed light on whether the candidates standing for the election should be required to have knowledge in and/or experience in exercising the statutory functions of the Academy of Medicine.</p> <p>Dr Pierre CHAN's view that the imposition of any additional thresholds on the eligibility to nominate and to vote in the election for the two proposed seats would deviate from the latest general consensus reached on the composition of the Medical Council after rounds of discussion among the various stakeholders, including the medical profession, under the steer of the Administration.</p>	
004821 - 005333	Chairman Dr Pierre CHAN Admin	<p>In respect of the remaining two seats proposed to be taken up by the Director of Health (or his or her representative) and the Chief Executive of HA (or his or her representative) respectively, Dr Pierre CHAN was concerned about whether there would be a frequent change in the representatives of the Director of Health and the Chief Executive of HA sitting on the Medical Council.</p> <p>The Administration's advice that under the revised proposal, the Director of Health and the Chief Executive of HA would be ex-officio members of the Medical Council. In the event that they could not attend any meeting of the Medical Council, their representatives would attend the meeting on their behalf.</p>	
005334 - 011131	Chairman Mr IP Kin-yuen Admin VP(EE) of the Academy of Medicine Mr LEUNG Yiu-chung Mr CHAN Han-pan Dr Pierre CHAN	<p>Mr IP Kin-yuen's view that it was important that the election to be held by the Academy of Medicine for the purpose of filling the two proposed seats would be in a form that could increase the elected element in the composition of the Medical Council, so that the total number of elected registered medical practitioner members in the Medical Council would account for half of its membership. Concurring with Mr IP Kin-yuen's view, Mr LEUNG Yiu-chung considered that the nomination and election mechanism in this regard should be decided by a majority of votes of all Fellows of the Academy of Medicine.</p> <p>Mr CHAN Han-pan expressed support for the Administration's revised proposal. In his view, it should be up to the Academy of Medicine to decide the nomination and election mechanism for the two proposed seats.</p> <p>Dr Pierre CHAN's strong view that no additional thresholds should be imposed such that all Fellows of the Academy of Medicine could be entitled to stand for the election, and to nominate and to vote in the election.</p> <p>The Administration stressed that under the revised proposal, the two proposed seats were to be nominated and elected by Fellows of the Academy of Medicine in accordance with its regulations or procedures.</p> <p>VP(EE) of the Academy of Medicine was of the view that the four registered medical practitioners filling the two existing</p>	

Time marker	Speaker	Subject(s)/Discussion	Action required
		<p>appointed seats to be nominated by the Academy of Medicine for appointment by the Chief Executive as well as the two proposed seats to be nominated and elected by Fellows of the Academy of Medicine should all play the same role of representing the Academy of Medicine in the Medical Council to maintain the standard of medical specialist training and continuing medical education in Hong Kong. As regards the nomination and election mechanism for the two latter seats, a consultation forum would be held by end of November 2017 to collect Fellows' views in this regard. The Council of the Academy of Medicine would then discuss the subject having regard to the views collected and come up with a decision.</p>	
011132 - 011523	<p>Chairman Dr Pierre CHAN</p>	<p>Referring to paragraphs 14 and 15 of LC Paper No. CB(2)109/14-18(02) which set out the Administration's response to issues raised at the meeting on 27 September 2017, Dr Pierre CHAN expressed concern about the time spent on private consultation service provided by a registered medical practitioner with limited registration employed by The Chinese University of Hong Kong and The University of Hong Kong.</p>	
011524 - 012433	<p>Chairman Ms Alice MAK Admin Mr KWOK Wai-keung</p>	<p>Ms Alice MAK said that the Hong Kong Federation of Trade Unions would require more time to study the revised proposal from the Administration on the composition of the Medical Council.</p> <p>Ms Alice MAK's view that with the passage of the Bill so that the validity period and renewal period of limited registration would be extended from a period of not exceeding one year to a period of not exceeding three years, the employment of non-locally trained medical practitioners by HA should not affect the promotion of those HA medical staff who were local medical practitioners with full registration.</p> <p>In response to Ms Alice Mak's enquiries, the Administration advised that upon passage of the Bill, the provisions in relation to the expansion of the pool of assessors would come into operation on the day on which the Medical Registration (Amendment) Ordinance 2017 was published in the Gazette. As regards the election arrangements for the three additional lay members to be elected to the Medical Council by patient organizations, the Administration would table a new item of subsidiary legislation before the Legislative Council as soon as practicable after the passage of the Bill.</p> <p>Mr KWOK Wai-keung's remark that the Bill could improve the complaint investigation and disciplinary inquiry mechanism of the Medical Council.</p>	
012434 - 012904	<p>Chairman</p>	<p>The Chairman's remark that the Liberal Party was in support of the Administration's revised proposal. In his view, the two proposed seats should be elected by Fellows of the Academy of Medicine, with the nomination and election mechanism be determined by the Academy of Medicine through consultation with its Fellows.</p>	

Time marker	Speaker	Subject(s)/Discussion	Action required
012905 - 013556	Chairman Dr KWOK Ka-ki Admin VP(EE) of the Academy of Medicine	Dr KWOK Ka-ki's view that it was important to ensure that all Fellows of the Academy of Medicine would be entitled to vote in the election of the two proposed seats under an open and fair election mechanism. VP(EE) of the Academy of Medicine's view that it was incumbent upon the Academy of Medicine to ensure that the two registered medical practitioners it nominated for appointment by the Chief Executive onto the Medical Council as well as the two registered medical practitioners elected by Fellows of the Academy to sit on the Medical Council could help the Medical Council to carry out its functions.	
013557 - 013707	Chairman ALA6	Commencement of clause-by-clause examination of the Bill	
013708 - 013759	Admin	<u>Examination of the long title</u>	
013800 - 014159	Admin Chairman ALA6	<u>Examination of clauses 1 and 2</u> In respect of the observations raised by the Legal Adviser to the Bills Committee concerning clause 1(3) of the Bill as set out in paragraphs 2 and 3 of her letter dated 7 September 2017 to the Administration (LC Paper No. CB(2)2098/16-17(03)), the Administration said that it would propose amendments to the Bill in this regard.	Admin
014200 - 014849	Admin Chairman ALA6	<u>Examination of clauses 3 to 12</u>	
014850 - 015911	Admin Chairman Ms Claudia MO Dr Pierre CHAN	<u>Examination of clause 13</u> Ms Claudia MO's enquiry about the requirements relating to the qualifications and experience of an assessor to be specified by the Medical Council; and Dr Pierre CHAN's view that the Medical Council should spell out the requirements clearly. The Administration's advice that to uphold professional autonomy, the proposed new sections 20BB(3) and 20BC(3) respectively empowered the Medical Council to specify the requirements relating to the qualifications and experience of the lay assessors and medical assessors.	
<i>Agenda item II: Any other business</i>			
015912 - 015954	Chairman	Closing remarks Date of next meeting	