

立法會
Legislative Council

LC Paper No. CB(2)753/18-19

(These minutes have been
seen by the Administration)

Ref : CB2/BC/5/16

Bills Committee on Medical Registration (Amendment) Bill 2017

Minutes of the sixth meeting
held on Friday, 3 November 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
Hon Jeremy TAM Man-ho

Members absent : Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Kenneth LEUNG
Hon HO Kai-ming
Dr Hon CHENG Chung-tai

Public Officers attending : Mr FONG Ngai
Head, Healthcare Planning and Development Office
Food and Health Bureau

Mr Chris FUNG Pan-chung
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

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

[LC Paper Nos. CB(2)1723/16-17(02), CB(2)2098/16-17(03), CB(2)109/17-18(03), CB(2)152/17-18(01), CB(2)221/17-18(01) and CB(3)628/16-17]

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

Follow-up actions required of the Administration

Admin

2. The Bills Committee requested the Administration to:

- (a) in respect of the Administration's proposal to, among others, add two seats of registered medical practitioners who were Fellows of the Hong Kong Academy of Medicine ("the Academy of Medicine") being nominated and elected by Fellows of the Academy of Medicine in accordance with the Academy of Medicine's regulations or procedures in the composition of the Medical Council of Hong Kong ("the Medical Council"),
 - (i) provide the details, including but not limiting to the scope, period and activities, of the consultation to be conducted by the Academy of Medicine on the proposal; and
 - (ii) advise the Academy of Medicine's target timetable for hammering out the regulations or procedures for nominating and electing two Fellows to hold the offices; and
- (b) advise whether the Administration would revise its draft amendments to section 3(2)(c) and (db) of the Medical Registration Ordinance (Cap. 161) to the effect that the two ex officio members, being the Director of Health or his or her representative and the Chief Executive of the Hospital Authority or his or her representative, had to be registered medical practitioners so as to achieve the legislative intent as set out in paragraph 9 of LC Paper No. CB(2)109/17-18(03)

Action

that registered medical practitioner members would remain to account for three-fourths of the membership of the Medical Council.

II. Any other business

3. The Chairman advised that the next meeting of the Bills Committee scheduled for Monday, 13 November 2017, at 2:30 pm would end at 5:30 pm instead of 6:30 pm as originally scheduled.

4. There being no other business, the meeting ended at 10:31 am.

Council Business Division 2
Legislative Council Secretariat
1 February 2019

**Proceedings of the sixth meeting of
the Bills Committee on Medical Registration (Amendment) Bill 2017
held on Friday, 3 November 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>			
001136 - 001608	Chairman Dr KWOK Ka-ki	Opening remarks Date of next meeting	
001609 - 001828	Chairman Admin	Briefing by the Administration on its draft amendments to the Bill on the composition of the Medical Council of Hong Kong ("the Medical Council") [LC Paper No. CB(2)152/17-18(01)].	
001829 - 004801	Chairman Dr KWOK Ka-ki Admin ALA6	<p>Dr KWOK Ka-ki expressed grave concern about the threshold that might be imposed by the Hong Kong Academy of Medicine ("the Academy of Medicine") on the nomination for the two proposed seats of registered medical practitioner who were Fellows of the Academy of Medicine being nominated and elected by Fellows of the Academy of Medicine ("the two proposed seats"). In his view, the amendment to be moved by the Administration to the Bill to add a proposed new section 3(2)(ha) to the Medical Registration Ordinance (Cap. 161) ("the Ordinance") to provide for the two proposed seats should be modelled on the existing section 3(2)(j) of the Ordinance whereby no requirements in addition to that related to the membership and residency status of the registered medical practitioner concerned were imposed for the election held for filling the seven registered medical practitioner member seats to be elected by registered medical practitioners with full registration and limited registration.</p> <p>In response to the Chairman's enquiry, the Legal Adviser to the Bills Committee advised that amendments might be considered to be made to include in the Ordinance, or to provide in the Hong Kong Academy of Medicine Ordinance (Cap. 419), the nomination and election arrangements for filling the two proposed seats, in addition to the current proposal contained in the proposed new section 3(2)(ha) of the Ordinance.</p> <p>The Administration's advice that under the principle of professional autonomy, the proposed new section 3(2)(ha) of the Ordinance had provided that the two proposed seats would be filled by Fellows of the Academy of Medicine who were being nominated and elected by Fellows in accordance with the regulations or procedures of the Academy of Medicine. To its understanding, the Academy of Medicine would gauge its Fellows' views on the filling of the two proposed seats through a forum by the end of November 2017. The Council of the Academy of Medicine would then map out the nomination and election mechanism.</p> <p>Dr KWOK Ka-ki's view that it was difficult for Members to decide whether to support the Administration's proposed</p>	

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		<p>amendments to the Bill in relation to the two proposed seats if there were no details of the nomination and election mechanism.</p> <p>The Chairman's request for the Administration to provide in writing the details of the consultation to be conducted by the Academy of Medicine in this regard, and advise the Academy of Medicine's target timetable for hammering out the regulations or procedures for nominating and electing two Fellows to fill the two proposed seats.</p>	Admin
004802 - 011159	Chairman Dr Pierre CHAN Admin Dr KWOK Ka-ki	<p>Making reference to existing section 3(2)(i) of the Ordinance and the existing nomination mechanism for the seven seats of registered medical practitioners who were members of the Hong Kong Medical Association ("the Medical Association") in the Medical Council, Dr Pierre CHAN considered the drafting of the proposed new section 3(2)(ha) of the Ordinance appropriate provided that no additional thresholds would be imposed by the Academy of Medicine on the eligibility to stand for the election, and to nominate and vote in the election for the two proposed seats.</p> <p>Making reference to section 4 of the Medical Practitioners (Electoral Provisions) (Procedure) Regulation (Cap. 161B), Dr KWOK Ka-ki reiterated that no requirements in addition to that related to the membership and residency status of the Fellows concerned should be imposed by the Academy of Medicine on the qualifications for nomination as a candidate for the election of the two proposed seats.</p> <p>The Administration's response that it was up to the Academy of Medicine to decide the nomination and election mechanism for the two proposed seats having regard to the different views held by the Fellows of the Academy of Medicine in this regard.</p> <p>The Chairman's remarks that individual members who intended to propose amendments to the Bill in this regard and wished their amendments to be considered by the Bills Committee should provide their amendments to the Bills Committee as early as possible.</p>	
011200 - 011937	Chairman Dr KWOK Ka-ki ALA6 Admin	<p>Dr KWOK Ka-ki's view that Members of the Academy of Medicine should be entitled to vote in the election for filling the two proposed seats, whereas Honorary Fellows of the Academy of Medicine should not be entitled to vote in the election.</p> <p>The Administration advised that the proposed new section 3(2)(ha) of the Ordinance had provided that the two proposed seats should be elected by Fellows of the Academy of Medicine. It would also move an amendment to add a definition of "Fellow" in line with section 2 of the Hong Kong Academy of Medicine Ordinance in the proposed section 2 of the Ordinance.</p>	
011938 - 013050	Chairman Mr IP Kin-yuen Admin	<p>Mr IP Kin-yuen's views that:</p> <p>(a) the existing two registered medical practitioners being nominated by the Academy of Medicine and appointed by</p>	

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		<p>the Chief Executive to sit on the Medical Council were representatives of the Academy of Medicine, whereas the two registered medical practitioners who were proposed to be Fellows of the Academy of Medicine being nominated and elected by Fellows of the Academy of Medicine should be regarded as representatives of the Fellows; and</p> <p>(b) with reference to existing section 3(2)(j) of the Ordinance, the regulations or procedures to be formulated by the Academy of Medicine for the purpose of the proposed new section 3(2)(ha) of the Ordinance should only specify the arrangements for but not create additional thresholds on the election of the two proposed seats.</p> <p>The Administration's advice that the existing two registered medical practitioners being nominated by the Academy of Medicine and appointed by the Chief Executive to sit on the Medical Council and the two registered medical practitioners who were proposed to be Fellows of the Academy of Medicine being nominated and elected by Fellows of the Academy of Medicine should all be regarded as representatives of the Academy of Medicine on the Medical Council. To uphold professional autonomy, it would be up to the Academy of Medicine to decide how to elect the latter two representatives on the Medical Council.</p> <p>Mr IP Kin-yuen maintained the view that the two registered medical practitioner members who were proposed to be Fellows of the Academy of Medicine being nominated and elected by Fellows to the Medical Council should be accountable to their voters but not the Academy of Medicine since they were to be returned by election.</p>	
013051 - 014646	Chairman Dr KWOK Ka-ki Admin ALA6	<p>Referring to the Administration's draft amendments to section 3(2)(c), (db) and (h) of the Ordinance, Dr KWOK Ka-ki enquired about the reason why the Director of Health (or his or her representative) and the Chief Executive of the Hospital Authority ("HA") (or his or her representative) were not required to be appointed by the Chief Executive while the two registered medical practitioner members being nominated by the Academy of Medicine needed to be appointed by the Chief Executive.</p> <p>The Administration explained that the Director of Health and the Chief Executive of HA were proposed to be ex-officio members in the Medical Council. They held the offices by virtue of their positions and no appointment was required.</p> <p>The Legal Adviser to the Bills Committee's advice that it was possible that the Director of Health and/or the Chief Executive of HA (or their appointed representatives) were not medical practitioners; and Dr KWOK Ka-ki's concern that the professional element in the Medical Council would be reduced if this was the case.</p>	

Time marker	Speaker	Subject(s)/Discussion	Action required
		<p>Dr KWOK Ka-ki requested the Administration to advise in writing whether it would revise its draft amendments to section 3(2)(c) and (db) of the Ordinance to the effect that the two ex officio members, being the Director of Health or his or her representative and the Chief Executive of HA or his or her representative, had to be registered medical practitioners.</p> <p>The Legal Adviser to the Bills Committee's advice that upon the passage of the Bill, the provisions relating to the ex-officio membership of the Director of Health and the Chief Executive of HA in the Medical Council would come into operation on the day on which the Medical Registration (Amendment) Ordinance 2017 was published in the Gazette.</p>	Admin
014647 - 015949	Chairman Dr Pierre CHAN Admin	<p>Dr Pierre CHAN's view that it was not conducive to the smooth operation of the Medical Council if the Director of Health and the Chief Executive of HA would appoint representatives, who might be different persons from time to time, to attend meetings on their behalf when they were not available.</p> <p>The Administration's advice that the proposed arrangement aimed to provide flexibility to ensure that the Director of Health and the Chief Executive of HA could be represented at meetings of the Medical Council when they were not available.</p>	
015950 - 020450	Chairman Ms Claudia MO Admin ALA6	<p>Ms Claudia MO's view that the wording "is eligible for re-nomination" in the proposed new section 3(3AAB)(b) of the Ordinance were not clear enough. It should be made explicit that the lay member being re-nominated by the Consumer Council would continue to be a member of the Medical Council.</p> <p>The Administration advised that the proposed new section 3(3AAB)(b) of the Ordinance was relating to the returning of the lay member nominated by the Consumer Council as described in the proposed new section 3(2)(gb) of the Ordinance.</p>	
<i>Agenda item II: Any other business</i>			
020451 - 020508	Chairman	Closing remarks	