

立法會
Legislative Council

LC Paper No. CB(2)799/18-19

(These minutes have been
seen by the Administration)

Ref : CB2/BC/5/16

Bills Committee on Medical Registration (Amendment) Bill 2017

**Minutes of the eighth meeting
held on Monday, 27 November 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 LEUNG Yiu-chung
Prof Hon Joseph LEE Kok-long, SBS, JP
Hon Claudia MO
Hon Steven HO Chun-yin, BBS
Hon Frankie YICK Chi-ming, SBS, JP
Hon YIU Si-wing, BBS
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung, JP
Hon Dennis KWOK Wing-hang
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
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 LAU Kwok-fan, MH (Deputy Chairman)
 - Hon Mrs Regina IP LAU Suk-ye, GBS, JP
 - Hon Paul TSE Wai-chun, JP
 - Hon Michael TIEN Puk-sun, BBS, JP
 - Hon WU Chi-wai, MH
 - Hon CHAN Han-pan, JP
 - Dr Hon Fernando CHEUNG Chiu-hung
 - Hon HO Kai-ming
 - Hon Holden CHOW Ho-ding
 - Hon SHIU Ka-chun
- 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
- Attendance by invitation** :
- Item I

 - Mr CHAN Wai-kit

 - Hong Kong Doctors Union

 - Dr Henry YEUNG Chiu-fat
President

The Hong Kong Medical Association

Dr CHOI Kin
President

Hong Kong Academy of Medicine

Prof Wallace LAU Chak-sing
President

Hong Kong Patients' Voices

Mr LAM Chi-yau
Chairman

Hong Kong Public Doctors' Association

Dr MAK Siu-king
President

Consumer Council

Ms Vera TAM Sau-ngor
Chief Planning & Trade Practices Officer

Patients' Alliance on Healthcare Reform

Mr Oliver WOO
Representative

Mr KEE Chi-fai

Hong Kong Patients' Rights Association

Ms FUNG Mei-yee
Representative

Concern Group on Medical Council Reform

Miss Candy YIP
Representative

Society for Community Organization

Mr Tim PANG
Community Organizer

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 deputations and the Administration

[LC Paper Nos. CB(2)109/17-18(03) and CB(2)152/17-18(01)]

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

2. The Bills Committee received oral representation from 12 deputations on the Administration's revised proposal on the composition of the Medical Council of Hong Kong, and noted five written submissions from organizations and individual not attending the meeting.

II. Meeting with the Administration

[LC Paper Nos. CB(2)1723/16-17(02), CB(2)2098/16-17(03), CB(2)221/17-18(01), CB(2)371/17-18(01) and CB(3)628/16-17]

Continuation of clause-by-clause examination of the Bill

3. The Bills Committee continued clause-by-clause examination of the Bill and examined clause 13.

Follow-up actions required of the Administration

Admin

4. The Bills Committee requested the Administration to revert on the latest views it collected from the patient organizations on:

Action

- (a) the proposed arrangements to enable eligible patient organizations to elect three representatives among themselves to sit on the Medical Council of Hong Kong as set out in Annex D to the Legislative Council Brief (File Ref: FHCR1/F/3261/92);
- (b) the proposal that the proposed Patient Organizations Election Regulation would be subject to the negative vetting procedure under section 34 of the Interpretation and General Clauses Ordinance (Cap. 1); and
- (c) the relevant legislative timetable.

III. Any other business

- 5. The Chairman reminded members that the next meeting of the Bills Committee would be held on 19 December 2017 at 2:45 pm.
- 6. There being no other business, the meeting ended at 4:22 pm.

Council Business Division 2
Legislative Council Secretariat
15 February 2019

**Proceedings of the eighth meeting of
the Bills Committee on Medical Registration (Amendment) Bill 2017
held on Monday, 27 November 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 deputations and the Administration</i>			
001032 - 001423	Chairman	Opening remarks	
001424 - 001612	The Hong Kong Medical Association	Presentation of views (LC Paper No. CB(2)274/17-18(01)(Appendix VII))	
001613 - 001832	Mr CHAN Wai-kit	Presentation of views (LC Paper No. CB(2)274/17-18(01)(Appendix I))	
001833 - 002143	Hong Kong Doctors Union	Presentation of views (LC Paper No. CB(2)274/17-18(01)(Appendix V))	
002144 - 002442	Hong Kong Patients' Voices	Presentation of views	
002443 - 002719	Hong Kong Public Doctors' Association	Presentation of views (LC Paper No. CB(2)274/17-18(01)(Appendix VI))	
002720 - 002800	Consumer Council	Presentation of views (LC Paper No. CB(2)274/17-18(01)(Appendix IV))	
002801 - 003049	Patients' Alliance on Healthcare Reform	Presentation of views	
003050 - 003358	Mr KEE Chi-fai	Presentation of views	
003359 - 003601	Hong Kong Patients' Rights Association	Presentation of views	
003602 - 003826	Concern Group on Medical Council Reform	Presentation of views	
003827 - 004135	Society for Community Organization	Presentation of views (LC Paper No. CB(2)275/17-18(01))	
004136 - 004430	Hong Kong Academy of Medicine ("the Academy of Medicine")	Presentation of views (LC Paper No. CB(2)274/17-18(01)(Appendix VIII))	
004431 - 004552	Chairman Admin	The Administration's response concerning the main objectives of the Bill.	
004553 - 004956	Chairman Dr Pierre CHAN	Dr Pierre CHAN's remarks that (a) while the medical profession in principle agreed with the Administration's revised proposal on the composition of the Medical Council of Hong Kong ("the Medical Council") to facilitate the early passage of the	

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		Bill, it took time for the Bills Committee to scrutinize the Bill; and (b) the percentage whereby complaint cases received by the Medical Council required disciplinary inquiry, which stood at 3% to 5%, was similar to that of other professions in Hong Kong and that of the medical profession in other places.	
004957 - 005426	Chairman Dr KWOK Ka-ki	Dr KWOK Ka-ki's expression of his support to the legislative proposals to increase the representation of patients' interests in, and improve the complaint investigation and disciplinary inquiry mechanism of, the Medical Council. It was incumbent upon members of the Bills Committee to study carefully the Administration's revised proposal concerning the composition of the Medical Council.	
005427 - 005834	Chairman Ms Alice MAK Society for Community Organization	At the invitation of Ms Alice MAK, representative of the Society for Community Organization said that it would be more desirable for lay members to account for half of the membership of the Medical Council and that an independent statutory body be set up to handle medical complaints. That said, the current legislative proposal was acceptable to patient groups as it was a step forward to increase the lay membership in the Medical Council and improve the efficiency of its existing complaint investigation and disciplinary inquiry mechanism.	
005835 - 010221	Chairman Mr CHEUNG Kwok-kwan Hong Kong Patients' Voices	Mr CHEUNG Kwok-kwan called for an early passage of the Bill and its amendments which had taken into account the views of the medical profession and patient groups. At his invitation, representative of the Hong Kong Patients' Voices said that it was not appropriate to compare the percentage of complaint cases received by the Medical Council that required disciplinary inquiry with that of other professions. He supported the Bill and called for its early passage.	
010222 - 010552	Chairman Dr Junius HO Admin	Citing the arrangement in the United Kingdom that lay persons account for half of the membership of the medical regulatory body, Dr Junius HO opined that the Administration should further increase the number of persons representing the interests of patients and consumers in the Medical Council in the future to the effect that the proportion of lay members would account for half of the membership of the Medical Council. The Administration's advice that the recommendation put forth by the Steering Committee on Strategic Review on Healthcare Manpower Planning and Professional Development was that lay members should generally make up at least 25% of the membership of Boards and Councils of healthcare regulatory bodies.	
010553 - 012235	Chairman Dr KWOK Ka-ki The Academy of Medicine Dr Pierre CHAN	On Dr KWOK Ka-ki's concern about whether any thresholds would be imposed on the eligibility to stand for the election, to nominate and to vote in the election of two Fellows to fill the two registered medical practitioner seats who were Fellows of the Academy of Medicine nominated and elected by Fellows of the Academy of Medicine according to its regulations or procedures ("the two proposed seats"), the representative of the Academy of Medicine advised that the Council of the Academy	

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		<p>of Medicine would solicit views from its Fellows and map out the arrangement and relevant procedures in this regard by end of January 2018.</p> <p>In response to the Chairman's enquiry about the roles of the existing two registered medical practitioners nominated by the Academy of Medicine and appointed by the Chief Executive and the two registered medical practitioners returned to fill the two proposed seats, the representative of the Academy of Medicine advised that the issue had yet been discussed by the Academy. That said, it was considered necessary to strike a balance between maintaining the standard of medical specialist training and upholding the interests of Fellows, and all these four registered medical practitioners should have knowledge about the functions of the Academy of Medicine.</p> <p>Dr Pierre CHAN's concern as to whether years of membership would be one of the eligibility requirements for a Fellow to stand for the election of the two proposed seats; and Dr KWOK Ka-ki's reiteration of his view that no additional thresholds should be imposed on the nomination and election of the two proposed seats.</p>	
<i>Agenda item II: Meeting with the Administration</i>			
012236 - 012434	Chairman	Opening remarks	
012435 - 013015	Chairman Admin ALA6	Briefing by the Administration on paragraphs 1 to 23 of its reply letter to the Legal Adviser to the Bills Committee's letter dated 7 September 2017 [LC Paper No. CB(2)221/17-18(01)]. In response to the Chairman's enquiry, the Legal Adviser to the Bills Committee advised members to consider whether the arrangements as provided for in the provisions mentioned in the said paragraphs were acceptable.	
013016 - 015004	Chairman Dr KWOK Ka-ki Admin ALA6	<p>Dr KWOK Ka-ki's concern about (a) the arrangements specified in the proposed section 3(3), the proposed new section 3(3AA), (3AAB) and the proposed section 3(3A) of the Medical Registration Ordinance (Cap. 161) ("the Ordinance") on the commencement of office of different members of the Medical Council, under which members appointed by the Chief Executive would hold the office for three years from the date of their appointment, and other members would hold office for three years from the dates of notification in Gazette of the members' election or nomination (as the case might be); and (b) whether such arrangements would affect the validity of the proceedings of the Medical Council.</p> <p>The Administration explained that the proposed arrangements were in line with the existing arrangements. Under section 4(3) of the Ordinance, the validity of any proceedings of the Medical Council should not be affected by any vacancy among the members or by any defect in the appointment of a member.</p> <p>Dr KWOK Ka-ki's view that the Administration should provide</p>	

Time marker	Speaker	Subject(s)/Discussion	Action required
		<p>for reference of the Bills Committee details of the election arrangements for the three lay members representing patients' interests in the Medical Council in order to ensure that the election would be conducted in a fair manner.</p> <p>The Administration advised that the key proposed election arrangements for the three persons representing patients' interests in the Medical Council had been set out in Annex D to the Legislative Council Brief [File Ref: FHCR1/F/3261/92]. The Bill had provided that the election arrangements would be provided for in a new piece of regulation ("the new regulation") which would be subject to the negative vetting procedure of the Legislative Council. The Administration would revert to the Bills Committee in due course on the latest views it collected from the patient organizations on the election arrangements.</p>	Admin
015005 - 015334	Chairman Dr Pierre CHAN Admin	<p>Dr Pierre CHAN's request for the Administration to advise in writing the legislative timetable for the new regulation.</p> <p>Dr Pierre CHAN's enquiry and the Administration's elaboration on the recommendation of the Steering Committee on Strategic Review on Healthcare Manpower Planning and Professional Development on the proportion of lay members in the membership of the boards or councils of healthcare regulatory bodies.</p>	Admin
015335 - 015535	Chairman Dr KWOK Ka-ki	<p>Continuation of clause-by-clause examination of the Bill</p> <p><u>Examination of clause 13</u></p> <p>Dr KWOK Ka-ki's concern that the Bill had provided great flexibility on the number of persons to be nominated by the nominating authorities specified in the proposed new Schedule 5 to the Ordinance for appointment by the Medical Council as lay assessors and medical assessors.</p>	
<i>Agenda item III: Any other business</i>			
015536 - 015600	Chairman	<p>Closing remarks</p> <p>Date and time of next meeting</p>	