

Bills Committee on Medical Registration (Amendment) Bill 2017

Government's response to the follow-up issues raised at the Bills Committee meeting on 27 June 2017

Information on Limited Registration

This paper sets out the Government's response to the follow-up issues raised at the first meeting of the Bills Committee on 27 June 2017. The Government issued the Legislative Council (LegCo) brief on the Medical Registration (Amendment) Bill 2017 to LegCo on 24 May 2017 and replied to LegCo on 22 March 2017 providing information on limited registration. Upon Members' request at the first meeting of the Bills Committee, we have further consolidated the information as set out in the following paragraphs.

Background of Limited Registration

2. The then Legislative Council passed the Medical Registration (Amendment) Bill 1992 in 1992, introducing a provision to empower the Medical Council of Hong Kong (MCHK) to grant limited registration to non-locally trained doctors with appropriate qualifications to be employed to undertake specified duties within a period as specified by MCHK. MCHK, instead of the Government, is responsible for deciding on the arrangement of limited registration because this is mainly an issue that falls within the legal framework for the medical profession.

Promulgations of Limited Registration

3. So far, MCHK has published 12 promulgations of limited registration in the Government Gazette. At present, there is no registration under promulgations no. 1, 5, 6, 7, 8 and 11 as the types of employment described there no longer exist. Currently, application for limited registration can be made under the following six promulgations -

Promulgation No.	Employment
No. 2	<p>For the following types of full-time employment:</p> <p>(a) Employment as a medical practitioner by the Government for the purpose of research work or for such clinical practice of medicine or special health care services, as specified by the Director of Health;</p> <p>(b) Employment as a medical practitioner by the Hospital Authority (HA) for the purpose of research work or for such clinical practice of medicine or hospital work, as specified by HA;</p> <p>(c) Employment as a medical practitioner by the University of Hong Kong (HKU) or the Chinese University of Hong Kong (CUHK) for the purpose of teaching, research or performing hospital work, in the Faculty of Medicine.</p>
No. 3	<p>Being such persons (whose names were entered prior to the end of 1964 into a list maintained by the Registrar of Clinics, 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).</p>
No. 4	<p>Being such persons (whose names were entered prior to the end of 1964 into a list maintained by the Registrar of Clinics, DH and who are or who have been registered under Promulgation No. 3 of MCHK on Limited Registration) appointed for the provision of primary healthcare, and to be responsible for the medical management of those clinics registered under the Medical Clinics Ordinance (Cap 343).</p>
No. 9	<p>Employment for supervising the medical matters which may arise in connexion with the construction work in compressed air for the Tuen Mun - Chek Lap Kok Link - Northern Connection Sub-sea Tunnel Section project under Highways Department's contract number HY/2012/08.</p>
No. 10	<p>Employment by a firm of solicitors registered by the Law Society of Hong Kong to carry out a medical examination of a person in Hong Kong for the sole purpose of preparing a medical expert report on that person for use in a pending court proceedings in Hong Kong.</p>
No. 12	<p>Employment for the purposes of the annual rugby event Sevens World Series.</p>

Requirements of Limited Registration

4. According to section 14A of the Medical Registration Ordinance (MRO), a person may be registered as a medical practitioner with limited registration if MCHK is satisfied that -

- (a) he/she has been selected for an employment or for a type of employment determined and promulgated by MCHK;
- (b) he/she has obtained an acceptable overseas qualification;
- (c) he/she has had adequate and relevant full-time post-qualification clinical experience;
- (d) he/she is registered with a medical authority outside Hong Kong; and
- (e) he/she is of good character.

5. Under section 14A(2A) of MRO, a person who does not satisfy MCHK that he/she fulfills the requirements at (b), (c) or (d) above but satisfies MCHK that he/she fulfills the other requirements above may still be granted limited registration subject to such restrictions and conditions regarding his/her practice as specified by MCHK. This clause mainly applies to Promulgations No. 3 and 4. As for Promulgation No. 2, as at the end of June 2017, there were three doctors employed by CUHK and one by HKU granted limited registration without meeting the requirements under section 14A(2)(c) or (d). For CUHK, one of the doctors, who obtained medical bachelor and master degrees overseas and registered with an overseas medical authority, subsequently obtained a doctorate degree in Hong Kong. This doctor did not have full-time post-qualification clinical experience when applying for limited registration. The remaining two doctors employed by CUHK did not continue their overseas registration with the relevant overseas medical authorities when they submitted their applications for renewal of limited registration. The doctor employed by HKU did not continue the overseas registration with the relevant overseas medical authority when submitting application for renewal of limited registration.

6. The maximum duration of limited registration is one year. Upon expiry of the registration, the doctor can apply to MCHK for renewal of registration for another period also up to one year.

Number of Doctors with Limited Registration

Promulgation	As at end 2012	As at end 2013	As at end 2014	As at end 2015	As at end 2016	As at end June 2017
No. 2	118	115	97	104	93	105
HKU	(45)	(45)	(33)	(30)	(27)	(35)
CUHK	(62)	(58)	(51)	(62)	(52)	(53)
HA¹	(11)	(12)	(13)	(12)	(14)	(17)
DH	(-)	(-)	(-)	(-)	(-)	(-)
No. 3	41	36	34	31	27	24
No. 4	16	15	15	13	12	11
No. 9	-	-	-	2	2	2
No. 10	-	-	-	-	-	-
No. 12	-	-	-	-	-	-
Total	175	166	146	150	134	142

Notes

- Promulgations No. 1, 5, 6, 7 and 8 had ceased to be in force before 2012.
- Promulgations No. 9 to 12 came into force in 2015, but Promulgation No. 11 ceased to be in force in 2016.

7. Most doctors with limited registration are registered under Promulgation No. 2, i.e. they are employed by the medical schools of HKU or CUHK, HA and DH. As at

¹ From January 2012 to end June 2017, MCHK approved a total of 34 applications (involving 33 doctors) for limited registration from non-locally trained doctors who were employed by HA to address manpower shortage. All of them were employed as Service Residents. A breakdown of the figures by year is provided below. As at end June 2017, there were 15 doctors with limited registration working in HA to address manpower shortage.

Year	Number of cases of first registration in the year	Number of persons registered as at the end of the year
2012	13	9
2013	3	10
2014	4	11
2015	3	10
2016	6	12
End June 2017	5 [#]	15
Total	34	-

[#] including one non-locally trained doctor, who was previously employed by HA from September 2013 to September 2016. The doctor left the post upon completion of contract in September 2016 and re-employed by HA afterwards. Her application for limited registration was approved by MCHK and came into force in January 2017.

end June 2017, there are 105 doctors registered under the promulgation, with the majority being employed by the two universities, 17 by HA and none by DH.

8. The procedures for recruiting doctors with limited registration as well as the number of doctors employed by HA, HKU and CUHK are set out below.

HA

9. According to Promulgation No. 2 published by MCHK in 1994 (see Annex), doctors with limited registration employed by HA can be engaged in research work, clinical practice of medicine or hospital work as specified by HA.

10. HA has put in place a stringent recruitment mechanism for doctors. The major source of doctors are mostly graduates from the medical schools of the two local universities with full registration, those who have been granted full registration after passing the Licensing Examination and completing internship assessment, and non-locally trained doctors with limited registration.

11. For non-locally trained doctors with limited registration, HA has set up the Task Force of Limited Registration Scheme specifically for vetting the qualifications and eligibility of the applicants. To ensure that the recruited doctors have attained the required medical standard, HA will only employ doctors who possess all the following requirements –

- (a) a specialist qualification comparable to the Intermediate Examination of the constituent colleges of the Hong Kong Academy of Medicine (HKAM);
- (b) at least three years' working experience in hospitals after completion of internship; and
- (c) ability to speak fluent English and Cantonese (except for the specialties of anaesthesia, pathology and radiology).

12. Currently there is no relevant framework for recognising specialist qualification in the Mainland China. HA will not employ doctors who have not obtained the qualification comparable to the Intermediate Examination of the constituent colleges of HKAM. The number of applications received by HA from

doctors with limited registration, the number of applications submitted to MCHK for limited registration and the number of non-locally trained doctors with limited registration employed by HA for the past six years are as follows.

	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17 (As at end June 2017)
No. of applications from non-locally trained doctors received by HA (new applications)	160	72	40	34	40	33
No. of applications for limited registration that has not been submitted by HA to MCHK	146 (91%)	66 (92%)	36 (90%)	28 (82%)	35 (88%)	32 ^{Note} (97%)
<i>Applications not meeting requirements²</i>	117	57	21	22	30	29
<i>Others (including incomplete information for application and application withdrawn by applicant)</i>	29	9	15	6	5	3
No. of applications for limited registration submitted by HA to MCHK	14 (9%)	6 (8%)	4 (10%)	6 (18%)	5 (12%)	0 ^{Note} (see Note)
No. of applications approved by MCHK	13	6	4	6	5	--
Number of non-locally trained doctors who accepted the job offer by HA	11	5	4	4	5	--
No. of doctors applying for renewal of registration	7	4	3	3	Not yet completed the first year's contract service	--
No. of doctors granted renewal of registration	7	4	3	3		--

Note: HA will submit an application to MCHK in due course.

² Applicants not meeting one or more of the requirements specified in paragraph 11(a) – (c) above.

13. As at end June 2017, there were a total of 17 doctors with limited registration and all of them engage in front-line clinical work in HA. Among them, 15 were employed as Service Residents to address manpower shortage. The specialties in which they are working and their qualifications are set out below –

Specialties and Qualifications of Non-locally Trained Doctors with Limited Registration

	United Kingdom (UK)	Australia/ New Zealand	United States (US)	Canada	Total (No. of applications)
Family Medicine	3	1		3 ^{Note2}	7
Anaesthesiology	4	9			13
Internal Medicine	4				4
Emergency Medicine	5				5
Paediatrics			1		1
Radiology	1 ^{Note1}				1
Intensive Care	1 ^{Note 1}				1
Psychiatry	1				1
Obstetrics and Gynaecology	1				1
Total (No. of applications)	20	10	1	3	34

Note 1: The applicant obtained the basic medical degree from Malaysia and specialty qualification from the UK. The applicant was a registered doctor in Malaysia.

Note 2: One applicant obtained the basic medical degree from the Netherlands and specialty qualifications from Canada, the US and Australia. The applicant was a registered doctor in Canada, the US, Australia and the UK. Another applicant obtained the basic medical degree from the Mainland China and specialty qualification from Canada. The applicant was a registered doctor in Canada.

14. Two other doctors who have been employed under limited registration since 1997 and 1998 work respectively as consultant and senior doctor at the departments of cardiothoracic anaesthesia and pathology & clinical biochemistry. The one working as a consultant at the department of anaesthesia obtained basic medical degree in Malaysia and specialty qualifications in Australia/ New Zealand and Hong Kong. The one working as a senior doctor at the department of pathology & clinical biochemistry obtained basic medical degree and specialty qualification in the UK.

15. For the limited registration doctors employed by HA, their renewal of registration and length of service at the HA as at end of June 2017 is as follows.

Clinical Department	No. of cases approved	No. of serving doctors (as at end June 2017)	Renewal of registration of serving doctors (Based on effective date)	Length of service in HA
To Address Manpower Shortage				
Anaesthesiology	13	6	5 times for 2 doctors 2 times for 1 doctor	Over 5 years each Over 2 years
Family Medicine	7	3	4 times for 1 doctor 3 times for 1 doctor Once for 1 doctor	Over 4 years Over 3 years Over 1 year
Emergency Medicine	5	1	2 times for 1 doctor	Over 2 years
Internal Medicine	4	2	2 times for 1 doctor	Over 2 years
Psychiatry	1	0	-	
Paediatrics	1	1	Once for 1 doctor	Over 1 year
Radiology	1	1		The one-year contract is not completed yet
Intensive Care	1	0	-	-
Obstetrics and Gynaecology	1	1	-	The one-year contract is not completed yet
Total	34	15	-	-
For Other Reasons				
Cardiothoracic Anaesthesia	1	1	20 times for 1 doctor	Over 20 years
Pathology & Clinical Biochemistry	1	1	18 times for 1 doctor	Over 18 years

16. The procedures put in place by HA in respect of initiation of recruitment, recruitment and selection, and monitoring of non-locally trained doctors under limited registration are as follows –

(a) Initiation

- HA conducts annual recruitment exercise to recruit medical graduates from local universities and other qualified persons as resident doctors for training. It will also recruit doctors during the year to cater for service and operational needs.
- HA will, after conducting regular assessment on the manpower situation of various specialties, consult the relevant departments and organizations (including specialties with severe staff shortage), frontline doctors, doctors unions and the Doctors Staff Group Consultative Committee.
- With requests from relevant departments and agreement with the Specialty Coordinating Committee, HA will initiate the recruitment process of doctors under limited registration.

(b) Recruitment and Selection

- The selection panel consists of representatives from the relevant constituent colleges of HKAM and the Coordinating Committees of respective specialties of HA.
- HA will ensure that the applicants meet the qualification requirements before submitting applications for limited registration to MCHK. It will also provide relevant information to facilitate MCHK's approval.

(c) Monitoring

- The Task Force on Limited Registration Scheme, comprising the deans of the two faculties of medicine, the president of HKAM, representatives of HA Board and the Chief Executive of HA, is responsible for monitoring the arrangements.
- HA will report the recruitment progress and results on a regular basis at the administrative and operational meetings and directors' meetings of HA.

HKU and CUHK

17. According to the Promulgation No. 2 published by MCHK in 1994, medical practitioners with limited registration are employed by HKU or CUHK for the purpose of teaching, research or performing hospital work in the Faculty of Medicine (see Annex). They have to perform clinical duties according to the need in their teaching, research or hospital work. However, they should not perform any work other than those specified by the Faculty. Both HKU and CUHK have never allowed a doctor with limited registration to engage in any work other than that specified by the faculty nor received such application. As governed by section 14A of MRO and the above-mentioned promulgation, doctors with limited registration shall not be involved in any work other than those specified by the Faculty even with the consent of the universities.

18. The two faculties will closely monitor the work performance of doctors with limited registration and review their suitability for continued appointment. The procedures put in place by HKU and CUHK in respect of initiation of recruitment, recruitment and selection, and monitoring of non-locally trained doctors under limited registration are as follows -

(a) HKU

(i) Initiation of Recruitment

- Similar to other university staff, the initiation of recruitment of clinical professoriate staff, clinical associates and lecturers (including principal and senior lecturers) is determined by the academic needs (including teaching and research) of the university.

(ii) Mechanism/Procedures of Recruitment, Selection and Appointment to Different Posts

- Vacancies in the university are normally openly advertised to ensure that the recruitment is open and competitive and targeting at the best candidates available. After a fair and rigorous selection process, the recommendation for appointment is then considered and approved by both the faculty and the university.

(iii) *Monitoring of the Standard of Service of Doctors with Limited Registration and Review of their Suitability for Continued Appointment*

- All staff are required to undergo an annual performance review and development exercise of the university covering all aspects of teaching, research, clinical work, and service/administration/knowledge exchange, with relativity in weighting adjusted depending on an individual's job portfolio. All re-appointment cases should be considered and approved by both the faculty and the university.

(b) **CUHK**

(i) *Initiation of Recruitment*

- The chairman of the department concerned will initiate work of placing recruitment advertisement based on the department's manpower plan, clinical research strategic directions, and/or teaching and service needs. The recruitment advertisement should set out the duties and requirements of the position and invite applications from the qualified candidates.

(ii) *Recruitment and Selection*

- Appointments can only be made after the proper selection process has been carried out at the departmental, faculty and university levels.
- For appointments of a longer term, external assessment by overseas professors on the suitability of potential candidates is required to ensure that the best candidates are selected.
- For visiting appointments and short-term appointments of one year or less, advertising may be dispensed with. Nevertheless, the appointment will still need to go through the department, faculty and university levels.
- Under reciprocal arrangements with other institutions concerning collaborative training, academic exchange and skills transfer, CUHK also receives clinical trainees from other places. The clinical trainees are all with a medical qualification and possess relevant clinical experience as appropriate. They will

participate in training programmes organised by respective departments. Upon completion of training, they will return to their institutions.

(iii) *Monitoring of the Standard of Service of Doctors with Limited Registration and Review of their Suitability for Continued Appointment*

- All academic staff (including clinical academics) are subject to annual performance review. They have to submit a report in respect of their teaching, research and service (including clinical service as for clinical academics) as applicable.
- Annual performance assessment will be conducted by the relevant review committees based on the report submitted in accordance with the assessment criteria of the department and faculty as applicable.
- Same as the first appointment, further appointment will be subject to review by relevant committees at the department, faculty and university levels.

19. Doctors with limited registration employed by HKU or CUHK mainly work at the two faculties and the two teaching hospitals (i.e. Prince of Wales Hospital and Queen Mary Hospital). However, the actual hospital location may vary according to the needs of clinical cases as specified by the faculty. For instance, when a clinical case is located at a hospital in other district and the patient is not suitable for transfer to either one of the two teaching hospitals, the doctor with limited registration will have to go to the hospital concerned for teaching, research or hospital work. Yet the case must be one as specified by the faculty. As specified by MCHK, doctors with limited registration should not spend more than 10% of his/her time on private patient cases as assigned by the faculty. The two universities and the faculties have clear instructions, guidelines and monitoring mechanisms to ensure the participation of doctors with limited registration in private patient services (including clinical supervision at private hospitals) in accordance with the stringent restrictions of MCHK and the universities.

20. As at end June 2017, the number of doctors with limited registration who are employed by HKU or CUHK at all grades and ranks is set out below.

(a) HKU

Rank	Number
Clinical Assistant Professor	6
Clinical Associate Professor	2
Clinical Professor	4
Lecturer	2
Senior Lecturer	1
Clinical Associate/Honorary Clinical Associate (engaging in training and/or exchange programmes)	20
Total	35

Note: Lecturers and Senior Lecturers also engage in clinical work as per teaching needs.

(b) CUHK

Rank	Number
Professor	10
Associate Professor	2
Assistant Professor	7
Research Professor	1
Research Assistant Professor	1
Clinical Professional Consultant	7
Clinical Lecturer	5
Honorary Researcher/Visiting Scholar (Engaging in training and/or short-term academic exchange programmes)	20
Total	53

Note: Professors, Associate Professors, Assistant Professors, Research Professors and Research Assistant Professors also engage in clinical work as per teaching and research needs.

21. Countries/regions where doctors with limited registration employed by the HKU or the CUHK received medical training as at the end of June 2017 are as follows -

(a) HKU

Country/Region	Number of Doctors
Mainland China	14
UK	9
Canada	2
Philippines	2
US	2
Brazil	1
Czech Republic	1
Egypt	1
Malaysia	1
Saudi Arabia	1
Sri Lanka	1
Total	35

(b) CUHK

Country/Region	Number of Doctors
UK	13
Mainland China	10
Philippines	6
India	4
South Africa	4
Canada	3
Malaysia	2
Thailand	2
US	2
Bahrain	1
France	1
Germany	1
Japan	1
Nepal	1
Oman	1
Spain	1
Total	53

22. As at end June 2017, the length of service of doctors with limited registration at HKU and CUHK is as follows -

	5 years or under	Over 5 to 10 years	Over 10 to 15 years	Over 15 to 20 years	over 20 years
HKU	29	2	2	0	2
CUHK	31	7	4	2	9

Food and Health Bureau
Department of Health
July 2017

MEDICAL REGISTRATION ORDINANCE (Chapter 161)

PROMULGATION (NO. 2) OF THE MEDICAL COUNCIL OF HONG KONG
ON LIMITED REGISTRATION

G.N. 4881

Pursuant to section 14A of the Medical Registration Ordinance, Chapter 161, Laws of Hong Kong, ('the Ordinance'), the Medical Council of Hong Kong ('the Council') has determined that, until such time as the Council may otherwise determine, the following types of full-time employment are appropriate and necessary for limited registration for the purpose of the Ordinance:-

- (a) Employment as a medical practitioner by the Government for the purpose of research work or for such clinical practice of medicine or special health care services, as specified by the Director of Health;
- (b) Employment as a medical practitioner by the Hospital Authority for the purpose of research work or for such clinical practice of medicine or hospital work, as specified by the Authority;
- (c) Employment as a medical practitioner by the University of Hong Kong or the Chinese University of Hong Kong for the purpose of teaching, research or performing hospital work, in the Faculty of Medicine;

provided that those medical practitioners so registered cannot practice outside their employment mentioned respectively in (a) or (b) or (c) above.

Persons wishing to be registered as medical practitioners with limited registration may direct their applications to:-

The Medical Council of Hong Kong
17th Floor, Wu Chung House
213 Queen's Road East
Wanchai
Hong Kong

Medical Council of Hong Kong

23 December 1994