

Medical Registration (Amendment) Bill 2017**Government's response to the follow-up issues
raised at the Bills Committee meeting on 27 September 2017**

This paper sets out the Government's response to the follow-up issues raised at the Bills Committee meeting on 27 September 2017 (**Annex 1**).

(a)

2. From January 2012 to end June 2017, the Medical Council of Hong Kong (MCHK) approved 34 applications for limited registration (involving 33 doctors). The applicants are non-locally trained doctors employed by the Hospital Authority (HA) as Service Residents to relieve manpower shortage. The countries/regions where these doctors received basic and specialist medical training are as follows -

(i) Countries/regions where basic medical training was received

	Medicine	Emergency Medicine	Paediatrics	Anaesthesiology	Family Medicine	Obstetrics & Gynaecology	Psychiatry	Radiology	Intensive Care	Total (No. of doctors)
Mainland China (Note)	-	-	-	-	1	-	-	-	-	1
United Kingdom (UK)	4	5	-	3	3	1	1	-	-	17
United States (US)	-	-	1	-	-	-	-	-	-	1
Canada	-	-	-	-	1	-	-	-	-	1
Australia	-	-	-	8	-	-	-	-	-	8
New Zealand	-	-	-	1	1	-	-	-	-	2
Malaysia	-	-	-	-	-	-	-	1	1	2
The Netherland	-	-	-	-	1	-	-	-	-	1
Total (No. of doctors)	4	5	1	12	7	1	1	1	1	33

Note: The doctor concerned, who received basic medical training and specialist training in the Mainland China and Canada respectively, did not accept the employment offer from HA in the end.

(ii) Countries/regions where specialist medical training was received

	Medicine	Emergency Medicine	Paediatrics	Anaesthesiology	Family Medicine	Obstetrics & Gynaecology	Psychiatry	Radiology	Intensive Care	Total (No. of doctors)
UK	4	5	-	3	3	1	1	1	1	19
US	-	-	1	-	-	-	-	-	-	1
Canada	-	-	-	-	3 (Note 1)	-	-	-	-	3
New Zealand	-	-	-	-	1	-	-	-	-	1
Australia/ New Zealand (Note 2)	-	-	-	9	-	-	-	-	-	9
Total (No. of doctors)	4	5	1	12	7	1	1	1	1	33

Note 1: One of them possesses specialist qualifications from Canada, US and Australia at the same time.

Note 2: Possessing specialist qualification awarded by The Australian and New Zealand College of Anaesthetists.

3. 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 and clinical biochemistry obtained basic medical degree and specialty qualification in the UK.

(b)

4. Applicants for limited registration must specify on the application form the information of the medical authorities outside Hong Kong with which they registered, and submit a certificate of registration as a medical practitioner and a certificate of good standing issued by the relevant authorities. Similarly, MCHK will provide the particulars and related information of doctors registered in Hong Kong upon request from medical authorities outside Hong Kong.

5. 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.

(c)

6. 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.

7. As for Promulgation No. 2, as at end June 2017, there were three doctors employed by the Chinese University of Hong Kong (CUHK) and one by the University of Hong Kong (HKU) granted limited registration under Promulgation No. 2 without meeting the requirements under section 14A(2)(c) or (d). According to MCHK Secretariat, the details of these doctors are as follows

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	Requirements not fulfilled	Institution	Qualifications of applicants	Details
1	Section 14A(2)(d) – Being registered with an approved medical authority outside Hong Kong	CUHK	<ul style="list-style-type: none"> - Doctor of Medicine (University of Alberta) 2008 - Diplomate in Internal Medicine (The American Board of Internal Medicine) 2012 	The applicant was a registered medical practitioner in Canada and US when applying for limited registration in 2014. He did not continue his registration with the relevant overseas medical authorities when submitting renewal application for limited registration in 2015.

	Requirements not fulfilled	Institution	Qualifications of applicants	Details
			<ul style="list-style-type: none"> - Fellow in the Division of Medicine (The Royal College of Physicians and Surgeons of Canada) 2012 - Diplomate in Gastroenterology (The American Board of Internal Medicine) 2014 	
2	Section 14A(2)(d) – Being registered with an approved medical authority outside Hong Kong	CUHK	<ul style="list-style-type: none"> - Medical Degree (University of Lyons) 1975 - Fellow, The Royal College of Pathologists of Australasia 1990 - Fellow of the Hong Kong College of Pathologists 1991 - Fellow of the Hong Kong Academy of Medicine (Pathology) 1993 - Master of Science in Forensic Investigation (University of Leicester) 2005 	The applicant was a registered medical practitioner in US when applying for limited registration in 1995. He did not continue his registration with the relevant overseas medical authority when submitting renewal application for limited registration in 2003.
3	Section 14A(2)(c) – Having adequate and relevant full-time post-qualification	CUHK	<ul style="list-style-type: none"> - Bachelor of Medicine (Sichuan University) 2009 - Master of Medicine 	After obtaining medical bachelor and master degrees, the applicant registered as a medical practitioner in the Mainland China in 2011. Subsequently, she came to

	Requirements not fulfilled	Institution	Qualifications of applicants	Details
	clinical experience		(Sichuan University) 2011 - Doctor of Philosophy (The Chinese University of Hong Kong) 2014	Hong Kong in 2011 to pursue a doctorate programme and obtained doctorate degree in 2014. She did not have full-time post-qualification clinical experience when applying for limited registration in 2015. According to the information, the medical programme that the applicant studied in the Sichuan University covered a 14-month clinical practicum period.
4	Section 14A(2)(d) – Being registered with an approved medical authority outside Hong Kong	HKU	Bachelor in Medicine, Surgery and Obstetrics (The University of Dublin) 2013	The applicant was a registered medical practitioner in Singapore when applying for limited registration in 2016. She did not continue her registration with the relevant overseas medical authority when submitting renewal application for limited registration in 2017.

8. The applications for first and subsequent renewal of limited registration of the above four medical practitioners were unanimously approved by MCHK.

9. According to the information provided by Faculty of Medicine of CUHK, the principles of CUHK in employing doctors with limited registration fall into mainly two categories -

Senior scholar	Resident trainee
<ul style="list-style-type: none"> • Senior scholars are very experienced doctors who have achieved great attainment in their specialties. • They come from other places to work in Hong Kong. They make a significant contribution to local medical education, medical research and clinical services by teaching local medical students and serving local patients with their technical skills and medical knowledge. 	<ul style="list-style-type: none"> • Under reciprocal arrangements with other institutions concerning collaborative training, academic exchange and skills transfer, CUHK receives specialist trainees from other places. The specialist trainees are all with a medical qualification and possess relevant clinical experience as appropriate. They will participate in training programmes organised by the respective Department. Upon completion of training, they will return to their institutions. • During their study in Hong Kong, the specialist trainees will receive training and supervision from senior doctors/professors.

10. Limited registration is currently valid for a maximum period of one year. The doctor has to apply to MCHK for renewal of registration before its expiry.

11. The “senior scholars” have all obtained recognised qualifications overseas and possessed adequate and relevant full-time post-qualification clinical experience. There are individual doctors who have been registered overseas. They came to Hong Kong afterwards through the limited registration system and were hired by the university and these doctors decided not to continue their overseas registration. Upon expiry of limited registration, they will apply to MCHK for renewal in accordance with the regulations. All the doctors employed by CUHK have obtained relevant medical qualifications and possess relevant clinical experience as appropriate.

12. The Faculty of Medicine of HKU advises that the faculty employs doctors with limited registration in accordance with the recruitment mechanism of the University as set out in LC Paper No. CB(2)1824/16-17(02). The faculty will not reply on individual appointment.

13. As set out in a previous paper (LC Paper No. CB(2)1824/16-17(02)) submitted to the Bills Committee, 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 set out at **Annex 2**.

(d)

14. According to the information provided by the Faculty of Medicine of CUHK, the rules and guidelines set by CUHK on private clinical practice (PCP) by the teaching staff of the Faculty of Medicine are outlined as follows -

- According to the requirements of CUHK and the laws of the Government of the Hong Kong Special Administrative Region (HKSAR), teaching staff of the Faculty of Medicine may engage in PCP;
- The Faculty of Medicine of CUHK set stringent requirements for its teaching staff on PCP, including those engaged in PCP must be full-time professoriate staff of the Faculty of Medicine having obtained the approval of the respective department chairman and Dean of the Faculty of Medicine, etc.;
- Professors of CUHK must take out professional indemnity insurance;
- There are restrictions on the time spent on private consultation service provided by each clinical teaching staff member. A registered medical practitioner with full registration in Hong Kong should not provide private consultation service for more than 104 hours on a quarterly basis, which is not more than eight hours per week on average while a registered medical practitioner with limited registration should not provide such service for more than 52 hours on a quarterly basis, which is not more than 4 hours per week on average;
- The service charges are set according to the List of Private Charges as per the Gazette of the HKSAR and handled by the medical centre under the Prince of Wales Hospital;
- HA deducts a fee from the payment for private consultation to cover its recurrent expenditure, while the remaining portion are handed to CUHK and the Faculty of Medicine;

- There is an established sharing mechanism in CUHK to share the revenue among CUHK, Faculty of Medicine, clinical department and professors, and the CUHK professors are not allowed to accept any payment directly from the patients;
- The Faculty of Medicine will invest the revenue in researches, training, subsidies for staff to attend academic meetings and the upgrading of teaching and research facilities, etc.;
- CUHK staff providing private consultation are required to report to CUHK and the Faculty of Medicine the number of hours of private consultation provided, and the Faculty of Medicine audits the records on a quarterly and a yearly basis according to the regulations concerned; and
- The Faculty of Medicine of CUHK regularly conducts meetings with the HA to monitor the staff's involvement in private consultation.

15. According to the information provided by the Faculty of Medicine of HKU, there are comprehensive regulations and guidelines regarding teaching staff of HKU engaging in outside practice. Applications for outside practice submitted by the teaching staff of the Faculty of Medicine have to be approved by the Head of Teaching Department and the Outside Practice Committee of the Faculty. The amount of time spent on outside practice and the distribution of revenue are also stringently regulated and monitored. Annual reports on outside practice must be audited by the Outside Practice Committee of the Faculty and submitted by the Finance and Enterprises Office to the Council of HKU.

(e)(i)

16. Information regarding complaints against doctors with limited registration received by MCHK from 2012 to August 2017 is set out at **Annex 3**.

(e)(ii) and (iii)

17. According to the information provided by the Faculty of Medicine of CUHK, all staff appointments at CUHK must be made through a formal recruitment and selection mechanism to ensure fairness, impartiality and openness. Regardless doctors with full registration or limited registration, CUHK treats all doctors equally in accordance with established guidelines, codes of practice and monitoring mechanism in place to ensure that clinical services provided should meet the required standards and levels so as to safeguard the safety of patients. Different from HA doctors, the teaching staff of the Faculty

of Medicine of CUHK have to conduct medical researches and take on medical teaching work in addition to providing clinical services.

18. According to the information provided by the Faculty of Medicine of HKU, a uniform clinical management mechanism has been implemented for all types of clinicians (including trainees) on different employment terms at the Faculty of Medicine to ensure their professional standards and protect patients' safety. The Faculty of Medicine will not deviate from this principle of equal treatment with regard to the background and qualifications of individual clinicians.

Food and Health Bureau
October 2017

Bills Committee on Medical Registration (Amendment) Bill 2017

**List of follow-up actions required of the Administration
arising from the discussion at the meeting on 27 September 2017**

The Administration was requested 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 under 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 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), a requirement for limited registration was that the person concerned satisfied the Medical Council that he/she was registered with a 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 colleagues of the Hong Kong Academy of Medicine.

**Employment Mechanism of the Medical Faculties for
Doctors Under Limited Registration**

The two medical 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 the University of Hong Kong (HKU) and The Chinese University of Hong Kong (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.

Annex 3

**Complaints received by the Medical Council of Hong Kong
against doctors with limited registration
(From 2012 to August 2017)**

	2012	2013	2014	2015	2016	2017
Total number of cases received in the year	480	452	624	493	628	313
Total number of cases against doctors with limited registration received in the year	3	6	6	3	2	2

(1) By Progress of Case-handling

	2012	2013	2014	2015	2016	2017
(i) Cases considered frivolous or groundless, and dismissed by the chairman and the deputy chairman of the Preliminary Investigation Committee (PIC) in consultation with a lay member of PIC	3	4	5	2	0	0
(ii) Cases put on hold	0	2	0	0	0	0
(iii) Cases undergone preliminary investigation stage by PIC/referred to PIC	0	0	0	1	2	2
(iv) Cases referred to the Medical Council of Hong Kong for disciplinary inquiry	0	0	1	0	0	0
Total	3	6	6	3	2	2

(2) By Promulgation No.

	2012	2013	2014	2015	2016	2017
(i) No. 2	0	1 [CUHK: 1]	4 [HKU:1 CUHK:3]	1 [CUHK:1]	0	0
(ii) No. 3	2	5	1	2	2	2
(iii) No. 4	1	0	1	0	0	0
Total	3	6	6	3	2	2

(3) By nature of complaint

	2012	2013	2014	2015	2016	2017
(i) Issue of sick leave certificates and related matters	0	1	0	2	2	1
(ii) Failure to properly/timely diagnose illness	0	0	2	0	0	0
(iii) Conducting unnecessary or inappropriate treatment/surgery	0	0	1	0	0	0
(iv) Misleading description and announcement	0	0	1	0	0	0
(v) Fees and miscellaneous	2	0	0	0	0	0
(vi) Inappropriate prescription of drugs	0	2	1	0	0	0
(vii) Failure/unsatisfactory results of treatment/surgery	0	1	0	0	0	0
(viii) Conviction in court	0	1	0	0	0	0
(ix) Indecent behaviour	0	1	0	0	0	0
(x) Others	1	0	1	1	0	1
Total	3	6	6	3	2	2