

Medical Registration (Amendment) Bill 2017

**Government's Response to the Follow-up Issues Raised at the
Bills Committee Meeting on 19 December 2017**

This paper sets out the Government's response to the follow-up issues raised at the Bills Committee meeting on 19 December 2017 (Annex A).

2. Under section 21B of the Medical Registration Ordinance (MRO) (Cap. 161), the quorum for conducting an inquiry by the Medical Council of Hong Kong (MCHK) can either be (a) five members of MCHK or (b) not less than three members of MCHK and two assessors¹. At least one of the adjudicating members shall be a lay member of MCHK and the majority should be registered medical practitioners.

3. At the Policy Meeting of MCHK held on 6 May 2009, the following arrangement was agreed –

- (a) The Secretariat would prepare the inquiry rota on a quarterly basis. Members of MCHK who are scheduled to be on the next duty roster will be so informed in the second month of the current roster. Each panel would include four doctor members, one lay member and two assessors;
- (b) All members of MCHK and assessors would be rostered in accordance with the alphabetical order of their English names;
- (c) Doctor members of MCHK would be rostered collectively instead of separately as appointed and elected members, and the Secretary would exercise discretion to ensure that the doctor members in an inquiry panel would not be all new to MCHK or to inquiries; and
- (d) The Chairman of MCHK would preside at all inquiries under normal circumstances².

¹ A panel of 14 assessors are formed under section 21B(2) of MRO.

² Except in the case where Chairman of MCHK has taken part in the preliminary investigation stage, a

4. Depending on the availability of members/assessors, a member/assessor might request exchange of slots with another member/assessor where necessary.

5. The attendance of members of MCHK and assessors in inquiries for the past two years is at Annex B.

Food and Health Bureau
January 2018

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 19 December 2017**

In respect of the meetings of the Medical Council of Hong Kong ("the Medical Council") held for the purpose of an inquiry in accordance with existing section 21 of the Medical Registration Ordinance (Cap. 161) in the past two years, the Administration was requested to:

- (a) provide statistics on the number of disciplinary inquiry cases considered by and the relevant inquiry participation rate of each member of the Medical Council and each assessor from the panel of assessors appointed by the Medical Council for the purpose of conducting an inquiry; and
- (b) explain the reasons for the uneven distribution of caseloads, if any, among members of the Medical Council and assessors.

**Attendance of Members of the Medical Council of Hong Kong
and Assessors in Inquiries for the Past Two Years**

(a) Members of the Medical Council of Hong Kong

<i>Council Members</i>	2016	2017	<i>Note</i>
	<i>No of days attended</i>	<i>No of days attended</i>	
Prof. LAU Wan-ye, Joseph, SBS	16	15	(1)(a)
Dr CHAN Yee-shing (<i>till 23.1.2016</i>)			
Dr Hon Pierre CHAN (<i>w.e.f. 24.1.2016</i>)	9	11	
Miss CHAU Man-ki, Mabel, MH	12	9	
Dr CHENG Chi-man	5	3	
Dr CHEUNG Hon-ming	6	1	
Dr CHEUNG Tak-hong, JP	3	12	
Dr CHOI Kin, Gabriel	0	0	(1)(b)
Dr CHOW Pak-chin, JP	2	0	(2)
Ms CHOY Hok-man, Constance	13	3	(1)(d)
Director of Health	0	0	(3)
Deputy Director of Health	2	2	
Prof. FOK Tai-fai, SBS, JP	0	0	(1)(c)
Dr HO Chung-ping, MH, JP	1	3	
Dr HO Hung-kwong, Duncan	3	6	
Dr HO Pak-leung, JP	6	14	
Dr HUNG Se-fong, BBS	5	9	
Dr IP Wing-yuk	9	5	
Dr LAM Tzit-yuen, David	8	8	
Dr LAU Chor-chiu, GMSM, MH, JP	1	2	
Ms LAU Wai-ye, Monita	4	10	(1)(d)
Dr LEUNG Chi-chiu	6	10	
Prof. Felice LIEH-MAK, GBS, CBE, JP	19	13	(1)(a)
Dr LI Tak-lai, Theresa	2	6	
Dr LO Chi-yuen, Albert (<i>w.e.f. 22.4.2017</i>)		5	
Prof. TANG Wai-king, Grace, SBS, JP	0	0	(4)

Council Members	2016	2017	Note
	<i>No of days attended</i>	<i>No of days attended</i>	
Dr TSE Hung-hing, JP	1	7	
Dr TUNG Sau-ying, Nancy, MH (till 21.4.2017)	1	0	
Dr WONG Yee-him, John	4	3	
Mr YU Kwok-kuen, Harry (w.e.f. 1.9.2015)	8	17	(1)(d)

Note

- (1) The Medical Registration Ordinance (Cap. 161) stipulates that both the Chairman and the Deputy Chairman of the Preliminary Investigation Committee (PIC) shall not attend disciplinary inquiry into a case of which they have taken part in the preliminary investigation. The same applies to all members (including the lay members) of PIC.
 - (a) Prof. LAU Wan-yee, Joseph was the Chairman of PIC on or before 6 March 2012 and therefore cannot attend the disciplinary inquiries into those cases of which he had taken part in the preliminary investigation. Prof. Felice LIEH-MAK has been elected as the Temporary Chairman of the Council in such disciplinary inquiries.
 - (b) The term of office of Dr CHOI Kin, Gabriel as the Chairman of PIC ended on 16 May 2016.
 - (c) Prof. FOK Tai-fai is the Deputy Chairman of PIC.
 - (d) All lay members are required to serve PIC on a rotational basis.
- (2) The Chairman of the Health Committee (HC), Dr CHOW Pak-chin, has refrained from taking part in all disciplinary inquiries from 12 July 2016 onwards, so as to stay untainted to preside in subsequent HC proceedings (if any) related to the defendant doctors.
- (3) The Director of Health does not take part in disciplinary inquiries as she is also the Registrar of Medical Practitioners who is responsible for maintaining the General Register and the Specialist Register.
- (4) The Chairman of the Education and Accreditation Committee (EAC), Prof. TANG Wai-king, Grace, has refrained from taking part in all disciplinary inquiries, so as to stay untainted to preside in subsequent EAC proceedings (if any) related to the defendant doctors.

(b) Assessors

No. of inquiry attended	2016	2017
	No. of Assessor	No. of Assessor
Less than 2 (ranged from 1 to 3 days)	3	5
2 to 3 (ranged from 2 to 7 days)	6	6
4 to 5 (ranged from 4 to 13 days)	5	6
6 to 7 (ranged from 6 to 11 days)	1	1
	15 ^{Note}	18 ^{Note}

Note

There are 14 assessors (ten registered medical practitioners and four lay persons) appointed for the purpose of conducting an inquiry under section 21 of the Medical Registration Ordinance. As the assessors hold office for a period of one year from the date of appointment and most of them are appointed with effect from September, the number shows the total number of assessors during each calendar year.