

Medical Registration (Amendment) Bill 2017

Draft committee stage amendments proposed by the Government

(version as of 26 January 2018)

The summary, draft wording of the committee stage amendments proposed by the Government and marked-up version of relevant sections of Schedule 6 of the Medical Registration (Amendment) Bill 2017 are at **Annex A**, **Annex B** and **Annex C** respectively.

Food and Health Bureau
January 2018

**Proposed Committee Stage Amendments
to the Schedule 6 of the Medical Registration (Amendment) Bill 2017 (“the Bill”)**

	Provisions to be amended	Brief description of the amendments
1.	Clause 34 of the Bill – Medical Registration Ordinance (Cap. 161) Schedule 6	<p>To provide transitional arrangement (section 2, Schedule 6 of the Bill) for filling vacancy in the office of a member of the Council under section 3(5B)(b) of pre-amended Ordinance</p> <p>To supplement scenarios (section 5(1), Schedule 6 of the Bill) that transitional arrangement should be provided for Former Preliminary Investigation Committee (PIC) to be deemed as PIC under amended Ordinance for existing cases</p> <p>To exclude application of section 20S(2A) of Cap. 161 from the transitional arrangement stipulated in section 5(5), Schedule 6 of the Bill</p> <p>To add application of section 20BA(5) of Cap. 161 to section 5(8), Schedule 6 of the Bill</p> <p>To add transitional arrangements (section 5AA, Schedule 6 of the Bill) on referral of existing cases back to PIC on or after commencement</p> <p>To add transitional arrangements (sections 5A and 5B, Schedule 6 of the Bill) on inquiry yet to commence under sections 21 and 26 of pre-amended Ordinance</p> <p>To supplement scenarios (section 6(1), Schedule 6 of the Bill) that transitional arrangement should be provided for ongoing inquiry commenced under section 21 of pre-amended Ordinance and update relevant arrangements</p> <p>To add transitional arrangements (section 6A, Schedule 6 of the Bill) on remittal of cases on or after commencement for inquiry by deemed panel</p> <p>To provide for transitional arrangements (section 7, Schedule 6 of the Bill) on appeal against orders and decisions in inquiries</p> <p>To provide relevant technical amendments</p>

Medical Registration (Amendment) Bill 2017

Committee Stage

Amendments to be moved by the Secretary for Food and Health

(version as of 26 January 2018)

<u>Clause</u>	<u>Amendment Proposed</u>
34	In the proposed Schedule 6, in section 1, by deleting “ <i>pre-amended Regulation</i> (《原有規例》)” and substituting “ <i>pre-amended Disciplinary Regulation</i> (《原有紀律處分規例》)”.
34	In the proposed Schedule 6, by adding in alphabetical order— “ <i>pre-amended Electoral Regulation</i> (《原有[]規例》) means the Medical Practitioners (Electoral Provisions) (Procedure) Regulation (Cap. 161 sub. leg. B) as in force immediately before the commencement.”.
34	In the proposed Schedule 6, by deleting section 2 and substituting— “ 2. Filling vacancy in the office of a member of the Council under section 3(5B)(b) of pre-amended Ordinance If, immediately before the commencement, the Secretary has sent an invitation under section 8(1) or (4) of the pre-amended Electoral Regulation, then section 3(5B)(b) of the pre-amended Ordinance and section 8 of that Regulation continue to apply in relation to a nomination of candidate made pursuant to the invitation.”.
34	In the proposed Schedule 6, in section 5(1)(a), by deleting “pre-amended Regulation” and substituting “pre-amended Disciplinary Regulation”.
34	In the proposed Schedule 6, in section 5(1)(b), by deleting “, a decision” and substituting—

“—

- (i) a decision”.

34 In the proposed Schedule 6, in section 5, by deleting everything after “direct that it be” and before subsection (3) and substituting—

“ investigated further under section 6(3), (4) or (5) of the pre-amended Disciplinary Regulation;

- (ii) the chairman or the deputy chairman of the former PIC has directed that an existing case be referred to the former PIC under section 9(1) or 10(1) of the pre-amended Disciplinary Regulation for its consideration (*existing direction*), and a decision has not yet been made under section 11(8)(a), (b), (c) or (d) of the pre-amended Disciplinary Regulation in respect of the existing case; or

- (iii) the Council has, under section 15(1) of the pre-amended Disciplinary Regulation, referred an existing case back to the former PIC for further consideration.”.

34 In the proposed Schedule 6, in section 5(5), by deleting “this Ordinance, other than section 20S(1), (1A), (2)” and substituting “the amended Ordinance, other than sections 20BA(5) and 20S(1), (1A), (2) and (2A)”.

34 In the proposed Schedule 6, in section 5(5), by deleting “to and”.

34 In the proposed Schedule 6, in section 5(5)(b), by deleting “to and”.

34 In the proposed Schedule 6, in section 5(8), by deleting “Section 20S(1), (2), (3) and (5) of the pre-amended Ordinance applies to and in relation to the deemed PIC as if that section” and substituting “Sections 20BA(5) and 20S(1), (2), (3) and (5) of the pre-amended Ordinance apply in relation to the deemed PIC as if those sections”.

34 In the proposed Schedule 6, by adding after section 5—

“5AA. Referral of existing cases back to PIC on or after commencement

- (1) This section applies if—

- (a) an existing case (within the meaning of section 5(1)(a) of this Schedule) has been referred by the former PIC to the Council for an inquiry under section 21 of the pre-amended Ordinance; and
 - (b) the case falls within the description of section 5A(1)(b) or 6(1)(b)(i) of this Schedule.
- (2) If an inquiry panel exercises the power under section 15(1)(a) of the amended Regulation to refer the case back to a Preliminary Investigation Committee (**PIC**) by virtue of section 5A(2)(b) of this Schedule, or the deemed panel (within the meaning of section 5(3)(a) of this Schedule) exercises that power by virtue of section 6(3)(b) of this Schedule, then—
- (a) the deemed PIC (within the meaning of section 5(3)(a) of this Schedule) is taken to be the PIC to which the case is referred back; and
 - (b) section 5 (other than section 5(1)) of this Schedule applies for all purposes in relation to the further consideration of the case by the deemed PIC.”.

34

In the proposed Schedule 6, in Part 4, by adding before section 6—

“5A. Council’s inquiry yet to commence under section 21 of pre-amended Ordinance

- (1) This section applies if—
 - (a) a case has been referred by the former PIC to the Council for an inquiry under section 21 of the pre-amended Ordinance (*former PIC’s decision*); and
 - (b) immediately before the commencement, no meeting has been held under section 21B of the pre-amended Ordinance for the purpose of conducting the inquiry.
- (2) The former PIC’s decision is taken to be a decision referred to in section 20T(2A) of the amended Ordinance and the Council is taken to have received a notification referred to in section 20X(1) of the amended Ordinance, and accordingly, on and after the commencement—
 - (a) the Council must, as required by section 20X(1) of the amended Ordinance, appoint an inquiry panel for the inquiry; and

- (b) the provisions of the amended Ordinance apply for all purposes in relation to the further conduct (including the inquiry) of the case.
- (3) If, by virtue of subsection (2)(b), an inquiry panel exercises its power under section 15(1)(a) of the amended Regulation (*that section*) to refer the case back to a Preliminary Investigation Committee (*PIC*), then—
 - (a) the deemed PIC (within the meaning of section 5(3)(a) of this Schedule) is taken to be the PIC referred to in that section; and
 - (b) section 5(3), (4) and (5) of this Schedule applies for all purposes in relation to the deemed PIC accordingly.

5B. Council’s inquiry yet to commence under section 26 of pre-amended Ordinance

If the Court of Appeal has remitted a case under section 26(1) of the pre-amended Ordinance for another inquiry and immediately before the commencement, the inquiry has not yet commenced, then—

- (a) the Council must appoint an inquiry panel for the inquiry under section 20X(1) of the amended Ordinance; and
- (b) the provisions of the amended Ordinance apply for all purposes in relation to the further conduct (including the inquiry) of the case.”.

34 In the proposed Schedule 6, in section 6(1)(b), by deleting “, a meeting” and substituting—

“___

- (i) a meeting”.

34 In the proposed Schedule 6, in section 6(1)(b)(i), by deleting the fullstop and substituting—

“;,”

- (ii) a decision or order has been made by the Council under section 21(1) of the pre-amended Ordinance and—

- (A) no review is taking place under section 21(4B) of that Ordinance and the period for reviewing the decision or order under that section has not yet expired; or
- (B) the Council is reviewing the decision or order, but has not yet made any determination under section 21(4D) of that Ordinance;
- (iii) the Court of Appeal has remitted a case under section 26(1) of the pre-amended Ordinance for an. or another. inquiry, and the inquiry has commenced but has not yet been concluded; or
- (iv) the Court of Appeal has remitted a case under section 26(1) of the pre-amended Ordinance for an, or another, inquiry, and the inquiry has not yet commenced.”.

34 In the proposed Schedule 6, in section 6(2), by deleting everything before paragraph (a) and substituting—

“(2) On and after the commencement, the members of the Council and (if applicable) assessors who, immediately before the commencement, have conducted the inquiry, or have been conducting the inquiry or review (*inquirers*), may continue to conduct the inquiry or review (including a review that commences before the expiry of the period referred to in subsection (1)(b)(ii)(A)) as an inquiry panel as if—”.

34 In the proposed Schedule 6, in section 6(2)(b), by deleting “mentioned in subsection (1)(b)” and substituting “held in accordance with section 21B of the pre-amended Ordinance”.

34 In the proposed Schedule 6, in section 6(3), by deleting “this Ordinance apply to and in relation to the deemed panel, the inquirers and the inquiry” after “the amended Ordinance apply in relation to the deemed panel, the inquirers and the inquiry or review”.

34 In the proposed Schedule 6, in section 6(3)(b), by deleting “to and in relation to an inquiry panel, its members and an inquiry” after “in relation to an inquiry panel, its members and an inquiry or review”.

34 In the proposed Schedule 6, in section 6(4)(c), by deleting “and”.

34 In the proposed Schedule 6, in section 6(4)(d), by deleting the fullstop and substituting “; and”.

34 In the proposed Schedule 6, by adding after section 6(4)(d)—
“(e) section 13A of the amended Regulation applies in relation to the review conducted by the deemed panel.”.

34 In the proposed Schedule 6, in section 6(5), by deleting “referred to in subsection (1)” and substituting “or review”.

34 In the proposed Schedule 6, by adding before section 7—

“6A. Remittal of cases on or after commencement for inquiry by deemed panel

(1) If the Court of Appeal, by virtue of section 7(3) of this Schedule, exercises its power to remit a case referred to in section 7(1) or (2) of this Schedule under section 26(1A)(b)(i) of the amended Ordinance to an inquiry panel for holding a new inquiry, then—

(a) the deemed panel (within the meaning of section 6(2)(a) of this Schedule) is taken to be the inquiry panel to which the case is remitted; and

(b) section 6 (other than section 6(1) and (6)) of this Schedule applies for all purposes in relation to the further conduct of the case by the deemed panel.

Part 5

Appeal against orders and decisions in inquiries”.

34 In the proposed Schedule 6, in Part 5, in section 7, by deleting everything after the heading and substituting—

“(1) If—

(a) in respect of an existing case (within the meaning of section 5(1)(a) of this Schedule), an order was made by the Council under section 21 of the pre-amended Ordinance; and

- (b) immediately before the commencement, an appeal has been made to the Court of Appeal against the order under section 26(1) of the pre-amended Ordinance,

then, on and after the commencement, the appeal is taken to be made under section 26(1A) of the amended Ordinance.

(2) If—

- (a) in respect of an existing case (within the meaning of section 5(1)(a) of this Schedule), an order was made by the Council under section 21 of the pre-amended Ordinance; and

- (b) immediately before the commencement, the period provided in section 26(3) of the pre-amended Ordinance for an appeal to be made under section 26(1) of the pre-amended Ordinance against the order has not yet expired,

then, on and after the commencement, an appeal against the order may be made under section 26(1A) of the amended Ordinance as if the order were an order made by an inquiry panel.

- (3) On and after the commencement, the provisions of the amended Ordinance apply for all purposes in relation to the further conduct (including any appeal or remittal) of the case referred to in subsection (1) or (2).”.

Medical Registration (Amendment) Bill 2017
Committee Stage
Amendments to be moved by the Secretary for Food and Health

Marked-up version of relevant clauses
(version as of 26 January 2018)

Clause 34 of the Bill – Schedule 6 (transitional and savings provisions for Medical Registration (Amendment) Ordinance 2017)

Schedule:	6	Transitional and savings provisions for Medical Registration (Amendment) Ordinance 2017		
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[s 36]

Part 1

Preliminary

1. Interpretation

In this Schedule—

amended Ordinance (《經修訂條例》) means this Ordinance as amended by the Amendment Ordinance;

amended Regulation (《經修訂規例》) means the Medical Practitioners (Registration and Disciplinary Procedure) Regulation (Cap. 161 sub. leg. E) as amended by the Amendment Ordinance;

Amendment Ordinance (《修訂條例》) means the Medical Registration (Amendment) Ordinance 2017 (of 2017);

commencement (生效日期) means the commencement of the Amendment Ordinance under section 1(2) of that Ordinance;

former PIC (前偵委會) means the Preliminary Investigation Committee established under section 20BA(2)(d) of the pre-amended Ordinance;

pre-amended Ordinance (《原有條例》) means this Ordinance as in force immediately before the commencement;

~~***pre-amended Regulation***~~ (《原有規例》) ~~***pre-amended Disciplinary Regulation***~~ (《原有紀律處分規例》) means the Medical Practitioners (Registration and Disciplinary Procedure) Regulation (Cap. 161 sub. leg. E) as in force immediately before the commencement;

~~***pre-amended Electoral Regulation***~~ (《原有[]規例》) means the Medical Practitioners (Electoral Provisions) (Procedure) Regulation (Cap. 161 sub. leg. B) as in force immediately before the commencement.

Note:

Revisions made in *blue* are amendments proposed by the Medical Registration (Amendment) Bill 2017

Revisions made in *green* are amendments proposed by the Government's draft Committee Stage Amendments

Part 2

Certain Council Members and Assessors

~~2. Council member described in section 3(2)(h) of pre-amended Ordinance~~

~~If, immediately before the commencement, the term of office of a member of the Council described in section 3(2)(h) of the pre-amended Ordinance has not yet expired, then, on and after the commencement, the member—~~

- ~~(a) is taken to be a member of the Council described in section 3(2)(h) of the amended Ordinance for the remainder of the term; and~~
- ~~(b) may, for the remainder of the term, continue to be a member of any committee or sub-committee established under section 20BA(1) of the pre-amended Ordinance of which he or she was a member immediately before the commencement.~~

2. Filling vacancy in the office of a member of the Council under section 3(5B)(b) of pre-amended Ordinance

If, immediately before the commencement, the Secretary has sent an invitation under section 8(1) or (4) of the pre-amended Electoral Regulation, then section 3(5B)(b) of the pre-amended Ordinance and section 8 of that Regulation continue to apply in relation to a nomination of candidate made pursuant to the invitation.

3. Assessors appointed under section 21B(2)(a) to (e) of pre-amended Ordinance

If, immediately before the commencement, the term of office of an assessor appointed under section 21B(2)(a), (b), (c), (d) or (e) of the pre-amended Ordinance has not yet expired, then, on and after the commencement, the assessor is taken to be holding office under section 20BC(4) of the amended Ordinance for the remainder of the term.

4. Assessors appointed under section 21B(2)(f) of pre-amended Ordinance

If, immediately before the commencement, the term of office of an assessor appointed under section 21B(2)(f) of the pre-amended Ordinance has not yet expired, then, on and after the commencement, the assessor is taken to be holding office under section 20BB(4) of the amended Ordinance for the remainder of the term.

Part 3

Former PIC

5. Former PIC deemed as PIC under amended Ordinance for existing cases

- (1) This section applies if—
 - (a) the Secretary has submitted any complaint, information or matter to the chairman or the deputy chairman of the former PIC under section 6 of the ~~pre-amended Regulation~~ pre-amended Disciplinary Regulation (*existing case*); and
 - (b) immediately before the commencement, ~~a decision~~
 - (i) ~~a decision~~ has not yet been made to dismiss the existing case, or to refer it to the Health Committee or to direct that it be ~~further investigated under section 6(3), (4) or (5) of the pre-amended Regulation~~; investigated further under section 6(3), (4) or (5) of the pre-amended Disciplinary Regulation;
 - (ii) the chairman or the deputy chairman of the former PIC has directed that an existing case be referred to the former PIC under section 9(1) or 10(1) of the pre-amended Disciplinary Regulation for its

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- consideration (*existing direction*), and a decision has not yet been made under section 11(8)(a), (b), (c) or (d) of the pre-amended Disciplinary Regulation in respect of the existing case; or
- (iii) the Council has, under section 15(1) of the pre-amended Disciplinary Regulation, referred an existing case back to the former PIC for further consideration.
- ~~(2) This section also applies if—~~
- ~~(a) the chairman or the deputy chairman of the former PIC has directed that an existing case be referred to the former PIC under section 9(1) of the pre-amended Regulation for its consideration (*existing direction*); and (b) immediately before the commencement, and a decision has not yet been made under section 11(8) of the pre-amended Regulation in respect of the existing case as regards—~~
- ~~(i) whether or not an inquiry by the Council is to be held under section 21 of the pre-amended Ordinance;~~
- ~~(ii) the issuing of a letter of advice to the defendant; or~~
- ~~(iii) the referral of the existing case to the Council or the Health Committee.~~
- (3) The members of the former PIC (*existing members*) may continue to consider the existing case on and after the commencement as if—
- (a) they were appointed to a Preliminary Investigation Committee established under the amended Ordinance (*deemed PIC*);
- (b) each existing member were appointed as a member of the deemed PIC for the remainder of his or her term of office with the former PIC (*unexpired term*); and
- (c) the chairman and the deputy chairman of the former PIC were appointed as the chairman and the deputy chairman respectively of the deemed PIC.
- (4) Despite subsection (3)(a), an existing member may not continue to consider any existing case beyond the expiry of—
- (a) his or her unexpired term; or
- (b) if the member is reappointed as a member of the deemed PIC, the term of office for which the member is reappointed.
- (5) On and after the commencement, the provisions of ~~this Ordinance, other than section 20S(1), (1A), (2)~~ the amended Ordinance, other than sections 20BA(5) and 20S(1), (1A), (2) and (2A), (3) and (5), apply ~~to and~~ in relation to the deemed PIC, the existing members and the consideration of the existing cases—
- (a) for all purposes; and
- (b) in the same way as they apply ~~to and~~ in relation to a Preliminary Investigation Committee established under section 20S(1) of the amended Ordinance, its members and a case considered by that Committee.
- (6) Anything validly done before the commencement by or in relation to the former PIC, its chairman or deputy chairman or the existing members in respect of any existing case is, on and after the commencement, taken to have been done by or in relation to the deemed PIC or its chairman, deputy chairman or members in respect of the case.
- (7) Without limiting subsection (6)—
- (a) the existing cases are taken to have been submitted to the chairman or the deputy chairman of the deemed PIC; and
- (b) an existing direction is taken to be a direction to refer an existing case to

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- the deemed PIC.
- (8) ~~Section 20S(1), (2), (3) and (5) of the pre-amended Ordinance applies to and in relation to the deemed PIC as if that section~~ Sections 20BA(5) and 20S(1), (2), (3) and (5) of the pre-amended Ordinance apply in relation to the deemed PIC as if those sections had not been amended by the Amendment Ordinance, and accordingly, if the office of any member of the deemed PIC becomes vacant, the person appointed by the Council to fill the vacancy must be of the category described in section 20S(1) of the pre-amended Ordinance to which the member belongs.

5AA. Referral of existing cases back to PIC on or after commencement

- (1) This section applies if—
- (a) an existing case (within the meaning of section 5(1)(a) of this Schedule) has been referred by the former PIC to the Council for an inquiry under section 21 of the pre-amended Ordinance; and
 - (b) the case falls within the description of section 5A(1)(b) or 6(1)(b)(i) of this Schedule.
- (2) If an inquiry panel exercises the power under section 15(1)(a) of the amended Regulation to refer the case back to a Preliminary Investigation Committee (**PIC**) by virtue of section 5A(2)(b) of this Schedule, or the deemed panel (within the meaning of section 5(3)(a) of this Schedule) exercises that power by virtue of section 6(3)(b) of this Schedule, then—
- (a) the deemed PIC (within the meaning of section 5(3)(a) of this Schedule) is taken to be the PIC to which the case is referred back; and
 - (b) section 5 (other than section 5(1)) of this Schedule applies for all purposes in relation to the further consideration of the case by the deemed PIC.

Part 4

Inquiry by Council

5A. Council's inquiry yet to commence under section 21 of pre-amended Ordinance

- (1) This section applies if—
- (a) a case has been referred by the former PIC to the Council for an inquiry under section 21 of the pre-amended Ordinance (*former PIC's decision*); and
 - (b) immediately before the commencement, no meeting has been held under section 21B of the pre-amended Ordinance for the purpose of conducting the inquiry.
- (2) The former PIC's decision is taken to be a decision referred to in section 20T(2A) of the amended Ordinance and the Council is taken to have received a notification referred to in section 20X(1) of the amended Ordinance, and accordingly, on and after the commencement—
- (a) the Council must, as required by section 20X(1) of the amended Ordinance, appoint an inquiry panel for the inquiry; and

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- (b) the provisions of the amended Ordinance apply for all purposes in relation to the further conduct (including the inquiry) of the case.
- (3) If, by virtue of subsection (2)(b), an inquiry panel exercises its power under section 15(1)(a) of the amended Regulation (*that section*) to refer the case back to a Preliminary Investigation Committee (*PIC*), then—
 - (a) the deemed PIC (within the meaning of section 5(3)(a) of this Schedule) is taken to be the PIC referred to in that section; and
 - (b) section 5(3), (4) and (5) of this Schedule applies for all purposes in relation to the deemed PIC accordingly.

5B. Council’s inquiry yet to commence under section 26 of pre-amended Ordinance

If the Court of Appeal has remitted a case under section 26(1) of the pre-amended Ordinance for another inquiry and immediately before the commencement, the inquiry has not yet commenced, then—

- (a) the Council must appoint an inquiry panel for the inquiry under section 20X(1) of the amended Ordinance; and
- (b) the provisions of the amended Ordinance apply for all purposes in relation to the further conduct (including the inquiry) of the case.

6. Ongoing Council inquiry commenced under section 21 of pre-amended Ordinance

(1) This section applies if—

- (a) a case has been referred by the former PIC to the Council for an inquiry under section 21 of the pre-amended Ordinance; and
- (b) immediately before the commencement, ~~a meeting~~
 - (i) ~~a meeting~~ has been held in accordance with section 21B of the pre-amended Ordinance for the purpose of conducting the inquiry and no order or referral has been made under section 21(1) of the pre-amended Ordinance.—
 - (ii) a decision or order has been made by the Council under section 21(1) of the pre-amended Ordinance and—
 - (A) no review is taking place under section 21(4B) of that Ordinance and the period for reviewing the decision or order under that section has not yet expired; or
 - (B) the Council is reviewing the decision or order, but has not yet made any determination under section 21(4D) of that Ordinance;
 - (iii) the Court of Appeal has remitted a case under section 26(1) of the pre-amended Ordinance for an or another inquiry, and the inquiry has commenced but has not yet been concluded; or
 - (iv) the Court of Appeal has remitted a case under section 26(1) of the pre-amended Ordinance for an, or another, inquiry, and the inquiry has not yet commenced.

~~(2) The members of the Council and (if applicable) assessors who, immediately before the commencement, have been conducting the inquiry (*inquirers*), may continue to conduct it on and after the commencement as an inquiry panel as if—~~

- (2) On and after the commencement, the members of the Council and (if applicable) assessors who, immediately before the commencement, have conducted the inquiry, or have been conducting the inquiry or review (*inquirers*), may continue to conduct the inquiry or review (including a review that commences before the expiry of the

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period referred to in subsection (1)(b)(ii)(A) as an inquiry panel as if—

- (a) they were appointed to an inquiry panel under section 20X of the amended Ordinance (*deemed panel*); and
 - (b) the inquirer who performed the function of the president of the meeting ~~mentioned in subsection (1)(b)~~ held in accordance with section 21B of the pre-amended Ordinance were appointed as the chairperson of the deemed panel under section 20X(3) of the amended Ordinance.
- (3) On and after the commencement, the provisions of ~~this Ordinance apply to and in relation to the deemed panel, the inquirers and the inquiry~~ the amended Ordinance apply in relation to the deemed panel, the inquirers and the inquiry or review of the case—
 - (a) for all purposes; and
 - (b) in the same way as they apply ~~to and in relation to an inquiry panel, its members and an inquiry~~ in relation to an inquiry panel, its members and an inquiry or review under section 21 of the amended Ordinance.
- (4) Without limiting subsection (3)—
 - (a) section 20X(4) of the amended Ordinance applies if a vacancy occurs amongst the members of the deemed panel;
 - (b) the deemed panel may exercise any of the powers under section 21(1) of the amended Ordinance and may review its decision or order under section 21(4B) of the amended Ordinance;
 - (c) an appeal may be made under section 26(1A) of the amended Ordinance against an order made by the deemed panel under section 21 of the amended Ordinance; ~~and~~
 - (d) sections 13A, 15, 16, 17 and 18 and Part IV of the amended Regulation apply in relation to the inquiry conducted by the deemed panel; ~~and~~
 - (e) section 13A of the amended Regulation applies in relation to the review conducted by the deemed panel.
- (5) Anything validly done before the commencement by or in relation to the inquirers as the Council conducting the inquiry ~~referred to in subsection (1)~~ or review is, on and after the commencement, taken to have been done by or in relation to the deemed panel.
- (6) Without limiting subsection (5), a matter referred to the Ethics Committee by the inquirers under section 21(2A) of the pre-amended Ordinance is, on and after the commencement, taken to have been referred to that Committee by the deemed panel under section 20Y(a) of the amended Ordinance.

6A. Remittal of cases on or after commencement for inquiry by deemed panel

- (1) If the Court of Appeal, by virtue of section 7(3) of this Schedule, exercises its power to remit a case referred to in section 7(1) or (2) of this Schedule under section 26(1A)(b)(i) of the amended Ordinance to an inquiry panel for holding a new inquiry, then—
 - (a) the deemed panel (within the meaning of section 6(2)(a) of this Schedule) is taken to be the inquiry panel to which the case is remitted; and
 - (b) section 6 (other than section 6(1) and (6)) of this Schedule applies for all purposes in relation to the further conduct of the case by the deemed panel.

Note:

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Part 5

Appeal against orders and decisions in inquiries

7. Appeal against order of Council

~~If an order was made by the Council under section 21 of the pre-amended Ordinance and immediately before the commencement, the period provided in section 26(3) of the pre-amended Ordinance for an appeal to be made under section 26(1) of the pre-amended Ordinance against the order has not yet expired, then, on and after the commencement, an appeal against the order may be made under section 26(1A) of the amended Ordinance as if the order were an order made by an inquiry panel.~~

(1) If—

- (a) in respect of an existing case (within the meaning of section 5(1)(a) of this Schedule), an order was made by the Council under section 21 of the pre-amended Ordinance; and
- (b) immediately before the commencement, an appeal has been made to the Court of Appeal against the order under section 26(1) of the pre-amended Ordinance,

then, on and after the commencement, the appeal is taken to be made under section 26(1A) of the amended Ordinance.

(2) If—

- (a) in respect of an existing case (within the meaning of section 5(1)(a) of this Schedule), an order was made by the Council under section 21 of the pre-amended Ordinance; and
- (b) immediately before the commencement, the period provided in section 26(3) of the pre-amended Ordinance for an appeal to be made under section 26(1) of the pre-amended Ordinance against the order has not yet expired,

then, on and after the commencement, an appeal against the order may be made under section 26(1A) of the amended Ordinance as if the order were an order made by an inquiry panel.

- (3) On and after the commencement, the provisions of the amended Ordinance apply for all purposes in relation to the further conduct (including any appeal or remittal) of the case referred to in subsection (1) or (2).

Note:

Revisions made in blue are amendments proposed by the Medical Registration (Amendment) Bill 2017

Revisions made in green are amendments proposed by the Government's draft Committee Stage Amendments