

Medical Registration (Amendment) Bill 2017
Debate and voting arrangements

Object of the Bill : To amend the Medical Registration Ordinance (Cap. 161) and its subsidiary legislation to:

- (i) change the composition of the Medical Council of Hong Kong (“MCHK”) to increase lay membership;
- (ii) change the arrangements for preliminary investigation, disciplinary inquiries and Health Committee meetings;
- (iii) extend the period of limited registration of medical practitioners; and
- (iv) provide for related or technical amendments.

First debate	: Clauses with no amendment	– Clauses 2, 5, 8 to 12, 14 to 17, 19, 20, 21, 25 to 28, 32, 33, 36, 37, 38, 40, 42, 43, 45 to 50, 52, 53, 56 to 62, 64 to 73, 75, 77 and 79
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Voting	: To vote on the above clauses standing part of the Bill
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Second debate	: Clauses with amendments proposed by the Secretary for Food and Health (“SFH”)	– Clauses 1, 3, 4, 6, 7, 13, 18, 22, 23, 24, 29, 30, 31, 34, 35, 39, 41, 44, 51, 54, 55, 63, 74, 76, 78, 80, 81, 82 and new clause 35A
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Joint debate on the original clauses and the amendments thereto, and the new clause.

Debate theme: Composition of MCHK, operation of inquiry panels, transitional arrangements and other technical or textual amendments

Clauses 1, 3, 13, 18, 24, 30, 31, 34, 35, 39, 41, 44, 54, 63, 74, 78, 80, 81 and 82

- The amendments seek to make technical or textual amendments to the proposed sections in the above clauses, including renumbering the provisions, adding or deleting interpretations, correcting typos, amending punctuation marks, adding or correcting references, and deleting unnecessary references.

Clauses 3, 4, 6, 7, 35 and new clause 35A

- The amendments seek to:
 - (i) amend the composition of MCHK (**Annex**), including:
 - (a) reducing the number of seats nominated by the Department of Health (“DH”) and the Hospital Authority (“HA”) from two to one respectively, with the two seats so vacated being taken up by two registered medical practitioners who shall be Fellows nominated and elected by Fellows of the Hong Kong Academy of Medicine (“HKAM”) in accordance with the regulations or procedures of HKAM; and
 - (b) the one seat of DH and of HA being taken up respectively by the Director of Health (or his/her representative) and the Chief Executive of HA (or his/her representative) as ex officio members;

- (ii) specify that if any of the three new lay members elected by patient organizations resigns or the office otherwise becomes vacant and the unexpired term of the office is less than one year when the vacancy arises, the Permanent Secretary for Food and Health must, as soon as possible, on the nomination by any lay member of MCHK, appoint a person who, in the opinion of the Permanent Secretary, represents the interests of patients to fill the vacancy;
- (iii) specify that where any of the doctor members of MCHK (i.e. the seven doctor members elected by all registered medical practitioners and medical practitioners with limited registration) resigns or his office becomes vacant and if the unexpired period of his office at the time the vacancy arises is less than one year, MCHK shall, as soon as possible, on the nomination by any MCHK member who is a registered medical practitioner, appoint a registered medical practitioner whom it considers appropriate to fill the vacancy; and
- (iv) ensure that the validity of the proceedings of MCHK not be affected by any defect in the appointment, nomination or election of a member thereof.

Clauses 22, 23, 29 and 55

- To amend certain operational arrangements of inquiry panels.

Clause 34

- The amendments seek to provide transitional arrangements for the following matters:
 - (i) filling vacancy in the office of a member of MCHK (to amend section 2 of the proposed Schedule 6 under clause 34);
 - (ii) former Preliminary Investigation Committee (“PIC”) to be deemed as PIC after the commencement of the amended Ordinance for existing cases (to amend section 5(1) of the above proposed Schedule 6);
 - (iii) referral of existing cases back to PIC on or after the commencement of the amended Ordinance (to amend section 5AA of the above proposed Schedule 6);
 - (iv) MCHK’s inquiry yet to commence under sections 21 and 26 of the existing Medical Registration Ordinance (to amend sections 5A and 5B of the above proposed Schedule 6);
 - (v) ongoing MCHK’s inquiry commenced under section 21 of the existing Medical Registration Ordinance (to amend section 6(1) of the above proposed Schedule 6);
 - (vi) remittal of cases on or after the commencement of the amended Ordinance for inquiry by a deemed inquiry panel (to amend section 6A of the above proposed Schedule 6); and
 - (vii) appeal against orders in inquiries (to amend section 7 of the above proposed Schedule 6).

Clause 51

- To specify the circumstances in which the chairman or deputy chairman of PIC needs to refer cases to PIC.

Clause 76

- To amend section 34 of the Medical Practitioners (Registration and Disciplinary Procedure) Regulation (Cap. 161E) to specify that if an inquiry panel reviews its decision or order, it may invite specified persons to attend the review.

Voting sequence	:	To first vote on the above amendments (excluding the new clause) together, and then vote on the original clauses or the clauses as amended standing part of the Bill; and
		The new clause be read the second time and added to the Bill.

SFH’s amendments

(set out in LC Paper No. CB(3) 443/17-18 issued on 21 March 2018)

Medical Registration (Amendment) Bill 2017
Composition of the Medical Council of Hong Kong (“MCHK”)

Section 3(2) of the Medical Registration Ordinance (“the Ordinance”)	Composition of MCHK	Number of members under section 3(2) of the Ordinance	Proposed changes to section 3 of the Ordinance in clause 4 of the Bill 2016	Proposed changes to section 3 of the Ordinance in clause 4 of the Bill 2017	Secretary for Food and Health’s amendments
Subsection (c)	Nominated by the Director of Health (“the Director”) and appointed by the Chief Executive (“CE”)	2 registered medical practitioners (“RMP”)	No change	No change	Reduced to 1 (the Director, or his or her representative)
Subsection (d)	Nominated by the University of Hong Kong and appointed by CE	2 RMPs			No amendment
Subsection (da)	Nominated by The Chinese University of Hong Kong and appointed by CE	2 RMPs			Reduced to 1 (the Chief Executive of HA, or his or her representative)
Subsection (db)	Nominated by the Hospital Authority (“HA”) and appointed by CE	2 RMPs			
Subsection (g)	Appointed by CE	4 lay members	Increased to 8	Increased to 8 (the 4 new members include: <ul style="list-style-type: none"> ➢ 3 elected under the Patient Organizations Election Regulation by patient organizations; and ➢ 1 nominated by the Consumer Council) 	No amendment
Subsection (h)	Nominated by the Hong Kong Academy of Medicine (“HKAM”) and appointed by CE	2 RMPs	No change	2 RMPs (elected by HKAM in accordance with its regulations or procedures)	Increased to 4 (the 2 RMP member seats nominated by HKAM for appointment by CE remain unchanged; the other 2 RMPs shall be Fellows nominated and elected by Fellows in accordance with the regulations or procedures of HKAM)
Subsection (i)	Nominated in accordance with the regulations or procedures of the Hong Kong Medical Association and elected by the Council members of the Association	7 RMPs		No change	
Subsection (j)	Elected by all registered medical practitioners registered in Parts I and III of the General Register pursuant to an election held under the Election Regulation	7 RMPs		7 RMPs (elected pursuant to an election held under the Medical Practitioners Election Regulation)	No amendment
	Total	28	32	32	32