

**立法會**  
***Legislative Council***

LC Paper No. LS78/17-18

**Paper for the House Committee Meeting  
on 6 July 2018**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 29 June 2018**

**Tabling in LegCo** : Council meeting of 4 July 2018

**Amendment to be made by** : Second meeting of LegCo in the next session (or the first meeting held not earlier than the 21st day after the second meeting of the next session if extended by resolution)

**Medical Registration (Amendment) Ordinance 2018 (Commencement) Notice** (L.N. 129)

**Medical Council (Election and Appointment of Lay Members) Regulation (Commencement) Notice** (L.N. 130)

L.N. 129

By L.N. 129, the Secretary for Food and Health ("SFH") has appointed 29 June 2018 as the day on which the uncommenced provisions of the Medical Registration (Amendment) Ordinance 2018 (15 of 2018) ("the Amendment Ordinance") come into operation.

2. The Amendment Ordinance, which was enacted in April 2018, amends the Medical Registration Ordinance (Cap. 161) and its subsidiary legislation to, among others, change the composition of the Medical Council of Hong Kong ("MCHK") and change the arrangements for preliminary investigation and disciplinary inquiries. The provisions that are brought into operation by L.N. 129 relate to increasing the number of lay members of MCHK from four to eight, three of whom are to be elected by patient organizations, and such organizations are required to be registered as electors for the election of the three lay members. The other provisions of the Amendment Ordinance came into operation on 6 April 2018 when the Amendment Ordinance was published in the Gazette.

L.N. 130

3. By L.N. 130, the Permanent Secretary for Food and Health (Health) ("PSFH") has appointed 29 June 2018 as the day on which the Medical Council (Election and Appointment of Lay Members) Regulation (L.N. 67 of 2018) comes into operation.

4. L.N. 67 of 2018 was made by PSFH under section 33(3A) of Cap. 161 to provide for the procedure and other matters relating to the election and appointment of three lay members to MCHK by patient organizations. A subcommittee ("the Subcommittee") has been formed to study L.N. 67 of 2018. Members may refer to the Report of the Subcommittee (LC Paper No. CB(2)1582/17-18) for details.

5. According to paragraphs 10 and 13 of the LegCo Brief (File Ref.: FH CR 1/F/3261/92) issued by the Food and Health Bureau on 25 June 2018, the Administration aims to kick start the election procedures of the three lay members of MCHK as soon as possible so that the election can be completed by end of 2018 and the three lay members can assume office in early 2019. The Administration has consulted representatives of key patient groups on the election timetable and they are supportive of the proposed arrangement.

6. As advised by the Clerk to the Panel on Health Services ("Panel"), the Bills Committee formed to study the Amendment Ordinance noted that the uncommenced provisions of the Amendment Ordinance would come into operation on a later day to be appointed by SFH by notice published in the Gazette, after the commencement of the other provisions of the Amendment Ordinance. The Panel Clerk also advised that the Subcommittee noted that L.N. 67 of 2018 would come into operation on a day to be appointed by PSFH by notice published in the Gazette, and raised no query on the Administration's plan to publish by 29 June 2018 a notice in the Gazette to appoint the gazettal date of the notice as the commencement date of L.N. 67 of 2018. The Panel has not been consulted on L.N. 129 and L.N. 130.

7. No difficulties have been identified in the legal and drafting aspects of the above items of subsidiary legislation.

Prepared by

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