



立法會《2021年醫生註冊(修訂)條例草案》法案委員會主席
葛珮帆議員

葛主席：

**就《2021年醫生註冊(修訂)條例草案》擬議提出的
委員會審議階段修正案**

本人計劃就《2021年醫生註冊(修訂)條例草案》(下稱《條例草案》)提出委員會審議階段修正案，故現特致函主席閣下，謹請批准本人於9月3日的法案委員會會議上討論本人提出的擬議修正案。

香港公營醫院醫生人手嚴重不足，專科醫生供應更是捉襟見肘，左支右絀。喜見政府當局提出《2021年醫生註冊(修訂)條例草案》，引入醫生「特別註冊」類別，為輸入海外醫生進入香港公營醫院及機構打下基礎。現政府當局更進一步主動提出委員會審議階段修正案，擴闊海外醫生或醫科學生進入香港的途徑。然而，自由黨認為有關修訂仍有不足。

本人建議，在政府當局提出的委員會審議階段修正案的基礎上作進一步修訂：

1. 容許擁有「獲承認醫學資格」但非香港永久性居民的海外駐冊醫生，若其生父或母或其配偶為香港永久性居民，均可在海外取得「專科醫生」資格前來港，透過「特別註冊」在港受訓及行醫；及
2. 容許擁有「獲承認醫學資格」但非香港永久性居民的醫科生，若其生父或母或其配偶為香港永久性居民，均可在海外完成「駐院實習」前來港參加「執業資格試」，考試合格後透過「特別註冊」在港受訓及行醫。

現謹向委員會提交擬議修訂的《條例草案》中英文版標明修訂事項文本(註：《條例草案》修訂以藍色標示；政府當局擬議提出的修正案以綠色標示；本人建議的修正案以紅色標示)，供各委員參考。

法案委員會委員

邵家輝謹啟

2021年9月2日

邵家輝議員擬議提出的委員會審議階段修正案

《醫生註冊條例》（第161章）

7A. 參加執業資格試所須符合的資格

- (1) 任何人除非符合以下條件，否則無資格參加執業資格試——（由1996年第7號第40條修訂）
- (a) 該人就此事向醫務委員會提出申請，並為參加執業資格試而向註冊主任繳付訂明費用；及
 - (b) 該人使醫務委員會信納，其本人具有良好品格，並且——
 - (i) 在他該人提出申請時，他該人已圓滿地完成不少於5年的屬醫務委員會批准類型的全時間醫學訓練，並是醫務委員會接納的醫學資格的持有人；
及或
 - ~~(ii) 他具有良好品格。~~
 - (ii) 作為適用於香港永久性居民居民、香港永久性居民所生子女或香港永久性居民的配偶的替代條件——該人持有的醫學資格，就第14C條而言屬獲承認醫學資格。
- (2) 為施行第(1)(b)(i)款，該5年全時間醫學訓練須包括醫務委員會所批准的駐院實習期。（由1996年第7號第40條增補）

（由1995年第87號第5條增補）

14C. 特別註冊

- (1) 如有以下情況，註冊主任須根據本條向某人授予註冊，或根據本條將如此授予某人的註冊續期——
- (a) 該人按照第(2)款提出申請；及
 - (b) 註冊主任信納，該人已符合第(3)款或(3A)款(視情況所需而定)指明的所有規定。
- (2) 要求授予特別註冊或將特別註冊續期的申請須——
- (a) 按註冊主任指明的方式，向註冊主任提出；及
 - (b) 連同訂明文件及詳情。
- (3) 授予特別註冊或將特別註冊續期的規定是——
- (a) 有關的人是香港永久性居民；
 - (b) 有關的人持有獲承認醫學資格；
 - (b) 有關的人屬指明人士；
 - (c) 有關的人已根據某賦予資格地方的法律，在該地方註冊為醫生；
 - (d) 有關的人已獲選以獲特別註冊的醫生身分，全職受僱於某指明機構；及
 - (e) 有關的人具有良好品格及良好專業操守。
- (3A) 將特別註冊續期的規定是——
- (a) 有關的人自獲授予特別註冊起，持續地以獲特別註冊的醫生身分，全職受僱於某指明機構；及
 - (b) 有關的人具有良好品格及良好專業操守。
- (4) 註冊主任如懷疑申請人是否已符合第(3)(c)或(3A)(b)款指明的規定，須將該事宜轉呈醫務委員會，而該委員會須——

- (a) 就該事宜進行商議，並(如該委員會認為適當)對該事宜進行研訊；及
- (b) 將該商議的結果及(如曾進行研訊)該研訊的裁斷，通知註冊主任。
- (4A) 如第(4)款所述的結果或裁斷，是申請人不符合第(3)(c)或(3A)(b)款指明的規定，則註冊主任須視為並不信納申請人已符合該規定，並須據此拒絕有關申請。
- (5) 第 21 條及《醫生(註冊及紀律處分程序)規例》(第161章，附屬法例E)第III、IV及X 部在經必要的變通後，適用於為施行第(4)款而進行的研訊。
- (6) 註冊主任須藉書面通知，將以下事宜通知申請人——
 - (a) 要求授予特別註冊或將特別註冊續期的申請的結果；及
 - (b) 如該申請遭拒絕——拒絕的理由。
- (7) 註冊主任如授予特別註冊，或將特別註冊續期，即須在收到申請人繳付的訂明費用後，將申請人的姓名在普通科醫生名冊的第V部註冊，並向申請人發出一份特別註冊證明書。
- (8) 在本條中——

指明人士 (specified person)指符合任何以下描述的人——

- (a) 該人——
 - (i) 持有獲承認醫學資格；
 - (ii) 根據某賦予資格地方的法律，在該地方註冊為醫生；及
 - (iii) 如該人並非香港永久性居民居民、香港永久性居民所生子女或香港永久性居民的配偶——
 - (A) 已獲頒授某專科的醫學專科學院院士名銜，或已獲醫學專科學院證明為已完成相當於該學院就某專科的院士而規定的訓練，並已獲得相當於該學院就該專科的院士而規定的資格；及
 - (B) 已獲醫學專科學院證明為已符合該專科的延續醫學教育的規定；
- (b) 該人——
 - (i) 以第7A(1)(b)(ii)條所描述的人的身分，參加執業資格試，並在該執業資格試合格；及
 - (ii) 已完成第 10A 條規定的評核期；
- (c) 該人——
 - (i) 已以獲有限度註冊的醫生身分，全職受僱於一間或多於一間指明機構，總計最少5年；
 - (ii) 已獲頒授某專科的醫學專科學院院士名銜，或已獲醫學專科學院證明已完成相當於該學院就某專科的院士而規定的訓練，並已獲得相當於該學院就該專科的院士而規定的資格；及
 - (iii) 已獲醫學專科學院證明為已符合該專科的延續醫學教育的規定。

賦予資格地方 (qualifying place)——參閱第14D條；

獲承認醫學資格 (recognized medical qualification)——參閱第14D條。

《醫生(註冊及紀律處分程序)規則》(第161章, 附屬法例E)

3. 註冊申請

- (1) 根據本條例第14或14A條作、14A 或 14C 條提出的註冊申請，必須——
- (a) 連同申請人的照片一款4幀送交註冊主任，照片的尺寸不得超過50 × 70毫米及不得小於40 × 60毫米；及
 - (b) 載有下述詳情——
 - (i) 申請人的個人詳情；
 - (ii) 關於申請人曾否被裁定犯任何可判處監禁的罪行以及申請人曾否被裁定犯專業方面的失當行為的陳述；及
 - (iii) 申請人所持有的資格。
- (2) 第(1)(b)款所規定的詳情，必須在下述人士在場時聲明——
- (a) 如申請人居於香港，則一名大律師、律師或監誓員；或 (1997年第47號第10條)
 - (b) 如申請人居於香港以外地方，則一名公證人，而該名人士亦須在申請表格內申請人的照片上簽署。
- (3) 醫務委員會可規定註冊申請人交出或提供以下的一項或多於一項根據本條例第 14 或 14A 條要求註冊的申請人出示或提供一個或多於一個以下項目——
- (a) 證明申請人藉以申請註冊的學位或資格的文憑、證明書或其他文件的正本；
 - (b) 申請人的身分證或護照或兩者的正本或經核證真實副本；
 - (c) 申請人身分的證據，由下述人士以作出陳述的形式提供——
 - (i) 如申請人居於香港，則一名大律師、律師或監誓員；或 (1997年第47號第10條)
 - (ii) 如申請人居於香港以外地方，則一名公證人，而陳述的意思是該名人士已親自檢查並信納申請表格上所提供的申請人個人詳情及照片是與申請人的身分證或護照或兩者所顯示的詳情及照片相同；
 - (d) 如申請人已在香港以外任何國家、地區或地方註冊為醫生，則一份該國家、地區或地方的醫生註冊證明書； (2000年第37號第3條)
 - (e) 由香港以外任何國家、地區或地方發出的執業證明書而又在申請註冊日期有效者，或證明有權從事內科、外科及助產科執業的其他相等的文件證據； (2000年第37號第3條)
 - (f) 根據本條例第9條發出並涵蓋最少1年期間的經驗證明書；
 - (g) 申請人已完成本條例第10A條所規定的評核期的證據；
 - (h) 如所申請的註冊是本條例第14A條所指的有限度註冊，則獲醫務委員會信納的文件證據，證明申請人符合該條第(2)款所訂明適用於他的條件；
 - (i) 如申請人居於香港以外地方，則由申請人已在該處註冊為醫生的香港以外國家、地區或地方的有關醫學當局發出的一份良好聲譽證明書； (2000年第37號第3條)
 - (j) 由最少2名並非申請人親屬的人士對申請人的品格所作的評介，該等人士須已認識申請人最少12個月，並須有機會判斷其品格；

- (k) 如申請人根據本條例第8(1)(d)條申請註冊，則他仍達到醫務委員會可接納的專業標準的證據；
- ~~(l) 如申請人聲稱有資格基於本條例第 8(1)(ba) 條，而根據本條例第 14 條註冊為醫生——申請人符合該第 8(1)(ba) 條訂明的規定的其他證據，包括——~~
- ~~(i) 申請人受僱(本條例第 8(1)(ba)(i) 條所描述者)的證據，包括僱用期的證據；~~
- ~~(ii) 醫學專科學院的證明(本條例第 8(1)(ba)(ii) 條所述者)的證據；及證明以下事宜的證據：申請人已在有關服務期間(本條例第8(1)(ba)條所指者)，符合有關專科的延續醫學教育的規定；及~~
- ~~(iii) 以下事宜的證據：有關僱主機構(該第8(1)(ba)(i) 本條例第8(1)(ba) 條所指者)認為，在有關服務期間(該第8(1)(ba)(i) 條所指者)，申請人作為醫生的服務，屬令人滿意及稱職的。~~
- (4) 為施行本條例第 14C(2)(b) 條而訂明的文件及詳情是——
- ~~(a) 第 3(3)(a)、(b)、(c)、(d)、(e)及(j)條(3)(a)、(b)、(c)、(d)及(j)款所述者；~~
- ~~(ab) 如申請人聲稱屬本條例第14C(8)條中**指明人士**的定義的(a)段所指者，申請人並非香港永久性居民居民、香港永久性居民所生子女或香港永久性居民的配偶——醫學專科學院證明以下事宜的證據：申請人已符合有關專科的延續醫學教育的規定；~~
- ~~(ac) 如申請人聲稱屬本條例第14C(8)條中**指明人士**的定義的(b)段所指者——第(3)(g)款所述的證據；~~
- ~~(ad) 如申請人聲稱屬本條例第14C(8)條中**指明人士**的定義的(c) 段所指者——~~
- ~~(i) 申請人獲註冊為有限度註冊的醫生的證據，包括註冊期的證據；~~
- ~~(ii) 申請人受僱(該定義的(c)(i)段所描述者)的證據，包括僱用期的證據；~~
- ~~及~~
- ~~(iii) 醫學專科學院證明以下事宜的證據：申請人已符合有關專科的延續醫學教育的規定；~~
- ~~(b) 申請人已獲選擔任本條例第 14C(3)(d) 條所描述的僱用的證據；及~~
- ~~(c) 如屬要求授予特別註冊的申請，而申請人是根據香港以外某地方的法律，在該地方註冊為醫生——由該地方的有關醫學當局發出的良好聲譽證明書；~~
- ~~(d) 如屬要求授予特別註冊的申請——以下僱用的證據：申請人已獲選以獲特別註冊的醫生身分，全職受僱於某指明機構；及~~
- ~~(e) 如屬要求將特別註冊續期的申請——以下僱用的證據，包括僱用期的證據：申請人已獲特別註冊的醫生身分，全職受僱於某指明機構。~~

CSA Proposed by Hon Shiu Ka-fai

Medical Registration Ordinance (Cap. 161)

7A. Eligibility for taking Licensing Examination

- (1) No person shall be eligible to take the Licensing Examination unless— (*Amended 7 of 1996 s. 40*)
- (a) ~~he the person~~ makes an application in that behalf to the Council and pays to the Registrar a prescribed fee for taking the Licensing Examination; and
 - (b) ~~he satisfies the Council~~ the person satisfies the Council that the person is of good character and—
 - (i) that at the time of the application ~~he the person~~ has satisfactorily completed not less than 5 years full time medical training of a type approved by the Council and is the holder of a medical qualification acceptable to the ~~Council;~~ and Council; or
 - ~~(ii) that he is of good character.~~
 - (ii) as an alternative for a Hong Kong permanent ~~resident~~ resident, a child born of a Hong Kong permanent resident or a spouse of a Hong Kong permanent resident—that the person holds a medical qualification that is a recognized medical qualification for the purposes of section 14C.
- (2) For the purpose of subsection (1)(b)(i), the 5 years full time medical training shall include a period of internship as approved by the Council. (*Added 7 of 1996 s. 40*)
- (Added 87 of 1995 s. 5.)*

14C. Special registration

- (1) The Registrar must grant a registration under this section to a person, or renew under this section a registration so granted to a person, if—
 - (a) the person makes an application in accordance with subsection (2); and
 - (b) the Registrar is satisfied that the person has met all the requirements specified in subsection (3) or (3A)(as the case requires).
- (2) An application for the grant or renewal of a special registration must be—
 - (a) made to the Registrar in the manner specified by the Registrar; and
 - (b) accompanied by the prescribed documents and particulars.
- (3) The requirements for the grant ~~or renewal~~ of a special registration are that—
 - ~~(a) the person is a Hong Kong permanent resident;~~
 - ~~(b) the person holds a recognized medical qualification~~
 - (b) the person is a specified person;
 - ~~(c) the person is registered under the law of a qualifying place as a medical practitioner in that place;~~
 - (d) the person has been selected for full-time employment as a medical practitioner with special registration in a specified institution; and
 - (e) the person is of good character and has good professional conduct.
- (3A) The requirements for the renewal of a special registration are that—
 - (a) the person has been continuously engaged in full-time employment as a medical practitioner with special registration in a specified institution since being granted a special registration; and
 - (b) the person is of good character and has good professional conduct.

- (4) If the Registrar has doubts about whether an applicant has met the requirement specified in subsection (3)(e) or (3A)(b), the Registrar must refer the matter to the Council which is to—
- (a) deliberate on the matter and, if the Council considers appropriate, hold an inquiry into the matter; and
 - (b) notify the Registrar of the result of the deliberation and, if there is an inquiry, the findings of the inquiry.
- (4A) If the result or findings mentioned in subsequent (4) are that an applicant has not met the requirement specified in subsection (3)(e) or (3A)(b), the Registrar is to be regarded as not being satisfied that the applicant has met the requirement and must accordingly refuse the applicant concerned.
- (5) Section 21, and Parts III, IV and X of the Medical Practitioners (Registration and Disciplinary Procedure) Regulation (Cap. 161 sub. leg. E), with necessary modifications, apply to an inquiry held for the purposes of subsection (4).
- (6) The Registrar must, by written notice, notify the applicant of—
- (a) the result of the application for the grant or renewal of a special registration; and
 - (b) if the application is refused—the grounds for the refusal.
- (7) If a special registration is granted or renewed, the Registrar must, on receipt of the prescribed fee from the applicant, register the applicant's name in Part V of the General Register and issue a certificate of special registration to the applicant.
- (8) In this section—
- qualifying place* (賦予資格地方)—see section 14D;
- recognized medical qualification* (獲承認醫學資格)—see section 14D.;
- specified person* (指明人士) means a person who falls within any of the following descriptions—
- (a) the person—
 - (i) holds a recognized medical qualification;
 - (ii) is registered under the law of a qualifying place as a medical practitioner in that place; and
 - (iii) for a person who is not a Hong Kong permanent ~~resident~~ resident, a child born of a Hong Kong permanent resident or a spouse of a Hong Kong permanent resident—
 - (A) has been awarded a Fellowship of the Academy of Medicine in a specialty, or has been certified by the Academy of Medicine to have completed the training, and obtained the qualification, comparable to that required of a Fellow in a specialty by the Academy; and
 - (B) has been certified by the Academy of Medicine to have satisfied the continuing medical education requirements for the specialty;
 - (b) the person—
 - (i) took the Licensing Examination as a person described in section 7A(1)(b)(ii) and has passed the Licensing Examination; and
 - (ii) has completed the period of assessment requirement under section 10A;
 - (c) the person—
 - (i) has been engaged in full-time employment as a medical practitioner with limited registration in one or more than one specified institution for a total of at least 5 years;
 - (ii) has been awarded a Fellowship of the Academy of Medicine in a specialty, or has been certified by the Academy of Medicine to have completed the

training, and obtained the qualification, comparable to that required of a Fellow in a specialty by the Academy; and
(iii) has been certified by the Academy of Medicine to have satisfied the continuing medical education requirements for the specialty.

Medical Practitioners (Registration and Disciplinary Procedure) Regulation (Cap. 161E)**3. Application for registration**

- (1) An application for registration under section 14 ~~or 14A, 14A or 14C~~ of the Ordinance must—
- (a) be delivered to the Registrar, together with 4 copies of a photograph of the applicant of a size not greater than 50 × 70 mm and not less than 40 × 60 mm; and
 - (b) contain the following particulars—
 - (i) the personal particulars of the applicant;
 - (ii) a statement as to whether the applicant has or has not been convicted of any offence punishable with imprisonment and as to whether the applicant has or has not been found guilty of misconduct in a professional respect; and
 - (iii) the qualifications held by the applicant.
- (2) The particulars required under subsection (1)(b) must be declared in the presence of—
- (a) a barrister, a solicitor or a commissioner for oaths, if the applicant is resident in Hong Kong; or (*47 of 1997 s. 10*)
 - (b) a notary public, if the applicant is resident outside Hong Kong, who shall also sign across the applicant's photo on the application form.
- (3) The Council may require an applicant for registration under section 14 or 14A of the Ordinance to produce or provide one or more of the following—
- (a) the original diploma, certificate or other document evidencing the degree or qualification by virtue of which the applicant is applying to be registered;
 - (b) the original or certified true copy of the applicant's identity card or passport or both;
 - (c) evidence of the applicant's identity in the form of a statement by—
 - (i) a barrister, a solicitor or a commissioner for oaths, if the applicant is resident in Hong Kong; or (*47 of 1997 s. 10*)
 - (ii) a notary public, if the applicant is resident outside Hong Kong, to the effect that he has personally checked and is satisfied that the applicant's personal particulars and photo provided in the application form are the same as shown in the applicant's identity card or passport or both;
 - (d) a certificate of registration as a medical practitioner in any state, territory or place outside Hong Kong if the applicant has been registered in such state, territory or place; (*37 of 2000 s. 3*)
 - (e) a practising certificate issued in any state, territory or place outside Hong Kong and valid at the date of application for registration, or other equivalent documentary evidence of entitlement to practise medicine, surgery and midwifery; (*37 of 2000 s. 3*)
 - (f) a certificate of experience issued under section 9 of the Ordinance covering a period of at least 1 year;
 - (g) evidence that the applicant has completed the required period of assessment under section 10A of the Ordinance;
 - (h) where the registration applied for is limited registration under section 14A of the Ordinance, documentary evidence, to the satisfaction of the Council, that the applicant satisfies the conditions prescribed in subsection (2) of that section which are applicable in relation to him;

- (i) a certificate of good standing issued by the relevant medical authority of a state, territory or place outside Hong Kong with which the applicant is registered as a medical practitioner, if he is resident outside Hong Kong; (*37 of 2000 s. 3*)
- (j) references as to the applicant's character from at least 2 persons, not being relatives of the applicant, who have known the applicant for at least 12 months and who have the opportunity of judging his character;
- (k) where the applicant is applying for registration under section 8(1)(d) of the Ordinance, evidence that he is still up to such professional standard acceptable to the ~~Council~~ Council;
- (l) for an applicant who claims to be qualified to be registered as a medical practitioner under section 14 of the Ordinance on the basis of section 8(1)(ba) of the Ordinance—other evidence that the applicant satisfies the requirements prescribed in that section 8(1)(ba), including—
 - (i) evidence that the applicant has been engaged in the employment described in section 8(1)(ba)(i) of the Ordinance, including evidence of the period of employment;
 - (ii) evidence of the Academy of Medicine's certification ~~mentioned in section 8(1)(ba)(ii) of the Ordinance~~ that the applicant has satisfied the continuing medical education requirements for the specialty concerned during the service period (within the meaning of section 8(1)(ba) of the Ordinance); and
 - (iii) evidence that the applicant is considered by the employing institution or employing institutions (within the meaning of ~~that section 8(1)(ba)(i) concerned~~ section 8(1)(ba) of the Ordinance) concerned to have served satisfactorily and competently as a medical practitioner during the service period (within the meaning of ~~that section 8(1)(ba)(i) period.~~
- (4) The documents and particulars prescribed for the purposes of section 14C(2)(b) of the Ordinance are—
 - (a) those mentioned in ~~section 3(3)(a), (b), (c), (d), (e)~~ subsection (3)(a), (b), (c), (d) and (j);
 - (ab) for an applicant who claims to fall within paragraph (a) of the definition of *specified person* in section 14C(8) of the Ordinance and who is not a Hong Kong permanent ~~resident~~ resident, a child born of a Hong Kong permanent resident or a spouse of a Hong Kong permanent resident—evidence of the Academy of Medicine's certification that the applicant has satisfied the continuing medical education requirements for the specialty concerned;
 - (ac) for an applicant who claims to fall within paragraph (b) of the definition of *specified person* in section 14C(8) of the Ordinance—the evidence mentioned in subsection (3)(g);
 - (ad) for an applicant who claims to fall within paragraph (c) of the definition of *specified person* in section 14C(8) of the Ordinance—
 - (i) evidence of the applicant's registration as a medical practitioner with limited registration, including evidence of the period of registration;
 - (ii) evidence that the applicant has been engaged in the employment described in paragraph (c)(i) of that definition, including evidence of the period of employment; and
 - (iii) evidence of the Academy of Medicine's certification that the applicant has satisfied the continuing medical education requirements for the specialty concerned;
 - ~~(b) evidence that the applicant has been selected for the employment described~~

~~in section 14C(3)(d) of the Ordinance; and~~

- (c) ~~for an application for the grant of a special registration—a certificate of good standing issued by the relevant medical authority of a place outside Hong Kong under the law of which the applicant is registered as a medical practitioner in that place.~~ place;
- (d) ~~for an application for the grant of a special registration—evidence that the applicant has been selected for full-time employment as a medical practitioner with special registration in a specified institution; and~~
- (e) ~~for an application for the renewal of a special registration—evidence that the applicant has been engaged in full-time employment as a medical practitioner with special registration in a specified institution, including evidence of the period of employment.~~