



立法會 LEGISLATIVE COUNCIL
張宇人議員 Hon Tommy Yu-Yan CHEUNG

立法會
衛生事務委員會
葛珮帆議員

葛主席：

擬議提出的《2021年醫生註冊(修訂)條例草案》

本人計劃提出《2021年醫生註冊(修訂)條例草案》(下稱《條例草案》)，盼能於衛生事務委員會會議上作初步討論。

香港公立醫院醫生人手嚴重不足，問題層出不窮，早為人所詬病。參考新加坡和澳洲的經驗可知，輸入外地醫生是其中一個可行方法。目前，醫院管理局透過「有限度註冊」方式輸入外地醫生，但效果有限。

《1995年醫生註冊(修訂)條例》生效前，英聯邦醫生，當中包括香港人，可在香港行醫執業。《1995年修訂條例》生效後，除非透過報考「執業資格考試」，並取得合格，否則，除香港兩間大學的醫科畢業生外，所有在外地取得資格的醫科畢業生，均不得其門而入，當中包括眾多的香港永久性居民。早遭遺忘的是，除引入「執業資格考試」外，1995年的條例草案同時建議引入類似新加坡和澳洲做法「認可」外地醫科資格的機制，但遭本地醫學界強烈反對而擱置，做成今天尾大不掉的局面。

本人提出《條例草案》的目的，旨在撥亂反正，重新檢視當年的「認可」建議，還香港人一個公道。建議如下：

- 1 賦權食物及衛生局局長「認可」水平不低於「執業資格考試」或香港兩間大學醫科畢業生水平的外地大學、機構所頒授的醫科資格；
- 2 容許取得該等「認可」醫科資格的香港永久性居民(或永久性居民所生的子女)畢業生回港實習，得享與香港兩間大學醫科畢業生同樣的執業路徑；



立法會 LEGISLATIVE COUNCIL
張宇人議員 Hon Tommy Yu-Yan CHEUNG

- 3 容許取得「有限度註冊」資格，在衛生署、醫管局或兩間大學工作的外地註冊醫生，在連續受僱不短於 5 年的情況下，取得正式的香港醫生執業資格，吸引更多具醫學專業資格的人士來港；及
- 4 就因容許取得「認可」醫科資格的香港永久性居民（或永久性居民所生的子女）畢業生回港實習事宜，對「臨時註冊」和「經驗證明書」條文需作出的相應修訂。

現謹向委員會提交擬議《條例草案》的中英文版初步擬稿，及相關《條例》的中英文版標明修訂事項文本，供各委員參考。

敬希垂注。

張宇人

張宇人謹啟

2021 年 2 月 2 日

連附件

Medical Registration (Amendment) Bill 2021

A BILL

To

Amend the Medical Registration Ordinance.

Enacted by the Legislative Council.

1. Short title

This Ordinance may be cited as the Medical Registration (Amendment) Ordinance 2021.

2. Medical Registration Ordinance amended

The Medical Registration Ordinance (Cap. 161) is amended as set out in sections 3 to 7.

3. Section 7B added

Part III, after section 7A —

Add

“7B. Secretary for Food and Health to approve medical education programmes, etc.

(1) The Secretary for Food and Health may, for the purpose of section 7, approve any medical education programme, course of study or examination offered abroad if the Secretary for Food and Health is satisfied that —

- (a) the successful completion of such programme or course of study provided by a university or other institution in a place outside Hong Kong; or
- (b) the passing of such examination in medicine, surgery and midwifery set by a licensing body in a place outside Hong Kong responsible for licensing of medical practitioners in that place,

shows the achievement of a standard not lower than that achieved by the passing of the Licensing Examination.

- (2) The medical education programmes, course of study or examination approved under this section are specified in Schedule 1A.
- (3) The Secretary for Food and Health may, by order published in the Gazette, amend, add to or delete from Schedule 1A.”.

4. Section 8 amended (qualification for registration under section 14)

- (1) After section 8(1)(a) —

Add

“(aa) he, being a Hong Kong permanent resident or a child born of a Hong Kong permanent resident, has successfully completed or passed an education programme, course of study or examination, as the case may be, specified in Schedule 1A and is also certified under section 9 that he has had the experience specified in that section;”.

- (2) After section 8(1)(b) —

Add

“(ba) he is registered as a medical practitioner with limited registration under section 14A(2), has been employed by the Department of Health, the Hospital Authority, the University of Hong Kong or The Chinese University of Hong Kong for a consecutive period of not less than 5 years and is also certified by the employing institution that his service while so employed has been satisfactory;”.

5. Section 9 amended (certificate of experience)

- (1) After section 9(1) —

Add

“(1A) A certificate for the purposes of section 8(1)(aa) shall not be granted in respect of any person unless after successfully completing or passing an education programme, course of study or examination specified in Schedule 1A he has been engaged in employment in a resident medical capacity in an approved hospital or in an approved institution for such period as may be prescribed.”.

- (2) After section 9(2) —

Add

“(2A) A person satisfying the condition specified in subsection (1A) may apply to a university specified in Schedule 1 which approved the hospital or

institution that has engaged him in employment for a certificate under this section, and if the university is satisfied that—

- (a) during the time the applicant has been so employed as aforesaid he has been engaged for such period or minimum period as may be prescribed in medicine, and for such period or minimum period as may be prescribed in surgery; and
 - (b) his service while so employed has been satisfactory,
- the university shall grant, in such form as may be specified by the Council, a certificate that it is so satisfied.”.

- (3) Section 9(3) —

Repeal

“subsection (1)”

Substitute

“subsections (1) or (1A)”.

- (4) Section 9(3) —

Repeal

“subsection (2)(a)”

Substitute

“subsections (2)(a) or (2A)(a)”.

- (5) Section 9(4) —

Repeal

“subsection (1)”

Substitute

“subsections (1) or (1A)”.

6. Section 12 amended (provisional registration)

- (1) Section 12(1), after “examination” —

Add

“, or has successfully completed or passed an education programme, course of study or examination specified in Schedule 1A,”.

(2) Section 12(1)(a) —

Repeal

“section 9(1)”

Substitute

“sections 9(1) or (1A)”.

(3) Section 12(2)(a) —

Repeal

“section 9(1)”

Substitute

“sections 9(1) or (1A)”.

7. Schedule 1A added

After Schedule 1—

Add

“Schedule 1A

[s.7B]

Approved Medical Education Programme, Course of Study and Examination”.

Explanatory Memorandum

The object of this Bill is to amend the Medical Registration Ordinance (Cap. 161) (*Ordinance*) to provide pathways for certain medical graduates or practitioners who have acquired medical qualifications from abroad to become fully registered in Hong Kong.

2. Clause 1 sets out the short title.
3. Clause 3 adds a new section 7B to empower the Secretary for Food and Health to approve medical qualifications from abroad.
4. Clause 4 amends section 8 of the Ordinance by providing pathways through provisional registration and limited registration for medical graduates and practitioners who have acquired medical qualifications from abroad to become fully registered.
5. Clauses 5 to 7 are related and technical amendments.

PART III

REGISTRATION OF MEDICAL PRACTITIONERS

5. Registrar

For the purposes of this Ordinance, there shall be a Registrar of Medical Practitioners who shall be the Director.

6. Registers

- (1) The Registrar shall cause a register, to be called the General Register, to be kept in such form as he thinks fit and containing the names, addresses and qualifications, and such other particulars as he thinks necessary—
 - (a) in Part I of the General Register, of all persons who have been registered under section 14;
 - (b) in Part II of the General Register, of all persons who have been provisionally registered under section 12 but have not been registered under section 14;
 - (c) in Part III of the General Register, of all persons with limited registration;
 - (d) in Part IV of the General Register, of all persons with temporary registration.
- (2) The Registrar is responsible for the maintenance and custody of the General Register.
- (3) The Registrar shall cause a register, to be called the Specialist Register, to be kept in such form as he thinks fit and containing the names, addresses, qualifications and experience, and such other particulars as he thinks necessary of those persons who have been approved by the Council to have their names included in the Specialist Register. *(Added 7 of 1996 s. 7)*
- (4) The Registrar is responsible for the maintenance and custody of the Specialist Register. *(Added 7 of 1996 s. 7)*

(Replaced 7 of 1996 s. 39)

7. Council to set Licensing Examination

- (1) The Council shall set an examination, called the Licensing Examination, the passing of which shows the achievement of a standard acceptable for registration, under section 8(1)(b), as a medical practitioner.
- (2) Without prejudice to section 7A, the Council may impose such conditions as it thinks fit, being conditions which are relevant to the assessment or improvement of a person's professional knowledge and practice in medicine, surgery and midwifery which a person must comply with before the Council allows him to take the Licensing Examination or any part thereof.
- (3) The Council may prohibit a person from taking the Licensing Examination if the person has taken any one part of the Licensing Examination 5 consecutive times and has failed each time.
- (4) Subject to subsection (5) and such conditions as the Council thinks fit, the Council may exempt a person from taking any part of the Licensing Examination.
- (5) The Council shall not exempt a person from taking any part or parts of the Licensing Examination in respect of medical knowledge unless the person satisfies the Council that he has substantial experience of the practice of medicine and surgery, or, as the case may be, medicine, surgery and midwifery.
- (6) The Council may delegate any or all of its functions under this section to the Committee.

(Replaced 87 of 1995 s. 4)

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 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—
 - (i) that at the time of the application he 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
 - (ii) that he is of good character.
- (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.)*

7B. Secretary for Food and Health to approve medical education programmes, etc.

- (1) The Secretary for Food and Health may, for the purpose of section 7, approve any medical education programme, course of study or examination offered abroad if the Secretary for Food and Health is satisfied that –
- (a) the successful completion of such programme or course of study provided by a university or other institution in a place outside Hong Kong; or
 - (b) the passing of such examination in medicine, surgery and midwifery set by a licensing body in a place outside Hong Kong responsible for licensing of medical practitioners in that place,
- shows the achievement of a standard not lower than that achieved by the passing of the Licensing Examination.
- (2) The medical education programmes, course of study or examination approved under this section are specified in Schedule 1A.
- (3) The Secretary for Food and Health may, by order published in the Gazette, amend, add to or delete from Schedule 1A.

8. Qualification for registration under section 14

- (1) A person is not qualified to be registered as a medical practitioner under section 14 unless—
- (a) he has been awarded a degree of medicine and surgery by a university in Hong Kong specified in Schedule 1 and is also certified under section 9 that he has had the experience specified in that section;
 - (aa) he, being a Hong Kong permanent resident or a child born of a Hong Kong permanent resident, has successfully completed or passed an education programme, course of study or examination, as the case may be, specified in Schedule 1A and is also certified under section 9 that he has had the experience specified in that section;
 - (b) he has passed the Licensing Examination and has completed the period of assessment provided for in section 10A;
 - (ba) he is registered as a medical practitioner with limited registration under section 14A(2), has been employed by the Department of Health, the Hospital Authority, the University of Hong Kong or The Chinese University of Hong Kong for a consecutive period of not less than 5 years and is also certified by the employing institution that his service while so employed has been satisfactory;

- (c) his name was, immediately before the commencement of section 6 of the Medical Registration (Amendment) Ordinance 1995 (87 of 1995), on Part I or III of the register kept under section 6 immediately before such commencement; or
 - (d) he was at any time registered in Part I or III of the register kept immediately before such commencement but has been removed subsequently and he satisfies the Council that he is of good character and is still up to such professional standard acceptable to the Council.
- (2) The Council may, with the prior approval of the Legislative Council, by notice in the Gazette, amend Schedule 1.

(Replaced 87 of 1995 s. 6. Amended 7 of 1996 s. 41)

8A. *(Repealed 87 of 1995 s. 6)*

9. Certificate of experience

- (1) A certificate for the purposes of section 8(1)(a) shall not be granted in respect of any person unless after passing a qualifying examination he has been engaged in employment in a resident medical capacity in an approved hospital or in an approved institution for such period as may be prescribed. *(Amended 87 of 1995 s. 7)*

(1A) A certificate for the purposes of section 8(1)(aa) shall not be granted in respect of any person unless after successfully completing or passing an education programme, course of study or examination specified in Schedule 1A he has been engaged in employment in a resident medical capacity in an approved hospital or in an approved institution for such period as may be prescribed.

- (2) A person satisfying the condition specified in subsection (1) may apply to the university specified in Schedule 1 which awarded him the degree of medicine and surgery for a certificate under this section, and if the university is satisfied that— *(Amended 63 of 1982 s. 7; 87 of 1995 s. 7; 7 of 1996 s. 42)*

(a) during the time the applicant has been so employed as aforesaid he has been engaged for such period or minimum period as may be prescribed in medicine, and for such period or minimum period as may be prescribed in surgery; and

(b) his service while so employed has been satisfactory,

the university shall grant, in such form as may be specified by the Council, a certificate that it is so satisfied. *(Amended 87 of 1995 s. 7; 7 of 1996 s. 42)*

(2A) A person satisfying the condition specified in subsection (1A) may apply to a university specified in Schedule 1 which approved the hospital or institution that has engaged him in employment for a certificate under this section, and if the university is satisfied that—

(a) during the time the applicant has been so employed as aforesaid he has been engaged for such period or minimum period as may be prescribed in medicine, and for such period or minimum period as may be prescribed in surgery; and

(b) his service while so employed has been satisfactory,

the university shall grant, in such form as may be specified by the Council, a certificate that it is so satisfied.

- (3) Time during which an applicant, while employed as mentioned in subsections (1) or (1A) has been engaged in midwifery, not exceeding such period as may be prescribed, shall be counted for the purposes of subsections (2)(a) or (2A)(a) either as time spent in medicine or as time spent in surgery, as the applicant may elect.

- (4) Where during any period of such employment as is referred to in subsections (1) or (1A) an applicant who has been engaged in medicine has also been engaged in surgery or in midwifery or both, or an applicant who has been engaged in surgery has also been engaged in midwifery,

the period shall be apportioned for the purposes of this section in such manner as may be determined by the body granting the qualifying diploma by virtue of which the applicant claims registration.

- (5) In this section—
- (a) “approved” (認可), in relation to a hospital or institution, means approved for the time being by a university specified in Schedule 1 for the purposes of this section; (*Amended 63 of 1982 s. 7; 87 of 1995 s. 7; 7 of 1996 s. 42*)
 - (b) reference to employment in a resident medical capacity shall be construed as reference to employment in the practice of medicine, surgery or midwifery, where the person in question is resident in the hospital or institution where he is employed or conveniently near thereto, and by the terms of his employment is required to be so resident.

10. (*Repealed 87 of 1995 s. 8*)

10A. Period of assessment

- (1) A person who has passed the Licensing Examination and who wishes to be registered as a medical practitioner under section 14 shall complete, to the satisfaction of the Council, such period of assessment as the Council may determine, not exceeding the prescribed period, in an approved hospital or in an approved institution. (*Amended 87 of 1995 s. 9*)
- (2) The Council may reduce the period of assessment determined in the case of any person, or may extend the period so determined and any such extension of that period may require a period of assessment exceeding the prescribed period.
- (3) Where the Council is of the opinion that a person undergoing a period of assessment is unlikely to attain the professional standards required of a registered medical practitioner, the Council may terminate that person’s period of assessment. (*Amended 87 of 1995 s. 9*)
- (4) In this section “approved” (認可), in relation to a hospital or institution, means approved by the Council for the purposes of this section.

(Added 70 of 1976 s. 6)

11. (*Repealed 87 of 1995 s. 10*)

12. Provisional registration

- (1) A person who has passed the Licensing Examination or a qualifying examination, or has successfully completed or passed an education programme, course of study or examination specified in Schedule 1A, may be provisionally registered, on application to the Registrar and production to the Registrar of evidence to the satisfaction of the Registrar that—
 - (a) he has been engaged in employment as is mentioned in sections 9(1) or (1A); or
 - (b) he has been engaged to undergo a period of assessment as mentioned in section 10A(1), and on payment of a prescribed fee. (*Replaced 87 of 1995 s. 11*)
- (1A) A person who is entitled to be provisionally registered under section 35(7) shall be provisionally registered on application to the Registrar and production to the Registrar of evidence to the satisfaction of the Registrar that he has been selected for such employment as is mentioned in section 9(1) of the Original Provisions and on payment of a prescribed fee. (*Added 25 of 1997 s. 3*)
- (2) Any person who has been provisionally registered in Part II of the General Register shall be deemed to be registered as far as is necessary— (*Amended 70 of 1976 s. 7; 87 of 1995 s. 11; 7 of 1996 s. 43*)
 - (a) to enable him to be employed as mentioned in sections 9(1) or (1A);

- (aa) to enable him to serve a period of assessment under section 10A; (*Added 70 of 1976 s. 7*)
 - (b) in order that the provisions of sections 19, 20T and 20V and of Part IV may be applicable to him; (*Amended 7 of 1996 s. 43*)
 - (c) for the purpose of section 5 of the Jury Ordinance (Cap. 3) and for the purpose of such other enactments as may be prescribed; and
 - (d) for any other purpose which the Chief Executive in Council may by order direct, (*Amended 37 of 2000 s. 3*)
- but not further.

13. Degrees, etc.

- (1) No degree or qualification shall be entered on the General Register, either on the first registration or by way of addition to a registered name, unless the Registrar is satisfied by such evidence as he may consider sufficient that the person claiming such degree or qualification is entitled thereto.
- (2) Every person registered under this Ordinance who obtains any additional degree or other qualification other than the qualification in respect of which he has been registered, shall be entitled subject to the provisions of this section to have such additional degree or other qualification inserted in the General Register in substitution for or in addition to the qualification previously registered.
- (3) The Council may decide what additional degrees and other qualifications may be entered on the General Register.
- (4) Where the Council is of the opinion that a degree or qualification, previously allowed to be entered on the General Register, is no longer appropriate to be entered on it, the Council may, after giving notice to all the persons registered with the degree or qualification, erase the degree or qualification from the entry on the General Register of the persons concerned. (*Added 7 of 1996 s. 8*)

(Amended 7 of 1996 s. 8)

13A. Title of registered medical practitioner

A registered medical practitioner is entitled to be known in the English language as “registered medical practitioner of the Medical Council of Hong Kong” or the abbreviation “registered medical practitioner” and in the Chinese language as “香港醫務委員會註冊醫生” or the abbreviation “註冊醫生”.

(Replaced 87 of 1995 s. 12)

14. Registration

- (1) Any person entitled to be registered under this section and section 35(7) may apply to the Registrar for registration. (*Amended 87 of 1995 s. 13; 25 of 1997 s. 4*)
- (2) Applications for registration under this section shall be made in such manner and form as the Registrar determines and shall be accompanied by such documents and particulars and by such fee as may be prescribed. (*Amended 34 of 1995 s. 13. Replaced 7 of 1996 s. 9*)
- (3) Where a person has complied with the provisions of subsection (2), he shall, subject to the provisions of this Ordinance, be registered by the Registrar who shall issue to him a licence of the Medical Council of Hong Kong in such form as the Registrar determines. (*Amended 87 of 1995 s. 13; 7 of 1996 s. 44*)
- (4) The Council may, if satisfied after due inquiry that an applicant for registration—
 - (a) has been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment; or (*Amended 25 of 1984 s. 10*)

(b) has been guilty of misconduct in a professional respect; or (*Amended 7 of 1996 s. 9*)

(c) is not of good character, (*Added 7 of 1996 s. 9*)

order that the name of the applicant be not entered upon the General Register. (*Added 95 of 1970 s. 3. Amended 33 of 1971 s. 2; 7 of 1996 s. 44*)

- (5) Section 21 and Parts III, IV and X of the Medical Practitioners (Registration and Disciplinary Procedure) Regulation (Cap. 161 sub. leg. E) that are capable of application to an inquiry held for the purposes of this section apply to the inquiry, as if the references to an inquiry panel in those provisions were references to the Council. (*Replaced 15 of 2018 s. 8*)

14A. Limited registration

- (1) The Council, having regard to any representations made to it, may determine and promulgate from time to time the employment or type of employment in respect of which limited registration is appropriate or necessary.

- (1A) A person wishing to be registered under this section may apply to the Registrar in such manner or form as the Registrar may determine and shall submit to the Registrar such documents and particulars and such fee as may be prescribed. (*Added 87 of 1995 s. 14*)

- (2) Subject to subsection (2A), where a person satisfies the Council— (*Amended 87 of 1995 s. 14*)

(a) that he has been selected for employment or for a type of employment determined and promulgated by the Council under subsection (1);

(b) that he has obtained an acceptable overseas qualification;

(c) that he has had adequate and relevant full-time post-qualification clinical experience;

(d) that he is registered with an approved medical authority outside Hong Kong; and (*Amended 23 of 1998 s. 2*)

(e) that he is of good character,

he shall, if the Council so directs, be registered as a medical practitioner with limited registration.

- (2A) A person who does not satisfy the Council that he fulfils the requirements of subsection (2)(b), (c) or (d) but satisfies the Council that he fulfils the other requirements of subsection (2) may, if the Council so directs, be registered as a medical practitioner with limited registration subject to such restrictions and conditions regarding his practice as specified by the Council. (*Added 87 of 1995 s. 14*)

- (3) The limits of a person's registration under this section shall be defined in the direction under subsection (2) or (2A) by specifying—

(a) a period, not exceeding 3 years, as the period for which the registration is to have effect; (*Amended 15 of 2018 s. 9*)

(b) the employment or type of employment for the purposes of which the registration has effect; and

(c) restrictions and conditions regarding the practice of a medical practitioner with limited registration, if any, as specified by the Council, (*Added 87 of 1995 s. 14*)

and such registration shall have effect for the period and for the purposes of the employment or type of employment specified in the direction. (*Amended 87 of 1995 s. 14*)

- (4) The Council may refuse an application for limited registration or renewal of such registration if it is satisfied that—

(a) the requirements of subsection (2) have not been complied with; or

(b) the employment or type of employment to which the application relates is one in respect of which limited registration is no longer appropriate or necessary; or

- (c) it is reasonable in all the circumstances to do so.
- (5) Where the Council refuses an application referred to in subsection (4), the Secretary shall forthwith notify the applicant in writing of the refusal and the grounds for refusal.
- (6) Section 14 shall apply, with necessary modifications, to an application for limited registration made under this section.
- (7) Where a person with limited registration under this section applies for renewal of the registration, such renewal shall, if the Council so directs, be renewed—
- (a) for a period not exceeding 3 years from the expiry of the current registration; (*Amended 15 of 2018 s. 9*)
- (b) for the purposes of the employment or type of employment specified in the direction.
- (8) Upon renewal of limited registration under this section, the Registrar shall issue a new certificate of limited registration in such form as the Registrar determines. (*Amended 7 of 1996 s. 10*)
- (9) In this section—
- “acceptable overseas qualification” (可接納的海外資格) means any qualification obtained outside Hong Kong which is recognized by the Council for the purposes of this section as being sufficient evidence of the possession of the requisite knowledge and skill for the efficient practice of medicine, surgery and midwifery;
- “approved” (認可) means approved by the Council for the purposes of this section.

(Added 38 of 1992 s. 5)

14B. Temporary registration

- (1) Where an institution specified in subsection (2) intends to engage a person—
- (a) who does not have any of the qualifications for registration referred to in section 8; or
- (b) who has a qualification that qualifies him for registration referred to in section 8 but it is impracticable for him to obtain registration under section 14 in the circumstances,
- exclusively in performing clinical teaching or research for the institution, the institution shall apply to the Council in such form as specified by the Council on behalf of the person for temporary registration of the person and shall supply such further information about the person as required by the Council.
- (2) The institutions referred to in subsection (1) are—
- (a) the Department of Health;
- (b) the Hospital Authority;
- (c) the University of Hong Kong; and
- (d) The Chinese University of Hong Kong.
- (3) Where the Academy of Medicine supports the engagement by a private hospital of a person referred to in subsection (1) exclusively in performing clinical teaching or research in the private hospital, the Department of Health may, at the request of the Academy of Medicine and upon such conditions as the Department thinks fit, apply to the Council in such form as specified by the Council for temporary registration of the person and the Academy of Medicine shall supply such further information about the person as required by the Council.
- (4) The Council may determine and promulgate the details to be supplied under subsection (1) or (3).
- (5) Where the Council is satisfied that it is appropriate and necessary for the person, the subject of an application under subsection (1) or (3), to be registered under this section to enable him to perform the clinical teaching or research concerned, the Council may direct the Registrar to

register him as a medical practitioner with temporary registration for a period not exceeding 14 days.

- (6) No certificate or licence is issued on a registration under this section.
- (7) The Council may delegate its power under this section to a committee or the Registrar.

(Added 7 of 1996 s. 11)

15. Publication of General Register and evidence of registration, etc.

- (1) As soon as may be after 1 January of every year, the Registrar shall prepare and publish in the Gazette a list of the names, addresses, qualifications and dates of the qualifications of all persons whose names appear on Part I and Part III of the General Register on 1 January immediately preceding the publication of the list in the Gazette. *(Amended 70 of 1976 s. 9; 38 of 1992 s. 6; 87 of 1995 s. 15; 7 of 1996 s. 45)*
- (2) As soon as may be after 1 July of every year, the Registrar shall prepare and publish in the Gazette a list of the names, addresses, qualifications and dates of the qualifications of all persons whose names were added to Part I and Part III of the General Register between 1 January and 1 July of such year. *(Amended 70 of 1976 s. 9; 38 of 1992 s. 6; 87 of 1995 s. 15; 7 of 1996 s. 45)*
- (3) The publication of a list referred to in subsection (1) or (2) shall be prima facie evidence that each person named in such list is registered.
- (4) The absence of the name of any person from the list last published under subsection (1) and any list subsequently published under subsection (2) shall be prima facie evidence that such person is not registered.
- (5) A certificate under the hand of the Registrar stating that the name of a person is or is not at any date or was or was not at any date registered in Part I, III or IV of the General Register or provisionally registered in Part II of the General Register, as the case may be, shall be conclusive evidence in all courts of law of the facts stated in such certificate. *(Replaced 7 of 1996 s. 45)*

16. Privileges of registered medical practitioners

- (1) Subject to section 20A, every registered medical practitioner shall be entitled to practise medicine, surgery and midwifery and to recover in due course of law reasonable charges for professional aid, advice and visits and the value of any medicine or any medical or surgical appliances rendered, made or supplied by him to his patients. *(Amended 70 of 1975 s. 5)*
- (2) Subject to the provisions of sections 30 and 31, no person shall be entitled to recover in any Court any such charges as are referred to in subsection (1) unless at the date when such charges accrued he was a registered medical practitioner:

Provided that nothing in this subsection shall affect the practice of midwifery by any person duly licensed in that behalf under the provisions of any law in force in Hong Kong. *(Amended 25 of 1984 s. 10)*

17. Medical certificates

No certificate or other document required by any written law to be signed by a duly qualified medical practitioner given after the commencement of this Ordinance shall be valid unless signed by a person who at the date of such signing was a registered medical practitioner.

18. Definition

The words “legally qualified medical practitioner” (具法定資格的醫生) or “duly qualified medical practitioner” (正式符合資格的醫生) or any words importing a person recognized by law as a

medical practitioner or member of the medical profession, when used in any written law with reference to such persons, shall be construed to mean a registered medical practitioner.

19. Power of Council to order removal of names from General Register

- (1) The Council may order the removal from the General Register of the name of any person who—
 - (a) is deceased;
 - (b) has not, before 30 June of a year, obtained his practising certificate issued under section 20A(2) for that year or his retention certificate issued under section 19A for that year, as may be appropriate; *(Replaced 7 of 1996 s. 12)*
 - (c) being a person required to be the holder of a practising certificate, has practised medicine, surgery or midwifery in Hong Kong for a period exceeding 6 months without having obtained such a certificate; or
 - (d) has failed to supply the Registrar with an address in Hong Kong at which notices from the Council may be served on him.
- (2) Any person who fails to acknowledge within 4 months after the date of dispatch the receipt of a registered letter or a telegram addressed to him at the last address in Hong Kong supplied by him to the Registrar shall be deemed to have failed to supply the Registrar with an address under subsection (1)(d).

(Replaced 70 of 1975 s. 6 Amended 7 of 1996 s. 12)

19A. Medical practitioners resident outside Hong Kong

- (1) A registered medical practitioner who is resident outside Hong Kong and has ceased to practise medicine, surgery or midwifery in Hong Kong, or any branch of medicine or surgery in Hong Kong, may apply to the Registrar for the transfer of his name from the resident list to the non-resident list as specified in Part I of the General Register.
- (2) Subject to—
 - (a) the submission of evidence that the applicant has not been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment;
 - (b) the payment of the prescribed fee for alteration of the General Register; and
 - (c) the payment of the prescribed retention fee,
 the Registrar may transfer the applicant's name from the resident list to the non-resident list and upon the transfer, shall issue to the applicant a certificate to the effect that he is, subject to any conditions and restrictions specified in the certificate, entitled to have his name remain in the General Register for the period specified in the certificate.
- (3) If the registered medical practitioner is desirous of having his name remain on the non-resident list beyond the period specified in the certificate issued under subsection (2), he may, within 2 months before the expiry of the certificate, apply to the Registrar for renewal of the certificate.
- (4) Upon an application under subsection (3) and subject to—
 - (a) the submission of evidence that the applicant has not been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment; and
 - (b) the payment of the prescribed retention fee,
 the Registrar shall issue to the applicant a certificate to the effect that he is, subject to any conditions and restrictions specified in the certificate, entitled to have his name remain in the General Register for the period specified in the certificate.

- (5) Where a registered medical practitioner returns to Hong Kong and resumes the practice of medicine, surgery or midwifery in Hong Kong, or any branch of medicine or surgery in Hong Kong, he shall apply to the Registrar for—
- (a) the transfer of his name from the non-resident list to the resident list; and
 - (b) a practising certificate issued under section 20A.
- (6) Upon an application under subsection (5)(a) and subject to—
- (a) the submission of evidence that the applicant has not been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment and has not been guilty of misconduct in a professional respect while residing and practising outside Hong Kong; and *(Amended 37 of 2000 s. 3)*
 - (b) the payment of the prescribed fee for alteration of the General Register,
- the Registrar may transfer the applicant's name from the non-resident list to the resident list.
- (Added 7 of 1996 s. 13. Amended 23 of 1998 s. 2)*

19B. Power to remove names from Specialist Register

(Amended 15 of 2018 s. 10)

- (1) If—
- (a) the name of a person is ordered to be removed from the General Register under section 19, 21 or 21A; and *(Replaced 15 of 2018 s. 10)*
 - (b) that person's name is also included in the Specialist Register,
- the Registrar shall, at the same time when he removes that person's name from the General Register, also order the removal of his name from the Specialist Register.
- (2) The Council may, upon a recommendation of the Education and Accreditation Committee, order the removal of the name of a registered medical practitioner from the Specialist Register permanently or for a period as the Council thinks fit. *(Amended 15 of 2018 s. 10)*
- (Added 7 of 1996 s. 14)*

20. Alterations to registers

- (1) The Registrar may on payment of the prescribed fee amend any entry in the General Register or the Specialist Register if any alteration in or addition to the address or qualification of or other relevant information relating to the person named in such entry shall have come to his knowledge. *(Amended 63 of 1982 s. 9)*
- (2) The Registrar shall make such amendments to the General Register or the Specialist Register as are made necessary by any decision of the Council or an inquiry panel. *(Amended 15 of 2018 s. 11)*
- (Amended 7 of 1996 s. 15)*

20A. Medical practitioner not to practise without practising certificate

- (1) Subject to this section, a registered medical practitioner shall not practise medicine, surgery or midwifery in Hong Kong, or any branch of medicine or surgery in Hong Kong, unless he is the holder of a practising certificate which is then in force.
- (2) On application made to the Registrar for the purpose of the issue of a practising certificate by a registered medical practitioner, and subject to—
- (a) the payment of the prescribed fee for the issue of a practising certificate; and
 - (b) the submission of evidence that the registered medical practitioner has not been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment,

the Registrar shall issue to the registered medical practitioner a certificate to the effect that he is, subject to any conditions and restrictions specified in the certificate, entitled to practise medicine, surgery and midwifery in Hong Kong. *(Replaced 7 of 1996 s. 16)*

- (3) Where a practising certificate is issued pursuant to an application made during the course of a year in respect of that year, the certificate shall, subject to subsections (4A), (4B) and (5), be in force from the time of its issue until the end of that year. *(Amended 7 of 1996 s. 16)*
- (4) Where a practising certificate is issued pursuant to an application made during the course of a year in respect of the following year, the certificate shall, subject to subsections (4A), (4B) and (5), be in force for a period of 12 months commencing on 1 January in that following year. *(Amended 7 of 1996 s. 16)*
- (4A) Where a practising certificate for limited registration is issued or renewed under section 14A, the certificate shall, subject to subsection (5), be in force for the period specified in the certificate. *(Added 38 of 1992 s. 7)*
- (4B) Where a practising certificate is issued to a person registered under section 14B, the certificate shall, subject to subsection (5), be in force for the period specified in the certificate. *(Added 7 of 1996 s. 16)*
- (5) If at any time during the currency of a practising certificate issued under this section, the holder of the certificate ceases to be registered under this Ordinance, the certificate shall thereupon be deemed to be cancelled. *(Amended 34 of 1995 s. 14)*
- (6) Any person who is required under this section to be the holder of a practising certificate under this section shall be deemed to have obtained the certificate when he has duly applied to the Registrar and paid the prescribed fee for the issue of the practising certificate.
- (7) This section applies to any person registered under section 14, 14A or 14B, but does not apply to—
 - (a) any person provisionally registered under section 12;
 - (b) any person deemed to be registered as a medical practitioner by virtue of section 29(a) or (b);
 - (c) any person in respect of whom the Chief Executive has given consent under section 30; *(Amended 37 of 2000 s. 3)*
 - (d) any person to whom section 31 relates; or
 - (e) any qualified person in so far as he renders medical or surgical treatment to a person in an emergency. *(Replaced 7 of 1996 s. 16)*
- (8) A person who is required under this section to be the holder of a practising certificate shall not be entitled to recover any fees, costs or other remuneration unless he was, at the time when the cause of action arose, the holder of a valid practising certificate.

(Added 70 of 1975 s. 7. Amended 38 of 1992 s. 7)

20B. Recovery of practising fees

- (1) If any registered medical practitioner contravenes subsection (1) of section 20A, the amount of the prescribed fee payable by him under subsection (2) of that section shall be recoverable as a civil debt by complaint made in the name of the Registrar to a magistrate.
- (2) A summons issued in relation to the recovery of the prescribed fee for the issue of a practising certificate under this section may, notwithstanding section 8(2) of the Magistrates Ordinance (Cap. 227), be served by sending it by post to the medical practitioner concerned at his last known address; and a certificate purporting to be signed by or on behalf of the Registrar shall, until the contrary is proved, be evidence of service of the summons.
- (3) If in any proceedings under this section—

- (a) the medical practitioner concerned does not appear before a magistrate at the time and place specified in the summons; and
 - (b) service of the summons under subsection (2) is proved,
the magistrate shall, if he is satisfied that the practitioner has been given an adequate period of notice of the proceedings, proceed to deal with the complaint as if the practitioner had appeared.
- (4) In any proceedings under this section a certificate purporting to be under the hand of the Registrar to the effect that the medical practitioner concerned had not paid the prescribed fee for the issue of a practising certificate shall, until the contrary is proved, be evidence of non-payment of the fee.
 - (5) If the magistrate makes an order requiring the medical practitioner to pay the prescribed fee for the issue of a practising certificate, he shall at the same time make an order requiring the medical practitioner to pay an additional amount by way of surcharge at the rate of treble the amount of the said prescribed fee.
 - (6) For the purposes of section 51 of the Magistrates Ordinance (Cap. 227) any fee and surcharge which a medical practitioner is liable to pay under this section shall be deemed to be a sum of money required to be paid under an order by a magistrate.
 - (7) On recovery from a medical practitioner of a prescribed fee under this section, together with the surcharge ordered to be paid under subsection (5), the Registrar shall, if the medical practitioner's name appears on the General Register, issue the medical practitioner with the appropriate practising certificate. *(Amended 34 of 1995 s. 15; 7 of 1996 s. 17)*

(Added 70 of 1975 s. 7)

本條例草案

旨在

修訂《醫生註冊條例》。

由立法會制定。

1. 簡稱

本條例可引稱為《2021年醫生註冊(修訂)條例》。

2. 修訂《醫生註冊條例》

《醫生註冊條例》(第161章)現予修訂，修訂方式列於第3至7條。

3. 加入第7B條

第III部，在第7A條之後——

加入

“7B. 由食物及衛生局局長認可醫學教育課程等

- (1) 食物及衛生局局長可，就第7條而言，認可任何由外地提供的醫學教育課程、教程或考試，如食物及衛生局局長信納——
 - (a) 成功修畢該由一所在香港以外地方的大學或其他機構所提供的課程或教程；或
 - (b) 合格考取該由一個在香港以外地方負責授予當地醫生執照的發照團體所主辦的內科、外科及婦產科考試，所成就的水平，不低於在執業資格考試合格所達至的水平。
- (2) 附表1A指明據本條認可的醫學教育課程、教程或考試。
- (3) 食物及衛生局局長可藉命令，將附表1A修訂、增補或刪減。”。

4. 修訂第 8 條 (根據第 14 條註冊的資格)

(1) 在第 8(1)(a)條之後 ——

加入

“(aa) 該人是香港永久性居民或香港永久性居民所生的子女，成功修畢或合格考取一項由附表 1A 指明的教育課程、教程或考試 (視乎何情況而定)，並根據第 9 條獲證明具有該條所指明的經驗；”。

(2) 在第 8(1)(b) 條之後 ——

加入

“(ba) 該人根據第 14A(2)條獲註冊為有限度註冊的醫生，連續受僱於衛生署、醫院管理局、香港大學或香港中文大學一段不少於 5 年的時間，並獲該僱用機構證明他在如此受僱時的服務令人滿意；”。

5. 修訂第 9 條 (經驗證明書)

(1) 在第 9(1)條之後 ——

加入

“(1A) 不得就任何人而授予就第 8(1)(aa)條而言的證明書，除非該人在成功修畢或合格考取一項由附表 1A 指明的教育課程、教程或考試後以駐院醫務人員身分受僱在認可醫院或認可機構，工作一段訂明的期間。”。

(2) 在第 9(2)條之後 ——

加入

“(2A) 符合第(1A)款所指明的條件的人，可向附表1指明的認可其受僱醫院或機構的大學申請本條所指的證明書，而如該大學信納 ——

(a) 在申請人如上述般受僱期間內，他已在訂明的期間或最短期間內從事內科工作，並已在訂明的期間或最短期間內從事外科工作；及

(b) 他在如此受僱時的服務令人滿意，

則該大學須按醫務委員會指明的格式授予一張證明書，證明該大學信納上述情況。”。

(3) 第9(3)條 ——

廢除

“第(1)款”

代以

“第(1)或(1A)款”。

(4) 第9(3)條 ——

廢除

“第(2)(a)款”

代以

“第(2)(a)或(2A)(a)款”。

(5) 第9(4)條 ——

廢除

“第(1)款”

代以

“第(1)或(1A)款”。

6. 修訂第12條 (臨時註冊)

(1) 第12(1)條，在“合格”之後 ——

加入

“，或成功修畢或合格考取一項由附表1A指明的教育課程、教程或考試”。

(2) 第12(1)(a)條 ——

廢除

“第9(1)條”

代以

“第9(1)或(1A)條”。

(3) 第12(2)(a)條 ——

廢除

“第9(1)條”

代以

“第9(1)或(1A)條”。

7. 加入附表 1A

在附表 1 之後——

加入

“附表 1A

[s7B]

認可醫學教育課程，教程和考試”。

摘要說明

本條例草案的目的，是修訂《醫生註冊條例》(第 161 章)(《條例》)，為某些自外地取得醫學資格的畢業生或醫生，提供在香港取得醫生註冊的途徑。

2. 草案第 1 條列出簡稱。
3. 草案第 3 條加入新的第 7B 條，賦權食物及衛生局局長認可外地醫學資格。
4. 草案第 4 條修訂條例第 8 條，透過臨時註冊和有限度註冊，為自外地取得醫學資格的醫科畢業生和醫生提供在香港取得醫生註冊的途徑。
5. 草案第 5 至 7 條為相應及技術修訂。

第III部

醫生的註冊

5. 註冊主任

為施行本條例，現設醫生註冊主任一名，即為署長。

6. 名冊

- (1) 註冊主任須安排按其認為合適的格式備存一份稱為普通科醫生名冊的名冊，而——
 - (a) 在該名冊第I部，須載有根據第14條已註冊的全部人士的姓名、地址及資格，以及註冊主任認為需要的其他詳情；
 - (b) 在該名冊第II部，須載有根據第12條已臨時註冊但沒有根據第14條註冊的全部人士的姓名、地址及資格，以及註冊主任認為需要的其他詳情；
 - (c) 在該名冊第III部，須載有屬有限度註冊的全部人士的姓名、地址及資格，以及註冊主任認為需要的其他詳情；
 - (d) 在該名冊第IV部，須載有屬臨時註冊的全部人士的姓名、地址及資格，以及註冊主任認為需要的其他詳情。
- (2) 註冊主任須負責保存和保管該普通科醫生名冊。
- (3) 註冊主任須安排按其認為合適的格式備存一份稱為專科醫生名冊的名冊，該名冊須載有獲醫務委員會批准名列專科醫生名冊的人士的姓名、地址、資格及經驗，以及註冊主任認為需要的其他詳情。 *(由1996年第7號第7條增補)*
- (4) 註冊主任須負責保存和保管該專科醫生名冊。 *(由1996年第7號第7條增補)*
(由1996年第7號第39條代替)

7. 由醫務委員會主辦執業資格試

- (1) 醫務委員會須主辦一項考試，名為執業資格試，任何人在該執業資格試中考取合格，即顯示達到根據第8(1)(b)條可獲接受註冊為醫生的標準。
- (2) 在不損害第7A條的規定的原則下，醫務委員會可施加其認為適當的條件；而該等條件是與評估或增進某人在內科、外科及助產科的專業知識及執業有關的，且是該人必須予以遵從然後醫務委員會方准其參加執業資格試或該試的任何部分的。
- (3) 如任何人曾參加執業資格試的任何一部分連續5次而每次均不合格，則醫務委員會可禁止該人參加執業資格試。
- (4) 除第(5)款另有規定外，在符合醫務委員會認為適當的條件下，醫務委員會可豁免任何人使該人無須參加執業資格試的任何部分。
- (5) 醫務委員會不得豁免任何人而使該人無須就醫學知識而參加執業資格試的任何一部分或多於一部分，除非該人使醫務委員會信納該人在內科及外科方面或在內科、外科及助產科方面(視屬何情況而定)有相當的執業經驗。
- (6) 醫務委員會可將其根據本條獲委予的任何或全部職能轉授予委員會。
(由1995年第87號第4條代替)

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——
 - (i) 在他提出申請時，他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
 - (ii) 他具有良好品格。
- (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)

7B. 由食物及衛生局局長認可醫學教育課程等

- (1) 食物及衛生局局長可，就第7條而言，認可任何由外地提供的醫學教育課程、教程或考試，如食物及衛生局局長信納——
 - (a) 成功修畢該由一所在香港以外地方的大學或其他機構所提供的課程或教程；或
 - (b) 合格考取該由一個在香港以外地方負責授予當地醫生執照的發照團體所主辦的內科、外科及婦產科考試，
所成就的水平，不低於在執業資格考試合格所達至的水平。
- (2) 附表1A指明據本條認可的醫學教育課程、教程或考試。
- (3) 食物及衛生局局長可藉命令，將附表1A修訂、增補或刪減。

8. 根據第14條註冊的資格

- (1) 任何人除非符合以下條件，否則無資格根據第14條註冊為醫生——
 - (a) 該人獲附表1指明的在香港的任何大學頒授內科及外科學位，並根據第9條獲證明具有該條所指明的經驗；*(由1996年第7號第41條修訂)*
 - (aa) 該人是香港永久性居民或香港永久性居民所生的子女，成功修畢或合格考取一項由附表1A指明的教育課程、教程或考試（視乎何情況而定），並根據第9條獲證明具有該條所指明的經驗；
 - (b) 該人在執業資格試合格並已完成第10A條訂定的評核期；
 - (ba) 該人根據第14A(2)條獲註冊為有限度註冊的醫生，連續受僱於衛生署、醫院管理局、香港大學或香港中文大學一段不少於5年的時間，並獲該僱用機構證明他在如此受僱時的服務令人滿意；
 - (c) 該人的姓名在緊接《1995年醫生註冊(修訂)條例》*(1995年第87號)第6條的生效日期前，出現在緊接該生效日期前根據第6條備存的名冊的第I或III部；或
 - (d) 該人曾於任何時間在緊接上述生效日期前備存的名冊的第I或III部註冊，但其後被除去註冊，而該人使醫務委員會信納他具有良好品格並仍達到醫務委員會接納的專業標準。
- (2) 醫務委員會在事先獲得立法會批准下，可藉憲報公告修訂附表1。*(由1996年第7號第41條修訂；由2000年第37號第3條修訂)*

(由1995年第87號第6條代替)

編輯附註：

* “《1995年醫生註冊(修訂)條例》”乃“Medical Registration (Amendment) Ordinance 1995”之譯名。

8A. (由1995年第87號第6條廢除)

9. 經驗證明書

(1) 不得就任何人而授予就第8(1)(a)條而言的證明書，除非該人在資格檢定考試合格後以駐院醫務人員身分受僱在認可醫院或認可機構，工作一段訂明的期間。(由1995年第87號第7條修訂)

(1A) 不得就任何人而授予就第8(1)(aa)條而言的證明書，除非該人在成功修畢或合格考取一項由附表1A指明的教育課程、教程或考試後以駐院醫務人員身分受僱在認可醫院或認可機構，工作一段訂明的期間。

(2) 符合第(1)款所指明的條件的人，可向附表1指明的向其頒授內科及外科學位的大學申請本條所指的證明書，而如該大學信納——(由1982年第63號第7條修訂；由1995年第87號第7條修訂；由1996年第7號第42條修訂)

(a) 在申請人如上述般受僱期間內，他已在訂明的期間或最短期間內從事內科工作，並已在訂明的期間或最短期間內從事外科工作；及

(b) 他在如此受僱時的服務令人滿意，

則該大學須按醫務委員會指明的格式授予一張證明書，證明該大學信納上述情況。(由1995年第87號第7條修訂；由1996年第7號第42條修訂)

(2A) 符合第(1A)款所指明的條件的人，可向附表1指明的認可其受僱醫院或機構的大學申請本條所指的證明書，而如該大學信納——

(a) 在申請人如上述般受僱期間內，他已在訂明的期間或最短期間內從事內科工作，並已在訂明的期間或最短期間內從事外科工作；及

(b) 他在如此受僱時的服務令人滿意，

則該大學須按醫務委員會指明的格式授予一張證明書，證明該大學信納上述情況。

(3) 申請人在第(1)或(1A)款所述的受僱期內(不超過所訂明的期間)如從事助產科工作，則就第(2)(a)或(2A)(a)款而言，可計算作從事內科工作的時間或從事外科工作的時間，按申請人的選擇而定。

(4) 凡在第(1)或(1A)款所提述的任何受僱期間內，從事內科工作的申請人，亦從事外科或助產科或兩者的工作，或從事外科工作的申請人亦從事助產科工作，則就本條而言，須將該受僱期間分攤，而分攤方式則按照授予申請人資格檢定文憑使其藉以申請註冊的團體所決定。

(5) 在本條中——

(a) “認可”(approved)就任何醫院或機構而言，指附表1指明的大學為施行本條而在當其時認可的；(由1982年第63號第7條修訂；由1995年第87號第7條修訂；由1996年第7號第42條修訂)

(b) 凡提述有關的人以駐院醫務人員身分受僱，即解釋為提述該人在內科、外科或助產科受僱執業(該人是在其受僱工作的任何醫院或機構或在該醫院或機構的鄰近居住，而根據其受僱條款該人是須如此居住的)。

10. (由1995年第87號第8條廢除)

10A. 評核期

(1) 任何在執業資格試合格的人而又意欲根據第14條註冊為醫生，須在一間認可的醫院或一間認可的機構完成一段由醫務委員會釐定的評核期，而令醫務委員會滿意，但該評核期不得超過訂明期間。(由1995年第87號第9條修訂)

- (2) 醫務委員會可縮短就任何人而釐定的評核期，或延展如此釐定的評核期，而該期間的任何延展可規定一段超過訂明期間的評核期。
- (3) 如醫務委員會認為任何在經歷評核期的人相當不可能達到註冊醫生被規定達到的專業標準，則醫務委員會可終止該人的評核期。 (由1995年第87號第9條修訂)
- (4) 在本條中，“認可”(approved)就任何醫院或機構而言，指醫務委員會為施行本條而認可的。

(由1976年第70號第6條增補)

11. (由1995年第87號第10條廢除)

12. 臨時註冊

- (1) 任何在執業資格試或資格檢定考試合格，或成功修畢或合格考取一項由附表1A指明的教育課程、教程或考試的人，向註冊主任提出申請並交出下述證據而令註冊主任信納——
 - (a) 他已按第9(1) 或(1A)條所述而受僱；或
 - (b) 他已按第10A(1)條所述而承諾經歷一段評核期，則在繳付訂明費用後，可獲臨時註冊。 (由1995年第87號第11條代替)
- (1A) 任何有權根據第35(7)條獲臨時註冊的人，在向註冊主任提出申請並向其交出證據而令註冊主任信納他已被選擔任原條文第9(1)條所述的受僱工作，且在繳付訂明費用後，須獲臨時註冊。 (由1997年第25號第3條增補)
- (2) 任何在普通科醫生名冊的第II部已臨時註冊的人須當作已註冊，但僅以下列所需為限—— (由1976年第70號第7條修訂；由1995年第87號第11條修訂；由1996年第7號第43條修訂)
 - (a) 使其能按第9(1) 或(1A)條所述而受僱；
 - (aa) 使其能經歷第10A條所指的評核期； (由1976年第70號第7條增補)
 - (b) 使第19、20T及20V條及第IV部的條文對其適用； (由1996年第7號第43條修訂)
 - (c) 為施行《陪審團條例》(第3章)第5條以及為施行訂明的其他成文法則；及
 - (d) 為行政長官會同行政會議可藉命令而指示的任何其他目的。 (由2000年第37號第3條修訂)

13. 學位等

- (1) 不論是在首次註冊時或是作為已註冊姓名的加稱，除非有註冊主任認為足夠的證據，而令他信納聲稱具有該學位或資格的人有權獲得該學位或資格，否則不得將任何學位或資格列入普通科醫生名冊。
- (2) 每個根據本條例已註冊的人，如獲得並非已註冊的有關資格的任何額外的學位或其他資格，則該人在符合本條條文的規定下，有權將該學位或該其他資格加入普通科醫生名冊，以替代或增補先前已註冊的資格。
- (3) 醫務委員會可決定何種額外學位與其他資格可列入普通科醫生名冊。 (由1984年第25號第6條修訂)
- (4) 如醫務委員會認為先前容許列入普通科醫生名冊的某一學位或資格不再適宜列入該名冊，則可在通知所有已以該學位或資格註冊的人後，從普通科醫生名冊的記項中刪除該等有關的人的上述學位或資格。 (由1996年第7號第8條增補)

(由1996年第7號第8條修訂)

13A. 註冊醫生的名銜

註冊醫生有權以中文被稱為“香港醫務委員會註冊醫生”或簡稱“註冊醫生”，以及以英文為“registered medical practitioner of the Medical Council of Hong Kong”或簡稱“registered medical practitioner”。

(由1995年第87號第12條代替)

14. 註冊

- (1) 任何有權根據本條及第35(7)條註冊的人，均可向註冊主任申請註冊。(由1995年第87號第13條修訂；由1997年第25號第4條修訂)
- (2) 根據本條註冊的申請，須按註冊主任所決定的方式與格式，連同訂明的文件及詳情以及訂明的費用提出。(由1996年第7號第9條代替)
- (3) 凡任何人已遵從第(2)款條文，則該人在符合本條例條文的規定下，須由註冊主任予以註冊，而註冊主任須向該人發出一張按註冊主任所決定的格式的香港醫務委員會執照。(由1995年第87號第13條修訂；由1996年第7號第44條修訂)
- (4) 經適當的研訊後，如醫務委員會信納任何要求註冊的申請人——
 - (a) 曾在香港或其他地方被裁定犯任何可判處監禁的罪行；或 (由1984年第25號第10條修訂)
 - (b) 犯了專業方面的失當行為；或 (由1996年第7號第9條修訂)
 - (c) 不具良好品格，(由1996年第7號第9條增補)
 則可命令不將該申請人的姓名列入普通科醫生名冊內。(由1970年第95號第3條增補。由1971年第33號第2條修訂；由1996年第7號第44條修訂)
- (5) 凡第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部的條文，對為施行本條而進行的研訊而言能適用的，即適用於任何該等研訊，猶如在該等條文中提述研訊小組，是提述醫務委員會一樣。(由2018年第15號第8條代替)

14A. 有限度註冊

- (1) 醫務委員會在顧及向其作出的任何申述後，可不時決定並公布某項受僱工作或某類別受僱工作，而就該項工作或該類別而言，有限度註冊是適當或必需的。
- (1A) 任何意欲根據本條註冊的人，可按註冊主任所決定的方式或格式向註冊主任提出申請，並須向註冊主任呈交訂明的文件及詳情以及訂明的費用。(由1995年第87號第14條增補)
- (2) 除第(2A)款另有規定外，凡任何人使醫務委員會信納——(由1995年第87號第14條修訂)
 - (a) 他已被選擔任醫務委員會根據第(1)款決定和公布的某項受僱工作或某類別受僱工作；
 - (b) 他已獲得一項可接納的海外資格；
 - (c) 他在取得資格後已有足夠的和有關的全職臨床經驗；
 - (d) 他已在一個認可的香港以外地方的醫學主管當局註冊；及 (由1998年第23號第2條修訂)
 - (e) 他具有良好品格，
 如醫務委員會作出如此指示，則該人須獲註冊為有限度註冊的醫生。
- (2A) 如任何人並不使醫務委員會信納他已符合第(2)(b)、(c)或(d)款的規定，但使醫務委員會信納他已符合第(2)款的其他規定，則如醫務委員會作出如此指示，該人可獲註冊為有

限度註冊的醫生，但須受醫務委員會就該人的執業而指明的限制及條件所規限。(由1995年第87號第14條增補)

- (3) 根據本條註冊的人的註冊限制，須在第(2)或(2A)款所指的指示內藉指明下述各項而作出界定——
- (a) 一段為期不超過3年的期間，作為註冊有效期；(由2018年第15號第9條修訂)
 - (b) 該項註冊是就何項受僱工作或何類別受僱工作而有效的；及
 - (c) 醫務委員會就有限度註冊的醫生的執業而指明的限制及條件(如有的話)，(由1995年第87號第14條增補)

而如此作出的註冊，須在上述指示所指明的期間以及就所指明的受僱工作或受僱工作類別而有效。(由1995年第87號第14條修訂)

- (4) 如醫務委員會信納下述各項，則可拒絕有限度註冊的申請或有限度註冊續期的申請——
- (a) 第(2)款的規定未予符合；或
 - (b) 申請所關乎的受僱工作或受僱工作類別已不再適宜或不再需要為其作有限度註冊；或
 - (c) 在整體情況下此乃合理的做法。
- (5) 凡醫務委員會拒絕第(4)款所提述的任何申請，秘書須隨即以書面通知申請人其申請已遭拒絕，並列明拒絕的理由。
- (6) 第14條在作出需要的修改後，適用於根據本條提出的有限度註冊的申請。
- (7) 凡任何具有本條所指的有限度註冊的人申請將該項註冊續期，則如醫務委員會作出如此指示，該項續期——
- (a) 須予作出而為期不超過3年，自現有註冊期滿時起計；(由2018年第15號第9條修訂)
 - (b) 須就上述指示所指明的受僱工作或受僱工作類別而作出。
- (8) 本條所指的有限度註冊一經續期，註冊主任須按其決定的格式發出一份新的有限度註冊的證明書。(由1996年第7號第10條修訂)
- (9) 在本條中——

“可接納的海外資格”(acceptable overseas qualification)指任何在香港以外地方取得的資格，而該資格獲醫務委員會為施行本條而承認為具備在內科、外科及助產科有效地執業所需的知識及技能的充分證據；

“認可”(approved)指醫務委員會為施行本條而認可的。

(由1992年第38號第5條增補)

14B. 暫時註冊

- (1) 凡第(2)款所指明的任何機構擬聘用任何下述的人——
- (a) 該人沒有第8條所提述的任何註冊資格；或
 - (b) 該人具有可使其取得第8條所提述的註冊的資格，但在當時情況下根據第14條獲得註冊並不切實可行，

以專門為該機構執行臨床教學或研究工作，則該機構須以醫務委員會指明的格式代該人向醫務委員會申請暫時註冊，並須按醫務委員會所規定提供關於該人的進一步資料。

- (2) 第(1)款所提述的機構為——

- (a) 衛生署；
 - (b) 醫院管理局；
 - (c) 香港大學；及
 - (d) 香港中文大學。
- (3) 凡醫學專科學院支持任何私立醫院聘用第(1)款所提述的任何人專門在該私立醫院執行臨床教學或研究工作，則衛生署可應醫學專科學院的要求，以及在衛生署認為合適的條件下，以醫務委員會指明的格式為該人向醫務委員會申請暫時註冊，而醫學專科學院須按醫務委員會所規定提供關於該人的進一步資料。
 - (4) 醫務委員會可決定並公布根據第(1)或(3)款而須提供的細節。
 - (5) 如醫務委員會信納第(1)或(3)款所指申請的該名標的人士，適宜和需要根據本條註冊以使其能執行有關的臨床教學或研究工作，則醫務委員會可指示註冊主任將其暫時註冊為醫生，而暫時註冊為期不超過14天。
 - (6) 根據本條而作的註冊，並不發出證明書或執照。
 - (7) 醫務委員會可將其根據本條獲委予的權力轉授予任何委員會或註冊主任。

(由1996年第7號第11條增補)

15. 普通科醫生名冊的刊登及註冊證據等

- (1) 註冊主任須於每年1月1日後盡速擬備並在憲報刊登一份名單，載有於緊接該名單在憲報刊登前的1月1日姓名列於普通科醫生名冊第I部及第III部內的全部人的姓名、地址、資格和獲得資格的日期。*(由1976年第70號第9條修訂；由1992年第38號第6條修訂；由1995年第87號第15條修訂；由1996年第7號第45條修訂)*
- (2) 註冊主任須於每年7月1日後盡速擬備並在憲報刊登一份名單載有於該年1月1日至7月1日姓名獲增補在普通科醫生名冊第I部及第III部的全部人的姓名、地址、資格和獲得資格的日期。*(由1976年第70號第9條修訂；由1992年第38號第6條修訂；由1995年第87號第15條修訂；由1996年第7號第45條修訂)*
- (3) 第(1)或(2)款所提述的名單一經刊登，即為姓名列於該名單上的每一個人已註冊的表面證據。
- (4) 任何人如其姓名並不在根據第(1)款最近一次刊登的名單內，亦不在其後根據第(2)款刊登的名單內，即為該人沒有獲註冊的表面證據。
- (5) 一份由註冊主任簽署的證明書，述明某人的姓名於某日期在普通科醫生名冊的第I、III或IV部內已註冊或沒有獲註冊，或在普通科醫生名冊的第II部已作臨時註冊或沒有獲臨時註冊(視屬何情況而定)，則該證明書在所有法庭上須為該證明書上所述明事實的不可推翻的證據。*(由1996年第7號第45條代替)*

16. 註冊醫生的特權

- (1) 除第20A條另有規定外，每名註冊醫生有權從事內科、外科及助產科執業，並有權循適當的法律途徑追討就其向病人給予、作出或提供的專業輔助、意見及出診服務的合理費用，以及追討就其向病人給予、作出或提供的藥物或任何醫療裝置或外科裝置的價值。*(由1975年第70號第5條修訂)*
- (2) 除第30及31條條文另有規定外，任何人除非在第(1)款所提述的費用應累算之日當日已為註冊醫生，否則無權於法院追討該等費用：
但本款並不影響任何人根據香港任何有效的法律條文妥為領取助產科的執業執照而執業。*(由1984年第25號第10條修訂)*

17. 醫生證明書

任何成文法律規定須由一名正式符合資格的醫生簽署而又是在本條例生效日期後發出的證明書或其他文件，除非由一名在該項簽署的日期當日是註冊醫生的人簽署，否則即屬無效。

18. 定義

“具法定資格的醫生” (legally qualified medical practitioner)或“正式符合資格的醫生” (duly qualified medical practitioner)或表示任何人是法律承認的醫生或醫學專業人士的字眼，在任何成文法律中被用以提述該等人時，須解釋為指註冊醫生。

19. 醫務委員會命令從普通科醫生名冊除去姓名的權力

(1) 醫務委員會可命令從普通科醫生名冊除去任何有下列情況的人的姓名——

- (a) 已去世的；
- (b) 在任何一年的6月30日前，沒有獲得根據第20A(2)條就該年而發出的執業證明書或根據第19A條就該年而發出的保留證明書(視何者適當而定)；*(由1996年第7號第12條代替)*
- (c) 按規定須持有執業證明書，但在香港從事內科、外科或助產科執業超過6個月而仍未領取該執業證明書的；或
- (d) 並沒有向註冊主任提供一處可向他送達醫務委員會的通告的香港地址的。

(2) 如按任何人向註冊主任提供在香港的最後地址，發出致予該人的掛號信件或電報當日後4個月內，該人仍無確認接獲該掛號信件或電報，則須當作該人如第(1)(d)款所述並沒有向註冊主任提供地址。

(由1975年第70號第6條代替。由1996年第7號第12條修訂)

19A. 居於香港以外地方的醫生

(1) 任何居於香港以外地方的註冊醫生如已停止在香港從事內科、外科或助產科執業，或已停止在香港從事內科或外科的任何分科的執業，則可向註冊主任申請將其姓名從普通科醫生名冊的第I部所指明的本地名單轉移至非本地名單。

(2) 在符合以下的規定下——

- (a) 證明申請人沒有在香港或其他地方被裁定犯任何可判處監禁的罪行的證據已予呈交；
- (b) 更改普通科醫生名冊的訂明費用已繳付；及
- (c) 訂明的保留費用已繳付，

註冊主任可將申請人的姓名從本地名單轉移至非本地名單，並須在轉移時向申請人發出證明書，表明申請人在該證明書上指明的條件及限制所規限下，有權在證明書上指明的期間內將其姓名保留在普通科醫生名冊內。

(3) 如該名註冊醫生意欲在根據第(2)款發出的證明書所指明的期間後仍將其姓名保留在非本地名單內，則他可在證明書的有效期限滿前2個月內，向註冊主任申請將該證明書續期。

(4) 第(3)款所指的申請一經作出，並且在符合以下的規定下——

- (a) 證明申請人沒有在香港或其他地方被裁定犯任何可判處監禁的罪行的證據已予呈交；及
- (b) 訂明的保留費用已繳付，

註冊主任須向申請人發出證明書，表明申請人在該證明書上指明的條件及限制所規限下，有權在證明書上指明的期間內將其姓名保留在普通科醫生名冊內。

- (5) 如任何註冊醫生返回香港並恢復在香港從事內科、外科或助產科執業或在香港從事內科或外科的任何分科的執業，則他須向註冊主任申請——
 - (a) 將其姓名從非本地名單轉移至本地名單；及
 - (b) 根據第20A條發出的執業證明書。
- (6) 第(5)(a)款所指的申請一經作出，並且在符合以下的規定下——
 - (a) 證明申請人沒有在香港或其他地方被裁定犯任何可判處監禁的罪行，以及證明申請人在香港以外地方居住和執業時，沒有犯專業方面的失當行為的證據已予呈交；及 *(由2000年第37號第3條修訂)*
 - (b) 更改普通科醫生名冊的訂明費用已繳付，
 註冊主任可將申請人的姓名從非本地名單轉移至本地名單。

(由1996年第7號第13條增補。由1998年第23號第2條修訂)

19B. 從專科醫生名冊除去姓名的權力

(由2018年第15號第10條修訂)

- (1) 如——
 - (a) 任何人的姓名根據第19、21或21A條飭令從普通科醫生名冊除去；及 *(由2018年第15號第10條代替)*
 - (b) 該人的姓名亦是列入專科醫生名冊內的，
 則註冊主任須在將該人的姓名從普通科醫生名冊除去的同時，亦命令將該人的姓名從專科醫生名冊除去。
- (2) 醫務委員會可根據教育及評審委員會的建議，命令將任何註冊醫生的姓名從專科醫生名冊永遠除去或除去一段為期按醫務委員會認為適當的期間。 *(由2018年第15號第10條修訂)*

(由1996年第7號第14條增補)

20. 更改醫生名冊

- (1) 註冊主任在獲悉名列普通科醫生名冊或專科醫生名冊任何記項的人的地址或資格或其他有關資料有所更改或增補後，可在獲繳付訂明費用後，將該記項修訂。 *(由1982年第63號第9條修訂)*
- (2) 註冊主任須按醫務委員會或研訊小組所作的決定，在普通科醫生名冊或專科醫生名冊作出需要的修訂。 *(由2018年第15號第11條修訂)*

(由1996年第7號第15條修訂)

20A. 醫生無執業證明書則不得執業

- (1) 除本條另有規定外，任何註冊醫生除非持有當時有效的執業證明書，否則不得在香港從事內科、外科或助產科執業或在香港從事內科或外科的任何分科的執業。
- (2) 在任何註冊醫生為執業證明書的發出而向註冊主任提出申請後，並且在符合以下的規定下——
 - (a) 發出執業證明書的訂明費用已繳付；及
 - (b) 證明該註冊醫生沒有在香港或其他地方被裁定犯任何可判處監禁的罪行的證據已予呈交，

則註冊主任須向該註冊醫生發出證明書，表明該註冊醫生在該證明書上指明的條件及限制所規限下，有權在香港從事內科、外科及助產科執業。*(由1996年第7號第16條代替)*

- (3) 凡依據在一年中就該年作出的申請而發出執業證明書，則除第(4A)、(4B)及(5)款另有規定外，該執業證明書的有效期間須由發出日期起至該年終結為止。*(由1996年第7號第16條修訂)*
- (4) 凡依據在一年中就下一年作出的申請而發出執業證明書，則除第(4A)、(4B)及(5)款另有規定外，該執業證明書的有效期間須由下一年1月1日起，有效12個月。*(由1996年第7號第16條修訂)*
- (4A) 凡有限度註冊執業證明書根據第14A條發出或續期，則除第(5)款另有規定外，該證明書須在證明書上指明的期限內有效。*(由1992年第38號第7條增補)*
- (4B) 凡執業證明書是向任何根據第14B條註冊的人發出的，則除第(5)款另有規定外，該證明書須在證明書上指明的期限內有效。*(由1996年第7號第16條增補)*
- (5) 如在根據本條發出的執業證明書的有效期間，證明書持有人停止獲得根據本條例的註冊，則該證明書須隨即當作已被取消。*(由1995年第34號第14條修訂)*
- (6) 任何根據本條規定須持有本條所指的執業證明書的人，一經向註冊主任妥為提出申請和繳付發出執業證明書的訂明費用，即當作已取得該證明書。
- (7) 本條適用於任何根據第14、14A或14B條註冊的人，但不適用於——
 - (a) 任何根據第12條獲臨時註冊的人；
 - (b) 任何憑藉第29(a)或(b)條當作已註冊為醫生的人；
 - (c) 行政長官根據第30條給予同意的人；*(由2000年第37號第3條修訂)*
 - (d) 任何與第31條有關的人；或
 - (e) 任何符合資格的人，但以他是在緊急情況下向任何人提供內科或外科治療為限。*(由1996年第7號第16條代替)*
- (8) 任何根據本條規定須持有執業證明書的人，除非他於訴因產生時是有效的執業證明書的持有人，否則無權向他人追討費用、訟費或其他酬金。

(由1975年第70號第7條增補。由1992年第38號第7條修訂)

20B. 執業費用的追討

- (1) 如任何註冊醫生違反第20A條第(1)款的規定，則該人根據該條第(2)款須繳付的訂明費用款額，可作為民事債項，以註冊主任的名義向裁判官作出申訴而予以追討。
- (2) 儘管《裁判官條例》(第227章)第8(2)條另有規定，凡發出傳票以根據本條追討就任何執業證明書的發出而收取的訂明費用，該傳票可以郵遞方式送往有關醫生的最後為人所知的地址作為送達；而一份看來是由註冊主任或代表註冊主任簽署的證明書，即為傳票送達的證據，直至相反證明成立為止。
- (3) 如在任何根據本條提起的法律程序中——
 - (a) 有關的醫生沒有在傳票指明的時間及地點到裁判官席前；及
 - (b) 證明傳票已根據第(2)款送達，
 裁判官如信納該醫生已就該法律程序獲給予一段足夠的通知期間，則可着手處理該項申訴，猶如該名醫生已出庭一樣。
- (4) 在任何根據本條提起的法律程序中，一份看來是由註冊主任簽署的證明書，表明有關的醫生未曾就獲發給執業證明書而繳付訂明費用，即為欠繳該費用的證據，直至相反證明成立為止。

- (5) 如裁判官作出一項命令，規定某醫生為執業證明書的發出而繳付訂明費用，則裁判官須同時作出一項命令，規定該醫生繳付一筆是訂明費用三倍的額外款額，作為附加費。
- (6) 就《裁判官條例》(第227章)第51條而言，任何醫生根據本條有法律責任繳付的費用及附加費，須當作為裁判官以命令規定須繳付的款項。
- (7) 本條所指的訂明費用連同根據第(5)款命令繳付的附加費從任何醫生處討回後，如該醫生的姓名列於普通科醫生名冊，則註冊主任須向該醫生發出適當的執業證明書。*(由1995年第34號第15條修訂；由1996年第7號第17條修訂)*

(由1975年第70號第7條增補)