

Bills Committee on Medical Registration (Amendment) Bill 2021

**Finalised Version of the Committee Stage Amendments
Proposed by the Government**

Further to the LC Paper No. CB(4)1476/20-21(01) attaching the Government's draft Committee Stage Amendments ("CSAs") to the Medical Registration (Amendment) Bill 2021, we have incorporated a few other minor textual amendments in the light of comments from the Legal Adviser of the Bills Committee. We have also revised the English text of the proposed section 3(4)(c) of the Medical Practitioners (Registration and Disciplinary Procedure) Regulation (Cap. 161 sub. leg. E) for tallying with the Chinese version.

2. Members are invited to note the finalised version of the CSAs proposed by the Government at **Annex**, with the above-mentioned revisions shown in tracking mode.

**Food and Health Bureau
September 2021**

Medical Registration (Amendment) Bill 2021

Committee Stage

Amendments to be moved by the Secretary for Food and Health

Clause

Amendment Proposed

New

By adding—

“5A. Section 7A amended (eligibility for taking Licensing Examination)

(1) Section 7A(1)(a), English text—

Repeal

“he”

Substitute

“the person”.

(2) Section 7A(1)(b)—

Repeal

“he satisfies the Council”

Substitute

“the person satisfies the Council that the person is of good character and”.

(3) Section 7A(1)(b)(i)—

Repeal

“he”

Substitute

“the person”.

(4) Section 7A(1)(b)(i)—

Repeal

“Council; and”

Substitute

“Council; or”.

(5) Section 7A(1)(b)—

Repeal subparagraph (ii)

Substitute

“(ii) as an alternative for a Hong Kong permanent resident—that the person holds a medical qualification that is a recognized medical qualification for the purposes of section 14C.”.”.

6 By renumbering the clause as clause 6(3).

6 By adding—

“(1) Section 8(1)(a), English text—

Repeal

“he” (wherever appearing)

Substitute

“the person”.

(2) Section 8(1)—

Repeal paragraph (b)

Substitute

“(b) the person—

(i) took the Licensing Examination as a person described in section 7A(1)(b)(i)3, and has passed the Licensing Examination; and

(ii) has completed the period of assessment required under section 10A;”.”.

6(3) In the proposed section 8(1)(ba)(ii), by deleting “is certified” and substituting “has been certified”.

6(3) In the proposed section 8(1)(ba)(iii), by deleting “is considered” and substituting “has been considered”.

6 By adding—

“(4) Section 8(1)(c), English text—

Repeal

“his”

Substitute

“the person’s”.

(5) Section 8(1)(d)—

Repeal

“he” (wherever appearing)

Substitute

“the person”.”.

New

By adding—

“6A. Section 10A amended (period of assessment)

Section 10A(1), after “section 14”—

Add

“or 14C”.”.

8

In the proposed section 14C(1)(b), by adding “or (3A) (as the case requires)” after “subsection (3)”.

8

In the proposed section 14C(3), by deleting “or renewal”.

8

By deleting the proposed section 14C(3)(a).

8

By deleting the proposed section 14C(3)(b) and substituting—

“(b) the person is a specified person;”.

8

By deleting the proposed section 14C(3)(c).

8

In the proposed section 14C, by adding—

“(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.”.

8 In the proposed section 14C(4), by adding “or (3A)(b)” after “subsection (3)(e)”.

8 In the proposed section 14C, by adding—

“(4A) If the result or findings mentioned in subsection (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 application concerned.”.

8 In the proposed section 14C(8), in the English text, in the definition of ***recognized medical qualification***, by deleting the full stop“14D.” and substituting a semicolon“14D;”.

8 In the proposed section 14C(8), by adding in alphabetical order to the proposed definitions—

“***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—

(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)3, and has passed the Licensing Examination; and

(ii) has completed the period of assessment required 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.”.

8 In the proposed section 14D(1), by deleting “section 14C(3)(b) and (c)” and substituting “paragraph (a) of the definition of ***specified person*** in section 14C(8)”.

8 In the proposed section 14D(2), by deleting “section 14C(3)(b) and (c)” and substituting “paragraph (a) of the definition of ***specified person*** in section 14C(8)”.

8 In the proposed section 14E(1)(c), by deleting “21(1)(i) or 21A(1)(a)” and substituting “21(1)(i) or (ii) or 21A(1)(a) or (b)”.

8 In the proposed section 14E(3), in the definition of ***offering institution***, by adding “or (3A)(a)” after “14C(3)(d)”.

8 In the proposed section 14G(1)(e), by deleting “the Faculty” and substituting “Li Ka Shing Faculty”.

15(4) In the proposed section 3(3)(l)(ii), by deleting “mentioned in section 8(1)(ba)(ii) of the Ordinance” and substituting “that the applicant has satisfied the continuing medical education requirements for the specialty concerned during the service period (within the meaning of that section 8(1)(ba) of the Ordinance)”.

15(4) In the proposed section 3(3)(l)(iii), by deleting “is considered by the employing institution or employing institutions (within the meaning of that section 8(1)(ba)(i)) concerned” and substituting “has been considered

by the employing institution or employing institutions (within the meaning of that section 8(1)(ba) of the Ordinance concerned))”.

15(4) In the proposed section 3(3)(l)(iii), by deleting “period (within the meaning of that section 8(1)(ba)(i))” and substituting “period”.

15(5) In the proposed section 3(4)(a), by deleting “section 3(3)(a), (b), (c), (d), (e)” and substituting “subsection (3)(a), (b), (c), (d)”.

15(5) In the proposed section 3(4), by adding—

- “(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—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;”.

15(5) By deleting the proposed section 3(4)(b).

15(5) In the proposed section 3(4)(c), in the English text, by adding “by an applicant who is registered under the law of a place outside Hong Kong as a medical practitioner in that place” after “special registration”.

15(5) In the proposed section 3(4)(c), by deleting “place:everything after authority of” and substituting “the place;”.

15(5) In the proposed section 3(4), by adding—

- “(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 ~~the~~ employment ~~as a medical practitioner with special registration~~ ~~described in a specified institution~~ section 14C(3A)(a) of the Ordinance, including evidence of the period of employment.”.