

《2021 年醫生註冊（修訂）條例草案》

Medical Registration (Amendment) Bill 2021

Medical Registration (Amendment) Bill 2021

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A BILL

To

Amend the Medical Registration Ordinance to provide for a new type of registration known as special registration; to provide for persons meeting certain criteria to practise as medical practitioners in Hong Kong; to establish a committee known as the Special Registration Committee; and to provide for related matters.

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title

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

2. Enactments amended

The enactments specified in Parts 2 to 5 are amended as set out in those Parts.

Part 2

Amendments to Medical Registration Ordinance (Cap. 161)

3. Section 2 amended (interpretation)

(1) Section 2(1), definition of *registration* and *registered*—

Repeal

“or 14B”

Substitute

“, 14B or 14C”.

(2) Section 2(1)—

Add in alphabetical order

“*special registration* (特別註冊) means a registration granted or renewed under section 14C;

Special Registration Committee (特別註冊委員會) means the committee established by section 14F(1);

specified institution (指明機構) means an institution specified in Schedule 1B;”.

4. Section 3 amended (establishment and composition of Council)

Section 3(2)(j)—

Repeal

“Parts I and III”

Substitute

“Part I, III or V”.

5. Section 6 amended (registers)

(1) Section 6(1)(d)—

Repeal

“registration.”

Substitute

“registration;”.

(2) After section 6(1)(d)—

Add

“(e) in Part V of the General Register, of all persons with special registration.”.

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

After section 8(1)(b)—

Add

“(ba) the person—

(i) has been engaged in full-time employment as a medical practitioner with special registration in one or more than one specified institution (*employing institution*) for a total of at least 5 years (*service period*) after the earlier of the following—

(A) the person was awarded a Fellowship of the Academy of Medicine in a specialty;

(B) the person was 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;

- (ii) is certified by the Academy of Medicine to have satisfied the continuing medical education requirements for the specialty during the service period; and
- (iii) is considered by the employing institution (or if there is more than one employing institution, all employing institutions) to have served satisfactorily and competently as a medical practitioner during the service period;”.

7. Section 14B amended (temporary registration)

(1) Section 14B(1)—

Repeal

“an institution specified in subsection (2)”

Substitute

“a specified institution”.

(2) Section 14B—

Repeal subsection (2).

8. Sections 14C to 14I added

After section 14B—

Add

“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).
- (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;
- (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.
- (4) If the Registrar has doubts about whether an applicant has met the requirement specified in subsection (3)(e), 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.
- (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.

14D. Meaning of *qualifying place* and *recognized medical qualification*

- (1) For the purposes of section 14C(3)(b) and (c), if, on the date a person enrolls on a programme that leads to the award of a medical qualification by a body (*material date*)—

- (a) that qualification is one specified in column 4 of Part 1 of Schedule 1A; and
 - (b) that body is one specified in column 3 of that Part opposite that qualification,
that qualification is, in relation to the person, a recognized medical qualification, and any place that on the material date is specified in column 2 of that Part is, in relation to the person, a qualifying place.
- (2) Also, for the purposes of section 14C(3)(b) and (c), if—
- (a) before the commencement date of the first notice, a person has already completed (or has already enrolled on, but yet to complete) a programme that leads to the award of a medical qualification by a body (*qualifying programme*);
 - (b) that qualification is one specified in column 4 of Part 2 of Schedule 1A, and that body is one specified in column 3 of that Part opposite that qualification; and
 - (c) if a year is specified in column 5 of that Part opposite that qualification—the person enrolled on the qualifying programme in or after that year,

that qualification is, in relation to the person, a recognized medical qualification, and any place specified in column 2 of that Part is, in relation to the person, a qualifying place.

- (3) In subsection (2)—

first notice (首份公告) means the notice published under section 14H(a) to amend Part 2 of Schedule 1A for the first time.

14E. Special registration—validity period and employment

- (1) The special registration of a person is in force until the earliest of the following—
 - (a) the expiry of a period not exceeding 3 years beginning on the date of the grant or renewal (as the case may be) of the special registration specified by the Registrar in the person's certificate of special registration issued under section 14C(7);
 - (b) the termination of the person's employment as a medical practitioner with special registration in the offering institution;
 - (c) the removal of the person's name from the General Register under an order made under section 19, 21(1)(i) or 21A(1)(a).
- (2) A person with special registration may be engaged as a medical practitioner only in the offering institution.
- (3) In this section—

offering institution (提聘機構), in relation to a person with special registration, means the specified institution mentioned in the person's application for the grant or renewal of the special registration under section 14C for meeting the requirement specified in section 14C(3)(d).

14F. Establishment and function of Special Registration Committee

- (1) A committee is established with the name “Special Registration Committee” in English and “特別註冊委員會” in Chinese for making recommendations independently to the Registrar direct on the medical

qualifications to be recognized (or no longer to be recognized) for the purposes of section 14C.

- (2) The Special Registration Committee is established under the Council so that the Council may provide the administrative, secretarial or other services the Committee requests for performing its functions under this Ordinance.
- (3) The Special Registration Committee may only recommend a medical qualification—
 - (a) that is at the level of degree or higher;
 - (b) that is awarded by a body in a place outside Hong Kong that is broadly comparable to any local university in terms of international rankings; and
 - (c) that is broadly comparable to the medical qualifications awarded by any local university in terms of—
 - (i) curriculum of the programmes leading to the award of the medical qualifications;
 - (ii) medium of instruction of the programmes; and
 - (iii) any other aspects the Committee considers appropriate.
- (4) If the Secretary for Food and Health considers that the public interest so requires, the Secretary for Food and Health may issue to the Special Registration Committee directives about the Committee's performance of its functions under this Ordinance.
- (5) In this section—

local university (本地大學) means a university specified in Schedule 1.

14G. Composition of Special Registration Committee etc.

- (1) The Special Registration Committee is to consist of the following members—
 - (a) the Director or a representative of the Director;
 - (b) the Chief Executive of the Hospital Authority, or a representative of the Chief Executive of the Hospital Authority;
 - (c) the Chairman;
 - (d) the President of the Academy of Medicine;
 - (e) the Dean of the Faculty of Medicine of The University of Hong Kong;
 - (f) the Dean of the Faculty of Medicine of The Chinese University of Hong Kong;
 - (g) not more than 3 persons, who are members of the Council, to be appointed by the Chief Executive; and
 - (h) not more than one other person to be appointed by the Chief Executive.
- (2) The Chief Executive is to appoint a member of the Special Registration Committee to be the chairperson of the Committee (*chairperson*), who is to preside at the meetings of the Committee.
- (3) The quorum for a meeting of the Special Registration Committee is 3 members of the Committee.
- (4) In a meeting of the Special Registration Committee, the chairperson has, in all matters in which a decision is taken by vote (however described)—
 - (a) a deliberative vote; and
 - (b) if the number of votes for and against a motion is equal—a casting vote.

- (5) The Special Registration Committee may transact any of its business by circulation of papers without meeting, and a resolution signed by a majority of the members of the Committee is as valid and effective as if it had been passed at a meeting of the Committee.
- (6) The validity of any proceedings of the Special Registration Committee is not affected by—
 - (a) a defect in the appointment of any member of the Committee; or
 - (b) a vacancy among the members of the Committee.
- (7) A person mentioned in subsection (1)(g) or (h)—
 - (a) is to be appointed for a term not exceeding 3 years and is eligible for reappointment;
 - (b) may resign from office by giving a written notice to the Chief Executive; and
 - (c) for a person mentioned in subsection (1)(g)—ceases to be a member of the Special Registration Committee on ceasing to be a member of the Council.
- (8) Subject to this section, the Special Registration Committee may determine its own procedure.

14H. Recognition of medical qualifications etc.

On receiving a recommendation made by the Special Registration Committee on the medical qualifications to be recognized (or no longer to be recognized) for the purposes of section 14C, the Registrar must, by amending Schedule 1A by notice published in the Gazette—

- (a) recognize the medical qualifications; or
- (b) revoke the recognition of the medical qualifications.

14I. Amendment of Schedule 1B

The Secretary for Food and Health may, by notice published in the Gazette, amend Schedule 1B.”.

9. Section 15 amended (publication of General Register and evidence of registration, etc.)

- (1) Section 15(1)—

Repeal

everything after “addresses,” and before “of the General Register”

Substitute

“registration numbers, and other particulars the Registrar considers appropriate, of all persons whose names appear on Part I, III or V”.

- (2) Section 15(2)—

Repeal

everything after “addresses,” and before “of the General Register”

Substitute

“registration numbers, and other particulars the Registrar considers appropriate, of all persons whose names were added to Part I, III or V”.

- (3) Section 15(5)—

Repeal

“or IV”

Substitute

“, IV or V”.

10. Section 20A amended (medical practitioner not to practise without practising certificate)

(1) Section 20A(4B), after “14B”—

Add

“or 14C”.

(2) Section 20A(7)—

Repeal

“or 14B”

Substitute

“, 14B or 14C”.

11. Schedule 1 amended (universities in Hong Kong specified under section 8)

Schedule 1—

Repeal

“[ss. 8 & 9]”

Substitute

“[ss. 8, 9 & 14F]”.

12. Schedules 1A and 1B added

After Schedule 1—

Add

“Schedule 1A

[ss. 14D & 14H]

List of Recognized Medical Qualifications

Part 1

Column 1	Column 2	Column 3	Column 4
Item	Place	Body awarding medical qualifications	Medical qualifications

Part 2

Column 1	Column 2	Column 3	Column 4	Column 5
Item	Place	Body awarding medical qualifications	Medical qualifications	Effective year

Schedule 1B

[ss. 2 & 14I]

Specified Institutions

1. Department of Health
 2. Hospital Authority
 3. The University of Hong Kong
 4. The Chinese University of Hong Kong”.
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Part 3

Amendments to Medical Practitioners (Electoral Provisions) (Procedure) Regulation (Cap. 161 sub. leg. B)

13. Section 5 amended (qualifications of electors, proposers and seconders)

(1) Section 5(1)—

Repeal

“Part I or III”

Substitute

“Part I, III or V”.

(2) Section 5(2)—

Repeal

“Part I or III”

Substitute

“Part I, III or V”.

Part 4

Amendments to Medical Registration (Fees) Regulation (Cap. 161 sub. leg. C)

14. Schedule amended (fees)

- (1) The Schedule, after item 3—

Add

“3A. Registration in Part V of the General Register 3,600”.

- (2) The Schedule, after item 10(c)—

Add

“(d) for a medical practitioner registered with special registration under section 14C of the Ordinance 690”.

Part 5

Amendments to Medical Practitioners (Registration and Disciplinary Procedure) Regulation (Cap. 161 sub. leg. E)

15. Section 3 amended (application for registration)

- (1) Section 3(1)—

Repeal

“or 14A”

Substitute

“, 14A or 14C”.

- (2) Section 3(3), after “applicant for registration”—

Add

“under section 14 or 14A of the Ordinance”.

- (3) Section 3(3)(k)—

Repeal

“Council.”

Substitute

“Council;”.

- (4) After section 3(3)(k)—

Add

“(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; 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 to have served satisfactorily and competently as a medical practitioner during the service period (within the meaning of that section 8(1)(ba)(i)).”
- (5) After section 3(3)—

Add

- “(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) and (j);
 - (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.”
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Explanatory Memorandum

This Bill amends the Medical Registration Ordinance (Cap. 161) (*Ordinance*) mainly—

- (a) to provide for a new type of registration known as special registration;
- (b) to provide for persons meeting certain criteria to practise as medical practitioners in Hong Kong; and
- (c) to establish a committee known as the Special Registration Committee.

2. The Bill is divided into 5 Parts.

Part 1—Preliminary

3. Clause 1 sets out the short title of the Bill.

Part 2—Amendments to Ordinance

4. Clause 3 amends the definition of *registration* and *registered* in section 2(1) of the Ordinance and adds new definitions for the interpretation of the Ordinance.

5. Clause 5 amends section 6 of the Ordinance to include a new part, namely, Part V, in the General Register kept under that section (*General Register*) for medical practitioners with special registration. Such practitioners may elect medical practitioners registered in Part I of the General Register to be members of the Medical Council of Hong Kong (clause 4).

6. Clause 6 amends section 8 of the Ordinance to enable a person to apply for registration under section 14 of the Ordinance if—

-
- (a) the person has been engaged in full-time employment as a medical practitioner with special registration in one or more than one specified institution (namely, the Department of Health, the Hospital Authority, The University of Hong Kong or The Chinese University of Hong Kong) (*employing institution*) for a total of at least 5 years (*service period*) after being awarded a Fellowship of the Hong Kong Academy of Medicine in a specialty (or after being certified by the Hong Kong Academy of Medicine to have completed the training, and obtained the qualification, comparable to that required of a Fellow as defined by section 2 of the Hong Kong Academy of Medicine Ordinance (Cap. 419) in a specialty by the Academy);
- (b) the person is certified by the Hong Kong Academy of Medicine to have satisfied the necessary continuing medical education requirements for the specialty during the service period; and
- (c) the person is considered by the employing institution (or if applicable, all employing institutions) to have served satisfactorily and competently as a medical practitioner during the service period.
7. Clause 8 adds the new sections 14C, 14D, 14E, 14F, 14G, 14H and 14I to the Ordinance. The new section 14C of the Ordinance provides for the grant and renewal of a special registration, and sets out the requirements for such a registration. The new section 14D of the Ordinance states the meaning of *recognized medical qualification* and *qualifying place* for the purposes of the new section 14C(3)(b) and (c) of the Ordinance respectively.

8. The new section 14E of the Ordinance sets out the validity period of a special registration on its grant and renewal. It also provides that a person with special registration may be engaged as a medical practitioner only in the specified institution mentioned in the person's application for the grant or renewal of the special registration.
9. The new section 14F of the Ordinance provides for the establishment and function of the Special Registration Committee. The composition and procedure of the Committee are set out in the new section 14G of the Ordinance.
10. The new section 14H of the Ordinance requires the Registrar of Medical Practitioners (*Registrar*) to, for the purposes of the new section 14C of the Ordinance, recognize medical qualifications (or revoke such recognition) on the Special Registration Committee's recommendation. The new section 14I of the Ordinance empowers the Secretary for Food and Health to amend the new Schedule 1B to the Ordinance.
11. Clause 9 amends section 15 of the Ordinance consequential to the addition of the new Part V to the General Register. It also slightly revises the particulars to be included in Parts I and III, and the new Part V, of the General Register.
12. Clauses 10 and 11 make necessary consequential amendments to section 20A of, and Schedule 1 to, the Ordinance respectively.
13. Clause 12 adds the new Schedules 1A and 1B to the Ordinance. The new Schedule 1A to the Ordinance lists the recognized medical qualifications for the purposes of special registration. The new Schedule 1B to the Ordinance lists the specified institutions for the purposes of the Ordinance.

Part 3—Amendments to Medical Practitioners (Electoral Provisions) (Procedure) Regulation (Cap. 161 sub. leg. B)

14. Clause 13 amends section 5 of the Medical Practitioners (Electoral Provisions) (Procedure) Regulation (Cap. 161 sub. leg. B) to enable a medical practitioner registered in the new Part V of the General Register to be an elector, proposer or seconder in an election as defined by section 2 of that Regulation.

Part 4—Amendments to Medical Registration (Fees) Regulation (Cap. 161 sub. leg. C)

15. Clause 14 amends the Schedule to the Medical Registration (Fees) Regulation (Cap. 161 sub. leg. C) consequential to the amendments to the Ordinance described above.

Part 5—Amendments to Medical Practitioners (Registration and Disciplinary Procedure) Regulation (Cap. 161 sub. leg. E)

16. Clause 15 amends section 3 of the Medical Practitioners (Registration and Disciplinary Procedure) Regulation (Cap. 161 sub. leg. E) to specify the documents and particulars required for applications for special registration and for registration under section 14 of the Ordinance by medical practitioners with special registration.