

LEGISLATIVE COUNCIL BRIEF

Medical Registration Ordinance (Chapter 161)

Medical Registration (Amendment) Bill 2021

INTRODUCTION

At the meeting of the Executive Council on 11 May 2021, the Council ADVISED and the Chief Executive ORDERED that the Medical Registration (Amendment) Bill 2021 (“the Bill”) at **Annex A** should be introduced into the Legislative Council (“LegCo”) to create a new pathway for admission of qualified non-locally trained doctors who are Hong Kong permanent residents (“HKPRs”) to practise in Hong Kong.

JUSTIFICATIONS

Existing Registration Mechanism

2. Currently, according to section 8 of the Medical Registration Ordinance (Cap. 161) (“MRO”), a person may apply for full registration¹ as a medical practitioner in Hong Kong under either of the following routes

—

- (a) Locally trained: he/she has been awarded a degree of medicine and surgery by a university in Hong Kong specified in Schedule 1 to MRO (i.e. The University of Hong Kong (“HKU”) and The Chinese University of Hong Kong (“CUHK”)) and he/she is also certified under section 9 of MRO that he/she has had the experience prescribed under that section (i.e. one-year internship);
or

¹ A doctor who possesses full registration may practise independently in Hong Kong.

- (b) Non-locally trained: he/she has passed the Licensing Examination and has completed the period of assessment (i.e. one year for non-specialists and six months/two days for specialists as determined by the Medical Council of Hong Kong (“MCHK”)) provided for in section 10A of MRO².

Severe Shortage of Doctors

3. Over the years, Hong Kong has been facing serious shortage of doctors. As at December 2020, there were 15 298 doctors with full registration in Hong Kong, amounting to a ratio of 2 doctors per 1 000 population. The per capita doctor ratio in Hong Kong lags behind that in advanced economies, including Singapore (2.5), Japan (2.5), United States (2.6), United Kingdom (3.0) and Australia (3.8). According to the “Report of the Strategic Review on Healthcare Manpower Planning and Professional Development” (“the Strategic Review”) promulgated by the Food and Health Bureau (“FHB”) in June 2017, it is expected that there will be a continuous shortage of doctors into the long term in the light of the projection of healthcare needs with regard to demographic changes. In step with the triennial planning cycle of the University Grants Committee (“UGC”), FHB conducted in 2020 a new round of manpower projections for healthcare professionals (“Healthcare Manpower Projection 2020”). The projection results show that the shortage of doctors will not only remain in the years to come but also become more acute with the projected shortfall of doctors reaching 1 610 and 1 949 in 2030 and 2040 respectively, after taking into account the number of local medical school graduates.

4. The shortage of doctors is particularly evident in the public healthcare sector. According to the “Healthcare Manpower Projection

² Apart from full registration, according to section 14A of MRO, a non-locally trained doctor may be registered as a medical practitioner with limited registration if he/she satisfies MCHK that –

- (a) he/she has been selected for an employment or for a type of employment determined and promulgated by MCHK;
- (b) he/she has obtained an acceptable overseas qualification;
- (c) he/she has had adequate and relevant full-time post-qualification clinical experience;
- (d) he/she is registered with a medical authority outside Hong Kong; and
- (e) he/she is of good character.

The maximum duration of limited registration is three years. Upon expiry of the registration, the person may apply for renewal and the maximum duration of each renewal is also three years. Applicants for limited registration are not required to sit for the Licensing Examination.

2020”, there was a shortfall of 660 and 49 specialists (including specialists-to-be) in the Hospital Authority (“HA”) and the Department of Health (“DH”) respectively in 2020. The projected manpower shortage of HA and DH will reach 800 and 51 as well as 960 and 51 in 2030 and 2040 respectively, based on existing service levels.

Long Waiting Time of Specialty Services in the Public Healthcare Sector

5. Currently, the long waiting time of specialty services in HA and DH could be mainly attributed to the shortage of doctors. While HA manages to keep the waiting time for urgent and semi-urgent cases within the service target of two weeks and eight weeks respectively, the waiting time for routine cases remains extremely long, ranging from 31 weeks to 133 weeks. The specialties under particular pressure are Medicine, Ophthalmology and Orthopaedics & Traumatology with waiting time for routine cases of 133 weeks, 123 weeks and 119 weeks respectively. For DH, the situation in Child Assessment Service is also worrying where there is shortage of 10 specialists (40% vacancy rate). Hence, for only around 65% of the new cases, the child assessment could be completed within six months in 2020, far below the target of 90%.

Manpower Shortage Cannot be Solely Tackled by Increasing the Number of Locally-trained Doctors

6. As stated in the Strategic Review, locally trained healthcare professionals should continue to be the bedrock of our healthcare workforce. Over the past years, the Government has devoted substantial resources to train local healthcare professionals, including increasing training places and providing financial support for the universities to upgrade and increase their healthcare teaching facilities.

7. With respect to doctors, the Government has proactively increased the number of medical training places each year in the two local medical schools from 250 in the 2008/09 academic year to the current 530, an increase of more than one-fold. The Government is also contemplating a further increase in the number of UGC-funded medical training places for the next triennium. Nevertheless, even with 530 local medical graduates per year, the supply of doctors still falls short of the requirement for meeting the increasing demand for medical services.

8. Given the lead time required for training local doctors and the practical constraints in enhancing the training capacity of the two medical schools, the Government cannot solely rely on increasing the number of local training places to address the manpower problem. Even if we continue to increase the local training places, the group of doctors, even with the number, will be relatively junior and may not be able to cope with the current service demands in the public sector. We thus need to tap on non-local sources in order to increase the supply of doctors in Hong Kong.

Significant Drop in the Number of Non-locally Trained Doctors

9. In fact, non-locally trained doctors were once an important source of doctor supply in Hong Kong when medical qualifications of recognized Commonwealth countries (including the United Kingdom, Australia, New Zealand, Ireland, Singapore and West Indies) were recognized by MCHK for registration before September 1996. Subsequently, after the passage of an amendment bill to remove the discriminatory practices of allowing automatic registration of those medical practitioners who had received their training in the United Kingdom and certain Commonwealth countries, all non-locally trained doctors are required to pass the Licensing Examination administered by MCHK and complete a specified period of assessment before they can be registered with full registration for practice in Hong Kong. As a result, the share of newly registered doctors with non-local medical qualifications dropped significantly from an average of 56% for the five years between 1992 and 1996 to 13% for the five years between 2015 and 2019.

10. The reasons for the small numbers of doctors qualified to practise in Hong Kong through the Licensing Examination route are manifold but the hurdles presented by the Licensing Examination are obvious. This is particularly the case for specialist doctors qualified overseas and have been in practice for some time. Not only are they required to sit for written examinations as if they were fresh medical graduates but also to undergo basic training as interns in public hospitals. While some critics of admitting non-locally trained doctors would argue that these doctors may also be admitted under the limited registration scheme according to section 14A of MRO, the uncertainty associated with renewal of registration every three years and the restriction to work in a specified institution are obviously disincentives. It is further observed that an unintended adverse consequence of the current restrictions for medical professionals (as opposed to non-locally trained lawyers, engineers or architects for whom

reasonable pathways are available for them to practise in Hong Kong) has led to some Hong Kong high school students studying abroad seeking enrolment in the two local medical schools as non-Joint University Programmes Admissions System (“JUPAS”) students³ rather than continuing their medical education overseas.

11. Against the above and for the overall benefit of our community, we see an imminent case to create a new pathway under MRO for qualified non-locally trained doctors to obtain full registration in Hong Kong as an alternative to the current pathway of passing the Licensing Examination, subject to certain criteria being met.

Proposed New Pathway for Admission of Non-locally Trained Doctors

12. Specifically, we propose stipulating in the Bill that in order to be eligible for full registration in Hong Kong, a non-locally trained doctor has to fulfill certain criteria, including –

- (a) he/she is a HKPR⁴;
- (b) he/she holds a recognized medical qualification awarded by a non-local medical school (see paragraphs 13 to 15 below) and possesses medical registration in any place where the non-local medical schools concerned are located;
- (c) he/she has been engaged in full-time employment as a medical practitioner with special registration (see paragraph 16 below) in any of the public healthcare institutions (i.e. HA, DH, HKU and

³ The numbers of medical students admitted under JUPAS and non-JUPAS in 2016 to 2020 are as follows –

	2016		2017		2018		2019		2020	
	JUPAS	Non-JUPAS	JUPAS	Non-JUPAS	JUPAS	Non-JUPAS	JUPAS	Non-JUPAS	JUPAS	Non-JUPAS
HKU	166	74	169	66	112	131	138	137	149	145
CUHK	141	90	131	105	155	76	237	54	184	85
Total	307 (65%)	164 (35%)	300 (64%)	171 (36%)	267 (56%)	207 (44%)	375 (66%)	191 (34%)	333 (59%)	230 (41%)

Note: There is no readily available information on whether those non-JUPAS intakes were coming from non-local high schools or were non-Hong Kong Diploma of Secondary Education Examination local students.

⁴ We propose that the new pathway be applicable to HKPRs only, on consideration of their cultural and language background and their attachment to Hong Kong.

CUHK) for at least five years after obtaining specialist qualification (see paragraph 17 below); and

- (d) he/she is considered by the employing healthcare institutions to have served satisfactorily and competently as a medical practitioner during the five years (or more) period.

13. For the purpose of determining the list of recognized medical qualifications awarded by non-local medical schools⁵, we propose establishing a statutory Special Registration Committee (“SRC”) comprising –

- (a) Director of Health (“DoH”) or his/her representative;
- (b) Chief Executive of HA or his/her representative;
- (c) Chairman of MCHK;
- (d) President of the Hong Kong Academy of Medicine (“HKAM”);
- (e) Dean of the Faculty of Medicine of HKU;
- (f) Dean of the Faculty of Medicine of CUHK;
- (g) not more than three persons, who are members of MCHK, to be appointed by the Chief Executive; and
- (h) not more than one other person to be appointed by the Chief Executive.

We consider that the proposed composition is appropriate in upholding professional standards while ensuring objectivity and impartiality. While SRC is proposed to be established under MCHK⁶, which is the regulatory authority to handle registration and disciplinary regulation of medical practitioners in Hong Kong, we propose that SRC is to be solely and independently responsible for the determination of the list of recognized medical qualifications awarded by non-local medical schools in an objective, impartial and transparent manner, and to submit the list of recognized medical qualifications to the Registrar of Medical Practitioners (i.e. DoH) (“Registrar”) direct for promulgation. Such proposed arrangement is generally in line with the existing operation of MRO in that the Registrar is responsible for all administrative matters relating to the registration of medical practitioners. The professional regulation,

⁵ A non-local medical school may offer more than one medical programmes leading to award of different medical qualifications.

⁶ As a committee under MCHK, SRC may report the progress of its work to MCHK on a regular basis, in line with the established practice of other committees under MCHK. MCHK may also provide the administrative, secretarial or other services SRC requests for performing its functions.

conduct and disciplinary matters over the doctors, including those with special registration, will continue to come under the oversight of MCHK. We further propose that the chairperson of SRC is to be appointed by the Chief Executive from within the members, and the chairperson will have a casting vote at SRC meetings, the quorum for which is three members. To cater for any unforeseen circumstances, we also propose that, if the Secretary for Food and Health (“SFH”) considers that the public interest so requires, SFH may issue directives to SRC about SRC’s performance of its functions.

14. For greater assurance to the general public that we will continue to uphold the professional standards of doctors in Hong Kong, we propose stipulating in the Bill that in determining the list of recognized medical qualifications awarded by non-local medical schools, SRC should take into account (a) the medium of instruction and the curriculum of the medical programmes concerned, (b) international rankings of the non-local awarding bodies of the medical qualifications and (c) any other aspects deemed appropriate. As a matter of principle, the medical qualifications awarded by non-local medical schools should be broadly comparable to those awarded by HKU and CUHK. With reference to the information available, we expect that the number of recognized medical qualifications will unlikely exceed 100.

15. Currently, the recognized local medical schools for registration are specified in Schedule 1 to MRO. For consistency, we propose that the list of recognized medical qualifications awarded by non-local medical schools be promulgated by the Registrar as recommended by SRC as a new schedule to MRO by legal notice in the Gazette. There will not be any discretionary power for the Registrar to vary the list so recommended by SRC. The legal notice will be subject to negative vetting by LegCo. After promulgation, the list will also be reviewed by SRC at three-year intervals. Any subsequent changes to the list (i.e. addition or deletion) will only take effect in a prospective manner, i.e. applicable to the first-year intakes after the effective date of the changes only, without affecting those who are already pursuing the relevant medical programmes.

16. Under the new pathway, a HKPR possessing a recognized medical qualification on the list as well as medical registration in any place where the medical schools awarding recognized medical qualifications are located will be eligible to a new form of registration (i.e. special registration) in Hong Kong, provided that he/she has a full-time job offer

as a medical practitioner from any of the public healthcare institutions and he/she is of good character and has good professional conduct. The maximum duration of special registration is proposed to be three years, same as that of limited registration (see Footnote 2 above). Prescribed fees are payable on the grant of a special registration and its subsequent renewal, and those fees are set at full cost-recovery level. Prior to applying for full registration, a medical practitioner with special registration must have obtained a specialist qualification recognized by HKAM⁷ and subsequently engaged in full-time employment as a medical practitioner with special registration in one or more than one public healthcare institution for at least five years.

17. In other words, non-local doctors with a specialist qualification recognized by HKAM may apply for full registration after completing five years of service in the public healthcare institutions. For those non-local doctors who have yet to receive specialist training, they will have to complete the entire specialist training in Hong Kong, which normally lasts for at least six years. For those who have attained a qualification comparable to the pre-intermediate/intermediate examinations of constituent Colleges of HKAM, they will have to continue the remaining specialist training for a period of at least five/three years in Hong Kong, subject to the advice of HKAM based on the circumstances of individual cases.

Other Related Issues

18. Though not directly relevant to the proposal, as raised by relevant stakeholders during our engagement process in connection with the Bill, we reckon that the public healthcare system in Hong Kong is facing many challenges, which would need to be dealt with separately. Some structural problems also need to be addressed in order to improve public healthcare services. It is thus imperative for the Government to ensure a stable and sufficient supply of doctors to implement various improvements and new measures.

19. In fact, the Government has implemented and will continue to pursue various measures to enhance public healthcare services, including —

⁷ Currently, HKAM has no reciprocal recognition scheme with its counterparts outside Hong Kong at the specialist level. There is a list of recognized qualifications comparable to the Intermediate Examinations of the constituent Colleges of HKAM.

- (a) retaining HA doctors (including the Retired and Rehire Scheme, the recruitment of part-time doctors, providing more promotion and training opportunities, etc.);
- (b) promoting public-private partnership so as to tap into the capacity of the private healthcare sector, thereby alleviating the pressure on the public healthcare sector;
- (c) upgrading hardware facilities by implementing two “Ten-year Hospital Development Plans” to provide additional hospital beds; and
- (d) promoting primary healthcare and strengthening co-ordination among various professions, sectors and organisations in the primary healthcare area with a view to alleviating the pressure on public hospitals.

20. Without sufficient doctors, it is extremely difficult to materialise any service improvement. We believe that the new pathway of special registration will attract more qualified non-locally trained doctors to return and practise in Hong Kong so as to increase the manpower of doctors in the public healthcare system.

21. Even with the availability of more non-locally trained doctors in the foreseeable future, we will continue to uphold the Government’s earlier commitment that HA will employ all qualified local medical graduates and provide them with specialist training. Accordingly, local medical students’ concern about job security could be allayed.

OTHER OPTIONS

22. The proposed new pathway for admission of qualified non-locally trained doctors to obtain special registration as well as full registration in Hong Kong without passing the Licensing Examination could only be implemented through legislative means. There are no other options.

THE BILL

23. The main provisions of the Bill are as follows –

(a) **Clause 6** amends section 8 of MRO to enable a person to apply for registration under section 14 of MRO if -

- (i) 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, DH, HA, HKU or CUHK) (*employing institution*) for a total of at least five years (*service period*) after being awarded a Fellowship of HKAM (or after being certified by HKAM 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));
- (ii) the person is certified by HKAM to have satisfied the necessary continuing medical education requirements during the service period; and
- (iii) the person is considered by the employing institution(s) to have served satisfactorily and competently as a medical practitioner during the service period.

(b) **Clause 8** provides for matters including -

- (i) the requirements for the grant or renewal of special registration which include -
 - A. the applicant is a HKPR;
 - B. the applicant holds a recognized medical qualification;
 - C. the applicant is registered under the law of a qualifying place as a medical practitioner;
 - D. the applicant has been selected for full-time employment as a medical practitioner with special registration in a specified institution; and
 - E. the applicant is of good character and has good professional conduct;
- (ii) the meaning of qualifying place and recognized medical qualification;

- (iii) the validity period of a special registration on its grant and renewal;
 - (iv) the establishment, functions and composition of SRC; and
 - (v) the Registrar's obligation to recognize medical qualifications recommended by SRC (or to revoke the recognition of medical qualifications on SRC's recommendation);
- (c) **Clause 12** adds the new Schedules 1A and 1B to MRO. The new Schedule 1A lists the recognized medical qualifications for the purposes of special registration. The new Schedule 1B lists the specified institutions for the purposes of MRO;
- (d) **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 Part V of the General Register to be an elector, proposer or seconder in an election as defined by section 2 of that Regulation;
- (e) **Clause 14** amends the fee schedule in the Medical Registration (Fees) Regulation (Cap. 161 sub. leg. C) to provide for the fee for registration in Part V of the General Register kept in accordance with section 6(1) of MRO and the fee for a practising certificate for a medical practitioner with special registration; and
- (f) **Clause 15** amends the Medical Practitioners (Registration and Disciplinary Procedure) Regulation (Cap. 161 sub. leg. E) to specify the documents and particulars required for -
- (i) an application by a medical practitioner with special registration for a full registration under section 14 of MRO; and
 - (ii) an application for a special registration.
24. The existing provisions being amended are at **Annex B**.

LEGISLATIVE TIMETABLE

25. The legislative timetable will be –

Publication in the Gazette	21 May 2021
First Reading and commencement of Second Reading debate	2 June 2021
Resumption of Second Reading debate, committee stage and Third Reading	To be notified

IMPLICATIONS OF THE PROPOSAL

26. The Bill is in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the binding effect of the existing provisions of MRO and its subsidiary legislation. The proposal has civil service, financial, economic, family and sustainability implications set out at **Annex C**. It has no environmental or gender implications.

PUBLIC CONSULTATION

27. The LegCo Panel on Health Services discussed the Member's Bill proposed by Hon Tommy Cheung on 5 February 2021. At the Panel meeting, the majority of Panel members present indicated support for Hon Tommy Cheung's proposal and called for immediate action to admit more non-locally trained doctors to meet the demand in the public healthcare sector. We informed the Panel at the meeting that the Government would take over Hon Tommy Cheung's legislative proposal with suitable amendments.

28. Subsequently, FHB briefed the representatives of MCHK, HKAM, the Hong Kong Medical Association, HA, DH, the two local medical schools (including medical school students) and other medical associations on the proposal in February to April 2021. We also conducted engagement sessions with frontline doctors' unions, patient groups, as well as the education sector and parents' groups to gauge their views on the proposal. While the medical profession has reservation about the proposal in general, the patient groups are in full support.

PUBLICITY

29. We will hold a press conference on 18 May 2021 to elaborate on the proposal.

ENQUIRIES

30. Any enquiries on this brief can be addressed to Mr Chris FUNG, Principal Assistant Secretary for Food and Health (Health) 3 (Tel: 3509 8917).

Food and Health Bureau
18 May 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".

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."

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.

2. Interpretation

(1) In this Ordinance, unless the context otherwise requires — (*Amended 10 of 2005 s. 61*)

Academy of Medicine (醫學專科學院) means the Hong Kong Academy of Medicine established by the Hong Kong Academy of Medicine Ordinance (Cap. 419); (*Added 7 of 1996 s. 2*)

Amending Ordinance (修訂條例) means the Medical Registration (Amendment) Ordinance 1995 (87 of 1995); (*Added 25 of 1997 s. 2*)

approved subvented hospital (經批准補助醫院) means a hospital recognized by the Council as an approved subvented hospital for the purposes of this Ordinance; (*Added 63 of 1982 s. 2*)

assessor (審裁員) means—

(a) a lay assessor; or

(b) a medical assessor; (*Added 15 of 2018 s. 3*)

Chairman (主席) means the Chairman of the Council and includes any person elected to act as Chairman under section 3A(4); (*Added 30 of 1966 s. 2. Amended 3 of 1988 s. 2*)

Commencement (生效日期) means 1 September 1996, being the day on which the Amending Ordinance (other than sections 14 and 16 thereof) came into operation by virtue of the Medical Registration (Amendment) Ordinance 1995 (87 of 1995) (Commencement) Notice 1996 (*L.N. 158 of 1996*); (*Added 25 of 1997 s. 2*)

committee (委員會) means a committee established under section 20BA; (*Added 7 of 1996 s. 2*)

Council (醫務委員會) means the Medical Council of Hong Kong established under section 3;

Director (署長) means the Director of Health; (*Amended L.N. 76 of 1989*)

Education and Accreditation Committee (教育及評審委員會) means the committee established under section 20BA(2)(b); (*Added 7 of 1996 s. 2*)

Enactment Date (制定日期) means 3 August 1995, being the date of the enactment of the Amending Ordinance; (*Added 25 of 1997 s. 2*)

Ethics Committee (道德事務委員會) means the committee established under section 20BA(2)(c); (*Added 7 of 1996 s. 2*)

Fellow (院士) has the meaning given by section 2 of the Hong Kong Academy of Medicine Ordinance (Cap. 419); (*Added 15 of 2018 s. 3*)

General Register (普通科醫生名冊) means the register kept in accordance with section 6(1); (*Added 7 of 1996 s. 2*)

Health Committee (健康事務委員會) means the committee established under section 20BA(2)(e); (*Added 7 of 1996 s. 2*)

Hospital Authority (醫院管理局) means the Hospital Authority within the meaning of the Hospital Authority Ordinance (Cap. 113); (*Added 7 of 1996 s. 2*)

inquiry panel (研訊小組) means an inquiry panel appointed under section 20X(1); (*Added 15 of 2018 s. 3*)

lay assessor (業外審裁員) means an assessor appointed under section 20BB(4); (*Added 15 of 2018 s. 3*)

legal adviser (法律顧問) means a legal adviser appointed under section 3B(1); (*Added 15 of 2018 s. 3*)

Licentiate Committee (執照組) means the committee established under section 20BA(2)(a); (*Added 7 of 1996 s. 2*)

Licensing Examination (執業資格試) means the examination set by the Council under section 7; (*Added 87 of 1995 s. 2*)

limited registration (有限度註冊) means registration limited in accordance with section 14A in respect of the period for which and the employment for the purposes of which it has effect; (*Added 38 of 1992 s. 2*)

medical assessor (醫生審裁員) means an assessor appointed under section 20BC(4); (*Added 15 of 2018 s. 3*)

Medical Practitioners Election Regulation (《醫生選舉規例》) means the Medical Practitioners (Electoral Provisions) (Procedure) Regulation (Cap. 161 sub. leg. B); (*Added 15 of 2018 s. 3*)

mental hospital (精神病院) has the meaning given by section 2(1) of the Mental Health Ordinance (Cap. 136); (*Added 15 of 2018 s. 3*)

Original Ordinance (原條例) means the Medical Registration Ordinance (Cap. 161) which was in force immediately before the Commencement; (*Added 25 of 1997 s. 2*)

Original Provisions (原條文) means the provisions in the Original Ordinance which are set out in Schedule 3; (*Added 25 of 1997 s. 2*)

patient organization (病人組織) means an organization that satisfies the eligibility requirements prescribed by the Patient Organizations Election Regulation; (*Added 15 of 2018 s. 3*)

Patient Organizations Election Regulation (《病人組織選舉規例》) means the regulation made under section 33(3A); (*Added 15 of 2018 s. 3*)

Permanent Secretary (常任秘書長) means the Permanent Secretary for Food and Health (Health); (*Added 15 of 2018 s. 3*)

practice (執業) includes the diagnosis of any form of disease whether the cases so diagnosed be treated medically or surgically or not; (*Replaced 68 of 1986 s. 2*)

practising certificate (執業證明書) means a certificate issued under section 20A(2); (*Added 70 of 1975 s. 2*)

Preliminary Investigation Committee (初步偵訊委員會) means a committee established under section 20BA(2)(d); (*Added 7 of 1996 s. 2. Amended 15 of 2018 s. 3*)

prescribed (訂明) means prescribed by regulations made under section 33;

provisional registration and ***provisionally registered*** (臨時註冊) mean respectively provisional registration and provisionally registered in accordance with the provisions of section 12;

qualifying examination (資格檢定考試) means an examination which has to be passed in order to qualify for the award of a degree specified in section 8(1)(a); (*Replaced 87 of 1995 s. 2*)

registered medical practitioner (註冊醫生) means a person who is registered, or is deemed to be so registered under the provisions of section 29;

Registrar (註冊主任) means the Registrar of Medical Practitioners; (*Amended 70 of 1975 s. 2*)

registration and ***registered*** (註冊) mean respectively registration and registered in accordance with the provisions of section 14, 14A or 14B; (*Amended 63 of 1982 s. 2; 38 of 1992 s. 2; 7 of 1996 s. 2*)

Secretary (秘書) means the Secretary of the Council appointed under section 3B(1); (*Added 30 of 1966 s. 2. Amended 15 of 2018 s. 3*)

Specialist Register (專科醫生名冊) means the register kept in accordance with section 6(3); (*Added 7 of 1996 s. 2*)

temporary registration (暫時註冊) means registration in accordance with section 14B. (*Added 7 of 1996 s. 2*)

- (2) For the purposes of sections 21(5), 21A(2) and 25(2), an appeal to the Court of Appeal shall be deemed to be finally determined when the earliest of the following events occurs, whichever is applicable in the circumstances—
- (a) when the appeal to the Court of Appeal is withdrawn or abandoned;
 - (b) when the specified period expires without an application for leave to appeal having been made to the Court of Appeal;
 - (c) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Appeal—
 - (i) when the application is withdrawn or abandoned;
 - (ii) if the application is refused, when the specified period expires without an application for leave to appeal having been made to the Court of Final Appeal; or
 - (iii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of; or
 - (d) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Final Appeal—
 - (i) when the application is withdrawn, abandoned or refused; or
 - (ii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of. (*Added 10 of 2005 s. 61*)
- (3) In subsection (2)—

application for leave to appeal (上訴許可申請) means an application made to the Court of Appeal or the Court of Final Appeal under section 24 of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) for leave to appeal to the Court of Final Appeal from a judgment of the Court of Appeal;

specified period (指明限期)—

- (a) in the case of an application for leave to appeal made to the Court of Appeal, means—
 - (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(2) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is required to be filed; or

- (ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Appeal extends that period, the period as so extended; or
 - (b) in the case of an application for leave to appeal made to the Court of Final Appeal, means—
 - (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(4) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is required to be filed; or
 - (ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Final Appeal extends that period, the period as so extended. (*Added 10 of 2005 s. 61*)
- (Amended 25 of 1984 s. 2; 87 of 1995 s. 2; 7 of 1996 s. 2)*

3. **Establishment and composition of Council**

- (1) There shall be established within Hong Kong a Council to be called the Medical Council of Hong Kong. (*Amended 25 of 1984 s. 10*)
- (2) The Council is to consist of the following members— (*Amended 15 of 2018 s. 4*)
 - (a)-(b) (*Repealed 7 of 1996 s. 3*)
 - (c) the Director, or his or her representative, as ex officio member (*ex officio member*); (*Replaced 15 of 2018 s. 4*)
 - (d) 2 registered medical practitioners nominated by the University of Hong Kong and appointed by the Chief Executive; (*Amended 63 of 1982 s. 3*)
 - (da) 2 registered medical practitioners nominated by The Chinese University of Hong Kong and appointed by the Chief Executive; (*Added 63 of 1982 s. 3*)
 - (db) the Chief Executive of the Hospital Authority, or his or her representative, as ex officio member; (*Replaced 15 of 2018 s. 4*)
 - (e)-(f) (*Repealed 7 of 1996 s. 3*)
 - (g) 4 lay members to be appointed by the Chief Executive; (*Added 3 of 1988 s. 3*)
 - (ga) 3 lay members elected under the Patient Organizations Election Regulation by patient organizations; (*Added 15 of 2018 s. 4*)
 - (gb) 1 lay member nominated by the Consumer Council; (*Added 15 of 2018 s. 4*)

- (h) 2 registered medical practitioners nominated by the Academy of Medicine and appointed by the Chief Executive; *(Added 7 of 1996 s. 3)*
- (ha) 2 registered medical practitioners who are Fellows nominated and elected by Fellows in accordance with the regulations or procedures of the Academy of Medicine; *(Added 15 of 2018 s. 4)*
- (i) 7 registered medical practitioners who are members of the Hong Kong Medical Association and nominated in accordance with the regulations or procedures of the Association relating to the filling of offices under this paragraph and elected by the Council members of the Association in accordance with those regulations or procedures; *(Added 7 of 1996 s. 3)*
- (j) 7 registered medical practitioners registered in Part I of the General Register and ordinarily resident in Hong Kong elected by all registered medical practitioners registered in Parts I and III of the General Register pursuant to an election held under the Medical Practitioners Election Regulation. *(Added 7 of 1996 s. 3)*
(Replaced 14 of 1960 s. 2. Amended 37 of 2000 s. 3)
- (3) Subject to subsections (4) and (6), a member of the Council appointed under subsection (2)(d), (da), (g) or (h) holds office for 3 years from the date of his appointment and, at the expiry of his period of appointment or of any period for which he is reappointed, shall be eligible for reappointment for further periods of 3 years each. *(Amended 63 of 1982 s. 3; 3 of 1988 s. 3)*
- (3AA) Subject to subsections (4) and (6A), a member described in subsection (2)(ga) or (ha)—
 - (a) holds office for 3 years from the date of notification in the Gazette of the member's election; and
 - (b) is eligible for re-election. *(Added 15 of 2018 s. 4)*
- (3AAB) Subject to subsections (4) and (6A), a member described in subsection (2)(gb)—
 - (a) holds office for 3 years from the date of notification in the Gazette of the member's nomination; and
 - (b) is eligible for re-nomination. *(Added 15 of 2018 s. 4)*
- (3A) Subject to subsections (4) and (6A), a member described in subsection (2)(i) or (j), other than a member described in subsection (5C) or (5D)—
 - (a) holds office for 3 years from the date of notification in the Gazette of the member's election; and

- (b) is eligible for re-election. *(Replaced 15 of 2018 s. 4)*
- (3AB) Subject to subsection (5AAE), the Academy of Medicine must, within 3 months before the term of office of a member described in subsection (2)(ha) expires, conduct an election in accordance with its regulations or procedures to elect a person to succeed that member. *(Added 15 of 2018 s. 4)*
- (3B) Subject to subsection (5A), the Hong Kong Medical Association shall, within 3 months before the term of office of a member described in subsection (2)(i) expires, conduct an election to elect a person qualified under subsection (2)(i) to succeed that member. *(Added 7 of 1996 s. 3)*
- (4) Any member of the Council who is not an ex officio member may at any time resign by giving notice in writing to the Chairman.
- (5) Where, before the expiry of the period of his appointment, any member of the Council appointed by the Chief Executive resigns or his office becomes vacant, the Chief Executive may appoint a person who is suitably qualified for appointment under subsection (2) to hold office in place of that member until the expiry of the period for which he was appointed. *(Amended 37 of 2000 s. 3)*
- (5AA) If, before the term of office of a member described in subsection (2)(ga) expires, the member resigns or the office otherwise becomes vacant, and—
- (a) the unexpired term of the office is not less than one year when the vacancy arises, an election under the Patient Organizations Election Regulation must be conducted to fill the vacancy; or
 - (b) the unexpired term of the office is less than one year when the vacancy arises, the Permanent Secretary must, as soon as possible, on the nomination by any lay member of the Council, appoint a person who, in the opinion of the Permanent Secretary, represents the interests of patients to fill the vacancy. *(Added 15 of 2018 s. 4)*
- (5AAB) A member elected or appointed to fill a vacancy under subsection (5AA) holds office from the date of election or appointment until the end of the unexpired term. *(Added 15 of 2018 s. 4)*
- (5AAC) If, before the term of office of a member described in subsection (2)(gb) expires, the member resigns or the office otherwise becomes vacant, the Consumer Council must, as soon as possible, nominate a person to fill the vacancy. *(Added 15 of 2018 s. 4)*

- (5AAD) A member nominated to fill a vacancy under subsection (5AAC) holds office from the date of nomination until the end of the unexpired term. *(Added 15 of 2018 s. 4)*
- (5AAE) If, before the term of office of a member described in subsection (2)(ha) expires, the member resigns or the office otherwise becomes vacant, the Academy of Medicine must, as soon as possible, conduct an election in accordance with its regulations or procedures to fill the vacancy. *(Added 15 of 2018 s. 4)*
- (5AAF) A member elected to fill a vacancy under subsection (5AAE) holds office from the date of election until the end of the unexpired term. *(Added 15 of 2018 s. 4)*
- (5A) Where, before the term of office of a member described in subsection (2)(i) expires, the member resigns or his office becomes vacant, the Hong Kong Medical Association shall, as soon as possible, conduct an election to elect a person qualified under subsection (2)(i) to fill that vacancy, and the member elected to fill the vacancy shall hold office from the date of election until the end of the unexpired term. *(Added 7 of 1996 s. 3)*
- (5B) Where, before the term of office of a member described in subsection (2)(j) expires, the member resigns or his office becomes vacant, and— *(Amended 15 of 2018 s. 4)*
- (a) if the unexpired period of his office at the time the vacancy arises is not less than 1 year, an election under the Medical Practitioners Election Regulation must be conducted to fill the vacancy; or
- (b) if the unexpired period of his office at the time the vacancy arises is less than 1 year, the Council shall, as soon as possible, on the nomination by any member of the Council who is a registered medical practitioner, appoint a registered medical practitioner whom the Council considers appropriate to fill that vacancy,
- and the member so elected or appointed to fill the vacancy shall hold office from the date of election or appointment, as the case may be, until the end of the unexpired term. *(Added 7 of 1996 s. 3)*
- (5C) Of the first 7 members elected to hold office under subsection (2)(i)—
- (a) 3 shall hold office for 3 years;
- (b) 2 shall hold office for 2 years; and
- (c) 2 shall hold office for 1 year,

all from the date of notification in the Gazette of their having been elected and the Council of the Hong Kong Medical Association shall, in its absolute discretion, determine the respective term of office of each such elected member in accordance with this subsection. (*Added 7 of 1996 s. 3*)

(5D) Of the first 7 members elected to hold office under subsection (2)(j)—

- (a) 3 shall hold office for 3 years;
- (b) 2 shall hold office for 2 years; and
- (c) 2 shall hold office for 1 year,

all from the date of notification in the Gazette of their having been elected, and the respective term of office of each such member shall be determined in accordance with the Medical Practitioners Election Regulation. (*Added 7 of 1996 s. 3*)

(6) If any member appointed by the Chief Executive, or any ex officio member— (*Amended 15 of 2018 s. 4*)

- (a) is sentenced to a term of imprisonment for any offence;
- (b) is the subject of an order made under section 21 or 21A;
- (c) becomes bankrupt, or enters into a composition or arrangement with his or her creditors without paying them in full;
- (d) is found by the Health Committee after due hearing to be incapacitated from carrying out the duties of his office by reason of physical or mental illness;
- (e) is no longer ordinarily resident in Hong Kong; or
- (f) is, in the opinion of the Chief Executive, unable or unfit to perform his duties and exercise his powers as a member of the Council,

the Chief Executive may declare the member's office of membership of the Council to be vacant. (*Amended 37 of 2000 s. 3*)

(6A) If a member of the Council, other than a member described in subsection (6)— (*Amended 15 of 2018 s. 4*)

- (a) is sentenced to a term of imprisonment for any offence;
- (b) is the subject of an order made under section 21 or 21A;
- (c) becomes bankrupt, or enters into a composition or arrangement with his or her creditors without paying them in full;
- (d) is found by the Health Committee after due hearing to be incapacitated from carrying out the duties of his office by reason of physical or mental illness;

- (e) is no longer ordinarily resident in Hong Kong; or
- (f) is, in the opinion of the Council, unable or unfit to perform his duties and exercise his powers as a member of the Council,

the Council may declare the member's office of membership of the Council to be vacant. (*Added 7 of 1996 s. 3*)

- (7) Notwithstanding anything in this section, a person—
 - (a) against whom an order under section 21 has at any time been made; or
 - (b) who is—
 - (i) undergoing a sentence of imprisonment;
 - (ii) detained in a mental hospital; or
 - (iii) an undischarged bankrupt,

is not eligible for nomination, re-nomination, appointment, reappointment, election or re-election, as the case may be, as a member of the Council.

- (8) (*Repealed 15 of 2018 s. 4*)
- (9) After a person is elected or nominated to hold an office in the Council described in subsection (2)(ga), (gb), (ha), (i) or (j), the Secretary must publish a notification in the Gazette of the person's election or nomination. (*Added 15 of 2018 s. 4*)
(Amended 70 of 1975 s. 3; 7 of 1996 s. 3; 15 of 2018 s. 4)

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)*

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;
 - (b) he has passed the Licensing Examination and has completed the period of assessment provided for in section 10A;
 - (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)*

Editorial Note:

[#] Commencement date: 1 September 1996.

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*)

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)

Schedule 1

[ss. 8 & 9]
(Amended 7 of 1996 s. 46)

Universities in Hong Kong Specified under Section 8

1. The University of Hong Kong
2. The Chinese University of Hong Kong

(Schedule 1 replaced 87 of 1995 s. 18. Amended E.R. 7 of 2020)

5. Qualifications of electors, proposers and seconders

- (1) A registered medical practitioner who has been registered in Part I or III of the General Register for at least 2 months immediately before the issue of a notice of election is qualified to vote in the election which is the subject of that notice.
- (2) A registered medical practitioner who has been registered in Part I or III of the General Register for at least 2 months immediately before the issue of a notice of election is qualified to subscribe to the nomination of a candidate in the election which is the subject of that notice as a proposer or seconder.

Schedule

[s. 2]

Fees

Item	Particular	Fee \$
1.	Registration in Part I of the General Register	1,220
2.	Registration in Part II of the General Register	400
3.	Registration in Part III of the General Register	1,270
4.	Inclusion of name in the Specialist Register	1,220
5.	Restoration to the General or Specialist Register	795
6.	Certificate of good standing	425
7.	Certificate verifying registration in the General Register, or inclusion of name in the Specialist Register	370
8.	Alteration to the General or Specialist Register	395
9.	Certified copy of an entry in the General or Specialist Register	490
10.	Practising certificate—	
	(a) for a medical practitioner registered under section 14 of the Ordinance in the General Register	405
	(b) for a medical practitioner registered with limited registration under section 14A of the Ordinance	405
	(c) or a medical practitioner registered with temporary registration under section 14B of the Ordinance	300
11.	Retention fee for certificate under section 19A of the Ordinance	370
12.	Application under section 7A(1)(a) of the Ordinance	1,590
13.	Licensing examination fees—	
	(a) examination in professional knowledge	3,220
	(b) proficiency test in medical English	1,850
	(c) clinical examination	3,540
	(d) any one discipline in the clinical examination	1,380
14.	Certified copy of record of training received during the period of assessment under section 10A of the Ordinance	430

15. Verbatim record of proceedings of an inquiry for each 43
folio of 72 words or part thereof
(L.N. 313 of 2000; L.N. 83 of 2006; L.N. 133 of 2015)

3. Application for registration

- (1) An application for registration under section 14 or 14A 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 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.

Implications of the Proposal

Civil Service and Financial Implications

Compared with the option of training a doctor through the local University Grants Committee system, the proposal of allowing non-locally trained doctors to be registered in Hong Kong may be considered as a cost-effective and efficient alternative to increase the supply of doctors. In the longer term, with more non-locally trained doctors registered in Hong Kong, the Government may not need to substantially increase the number of local medical training places to meet the increasing demand. This may help contain the public expenditure on the training of additional doctors.

2. Currently, the Boards and Councils Office (“the Office”) of the Department of Health (“DH”) provides secretariat support to the Medical Council of Hong Kong (“MCHK”). The secretariat staff are mainly civil servants under the establishment of DH. Costs for the day-to-day administration of MCHK are also met from funds provided by DH.

3. Among some 70 posts of the establishment of the Office, there are at present 17 civil service posts which are primarily or exclusively responsible for providing secretariat and executive support to MCHK in carrying out its statutory functions. As a stop-gap measure to expedite complaint handling and conduct of disciplinary inquiries after the passage of the Medical Registration (Amendment) Bill 2017, nine time-limited posts have also been created from 2018-19 to 2023-24.

4. With the implementation of the current proposal, the Office is expected to provide secretariat support to the new Special Registration Committee under MCHK, to liaise with non-local medical schools to obtain information on their curriculum and medium of instruction, as well as to conduct research on international rankings of medical schools.

5. The Food and Health Bureau and DH would consider the resources requirements for the above secretariat support in detail after the passage of the relevant legislation and seek additional resources, if required, with justifications in accordance with the established resources allocation mechanism.

Economic Implications

6. The proposal would facilitate the admission of non-locally trained doctors to practise in Hong Kong, and help meet the expectedly rising healthcare needs of the ageing population, thereby contributing to the sustainability of the healthcare system as a whole in the long run.

Family Implications

7. The proposal is expected to attract more qualified non-locally trained doctors to serve in Hong Kong, which would help provide better care and healthcare services for those with special needs as well as their family members.

Sustainability Implications

8. The proposal to facilitate admission of non-locally trained doctors would provide additional healthcare manpower which could in turn improve the provision of healthcare services, and be conducive to sustainable development.
