

立法會
Legislative Council

(issued by email only)
LC Paper No. CB(3) 1068/20-21

Ref : CB(3)/B/FH/2 (20-21)

Tel : 3919 3308

Date : 11 October 2021

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 13 October 2021

**Proposed amendments to
the Medical Registration (Amendment) Bill 2021**

Members were informed vide LC Paper No. CB(3) 1033/20-21 issued on 30 September 2021 that the President has given permission for the Secretary for Food and Health and Dr Hon Pierre CHAN to respectively move amendments to the captioned Bill. Members are invited to note that the President has also given permission for Hon SHIU Ka-fai, subject to the Bill receiving Second Reading, to move amendments to the Bill.

2. As directed by the President, Hon SHIU Ka-fai's proposed amendments are attached for Members' consideration.

(Vincent CHAN)
for Clerk to the Legislative Council

Encl.

Medical Registration (Amendment) Bill 2021

Committee Stage

Amendments to be moved by the Honourable SHIU Ka-fai

<u>Clause</u>	<u>Amendment Proposed</u>
New	<p>By adding—</p> <p>“5A. Section 7A amended (eligibility for taking Licensing Examination)</p> <p>(1) Section 7A(1)(a), English text—</p> <p>Repeal “he”</p> <p>Substitute “the person”.</p> <p>(2) Section 7A(1)(b)—</p> <p>Repeal “he satisfies the Council”</p> <p>Substitute “the person satisfies the Council that the person is of good character and”.</p> <p>(3) Section 7A(1)(b)(i)—</p> <p>Repeal “he”</p> <p>Substitute “the person”.</p> <p>(4) Section 7A(1)(b)(i)—</p> <p>Repeal “Council; and”</p> <p>Substitute “Council; or”.</p>

(5) Section 7A(1)(b)—

Repeal subparagraph (ii)

Substitute

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

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

6 By adding—

“(1) Section 8(1)(a), English text—

Repeal

“he” (wherever appearing)

Substitute

“the person”.

(2) Section 8(1)—

Repeal paragraph (b)

Substitute

“(b) the person—

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

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

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

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

6 By adding—
“(4) Section 8(1)(c), English text—

Repeal

“his”

Substitute

“the person’s”.

(5) Section 8(1)(d)—

Repeal

“he” (wherever appearing)

Substitute

“the person”.’.

New By adding—

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

Section 10A(1), after “section 14”—

Add

“or 14C”.’.

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

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

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

8 By deleting the proposed section 14C(3)(b) and substituting—
“(b) the person is a specified person;”.

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

- 8 In the proposed section 14C, by adding—
- “(3A) The requirements for the renewal of a special registration are that—
- (a) the person has been continuously engaged in full-time employment as a medical practitioner with special registration in a specified institution since being granted a special registration; and
 - (b) the person is of good character and has good professional conduct.”.

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

- 8 In the proposed section 14C, by adding—
- “(4A) If the result or findings mentioned in subsection (4) are that an applicant has not met the requirement specified in subsection (3)(e) or (3A)(b), the Registrar is to be regarded as not being satisfied that the applicant has met the requirement and must accordingly refuse the application concerned.”.

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

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

“*recognized employment qualification* (獲承認受僱資歷)—see section 14D;

specified person (指明人士) means a person who falls within any of the following descriptions—

- (a) the person—
 - (i) holds a recognized medical qualification;
 - (ii) is registered under the law of a qualifying place as a medical practitioner in that place; and
 - (iii) for a person who is not a Hong Kong permanent resident, a child born to a Hong Kong permanent resident or a spouse of a Hong Kong permanent resident—

- (A) has been awarded a Fellowship of the Academy of Medicine in a specialty, or has been certified by the Academy of Medicine to have completed the training, and obtained the qualification, comparable to that required of a Fellow in a specialty by the Academy; and
 - (B) has been certified by the Academy of Medicine to have satisfied the continuing medical education requirements for the specialty;
- (b) the person—
 - (i) has a recognized employment qualification;
 - (ii) is registered under the law of a qualifying place as a medical practitioner in that place;
 - (iii) has been awarded a Fellowship of the Academy of Medicine in a specialty, or has been certified by the Academy of Medicine to have completed the training, and obtained the qualification, comparable to that required of a Fellow in a specialty by the Academy; and
 - (iv) has been certified by the Academy of Medicine to have satisfied the continuing medical education requirements for the specialty;
- (c) the person—
 - (i) took the Licensing Examination as a person described in section 7A(1)(b)(ii), and has passed the Licensing Examination; and
 - (ii) has completed the period of assessment required under section 10A;
- (d) the person—
 - (i) has been engaged in full-time employment as a medical practitioner with limited registration in one or more than one specified institution for a total of at least 5 years;
 - (ii) has been awarded a Fellowship of the Academy of Medicine in a specialty, or has been certified by the Academy of Medicine to have completed the training, and obtained the qualification, comparable to that required of a Fellow in a specialty by the Academy; and

- (iii) has been certified by the Academy of Medicine to have satisfied the continuing medical education requirements for the specialty.”.

8 In the proposed section 14D, in the heading, by deleting “**and recognized medical qualification**” and substituting “, **recognized employment qualification and recognized medical qualification**”.

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

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

8 In the proposed section 14D, by adding—

“(2A) For the purposes of paragraph (b) of the definition of **specified person** in section 14C(8), if, on the date of making an application for the grant of a special registration under section 14C(2), a person—

- (a) has been engaged in full-time employment in a body specified in column 3 of Part 1 of Schedule 1A (**specified body**) as a clinical instructor in a programme that leads to the award of a medical qualification specified in column 4 of that Part opposite that specified body for a continuous period of at least 5 years; or

- (b) has been engaged in full-time employment as a medical practitioner in one or more than one affiliated hospital of a specified body for a total of at least 5 years,

that employment qualification is, in relation to the person, a recognized employment qualification (irrespective of whether the person is still in the employ of that specified body or any one of the affiliated hospitals), and any place specified in column 2 of that Part is, in relation to the person, a qualifying place.”.

- 8 In the proposed section 14D, by adding—
- “(4) In subsection (2A)—
- affiliated hospital* (附屬醫院) means a hospital which is either owned by or contracted with a specified body within the meaning of subsection (2A)(a) where clinical education in respect of the programme mentioned in that subsection is conducted;
- clinical instructor* (臨床教學人員) means a person who has been qualified to conduct clinical activities and to provide clinical education in the programme mentioned in subsection (2A)(a).”.
- 8 In the proposed section 14E(1)(c), by deleting “21(1)(i) or 21A(1)(a)” and substituting “21(1)(i) or (ii) or 21A(1)(a) or (b)”.
- 8 In the proposed section 14E(3), in the definition of *offering institution*, by adding “or (3A)(a)” after “14C(3)(d)”.
- 8 In the proposed section 14G(1)(e), by deleting “the Faculty” and substituting “Li Ka Shing Faculty”.
- 15(4) In the proposed section 3(3)(1)(ii), by deleting “mentioned in section 8(1)(ba)(ii) of the Ordinance” and substituting “that the applicant has satisfied the continuing medical education requirements for the specialty concerned during the service period (within the meaning of that section 8(1)(ba))”.
- 15(4) In the proposed section 3(3)(1)(iii), by deleting “is considered by the employing institution or employing institutions (within the meaning of that section 8(1)(ba)(i))” and substituting “has been considered by the employing institution or employing institutions (within the meaning of that section 8(1)(ba))”.
- 15(4) In the proposed section 3(3)(1)(iii), by deleting “period (within the meaning of that section 8(1)(ba)(i))” and substituting “period”.
- 15(5) In the proposed section 3(4)(a), by deleting “section 3(3)(a), (b), (c), (d), (e)” and substituting “subsection (3)(a), (b), (c), (d)”.

15(5)

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

- “(ab) for an applicant who claims to fall within paragraph (a) of the definition of *specified person* in section 14C(8) of the Ordinance and who is not a Hong Kong permanent resident, a child born to a Hong Kong permanent resident or a spouse of a Hong Kong permanent resident—evidence of the Academy of Medicine’s certification that the applicant has satisfied the continuing medical education requirements for the specialty concerned;
- (ac) for an applicant who claims to fall within paragraph (a) of the definition of *specified person* in section 14C(8) of the Ordinance and who is a child born to a Hong Kong permanent resident or a spouse of a Hong Kong permanent resident—the original or certified true copy of the applicant’s birth certificate or marriage certificate, and the identity card or passport (or both) of the parent or the spouse concerned (as the case may be);
- (ad) for an applicant who claims to fall within paragraph (b) of the definition of *specified person* in section 14C(8) of the Ordinance—
 - (i) evidence that the applicant has the recognized employment qualification (within the meaning of section 14C(8) of the Ordinance), including evidence of the period of employment; and
 - (ii) evidence of the Academy of Medicine’s certification that the applicant has satisfied the continuing medical education requirements for the specialty concerned;
- (ae) for an applicant who claims to fall within paragraph (c) of the definition of *specified person* in section 14C(8) of the Ordinance—the evidence mentioned in subsection (3)(g);
- (af) for an applicant who claims to fall within paragraph (c) of the definition of *specified person* in section 14C(8) of the Ordinance and who is a child born to a Hong Kong permanent resident or a spouse of a Hong Kong permanent resident—the original or certified true copy of the applicant’s birth certificate or marriage certificate, and the identity card or passport (or both) of the parent or the spouse concerned (as the case may be);
- (ag) for an applicant who claims to fall within paragraph (d) of the definition of *specified person* in section 14C(8) of the Ordinance—
 - (i) evidence of the applicant’s registration as a medical practitioner with limited registration, including evidence of the period of registration;

- (ii) evidence that the applicant has been engaged in the employment described in paragraph (d)(i) of that definition, including evidence of the period of employment; and
- (iii) evidence of the Academy of Medicine’s certification that the applicant has satisfied the continuing medical education requirements for the specialty concerned;”.

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

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

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

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

- “(d) for an application for the grant of a special registration—evidence that the applicant has been selected for full-time employment as a medical practitioner with special registration in a specified institution; and
- (e) for an application for the renewal of a special registration—evidence that the applicant has been engaged in the employment described in section 14C(3A)(a) of the Ordinance, including evidence of the period of employment.”.