

**立法會**  
**Legislative Council**

LC Paper No. LS77/20-21

**Paper for the House Committee Meeting  
on 4 June 2021**

**Legal Service Division Report on  
Medical Registration (Amendment) Bill 2021**

**I. SUMMARY**

- 1. The Bill**

The Bill seeks to amend the Medical Registration Ordinance (Cap. 161) and three items of subsidiary legislation to:

  - (a) provide for a new type of registration known as special registration under Cap. 161 in order to create a new pathway for non-locally trained medical practitioners who are Hong Kong permanent residents to practise in Hong Kong, subject to certain criteria being met; and
  - (b) make related and consequential amendments.
- 2. Public Consultation**

The Administration has briefed and conducted engagement sessions with relevant parties on the proposal. According to the Administration, while the medical profession has reservation about the proposal in general, the patient groups are in full support.
- 3. Consultation with LegCo Panel**

The Panel on Health Services was consulted on 5 February 2021 regarding Hon Tommy CHEUNG's proposed bill and the Administration's proposal regarding the admission of non-locally trained medical practitioners in Hong Kong. As Hon Tommy CHEUNG's proposal was supported by a majority of Panel members, the Administration undertook to take over his proposal with suitable amendments.
- 4. Conclusion**

The Legal Service Division is scrutinizing the legal and drafting aspects of the Bill. Since the Bill seeks to introduce a new pathway for non-locally trained medical practitioners to obtain full registration in Hong Kong, members may wish to form a Bills Committee to study the Bill in detail.

## II. REPORT

The date of First Reading of the Bill is 2 June 2021. Members may refer to the Legislative Council ("LegCo") Brief (File Ref.: FH CR 1/F/3261/92) issued by the Food and Health Bureau on 18 May 2021 for further details.

### Object of the Bill

2. The Bill seeks to amend the Medical Registration Ordinance (Cap. 161) and three items of subsidiary legislation to:

- (a) provide for a new type of registration known as special registration under Cap. 161 in order to create a new pathway for non-locally trained medical practitioners who are Hong Kong permanent residents to practise in Hong Kong, subject to certain criteria being met; and
- (b) make related and consequential amendments.

### Background

3. Currently under section 8(1)(a) and (b) of Cap. 161, a person may apply for full registration as a medical practitioner in Hong Kong under either of the following routes:

- (a) he or she has been awarded a degree of medicine and surgery by The University of Hong Kong ("HKU") or The Chinese University of Hong Kong ("CUHK") and is also certified under section 9 of Cap. 161 that he or she has had the prescribed experience (i.e. one-year residency prescribed under section 2 of the Medical Registration (Miscellaneous Provisions) Regulation (Cap. 161D)); or
- (b) he or she has passed the Licensing Examination and has completed the period of assessment provided for in section 10A of Cap. 161 (i.e. such period of assessment which is generally not exceeding 12 months (as prescribed under section 3 of Cap. 161D) as determined by the Medical Council of Hong Kong ("Medical Council")).<sup>1</sup>

4. According to paragraphs 3 to 11 of the LegCo Brief, in view of a number of concerns including severe shortage of medical practitioners in Hong

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<sup>1</sup> For a non-locally trained person wishing to practise as a medical practitioner in Hong Kong, he or she may, apart from proceeding through the route stated in paragraph 3(b) above, apply for registration as a medical practitioner with limited registration for a period of three years under section 14A of Cap. 161 if he or she has satisfied the Medical Council that he or she has fulfilled certain relevant requirements.

Kong and for the overall benefit of the community, the Administration is of the view that it is imminent to create a new pathway under Cap. 161 for qualified non-locally trained medical practitioners 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. The Bill is thus introduced into LegCo to provide for such an alternative pathway and related matters.

## **Provisions of the Bill**

### Proposed new type of registration known as special registration for non-locally trained medical practitioners to practise in Hong Kong

#### *Proposed new qualification for full registration*

5. Under the proposed new section 8(1)(ba) of Cap. 161 (clause 6 of the Bill), a person would be eligible for full registration as a medical practitioner in Hong Kong if the person:

- (a) has been engaged in full-time employment as a medical practitioner with special registration in one or more than one institution specified in the proposed new Schedule 1B to Cap. 161 ("employing institution") for a total of at least five years ("service period") after the person (i) was awarded a Fellowship of the Hong Kong Academy of Medicine ("Academy of Medicine") in a specialty, or (ii) 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, whichever is the earlier;
- (b) is certified by the Academy of Medicine to have satisfied the continuing medical education requirements for the specialty during the service period; and
- (c) 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.

6. The proposed new Schedule 1B to Cap. 161 contains four specified institutions, namely, the Department of Health ("DH"), the Hospital Authority ("HA"), HKU and CUHK. Pursuant to the proposed new section 14I of Cap. 161, the Secretary for Food and Health ("SFH") may, by notice published in the Gazette, amend Schedule 1B. Such notice would be subsidiary legislation subject to scrutiny by LegCo pursuant to the negative vetting procedure.

#### *Proposed new type of registration known as special registration*

7. A new section 14C is proposed to be added to Cap. 161 (clause 8 of the Bill) to provide for the grant and renewal of a special registration to a person as

a medical practitioner by the Registrar of Medical Practitioners ("Registrar") upon application. To be eligible for a special registration, the applicant must:

- (a) be a Hong Kong permanent resident;
- (b) hold a recognized medical qualification;
- (c) be registered under the law of a qualifying place (as specified in the proposed new Schedule 1A as stated in paragraph 12 below) as a medical practitioner in that place;
- (d) have been selected for full-time employment as a medical practitioner with special registration in a specified institution; and
- (e) be of good character and have good professional conduct.

8. Under the proposed new section 14E of Cap. 161, the maximum term of a special registration or renewal of such registration would be three years. A person with special registration would 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.

*Proposed establishment of Special Registration Committee and recognition of medical qualifications for the purposes of special registration*

9. Pursuant to the proposed new section 14F of Cap. 161 (clause 8 of the Bill), a proposed new committee known as the Special Registration Committee ("SRC") would be established 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 special registration under the proposed new section 14C. SRC would be established under the Medical Council so that the Medical Council may provide the administrative, secretarial or other services that SRC requests for performing its functions under Cap. 161. If SFH considers that the public interest so requires, it is proposed that SFH may issue to SRC directives about SRC's performance of its functions under Cap. 161.

10. Under the proposed new section 14G of Cap. 161, SRC would consist of not more than 10 members, namely, (a) the Director of Health (or his or her representative), (b) the Chief Executive of HA (or his or her representative), (c) the Chairman of the Medical Council, (d) the President of the Academy of Medicine, (e) the Dean of the Faculty of Medicine of HKU, (f) the Dean of the Faculty of Medicine of CUHK, (g) not more than three persons being members of the Medical Council to be appointed by the Chief Executive ("CE"), and (h) not more than one other person to be appointed by CE. The chairperson of SRC would be appointed by CE from amongst its members.

11. Under the proposed new section 14F(3) of Cap. 161, SRC would only recommend a medical qualification for the purposes of special registration if the medical qualification is:

- (a) at the level of degree or higher;
- (b) awarded by a body in a place outside Hong Kong that is broadly comparable to any local university (i.e. HKU and CUHK currently specified in Schedule 1 to Cap. 161) in terms of international rankings; and
- (c) broadly comparable to the medical qualifications awarded by any local university in terms of the curriculum of the programmes leading to the award of the medical qualifications, the medium of instruction of the programmes, and any other aspects as SRC considers appropriate.

12. Under the proposed new section 14D of Cap. 161, the list of recognized medical qualifications (including the corresponding qualifying places for the purposes of special registration) would be specified in the proposed new Schedule 1A to Cap. 161. The proposed new Schedule 1A currently contains no list of recognized medical qualifications. Pursuant to the proposed new section 14H of Cap. 161, on receiving a recommendation made by SRC on the medical qualifications to be recognized (or no longer to be recognized) for the purposes of special registration, the Registrar must, by notice published in the Gazette, amend the proposed new Schedule 1A for recognizing the medical qualifications or revoking the recognition of the medical qualifications. Such notice would be subsidiary legislation subject to scrutiny by LegCo pursuant to the negative vetting procedure.

#### Other amendments

13. The Bill also proposes to make related and consequential amendments including:

- (a) amending section 3(2)(j) of Cap. 161 and section 5 of the Medical Practitioners (Electoral Provisions) (Procedure) Regulation (Cap. 161B) to the effect that a medical practitioner with special registration would be an elector, proposer or seconder in an election held for electing medical practitioners to be members of the Medical Council (clauses 4 and 13 of the Bill); and
- (b) amending section 6 of Cap. 161 to include a proposed new Part V in the General Register required to be kept for medical practitioners with special registration (clause 5 of the Bill).

#### **Commencement**

14. The Bill, if passed, would come into operation on the day on which it is published in the Gazette as an Ordinance.

## **Public Consultation**

15. According to paragraph 28 of the LegCo Brief, the Administration has briefed the representatives of the Medical Council, the Academy of Medicine, the Hong Kong Medical Association, HA, DH, the two local medical schools (including medical school students) and other medical associations on the legislative proposal in February to April 2021. The Administration has 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. According to the Administration, while the medical profession has reservation about the proposal in general, the patient groups are in full support.

## **Consultation with LegCo Panel**

16. As advised by the Clerk to the Panel on Health Services, the Panel was consulted, at its meeting on 5 February 2021, on the Administration's proposed legislative framework for a new pathway to allow qualified non-locally trained medical practitioners to practise in Hong Kong's public healthcare sector and on Hon Tommy CHEUNG's proposed bill to amend Cap. 161 to achieve a similar objective. On the Administration's proposal, concerns were raised on a number of issues including the eligibility criteria for admission, the impartiality of the committee for determining a list of recognized medical schools and the limited number of medical practitioners so admitted. Hon Tommy CHEUNG's proposal was supported by a majority of members present at the meeting. The Administration undertook to take over his proposal with suitable amendments.

## **Conclusion**

17. The Legal Service Division is scrutinizing the legal and drafting aspects of the Bill. Since the Bill seeks to introduce a new pathway for non-locally trained medical practitioners to obtain full registration in Hong Kong, members may wish to form a Bills Committee to study the Bill in detail.

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