



香 港 醫 學 會
The Hong Kong Medical Association

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MEMBER OF WORLD MEDICAL ASSOCIATION AND CONFEDERATION OF MEDICAL ASSOCIATIONS IN ASIA & OCEANIA

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5 December 2016

Mr Patrick NIP, JP

Permanent Secretary for Food and Health (Health)

Convenor of Tripartite Platform on Amendments to Medical Registration Ordinance

Request on Adding Agenda Items for Upcoming Tripartite Platform Meeting

I am writing to request the adding of below two issues in the agenda of the upcoming Tripartite Platform on Amendments to Medical Registration Ordinance meeting:

- (1) Proposal and Performance pledges for handling patients' complaint (in the attachment);
- (2) Medical Manpower in the context of MCHK reform.

Thank you very much for your kind attention.

Yours sincerely,

Dr. LEUNG Ka Lau

Then Hong Kong Medical Association

Proposals to increase efficiency of handling patients' complaint

1. To increase administrative and clerical support to the MCHK Secretariat, so as to assist the complainant to provide statutory declaration and to obtain medical record.
2. To appoint persons with adequate legal qualification as Secretary / Deputy Secretary of MCHK, so that claim against defendant doctors may be drafted and presented without the help of Department of Justice.
3. To appoint a full time Legal Advisor and re-arrange his duty so that he is only required to attend Council meeting for the purpose of inquiry, but not other meetings not required by law.
4. To set up one or more new committees / sub-committees to assist the Preliminary Investigative Committee as permitted by law. To increase the frequency of PIC meeting according to the availability of members.
5. To increase the frequency of Council meeting for the purpose of inquiry according to the availability of MCHK members / assessors.

Proposed performance pledges for Pre-PIC & PIC Stages for increasing efficiency of handling patients' complaint

Procedures (as listed in LegCo document bc5420160419cb2-1363-1-e)	Average time required between 2012-14	Proposed performance pledges
Complaint received		
1. To seek the PIC chairman's directive	1 month	
2. To obtain the statutory declaration of the complainant and/or consent of the patient for release of medical records/reports from the clinic(s) /hospital(s)	3 months	14 days
Cases those are not groundless nor frivolous should be referred to PIC		
3. To seek and receive the medical records/reports from the clinic(s)/ hospital(s)	3 months	56 days
4. To seek the PIC's directive after the medical records/reports have been obtained	2 months	1 month
5. To invite expert(s) to give opinions for the complaint cases	4 months	2 months
6. Expert(s) provide opinions based on the medical documents sent to the expert(s)	2 months	1 month

7. To seek the PIC's directive after the opinions from the expert(s) have been obtained	2 months	1 month
8. To draft PIC Notice containing charge(s) against the doctor	3 months	1 month
9. To seek Department of Justice's comments on the draft PIC Notice	3 months	1 month
10. To seek the PIC's directive upon receipt of comments from DoJ on the draft PIC Notice	2 months	1 month
11. To issue the PIC Notice to the defendant for written explanation to PIC (may grant up to three months' time to the defendant)	3 months	
12. To prepare the case bundle for discussion of the complaint case at its monthly PIC	2 months	1 month
PIC convenes meeting to decide whether to refer the case to inquiry		
Total time Required	30 months	15.5 months

Proposed performance pledges for Inquiry Stage for increasing efficiency of handling patients' complaint

Procedure (as listed in LegCo document bc5420160419cb2-1363-1-e)	Average time required between 2012-14	Proposed performance pledges
1a) Secretariat to secure an expert witness for	1-3 months	1 month
1b) Government Counsel (GC) to study the case in depth and comment the draft Notice of Inquiry	2 months	
2. GC to seek funding approval to engage the expert witness; Secretariat to consult GC on the instructions letter to the experts regarding the draft expert report	1 month	
3. To seek the expert's draft supplementary opinion for GC's consideration	1 month	
4. GC and Secretariat to tidy up the case information and interview the complainant and expert witness with a view to producing the witness statement and finalising the expert report	2 month	
5. Formation of inquiry panel and scheduling of the inquiry date	20 months	180 days

6. Secretariat to prepare the inquiry bundle in consultation with GC	0.5 month	
7. Issue bundles to all parties 10 days before inquiry	0.5 month	
Total time required	28 months	12 months