

AMENDMENTS TO THE MEDICAL REGISTRATION ORDINANCE

COMPLAINT INVESTIGATION AND DISCIPLINARY INQUIRY MECHANISM

IMPROVEMENT PROPOSALS

KEY PRINCIPLES

1.

Protecting
**public
interest**

- **Urgency to improve the mechanism** to clear the existing backlog and handle new complaint cases
- Need to **substantially improve the efficiency** and **enhance flexibility** of the mechanism

KEY PRINCIPLES

2.

Modern
mechanism
separate from
but under the
auspices of
MCHK

- **Inquiry Committee** set up under MCHK to conduct inquiry (instead of “Council conducting inquiry”)

KEY PRINCIPLES

3.

Upholding
**professional
autonomy**

Role of MCHK

- Decides on the no. of PICs & Inquiry Committees
- Appoints MCHK members & assessors to form PICs & Inquiry Committees and their chairman/ deputy chairman
- Sets qualification requirements of assessors

KEY PRINCIPLES

4.

**Increased
lay
participation**

5.

**More than one
PIC and
Inquiry
Committee**

6.

**Refined and
simplified
composition of
PIC**

KEY PRINCIPLES

7.
MCHK
members
and/or
assessors could
form PIC &
Inquiry
Committee

8.
A large pool of
medical and lay
assessors to
participate in PIC
and Inquiry
Committee

PROPOSAL PROCESS

Existing

Pre-PIC Stage

(preliminary consideration by PIC chairman,
for dismissed cases, consultation with deputy chairman and
lay Council member*)

**consultation with lay Council member is
an administrative arrangement*

1
PIC

“Council conducting inquiry”

Proposed

Pre-PIC Stage

(preliminary consideration by PIC chairman,
for dismissed cases, consultation with deputy chairman and
lay person*)

**consultation with lay person to be changed to
a statutory requirement*

>1
PIC

>1
Inquiry Committee

-- Supported by
sufficient medical and lay assessors --

PIC AND INQUIRY COMMITTEE PROPOSED FEATURES

More than one

Both MCHK members
and assessors
can participate

Increased lay
participation but
less than half

MCHK member or
assessor to be PIC
chairman & deputy
chairman, Inquiry
Committee chairman

Majority of PIC and
Inquiry Committee
members need to be
doctors

PROPOSAL

POOL OF ASSESSORS

Existing

Total: 14

- Appointed by MCHK
 - 10 doctors nominated by 5 institutions
(2 each from HA, DH, HKU, CUHK, HKAM)
 - 4 lay nominated by SFH

Proposed

Total: 70 – 140

- To be appointed by MCHK
- MCHK to be empowered to set qualification requirements
- Composition of assessors to be set out in schedule of the Ordinance
 - **40-80 doctors**
 - 5-10 each nominated by 8 institutions –
Existing: HA, DH, HKU, CUHK, HKAM
Newly added: e.g. HKMA, HKDU, PDA
 - **30-60 lay**
 - 5-10 each from nomination by –
 - 1) a panel of persons nominated by patient organizations
 - 2) Hong Kong Bar Association
 - 3) Law Society of Hong Kong
 - 4) Hong Kong Council of Social Service
 - 5) MCHK members
 - 6) Government

PROPOSAL

PIC

Existing

One PIC

Composition

- 7 members appointed by MCHK
 - 3 MCHK members (at least 1 lay member)
 - 4 non-MCHK members (doctors whom HKMA, DH, HA and a MCHK member can each nominate 1)

Current practice

6 doctors + 1 lay Council member

Chairman and Deputy Chairman

- elected from among its MCHK members

Quorum (3 members)

- at least one of whom shall be a **lay Council member**, subject to the majority being doctors, including the chairman or deputy chairman, or both

Proposed

More than one PIC

Composition

- 7 members appointed by MCHK
- MCHK member/ assessor
 - 4 doctors
 - 3 lay persons

Chairman and Deputy Chairman

- MCHK member/ assessor

Quorum (3 members)

- at least one of whom shall be a **lay person**, subject to the majority being doctors, including the chairman or deputy chairman, or both

PROPOSAL INQUIRY

Existing

Council conducting inquiry

Quorum

- 5 MCHK members OR
- 3 MCHK members + 2 assessors
- at least one lay Council member and the majority must be doctors

Chairman

- Council Chairman
- If the Council Chairman has involved in the preceding investigation/proceeding of a case, a chairman will be elected from among its MCHK members

Disciplinary power

- Full disciplinary power to make order and review its decisions

Proposed

More than one Inquiry Committee

Composition

- 5 members appointed by MCHK
- MCHK member/ assessor
 - 3 doctors
 - 2 lay persons

Inquiry Committee Chairman

- MCHK member/ assessor

Disciplinary power

- Full disciplinary power to make order and review its decisions

PROPOSAL

LEGAL SUPPORT

Existing

Legal adviser to MCHK

- MCHK may appoint one legal adviser

Provision of legal support for disciplinary inquiries

- The Secretary for Justice may appoint legal officers of the Department of Justice to carry out the statutory duties of the Secretary of MCHK in inquiries

Proposed

Legal adviser to MCHK

- MCHK may appoint more than one legal advisers

Provision of legal support for disciplinary inquiries

- The Secretary for Justice may appoint any counsel or solicitor in private practice (besides legal officers of the Department of Justice) to carry out the statutory duties of the Secretary of MCHK in inquiries

HOW IT WILL WORK

MCHK to set requirements of assessors

Nominating authorities to nominate assessors

MCHK to appoint assessors

POOL OF ASSESSORS

MCHK to appoint PIC and Inquiry Committee

7-member PIC

7-member PIC

7-member PIC

+

5-member
Inquiry
Committee

5-member
Inquiry
Committee

5-member
Inquiry
Committee

+... ..

HOW IT WILL WORK

MCHK receives a complaint

Pre-PIC Stage
(Consideration by PIC chairman, deputy chairman and lay person)

Consideration by PIC

PIC refers case to Inquiry Committee for consideration

Consideration by Inquiry Committee

Inquiry Committee to make order

Registrar to take actions accordingly

**No. of PICs/
Inquiry
Committees**



Target:

2

Years
for majority of
cases requiring
inquiry

- END -