

**Tripartite Platform on
Amendments to the Medical Registration Ordinance
Follow-up Actions Arising from the First Meeting**

Supplementary Information

This note aims to provide supplementary information on the follow-up actions arising from the first meeting for Members' reference -

- (a) Secretariat of the Medical Council of Hong Kong - manpower and annual operating cost (Annex A);
- (b) Statutory regulatory bodies of other professions in Hong Kong - lay participation and ratio (Annex B); and
- (c) Statistics on removal of names from the General Register by the Medical Council of Hong Kong and processing of application for restoration (Annex C).

**Food and Health Bureau (Health Branch)
Tripartite Platform Secretariat
December 2016**

Secretariat of the Medical Council of Hong Kong
Manpower and Annual Operating Cost

(Information provided by the Secretariat of the Medical Council of Hong Kong)

Secretariat of the Medical Council of Hong Kong

The secretariat of the Medical Council of Hong Kong (MCHK) is supported by staff of the Department of Health. They provide executive support to the Council, its committees and sub-committees in handling matters relating to the arrangement and conduct of meetings, registration of doctors, complaints concerning the professional conduct of doctors, disciplinary inquiries, licensing examination and other related work.

Personnel Establishment

Financial Year	2012/13	2013/14	2014/15	2015/16
	Rank			
Principal Executive Officer	1	1	1	1
Chief Executive Officer	1	1	1	1
Senior Executive Officer	2	3	3	3
Executive Officer I	4	4	4	4
Executive Officer II	-	1	1	1
Senior Clerical Officer	1	1	1	1
Clerical Officer	2	2	2	2
Assistant Clerical Officer	2	2	2	2
Officer Assistant	1	1	1	1
Total	14	16	16	16

Note : Not all staff are fully deployed to the MCHK Secretariat. For the personnel establishment in 2015/16, six (i.e. two Senior Executive Officers, two Executive Officers I, one Clerical Officer and one Assistant Clerical Officer) out of the 16 staff are fully deployed to support the MCHK Secretariat. The remaining staff also support the secretariat of other statutory healthcare boards and councils.

Strengthening the Manpower Support of the Secretariat

The Government has provided additional funding for MCHK to employ six additional staff at various ranks to strengthen the manpower support of its Secretariat. The Secretariat has kick-started the relevant recruitment process with a view to identifying suitable incumbents to facilitate MCHK to expedite its complaint handling process at the earliest instance.

Recurrent Operating Cost[®]

	2012/13 (\$ million)	2013/14 (\$ million)	2014/15 (\$ million)	2015/16 (\$ million)
Staff cost	8.14	9.36	9.81	10.61
Legal cost	3.36	3.44	3.10	3.18
Costs related to arranging the licensing examination	3.38	5.88	9.45*	7.70*
Other administrative costs	1.49	1.84	1.60	1.77
Total	16.37	20.52	23.96	23.26

[®] The operating cost covers costs arising from the daily operation of MCHK, registration of doctors, complaints handling, conduct of inquiries and disciplinary proceedings, arrangement of the licensing examination and other related work. The operating cost has not yet included the legal expenses arising from the provision of legal services by the Department of Justice (DoJ). The average annual cost incurred by DoJ for supporting the preliminary investigation and inquiries of MCHK in the past five years was about \$8.5million.

* From 2014 onwards, the number of sitting of the licensing examination has been increased from one to two per annum. The costs related to arranging the licensing examination vary with the number of candidates.

Additional Funding

The Government has provided an additional funding of \$6.2 million to MCHK to increase manpower support (about \$5.10 million) of its Secretariat and to provide honorarium to experts (about \$1.10 million) at the preliminary investigation stage of MCHK, with a view to facilitating its complaint handling process through administrative measures under the current legislative limitation as far as practicable.

Statutory Regulatory Bodies of Other Professions in Hong Kong
Lay Participation and Ratio

	Statutory regulatory body	Total no of members	Lay participation (Lay ratio)
Accountants	Council of the Hong Kong Institute of Certified Public Accountants	23	4 (17%)
Architects	Architects Registration Board	11	0-1 ¹ (0-9%)
Engineers	Engineers Registration Board	36 ²	0-1 ³ (0-3%)
Social Workers	Social Workers Registration Board	15	3-6 ⁴ (20-40%)
Barristers	Bar Council of the Hong Kong Bar Association	25	0 (0%)
Solicitors	Council of The Law Society of Hong Kong	20	0 (0%)
Veterinary Surgeons	Veterinary Surgeons Board	Current : 10 Amendment Bill passed but yet to implement : 19	Current : 3 (30%) Amendment Bill passed but yet to implement : 6 (32%)

¹ The Architects Registration Board includes one member appointed by the Chief Executive (CE). The relevant Ordinance does not specify the appointed person shall be a practitioner or a lay person.

² The Engineers Registration Ordinance, Cap. 409, stipulates that The Engineers Registration Board shall consist of (a) not less than 20 members appointed by the Council of The Hong Kong Institution of Engineers and, (b) may include one member appointed by CE. The total number of Board members depends on the number of members appointed by the Council.

³ The Engineers Registration Board includes one member appointed by CE. The relevant Ordinance does not specify the appointed person shall be a practitioner or a lay person.

⁴ The Social Workers Registration Ordinance stipulates that the Social Workers Registration Board shall consist of 15 members, (a) eight among them are elected by registered social workers, (b) six among them are appointed by CE out of which at least three are non-social workers nor public officer, and (c) the other one is the Director of Social Welfare or his/her representative. The ratio of lay participation depends on the number of social workers appointed by CE.

**Statistics on Removal of Names from the General Register by the
Medical Council of Hong Kong and Processing of Application for Restoration**
(Information provided by the Secretariat of the Medical Council of Hong Kong)

I. Number of Registered Medical Practitioners Removed from the General Register by the Medical Council of Hong Kong (MCHK)

	2013	2014	2015
Whose names been removed from the General Register due to failure to obtain the practising certificate or retention certificate before 30 June	78	90	69
Whose names have been removed pursuant to a disciplinary order	24	15	9
(i) Removed for less than six months	<i>17 (13 with suspension order)</i>	<i>11 (9 with suspension order)</i>	<i>5 (5 with suspension order)</i>
(ii) Removed for more than six months but less than 12 months	4	<i>2 (2 with suspension order)</i>	<i>2 (1 with suspension order)</i>
(iii) Removed for more than 12 months	<i>3 (1 with suspension order)</i>	2	<i>2 (1 with suspension order)</i>
Total	102	105	78

II. Nature of Removal Cases and Related Removal Period

2013

Nature	No. of cases involved	Decision of the Council
(A) Have not obtained the practising certificate or retention certificate before 30 June	78	
(B) Conviction in court		
(a) Offence of indecent assault	(1)	Removed for 18 months
	(1)	Removed for 6 months
(b) Offence of behaving in a disorderly manner in a public place	(1)	Removed for 4 months (suspended for 1 year)
(c) Offence of failure to keep a register of dangerous drugs	(1)	Removed for 1 month (suspended for 1 year)
<i>Sub-total</i>	4	
(C) Disregard of professional responsibility to patients	(1)	Removed for 10 months
	(1)	Removed for 9 months
	(1)	Removed for 4 months (suspended for 1 year)
	(1)	Removed for 3 months
	(1)	3 charges : Removed for 1 month
	(1)	Removed for 2 months (suspended for 1 year)
	(1)	Removed for 1 month (suspended for 1 year)
<i>Sub-total</i>	8	
(D) Issuing misleading/false medical certificates	(1)	1 doctor : Removed for 4 months
<i>Sub-total</i>	1	
(E) Practice Promotion	(1) (for 4 consolidated complaint cases)	Removed for 8 months
	(1) (for 3 consolidated complaint cases)	1 charge : Removed for 1 month (suspended for 1 year) 1 charge : Removed for 1 month (suspended for 1 year) 1 charge : Removed for 3 months (suspended for 2 years) [removal orders run concurrently]

Nature	No. of cases involved	Decision of the Council
	(1) (for 2 consolidated complaint cases)	1 charge : Removed for 2 months (suspended for 2 years) 5 charges : Removed for 2 months (suspended for 1 year) [removal orders run concurrently]
	(2)	Removed for 1 month (suspended for 1 year)
<i>Sub-total</i>	5	
(F) Misleading description and announcement	(1)	1 doctor : Removed for 1 month (suspended for 6 months) 1 doctor : Removed for 1 month (suspended for 6 months)
	(1)	Removed for 1 month (suspended for 6 months)
<i>Sub-total</i>	2	
(G) Improper/indecent behavior to patients	(1)	Removed for 1 year (suspended for 3 years)
	(1) (for 2 consolidated complaint cases)	1 charge : Removed indefinitely 1 charge : Removed for 4 months [removal orders run consecutively]
<i>Sub-total</i>	2	
(H) Abuse of professional confidence	(1)	Removed for 1 month
<i>Sub-total</i>	1	
(I) Others	(1)	Removed for 3 months (suspended for 2 years)
<i>Sub-total</i>	1	
<i>Total</i>	102	

Nature	No. of cases involved	Decision of the Council
(A) Have not obtained the practising certificate or retention certificate before 30 June	90	
(B) Conviction in court		
(a) Indecent assault	(1)	1 charge : Removed for 1 year (suspended for 3 years)
(b) Misconduct in Public Office	(1)	1 charge : Removed for 1 month (suspended for 12 months)
(c) Failure to keep a register of dangerous drugs	(1)	Removed for 6 months (suspended for 24 months)
(d) Agent deceiving his principal with documents which contain false particulars and which is intended to mislead the principal	(1)	Removed for 3 months (suspended for 1 year)
<i>Sub-total</i>	4	
(C) Disregard of professional responsibility to patients	(1)	1 charge : Removed for 3 months (suspended for 24 months) 1 charge : Removed for 1 month (suspended for 24 months) 1 charge : Removed for 1 month (suspended for 24 months) [removal orders run concurrently]
	(1)	1 charge : Removed for 2 months 1 charge : Removed for 2 months [removal orders run concurrently]
	(1)	Removed for 3 months (suspended for 12 months)
	(1)	Removed for 3 months (suspended for 18 months)
	(1)	1 charge : Removed for 12 months 1 charge : Removed for 6 months 1 charge : Removed for 18 months 1 charge : Removed for 24 months [removal orders run concurrently]
	(1)	Removed for 3 months
	(1)	Removed for 1 month (suspended for 12 months)
	(1)	Removed for 4 months (suspended for 24 months)
	(1)	Removed for 2 months (suspended for 12 months)
	(1)	1 charge : Removed for 18 months 1 charge : Removed for 12 months [removal orders run concurrently for 6 months, making total removal period for 24 months]
<i>Sub-total</i>	10	

Nature	No. of cases involved	Decision of the Council
(D) Misleading description and announcement	(1)	1 charge : Removed for 1 month (suspended for 1 year)
<i>Sub-total</i>	1	
Total	105	

Nature	No. of cases involved	Decision of the Council
(A) Have not obtained the practising certificate or retention certificate before 30 June	69	
(B) Conviction in court		
(a) Misconduct in public office and false accounting	(1)	Removed for 6 months
(b) Failure to keep a register of dangerous drugs	(1)	Removed for 2 months (suspended for 12 months)
(c) Behaving in a disorderly manner in public place and resisting a police officer in the due execution of his duty	(1)	Removed for 4 months (suspended for 12 months)
(d) Indecent assault	(1)	1 charge : Removed permanently
<i>Sub-total</i>	4	
(C) Disregard of professional responsibility to patients	(1)	1 charge : Removed for 6 months 1 charge : Removed for 6 months 1 charge : Removed for 3 months (removal orders run concurrently) (suspended for 12 months)
	(1)	1 charge : Removed for 12 months 1 charge : Removed for 9 months (removal orders run concurrently) (suspended for 12 months)
<i>Sub-total</i>	2	
(D) Practice Promotion	(1)	1 charge : Removed for 1 month 1 charge : Removed for 1 month 1 charge : Removed for 1 month 1 charge : Removed for 1 month (removal orders run concurrently) (suspended for 12 months)
	(1) (for 3 consolidated complaint cases)	Removed for 1 month (suspended for 12 months)
	(1)	Removed for 3 months (suspended for 36 months)
<i>Sub-total</i>	3	
Total	78	

III. Processing of Applications for Restoration of Name into the General Register by MCHK

Time Required for Processing of Restoration Applications

For the period from 2013 to 2015, MCHK received and handled 71 restoration applications. Majority of the restoration applications were processed within one month with details as follows :

(a) 87% (one month)

- names have been removed from the General Register due to the failure to obtain practising certificate or retention certificate before 30 June
- in general, there is no need for MCHK to conduct restoration inquiry to handle these applications

(b) 9% (16 days to 4.5 months)

- names removed from the General Register pursuant to a disciplinary order
- during the enquiry, MCHK might impose conditions on the restoration of names for these doctors. MCHK would take into account such conditions in considering whether the applicants were fit and proper to be restored to the General Register, or to impose conditions on their registration to the General Register
- If considered necessary, MCHK would request the applicants to take appropriate measures (such as completion of continuing medical education) and provide evidence to prove that they were fit and proper to practise

(c) 4% (others)

- applicants who had outstanding or new complaint cases or new conviction cases when they applied for restoration of names to the General Register
- MCHK could only process these applications after rulings by court or completion of investigation reports by relevant enforcement authorities
- MCHK would conduct restoration inquiry to consider whether these applicants were fit and proper to be restored to the General Register, or to impose conditions on their registration to the General Register

Latest Administrative Arrangement

In 2015, a total of 13 restoration hearings could not be processed as a result of insufficient quorum. MCHK has already implemented new measures by arranging the restoration hearings to be held immediately after the monthly Policy Meeting of MCHK in order to ensure sufficient quorum for conducting restoration hearings.