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Medical Registration (Amendment) Bill 2021

Revisions Proposed by the Government

INTRODUCTION

After due consideration of the views and concerns expressed by Members of the Legislative Council (“LegCo”) Bills Committee thus far, the Government now plans to propose certain revisions to the Medical Registration (Amendment) Bill 2021 (“the Bill”). This paper sets out the details of the proposed revisions.

REVISIONS PROPOSED BY THE GOVERNMENT

(A) Adjust the Hong Kong Permanent Resident (“HKPR”) Requirement for Special Registration

2. Under the Bill, a key criterion for admission of non-locally trained doctors through the new pathway is that the applicant for special registration must be a HKPR. We have proposed that the new pathway be confined to HKPRs only in consideration of their cultural and language background as well as their social ties and attachment to Hong Kong. We envisage that non-locally trained doctors who are HKPRs will stand a higher chance of serving in the healthcare system in Hong Kong for a longer period of time, thus providing greater stability for the system. However, some Bills Committee members consider that the HKPR requirement should be relaxed and some advocate abolishing it altogether to allow the public sector to engage any qualified non-locally trained doctors, HKPRs or otherwise, as special registration doctors.

3. After considering the views of LegCo Members and organisations (including patient groups) which made written submissions earlier to widen the pool of non-locally trained doctors, we **propose** to relax the HKPR requirement such that non-HKPRs holding recognised medical qualifications who possess specialist qualifications recognised or awarded

by the Hong Kong Academy of Medicine (“HKAM”) may also apply for special registration. After all, the Hospital Authority (“HA”)’s acute shortage lies in specialist doctors. Admission of non-locally trained doctors with specialist qualifications recognised and awarded by HKAM can help alleviate the doctors’ manpower shortage problem. These non-locally trained specialist doctors may also assist in training local specialist doctors and support specialist training.

(B) Admit Non-locally Trained Medical Graduates to Licensing Examination

4. While welcoming the Government’s proposal to create a new pathway for admission of non-locally trained doctors, some Bills Committee members opine that the Government should also consider providing facilitation for those non-locally trained medical graduates (in particular those originated from Hong Kong) who have yet to undergo internship outside Hong Kong to also be admitted to take the Licensing Examination in order to obtain full registration in Hong Kong, so as to further widen the pool of non-locally trained doctors.

5. We recognise the difficulty encountered by some non-locally trained medical graduates in securing internship opportunities in their places of studies or elsewhere, rendering them not being able to obtain full registration in those jurisdictions and hence not eligible to join the special registration scheme. We **propose** that non-locally trained medical graduates who are HKPRs and hold the recognised medical qualifications are also eligible to take the Licensing Examination as well as to undergo the period of assessment (i.e. internship), irrespective of whether their medical training includes a period of internship, so as to cast a wider net in attracting non-locally trained doctors (in particular those at their early stage of career development).

6. For those non-locally trained fresh graduates, taking the Licensing Examination should not pose too much a burden. After passing the Licensing Examination, they will be given opportunities to undergo a period of assessment in HA, same as the current arrangement. During the period of assessment, these graduates will receive on-the-job training offered by HA which involves public resources. We therefore consider it appropriate to confine the eligibility of taking the Licensing Examination without undergoing internship to HKPRs only.

7. Subject to their satisfactory performance during the one-year period of assessment, they will be granted special registration (subject to other relevant requirements being met on application) and may obtain full registration eventually after meeting the same requirements as other special registration doctors, including the length of service in the public healthcare institutions. Such proposed facilitation should be able to cater for the needs of non-locally trained fresh graduates who are HKPRs whilst ensuring professional quality and further widening the pool of non-locally trained doctors for the special registration regime to enhance doctor manpower in Hong Kong.

(C) Provide Bridging from Limited Registration to Special Registration

8. Some Bills Committee members raised that when deciding whether the non-locally trained doctors are to be admitted through the new pathway, one should not have sole regard to the recognised medical qualifications to be determined by the Special Registration Committee. For those who do not hold recognised medical qualifications, the standing of the non-local healthcare institutions in which they are practising and their past working experience or achievements should be considered instead. Some noted that many specialists or professors practising or teaching in renowned institutions, who may not be trained in the recognised medical schools and may not qualify for special registration, are not allowed to take part in the special registration scheme.

9. Unlike the programmes offered by the non-local medical schools, given the quantum and diversity, it is not practicable to assess the standards of the non-local healthcare institutions upfront or the past working experience of the applicants for the purpose of the special registration regime. In other words, if we are minded to go along such a direction, it would mean opening the special registration route to individual-based assessment, the details of which could hardly be exhaustively set out in legislation, not to mention that it provides no certainty for prospective medical students and/or their parents to make informed choices. Given that the main objective of special registration is to provide a new pathway for non-locally trained doctors to obtain full registration by reference to their medical training and qualification, we do not consider it appropriate to introduce such a limb in special registration.

10. However, we do recognise that the objective of this idea is to remove a potential barrier (i.e. the requirement for recognised medical qualification) to attracting more qualified and experienced non-locally trained doctors, especially specialist doctors, to come back and serve in Hong Kong. We consider that a bridging arrangement, under which limited registration doctors could migrate to the special registration regime, should be able to achieve a similar effect. Specifically, we **propose** that limited registration doctors, who have worked in the four public healthcare institutions (i.e. HA, the Department of Health, The University of Hong Kong and The Chinese University of Hong Kong) for at least five years, will be eligible to migrate to the special registration route after they have obtained specialist qualification recognised or awarded by HKAM, irrespective of whether they are HKPRs. Other than the requirement on possession of recognised medical qualification, all other requirements for obtaining special registration still apply to these doctors. The proposed new pathway for special registration, including the limb applicable to those non-locally trained medical graduates who have passed the Licensing Examination and the bridging arrangement for limited registration doctors to migrate to the special registration route, is illustrated at **Annex A**.

11. To recognise these limited registration doctors' contribution, we also **propose** that there will be retrospective recognition of the pre-Amendment Ordinance service of the limited registration doctors. That said, they will still have to fulfill the relevant requirement of serving as medical practitioners with special registration in the public healthcare institutions for at least five years after migration to the special registration route.

12. While the existing pool of limited registration doctors working in the public healthcare institutions who could potentially benefit is rather small, we envisage that in the longer run, this variation would help attract more non-locally trained doctors to practise in the local healthcare system by entering the limited registration system and proceed for special registration and eventually full registration.

(D) Other Technical Amendments

13. Apart from the changes proposed above, we will also be making a number of technical amendments to the Bill, with reference to the comments made by the Legal Adviser of the Bills Committee, for better clarity and consistency.

GOVERNMENT COMMITTEE STAGE AMENDMENTS IN DRAFT FORM

14. The draft Committee Stage Amendments (“CSAs”) reflecting the above-mentioned proposed amendments are at **Annex B**.

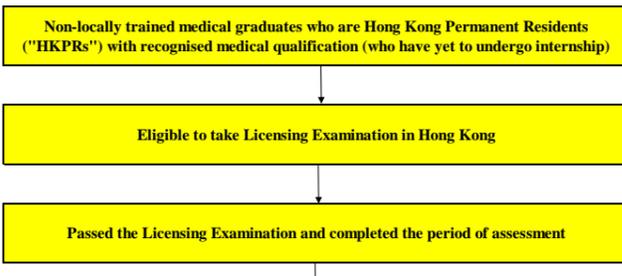
ADVICE SOUGHT

15. Members’ views are sought on the proposed draft CSAs.

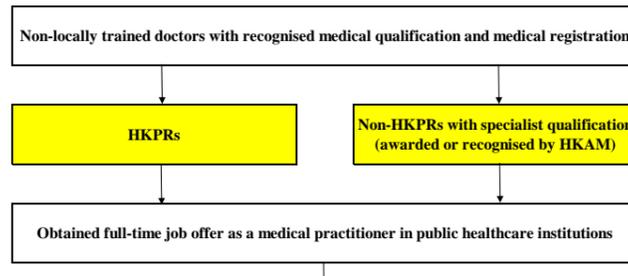
Food and Health Bureau
August 2021

Proposed New Pathway under the Medical Registration (Amendment) Bill 2021

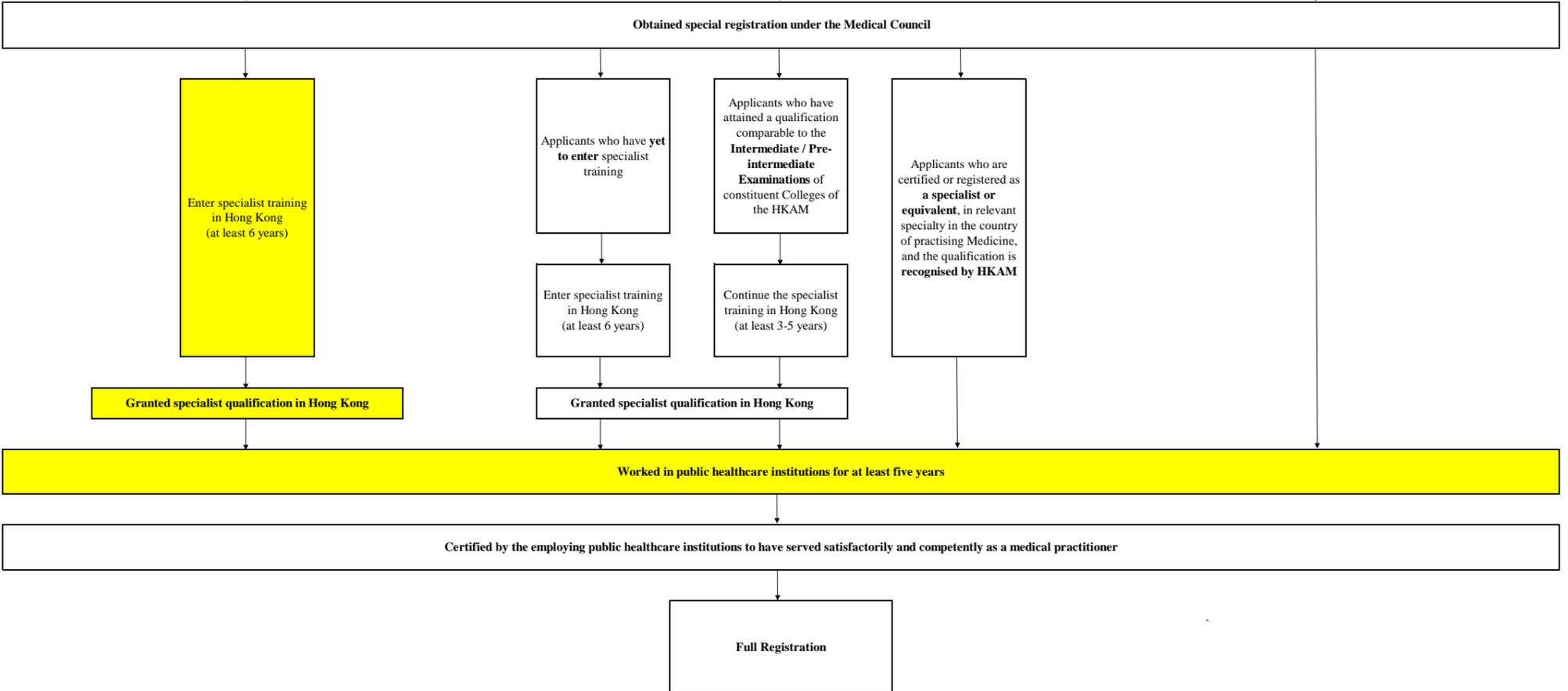
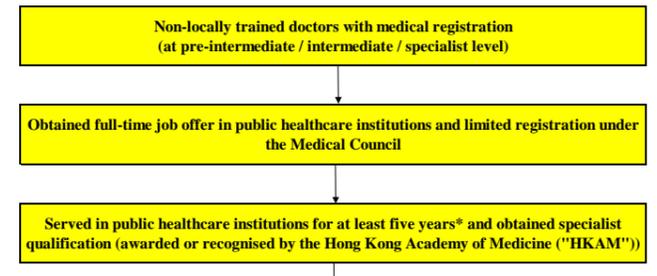
Pathway for Non-locally Trained Medical Graduates to Take Licensing Examination and Obtain Full Registration in Hong Kong



Pathway for Special Registration



Bridging Pathway for Limited Registration Doctors to Migrate to Special Registration Regime



Proposed Changes in CSAs

* There will be retrospective recognition of the pre-Amendment Ordinance service of the limited registration doctors.

Medical Registration (Amendment) Bill 2021

Committee Stage

Amendments to be moved by the Secretary for Food and Health

Clause

Amendment Proposed

New

By adding—

“5A. Section 7A amended (eligibility for taking Licensing Examination)

(1) Section 7A(1)(a), English text—

Repeal

“he”

Substitute

“the person”.

(2) Section 7A(1)(b)—

Repeal

“he satisfies the Council”

Substitute

“the person satisfies the Council that the person is of good character and”.

(3) Section 7A(1)(b)(i)—

Repeal

“he”

Substitute

“the person”.

(4) Section 7A(1)(b)(i)—

Repeal

“Council; and”

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Substitute

“Council; or”.

(5) Section 7A(1)(b)—

Repeal subparagraph (ii)

Substitute

“(i) as an alternative for 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”.

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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

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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 the full stop and substituting a semicolon.

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

“*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) 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;

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- (b) 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;
- (c) 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(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 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

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satisfied the continuing medical education requirements for the specialty concerned during the service period (within the meaning of section 8(1)(ba) of the Ordinance)".

- 15(4) In the proposed section 3(3)(l)(iii), by deleting "that section 8(1)(ba)(i) concerned" and substituting "section 8(1)(ba) of the Ordinance concerned".
- 15(4) In the proposed section 3(3)(l)(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—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 (b) of the definition of *specified person* in section 14C(8) of the Ordinance—the evidence mentioned in subsection (3)(g);
 - (ad) for an applicant who claims to fall within paragraph (c) 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 (c)(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).

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15(5) In the proposed section 3(4)(c), by deleting “place.” and substituting “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 full-time
employment as a medical practitioner with special registration
in a specified institution, including evidence of the period of
employment.”.