



**College Forum regarding the Position Statement on the Medical  
Registration Ordinance (Amendment) Bill issued by the Hong Kong  
Academy of Medicine on 29<sup>th</sup> June 2016**

Abbreviations:

HKAM: Hong Kong Academy of Medicine

MRO: Medical Registration Ordinance

MCHK: Medical Council of Hong Kong

HKMA: Hong Kong Medical Association

HKU: The University of Hong Kong

CUHK: The Chinese University of Hong Kong

DH: Department of Health

HA: Hospital Authority

PIC: Preliminary investigation committee

RMP: Registered medical practitioner

EGM: Extraordinary general meeting

Background:

The Hong Kong Academy of Medicine (HKAM) released a position statement on the Medical Registration Ordinance (MRO) (Amendment) Bill on 29<sup>th</sup> June 2016, supporting the Government's proposal on the reform of the Medical Council of Hong Kong (MCHK). Some Paediatric Fellows had expressed their concern on the Position Statement to the College Council through the Young Fellow Subcommittee. College council then decided to convene a forum open to all College members to discuss on the controversy generated by this Position Statement.

Date: 11<sup>th</sup> July 2016

Time: 1930 – 2200

Venue: Function Room 1, 2/F, Hong Kong Academy of Medicine Jockey Club Building



Number of participants: 23

Forum presentation:

The Forum was chaired by our College president Prof. YL Lau. It was started with our College vice-president Dr. Winnie Tse briefing us the background of the MRO (Amendment) Bill and the series of events in the HKAM Council and College Council surrounding the position statement, followed by our Young Fellow Subcommittee chairman Dr. Euan Soo, narrating the concern from the young Fellows.

Background of the Medical Registration Ordinance (Amendment) Bill 2016

- A steering committee was set up in 2012 to review healthcare manpower planning and professional development (13 healthcare professions)
- The steering committee suggested to increase the supply of healthcare professionals and address regulatory issues of concern to the public e.g. functions of statutory regulatory bodies and their lay membership, admission of non-locally trained healthcare professionals, complaint investigation and disciplinary inquiries
- There is an international trend towards more public participation, greater transparency and accountability in the discharge of self-regulatory functions by healthcare professional bodies. For example, the medical doctors to laypersons ratio in regulatory bodies in Canada, Australia and New Zealand are 2:1 and in United Kingdom is 1:1. The ratio is currently 24:4 in MCHK.
- Current membership of MCHK
  - The total number of members is 28
  - Elected members (14)
    - ◆ 7 members elected by all medical practitioners
    - ◆ 7 representatives of the Hong Kong Medical Association (HKMA) (open nomination, followed by election within HKMA council)
  - Appointed members (14)
    - ◆ 2 representatives of The University of Hong Kong (HKU)
    - ◆ 2 representatives of The Chinese University of Hong Kong (CUHK)



- ◆ 2 representatives of the Department of Health (DH)
- ◆ 2 representatives of the Hospital Authority (HA)
- ◆ 2 representatives of the HKAM
- ◆ 4 lay members
- Government's proposal on membership of MCHK
  - The total number of members will be 32
  - Elected members (16)
    - ◆ 7 members elected by all medical practitioners
    - ◆ 7 representatives of HKMA (open nomination, followed by election within HKMA council)
    - ◆ 2 representatives of the HKAM
  - Appointed members (16)
    - ◆ 2 representatives of The University of Hong Kong (HKU)
    - ◆ 2 representatives of The Chinese University of Hong Kong (CUHK)
    - ◆ 2 representatives of the Department of Health (DH)
    - ◆ 2 representatives of the Hospital Authority (HA)
    - ◆ 8 lay members
- MRO (Amendment) Bill 2016
  - Increase lay members from 4 to 8
  - Increase lay council members to preliminary investigation committee (PIC) from 1 to 2
  - Allow lay assessors, but not only lay council members to form part of the PIC meeting quorum and extend the term of service from no more than 3 months to no more than 12 months
  - Increase lay council members to health committee from 1 to 2
  - Set up more than 1 PIC
  - Registered medical practitioners (RMP) are majority still at inquiry meeting. 5-member quorum includes at least 1 RMP council member, 1 RMP assessor, 1 lay council member or 1 lay assessor.
  - Increase RMP assessors from DH, HA, HKU, CUHK and HKAM from 2 each to 4 each; increase lay assessors from 4 to 14



- Extend the contract of medical practitioners with limited registration from a maximum of 1 year to a maximum of 3 years
- Events involving HKAM Council and our College Council
  - 18<sup>th</sup> April 2016 –
    - ◆ Dr. Donald Li, President of HKAM, drafted a message to all Fellows and solicited comments from HKAM Council members.
  - 19<sup>th</sup> April 2016 –
    - ◆ HKAM sought comments from HKAM Council members on the message to all Fellows and a press release to media.
    - ◆ Prof. YL Lau sought comments from College Council members.
    - ◆ There was no objection from the College Council but College Council did not reply to HKAM Council.
  - 27<sup>th</sup> April 2016 –
    - ◆ A report summarizing the latest development and the Academy's position in the MRO (Amendment) Bill 2016 was issued to Academy Council members for comments by 29 Apr 2016.
    - ◆ College did not reply to HKAM.
  - 3<sup>rd</sup> May 2016 –
    - ◆ Dr. Donald Li responded to another College's comment on the report issued on 27<sup>th</sup> April 2016, with the letter to the Bills Committee's Chairman attached. HKAM Council members' views on his message and whether an urgent meeting should be called were sought.
  - 4<sup>th</sup> May 2016 –
    - ◆ The HKAM report issued on 27<sup>th</sup> Apr, Dr Donald Li's response to another College's comment on the said report and the letter to Bills Committee's Chairman were sent to College Council members.
    - ◆ Reminder to HKAM Council members to respond to Dr Donald Li's message sent on 3<sup>rd</sup> May, including whether an urgent meeting should be called.
    - ◆ HKAM called to request our reply. Our College indicated an urgent



meeting was not necessary, but had requested HKAM to rectify a typo regarding the number of our College Fellows.

- 11th May 2016 –
  - ◆ Discussion of the MRO (Amendment) Bill 2016 at the 162nd College Council Meeting.
- 12<sup>th</sup> May 2016 –
  - ◆ HKAM responded that a typo concerning the number of fellows in our College had been rectified.
- Special HKAM Council meeting on 4<sup>th</sup> July 2016
  - A special HKAM Council meeting was held on 4<sup>th</sup> July 2016. Dr. Winnie Tse attended the meeting on behalf of our College, expressed the concern of some of our Paediatric Fellows and reported the significant opinion difference in our College Council voting concerning support or otherwise the Position Statement.
  - HKAM reiterated that a letter was issued to all fellows in April 2016, informing and explaining the HKAM's stand in the MRO (Amendment) Bill. HKAM did not receive any objections from Fellows or different Colleges.
  - It was confirmed by the legal advisor of HKAM that the act of issuing the Position Statement on 29<sup>th</sup> June 2016 did not lead to any procedural irregularity as the HKAM Council has the mandate to issue position statements to serve its constitutional objects.
  - An Extraordinary General Meeting (EGM) will be held on 16<sup>th</sup> July 2016 at the request of more than 30 fellows in HKAM to discuss on the Position Statement.
  - Another group of 50+ Academy Fellows have also subsequently written in to request an EGM with the motion for the HKAM to retract the Position Statement issued on 29<sup>th</sup> June 2016. The date of the second EGM was not yet decided on.
  - A letter was issued by the HKAM to all Fellows on 5<sup>th</sup> July 2016 after the special council meeting.



#### Concerns from young Fellows:

- Disrupting the ratio between appointed and elected members in the MCHK would lead to the government bringing some form of control into the medical profession and eventually lowering the medical standard in Hong Kong.
- The procedure that needs to go through in the HKAM Council before a position statement is released.
- The method of nominating and electing the two representatives of HKAM in MCHK.

#### Forum discussion:

- The Position Statement released by the HKAM on 29<sup>th</sup> June 2016 was discussed. Some participants in the Forum expressed that consultation to Fellows before issuing the statement was indirect and suboptimal in transparency. According to the HKAM legal advisor, HKAM has the constitutional right to issue position statements on behalf of all Fellows. The act of issuing the Position Statement itself did not cause any violation to procedural regularity. Participants in the Forum agreed that there is room for improvement in terms of communication between HKAM and all Fellows. A call for a referendum before actions should be considered in issues anticipated to have significant controversies.
- The method of generating the two representatives of HKAM in MCHK was discussed. There is actually no real difference between the existing method of election with the HKAM (nominated and elected by the Academy Council, then appointed by the Chief Executive of Hong Kong) and the method proposed by the Government (election by HKAM and skipping appointment by the Chief Executive of Hong Kong). Participants in the Forum agreed that the method of generating these two representatives should be reviewed. Instead of election among HKAM Council members, general poll by all Fellows in the HKAM should be considered.



- The HKAM Council is formed by 6 office bearers, 15 presidents of constituent Colleges and 5 elected members. Any HKAM Fellows can be nominated and elected by the HKAM Council members for the posts of office bearers. For the office bearers, pre-existing HKAM Council membership is not a prerequisite to being nominated. For the elected members, no more than one should come from a single College.
- Some participants worried that the controversy related to the MRO (Amendment) Bill will have a negative impact on the image of Hong Kong doctors. Participants generally support addition of lay members to the MCHK, though there were different opinions on the role of lay members in the MCHK. Participants in the Forum were also concerned about the definition of patient groups, the process of nominating and electing patient representatives to the MCHK and whether they can truly represent the best interest of local patients.

Forum consensus:

1. The Forum welcomed the addition of lay members from patient groups to the MCHK.
2. These lay members have to be elected among all the patient organizations by an open, impartial and clearly defined electoral process to achieve broad representation.
3. The Forum hoped the nomination and election of the two HKAM representatives to the MCHK could be open to further discussion on reaching a broad consensus among Academy fellows.