

Government responds to unfounded remarks concerning professional autonomy of medical profession being undermined by Medical Registration (Amendment) Bill 2021

Regarding the recent remarks by some members of the community that the Medical Registration (Amendment) Bill 2021 would compromise the professional autonomy of the medical profession, the Government sees the need to refute such remarks as they are inaccurate.

Article 142 of the Basic Law stipulates that "the Government of the Hong Kong Special Administrative Region shall, on the basis of maintaining the previous systems concerning the professions, formulate provisions on its own for assessing the qualifications for practice in the various professions", and "the Government of the Hong Kong Special Administrative Region shall continue to recognize the professions and the professional organizations recognized prior to the establishment of the Region, and these organizations may, on their own, assess and confer professional qualifications.". Under the framework of the Basic Law, the power of the Government to determine the qualifications for practice in the medical profession through the enactment or amendment of laws is not in conflict with the authority of the relevant professional organisation (i.e. the Medical Council of Hong Kong (Medical Council)) in assessing and conferring professional qualifications on their own.

Regarding the Bill on admission of non-locally trained Hong Kong doctors, it maintains Medical Council's status as the professional organisation to assess and confer professional medical qualifications and to regulate the doctors, and the existing medical registration regime, including such pathways as Licensing Examination and limited registration. The Bill only introduces special registration as a new pathway, which expands the scope of qualified persons who may apply for registration as doctors. In future, doctors with special registration, like other registered doctors, need to register under the Medical Council, and will be subject to the disciplinary regulation of the Medical Council and the regulatory control of the Medical Registration Ordinance. Once complaints involving professional misconduct are found substantiated, the Medical Council has the power to exercise disciplinary actions on the doctors concerned. The Bill will not compromise the statutory status of the Medical Council nor its role in the registration and disciplinary regulation of medical practitioners in Hong Kong.

As regards the establishment of a Special Registration Committee (SRC) to determine a list of recognised medical qualifications awarded by non-local

medical schools, the Government respects the statutory role of the Medical Council. After careful deliberations, the Government considers it appropriate to establish the SRC under the Medical Council. According to the Bill, among the 10 members of the SRC, six of them (i.e. more than half) are prominent figures of the medical profession. This fully demonstrates the importance that the Government attaches to the medical profession. As for the remaining four members, three of them must be members of the Medical Council. In other words, there will be four representatives from the Medical Council (including the Chairman of the Medical Council and three Medical Council members) serving on the SRC, reflecting a significant level of representation. Like other committees under the Medical Council, the SRC will report its work to the Medical Council. The power of the Medical Council will not be affected by the establishment of the SRC thereunder.

As to the claim by some individuals that the Secretary for Food and Health (SFH) being able to issue directives to the SRC will seriously undermine professional autonomy, we have to emphasise that under the Bill, the SRC is responsible for determining the list of recognised medical qualifications awarded by non-local medical schools, and the SFH will only issue directives to the SRC about SRC's performance of its functions when public interest so requires. SFH's directives will not change the power of the SRC. For instance, if the SRC fails to draw up a list of recognised medical qualifications within a reasonable period of time, the SFH may issue a directive to the SRC requiring the latter to complete the list within a specified timeframe.

The Government would like to reiterate that it is an indisputable fact that Hong Kong is in shortage of doctors, for now and in the foreseeable future. We hope that members of the Legislative Council and the community can support the Bill so that more non-locally trained Hong Kong doctors can return as soon as possible to serve citizens in the public healthcare system.