

LCQ7: Handling of complaints by Medical Council of Hong Kong

Following is a question by the Hon Chung Kwok-pan and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (March 27):

Question:

This Council passed in March last year the amendments to the Medical Registration Ordinance (Cap. 161) to reform the composition of the Medical Council of Hong Kong (MCHK), its mechanisms for complaint investigation and disciplinary inquiry, etc., including allowing MCHK to set up more than one Preliminary Investigation Committee (PIC) and inquiry panels. In this connection, will the Government inform this Council:

(1) whether it knows the number of complaints received by MCHK in each of the past three years and, among such cases, the respective numbers of those (i) determined by PICs of MCHK as having a prima-facie case and (ii) found to be substantiated by the inquiry panels of MCHK; the current number of complaints pending handling, and the estimated time needed to finish handling those cases;

(2) whether it knows (i) the progress of the follow-up actions undertaken by MCHK on the aforesaid legislative amendments and (ii) how the number of complaints handled and the handling time taken (including the time spent on inquiry proceedings) after Cap. 161 was amended compare with the relevant figures prior to that; and

(3) whether the Government has, since March last year, conducted reviews to see if (i) MCHK's progress in handling complaints is satisfactory, (ii) the administrative measures implemented by MCHK are effective, and (iii) any new measures can be put in place to expedite the clearing of the backlog; if it has conducted reviews, of the details; if not, the reasons for that?

Reply:

President,

My reply to the question raised by the Hon Chung Kwok-pan is as follows:

(1) The figures for complaints received by the Medical Council of Hong Kong (MCHK) in the past three years are set out below.

(i) Complaints received by the MCHK from 2016 to 2018

2
0
1
8
T
o
t
a
l
n
u
m
b
e
r
o
f
c
o
m
p
l
a
i
n
t
h
e
y
e
a
r

(ii) Disciplinary inquiries handled by the MCHK (Note 1)

2
0
1
8

N
u
m
b
e
r
o
f
d
i
s
t
i
n
c
t
i
o
n
s
i
n
t
h
e
l
i
b
r
a
r
y
i
n
q
u
i
r
i
e
s

N
u
m
b
e
r
o
f
r
e
g
i
s
t
e
r
e
d
d
o
c
t
o
r
s
f
o
u
n
d
e
d
u
i
l
t
y
a
f
t
e
r
d
i
s
c
i
p
l
i
n
a
r
y
i
n
q
u
i
r
y

N
u
m
b
e
r
o
f
r
e
g
i
s
t
e
r
e
d
d
o
c
t
o
r
s
f
o
u
n
d
n
t
g
u
i
l
t
y
a
f
t
e
r
d
i
s
c
i
p
l
i
n
a
r
y
i
n
q
u
i
r
y

N
u
m
b
e
r
o
f
c
a
s
e
s
t
o
b
e
c
a
r
r
i
e
d
f
o
r
w
a
r
d

Note 1: including cases referred by the Preliminary Investigation Committee (PIC) for disciplinary inquiry in or before the year

Note 2: one of the cases involved two doctors

As at the end of 2018, there were 546, 527 and 103 complaint cases pending handling by the MCHK at Pre-PIC, PIC and inquiry stages respectively.

(2) and (3) Since the passage of the Medical Registration (Amendment) Bill 2017 (the Bill) in March 2018, the Government has been closely liaising and held a number of meetings with the MCHK Secretariat to follow up on various relevant issues, including exploring ways to improve the complaint and inquiry mechanism (the mechanism). Upon the passage of the Bill, the MCHK set up a task force to, amongst others, look into how to improve the mechanism. The task force convened its first meeting in May 2018 to discuss ways to improve the mechanism and made recommendations to the MCHK. In July 2018, the MCHK endorsed the task force's recommendations, including the setting up of an additional Inquiry Panel and an additional PIC in the third and the fourth quarters of 2018 respectively.

The new PIC has convened four meetings since its establishment. As at March 2019, it discussed a total of 199 cases, while the deemed PIC continued to process backlog cases as usual, discussing about 35 cases on average each month. As each complaint case varies in nature, type and complexity, the MCHK, in considering a case, often requires the complainants or relevant institutions to provide further information. Where necessary, the MCHK will

also seek opinions from independent experts and legal advice to ensure that the case is considered in a comprehensive, objective and impartial manner. The new PIC is still at the early stage of establishment, and an accurate estimation of the time it takes to process cases cannot be made at the moment. Nevertheless, the MCHK expects that the backlog of cases can be cleared in three years.

The task force will convene its second meeting shortly to continue reviewing the progress and effectiveness of the work on complaint handling. The MCHK expects that the majority of the cases that require inquiry can be concluded within two years after the existing backlog has been cleared.