

# Medical Council of Hong Kong

1

ENSURING JUSTICE

行公義

MAINTAINING PROFESSIONALISM

守專業

PROTECTING THE PUBLIC

護社羣

# About MCHK

2

Statutory body

Medical Registration Ordinance (Cap. 161)

Operated under the principle of  
Professional Autonomy

# Functions of MCHK

3

## Regulatory Body of Registered Medical Practitioners in Hong Kong

### Registration

- Maintenance of Registers (General and Specialist)

### Upholding Professional Standards

- Education and Accreditation
- Code on Professional Conduct
- Licensing Examination
- Limited Registration

### Investigation and Disciplinary Inquiry

- Investigation
- Conducting Inquiry and Disciplinary Proceedings

# Structure of MCHK

4

**Medical Council of Hong Kong**  
(香港醫務委員會)

**5 statutory committees**

**Preliminary Investigation Committee**  
(初步偵訊委員會)

**Health Committee**  
(健康事務委員會)

**Ethics Committee**  
(道德事務委員會)

**Education & Accreditation Committee**  
(教育及評審委員會)

**Licentiate Committee**  
(執照組)

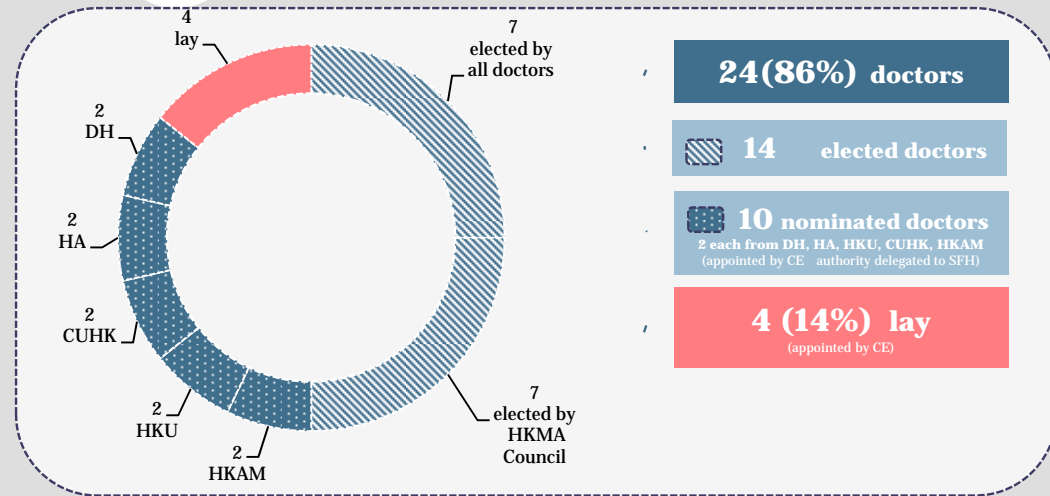
**14 Assessors**  
(審裁委員)

**5 non-statutory sub-committees**

# Composition of MCHK and its Committees

5

- **28** members in total
  - **24** doctors (86%)
  - **4** lay members (14%)



- **5** statutory committees
  - consist of Council members and persons nominated by various institutions, including–

HA	DH	HKU	CUHK	HKAM	HKMA
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- **14** assessors (non-Council-member individuals participating in inquiry)

2	2	2	2	2	4
HA	DH	HKU	CUHK	HKAM	Lay

# Complaint Investigation and Disciplinary Inquiry Mechanism

6

- **3-stage Mechanism**



# Figures: Snapshot as at end Sep 2016

7

**Average No. of New Cases Received each year**

**~ 500**

**No. of New Cases Received as at Sept 2016**

**513**

**No. of Existing Backlog Cases**

**~960**

**Pre-PIC**

**PIC**

**Inquiry**

**~600**

**~260**

**95**

**Waiting time of  
new cases**

**PIC meeting**

**~ 12 months**

**Inquiry meeting**

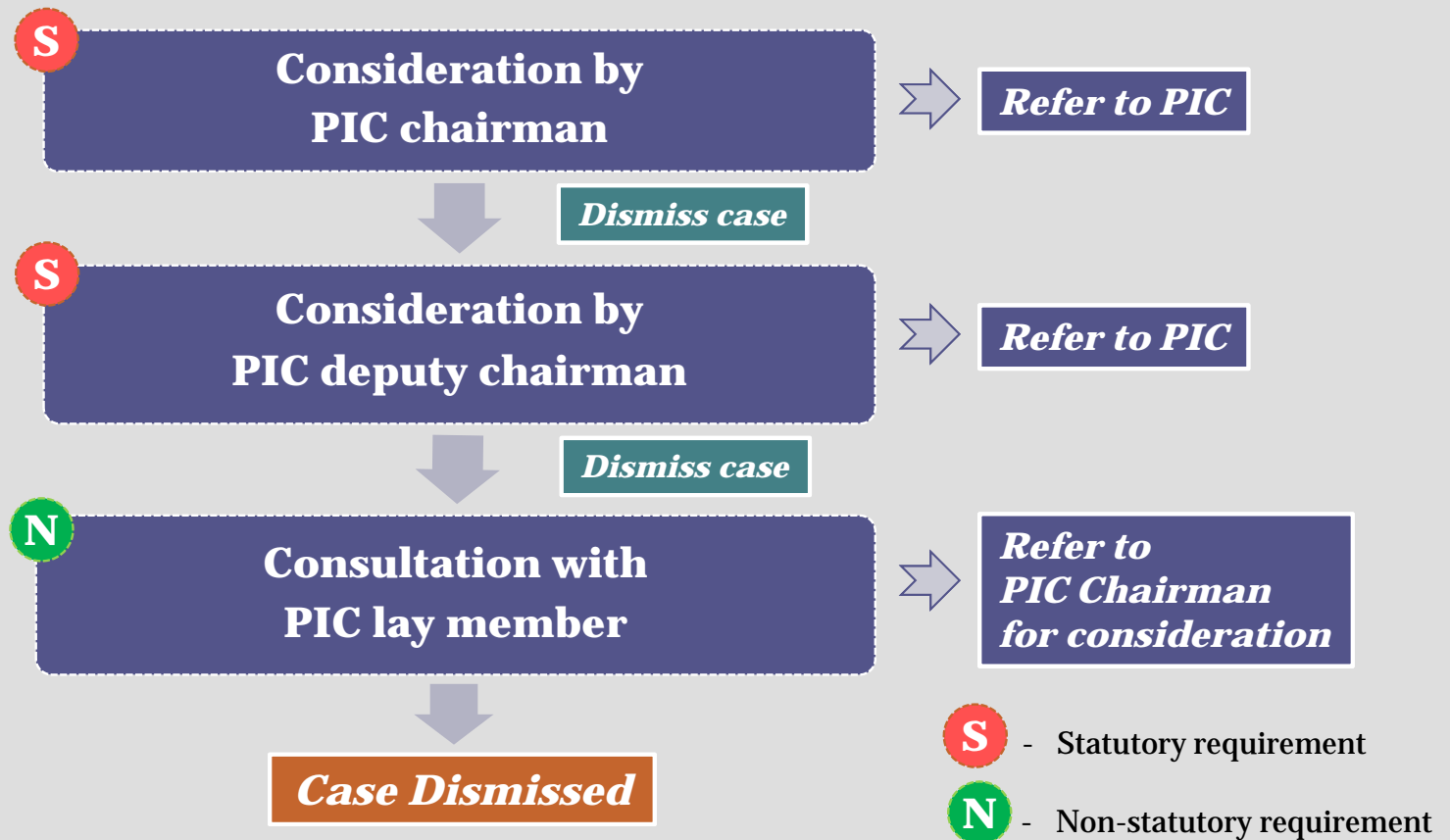
**~36 months**

### 3-stage Mechanism

# Pre-PIC Stage

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*Aim: To decide whether the complaint is groundless or frivolous, and should not proceed further or that it should be referred to PIC for consideration*

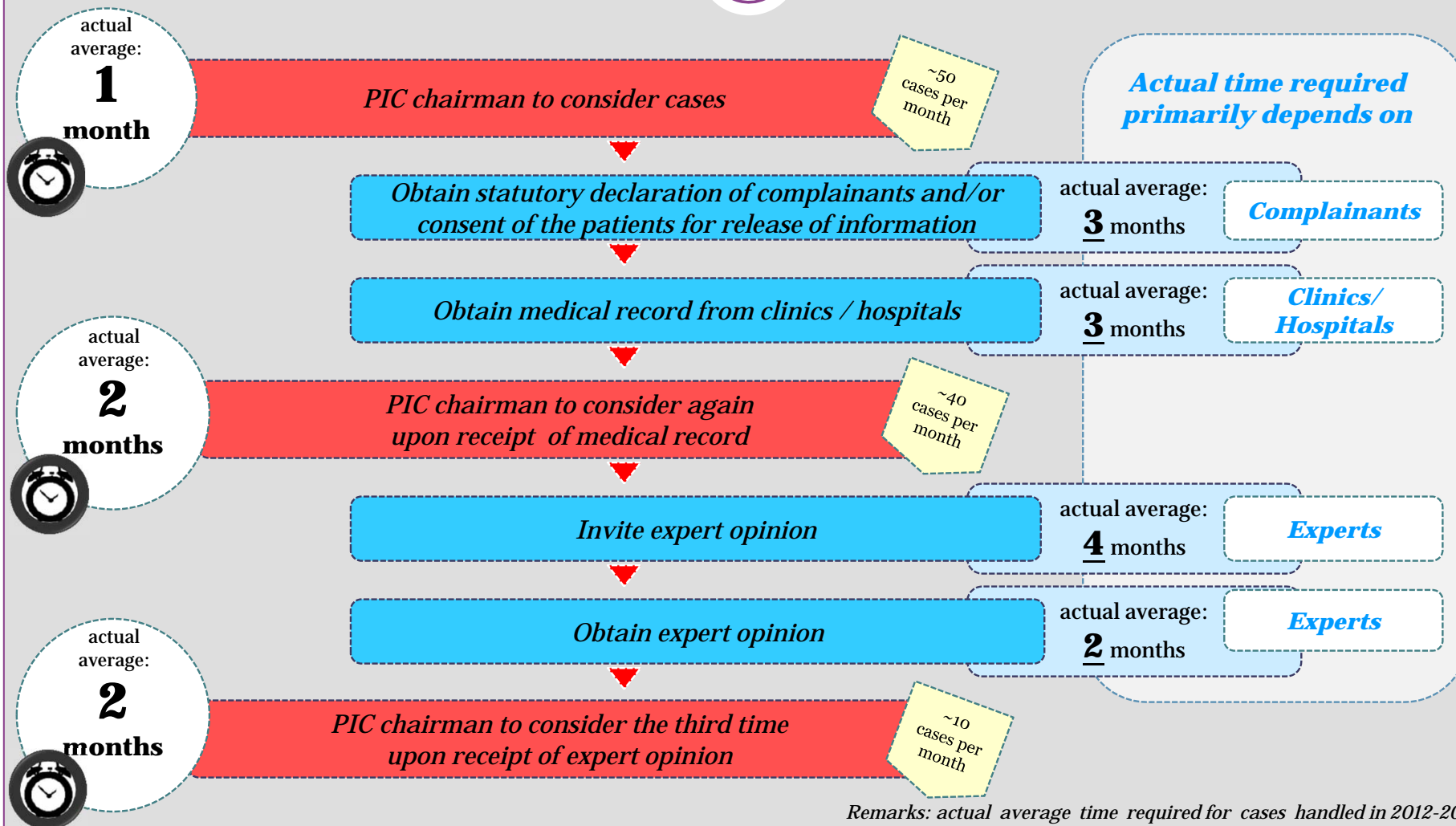




# Pre-PIC Stage: Detailed Procedures

## Historical Situation: **17** months

9

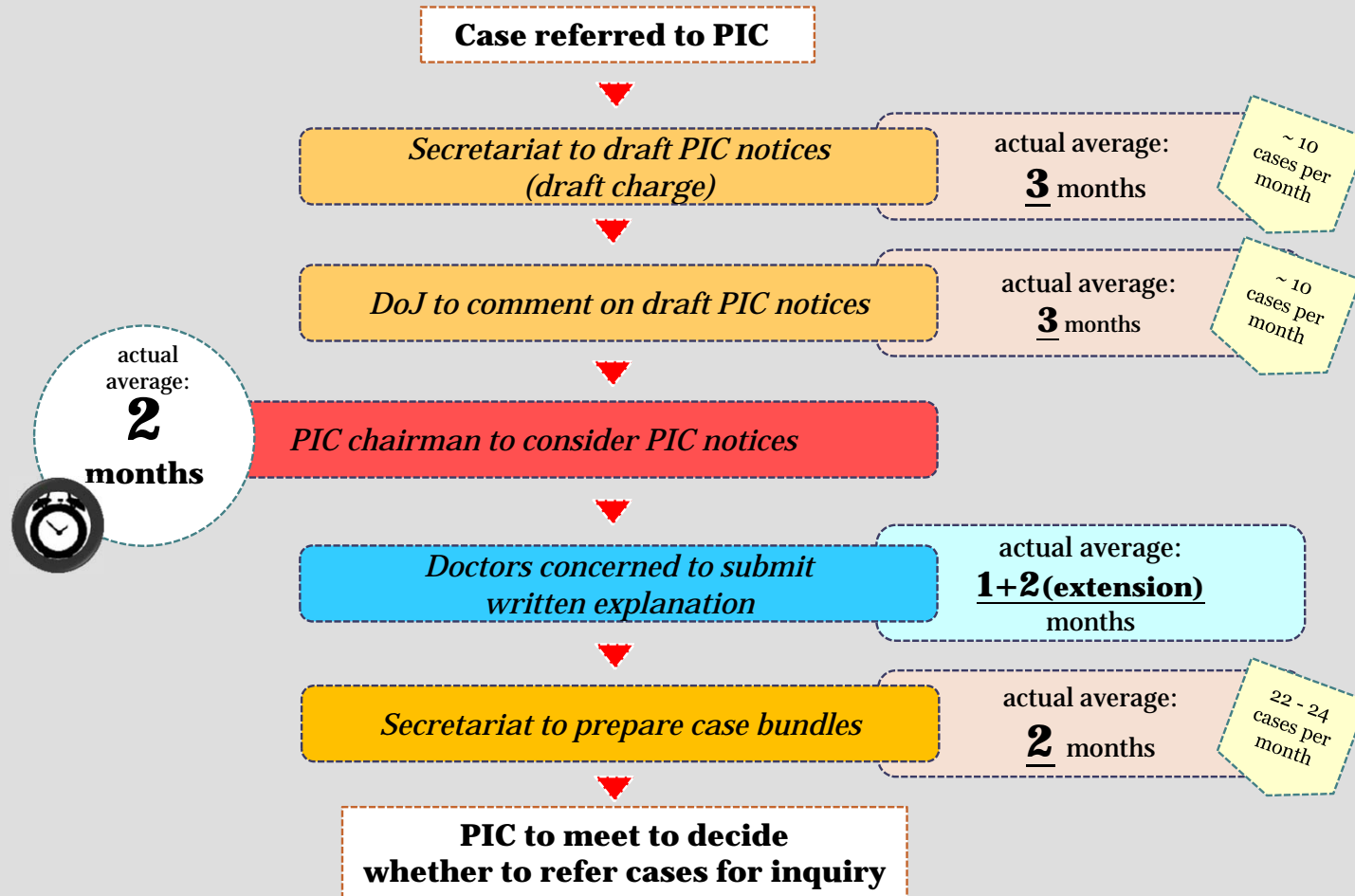


Remarks: actual average time required for cases handled in 2012-2014

# PIC Stage: Detailed Procedures

Historical Situation: **13** months

10




Remarks: actual average time required for cases handled in 2012-2014

# Inquiry Stage: Detailed Procedures

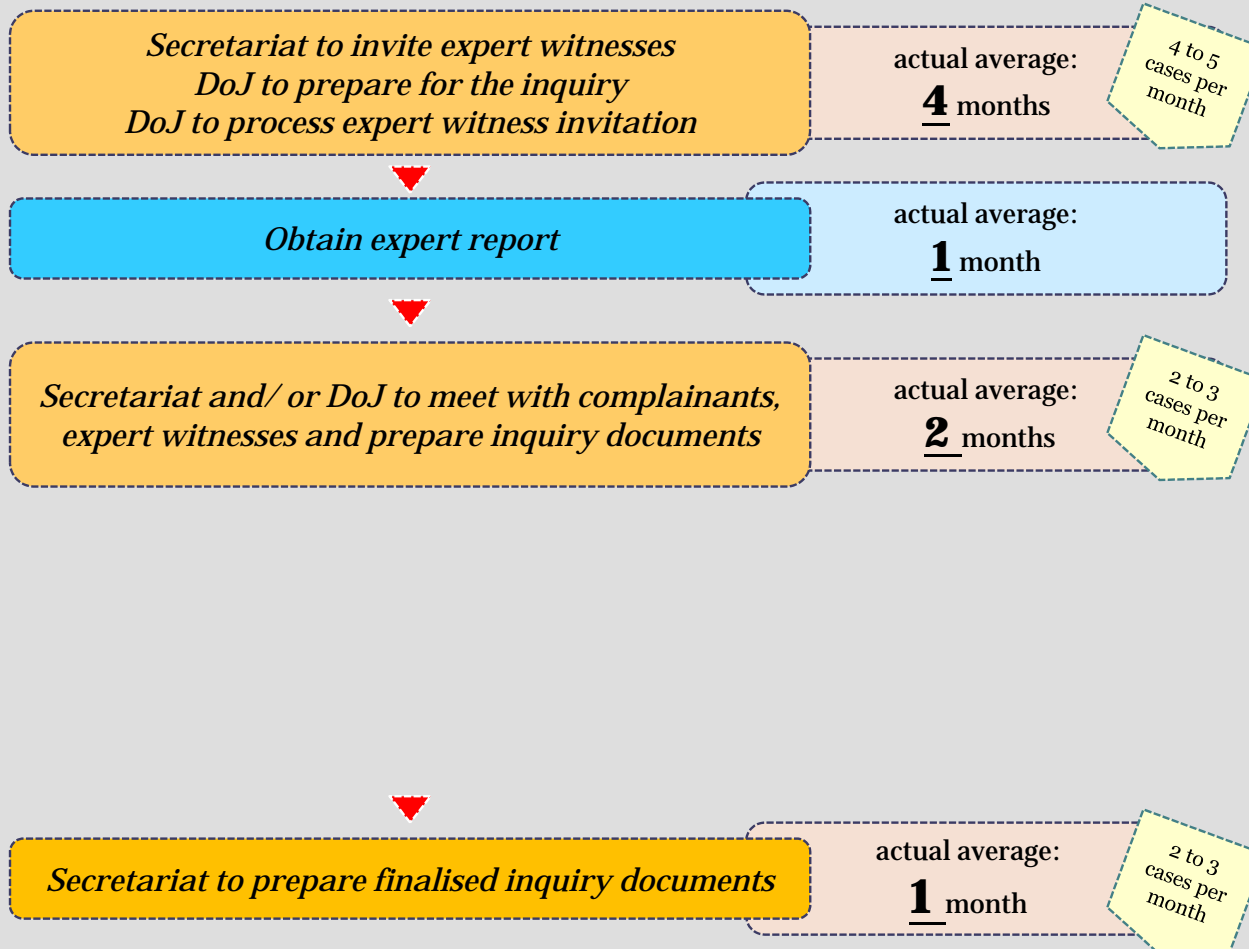
Historical Situation: **28** months

11



**Scheduling**  
(\* Cases involving public interest will be fast-tracked)

actual average :  
**28**  
months



Remarks: actual average time required for cases handled in 2012-2014

# Latest Projection

12

## Historical Situation

Pre-PIC

17  
months

PIC

13  
months

Inquiry

28  
months

Total handling time:  
**58 months**

- 2  
months

Provision of honorarium to expert at PIC stage

+12  
months

With reference to the judgment of the High Court case HCAL 46/2015, MCHK decides that PIC, instead of PIC chairman, should formulate and consider the draft charge. Hence, PIC needs to meet **three** times for one case i.e. (a) consider the case and formulate draft charge, (b) consider DoJ's comments on the draft charge, and (c) consider the case when all relevant evidence is ready. Given the existing capacity of PIC, expected waiting time for a new case at PIC stage is at least **12 months**.  
(\*MC Secretariat and DoJ will work concurrently while scheduling the PIC meeting)

- 4  
months

Increased manpower resources of MC Secretariat

PIC handles about  
20 cases per month

+8  
months

Given the backlog of cases at inquiry stage, the waiting time for a new case to be heard is at least **36 months**.  
(\*MC Secretariat and DoJ will work concurrently while scheduling the inquiry meeting)

## Latest Projection

Pre-PIC

15  
months

PIC

21  
months

Inquiry

36  
months

Total handling time:  
**72 months**

## 3-stage Mechanism



# Bottlenecks

13

PIC

**only ONE** PIC under the law

S

PIC

**Quorum requirement:**

- ! Mandatory presence of a lay Council member
- ! Lay assessors cannot stand in for lay members
- 4 lay members shoulder all cases
- Lay Council member participating in PIC **cannot** sit on inquiry later, resulting in difficulties in forming quorum for inquiry hearings

S

**S** - Statutory requirement

## 3-stage Mechanism



# Bottlenecks

14

### Inquiry

**only ONE** inquiry at a given time

∴ Legal Adviser must be present in each inquiry and **only ONE** Legal Adviser under the law

*working hours of the Legal Adviser is equivalent to full-time*

S

### Inquiry

#### Quorum requirement:

- ! Mandatory presence of a lay Council member, barring one taking part in PIC earlier further aggravates the situation
- ! Lay assessors cannot stand in for lay members
- ! Scheduling doctor Council members, most of whom have full-time duties, for more frequent inquiry hearings is difficult

S

### Inquiry

**only DoJ legal officer** can be present and provides legal support

- DoJ is prohibited under the law to commission outside lawyers to discharge its functions for inquiry hearings
- Lack of flexibility and limited role for medical assessors under the law to alleviate heavy workload of doctor Council members

S

**S** - Statutory requirement

# Total Processing Time

Historical Situation: **58** months

15

**27**  
months

*Statutory Procedures regarding PIC and Inquiry*

**Bottlenecks stipulated in MRO**

- Severe capacity constraint of PIC – **one** only
- Inquiry meeting – **one** at a time, quorum requirement
- Mandatory presence of lay members for quorum purpose
- Limited roles for assessors, both lay and medical
- One Legal Adviser only
- DoJ has no flexibility to make use of outside lawyers (can only deploy DoJ staff under the law)

**15**  
months

*Procedures involving MC Secretariat and DoJ*

Depending on the manpower of MC Secretariat and DoJ

**6**  
months

*Procedures involving complainant and doctor concerned*

Depending on the turnaround time of complainant and doctor concerned

**10**  
months

*Procedures involving outside expert and clinics/hospitals*

Depending on the turnaround time of outside expert, clinics/hospitals, nature and complexity of the case

# Total Processing Time

Latest Projection: **72 months**

16

**47 months**

- ! Latest PIC arrangement: meeting thrice rather than once for each case
- ! Increasing backlog aggravating waiting time

**11 months**

Increased manpower resources for MC Secretariat

**6 months**

**8 months**

Provision of honorarium

## Statutory procedures regarding PIC and Inquiry

### Bottlenecks stipulated in MRO

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## Procedures involving MC Secretariat and DoJ

Depending on the manpower of MC Secretariat and DoJ

## Procedures involving complainant and doctor concerned

Depending on the turnaround time of complainant and doctor concerned

## Procedures involving outside expert and clinics/hospitals

Depending on the turnaround time of outside expert, clinics/hospitals, nature and complexity of the case

*\*MC Secretariat and DoJ will work concurrently while scheduling the inquiry meeting (about eight months)*



# THE END

17