

Chapter:	161	MEDICAL REGISTRATION ORDINANCE	Gazette Number	Version Date
		Long title		30/06/1997

To consolidate and amend the law by making more comprehensive provisions regulating the registration of practitioners in medicine and surgery.

[1 June 1957]

(Originally 25 of 1957)

Part:	I	CITATION AND INTERPRETATION		30/06/1997
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Section:	1	Short title		30/06/1997
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This Ordinance may be cited as the Medical Registration Ordinance.

Section:	2	Interpretation	10 of 2005	08/07/2005
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(1) In this Ordinance, unless the context otherwise requires- (Amended 10 of 2005 s. 61)

"Academy of Medicine" (醫學專科學院) means the Hong Kong Academy of Medicine established by the Hong Kong Academy of Medicine Ordinance (Cap 419); (Added 7 of 1996 s. 2)

"Amending Ordinance" (修訂條例) means the Medical Registration (Amendment) Ordinance 1995 (87 of 1995); (Added 25 of 1997 s. 2)

"approved subvented hospital" (經批准補助醫院) means a hospital recognized by the Council as an approved subvented hospital for the purposes of this Ordinance; (Added 63 of 1982 s. 2)

"Chairman" (主席) means the Chairman of the Council and includes any person elected to act as Chairman under section 3A(4); (Added 30 of 1966 s. 2. Amended 3 of 1988 s. 2)

"committee" (委員會) means a committee established under section 20BA; (Added 7 of 1996 s. 2)

"Commencement" (生效日期) means 1 September 1996, being the day on which the Amending Ordinance (other than sections 14 and 16 thereof) came into operation by virtue of the Medical Registration (Amendment) Ordinance 1995 (87 of 1995) (Commencement) Notice 1996 (L.N. 158 of 1996); (Added 25 of 1997 s. 2)

"Council" (醫務委員會) means the Medical Council of Hong Kong established under section 3;

"Director" (署長) means the Director of Health; (Amended L.N. 76 of 1989)

"Education and Accreditation Committee" (教育及評審委員會) means the committee established under section 20BA(2)(b); (Added 7 of 1996 s. 2)

"Enactment Date" (制定日期) means 3 August 1995, being the date of the enactment of the Amending Ordinance; (Added 25 of 1997 s. 2)

"Ethics Committee" (道德事務委員會) means the committee established under section 20BA(2)(c); (Added 7 of 1996 s. 2)

"General Register" (普通科醫生名冊) means the register kept in accordance with section 6(1); (Added 7 of 1996 s. 2)

"Health Committee" (健康事務委員會) means the committee established under section 20BA(2)(e); (Added 7 of 1996 s. 2)

"Hospital Authority" (醫院管理局) means the Hospital Authority within the meaning of the Hospital Authority Ordinance (Cap 113); (Added 7 of 1996 s. 2)

"Licentiate Committee" (執照組) means the committee established under section 20BA(2)(a); (Added 7 of 1996 s. 2)

"Licensing Examination" (執業資格試) means the examination set by the Council under section 7; (Added 87 of 1995 s. 2)

"limited registration" (有限度註冊) means registration limited in accordance with section 14A in respect of the period for which and the employment for the purposes of which it has effect; (Added 38 of 1992 s. 2)

"Original Ordinance" (原條例) means the Medical Registration Ordinance (Cap 161) which was in force immediately before the Commencement; (Added 25 of 1997 s. 2)

"Original Provisions" (原條文) means the provisions in the Original Ordinance which are set out in Schedule 3; (Added 25 of 1997 s. 2)

"practice" (執業) includes the diagnosis of any form of disease whether the cases so diagnosed be treated medically or surgically or not; (Replaced 68 of 1986 s. 2)

"practising certificate" (執業證明書) means a certificate issued under section 20A(2); (Added 70 of 1975 s. 2)

"Preliminary Investigation Committee" (初步偵訊委員會) means the committee established under section 20BA(2)(d); (Added 7 of 1996 s. 2)

"prescribed" (訂明) means prescribed by regulations made under section 33;

"provisional registration" and "provisionally registered" (臨時註冊) mean respectively provisional registration and provisionally registered in accordance with the provisions of section 12;

"qualifying examination" (資格檢定考試) means an examination which has to be passed in order to qualify for the award of a degree specified in section 8(1)(a); (Replaced 87 of 1995 s. 2)

"registered medical practitioner" (註冊醫生) means a person who is registered, or is deemed to be so registered under the provisions of section 29;

"Registrar" (註冊主任) means the Registrar of Medical Practitioners; (Amended 70 of 1975 s. 2)

"registration" and "registered" (註冊) mean respectively registration and registered in accordance with the provisions of section 14, 14A or 14B; (Amended 63 of 1982 s. 2; 38 of 1992 s. 2; 7 of 1996 s. 2)

"Secretary" (秘書) means the Secretary of the Council appointed under section 3B; (Added 30 of 1966 s. 2)

"Specialist Register" (專科醫生名冊) means the register kept in accordance with section 6(3); (Added 7 of 1996 s. 2)

"temporary registration" (暫時註冊) means registration in accordance with section 14B. (Added 7 of 1996 s. 2)

(2) For the purposes of sections 21(5), 21A(2) and 25(2), an appeal to the Court of Appeal shall be deemed to be finally determined when the earliest of the following events occurs, whichever is applicable in the circumstances-

- (a) when the appeal to the Court of Appeal is withdrawn or abandoned;
- (b) when the specified period expires without an application for leave to appeal having been made to the Court of Appeal;
- (c) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Appeal-
 - (i) when the application is withdrawn or abandoned;
 - (ii) if the application is refused, when the specified period expires without an application for leave to appeal having been made to the Court of Final Appeal; or
 - (iii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of; or
- (d) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Final Appeal-
 - (i) when the application is withdrawn, abandoned or refused; or
 - (ii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of. (Added 10 of 2005 s. 61)

(3) In subsection (2)-

"application for leave to appeal" (上訴許可申請) means an application made to the Court of Appeal or the Court of Final Appeal under section 24 of the Hong Kong Court of Final Appeal Ordinance (Cap 484) for leave to appeal to the Court of Final Appeal from a judgment of the Court of Appeal;

"specified period" (指明限期)-

- (a) in the case of an application for leave to appeal made to the Court of Appeal, means-
 - (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(2) of the Hong Kong Court of Final Appeal Ordinance (Cap 484) is required to be filed; or

- (ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Appeal extends that period, the period as so extended; or
- (b) in the case of an application for leave to appeal made to the Court of Final Appeal, means-
 - (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(4) of the Hong Kong Court of Final Appeal Ordinance (Cap 484) is required to be filed; or
 - (ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Final Appeal extends that period, the period as so extended. (Added 10 of 2005 s. 61)

(Amended 25 of 1984 s. 2; 87 of 1995 s. 2; 7 of 1996 s. 2)

Part:	II	THE MEDICAL COUNCIL OF HONG KONG	37 of 2000	01/07/1997
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Section:	3	Establishment and composition of Council	37 of 2000	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 37 of 2000 s. 3

(1) There shall be established within Hong Kong a Council to be called the Medical Council of Hong Kong. (Amended 25 of 1984 s. 10)

(2) The Council shall consist of-

- (a)-(b) (Repealed 7 of 1996 s. 3)
- (c) 2 registered medical practitioners to be nominated by the Director and appointed by the Chief Executive; (Amended 25 of 1984 s. 10)
- (d) 2 registered medical practitioners nominated by the University of Hong Kong and appointed by the Chief Executive; (Amended 63 of 1982 s. 3)
- (da) 2 registered medical practitioners nominated by The Chinese University of Hong Kong and appointed by the Chief Executive; (Added 63 of 1982 s. 3)
- (db) 2 registered medical practitioners to be nominated by the Hospital Authority and appointed by the Chief Executive; (Added 68 of 1990 s. 24)
- (e)-(f) (Repealed 7 of 1996 s. 3)
- (g) 4 lay members to be appointed by the Chief Executive; (Added 3 of 1988 s. 3)
- (h) 2 registered medical practitioners nominated by the Academy of Medicine and appointed by the Chief Executive; (Added 7 of 1996 s. 3)
- (i) 7 registered medical practitioners who are members of the Hong Kong Medical Association and nominated in accordance with the regulations or procedures of the Association relating to the filling of offices under this paragraph and elected by the Council members of the Association in accordance with those regulations or procedures; (Added 7 of 1996 s. 3)
- (j) 7 registered medical practitioners registered in Part I of the General Register and ordinarily resident in Hong Kong elected by all registered medical practitioners registered in Parts I and III of the General Register pursuant to an election held under the Election Regulation. (Added 7 of 1996 s. 3)

(Replaced 14 of 1960 s. 2. Amended 37 of 2000 s. 3)

(3) Subject to subsections (4) and (6), a member of the Council appointed under subsection (2)(c), (d), (da), (g) or (h) shall hold office for a period of 3 years from the date of his appointment and, at the expiry of his period of appointment or of any period for which he is reappointed, shall be eligible for reappointment for further periods of 3 years each. (Amended 63 of 1982 s. 3; 3 of 1988 s. 3)

(3A) Subject to subsections (4) to (6), a member elected under subsection (2)(i) or (j), other than the first 14 members elected under subsection (2)(i) and (j) and a member elected to fill a vacancy caused by an elected member ceasing to be a member in accordance with subsection (4), (6) or (6A), shall hold office for 3 years from the date of notification in the Gazette of his having been elected, and shall be eligible for re-election. (Added 7 of 1996 s. 3)

(3B) Subject to subsection (5A), the Hong Kong Medical Association shall, within 3 months before the expiry of the period of office of a member of the Council holding office under subsection (2)(i), conduct an election to elect a person qualified under subsection (2)(i) to succeed that member. (Added 7 of 1996 s. 3)

(4) Any member of the Council may at any time resign by giving notice in writing to the Chairman.

(5) Where, before the expiry of the period of his appointment, any member of the Council appointed by the

Chief Executive resigns or his office becomes vacant, the Chief Executive may appoint a person who is suitably qualified for appointment under subsection (2) to hold office in place of that member until the expiry of the period for which he was appointed. (Amended 37 of 2000 s. 3)

(5A) Where, before the expiry of the office of a member holding office under subsection (2)(i), the member resigns or his office becomes vacant, the Hong Kong Medical Association shall, as soon as possible, conduct an election to elect a person qualified under subsection (2)(i) to fill that vacancy, and the member elected to fill the vacancy shall hold office from the date of election until the expiry of the original term of office of the person whom he succeeds. (Added 7 of 1996 s. 3)

(5B) Where, before the expiry of the period of office of a member holding office under subsection (2)(j), the member resigns or his office becomes vacant, and-

- (a) if the unexpired period of his office at the time the vacancy arises is not less than 1 year, an election under the Election Regulation shall be conducted for the purpose of filling that vacancy;
- (b) if the unexpired period of his office at the time the vacancy arises is less than 1 year, the Council shall, as soon as possible, on the nomination of any member of the Council, appoint a registered medical practitioner whom the Council considers appropriate to fill that vacancy,

and the member so elected or appointed to fill the vacancy shall hold office from the date of election or appointment, as the case may be, until the expiry of the original term of office of the person whom he succeeds. (Added 7 of 1996 s. 3)

(5C) Of the first 7 members elected to hold office under subsection (2)(i)-

- (a) 3 shall hold office for 3 years;
- (b) 2 shall hold office for 2 years; and
- (c) 2 shall hold office for 1 year,

all from the date of notification in the Gazette of their having been elected and the Council of the Hong Kong Medical Association shall, in its absolute discretion, determine the respective term of office of each such elected member in accordance with this subsection. (Added 7 of 1996 s. 3)

(5D) Of the first 7 members elected to hold office under subsection (2)(j)-

- (a) 3 shall hold office for 3 years;
- (b) 2 shall hold office for 2 years; and
- (c) 2 shall hold office for 1 year,

all from the date of notification in the Gazette of their having been elected, and the respective term of office of each such member shall be determined in accordance with the Election Regulation. (Added 7 of 1996 s. 3)

(6) If any member appointed by the Chief Executive-

- (a) is sentenced to a term of imprisonment for any offence;
- (b) is the subject of an order made under section 21 or 21A;
- (c) becomes bankrupt or makes an arrangement with his creditors;
- (d) is found by the Health Committee after due hearing to be incapacitated from carrying out the duties of his office by reason of physical or mental illness;
- (e) is no longer ordinarily resident in Hong Kong; or
- (f) is, in the opinion of the Chief Executive, unable or unfit to perform his duties and exercise his powers as a member of the Council,

the Chief Executive may declare the member's office of membership of the Council to be vacant. (Amended 37 of 2000 s. 3)

(6A) If an elected member or any member appointed by the Council-

- (a) is sentenced to a term of imprisonment for any offence;
- (b) is the subject of an order made under section 21 or 21A;
- (c) becomes bankrupt or makes an arrangement with his creditors;
- (d) is found by the Health Committee after due hearing to be incapacitated from carrying out the duties of his office by reason of physical or mental illness;
- (e) is no longer ordinarily resident in Hong Kong; or
- (f) is, in the opinion of the Council, unable or unfit to perform his duties and exercise his powers as a member of the Council,

the Council may declare the member's office of membership of the Council to be vacant. (Added 7 of 1996 s. 3)

(7) Notwithstanding anything in this section, a person-

- (a) against whom an order under section 21 has at any time been made; or
- (b) who is-

- (i) undergoing a sentence of imprisonment;
- (ii) detained in a mental hospital; or
- (iii) an undischarged bankrupt,

shall not be eligible for appointment, reappointment, election or re-election, as the case may be, as a member of the Council.

(8) In this section, "Election Regulation" (選舉規例) means the regulation made under section 33(4)(b).
(Added 7 of 1996 s. 3)

(Amended 70 of 1975 s. 3; 7 of 1996 s. 3)

Section:	3A	Chairman of the Council		30/06/1997
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(1) The Chairman of the Council shall-

- (a) be elected by the members from amongst themselves;
- (b) subject to subsection (5), hold office for 3 years or until he ceases to hold office as a member, whichever is the earlier; and
- (c) be eligible for re-election.

(2) If the office of Chairman becomes vacant due to effluxion of time, or as a result of resignation or otherwise, the Secretary shall convene a meeting of the Council within 3 months of the occurrence of such vacancy for the purpose of electing a Chairman.

(3) The Secretary shall preside at a meeting held under subsection (2) until the Chairman is elected and assumes office, but he shall not have an original or a casting vote.

(4) If the Chairman is unable to perform the functions of his office for any period due to absence from Hong Kong or any other reason, the members of the Council shall at a meeting of the Council elect one of themselves to act in his place for the duration of that period and notwithstanding any provision in this Ordinance, the Secretary may, where necessary, convene a meeting for the purpose of such election.

(5) The Chairman may at any time resign his office by giving notice in writing to the Secretary.

(Replaced 3 of 1988 s. 4)

Section:	3B	Secretary of, and legal adviser to the Council	37 of 2000	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 37 of 2000 s. 3

The Council shall have a secretary, one or more deputy secretaries and a Legal Adviser who shall be appointed by the Chief Executive.

(Added 70 of 1975 s. 4. Amended 7 of 1996 s. 4; 37 of 2000 s. 3)

Section:	3C	Temporary members	37 of 2000	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 37 of 2000 s. 3

(1) If any member of the Council appointed by the Chief Executive is, because of illness, absence from Hong Kong or any other reason, unable to perform his duties and exercise his powers as a member of the Council for any period, the Chief Executive may appoint another person who is suitably qualified for appointment under section 3(2) (not being one who is disqualified from holding office under section 3 or who has been removed from office under that section) to be a temporary member of the Council in the place of the member during that period. (Amended 7 of 1996 s. 5; 37 of 2000 s. 3)

(1A) If any elected member of the Council or any member appointed by the Council under section 3 is, because of illness, absence from Hong Kong or any other reason, unable to perform his duties and exercise his powers as a member of the Council for any period, the Council may appoint another person who is suitably qualified for appointment under section 3(2) (not being one who is disqualified from holding office under section 3 or who has been removed from office under that section) to be a temporary member of the Council in the place of the member during that period. (Added 7 of 1996 s. 5)

(2) While any person is acting as a temporary member of the Council, he shall be capable of performing all the

duties and of exercising all the powers of the member whom he is temporarily replacing.

(Added 70 of 1975 s. 4)

Section:	4	Meetings of the Council	30/06/1997
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(1) The Council shall meet at such times and such places as the Chairman may appoint. (Amended 3 of 1988 s.5)

(2) Except in an inquiry under section 21, in an appeal hearing under section 20F, 20O or 20W, or in an election petition under the Election Regulation as defined in section 3, at any meeting of the Council 13 members shall be a quorum. (Replaced 7 of 1996 s. 6)

(2A) In a meeting of the Council to hear an appeal under section 20F, 20O or 20W or an election petition under the Election Regulation as defined in section 3, 5 members shall be a quorum. (Added 7 of 1996 s. 6)

(3) The validity of any proceedings of the Council shall not be affected by any vacancy among the members thereof or by any defect in the appointment of a member thereof.

(4) All questions coming or arising before a meeting of the Council shall be decided by a majority of the members of the Council present and voting thereon.

(4A) Except for an inquiry under section 21, for an appeal hearing under section 20F, 20O or 20W and for an election petition under the Election Regulation as defined in section 3, the Council may transact any of its business by circulation of papers without meeting; and a resolution signed by all the members of the Council for the time being present in Hong Kong is as valid and effective as if it had been passed at a meeting by the votes of the members so signing. (Added 7 of 1996 s. 6)

(5) The Chairman at any meeting of the Council shall have an original vote and also, if upon any question the votes shall be equally divided, a casting vote except in an inquiry under section 21 at which he shall have only an original vote.

(6) The Council may make standing orders for regulating the procedure at, and in connection with, its meetings.

Part:	III	REGISTRATION OF MEDICAL PRACTITIONERS	30/06/1997
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Section:	5	Registrar	30/06/1997
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For the purposes of this Ordinance, there shall be a Registrar of Medical Practitioners who shall be the Director.

Section:	6	Registers	30/06/1997
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(1) The Registrar shall cause a register, to be called the General Register, to be kept in such form as he thinks fit and containing the names, addresses and qualifications, and such other particulars as he thinks necessary-

- (a) in Part I of the General Register, of all persons who have been registered under section 14;
- (b) in Part II of the General Register, of all persons who have been provisionally registered under section 12 but have not been registered under section 14;
- (c) in Part III of the General Register, of all persons with limited registration;
- (d) in Part IV of the General Register, of all persons with temporary registration.

(2) The Registrar is responsible for the maintenance and custody of the General Register.

(3) The Registrar shall cause a register, to be called the Specialist Register, to be kept in such form as he thinks fit and containing the names, addresses, qualifications and experience, and such other particulars as he thinks necessary of those persons who have been approved by the Council to have their names included in the Specialist Register. (Added 7 of 1996 s. 7)

(4) The Registrar is responsible for the maintenance and custody of the Specialist Register. (Added 7 of 1996 s. 7)

(Replaced 7 of 1996 s. 39)

Section:	7	Council to set Licensing Examination	30/06/1997
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(1) The Council shall set an examination, called the Licensing Examination, the passing of which shows the achievement of a standard acceptable for registration, under section 8(1)(b), as a medical practitioner.

(2) Without prejudice to section 7A, the Council may impose such conditions as it thinks fit, being conditions which are relevant to the assessment or improvement of a person's professional knowledge and practice in medicine, surgery and midwifery which a person must comply with before the Council allows him to take the Licensing Examination or any part thereof.

(3) The Council may prohibit a person from taking the Licensing Examination if the person has taken any one part of the Licensing Examination 5 consecutive times and has failed each time.

(4) Subject to subsection (5) and such conditions as the Council thinks fit, the Council may exempt a person from taking any part of the Licensing Examination.

(5) The Council shall not exempt a person from taking any part or parts of the Licensing Examination in respect of medical knowledge unless the person satisfies the Council that he has substantial experience of the practice of medicine and surgery, or, as the case may be, medicine, surgery and midwifery.

(6) The Council may delegate any or all of its functions under this section to the Committee.

(Replaced 87 of 1995 s. 4)

Section:	7A	Eligibility for taking Licensing Examination	30/06/1997
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(1) No person shall be eligible to take the Licensing Examination unless- (Amended 7 of 1996 s. 40)

- (a) he makes an application in that behalf to the Council and pays to the Registrar a prescribed fee for taking the Licensing Examination; and
- (b) he satisfies the Council-
 - (i) that at the time of the application he has satisfactorily completed not less than 5 years full time medical training of a type approved by the Council and is the holder of a medical qualification acceptable to the Council; and
 - (ii) that he is of good character.

(2) For the purpose of subsection (1)(b)(i), the 5 years full time medical training shall include a period of internship as approved by the Council. (Added 7 of 1996 s. 40)

(Added 87 of 1995 s. 5.)

Section:	8	Qualification for registration under section 14	30/06/1997
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(1) A person is not qualified to be registered as a medical practitioner under section 14 unless-

- (a) he has been awarded a degree of medicine and surgery by a university in Hong Kong specified in Schedule 1 and is also certified under section 9 that he has had the experience specified in that section; (Amended 7 of 1996 s. 41)
- (b) he has passed the Licensing Examination and has completed the period of assessment provided for in section 10A;
- (c) his name was, immediately before the commencement of section 6 of the Medical Registration (Amendment) Ordinance 1995 (87 of 1995), on Part I or III of the register kept under section 6 immediately before such commencement; or
- (d) he was at any time registered in Part I or III of the register kept immediately before such commencement but has been removed subsequently and he satisfies the Council that he is of good character and is still up to such professional standard acceptable to the Council.

(2) The Council may, with the prior approval of the Legislative Council, by notice in the Gazette, amend Schedule 1. (Amended 7 of 1996 s. 41)

(Replaced 87 of 1995 s. 6)

Section:	8A	(Repealed 87 of 1995 s. 6)	30/06/1997
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Section:	9	Certificate of experience	30/06/1997
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(1) A certificate for the purposes of section 8(1)(a) shall not be granted in respect of any person unless after passing a qualifying examination he has been engaged in employment in a resident medical capacity in an approved hospital or in an approved institution for such period as may be prescribed. (Amended 87 of 1995 s. 7)

(2) A person satisfying the condition specified in subsection (1) may apply to the university specified in Schedule 1 which awarded him the degree of medicine and surgery for a certificate under this section, and if the university is satisfied that- (Amended 63 of 1982 s. 7; 87 of 1995 s. 7; 7 of 1996 s. 42)

(a) during the time the applicant has been so employed as aforesaid he has been engaged for such period or minimum period as may be prescribed in medicine, and for such period or minimum period as may be prescribed in surgery; and

(b) his service while so employed has been satisfactory,

the university shall grant, in such form as may be specified by the Council, a certificate that it is so satisfied. (Amended 87 of 1995 s. 7; 7 of 1996 s. 42)

(3) Time during which an applicant, while employed as mentioned in subsection (1) has been engaged in midwifery, not exceeding such period as may be prescribed, shall be counted for the purposes of subsection (2)(a) either as time spent in medicine or as time spent in surgery, as the applicant may elect.

(4) Where during any period of such employment as is referred to in subsection (1) an applicant who has been engaged in medicine has also been engaged in surgery or in midwifery or both, or an applicant who has been engaged in surgery has also been engaged in midwifery, the period shall be apportioned for the purposes of this section in such manner as may be determined by the body granting the qualifying diploma by virtue of which the applicant claims registration.

(5) In this section-

(a) "approved" (認可), in relation to a hospital or institution, means approved for the time being by a university specified in Schedule 1 for the purposes of this section; (Amended 63 of 1982 s. 7; 87 of 1995 s. 7; 7 of 1996 s. 42)

(b) reference to employment in a resident medical capacity shall be construed as reference to employment in the practice of medicine, surgery or midwifery, where the person in question is resident in the hospital or institution where he is employed or conveniently near thereto, and by the terms of his employment is required to be so resident.

Section:	10	(Repealed 87 of 1995 s. 8)	30/06/1997
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Section:	10A	Period of assessment	30/06/1997
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(1) A person who has passed the Licensing Examination and who wishes to be registered as a medical practitioner under section 14 shall complete, to the satisfaction of the Council, such period of assessment as the Council may determine, not exceeding the prescribed period, in an approved hospital or in an approved institution. (Amended 87 of 1995 s. 9)

(2) The Council may reduce the period of assessment determined in the case of any person, or may extend the period so determined and any such extension of that period may require a period of assessment exceeding the prescribed period.

(3) Where the Council is of the opinion that a person undergoing a period of assessment is unlikely to attain the professional standards required of a registered medical practitioner, the Council may terminate that person's period of assessment. (Amended 87 of 1995 s. 9)

(4) In this section "approved" (認可), in relation to a hospital or institution, means approved by the Council for the purposes of this section.

(Added 70 of 1976 s. 6)

Section:	11	(Repealed 87 of 1995 s. 10)	30/06/1997
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Section:	12	Provisional registration	37 of 2000	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 37 of 2000 s. 3

(1) A person who has passed the Licensing Examination or a qualifying examination may be provisionally registered, on application to the Registrar and production to the Registrar of evidence to the satisfaction of the Registrar that-

- (a) he has been engaged in employment as is mentioned in section 9(1); or
- (b) he has been engaged to undergo a period of assessment as mentioned in section 10A(1),

and on payment of a prescribed fee. (Replaced 87 of 1995 s. 11)

(1A) A person who is entitled to be provisionally registered under section 35(7) shall be provisionally registered on application to the Registrar and production to the Registrar of evidence to the satisfaction of the Registrar that he has been selected for such employment as is mentioned in section 9(1) of the Original Provisions and on payment of a prescribed fee. (Added 25 of 1997 s. 3)

(2) Any person who has been provisionally registered in Part II of the General Register shall be deemed to be registered as far as is necessary- (Amended 70 of 1976 s. 7; 87 of 1995 s. 11; 7 of 1996 s. 43)

- (a) to enable him to be employed as mentioned in section 9(1);
- (aa) to enable him to serve a period of assessment under section 10A; (Added 70 of 1976 s. 7)
- (b) in order that the provisions of sections 19, 20T and 20V and of Part IV may be applicable to him; (Amended 7 of 1996 s. 43)
- (c) for the purpose of section 5 of the Jury Ordinance (Cap 3) and for the purpose of such other enactments as may be prescribed; and
- (d) for any other purpose which the Chief Executive in Council may by order direct, (Amended 37 of 2000 s. 3)

but not further.

Section:	13	Degrees, etc.	30/06/1997
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(1) No degree or qualification shall be entered on the General Register, either on the first registration or by way of addition to a registered name, unless the Registrar is satisfied by such evidence as he may consider sufficient that the person claiming such degree or qualification is entitled thereto. (Amended 7 of 1996 s. 8)

(2) Every person registered under this Ordinance who obtains any additional degree or other qualification other than the qualification in respect of which he has been registered, shall be entitled subject to the provisions of this section to have such additional degree or other qualification inserted in the General Register in substitution for or in addition to the qualification previously registered. (Amended 7 of 1996 s. 8)

(3) The Council may decide what additional degrees and other qualifications may be entered on the General Register. (Amended 25 of 1984 s. 6; 7 of 1996 s. 8)

(4) Where the Council is of the opinion that a degree or qualification, previously allowed to be entered on the General Register, is no longer appropriate to be entered on it, the Council may, after giving notice to all the persons registered with the degree or qualification, erase the degree or qualification from the entry on the General Register of the persons concerned. (Added 7 of 1996 s. 8)

Section:	13A	Title of registered medical practitioner	30/06/1997
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A registered medical practitioner is entitled to be known in the English language as "registered medical practitioner of the Medical Council of Hong Kong" or the abbreviation "registered medical practitioner" and in the Chinese language as "香港醫務委員會註冊醫生" or the abbreviation "註冊醫生".

(Replaced 87 of 1995 s. 12)

Section:	14	Registration	25 of 1997 s. 4	30/06/1997
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(1) Any person entitled to be registered under this section and section 35(7) may apply to the Registrar for registration. (Amended 87 of 1995 s. 13; 25 of 1997 s. 4)

(2) Applications for registration under this section shall be made in such manner and form as the Registrar determines and shall be accompanied by such documents and particulars and by such fee as may be prescribed. (Amended 34 of 1995 s. 13. Replaced 7 of 1996 s. 9)

(3) Where a person has complied with the provisions of subsection (2), he shall, subject to the provisions of this Ordinance, be registered by the Registrar who shall issue to him a licence of the Medical Council of Hong Kong in such form as the Registrar determines. (Amended 87 of 1995 s. 13; 7 of 1996 s. 44)

(4) The Council may, if satisfied after due inquiry that an applicant for registration-

- (a) has been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment; or (Amended 25 of 1984 s. 10)
- (b) has been guilty of misconduct in a professional respect; or (Amended 7 of 1996 s. 9)
- (c) is not of good character, (Added 7 of 1996 s. 9)

order that the name of the applicant be not entered upon the General Register. (Added 95 of 1970 s. 3. Amended 33 of 1971 s. 2; 7 of 1996 s. 44)

(5) Such of the provisions of section 21 as are capable of application to an inquiry held for the purposes of this section shall apply to such inquiry, and any such provision may be construed with such modifications not affecting the substance as may be necessary to render it conveniently applicable. (Added 95 of 1970 s. 3)

Section:	14A	Limited registration	23 of 1998	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 23 of 1998 s. 2

(1) The Council, having regard to any representations made to it, may determine and promulgate from time to time the employment or type of employment in respect of which limited registration is appropriate or necessary.

(1A) A person wishing to be registered under this section may apply to the Registrar in such manner or form as the Registrar may determine and shall submit to the Registrar such documents and particulars and such fee as may be prescribed. (Added 87 of 1995 s. 14)

(2) Subject to subsection (2A), where a person satisfies the Council- (Amended 87 of 1995 s. 14)

- (a) that he has been selected for employment or for a type of employment determined and promulgated by the Council under subsection (1);
- (b) that he has obtained an acceptable overseas qualification;
- (c) that he has had adequate and relevant full-time post-qualification clinical experience;
- (d) that he is registered with an approved medical authority outside Hong Kong; and (Amended 23 of 1998 s. 2)
- (e) that he is of good character,

he shall, if the Council so directs, be registered as a medical practitioner with limited registration.

(2A) A person who does not satisfy the Council that he fulfils the requirements of subsection (2)(b), (c) or (d) but satisfies the Council that he fulfils the other requirements of subsection (2) may, if the Council so directs, be registered as a medical practitioner with limited registration subject to such restrictions and conditions regarding his practice as specified by the Council. (Added 87 of 1995 s. 14)

(3) The limits of a person's registration under this section shall be defined in the direction under subsection (2) or (2A) by specifying- (Amended 87 of 1995 s. 14)

- (a) a period, not exceeding 1 year, as the period for which the registration is to have effect; (Amended 87 of 1995 s. 14)
- (b) the employment or type of employment for the purposes of which the registration has effect; and (Amended 87 of 1995 s. 14)
- (c) restrictions and conditions regarding the practice of a medical practitioner with limited registration, if any, as specified by the Council, (Added 87 of 1995 s. 14)

and such registration shall have effect for the period and for the purposes of the employment or type of employment specified in the direction.

(4) The Council may refuse an application for limited registration or renewal of such registration if it is satisfied that-

- (a) the requirements of subsection (2) have not been complied with; or
- (b) the employment or type of employment to which the application relates is one in respect of which limited registration is no longer appropriate or necessary; or

(c) it is reasonable in all the circumstances to do so.

(5) Where the Council refuses an application referred to in subsection (4), the Secretary shall forthwith notify the applicant in writing of the refusal and the grounds for refusal.

(6) Section 14 shall apply, with necessary modifications, to an application for limited registration made under this section.

(7) Where a person with limited registration under this section applies for renewal of the registration, such renewal shall, if the Council so directs, be renewed-

(a) for a period not exceeding 1 year from the expiry of the current registration;

(b) for the purposes of the employment or type of employment specified in the direction.

(8) Upon renewal of limited registration under this section, the Registrar shall issue a new certificate of limited registration in such form as the Registrar determines. (Amended 7 of 1996 s. 10)

(9) In this section-

"acceptable overseas qualification" (可接納的海外資格) means any qualification obtained outside Hong Kong which is recognized by the Council for the purposes of this section as being sufficient evidence of the possession of the requisite knowledge and skill for the efficient practice of medicine, surgery and midwifery;

"approved" (認可) means approved by the Council for the purposes of this section.

(Added 38 of 1992 s. 5)

Section:	14B	Temporary registration		30/06/1997
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(1) Where an institution specified in subsection (2) intends to engage a person-

(a) who does not have any of the qualifications for registration referred to in section 8; or

(b) who has a qualification that qualifies him for registration referred to in section 8 but it is impracticable for him to obtain registration under section 14 in the circumstances,

exclusively in performing clinical teaching or research for the institution, the institution shall apply to the Council in such form as specified by the Council on behalf of the person for temporary registration of the person and shall supply such further information about the person as required by the Council.

(2) The institutions referred to in subsection (1) are-

(a) the Department of Health;

(b) the Hospital Authority;

(c) the University of Hong Kong; and

(d) The Chinese University of Hong Kong.

(3) Where the Academy of Medicine supports the engagement by a private hospital of a person referred to in subsection (1) exclusively in performing clinical teaching or research in the private hospital, the Department of Health may, at the request of the Academy of Medicine and upon such conditions as the Department thinks fit, apply to the Council in such form as specified by the Council for temporary registration of the person and the Academy of Medicine shall supply such further information about the person as required by the Council.

(4) The Council may determine and promulgate the details to be supplied under subsection (1) or (3).

(5) Where the Council is satisfied that it is appropriate and necessary for the person, the subject of an application under subsection (1) or (3), to be registered under this section to enable him to perform the clinical teaching or research concerned, the Council may direct the Registrar to register him as a medical practitioner with temporary registration for a period not exceeding 14 days.

(6) No certificate or licence is issued on a registration under this section.

(7) The Council may delegate its power under this section to a committee or the Registrar.

(Added 7 of 1996 s. 11)

Section:	15	Publication of General Register and evidence of registration, etc.		30/06/1997
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(1) As soon as may be after 1 January of every year, the Registrar shall prepare and publish in the Gazette a list of the names, addresses, qualifications and dates of the qualifications of all persons whose names appear on Part I and Part III of the General Register on 1 January immediately preceding the publication of the list in the Gazette. (Amended 70 of 1976 s. 9; 38 of 1992 s. 6; 87 of 1995 s. 15; 7 of 1996 s. 45)

(2) As soon as may be after 1 July of every year, the Registrar shall prepare and publish in the Gazette a list of

the names, addresses, qualifications and dates of the qualifications of all persons whose names were added to Part I and Part III of the General Register between 1 January and 1 July of such year. (Amended 70 of 1976 s. 9; 38 of 1992 s. 6; 87 of 1995 s. 15; 7 of 1996 s. 45)

(3) The publication of a list referred to in subsection (1) or (2) shall be *prima facie* evidence that each person named in such list is registered.

(4) The absence of the name of any person from the list last published under subsection (1) and any list subsequently published under subsection (2) shall be *prima facie* evidence that such person is not registered.

(5) A certificate under the hand of the Registrar stating that the name of a person is or is not at any date or was or was not at any date registered in Part I, III or IV of the General Register or provisionally registered in Part II of the General Register, as the case may be, shall be conclusive evidence in all courts of law of the facts stated in such certificate. (Replaced 7 of 1996 s. 45)

Section:	16	Privileges of registered medical practitioners	30/06/1997
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(1) Subject to section 20A, every registered medical practitioner shall be entitled to practise medicine, surgery and midwifery and to recover in due course of law reasonable charges for professional aid, advice and visits and the value of any medicine or any medical or surgical appliances rendered, made or supplied by him to his patients. (Amended 70 of 1975 s. 5)

(2) Subject to the provisions of sections 30 and 31, no person shall be entitled to recover in any Court any such charges as are referred to in subsection (1) unless at the date when such charges accrued he was a registered medical practitioner:

Provided that nothing in this subsection shall affect the practice of midwifery by any person duly licensed in that behalf under the provisions of any law in force in Hong Kong. (Amended 25 of 1984 s. 10)

Section:	17	Medical certificates	30/06/1997
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No certificate or other document required by any written law to be signed by a duly qualified medical practitioner given after the commencement of this Ordinance shall be valid unless signed by a person who at the date of such signing was a registered medical practitioner.

Section:	18	Definition	30/06/1997
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The words "legally qualified medical practitioner" (具法定資格的醫生) or "duly qualified medical practitioner" (正式符合資格的醫生) or any words importing a person recognized by law as a medical practitioner or member of the medical profession, when used in any written law with reference to such persons, shall be construed to mean a registered medical practitioner.

Section:	19	Power of Council to order removal of names from General Register	30/06/1997
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(1) The Council may order the removal from the General Register of the name of any person who- (Amended 7 of 1996 s. 12)

- (a) is deceased;
- (b) has not, before 30 June of a year, obtained his practising certificate issued under section 20A(2) for that year or his retention certificate issued under section 19A for that year, as may be appropriate; (Replaced 7 of 1996 s. 12)
- (c) being a person required to be the holder of a practising certificate, has practised medicine, surgery or midwifery in Hong Kong for a period exceeding 6 months without having obtained such a certificate; or
- (d) has failed to supply the Registrar with an address in Hong Kong at which notices from the Council may be served on him.

(2) Any person who fails to acknowledge within 4 months after the date of dispatch the receipt of a registered letter or a telegram addressed to him at the last address in Hong Kong supplied by him to the Registrar shall be deemed to have failed to supply the Registrar with an address under subsection (1)(d). (Amended 7 of 1996 s. 12)

(Replaced 70 of 1975 s. 6)

Section:	19A	Medical practitioners resident outside Hong Kong	23 of 1998; 37 of 2000	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 23 of 1998 s. 2; 37 of 2000 s. 3

(1) A registered medical practitioner who is resident outside Hong Kong and has ceased to practise medicine, surgery or midwifery in Hong Kong, or any branch of medicine or surgery in Hong Kong, may apply to the Registrar for the transfer of his name from the resident list to the non-resident list as specified in Part I of the General Register.

(2) Subject to-

- (a) the submission of evidence that the applicant has not been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment;
- (b) the payment of the prescribed fee for alteration of the General Register; and
- (c) the payment of the prescribed retention fee,

the Registrar may transfer the applicant's name from the resident list to the non-resident list and upon the transfer, shall issue to the applicant a certificate to the effect that he is, subject to any conditions and restrictions specified in the certificate, entitled to have his name remain in the General Register for the period specified in the certificate.

(3) If the registered medical practitioner is desirous of having his name remain on the non-resident list beyond the period specified in the certificate issued under subsection (2), he may, within 2 months before the expiry of the certificate, apply to the Registrar for renewal of the certificate.

(4) Upon an application under subsection (3) and subject to-

- (a) the submission of evidence that the applicant has not been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment; and
- (b) the payment of the prescribed retention fee,

the Registrar shall issue to the applicant a certificate to the effect that he is, subject to any conditions and restrictions specified in the certificate, entitled to have his name remain in the General Register for the period specified in the certificate.

(5) Where a registered medical practitioner returns to Hong Kong and resumes the practice of medicine, surgery or midwifery in Hong Kong, or any branch of medicine or surgery in Hong Kong, he shall apply to the Registrar for-

- (a) the transfer of his name from the non-resident list to the resident list; and
- (b) a practising certificate issued under section 20A.

(6) Upon an application under subsection (5)(a) and subject to-

- (a) the submission of evidence that the applicant has not been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment and has not been guilty of misconduct in a professional respect while residing and practising outside Hong Kong; and (Amended 37 of 2000 s. 3)

- (b) the payment of the prescribed fee for alteration of the General Register,

the Registrar may transfer the applicant's name from the non-resident list to the resident list.

(Added 7 of 1996 s. 13. Amended 23 of 1998 s. 2)

Section:	19B	Power of Council to order removal of names from Specialist Register		30/06/1997
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(1) If-

- (a) the Council orders a removal of the name of a person under section 19(1); and
- (b) that person's name is also included in the Specialist Register,

the Registrar shall, at the same time when he removes that person's name from the General Register, also order the removal of his name from the Specialist Register.

(2) The Council may, upon a recommendation of the Education and Accreditation Committee and without conducting an inquiry under section 21, order the removal of the name of a registered medical practitioner from the Specialist Register permanently or for a period as the Council thinks fit.

(Added 7 of 1996 s. 14)

Section:	20	Alterations to registers	30/06/1997
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(1) The Registrar may on payment of the prescribed fee amend any entry in the General Register or the Specialist Register if any alteration in or addition to the address or qualification of or other relevant information relating to the person named in such entry shall have come to his knowledge. (Amended 63 of 1982 s. 9)

(2) The Registrar shall make such amendments to the General Register or the Specialist Register as are made necessary by any decision of the Council.

(Amended 7 of 1996 s. 15)

Section:	20A	Medical practitioner not to practise without practising certificate	37 of 2000	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 37 of 2000 s. 3

(1) Subject to this section, a registered medical practitioner shall not practise medicine, surgery or midwifery in Hong Kong, or any branch of medicine or surgery in Hong Kong, unless he is the holder of a practising certificate which is then in force.

(2) On application made to the Registrar for the purpose of the issue of a practising certificate by a registered medical practitioner, and subject to-

- (a) the payment of the prescribed fee for the issue of a practising certificate; and
- (b) the submission of evidence that the registered medical practitioner has not been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment,

the Registrar shall issue to the registered medical practitioner a certificate to the effect that he is, subject to any conditions and restrictions specified in the certificate, entitled to practise medicine, surgery and midwifery in Hong Kong. (Replaced 7 of 1996 s. 16)

(3) Where a practising certificate is issued pursuant to an application made during the course of a year in respect of that year, the certificate shall, subject to subsections (4A), (4B) and (5), be in force from the time of its issue until the end of that year. (Amended 7 of 1996 s. 16)

(4) Where a practising certificate is issued pursuant to an application made during the course of a year in respect of the following year, the certificate shall, subject to subsections (4A), (4B) and (5), be in force for a period of 12 months commencing on 1 January in that following year. (Amended 7 of 1996 s. 16)

(4A) Where a practising certificate for limited registration is issued or renewed under section 14A, the certificate shall, subject to subsection (5), be in force for the period specified in the certificate. (Added 38 of 1992 s. 7)

(4B) Where a practising certificate is issued to a person registered under section 14B, the certificate shall, subject to subsection (5), be in force for the period specified in the certificate. (Added 7 of 1996 s. 16)

(5) If at any time during the currency of a practising certificate issued under this section, the holder of the certificate ceases to be registered under this Ordinance, the certificate shall thereupon be deemed to be cancelled. (Amended 34 of 1995 s. 14)

(6) Any person who is required under this section to be the holder of a practising certificate under this section shall be deemed

to have obtained the certificate when he has duly applied to the Registrar and paid the prescribed fee for the issue of the practising certificate.

(7) This section applies to any person registered under section 14, 14A or 14B, but does not apply to-

- (a) any person provisionally registered under section 12;
- (b) any person deemed to be registered as a medical practitioner by virtue of section 29(a) or (b);
- (c) any person in respect of whom the Chief Executive has given consent under section 30; (Amended 37 of 2000 s. 3)
- (d) any person to whom section 31 relates; or
- (e) any qualified person in so far as he renders medical or surgical treatment to a person in an emergency. (Replaced 7 of 1996 s. 16)

(8) A person who is required under this section to be the holder of a practising certificate shall not be entitled to recover any fees, costs or other remuneration unless he was, at the time when the cause of action arose, the holder of a valid practising certificate.

(Added 70 of 1975 s. 7. Amended 38 of 1992 s. 7)

Section:	20B	Recovery of practising fees	30/06/1997
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(1) If any registered medical practitioner contravenes subsection (1) of section 20A, the amount of the prescribed fee payable by him under subsection (2) of that section shall be recoverable as a civil debt by complaint made in the name of the Registrar to a magistrate.

(2) A summons issued in relation to the recovery of the prescribed fee for the issue of a practising certificate under this section may, notwithstanding section 8(2) of the Magistrates Ordinance (Cap 227), be served by sending it by post to the medical practitioner concerned at his last known address; and a certificate purporting to be signed by or on behalf of the Registrar shall, until the contrary is proved, be evidence of service of the summons.

(3) If in any proceedings under this section-

(a) the medical practitioner concerned does not appear before a magistrate at the time and place specified in the summons; and

(b) service of the summons under subsection (2) is proved,

the magistrate shall, if he is satisfied that the practitioner has been given an adequate period of notice of the proceedings, proceed to deal with the complaint as if the practitioner had appeared.

(4) In any proceedings under this section a certificate purporting to be under the hand of the Registrar to the effect that the medical practitioner concerned had not paid the prescribed fee for the issue of a practising certificate shall, until the contrary is proved, be evidence of non-payment of the fee.

(5) If the magistrate makes an order requiring the medical practitioner to pay the prescribed fee for the issue of a practising certificate, he shall at the same time make an order requiring the medical practitioner to pay an additional amount by way of surcharge at the rate of treble the amount of the said prescribed fee.

(6) For the purposes of section 51 of the Magistrates Ordinance (Cap 227) any fee and surcharge which a medical practitioner is liable to pay under this section shall be deemed to be a sum of money required to be paid under an order by a magistrate.

(7) On recovery from a medical practitioner of a prescribed fee under this section, together with the surcharge ordered to be paid under subsection (5), the Registrar shall, if the medical practitioner's name appears on the General Register, issue the medical practitioner with the appropriate practising certificate. (Amended 34 of 1995 s. 15; 7 of 1996 s. 17)

(Added 70 of 1975 s. 7)

Part:	IIIAA	COMMITTEES AND SUB-COMMITTEES	30/06/1997
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(Part IIIA added 7 of 1996 s. 18)

Section:	20BA	Establishment of committees and sub-committees	30/06/1997
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(1) The Council may establish such committees for the better performance of its duties and exercise of its powers as it thinks fit.

(2) Without prejudice to the generality of the Council's power to establish committees under subsection (1), the Council may establish the following committees in accordance with, and having such functions as are assigned to them by this Ordinance or delegated to them by the Council, namely-

- (a) the Licentiate Committee;
- (b) the Education and Accreditation Committee;
- (c) the Ethics Committee;
- (d) the Preliminary Investigation Committee; and
- (e) the Health Committee.

(3) Subject to subsection (4) and the relevant provisions relating to a committee established under subsection (2), the Council may appoint members of the Council, and persons who are not such members, to be members of a committee.

(4) The Council shall not appoint to any committee a person in respect of whom the Council has, at any time, made an order in accordance with section 21 or 21A.

(5) Only a member of the Council is eligible to be appointed as the chairman of a committee.

(6) If any committee has, in the opinion of the Council, acted in a manner that is prejudicial to the interest of

the public or the medical profession, and not less than 3 quarters of the members of the Council resolve that the committee should be dissolved, the Council may dissolve the committee.

(7) Upon a dissolution of a committee under subsection (6), the Council may perform the functions of the committee so dissolved which are assigned by this Ordinance and shall make such appointments as are necessary to re-establish the committee with new membership within 3 months of the dissolution.

(8) A committee may appoint a sub-committee to perform any function assigned or delegated to the committee.

(9) The relevant provisions of Schedule 2 have effect with respect to a committee or a sub-committee established under this section.

(10) Subject to subsection (11), a sub-committee may include persons who are not members of the committee.

(11) A person in respect of whom the Council has, at any time, made an order in accordance with section 21 or 21A shall not be appointed to any sub-committee established under this Ordinance.

(12) A committee appointing a sub-committee (other than a sub-committee of the Licentiate Committee appointed for the purpose of hearing a review under section 20G) shall not appoint any person other than a member of the committee to be the chairman of the sub-committee.

(13) Part VII of the Interpretation and General Clauses Ordinance (Cap 1) applies to a committee or a sub-committee established under this section and appointments to the committee or sub-committee except in so far as it is inconsistent with this Ordinance.

(14) The Council may by order published in the Gazette amend Schedule 2.

(Added 7 of 1996 s. 18)

Part:	IIIA	LICENTIATE COMMITTEE AND APPEALS	30/06/1997
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(Part IIIA added 70 of 1976 s. 10)

Section:	20C	Licentiate Committee	30/06/1997
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(1) If the Council decides to establish the Licentiate Committee, the Council shall appoint to the Committee-

- (a) a chairman who shall be elected by the Council from among its members;
- (b) not more than 3 registered medical practitioners nominated by the Director, one of whom shall be a public officer;
- (c) 2 registered medical practitioners nominated by the University of Hong Kong;
- (d) 2 registered medical practitioners nominated by The Chinese University of Hong Kong;
- (e) 1 registered medical practitioner nominated by the Hong Kong Medical Association; and
- (f) 1 registered medical practitioner nominated by the Hospital Authority. (Replaced 7 of 1996 s. 19)

(2) (Repealed 7 of 1996 s. 19)

(3) Any member of the Licentiate Committee who is not a public officer shall hold office for 3 years but shall be eligible for re-appointment.

(4) There shall be a Secretary of the Licentiate Committee who shall be appointed by the Director. (Amended 7 of 1996 s. 19)

(5)-(6) (Repealed 7 of 1996 s. 19)

(7) At any meeting of the Licentiate Committee 5 members shall be a quorum.

(8) (Repealed 7 of 1996 s. 19)

(Amended 7 of 1996 s. 19)

Section:	20D	Delegation of powers	30/06/1997
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(1) The Council may delegate any of its powers and functions under or by virtue of section 7, 7A or 10A to the Licentiate Committee. (Replaced 7 of 1996 s. 20)

(2) The Licentiate Committee may delegate any powers and functions which have been delegated to it under subsection (1) to any sub-committee appointed under section 20E. (Amended 7 of 1996 s. 20)

Section:	20E	Sub-committees of the Licentiate Committee	30/06/1997
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(1) Subject to subsection (2), the Licentiate Committee may appoint sub-committees to discharge any powers

or functions delegated to the Licentiate Committee under section 20D(1).

(2) The Licentiate Committee shall appoint a sub-committee for the purpose of hearing a review under section 20G and shall appoint-

- (a) a chairman of that sub-committee who is not a member of the Licentiate Committee; and
- (b) a secretary of that sub-committee.

(3) (Repealed 7 of 1996 s. 21)

(Amended 7 of 1996 s. 21)

Section:	20F	Appeals		30/06/1997
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(1) Any person aggrieved by a decision of the Licentiate Committee or of any sub-committee established by the Licentiate Committee made in pursuance of the respective powers conferred on them may appeal against the decision in accordance with this section and section 20G. (Replaced 7 of 1996 s. 22)

(1A) In the case of a decision of a sub-committee discharging any power or function under or by virtue of section 7(5), the person aggrieved may, within 14 days of being notified of the sub-committee's decision, appeal against that decision to the Licentiate Committee. (Added 25 of 1984 s. 9)

(1B) Upon the hearing of an appeal made under subsection (1A) the Licentiate Committee may confirm, vary or revoke the decision of the sub-committee. (Added 25 of 1984 s. 9)

(2) In the case of a decision of the Licentiate Committee, including a decision under subsection (1B) but not a decision under section 20G(4), the person aggrieved may, within 14 days of being notified of the Committee's decision, appeal to the Council against that decision. (Amended 25 of 1984 s. 9; 7 of 1996 s. 22)

(3) Upon the hearing of the appeal the Council may confirm, vary or revoke the decision of the Licentiate Committee.

(4) The decision of the Council under subsection (3) shall be final.

(Amended 7 of 1996 s. 22)

Section:	20G	Review etc. of decision of sub-committee of Licentiate Committee		30/06/1997
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(1) In the case of a decision of a sub-committee of the Licentiate Committee, the person aggrieved may, within 14 days of being notified of the sub-committee's decision, apply to the review sub-committee for a review of the sub-committee's decision.

(2) Upon the hearing of a review under subsection (1) the review sub-committee may confirm, vary or revoke the decision of the sub-committee.

(3) Any person aggrieved by a decision of the review sub-committee may, within 14 days of the decision, appeal against that decision to the Licentiate Committee.

(4) Upon the hearing of an appeal the Licentiate Committee may confirm, vary or revoke the decision of the review sub-committee.

(5) The decision of the Licentiate Committee under this section shall be final.

(6) In this section "review sub-committee" (覆核小組) means the sub-committee appointed under section 20E(2).

(Amended 7 of 1996 s. 23)

Part:	IIIB	EDUCATION AND ACCREDITATION COMMITTEE		30/06/1997
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(Part IIIB added 7 of 1996 s. 24)

Section:	20H	Education and Accreditation Committee		30/06/1997
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(1) If the Council decides to establish the Education and Accreditation Committee, the Council shall appoint to the Committee-

- (a) a chairman who shall be elected by the Council from among its members;
- (b) 4 other members of the Council who shall be elected by the Council from among its members;
- (c) 1 registered medical practitioner nominated by the Director;

- (d) 1 registered medical practitioner nominated by the Hospital Authority;
- (e) 1 registered medical practitioner, not being a member of the Council, nominated by the Hong Kong Medical Association;
- (f) 2 registered medical practitioners, not being members of the Council, nominated by the University of Hong Kong;
- (g) 2 registered medical practitioners, not being members of the Council, nominated by The Chinese University of Hong Kong;
- (h) 2 registered medical practitioners, not being members of the Council, nominated by the Academy of Medicine.

(2) Any member of the Education and Accreditation Committee who is not a public officer shall hold office for 3 years but shall be eligible for reappointment.

(3) The quorum of a meeting of the Education and Accreditation Committee is 5, including the chairman.

(Added 7 of 1996 s. 24)

Section:	20I	Functions of Education and Accreditation Committee	30/06/1997
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The Education and Accreditation Committee has the following functions-

- (a) to determine, upon the recommendation of the Academy of Medicine, the specialties under which names of registered medical practitioners may be included in the Specialist Register;
- (b) to recommend to the Council, upon the recommendation of the Academy of Medicine, the qualification, experience and any other attributes that qualify a registered medical practitioner to have his name included in the Specialist Register under a particular specialty determined by the Committee under paragraph (a);
- (c) to recommend to the Council the procedures, documentations and fees payable for including the name of a registered medical practitioner in the Specialist Register;
- (d) to recommend and review the standard and structure of undergraduate medical education and medical training required for a person to become a registered medical practitioner;
- (e) to recommend to the Council whether the name of a registered medical practitioner should be included in or removed from the Specialist Register.

Part:	IIIC	SPECIALIST REGISTER, INCLUSION IN AND REMOVAL FROM SPECIALIST REGISTER	30/06/1997
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(Part IIIC added 7 of 1996 s. 24)

Section:	20J	Qualification for inclusion in Specialist Register	30/06/1997
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The Council shall, on the recommendation of the Education and Accreditation Committee, approve the qualifications, experience and other attributes that qualify a registered medical practitioner to have his name included in the Specialist Register under a particular specialty.

Section:	20K	Inclusion in Specialist Register	30/06/1997
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(1) A registered medical practitioner who wishes to have his name included in the Specialist Register shall apply to the Registrar in such form as may be determined by the Registrar.

(2) Where the Registrar is satisfied that an applicant-

- (a) has been-
 - (i) awarded a Fellowship of the Academy of Medicine; and
 - (ii) certified by the Academy of Medicine that he has completed the postgraduate medical training and has satisfied the continuing medical education requirements for the relevant specialty; or
- (b) has been certified by the Academy of Medicine that he has achieved a professional standard comparable to that recognized by the Academy for the award of its fellowship and has completed the postgraduate medical training and satisfied the continuing medical education requirements comparable to those recommended by the Academy, for the relevant specialty,

the Registrar shall refer the application to the Education and Accreditation Committee for its consideration.

(3) Where an applicant does not satisfy the requirements in subsection (2), the Registrar shall refer the matter to the Academy of Medicine for its certification as to whether the applicant has achieved a professional standard comparable to that recognized by the Academy for the award of its fellowship and has completed postgraduate medical training and has satisfied the continuing medical education requirements comparable to those recommended by the Academy, for the relevant specialty.

(4) If on a referral by the Registrar under subsection (3), the Academy of Medicine certifies that the applicant has not achieved that standard or has not completed that training and satisfied those requirements, the Registrar shall reject the applicant's application, stating the reason for rejection.

(5) If an application is rejected by the Registrar, the applicant may appeal to the Education and Accreditation Committee for its consideration of the appeal.

(6) On a referral by the Registrar under subsection (2), the Education and Accreditation Committee shall, if it is also satisfied that the applicant is of good character, recommend to the Council that his name be included in the Specialist Register.

(7) On an appeal under subsection (5), the Education and Accreditation Committee shall, if it is satisfied that the applicant-

- (a) has achieved a professional standard comparable to that recognized by the Academy of Medicine for the award of its fellowship and has completed postgraduate medical training and satisfied the continuing medical education requirements comparable to those recommended by the Academy, for the relevant specialty; and
- (b) is of good character,

recommend to the Council that his name be included in the Specialist Register, otherwise the Education and Accreditation Committee shall recommend to the Council that his application for inclusion of name in the Specialist Register be rejected.

(8) On a recommendation by the Education and Accreditation Committee under subsection (6) or (7), the Council shall determine the application, and if the Council approves the application and, subject to the payment of the fee recommended by the Committee for this purpose, the Council shall direct the Registrar-

- (a) to include the applicant's name in the Specialist Register; and
- (b) to issue a certificate in such form as the Registrar determines stating that the name of the applicant has been included in the Specialist Register.

(9) If the Council rejects an application under this section, it shall inform the applicant in writing, stating the reasons for the rejection.

Section:	20L	Continuing medical education for persons included in Specialist Register		30/06/1997
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A registered medical practitioner whose name is included in the Specialist Register shall undergo such continuing medical education relevant to the specialty under which his name is included in the Specialist Register as may be determined by the Academy of Medicine.

Section:	20M	Title of specialist		30/06/1997
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A registered medical practitioner whose name is included in the Specialist Register under a particular specialty determined by the Education and Accreditation Committee is entitled-

- (a) to be known in the English language as "specialist" in that specialty and in the Chinese language as "專科醫生" in that specialty; and
- (b) to such other entitlements as determined by the Council.

Section:	20N	Complaints against specialists		30/06/1997
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(1) Where the Education and Accreditation Committee comes to the notice of any complaint or information relating to the suitability of a registered medical practitioner to have his name included in, or removed from, the Specialist Register, including but not limiting to anything about qualification, experience, or failure of the registered medical practitioner to comply with section 20L, the Committee may, after considering all the circumstances of the

case before it-

- (a) invite the registered medical practitioner to give an explanation in writing or to appear before it personally;
- (b) dismiss the matter, with or without giving the registered medical practitioner an opportunity to explain under paragraph (a);
- (c) refer the matter to the Preliminary Investigation Committee, as it thinks appropriate, with or without giving the registered medical practitioner an opportunity to explain under paragraph (a);
- (d) with or without having given the registered medical practitioner an opportunity to explain under paragraph (a), recommend to the Council-
 - (i) where the registered medical practitioner's name is included in the Specialist Register, that the name of the registered medical practitioner be removed from the Specialist Register, permanently or for such period as the Committee recommends, with or without referring the matter to the Preliminary Investigation Committee at the same time; or
 - (ii) where the registered medical practitioner is applying for the inclusion of his name in the Specialist Register, that his application be rejected.

(2) After the Education and Accreditation Committee has decided to take any course of action under subsection (1)(b), (c) or (d), it shall notify the registered medical practitioner concerned in writing.

(3) Within 14 days after receiving a notification under subsection (2), the registered medical practitioner may request, in writing and setting out the reasons relied upon, the Education and Accreditation Committee to review its decision.

(4) After receiving a request under subsection (3), the Education and Accreditation Committee shall review its decision and notify, in writing, the registered medical practitioner of its decision after the review within 1 month after receiving the request.

Section:	20O	Appeal against decision of Education and Accreditation Committee		30/06/1997
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(1) Within 14 days after receiving a notification under section 20N(4), the registered medical practitioner may appeal against the decision of the Education and Accreditation Committee to the Council in writing setting out the reasons relied upon.

(2) In determining an appeal under subsection (1), the Council may-

- (a) invite the appellant to appear before it to give further submission;
- (b) allow counsel or solicitor to appear on behalf of the appellant.

(3) The Council may affirm, vary or reverse the decision of the Education and Accreditation Committee appealed against.

(4) The decision of the Council under this section is final.

Part:	IIID	ETHICS COMMITTEE		30/06/1997
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(Part IIID added 7 of 1996 s. 24)

Section:	20P	Ethics Committee		30/06/1997
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(1) If the Council decides to establish the Ethics Committee, the Council shall appoint to the Committee-

- (a) a chairman who shall be elected by the Council from among its members;
- (b) 4 other members of the Council who shall be elected by the Council from among its members;
- (c) 4 registered medical practitioners who are not members of the Council;
- (d) 1 to 3 lay persons as the Council considers suitable.

(2) A member of the Ethics Committee appointed under subsection (1)(d) shall hold office for such period between 6 months to 3 years as the Council may specify in his letter of appointment. Other members of the Ethics Committee shall hold office for 3 years.

(3) The quorum of a meeting of the Ethics Committee is 5, including the chairman.

Section:	20Q	Functions of Ethics Committee	30/06/1997
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The Ethics Committee has the following functions-

- (a) to study and review any case relating to medical ethics or professional conduct, either on its own motion or at the request in writing of not less than 20 registered medical practitioners;
- (b) to advise and make recommendations to the Council on matters about medical ethics and professional conduct generally.

Section:	20R	Pronouncement of recommendations by Ethics Committee	30/06/1997
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- (1) The Ethics Committee shall report its views and recommendations to the Council.
- (2) The Council may, after considering a report of the Ethics Committee, pronounce the recommendations of the Committee, with or without modifications.
- (3) Where the Council makes a pronouncement under subsection (2), the matters about medical ethics and professional conduct as pronounced shall be accepted as the prevailing view in all proceedings and meetings of the Council, any committee established by the Council or any sub-committee established by such a committee.
- (4) The Council may at any time review a matter pronounced under subsection (2) and, subject to subsection (5), shall do so if-
 - (a) a reference is made under section 21;
 - (b) the Ethics Committee so requests; or
 - (c) not less than 40 registered medical practitioners so request in writing.
- (5) The Council may decline to entertain a request by the Ethics Committee or by registered medical practitioners on the same matter made within 6 months of the last request.
- (6) A pronouncement under subsection (2) may be expressed as supplementary to or in substitution for a previous pronouncement under that subsection.

Part:	IIIIE	PRELIMINARY INVESTIGATION COMMITTEE	30/06/1997
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(Part IIIIE added 7 of 1996 s. 24)

Section:	20S	Preliminary Investigation Committee	30/06/1997
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- (1) If the Council decides to establish the Preliminary Investigation Committee, the Council shall appoint to the Committee-
 - (a) a chairman who shall be elected by the Council from among its members;
 - (b) a deputy chairman who shall be elected by the Council from among its members;
 - (c) 1 registered medical practitioner, not being a member of the Council, nominated by the Hong Kong Medical Association;
 - (d) 1 registered medical practitioner, not being a member of the Council, nominated by the Director;
 - (e) 1 registered medical practitioner, not being a member of the Council, nominated by the Hospital Authority;
 - (f) 1 registered medical practitioner, not being a member of the Council, nominated by any member of the Council;
 - (g) 1 of the 4 lay members of the Council.
- (2) The quorum of a meeting of the Preliminary Investigation Committee is 3, at least 1 of whom shall be a lay member, subject to the majority being registered medical practitioners, including the chairman or deputy chairman, or both.
- (3) At a meeting of the Preliminary Investigation Committee, the chairman or, in his absence, the deputy chairman, shall preside.
- (4) Notwithstanding subsection (3), if both the chairman and the deputy chairman declare their interest in respect of a particular case which is to be decided at a meeting, neither of them may preside at the meeting and the members present (including the chairman and the deputy chairman) shall elect another member to preside at the meeting.
- (5) A member of the Preliminary Investigation Committee appointed under subsection (1)(g) shall hold office

for such period not exceeding 3 months as the Council may specify in his letter of appointment. Other members of the Preliminary Investigation Committee shall hold office for 12 months.

Section:	20T	Functions of Preliminary Investigation Committee and its chairman		30/06/1997
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- (1) The Preliminary Investigation Committee has the following functions-
 - (a) to make preliminary investigations into complaints or information touching any matter that may be inquired into by the Council or heard by the Health Committee and to give advice on the matter to any registered medical practitioner;
 - (b) to make recommendations to the Council for the holding of an inquiry under section 21;
 - (c) to make recommendations to the Health Committee for conducting a hearing;
 - (d) to make preliminary investigations upon a referral by the Education and Accreditation Committee.
- (2) A matter brought to the attention of the Preliminary Investigation Committee for determining whether the Health Committee should be recommended to conduct a hearing or whether the Council should be recommended to hold an inquiry shall first be considered by the chairman of the Preliminary Investigation Committee or, in his absence, the deputy chairman thereof.
- (3) The Preliminary Investigation Committee, its chairman and deputy chairman shall act in accordance with such regulations in relation to their procedure made under section 33.

Part:	IIIF	HEALTH COMMITTEE		30/06/1997
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(Part IIIF added 7 of 1996 s. 24)

Section:	20U	Health Committee		30/06/1997
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- (1) If the Council decides to establish the Health Committee, the Council shall appoint to the Committee-
 - (a) a chairman who shall be elected by the Council from among its members;
 - (b) 2 other members of the Council who shall be elected by the Council from among its members;
 - (c) 2 registered medical practitioners, not being members of the Council, nominated by the Hong Kong Medical Association;
 - (d) 1 registered medical practitioner, not being a member of the Council, nominated by the Director;
 - (e) 1 registered medical practitioner, not being a member of the Council, nominated by the Hospital Authority;
 - (f) 1 to 3 persons, not being members of the Council, whom the Council considers appropriate;
 - (g) 1 of the 4 lay members of the Council.
- (2) A member of the Health Committee appointed under subsection (1)(f) shall hold office for such period between 6 and 12 months as the Council may specify in his letter of appointment. Other members of the Health Committee shall hold office for 12 months.
- (3) The quorum of a meeting of the Health Committee is 5, including the chairman, at least one of whom shall be a lay member, subject to the majority being registered medical practitioners.

Section:	20V	Functions of Health Committee		30/06/1997
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- (1) The Health Committee has the following functions-
 - (a) to conduct a hearing into any case or matter concerning the health or physical or mental fitness to practise of any registered medical practitioner, whether the case or matter has been investigated by the Preliminary Investigation Committee or not;
 - (b) to conduct a hearing into matters referred to it by the Council under section 21(1);
 - (c) to make a recommendation to the Council, after due hearing conducted under paragraph (a) or (b) into a case or matter, that the name of a registered medical practitioner be removed from the General Register permanently or for any period not exceeding 12 months, and that such an order for removal be

suspended subject to such conditions as recommended by the Health Committee, where appropriate;

(d) to recommend the extension, not exceeding 12 months, of a period of temporary removal of name recommended under paragraph (c)

(2) The Health Committee shall act in accordance with the regulations made under section 33.

Section:	20W	Review by Council of recommendations of Health Committee	30/06/1997
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(1) On making a recommendation under section 20V(1)(c) or (d), the Health Committee shall notify the registered medical practitioner concerned in writing.

(2) Within 14 days after receiving a notification under subsection (1), the registered medical practitioner may appeal to the Council against the Committee's recommendation, setting out the reasons relied upon.

(3) In determining an appeal under subsection (2), the Council may-

- (a) invite the appellant to appear before it to give further submission;
- (b) allow counsel or solicitor to appear on behalf of the appellant.

(4) The Council may affirm, vary or reverse the recommendation of the Health Committee appealed against.

(5) The decision of the Council under this section is final.

Part:	IV	INQUIRIES, DISCIPLINARY PROCEEDINGS, AND OFFENCES*	10 of 2005	08/07/2005
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Note:

* (Amended 7 of 1996 s. 25)

Section:	21	Disciplinary powers of Council	10 of 2005	08/07/2005
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(1) If, after due inquiry into any case referred to it by the Preliminary Investigation Committee, the Health Committee or the Education and Accreditation Committee in accordance with regulations made under section 33, the Council is satisfied that any registered medical practitioner-

- (a) has been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment; (Amended 25 of 1984 s. 10)
- (b) has been guilty of misconduct in any professional respect; (Amended 33 of 1971 s. 2)
- (c) has obtained registration by fraud or misrepresentation; or
- (d) was not at the time of his registration entitled to be registered;
- (e) has breached a condition previously imposed under paragraph (iv); (Added 7 of 1996 s. 26)
- (f) is physically or mentally unfit to practise medicine, surgery or midwifery; or (Added 7 of 1996 s. 26)
- (g) where applicable, has procured his name to be included in the Specialist Register by fraud or misrepresentation, (Added 7 of 1996 s. 26)

the Council may, in its discretion-

- (i) order the name of the registered medical practitioner to be removed from the General Register; or (Amended 7 of 1996 s. 26)
- (ii) order the name of the registered medical practitioner to be removed from the General Register for such period as it may think fit; or (Amended 7 of 1996 s. 26)
- (iii) order the registered medical practitioner to be reprimanded; or
- (iiiia) order that the name of the registered medical practitioner be removed from the Specialist Register; or (Added 7 of 1996 s. 26)
- (iiib) order that the name of the registered medical practitioner be removed from the Specialist Register for such period as it may think fit; or (Added 7 of 1996 s. 26)
- (iv) make any such order as aforesaid but suspend the application thereof, subject to such conditions as the Council may think it, for a period, or periods in the aggregate, not exceeding 3 years; or (Replaced 12 of 1962 s. 3.)
- (iva) make any such order as aforesaid (except an order under paragraph (iv)) and further order that such order take effect upon its publication in the Gazette if the Council is satisfied that it is necessary to do so for the protection of the public or in the best interest of the registered medical practitioner; or (Added 7 of 1996 s. 26)

(ivb) refer the case to the Health Committee; or (Added 7 of 1996 s. 26)

(v) order that a warning letter be served on the registered medical practitioner; (Added 39 of 1974 s. 2) and may, in any case, make such order as the Council thinks fit with regard to the payment of the costs of the Registrar, the Secretary, any complainant or any person presenting the case to the Council or of the registered medical practitioner, and any costs awarded may be recovered summarily as a civil debt in accordance with the provisions of section 67 of the Magistrates Ordinance (Cap 227). (Amended 30 of 1966 s. 4; 95 of 1970 s. 4; 7 of 1996 s. 26)

(2) For the purpose of subsection (1)-

"due inquiry" (適當的研訊) means an inquiry by the Council conducted substantially in accordance with procedure prescribed by regulations made under section 33.

(2A) At any stage of an inquiry under this section, the Council may refer a matter relevant to the case under inquiry to the Ethics Committee for its consideration and recommendation. (Added 7 of 1996 s. 26)

(3) Nothing in this section shall be deemed to require the Council to inquire into the question whether the registered medical practitioner was properly convicted but the Council may consider any record of the case in which such conviction was recorded and any other evidence which may be available and is relevant as showing the nature and gravity of the offence.

(4) In any inquiry under this section whether a person has been guilty of misconduct in any professional respect, any finding of fact which is shown to have been made in any matrimonial proceedings in a court of the Commonwealth having unlimited jurisdiction in civil matters, or on appeal from a decision in such proceedings, shall be conclusive evidence of the fact found. (Amended 33 of 1971 s. 2) [cf. 1956 c. 76 s. 33(2) U.K.]

(4A) A member of the Preliminary Investigation Committee who is also a member of the Council shall not attend a meeting of the Council whilst it is inquiring under this section into a complaint or information, in the preliminary investigation of which he took part. (Added 7 of 1996 s. 26)

(4B) Within 14 days after the conclusion of an inquiry under this section, the Council may, of its own initiative but not otherwise, review any decision or order made in the inquiry. (Added 7 of 1996 s. 26)

(4C) For the purpose of a review under subsection (4B), the Council may invite the parties to the inquiry and such other persons who have appeared before the Council in the inquiry to appear again before the Council, by themselves or by their counsel or solicitors. (Added 7 of 1996 s. 26)

(4D) On a review by the Council under this section, the Council may affirm, vary or revoke any decision or order made in the inquiry. (Added 7 of 1996 s. 26)

(5) Where an order under subsection (1) is made without an order under subsection (1)(iva) being made at the same time, within 1 month after the expiry of the time within which an appeal against an order under subsection (1) may be made to the Court of Appeal under section 26 or, if such an appeal has been made, within 1 month after the appeal is finally determined, the Council- (Amended 10 of 2005 s. 62)

(a) shall, in the case of an order made under subsection (1)(i), (ii), (iii), (iiia), (iiib) or (iv), publish the order or, if the order is varied on appeal, the order as so varied in the Gazette; and (Amended 10 of 2005 s. 62)

(b) may, in the case of an order made under subsection (1)(v), publish the order in the Gazette. (Replaced 39 of 1974 s. 2. Amended 76 of 1996 s. 26)

(5A) Where an order under subsection (1)(iva) is made at the same time as any order under subsection (1)(i), (ii), (iii), (iiia), (iiib) or (iv) is made, the Council shall, as soon as possible, publish the orders in the Gazette. (Added 7 of 1996 s. 26. Amended 7 of 1996 s. 26)

(6) Where any order is published in the Gazette under subsection (5) or (5A), the Council- (Amended 7 of 1996 s. 26)

(a) shall publish with such order sufficient particulars to acquaint the public with the nature of the matter to which the order relates; and

(b) may publish with such order an account of the proceedings at the inquiry at which the order was made. (Added 39 of 1974 s. 2)

Section:	21A	Powers of Council in relation to fitness to practise of medical practitioners	10 of 2005	08/07/2005
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(1) Upon a recommendation by the Health Committee under section 20V(1)(c) and either, the time for appeal against the recommendation under section 20W has expired and there is no appeal, or the Council has decided on an appeal against the decision under section 20W, if the Council is satisfied that the registered medical practitioner concerned is, by reason of health, physically or mentally unfit to practise medicine, surgery or midwifery, the Council

may, in its discretion, without a due inquiry under section 21-

- (a) order the name of the registered medical practitioner to be removed from the General Register; or
- (b) order the name of the registered medical practitioner to be removed from the General Register for such period as it may think fit; or
- (c) make any such order as aforesaid but suspend the application thereof, subject to such conditions as the Council may think fit, for a period, or periods in the aggregate, not exceeding 3 years; or
- (d) make any such order as aforesaid and further order that such order take effect upon its publication in the Gazette if the Council is satisfied that it is necessary to do so for the protection of the public or in the best interest of the registered medical practitioner.

(2) Where an order under subsection (1) is made without an order under subsection (1)(d) being made at the same time, within 1 month after the expiry of the time within which an appeal against an order under subsection (1) may be made to the Court of Appeal under section 26 or, if such an appeal has been made, within 1 month after the appeal is finally determined, the Council shall publish the order or, if the order is varied on appeal, the order as so varied in the Gazette. (Amended 10 of 2005 s. 63)

(3) Where an order under subsection (1)(d) is made at the same time as any order under subsection (1)(a), (b) or (c) is made, the Council shall, as soon as possible, publish the orders in the Gazette.

(4) Where any order is published in the Gazette under subsection (2) or (3), the Council-

- (a) shall publish with such order sufficient particulars to acquaint the public with the nature of the matter to which the order relates; and
- (b) may publish with such order an account of the proceedings at the hearing at which the order was made.

(Added 7 of 1996 s. 27)

Section:	21B	Meetings of Council for purpose of an inquiry	L.N. 130 of 2007	01/07/2007
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Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

(1) At any meeting of the Council held for the purpose of an inquiry under section 21, either-

- (a) 5 members of the Council; or
- (b) not less than 3 members of the Council and 2 assessors, on a rotational basis, from the panel appointed under subsection (2),

at least 1 of whom shall be a lay member but subject to the majority being registered medical practitioners, shall be a quorum.

(2) The Council shall appoint the following persons who are not members of the Council to form a panel of assessors for the purpose of conducting an inquiry under section 21-

- (a) 2 registered medical practitioners nominated by the Director;
- (b) 2 registered medical practitioners nominated by the Hospital Authority;
- (c) 2 registered medical practitioners nominated by the Academy of Medicine;
- (d) 2 registered medical practitioners nominated by the University of Hong Kong;
- (e) 2 registered medical practitioners nominated by The Chinese University of Hong Kong; and
- (f) 4 lay persons nominated by the Secretary for Food and Health. (Amended L.N. 106 of 2002; L.N. 130 of 2007)

(3) An inquiry conducted by members of the Council and assessors forming a quorum under subsection (1)(b) is deemed to be an inquiry by the Council and is as valid and effectual as an inquiry conducted by members of the Council forming a quorum under subsection (1)(a).

(4) An assessor shall hold office for a period of 1 year from the date of appointment and, at the expiry of his period of appointment or of any period for which he is reappointed, shall be eligible for reappointment for further periods of 1 year each.

(5) Any assessor may at any time resign by giving notice in writing to the Chairman.

(6) Section 3(6A) and (7) applies with respect to an assessor as it applies to a member of the Council.

(Added 7 of 1996 s. 27)

Section:	22	Powers of Council and Health Committee in regard to obtaining of evidence and conduct at proceedings		30/06/1997
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(1) For the purposes of an inquiry under section 21 the Council shall have the following powers-

- (a) to hear, receive and examine evidence on oath;
- (b) to summon any person to attend the inquiry to give evidence or produce any document or other thing in his possession and to examine him as a witness or require him to produce any document or other thing in his possession, subject to all just exceptions;
- (c) to admit or exclude the public or any member of the public from the inquiry;
- (d) to admit or exclude the press from the inquiry;
- (e) to award any person summoned to attend the inquiry such sum or sums as in the opinion of the Council may have been reasonably expended by him by reason of his attendance.

(1A) For the purpose of a hearing, the Health Committee shall have the following powers-

- (a) to hear, receive and examine evidence on oath;
- (b) to summon any person to attend the hearing or to give evidence or produce any document or other thing in his possession and to examine him as a witness or require him to produce any document or other thing in his possession, subject to all just exceptions;
- (c) to award any person summoned to attend the hearing such sum or sums as in the opinion of the Health Committee may have been reasonably expended by him by reason of his attendance. (Added 7 of 1996 s. 28)

(1B) A hearing by the Health Committee shall be held in private. (Added 7 of 1996 s. 28)

(2) Summons to witnesses may be in such form as the Council determines and shall be signed by the Chairman or the chairman of the Health Committee, as may be appropriate. (Amended 7 of 1996 s. 28)

(3) A summons to witness may be served personally, by post or by registered post. (Added 7 of 1996 s. 28)

(4) If it appears to the Council or the Health Committee that it is necessary to do so in the interests of the complainant, the registered medical practitioner concerned in the inquiry or the hearing, or any witness concerned, the Council or the Health Committee may order that all or any information relating to the inquiry or hearing shall not be disclosed. (Added 7 of 1996 s. 28)

(5) A person who does not comply with an order under subsection (4) commits an offence and is liable on summary conviction to a fine at level 3 and to imprisonment for 6 months. (Added 7 of 1996 s. 28)

Section:	23	Penalty for failure to give evidence		30/06/1997
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Any person who being summoned to attend as a witness or to produce a book, document or any other thing at an inquiry under section 21 or a hearing by the Health Committee refuses or neglects to do so or to answer any question put to him by or with the concurrence of the Council, or, as the case may be, the Health Committee commits an offence and is liable on summary conviction to a fine at level 3 and to imprisonment for 6 months: (Amended 68 of 1986 s. 3)

Provided that no person shall be bound to incriminate himself and every witness shall, in respect of any evidence given by him before the Council, or, as the case may be, the Health Committee, be entitled to the privileges to which he would be entitled if giving evidence before a court of justice.

(Amended 7 of 1996 s. 29)

Section:	24	Appearance of counsel, etc.		30/06/1997
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(1) The complainant in any inquiry under section 21 and the person whose conduct is the subject of such inquiry shall be entitled to be represented by counsel or by a solicitor throughout the inquiry. (Amended 7 of 1996 s. 30)

(2) A person whose fitness to practise is the subject of a hearing by the Health Committee shall not be entitled to be assisted by counsel or by a solicitor at the hearing. (Added 7 of 1996 s. 30)

Section:	25	Orders of the Council	10 of 2005	08/07/2005
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(1) A copy of any order made under section 21(1)(i), (ii), (iii), (iiiia), (iiib), (iv) or (iva) or 21A(1) shall be

served forthwith by the Registrar upon the registered medical practitioner concerned, either personally or by registered post addressed to his registered address. (Amended 39 of 1974 s. 3)

(1A) Where the Council makes an order under section 21(1)(v), the Registrar shall forthwith serve the warning letter upon the registered medical practitioner concerned either personally or by registered post addressed to his registered address. (Added 39 of 1974 s. 3)

(2) Unless an order under section 21(1)(iva) is made at the same time as another order is made under section 21(1) or an order under section 21A(1)(d) is made at the same time as another order is made under section 21A(1), the Registrar shall not remove the name of the registered medical practitioner from the General Register or, as may be appropriate, the Specialist Register, before the expiry of 1 month after the date of service of the order of the Council on the person concerned or, in the case of an appeal made to the Court of Appeal against the order under section 26, before the appeal is finally determined. (Replaced 7 of 1996 s. 31. Amended 10 of 2005 s. 64)

(3) Any person whose name has been removed from the General Register under the provisions of this Ordinance, or whose name had been, prior to the commencement of this Ordinance, removed under the provisions of the Medical Registration Ordinance 1935 (41 of 1935) from the register kept in accordance with the provisions of that Ordinance, may apply to the Council for the restoration of his name to the General Register and the Council in its absolute discretion and after such inquiry and subject to the submission of evidence that he has not been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment and has not been guilty of misconduct in a professional respect while practising in Hong Kong or elsewhere and to such conditions, as it may consider desirable, may either allow or refuse the application, and if it allows the same, shall order the Registrar on payment by the applicant of the prescribed fee to restore the name of the applicant to the General Register, and thereupon the Registrar shall restore the name accordingly. (Replaced 32 of 1958 s. 2. Amended 63 of 1982 s. 11)

(4) Any order made by the Council as aforesaid shall be signed by the Chairman.

(Amended 7 of 1996 s. 31)

Section:	26	Appeals against orders of the Council	10 of 2005	08/07/2005
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(1) Any registered medical practitioner who is aggrieved by any order made in respect of him under section 19, 19B, 21 or 21A may appeal to the Court of Appeal, and the Court of Appeal may thereupon affirm, reverse or vary the order appealed against, or remit the case to the Council for an, or another, inquiry. (Amended 7 of 1996 s. 32)

(2) (Repealed 10 of 2005 s. 60)

(3) The practice in relation to any such appeal shall be subject to any rules of court made under the High Court Ordinance (Cap 4): (Amended 25 of 1998 s. 2)

Provided that the Court of Appeal shall not have power to hear any appeal against an order made under section 21 or 21A unless notice of such appeal was given within 1 month of the service of the order in accordance with section 25(1). (Amended 7 of 1996 s. 32)

(4) In deciding any appeal under this section the Court of Appeal may make such order for the payment of costs as it considers reasonable. (Added 95 of 1970 s. 5)

(5) In an inquiry held pursuant to the Court of Appeal remitting the case to the Council under subsection (1), the validity of the proceedings before the Council shall not be called into question by reason only that any member of the Council who was present in the former inquiry is not present in the current inquiry or that any member of the Council present in the current inquiry was not present in the former inquiry. (Added 7 of 1996 s. 32)

(Amended 92 of 1975 s. 59)

Section:	27	Fraudulent registration		30/06/1997
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Every person who fraudulently procures or attempts to procure himself or any other person to be registered, or to have his or any other person's name included in the Specialist Register, by making or producing, or causing to be made or produced, any false or fraudulent representation or declarations, either oral or in writing, commits an offence and is liable on conviction upon indictment to imprisonment for 3 years.

(Amended 68 of 1986 s. 4; 7 of 1996 s. 33)

Section:	28	Unlawful use of title etc. and practice without registration	L.N. 6 of 2002	01/03/2002
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(1) Any person who-
(a) wilfully or falsely pretends-

- (i) to be qualified to practise medicine or surgery; or
- (ii) to be registered; or
- (iii) that his name is included in the Specialist Register; or
- (b) wilfully or falsely takes or uses any name, title, addition or description implying that-
 - (i) he is qualified to practise medicine or surgery; or
 - (ii) he is registered; or
 - (iii) his name is included in the Specialist Register; or
- (c) not being registered or provisionally registered or exempted from registration, professes to practise or publishes his name as practising medicine or surgery,

commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 3 years. (Replaced 7 of 1996 s. 34)

(2) Subject to subsection (3), any person who not being registered or provisionally registered or exempted from registration-

- (a) practises medicine or surgery commits an offence and is liable-
 - (i) on summary conviction to a fine at level 6 and to imprisonment for 3 years; or (Amended 7 of 1996 s. 34)
 - (ii) on conviction upon indictment to imprisonment for 5 years; or (Amended 7 of 1996 s. 34)
- (b) does any medical diagnosis, prescribes any medical treatment or performs any medical treatment (including surgery) in relation to a person which results in personal injury to that person commits an offence and is liable-
 - (i) on summary conviction to a fine of \$200000 and to imprisonment for 3 years; or (Amended 7 of 1996 s. 34)
 - (ii) on conviction upon indictment to imprisonment for 7 years. (Added 68 of 1986 s. 5)

(3) Subsection (2) shall not apply to any treatment-

- (a) by way of dentistry performed by a dentist registered, deemed to be registered or exempt from registration under the Dentists Registration Ordinance (Cap 156);
- (b) by way of the dispensation of medicine or poison by a pharmacist registered under the Pharmacy and Poisons Ordinance (Cap 138);
- (c) by way of the dispensation of poison by a seller of poisons listed under the Pharmacy and Poisons Ordinance (Cap 138);
- (d) in the course of the practice of one of the professions listed in the Schedule to the Supplementary Medical Professions Ordinance (Cap 359) given by a person registered or licensed under that Ordinance to practise that profession;
- (e) by way of massage given in a massage establishment by or under the supervision of a person licensed to operate that massage establishment under the Massage Establishments Ordinance (Cap 266);
- (f) by way of chiropody, chiropractic or osteopathy; (Amended 47 of 1999 s. 164)
- (g) by way of first aid; and (Added 68 of 1986 s. 5. Amended 47 of 1999 s. 164)
- (h) by way of practising Chinese medicine by a Chinese medicine practitioner registered or listed under the Chinese Medicine Ordinance (Cap 549). (Added 47 of 1999 s. 164)

(4) For the purposes of this section a person who fraudulently procures himself to be registered by making or producing or causing to be made or produced, any false or fraudulent representation or declaration, either oral or in writing, shall be deemed not to have been so registered. (Added 68 of 1986 s. 5)

(4A) Any person with limited registration who wilfully and falsely pretends to be qualified, or takes or uses any name or title implying that he is qualified, to practise medicine or surgery or to be registered, beyond the limits defined in a direction under section 14A(2) or (7) relating to that registration commits an offence and is liable on summary conviction to a fine of 10000 and to imprisonment for 6 months. (Added 38 of 1992 s. 8)

(4B) For the purposes of this section and section 32, a person with limited registration shall be deemed not to have been registered insofar as his registration does not have effect under section 14A. (Added 38 of 1992 s. 8)

(5) In subsection (3) "treatment" (治療) includes such diagnosis and prescription as is necessary for the purpose of giving treatment. (Added 68 of 1986 s. 5)

(6) Without prejudice to any Ordinance relating to the prosecution of criminal offences or to the powers of the Secretary for Justice in relation to the prosecution of criminal offences, prosecutions for an offence in connection with the practice of Chinese medicine shall only be brought under the Chinese Medicine Ordinance (Cap 549). (Added 47 of 1999 s. 164)

Part:	V	EXEMPTIONS AND REGULATIONS	30/06/1997
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Section:	29	Exemption from registration	30/06/1997
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The following persons shall be exempted from registration and shall be deemed to be registered medical practitioners while serving in or holding the appointments specified-

- (a) all medical officers of Her Majesty's Forces serving on full pay in Hong Kong; (Amended 25 of 1984 s. 10)
- (b) all ships' surgeons while in the discharge of their duties;
- (c)-(d) (Repealed 34 of 1995 s. 16)

Section:	30	Certain medical examiners may be exempted	23 of 1998; 37 of 2000	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 23 of 1998 s. 2; 37 of 2000 s. 3

(1) Notwithstanding that he may not be entitled to be registered, a person who is registered as a medical practitioner in a state, territory or place outside Hong Kong and who is employed by the government of that state, territory or place, as the case may be, may, with the consent of the Chief Executive, conduct medical examinations of applicants for admission into that state, territory or place, as the case may be, with a view to ascertaining their fitness for admission. (Amended 7 of 1996 s. 35; 23 of 1998 s. 2)

(2) Such consent may be given subject to such conditions as the Chief Executive may think fit to impose and may be revoked at any time in the absolute discretion of the Chief Executive.

(Amended 12 of 1962 s. 4; 37 of 2000 s. 3)

Section:	31	Chinese medicine	L.N. 6 of 2002	01/03/2002
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(1) Nothing in this Ordinance shall be deemed to affect the right of any Chinese medicine practitioner registered or listed under the Chinese Medicine Ordinance (Cap 549), not being a person taking or using any name, title, addition or description calculated to induce anyone to believe that he is qualified to practise medicine or surgery under this Ordinance, to practise Chinese medicine in accordance with the provisions of that Ordinance.

(2) For the purposes of this section-

- (a) the taking or using in Chinese by any person of the name, title, addition or description of "西醫", "醫生", "醫師", "醫士", "醫學士", "醫學博士", "男醫", "女醫", "醫科", "醫家", "醫寓", "醫院", "醫務院", "醫所", "醫務所", "醫療所", "診療所", "療病院", and the taking or using of any words or characters implying specialization if preceded by or used in combination with words or characters other than "中" or "中醫" shall be deemed to be the taking or using of a name, title, addition or description calculated to induce anyone to believe that he is qualified to practise medicine or surgery under this Ordinance and that he is registered under this Ordinance;
- (b) the taking or using in Chinese by a Chinese medicine practitioner registered or listed under the Chinese Medicine Ordinance (Cap 549) of the name, title, addition or description of "醫生", "醫師", "醫士", "醫學士", "醫學博士", "男醫", "女醫", "醫科", "醫家", "醫寓", "醫院", "醫務院", "醫所", "醫務所", "醫療所", "診療所", "療病院" or any words or characters implying specialization, when preceded by or used in combination with the character "中" or characters "中醫", shall not be deemed to be the taking or using of a name, title, addition or description calculated to induce anyone to believe that he is qualified to practise medicine or surgery under this Ordinance or that he is registered under this Ordinance.

(Replaced 47 of 1999 s. 165)

Section:	32	Treatment of diseases of the eye	L.N. 250 of 2000	16/08/2000
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(1) Notwithstanding the provisions of section 31 and subject to subsection (1A), no person unless he is a registered medical practitioner or is provisionally registered shall hold himself out as being qualified, competent or willing to undertake the treatment of diseases of the human eye or the prescription of remedies therefor, or the giving of advice in connection with the treatment thereof. (Amended 47 of 1999 s. 166)

(1A) Nothing in this section shall be taken to prohibit-

- (a) a person who is not a registered medical practitioner from holding himself out as being qualified, competent or willing to test refraction, visual acuity and colour vision, or to make or provide spectacles or other optical appliances for the remedy of defects of vision;
- (b) a Chinese medicine practitioner registered or listed under the Chinese Medicine Ordinance (Cap 549) or a person who continues to practise Chinese medicine provisionally by virtue of section 90(7) of that Ordinance from undertaking the treatment of diseases of the human eye or the prescription of remedies for such treatment, or the giving of advice in connection with such treatment in accordance with the provisions of that Ordinance. (Added 47 of 1999 s. 166)

(2) Any person who contravenes the provisions of subsection (1) commits an offence and is liable on summary conviction to a fine at level 6 and to imprisonment for 3 years. (Amended 68 of 1986 s. 6; 87 of 1995 s. 16)

(Added 19 of 1958 s. 3)

Section:	33	Regulations	L.N. 130 of 2007	01/07/2007
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Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

(1) The Chief Executive in Council may by regulation provide for- (Amended 37 of 2000 s. 3)

- (a)-(d) (Repealed 7 of 1996 s. 36)
- (e) any fee required to be paid under this Ordinance and, in the case of fees for practising certificates issued under this Ordinance, the imposition of a surcharge for late payment of any such fee; (Replaced 70 of 1975 s. 9)
- (ea) the disposal of any fee or surcharge paid or recovered under this Ordinance; (Added 70 of 1975 s. 9)
- (f) (Repealed 7 of 1996 s. 36)
- (fa)-(fb) (Repealed 7 of 1996 s. 36)
- (g)-(l) (Repealed 7 of 1996 s. 36)

(2) Any regulations made under subsection (1)(e) may provide for different fees to be paid by different categories of medical practitioners. (Added 70 of 1975 s. 9)

(3) The Secretary for Food and Health may by regulation provide for- (Amended L.N. 106 of 2002; L.N. 130 of 2007)

- (a) the duties of the Registrar;
- (b) the duties of the Legal Adviser to the Council;
- (c) the minimum periods of employment mentioned in section 9;
- (d) the period of assessment for the purposes of section 10A;
- (e) the issue of medical certificates of death;
- (f) the duties to be performed by the Secretary. (Added 7 of 1996 s. 36)

(4) The Council may by regulation provide for-

- (a) the procedure to be followed in relation to-
 - (i) appeals to the Council under this Ordinance;
 - (ii) reviews and appeals under this Ordinance;
 - (iii) the receipt of complaints or information touching any matter that may be inquired into by the Council;
 - (iv) the submission of complaints and information to the Preliminary Investigation Committee;
 - (v) the preliminary investigation of any complaint or information by the Preliminary Investigation Committee;
 - (vi) the formulation of charges arising out of complaints and information;
 - (vii) the reference to the Council by the Preliminary Investigation Committee of cases arising out of

complaints and information;

(viii) the procedure to be followed in relation to inquiries held by the Council;

(ix) hearings by the Health Committee and references of cases to and by the Health Committee;

(b) the procedure and other matters in relation to an election or appointment to an office of the Council under section 3(2)(j) including the qualifications of candidates, electors and subscribers for a nomination paper, the particulars of any system of voting and counting, the determination of election results and questioning of the results;

(c) certificates, forms or other documents required for the purposes of this Ordinance, including the payment of a fee for their issue. (Added 7 of 1996 s. 36)

(5) Any regulation under subsection (4) shall not be made unless the prior approval of the Secretary for Food and Health has been obtained. (Added 7 of 1996 s. 36. Amended L.N. 106 of 2002; L.N. 130 of 2007)

(6) Without prejudice to the generality of subsections (3) and (4), regulations made under those subsections may-

- (a) require documents for the purposes of this Ordinance to be submitted and to be in such form as may be prescribed and require matters or documents for those purposes to be supported by statutory declarations or such other declarations as specified or approved by the Council;
- (b) generally provide for the carrying into effect the provisions of this Ordinance. (Added 7 of 1996 s. 36)

Section:	34	(Repealed 87 of 1995 s. 17)		30/06/1997
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Section:	35	Transitional	25 of 1997	30/06/1997
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(1) On the commencement* of section 6 of the Medical Registration (Amendment) Ordinance 1995 (87 of 1995), the Registrar shall transfer the particulars of all the persons-

- (a) in Parts I and III of the register kept immediately before that commencement, to Part I of the General Register;
- (b) in Parts II and IV of the register kept immediately before that commencement, to Part II of the General Register;
- (c) in Part V of the register kept immediately before that commencement, to Part III of the General Register.

(2) A person whose name was recorded in Part III of the register kept immediately before the commencement of section 6 of the Medical Registration (Amendment) Ordinance 1995 (87 of 1995) and was transferred, under subsection (1)(a), to Part I of the General Register is deemed to be registered in accordance with the provisions of section 14.

(3) A person whose name was recorded in Part IV of the register kept immediately before the commencement of section 6 of the Medical Registration (Amendment) Ordinance 1995 (87 of 1995) and was transferred, under subsection (1)(b), to Part II of the General Register is deemed to be provisionally registered in accordance with the provisions of section 12.

(4) A person whose name was recorded in Part IV of the register kept immediately before the commencement of section 6 of the Medical Registration (Amendment) Ordinance 1995 (87 of 1995) and has been transferred to Part II of the General Register pursuant to subsection (1)(b)-

- (a) shall complete, to the satisfaction of the Council, the period of assessment provided for under section 10A in an approved hospital or in an approved institution; and
- (b) after completion of the period of assessment, is eligible for registration under section 14 as if he had passed the Licensing Examination.

(5) A Preliminary Investigation Committee as constituted before the commencement** of Part IIIE shall continue in existence for the purposes of completing any investigation, formulation of charges and reference to the Council commenced before that commencement and anything done by that Committee pursuant to this subsection has the same force and effect as if it were a Preliminary Investigation Committee constituted under Part IIIE.

(6) A review sub-committee as constituted before the date of appointment of the new Licentiate Committee under section 20E after the commencement*** of section 19 of the Medical Registration (Amendment) Ordinance 1996 (7 of 1996) shall continue in existence for the purposes of completing any review under section 20G commenced before that date of appointment and anything done by that sub-committee pursuant to this subsection has the same force and effect as if it were a review sub-committee appointed by the new Licentiate Committee.

(7) A person satisfying the conditions set out in subsection (8)(a) and (b) shall notwithstanding section 8(1), be entitled to be registered or provisionally registered (as the case may be) as a medical practitioner in accordance with, but subject to subsection (9), the Original Provisions as if the same had not been amended or repealed (as the case may be) by the Amending Ordinance. (Added 25 of 1997 s. 5)

(8) The conditions referred to in subsection (7) are that-

- (a) (i) subject to subsection (9), the person, during the period of three years from the Enactment Date, is awarded a United Kingdom or Irish diploma or a recognized Commonwealth diploma referred to in section 7(1)(b) of the Original Provisions and makes an application to be registered or provisionally registered (as the case may be) as a medical practitioner; or
- (ii) the person was immediately before Commencement registered or enrolled to pursue a diploma referred to in paragraph (a)(i) in an institution or body awarding such diploma, or was offered a place to pursue the same and such person shall have made an application to be registered or provisionally registered (as the case may be) as a medical practitioner within a period of two years after he is awarded such diploma; and
- (b) the person was at the time of Commencement a Hong Kong permanent resident within the meaning of section 2(1) of the Immigration Ordinance (Cap 115) as then in force. (Added 25 of 1997 s. 5)

(9) For the purposes of section 35(7) and (8), the definition of "recognized Commonwealth diploma" (獲承認的英聯邦文憑) in the Original Provisions shall be construed to mean a diploma granted by any of the recognized Commonwealth institutions or bodies specified in Schedule 4. (Added 25 of 1997 s. 5)

(Added 7 of 1996 s. 37)

Note:

- * **Commencement date: 1 September 1996.**
- ** **Commencement date: 24 January 1997.**
- *** **Commencement date: 24 January 1997.**

Schedule:	1	UNIVERSITIES IN HONG KONG SPECIFIED UNDER SECTION 8		30/06/1997
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[sections 8 & 9]
(Amended 7 of 1996 s. 46)

1. The University of Hong Kong.
2. The Chinese University of Hong Kong.

(Replaced 87 of 1995 s. 18)

Schedule:	2	PROVISIONS WITH RESPECT TO COMMITTEES AND SUB-COMMITTEES ESTABLISHED UNDER SECTION 20BA OF THIS ORDINANCE		30/06/1997
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[section 20BA]

1. Provision in Ordinance overrides provision in this Schedule

Where a provision in this Ordinance about a particular committee or sub-committee is inconsistent with a provision in this Schedule, the provision in this Ordinance overrides the provision in this Schedule with regard to that committee or sub-committee.

2. Terms of appointment of members

(1) Except for the members of the committees appointed under sections 20C, 20H, 20P, 20S(1)(g) and 20U(1)(f) of this Ordinance, a member of a committee shall hold office for 12 months. A member of a committee established under this Ordinance is eligible for re-election or reappointment, depending on the nature of his membership of the committee.

(2) A member of a sub-committee appointed under this Ordinance shall hold office for the period specified in

his letter of appointment and shall be eligible for reappointment.

(3) Notwithstanding his term of appointment, a member of a committee or sub-committee may at any time resign by giving notice in writing to the Chairman or, as the case may be, the chairman of the committee which appointed the sub-committee.

(4) If during the period of his office a member of a committee who is not a member of the Council becomes a member of the Council, he ceases to be a member of the committee.

3. Temporary members

Where for any reason a person elected or appointed to a committee or appointed to a sub-committee is or will be unable temporarily to perform his functions as such member, another person qualifying for election or appointment to that committee or sub-committee (depending on the nature of the membership of the person who is or will be temporarily unable to perform his functions) may be appointed by the Chairman or by the chairman of the committee, as may be appropriate, to be temporarily a member of the committee or sub-committee.

4. Outgoing member to continue transacting business

If-

- (a) at the time the notice of resignation under section 2(3) is given; or
- (b) at the time the membership or temporary membership of a committee or sub-committee of a person terminates otherwise than by resignation,

the committee or sub-committee, as may be appropriate, is considering any complaint or information, conducting any hearing or conducting any review, as may be applicable, the person so resigning or the person whose membership is so terminating (unless he is re-elected or reappointed) shall, if so requested by the Council or the committee which appointed the sub-committee, continue to be a member of the committee or sub-committee for the purpose of completing the performance of that function in respect of that complaint, information, hearing or review, as the case may be, and for no other purpose.

5. Meetings

(1) The chairman appointed to a committee or a sub-committee shall preside at a meeting of the committee or sub-committee, and if he is absent from a meeting at which a quorum is present, the members present at the meeting shall elect among themselves 1 member to preside at that meeting.

(2) A committee established under section 20BA of this Ordinance may transact any of its business (except a hearing by the Health Committee or a meeting of the Preliminary Investigation Committee) by the circulation of papers without meeting; and a resolution signed by all the members of the committee for the time being present in Hong Kong is as valid and effective as if it had been passed at a meeting by the votes of the members so signing.

6. Secretary

(1) A committee established under section 20BA of this Ordinance shall have a secretary who shall be appointed by the Council.

(2) The committee appointing a sub-committee under section 20BA of this Ordinance may, if it thinks fit, appoint a secretary of the sub-committee.

7. Other procedure

Except where express provision about the procedure of a committee or a sub-committee is made in this Ordinance or any regulation made under section 33 of this Ordinance, a committee or a sub-committee established under section 20BA of this Ordinance may regulate its own procedure.

(Added 7 of 1996 s. 38)

[sections 2 & 35]

2. Interpretation

In this Ordinance, unless the context otherwise requires-

"diploma" (文憑) means any diploma, degree, fellowship, membership, licence, authority to practise, letters testimonial, certificate or other status or document granted by any university, corporation, college, or other body, or by any departments of or persons acting under the authority of the government of any country or place within or without Her Majesty's dominions;

"General Medical Council" (醫學總會) means the statutory body of that name incorporated in the United Kingdom;

"qualifying diploma" (資格檢定文憑) means a diploma conferring, subject to compliance with the provisions of this Ordinance, entitlement to registration under section 7;

"qualifying examination" (資格檢定試) means an examination which has to be passed to qualify for a qualifying diploma;

"recognized Commonwealth diploma" (獲承認的英聯邦文憑) means a diploma-

- (a) which is granted within the Commonwealth other than in the United Kingdom or in Hong Kong; and
- (b) which is for the time being recognized by the General Medical Council as being a qualification that makes the holder thereof eligible to be registered in the United Kingdom as a fully registered medical practitioner;

"United Kingdom or Irish diploma" (聯合王國或愛爾蘭文憑) means any qualification specified in the second column of the Schedule which is granted by a body specified in relation to that qualification in the first column of the Schedule, or any combination of those qualifications, which makes the holder thereof eligible (or would make the holder thereof eligible if a national of a member state of the European Economic Community) to be registered in the United Kingdom as a fully registered medical practitioner.

7. Qualifications for registration

(1) Subject to the provisions of this Ordinance, the following persons shall be entitled to be registered as medical practitioners-

- (b) any person who holds a United Kingdom or Irish diploma or a recognized Commonwealth diploma;

8. Experience necessary for registration

Subject to section 14A, a person shall not become registered, otherwise than by way of provisional registration, unless-

- (a) in the case of a person claiming registration by virtue of a Hong Kong diploma, it is certified under section 9 that he has had the experience specified in that section; or
- (b) in the case of a person claiming registration by virtue of a United Kingdom or Irish diploma or recognized Commonwealth diploma, the Council is satisfied that he has had such experience as is specified in section 10.

9. Certificate of experience

(1) A certificate for the purposes of section 8(a) shall not be granted in respect of any person unless after passing a qualifying examination he has been engaged in employment in a resident medical capacity in an approved hospital or in an approved institution for such period as may be prescribed.

(2) A person satisfying the condition specified in subsection (1) may apply to the University of Hong Kong or to The Chinese University of Hong Kong for a certificate under this section, and if the University is satisfied that-

- (a) during the time the applicant has been so employed as aforesaid he has been engaged for such period or minimum period as may be prescribed in medicine, and for such period or minimum period as may be prescribed in surgery; and
- (b) his service while so employed has been satisfactory,

the University shall grant, in such form as may be prescribed, a certificate that it is so satisfied.

(3) Time during which an applicant, while employed as mentioned in subsection (1) has been engaged in midwifery, not exceeding such period as may be prescribed, shall be counted for the purposes of subsection (2)(a) either as time spent in medicine or as time spent in surgery, as the applicant may elect.

(4) Where during any period of such employment as is referred to in subsection (1) an applicant who has been engaged in medicine has also been engaged in surgery or in midwifery or both, or an applicant who has been engaged in surgery has also been engaged in midwifery, the period shall be apportioned for the purposes of this section in such manner as may be determined by the body granting the qualifying diploma by virtue of which the applicant claims registration.

(5) In this section-

- (a) "approved" (認可), in relation to a hospital or institution, means approved for the time being by the University of Hong Kong or The Chinese University of Hong Kong for the purposes of this section;
- (b) reference to employment in a resident medical capacity shall be construed as reference to employment in the practice of medicine, surgery or midwifery, where the person in question is resident in the hospital or institution where he is employed or conveniently near thereto, and by the terms of his employment is required to be so resident.

10. Other evidence of experience

The matters as to which the Council must be satisfied for the purposes of section 8(b) are-

- (a) that the person claiming registration has been employed as mentioned in section 9(1) and has satisfied the conditions specified in subsection (2)(a) and (b) of that section; or
- (b) that such person has rendered satisfactory service in an appointment (whether within or outside Her Majesty's dominions) such as in the opinion of the Council confers experience of the practice of medicine and surgery, or medicine, surgery and midwifery, not less extensive than that required for a certificate under section 9; or
- (c) that such person has otherwise acquired such experience as aforesaid.

SCHEDULE

UNITED KINGDOM OR IRISH DIPLOMA QUALIFICATIONS

Body granting qualification	Qualification
Any university in England, Wales, Scotland, Northern Ireland or the Republic of Ireland.	Degree of bachelor of medicine licence or licentiate in medicine, degree of bachelor of surgery.
Royal College of Physicians of London.	Licentiate.
Royal College of Surgeons of England.	Membership.
Society of Apothecaries of London.	Licentiate in medicine and surgery.
Royal College of Physicians of Edinburgh.	Licentiate.
Royal College of Surgeons of Edinburgh.	Licentiate.
Royal College (formerly Royal Faculty) of Physicians and Surgeons of Glasgow.	Licentiate.
Royal College of Physicians of Ireland.	Licentiate and Licentiate in Midwifery.
Royal College of Surgeons in Ireland.	Licentiate and Licentiate in Midwifery.
Apothecaries' Hall, Dublin.	Licentiate.

(Added 25 of 1997 s. 6)

Schedule:	4	RECOGNISED COMMONWEALTH INSTITUTIONS OR BODIES	25 of 1997 s. 6	30/06/1997
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The United Kingdom

University of Birmingham
 University of Bristol
 University of Cambridge
 University of Durham
 University of Leeds
 University of Leicester
 University of Liverpool
 University of London
 University of Manchester
 University of Newcastle upon Tyne
 University of Nottingham
 University of Oxford
 University of Sheffield
 University of Southampton
 University of Wales
 University of Aberdeen
 University of Dundee
 University of Edinburgh
 University of Glasgow
 University of St. Andrews
 Queen's University of Belfast

Ireland

University of Dublin
 National University of Ireland

Australia

University of Newcastle, New South Wales
 University of New South Wales
 University of Sydney
 University of Queensland
 University of Adelaide
 Flinders University of South Australia
 University of Tasmania
 University of Melbourne
 Monash University, Victoria
 University of Western Australia

New Zealand

University of Auckland
 University of Otago
 University of New Zealand

Singapore

National University of Singapore

West Indies

University of the West Indies

(Added 25 of 1997 s. 6)