

NEWSLETTER ISSUE NO.30 / FEBRUARY 2023

Special Registration – A new pathway for non-locally trained doctors to obtain full registration in Hong Kong

Background

The Government in response to the serious shortfall of doctors in Hong Kong introduced the Medical Registration (Amendment) Ordinance 2021, which came into effect upon gazettal on 29 October 2021, to create a new pathway (i.e. special registration scheme) under the Medical Registration Ordinance ("the Ordinance") in order to allow qualified non-locally trained doctors to return to Hong Kong and practise in the public healthcare sector so as to expand the pool of doctors. Under the Ordinance, non-locally trained doctors who possess recognised medical qualifications, subject to their fulfilment of certain criteria, may apply for special registration to practise in the public healthcare institutions (i.e. the Hospital Authority ("HA"), the Department of Health ("DH"), The University of Hong Kong and The Chinese University of Hong Kong) in Hong Kong. After serving for a certain period, obtaining recognised specialist qualifications and passing the assessment, they will be granted full registration to practise in Hong Kong.

For non-locally trained medical graduates who possess the recognised medical qualifications but have yet to undergo internship outside Hong Kong, subject to their fulfilment of relevant criteria, they may take the Licensing Examination of the Medical Council of Hong Kong in order to apply for special registration to practise in the public healthcare institutions in Hong Kong. They may also obtain full registration after meeting the requirements applicable to all special registration doctors.

The Special Registration Committee

In November 2021, the Special Registration Committee ("SRC"), chaired by Prof. TANG Wai-king, Grace, SBS, JP, was established in accordance with the amended Medical Registration Ordinance (Cap. 161) ("MRO") to determine the list of recognised medical qualifications after reviewing programmes offered by non-local medical schools with quality comparable to those provided by the two medical schools in Hong Kong. The list so determined will be submitted to the Registrar of Medical Practitioners ("the Registrar") for promulgation. Under section 14F of the MRO, when determining the list of recognised medical qualifications, the SRC will consider and recommend a medical qualification that fulfils the following criteria -

- (a) that is at the level of degree or higher;
- (b) that is awarded by a body in a place outside Hong Kong that is broadly comparable to any local university in terms of international rankings; and
- (c) that is broadly comparable to the medical qualifications awarded by any local university in terms of -
 - (i) curriculum of the programmes leading to the award of the medical qualifications;
 - (ii) medium of instruction of the programmes; and
 - (iii) any other aspects the SRC considers appropriate.

Assessment of Non-local Medical Qualifications

When determining the list of recognised medical qualifications awarded by non-local medical schools, the SRC will consider and recommend medical qualifications that meet the stipulated aspects set out in section 14F of the MRO as mentioned above (including international rankings, programme curriculum, medium of instruction, etc.). The key consideration is whether such medical qualifications are broadly comparable to the medical qualifications awarded by any local university after taking into account the relevant factors.

Latest Position

After detailed examination, the first two batches of 27 and 23 medical qualifications recognized by the SRC were announced in late April 2022 and early June 2022 respectively. The SRC submitted to the Registrar the third batch of 25 non-local medical qualifications recommended for recognition in December 2022. In other words, the SRC has so far recognized a total of 75 non-local medical qualifications. The order of inclusion in the list does not represent the order of preference of a medical qualification.

Way Forward

The SRC is pressing ahead with the assessment of other non-local medical programmes that fulfil the stipulated criteria in order to determine the next batch of recognised medical qualifications. The SRC will continue to discharge its statutory duties and take forward the task of determining the full list of recognised medical qualifications as soon as possible.

Quotable Qualifications

According to section 5 "Professional communication and information dissemination" of the Code of Professional Conduct, doctors may quote those quotable qualifications approved by the Medical Council in dissemination of service information to the public. The Guidelines on Quoting of Qualifications and the updated List of Quotable Qualifications ("the List") are promulgated on the Medical Council's website at https://www.mchk.org.hk/english/guideline/qualification.html.

Additions to the List of Quotable Qualifications

In 2022, the Medical Council, on the recommendation of the Education and Accreditation Committee ("EAC"), has approved additions to the List as set out in the ensuing paragraphs.

(i) Addition of quotable qualifications under the generally approved category

The Medical Council has approved the following qualifications for inclusion in the List under the generally approved category:

Title of Qualification	Abbreviation	Chinese Title	Date of Approval by the Medical Council
1. Certificate of Subspecialist Accreditation in Paediatric Immunology, Allergy and Infectious Diseases, Hong Kong College of Paediatricians	Cert HKCPaed (PIAID)	香港兒科醫學院 兒童免疫、過敏及 傳染病科証書	1 June 2022
2. Postgraduate Diploma in Occupational Medicine, University of Otago	PGDipOccMed (Otago)	奧塔哥大學 職業醫學深造文憑	6 July 2022
3. Professional Diploma in Genetic Counselling, The Chinese University of Hong Kong	DGC (CUHK)	香港中文大學 遺傳諮詢專業文憑	6 July 2022

(ii) Addition of quotable qualifications under the specifically approved category

The Medical Council has also approved the following qualification for inclusion in the List under the specifically approved category:

Title of Qualification	Abbreviation	Chinese Title	Date of Approval by the Medical Council	Reference
Doctor of Philosophy, The University of Hong Kong	PhD(HK)	香港大學 哲學博士	1 June 2022	MC/QQ/12/21

The qualifications can only be quoted by those applicants to whom the approvals are given.

Application for quoting research master and doctoral degrees

Doctors are advised that individual approval is required for quoting the specifically approved qualifications (i.e. research master and doctoral degrees other than "Master of Surgery" and "Doctor of Medicine") included in the List. Applications for quoting the specifically approved qualifications should be made to the EAC of the Medical Council.

Quotable Appointments

The Medical Council has implemented the revised Rules on Quotable Appointments ("the QA Rules") with effect from 1 January 2021.

Under the revised QA Rules and the Guidelines on Quotability of Appointments by Private Healthcare Facilities and Medical Clinics, a private healthcare facility / medical clinic has to satisfy the Medical Council that it has an established and objective system of offering appointments which is acceptable to the Medical Council before its appointments can be quoted by doctors in their medical practice. The names of 20 institutions with their appointment systems accepted by the Medical Council and their approved quotable appointments are included in the List of Quotable Appointments by Private Healthcare Facilities and Medical Clinics accepted under the Rules on Quotable Appointments ("the QA List").

Members of the profession are required to comply with the revised QA Rules in quoting their appointments for the purpose of professional practice in Hong Kong. They are also advised to refer to the QA List for quotability of any appointments made by private healthcare facilities and medical clinics before quoting them.

The revised QA Rules and the QA List are promulgated on the Medical Council's website at http://www.mchk.org.hk/english/guideline/appointment.html.

Addition of New Specialty in the Specialist Register

At its meetings on 20 May 2022 and 18 November 2022 respectively, the Education and Accreditation Committee of the Medical Council accepted the recommendations of the Hong Kong Academy of Medicine for addition of the following two new specialties to the Specialist Register:

- (i) Paediatric Haematology & Oncology (兒童血液及腫瘤科) (S65)
- (ii) Genetics and Genomics (Medicine)(遺傳及基因組學(內科))(S66)

Statistics on Complaints / Inquiries Handled in 2021

Table 1 - Complaints received by the Medical Council

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13. Reletive to the Medical Council for restoration inquity	13. Referred to the Medical Council for restoration inquiry	1	-	-	1	-

Remarks:

The net number of complaints received in 2018, 2019 and 2020 is as follows:

(a) The net number of complaints received in 2018 was 506 as there were 74 complaints on the same incident against a registered medical practitioner and 61 complaints on another incident against 3 registered medical practitioners received in 2018 respectively.

(b) Among the 3 286 complaint cases received in 2019, 2 742 cases can be consolidated into 11 groups of same / very similar complaints against

11 doctors. As such, the net number of complaints received in 2019 was 555.

(c) Among the 3 356 complaint cases received in 2020, 2 653 cases can be consolidated into 11 groups of same / very similar complaints against 11 doctors. As such, the net number of complaints received in 2020 was 714.

- The breakdown of cases on "Disregard of professional responsibility to patients" in 2021 is as follows:
 (a) Failure / unsatisfactory result of treatment / surgery, failure to properly / timely diagnose illness and disagreement with doctor's medical opinion - 119 cases
- (b) Conducting unnecessary or inappropriate treatment / surgery 60 cases

(c) Inappropriate prescription of drugs - 50 cases (d) Doctor's unprofessional attitude / doctor-patient communication - 44 cases

(e) Failure to give proper medical advice / explanation - 30 cases (f) Other treatment-related issues - 31 cases

Table 2 - Breakdown on the complaints received in 2021 which were dismissed by the Chairman and the Deputy Chairman of the PICs of the Medical Council as being frivolous or groundless

Nature of Complaints	No. of Cases
1. Disagreement with doctor's medical opinion	1
2. Fee dispute	1
3. Other issues unrelated to professional misconduct	1
	Total: 3

Table 3 - Work of the PICs of the Medical Council

<u>Nature</u>	<u>2017</u>	<u>2018</u>	20 1	<u> 19</u>	<u>202</u>	<u>20</u>		<u>2021</u>	
			Deemed	New	Deemed	New DIG	<u>Deemed</u>	<u>PIC(1)</u>	<u>PIC(2)</u>
Total number of cases referred to PIC meetings	368	242	<u>PIC</u> 224	<u>PIC</u> 249	<u>PIC</u> 105	<u>PIC</u> 281	<u>PIC</u> 56*	221*	102*
2. Total number of cases referred to the Medical Council for no disciplinary inquiry / restoration inquiry / pre-registration inquiry after PIC meetings	53	41	28	23	7	49	-	30#	31#
3. Total number of cases referred to the Medical Council / inquiry panel for disciplinary inquiry / restoration inquiry / pre-registratio inquiry after PIC meetings	38 n	39	26	13	21	32	19#	39#	7#
4. Total number of cases referred to the Health Committee for hearing after PIC meetings	1	1	-	2	-	-	-	-	-

Remarks

^{*} This figure included those cases received before 2021. Cases referred to and considered by the PICs in 2021 fell under the following categories:

			<u>No. of</u>	f Cases		
	Deeme	d PIC	PIC (1	<u>1)</u>	PIC	<u>(2)</u>
(a) Disregard of professional responsibility to patients		42		131		40
 inappropriate prescription of drugs 	7		16		7	
 conducting unnecessary or inappropriate treatment / surgery 	18		35		10	
 failure to properly / timely diagnose illness 	4		31		4	
• doctor's unprofessional attitude / doctor-patient communication	-		6		2	
 failure / unsatisfactory results of treatment / surgery 	12		22		7	
 failure to give proper medical advice / explanation 	1		11		9	
 disagreement with doctor's medical opinion 	-		9		1	
 other treatment-related issues 	-		1		-	
(b) Conviction in court		1		34		36
(c) Practice promotion / misleading, unapproved description		7		13		6
and announcement						
(d) Issuing misleading / false medical certificates		2		12		3
(e) Fee dispute		-		3		5
(f) Failure to maintain proper medical records		-		4		2
(g) Improper / indecent behaviour to patients		-		9		1
(h) Sharing fee and improper financial transaction		1		2		1
(i) Mishandling of patient's personal data		-		1		1
(j) Miscellaneous		3		12		7
Total		56	_	221	=	102

Cases referred by the PICs to the Medical Council / inquiry panel in 2021 are classified as follows:

	<u>Deeme</u>	ed PIC	No. PIC			C(2)
(A) Recommended for no disciplinary inquiry		-		28		30
Conviction in court • careless driving			24		27	
• dangerous driving			1		27	
 driving / using an unregistered vehicle and using vehicle without insurance & using vehicle without insurance 			1			
 riding / possessing bicycle within country park or special area without consent of the Country and Marine Parks Authority riding / driving on a footpath 			1		2	
 total braking efficiency of less than 50 per cent (one means of operation) 			1		2	
• littering from vehicles (against owner)					1	
(B) Recommended for no pre-registration inquiry Conviction in court		-		2		1
• careless driving			2		1	
(C) Recommended for disciplinary inquiry						
(a) Conviction in court		1		4		5
• manslaughter	1					
manslaughter by gross negligence independence			1		1	
 indecent assault committing an act outraging public decency			1		1	
 possession for sale or for any purpose of trade or manufacture goods to which a forged trade mark was applied 	?		1		1	
dangerous driving and driving a motor vehicle with alcohol concentration in blood above the prescribed limit					1	
dangerous driving causing grievous bodily harmdriving / using an unregistered vehicle and using vehicle			2		1	
without insurance and/or using vehicle without insurance						
• common assault					1	
(b) Disregard of professional responsibility to patients		12		18		_
• conducting unnecessary or inappropriate treatment / surgery	4		6			
 failure to give proper medical advice / explanation 			1			
failure to properly / timely diagnose illness failure / properly / timely diagnose illness	3		6			
failure / unsatisfactory results of treatment / surgeryinappropriate prescription of drugs	2 3		<i>3 2</i>			
	_	4	2	0		2
(c) Practice promotion / misleading, unapproved description and announcement	1	4		8		2
(d) Issuing misleading / false medical certificates		-		3		-
(e) Failure to maintain proper medical records		-		1		-
(f) Sharing fee and improper financial transaction		-		1		-
(g) Miscellaneous		2		4		-
Total:		19		69		38

Table 4a - Work statistics of the deemed PIC of the Medical Council in 2021

	Quarter				Total
	Jan-Mar	Apr-Jun	Jul-Sept	Oct-Dec	Total
No. of PIC Meetings	3	3	3	3	12
No. of cases considered	21	11	14	10	56
No. of cases dismissed (%)	15 (71.4%)	7 (63.6%)	9 (64.3%)	6 (60.0%)	37 (66.1%)
No. of cases referred to the Medical Council / inquiry panel (%)	6 (28.6%)	4 (36.4%)	5 (35.7%)	4 (40.0%)	19 (33.9%)
No. of cases referred to the Health Committee (%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)

Table 4b - Work statistics of the PIC(1) of the Medical Council in 2021

		Total			
	Jan-Mar	Apr-Jun	Jul-Sept	Oct-Dec	Total
No. of PIC Meetings	3	3	3	3	12
No. of cases considered	60	53	52	56	221
No. of cases dismissed (%)	40 (66.7%)	31 (58.5%)	40 (76.9%)	41 (73.2%)	152 (68.8%)
No. of cases referred to the Medical Council / inquiry panel (%)	20 (33.3%)	22 (41.5%)	12 (23.1%)	15 (26.8%)	69* (31.2%)
No. of cases referred to the Health Committee (%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)

^{*}Among the 69 cases, 30 cases were of minor nature and the Medical Council accepted the PIC's recommendation that no disciplinary / pre-registration inquiry was to be held (Please see details in Table 3).

Table 4c - Work statistics of the PIC(2) of the Medical Council in 2021

		Quarter			Total
	Jan-Mar	Apr-Jun	Jul-Sept	Oct-Dec	Total
No. of PIC Meetings	-	3	3	3	9
No. of cases considered	-	20	24	58	102
No. of cases dismissed (%)	-	12 (60.0%)	19 (79.2%)	33 (56.9%)	64 (62.7%)
No. of cases referred to the Medical Council / inquiry panel (%)	-	8 (40.0%)	5 (20.8%)	25 (43.1%)	38* (37.3%)
No. of cases referred to the Health Committee (%)	-	0 (0%)	0 (0%)	0 (0%)	0 (0%)

^{*} Among the 38 cases, 31 cases were of minor nature and the Medical Council accepted the PIC's recommendation that no disciplinary / pre-registration inquiry was to be held (Please see details in Table 3).

Table 5 - Disciplinary inquiries conducted in 2021

	No. of	
Nature	cases	Decision
(A) Conviction in court	involved	
(a) Driving / using an unregistered / unlicensed vehicle and using vehicle without insurance	(2)	Warning letter (gazetted)
(b) Selling drug not of the quality demanded by the purchaser	(1)	Removed for 1 month (suspended for 12 months)
(c) Committing an act outraging public decency	(1)	Removed for 4 months (suspended for 12 months)
(d) Possession for sale or for purpose of trade or manufacture goods to which a forged trade mark was applied	(1)	Removed for 6 months
(e) Conspiring to violate the Foreign Corrupt Practices Act ("FCPA"), four counts of violating the FCPA, one count of conspiring to commit money laundering, and one count of committing money laundering	(1)	Removed for 12 months and warning letter (gazetted)
Sub-total:	6	
(B) Disregard of professional	(2)	Warning letter (not gazetted)
responsibility to patients	(5)	Reprimanded
	(1)	Removed for 1 month (suspended for 6 months)
	(1)	Removed for 1 month (suspended for 6 months) and warning letter (gazetted)
	(3)	Removed for 1 month (suspended for 12 months)
	(1)	Removed for 2 months (suspended for 12 months)
	(1)	Removed for 3 months (suspended for 18 months)
	(1)	Removed for 3 months (suspended for 36 months)
	(1)	Ist Defendant Removed for 5 months (suspended for 36 months) 2nd Defendant Removed for 3 months (suspended for 18 months)
	(1)	Removed for 6 months (suspended for 24 months)
	(2)	I st Defendant Removed for 6 months 2 nd Defendant Removed for 2 months
	(1)	Removed for 6 months
	(4)	Not guilty
	(2)	Disciplinary inquiries to continue in 2022
Sub-total	26	

Nature	No. of cases involved	Decision
(C) Issue misleading restrainers forms / medical examination forms in residential care home for the elderly	(1)	Ist Defendant Removed for 1 month (suspended for 6 months) 2nd Defendant Warning letter (gazetted) 3rd Defendant Removed for 1 month (suspended for 24 months) 4th Defendant Removed for 1 month (suspended for 6 months) 5th Defendant Removed for 1 month (suspended for 12 months) 6th Defendant Removed for 1 month (suspended for 6 months) Removed for 1 month (suspended for 6 months) Removed for 3 months
Sub-total	2	
(D) Issue misleading / false medical certificates	(1)	Warning letter (gazetted)
Sub-total	1	
(E) Practice promotion / misleading,unapproved description and announcement	(3) (1) (1) (3) (4) (1) (1)	Removed for 1 month (suspended for 3 months) Removed for 1 month (suspended for 6 months) Removed for 2 months (suspended for 12 months) Removed for 3 months (suspended for 18 months) Removed for 3 months (suspended for 24 months) Removed for 6 months (suspended for 24 months)
Sub-total	14	
(F) Others	(1) (1) (1) (1)	Warning letter (not gazetted) Removed for 1 month (suspended for 6 months) Removed for 1 month Not guilty
Sub-total	4	
Total	53	

Table 6 - Figures on appeal cases

	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
No. of appeals lodged during the year	2	2	0	3	3
No. of appeal cases carried forward from previous years	0	2	2	0	3
Total no. of appeal cases in progress in the year:	2	4	2	3	6

Results of appeal cases concluded in 2021

		No. of cases
(a) Dismissed by Court of Appeal		0
(b) Allowed by Court of Appeal		0
(c) Appeal withdrawn		1
	Total:	1

Results of Elections of the Medical Council

The Medical Council held its 26th election of Medical Council Members to fill two vacancies with vote counting conducted on 22 December 2021. Dr CHAN Pierre and Dr LUNG David Christopher were re-elected by obtaining 3 226 and 2 783 votes respectively. Their term of office as Members of the Medical Council commenced from 24 January 2022 for a period of three years.

The 27th election of Medical Council Members to fill two vacancies with vote counting was conducted on 21 December 2022. Dr HO Pak-leung, JP and Dr CHOI Kin, Gabriel were re-elected by obtaining 2 807 and 2 569 votes respectively. Their terms of office as Members of the Medical Council commenced from 24 January 2023 for a period of three years.

Arising from the resignation of an elected Member, Dr MA Chung-yee, Arisina, which took effect on 1 November 2021, a by-election to fill the casual vacancy was held with vote counting conducted on 24 June 2022. Dr MARCET Marcus Mitchell getting the highest number of votes of 1 554 was elected. Dr MARCET holds office from 24 June 2022 (the date of election) to 23 January 2024 (the end of the unexpired term of office of Dr MA).

Reminders

Reporting of offences punishable with imprisonment

A doctor convicted of any offence punishable with imprisonment is liable to disciplinary proceedings of the Medical Council, **regardless of whether he/she is sentenced to imprisonment**. Some offences, though appear to be minor in nature, are in fact offences punishable with imprisonment. Examples of offences punishable with imprisonment are careless driving, crossing continuous double white lines, driving / using an unregistered / unlicensed vehicle, using vehicle without insurance, riding / driving on a footpath, left-driving expressway: restriction on vehicles using right most lane (by holder of probationary driving licence), riding / possessing bicycle within country park or special area without consent of the Authority, entering part that has been closed within country park, riding as passenger in rear seat of public light bus not securely fastened with seat belt, littering from vehicles (against owner), etc.

Members of the profession are reminded that they should report to the Medical Council within 28 days upon conviction of an offence punishable with imprisonment, as required under section 29 of the Code of Professional Conduct as follows:

"A doctor who has been convicted in or outside Hong Kong of an offence punishable with imprisonment or has been the subject of adverse findings in disciplinary proceedings by other professional regulatory bodies is required to report the matter to the Council within 28 days from the conviction or the adverse disciplinary finding, even if the matter is under appeal. Failure to report within the specified time will in itself be ground for disciplinary action. In case of doubt the matter should be reported."

In reporting conviction cases to the Medical Council, the doctor should provide all relevant document(s) such as certificate of trial as far as possible. Provision of sufficient information saves the Medical Council from having to make clarification with the doctor and/or liaise with the adjudicating court for retrieval of the related court document(s) and will facilitate the Medical Council in making an earlier decision on whether a disciplinary inquiry on the conviction should be held.

Timely renewal of practising / retention certificates

A notification letter was issued to individual doctors on 2 September 2022 inviting them to apply for renewal of the annual practising / retention certificates. The Medical Council would like to remind doctors to make timely application for renewal of the certificates every year, and draw doctors' attention to the following:

- (a) According to section 20A of the Medical Registration Ordinance ("MRO"), a doctor who has not renewed the practising certificate by 31 December cannot lawfully practise medicine from 1 January of the following year onwards, until and unless he/she has obtained a valid practising certificate; and
- (b) Section 19(1)(b) of the MRO provides that the Medical Council may order the removal from the General Register of the name of any person who has not, before 30 June of a year, obtained his/her practising / retention certificate for that year. If a doctor's name is removed from the General Register, he/she will cease to be a registered doctor and cannot continue to practise. It is a criminal offence under section 28(2) of the MRO for a person whose name is not on the General Register to practise medicine or surgery.

Change of registered addresses

Under the MRO, any registered medical practitioner is required to provide the Registrar of Medical Practitioners with an address at which notices from the Medical Council may be served on him/her. For this purpose, please notify the Registrar of Medical Practitioners either in writing or by completing a form, which is available from the Medical Council's website and can be obtained from the Central Registration Office at the following address, as soon as there is any change in your registered address:

17/F, Wu Chung House, 213 Queen's Road East, Wanchai, Hong Kong

(Tel. No.: 2961 8648 / 2961 8758 Fax No.: 2891 7946 / 2573 1000)

The address provided will be used for the purposes associated with registration under the MRO. The registered addresses as well as the names, qualifications and dates of qualifications of all persons whose names appear on the General Register are required to be published annually in the Gazette. Although a registered address may be a practising address, a residential address or a Post Office Box number, the Medical Council advises that **practising address** be provided as registered address. The practising address will be of more meaningful reference for the public in ascertaining who is entitled to practise medicine in Hong Kong, and will also afford privacy to the practitioner's residential address.

While publication of a registered medical practitioner's registered address in the Gazette is a mandatory requirement under the MRO, the Medical Council has decided that a registered medical practitioner may choose whether to have his/her registered address published on the Council's website. The list of registered medical practitioners on the Council's website will be updated on a monthly basis.

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Dr CHAN Yee-shing	Mr LAM Chi-yau	
(陳以誠醫生)	(林志釉先生)	
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Dr CHUNG Kin-lai	Dr LUNG David Christopher, MH	
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(麥肇敬醫生)

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^{*} serving on a rotation basis, each for a period of three months

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