

香港醫務委員會 THE MEDICAL COUNCIL OF HONG KONG

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- 行公義
 Ensuring Justice
- 守專業 Maintaining Professionalism
- 護社羣 Protecting the Public

Code of Professional Conduct

On the recommendation of the Ethics Committee, the Medical Council has endorsed to revise the permitted contents of the Guidelines on Doctors Directories (i.e. at Appendix D to the Code of Professional Conduct (Revised in January 2009)). The change (underlined for ease of reference) is appended below for the information of members of the medical profession and takes immediate effect upon promulgation:-

Appendix D to the Code of Professional Conduct

Guidelines on Doctors Directories

A doctor may disseminate his professional service through Doctors Directories published by professional medical organizations approved by the Medical Council for that purpose.

He must ensure that the published consultation fees truly reflect his normal charges. He must also ensure compliance with the provisions of section 5.2.1 of the Code governing "Principles and rules of good communication and information dissemination".

A Doctors Directory must comply with the following guidelines:-

Parameters of Directory

- (a) A Directory should be open to all registered medical practitioners. Inclusion in a Directory should not be restricted to members of particular associations or organizations, except for directories established and maintained by Colleges of the Hong Kong Academy of Medicine and recognized specialty associations, or with the special approval of the Medical Council in individual cases.
- (b) Doctors may be categorized as specialist practitioners according to their specialties (i.e. practitioners included under the various specialties in the Specialist Register) and general practitioners.
- (c) Each registered medical practitioner should be given the same choice of information for inclusion in the same Directory.
- (d) Professional medical organizations fulfilling the following criteria may apply to the Medical Council for approval to set up their Directories:-
 - an established body which is legally recognized;
 - (ii) non-profit sharing in nature; and
 - (iii) having the objectives of promoting health care and safeguarding the health interests of the community.

- (e) Approved organizations are responsible for verifying the accuracy of the information before publication. They should establish a mechanism for regular updating of the published information.
- (f) A medical practitioner providing information for publication in a Directory should ensure compliance with the relevant provisions in the Code.

Format of Directory

Directory may be in electronic or printed format.

For printed format, the following rules should apply:-

- Single color print
- · Uniform font size
- · Plain text only without graphic illustrations
- Accentuation of particular entries by bordering, highlighting or otherwise is prohibited

For electronic format, the following rules should apply:-

- Single and uniform color font for particulars of individual doctor
- Graphic illustrations limited to logos of organizations and those used to access different categories or locations of doctors
- Accentuation of particular entries by blinking, bordering, highlighting or otherwise is prohibited
- If possible, random listing of same category or location of doctors in each search is advisable

Permitted Contents of Directory

- All information presently permitted on signboards and stationery under sections 5.2.3.1 and 5.2.3.2 of the Code
- · District where the office of the doctor is located
- Passport-type photograph of the doctor
- · Gender of the doctor
- Language(s) / dialect(s) spoken
- Medical services, procedures and operations provided by the doctor and range of fees
 - Only those procedures in which the doctor has received adequate training and which are within his area
 of competency may be quoted
 - The nomenclatures of procedures and operations should follow those promulgated by Colleges of the Hong Kong Academy of Medicine, whenever such a list is available
- Range of consultation fees, or composite fees including consultation and basic medicine for a certain number of days
- · Affiliated hospitals
- Availability of emergency service and emergency contact telephone number
- Information on the doctor's participation in insurance/other payment scheme

Distribution of Directory

Publishing organizations should distribute their directories widely in order to facilitate public access to the directories. Individual doctors may also make the directory available to the public provided that no particular entries are highlighted, extracted, or drawn to the special attention of readers.

Advice/Information for All Registered Medical Practitioners

Termination of financial or professional relationship with a medical organization

The Medical Council would like to draw the attention of members of the profession to the recommendations made at a recent disciplinary inquiry held in May 2010.

In a recent disciplinary inquiry held in May 2010, a doctor was charged with the following offences:-

"He, being a registered medical practitioner, in respect of an advertisement ("the advertisement") in the 7 June 2006 issue of the publication "Sunday Life" pertaining to an organization known as "XXX Clinic" ("the organization") which he had a financial and/or professional relationship with:-

- i. sanctioned, acquiesced in or failed to take reasonable steps to prevent the publication of the advertisement which contravened the principles and rules set out in section 5.2 of the Code of Professional Conduct for the Guidance of Registered Medical Practitioners in that the advertisement was promotion of the business of the organization exceeding the extent permitted under section 5.2.3 of the Code;
- ii. sanctioned, acquiesced in or failed to take reasonable steps to prevent the publication of the advertisement which promoted the business of the organization by means of the inclusion of a coupon therein offering advantages to clients;

and in relation to the facts alleged, either individually or cumulatively, he has been guilty of misconduct in a professional respect."

After due inquiry, the Council did not find the defendant doctor having any financial and/or professional relationship with XXX Clinic after April 2006 and thus not guilty of the charges.

However the Council noted that the defendant doctor did not inform XXX Clinic of his intention to terminate his relationship with the clinic. He only stopped using the facilities of XXX, nor did he inform XXX to stop distributing his name cards. This is not a satisfactory arrangement, as it will give the impression to both XXX Clinic and the public that the relationship between that doctor and XXX Clinic was continuing.

In order to prevent similar problems from arising, doctors who terminate their financial or professional relationship with a medical organization should take reasonable steps to make clear to both the organization and relevant parties once the relationship has been terminated.

With this recommendation, in future cases where the doctor has not taken such reasonable steps will not be entitled to claim that an un-communicated intention to terminate a relationship as an actual termination of the relationship.

Recent ruling of the Court of Final Appeal in relation to the role of the Legal Adviser in Medical Council Inquiries

This is to draw medical practitioners' attention to the recent ruling of the Court of Final Appeal ("CFA") in relation to the role of the Legal Adviser in Medical Council inquiries. The CFA ruled on 14 May 2010 in Dr. CHAN Hei Ling Helen v. Medical Council of Hong Kong (FACV 13/2009) that it is lawful for the Legal Adviser to (i) be present at the Council's deliberations; and (ii) draft the decisions of the Council in disciplinary inquiries. Having regard to the CFA judgment, the Council considered the matter at its policy meeting on 2 June 2010 and decided to resume the previous practice of (i) inviting the Legal Adviser to be present during the Council's deliberations in disciplinary inquiries; (ii) inviting the Legal Adviser to draft the judgments of the Council in disciplinary inquiries; and (iii) to adopt the same practice for other hearings of the Council, its committees and sub-committees.

Under the reinstated practice, the Legal Adviser does not take part in the making of the findings and the decisions of the Council. He only gives legal advice to the Council. The parties concerned will also be informed of any legal advice given to the Council after it has retired to consider the judgment. When considering the judgment, the Council will deliberate without any participation of the Legal Adviser, who will reduce the findings, decisions and reasoning of the Council into writing in the presence of the Council. The draft judgment will be scrutinized thoroughly and modified by the Council whenever necessary so as to ensure that it reflects properly the meaning of the Council.

Guideline on Procedural Sedation

The Council notes that sedation/anaesthesia procedures are being carried out in private clinics more often than before. However, it is questionable whether such private clinics are properly equipped and staffed for carrying out the sedation/anaesthesia procedures. As the risks of sedation/anaesthesia can have serious consequences and can be life-threatening, doctors are reminded to exercise extreme caution when performing and monitoring the sedation/anaesthesia procedures.

At the invitation of the Medical Council, the Hong Kong Academy of Medicine ("HKAM") has drawn up a set of guidelines on procedural sedation. The guidelines are not only for anaesthesiologists but for all medical practitioners who perform sedation/anaesthesia in private clinics. The Medical Council would like to advise doctors to refer to HKAM's guidelines when performing sedation/anaesthesia procedures in their clinic. All doctors can have unrestricted access to HKAM's guidelines on procedural sedation through their website at www.hkam.org.hk/publications/Guidelines_on_Procedural_Sedation.pdf.

Quotable Qualifications

The Medical Council has approved the following qualifications for inclusion in the List of Quotable Qualifications (the List):-

	Title of Qualifications	Abbreviation	Chinese Title
1.	Master of Science in Molecular Medicine,	MSc Molecular	倫敦大學分子醫學碩士
	University of London	Medicine (Lond)	
2.	Graduate Diploma in Psychotherapy, National	GDip Psychotherapy	新加坡國立大學心理治療學
	University of Singapore	(Singapore)	文憑
3.	Fellow of the Academy of Medicine, Singapore	FAMS (Psychiatry)	新加坡醫學專科學院院士
	(Psychiatry)		(精神病學)
4.	Postgraduate Diploma in End-of-Life Care, The	PgD EOLC (CUHK)	香港中文大學寧養關顧學士
	Chinese University of Hong Kong		後文憑
5.	Fellow of the Hong Kong College of Orthopaedic	FHKCOS	香港骨科醫學院院士
	Surgeons (Rehabilitation)		
6.	Graduate Diploma in Musculoskeletal Medicine,	GradDipMuscMed	弗林德斯大學肌肉骨骼
	Flinders University	(Flinders)	醫學文憑
7.	Master of General Practice, University of Otago	MGP (Otago)	奧塔哥大學全科醫學碩士
8.	Master of Science (Experimental Medicine),	MSc (Experimental	英屬哥倫比亞大學理學碩士
	University of British Columbia	Medicine) (UBC)	(實驗醫學)
9.	Postgraduate Diploma in Diagnosis and	PDipIntMed&	香港大學醫學內科診斷
	Therapeutics in Internal Medicine, The	Therapeutic (HKU)	及治療深造文憑
	University of Hong Kong		
10.	Master of Science in Palliative Medicine, Cardiff	MSc in Palliative	卡的夫大學紓緩醫學碩士
	University	Medicine (Cardiff)	
	(Remarks: "Master of Science in Palliative Medicin		
	in Palliative Medicine, Cardiff University" should no		
11.	Master of Science in Allergy, University of	MSc Allergy (Soton)	修咸頓大學過敏病科學碩士
	Southampton		

At the Policy Meeting held on 4 November 2009, the Council endorsed changes in the following 2 quotable qualifications, which are currently included in the List, as a result of the change in Chinese title of the qualifications:-

	Title of Qualifications	Abbreviation	Chinese Title
1.	Postgraduate Diploma in Health Services	PDHSMPH	香港中文大學醫療管理學及
	Management and Public Health, The Chinese	(CUHK)	預防醫學學士後文憑
	University of Hong Kong		
			香港中文大學醫療管理學及
			公共衛生學士後文憑
	(Remarks: The Chinese title of the qualification wa	as changed to "香港中	文大學醫療管理學及公共衛生
	學士後文憑" with effect from 6 December 2007.)		
2.	Master of Public Health, Chinese University of	MPH(CUHK)	香港中文大學預防醫學碩士
	Hong Kong		
			香港中文大學公共衛生碩士
	(Remarks: The Chinese title of the qualification wa	as changed to "香港中	文大學公共衛生碩士" with
	effect from 4 December 2008.)		

At the Policy Meeting held on 2 December 2009, the Council agreed to add the word "Postgraduate" to the title of the quotable qualification "Diploma in Palliative Medicine, Cardiff University" after seeking confirmation from Cardiff University on the official full title of the qualification. The relevant entry in the List has been amended to "Postgraduate Diploma in Palliative Medicine, Cardiff University" as follows:-

Full Title	Abbreviation	Chinese Title				
Postgraduate Diploma in Palliative Medicine,	PG Dip. Pall. Med.	卡的夫大學紓緩醫學				
Cardiff University	(Cardiff)	深造文憑				
(Name should from "Dinlome in Pollistive	Din Bell Med	林园林开发上咖啡顿 应仅短				
(Name changed from "Diploma in Palliative Medicine, University of Wales College of	Dip. Pall. Med. (Wales)	英國威爾斯大學醫學院紓緩 醫學文憑				
Medicine" after the merger of the University of	(wates)	西学人心				
Wales College of Medicine and Cardiff University						
with effect from August 2004.)						
(Remarks: The qualification "Diploma in Palliative Medicine, University of Wales College of						

Qualification only quotable by doctor(s) with specific approval

Medicine" obtained prior to June 2004 is not quotable.)

The Council also approved six applications from specific applicants for inclusion of the following qualifications in the List as a separate category:-

Title of Qualifications	Abbreviation	Chinese Title	Date of approval by the Medical Council	Reference
Doctor of Philosophy,	PhD (HK)	香港大學哲學博士	4 November 2009	MC/QQ/16/09
The University of Hong Kong			2 December 2009	MC/QQ/23/09
			2 December 2009	MC/QQ/24/09
Doctor of Philosophy, University of Newcastle upon Tyne	PhD (Ncle)	紐卡素大學哲學博士	2 December 2009	MC/QQ/19/09
Doctor of Philosophy, University of London	PhD (Lond)	倫敦大學哲學博士	7 July 2010	MC/QQ/28/09
Doctor of Philosophy, Maastricht University	PhD (Maastricht)	馬斯特里赫特大學 哲學博士	7 July 2010	MC/QQ/29/09

The above qualifications can only be quoted by Those doctors with the specific approval of the Council.

Application for quoting research master and doctoral degrees

Registered medical practitioners are advised that individual approval would be 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 Education and Accreditation Committee of the Council in a standard application form. The application form is available for downloading at the website of the Council (http://www.mchk.org.hk/qq.htm). Any enquiries on this matter should be directed to the Council Secretariat at 2873 4853.

Change of the Chinese title of the Specialty "Neurosurgery" in the Specialist Register

On the recommendation of the Hong Kong Academy of Medicine, the Education and Accreditation Committee of the Medical Council endorsed at its committee meeting held on 22 January 2010 that the Chinese title of the specialty "Neurosurgery" in the Specialist Register be changed from "腦外科" to "神經外科". The change was agreed by the Medical Council at it's Policy Meeting held on 3 February 2010. Concerned specialists are advised (i) to note the change of the Chinese title of the specialty "Neurosurgery" in the Specialist Register from "腦外科" to "神經外科"; and (ii) to update their stationeries accordingly.

Results of the 2009 Election of the Medical Council of Hong Kong

The Medical Council held its 14th election of Medical Council Members on 16 December 2009 to fill two vacancies. Prof. SUNG Jao Yiu, SBS and Dr YEUNG Chiu Fat, Henry have been re-elected by obtaining 1,252 and 1,035 votes respectively. Their term of office as Members of the Medical Council arising from the above-mentioned election commenced from 24 January 2010 for a period of three years.

Statistics on Disciplinary Cases Handled by the Medical Council Complaints Received by the Medical Council

No. of Cases			ses		
Nature	2005	2006	2007	2008	2009
1. Conviction in Court					
(a) Failure to keep proper record of dangerous drugs	3	1	5	6	2
(b) Others	9	6	8	8	25
2. Disregard of professional responsibility to patients	237	297	320	329	348*
3. Drug-related cases (excluding court convictions)	4	2	3	6	2
4. Termination of Pregnancy	-	-	-	-	-
Abuse of professional position to further improper	-	-	-	-	1
association with patients					
6. Improper, indecent behaviour to patients	6	6	8	9	5
 Abuse of professional confidence 	4	5	3	7	5
8. Practice promotion	61	50	27	25	15
9. Sharing fee & improper financial transaction	3	1	-	-	2
10. Depreciation of other medical practitioner(s)	1	2	1	-	1
11. Misleading, unapproved description & announcement	6	11	4	11	12
12. Issuing misleading, false medical certificates	25	54	55	39	43
13. Improper delegation of medical duties to unregistered	3	-	4	-	3
persons					
14. Fitness to practise	-	-	1	-	4
15. Miscellaneous	35	30	33	29	25
Total:	397	465	472	469	493

Remarks:

- (i) Of the 493 complaints received in 2009:
 - 32 cases (6.5%) were inactionable because the complainants failed to provide further information or statutory declaration, the complaints were anonymous or withdrawn, etc.
 - 181 cases (36.7%) were dismissed by the PIC Chairman and the PIC Deputy Chairman in consultation with the Lay Member as being frivolous or groundless
 - 59 cases (12%) were referred to the PIC meeting
 - 2 cases (0.4%) were referred to the Health Committee
 - 6 cases (1.2%) were referred to inquiry
 - 213 cases (43.2%) are being processed or pending additional information
- (ii) * The breakdown of cases on "disregard of professional responsibility to patients" in 2009 is as follows:
 - (1) Inappropriate prescription of drugs 44 cases
 - (2) Improper diagnosis 65 cases
 - (3) Inappropriate medical advice/explanation 45 cases
 - (4) Unnecessary treatment 19 cases
 - (5) Unsatisfactory result of treatment 92 cases
 - (6) Fees and miscellaneous 83 cases

Breakdown on the complaints received in 2009 which were dismissed by the PIC Chairman and the PIC Deputy Chairman

Nature of Complaint		No. of Cases
(a) Doctors' attitude / Doctor-patient communication		45
(b) Disagreement with doctor's medical opinion		29
(c) Unsatisfactory results of treatment		18
(d) Complications of treatment		8
(e) Undesirable reactions to drugs prescribed		7
(f) Misdiagnosis		1
(g) Sick leave and related matters		21
(h) Fees dispute		19
(i) Alleged indecent behaviour to patients		1
(j) Practice promotion/descriptions/announcements		12
(k) Miscellaneous		20
	Total:	181

Work of the Council's Preliminary Investigation Committee (PIC)

Nature	2005	2006	2007	2008	2009
(1) Total cases considered by the PIC	123	118	99	151	103*
(2) Total cases referred by the PIC to the Council for inquiries,	31	33	34	27	41#
or no inquiry					
(3) Total cases referred by the PIC to the Health Committee	-	-	-	1	2
for hearing					

Remarks:

^{*}The major categories of cases considered by the PIC in 2009 include:

	No. of Cases
(a) Conviction in court	16
(b) Disregard of professional responsibility to patients	
inappropriate prescription of drugs	12
failure to properly/timely diagnose illness	15
failure to give proper advice/explanation	5
conducting unnecessary or inappropriate treatment/surgery	3
• failure/unsatisfactory result of surgery	14
• others	11
(c) Drug-related cases (excluding court convictions)	
failure to properly label drugs dispensed	2
(d) Improper, indecent behaviour to patients	0
(e) Advertising/canvassing	11
(f) Issuing untrue or misleading medical certificates	5
(g) Misleading, unapproved description and announcement	5
(h) Abuse of professional confidence	1
(i) Miscellaneous	3
	103

#The major categories of cases referred by the PIC to the Medical Council for inquiry or no inquiries in 2009 include:

	No. of Case	es
(a) Conviction		
• careless driving	8	(8 cases of careless
• others	1	driving were of minor
failure to keep proper record of dangerous drugs	7	offences and the Council
(b) Disregard of professional responsibility to patients		accepted the PIC's
 conducting unnecessary or inappropriate treatment/surg 	gery 3	recommendation that no
• failure to give proper advice/explanation	1	inquiry was to be held)
• inappropriate prescription of drugs	9	
failure to properly diagnose illness	0	
• failure / unsatisfactory results of surgery	4	
• miscellaneous	2	
(c) Advertising/canvassing	5	
(d) Issuing untrue or misleading medical certificates	0	
(e) Abuse of professional confidence	0	
(f) Miscellaneous	1	
	41	

Work Statistics of the Council's Preliminary Investigation Committee in the Year of 2009

	JanMar.	AprJune.	Quarter JulySept.	OctDec.	Total
No. of PIC Meetings	3	3	3	3	12
No. of cases considered	27	19	32	25	103
No. of cases dismissed (%)	18	12	16	14	60
	(66.7%)	(63.2%)	(50%)	(56%)	(58.3%)
No. of cases referred to Council (%)	8	7	16	10	41*
	(29.6%)	(36.8%)	(50%)	(40%)	(39.8%)
No. of cases referred to the	1	-	(-)	1	2
Health Committee (%)	(3.7%)	(-)		(4%)	(1.9%)

^{* 8} cases of careless driving were of minor offences and the Council accepted the PIC's recommendation that no inquiry was to be held.

Disciplinary Inquiries conducted by the Medical Council in 2009

o. of Cases	Nature	De	ecision of the Council
8	Disregard of professional responsibility to patients	1 1 1 1	1 charge: Permanent removal 1 charge: Removed for 3 months 2 charges: Removed for 1 month 6 charges: Reprimanded 5 charges: Not guilty (removal orders run concurrently 2 charges: Removed for 42 month 1 charge: Removed for 12 month 3 charges: Removed for 6 month (removal orders run concurrently 2 charges: Removed for 5 month 1 charge: Removed for 5 month 1 charge: Reprimanded 1 charge: Not guilty (removal orders run concurrently Removed for 1 month (suspended for 1 year)
		1	1 charge : Reprimanded
		2	2 charges: Not guilty Warning Letter (not gozetted)
		2	Warning Letter (not gazetted)
2	Labelling of drugs/ Failure to keep proper record of dangerous drugs	1	Removed for 2 months Removed for 1 month (suspended for 6 months)
2	Issuing misleading, false medical certificates	1	1 charge : Warning Letter (not gazetted) 1 charge : Not guilty To be continued
		•	To be communed
4	Practice promotion/ Advertising	1 1 2	1 doctor: Removed for 2 months 1 doctor: Removed for 4 months (suspended for 2 years) Warning Letter (not gazetted) To be continued
3	Conviction - 1 failure to keep proper record of dangerous drugs	1	1 charge: Removed for 2 months 1 charge: Removed for 1 month (run concurrently)
	- 1 conspiracy of defraud	1	Removed for 6 months
	- 1 selling drug for human consumption but unfit for that purpose	1	(suspended for 2 years) Removed for 2 months (suspended for 1 year)
19	16 cases: guilty 3 cases: to be continued 15 of these 19 cases were referred for inquiry by the	PIC	meetings held in/hefore 2008

15 of these 19 cases were referred for inquiry by the PIC meetings held in/before 2008

Figures on Appeal Cases

100	2005	2006	2007	2008	2009
No. of Appeals lodged	1	5	4	4	4
No. of Appeal cases carried forward from previous years	2	2	6	7	10
Total No. of Appeal cases in progress in the year			10	11	14
Results of Appeal Cases concluded in 2009:					
(a) Dismissed by Court of First Instance / Court of Appeal	-				
(b) Allowed	1				
(c) Appeal withdrawn	_1_				

REMINDER

Change of registered address

Under the Medical Registration Ordinance, all registered medical practitioners are 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 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 Wan Chai, Hong Kong

Tel. No.: 2961 8648/2961 8655 Fax No.: 2891 7946/2573 1000

The address provided will be used for the purposes associated with registration under the Medical Registration Ordinance. 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 the registered address may be a practising address, a residential address or a Post Office Box number, the Medical Council advises the applicant to provide the practising address as the 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 the registered medical practitioner's registered address in the Gazette is a mandatory requirement under the Medical Registration Ordinance, the Medical Council has decided that a registered medical practitioner may choose whether to have his/her registered address published in the Council's website. Any subsequent change in your choice must be notified in writing to the Registrar of Medical Practitioner. Given the size of the updating exercise which involves over 12,000 entries, the list of registered medical practitioners on the website will be updated in April and October each year. Requests for changing the publication of registered address and/or any other information in individual entries on the Council's website will be processed only during the updating exercises.

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