



行公義 Ensuring Justice
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Code of Professional Conduct

The Medical Council has recently discussed about the issue of practice without valid practising certificates by doctors. To draw members of the profession to the relevant statutory requirement, the Medical Council, on the recommendation of its Ethics Committee, has decided that the Code of Professional Conduct (“Code”) should be amended by adding the following paragraph in Part I A “Introduction” of the Code, immediately preceding the final paragraph:-

“A doctor must comply with the law governing the practice of medicine. Section 20A(1) of the Medical Registration Ordinance provides that “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”.

A notice on the above amendment and the revised version of Part I A of the Code have been published in the Medical Council’s website at <http://www.mchk.org.hk> in October 2013.

Reminder of timely renewal of practising certificates

By a notification letter of 25 September 2013 and a reminder of 18 November 2013 to all individual doctors, the Medical Council reminded doctors to make timely application for renewal of the practising certificates and drew doctors’ attention to the following:-

- (a) According to section 20A of the Medical Registration Ordinance, 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.
- (b) Section 19(1)(b) of the Medical Registration Ordinance 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 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 Ordinance for a person whose name is not on the General Register to practise medicine or surgery.

Advice / Information for all Registered Medical Practitioners

Reporting of offence punishable by imprisonment

A doctor convicted of any offence punishable by imprisonment is liable to disciplinary proceedings of the Medical Council, regardless of whether he/she is sentenced to imprisonment. Members of the profession are hence reminded that they should report to the Medical Council within 28 days upon conviction of an offence punishable by imprisonment as required under section 29 of the Code of Professional Conduct issued in January 2009 as follows:-

“A doctor who has been convicted in or outside Hong Kong of an offence punishable by 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 relevant court document(s) or key information about the conviction, such as court case number and adjudicating court, as far as possible. Provision of sufficient information saves time in making clarification with the doctor and liaising with the adjudicating court for retrieval of the related court document(s), materials of which facilitate the deliberation of the Medical Council in deciding whether a disciplinary inquiry on the conviction by the doctor should be held in the first instance.

Addition of New Specialties in the Specialist Register

At its meetings on 21 June 2013 and 18 October 2013 respectively, the Education and Accreditation Committee of the Medical Council accepted the recommendations of the Hong Kong Academy of Medicine to add the following two specialties to the Specialist Register:-

- (i) Developmental-Behavioural Paediatrics (兒童體智及行為發展學科)
- (ii) Paediatric Neurology (兒童腦神經科)

Enquiries relating to the application for inclusion of names under the Specialist Register or change of specialty should be directed to the Medical Council Secretariat at 2873 4829.

Rules on Quotable Appointments

By letters to all doctors and all private hospitals of 27 September 2012, the Medical Council promulgated the new “Rules on Quotable Appointments” (“the Rules”) and announced that the Rules would be implemented on 27 June 2013. The Rules were also published in the Newsletter Issue No. 19 of December 2012 and the website of the Medical Council.

Paragraph 2(b) of the Rules provides that a private hospital has to satisfy the Medical Council that its appointment system is acceptable before its appointments can be quoted by doctors in their medical practice. The Education and Accreditation Committee of the Council has been considering the applications from private hospitals for confirmation of acceptability of their appointment systems. Given the number of issues which had to be resolved, the Medical Council by a letter to all doctors and private hospitals of 15 May 2013 announced the postponement of implementation of the new Rules until further notice, and that the prevailing policy on quotable appointments would continue. The policy is set out below for reference:-

“Only those appointments falling within the following criteria are quotable in the course of the professional practice:

- It should be a bona-fide, current, full-time and paid appointment offered by an approved public medical institution or private hospital in Hong Kong; and
- Honorary appointment will not be quotable.”

A notice on the above postponement was published on the Medical Council’s website in May 2013.

Revised policy on use of the title ‘CME-Certified’ under the CME Programme for Practising Doctors who are not taking CME Programme for Specialists

Under the CME Programme for Practising Doctors who are not taking CME Programme for Specialists (“the Programme”), a doctor who has acquired 90 or more CME points in a CME cycle will be given approval to use the title ‘CME-Certified (延續醫學進修證書)’ on visiting cards during the immediately following CME cycle. The validity period should be set out in brackets following the title and the title will be quotable only during the validity period. As promulgated in the Medical Council’s Newsletter Issue No. 11 of August 2005, the Council previously decided that doctors would not be allowed to quote both the title ‘CME-Certified’ and the specialist title concurrently on their visiting cards. Doctors who became specialists during the validity period of the title ‘CME-Certified’ would be allowed to quote either the title ‘CME-Certified’ or the specialist title on their visiting cards, but not both.

At the 342nd Policy Meeting on 3 July 2013, the Medical Council noted the concern of the Education and Accreditation Committee that the above policy might be misleading, in that doctors might think that they could have two sets of visiting cards for use on different occasions, one quoting the ‘CME-Certified’ title and the other quoting the specialist title. The Medical Council decided to accept the recommendation of the Education and Accreditation Committee to amend the above policy to the effect that (i) a doctor already on the Specialist Register should not be given the approval to use the ‘CME-Certified’ title; and (ii) approval for using the ‘CME-Certified’ title will lapse upon registration as a specialist. The revised policy took effect on 3 July 2013.

The revised policy was promulgated on the Medical Council’s website in July 2013.



Quotable Qualifications

The List of Quotable Qualifications (“List”) approved by the Medical Council is promulgated in the Medical Council’s website (<http://www.mchk.org.hk/quotable.htm>). Since January 2013, the Medical Council has approved the following qualifications for inclusion in the List:-

	Title of Qualification	Abbreviation	Chinese Title
1.	Fellow of the College of Intensive Care Medicine of Australia and New Zealand	FCICM	澳洲及紐西蘭 深切治療科學院院士
2.	Master of Science in Mental Health, The Chinese University of Hong Kong	MSc Mental Health (CUHK)	香港中文大學 精神健康理學碩士
	(Remarks: “Master of Science in Mental Health, The Chinese University of Hong Kong” and “Postgraduate Diploma in Mental Health, The Chinese University of Hong Kong” should not be quoted simultaneously.)		
3.	Postgraduate Diploma in Molecular and Diagnostic Pathology, The University of Hong Kong	PDipMDPath (HK)	香港大學分子及 診斷病理學深造文憑
4.	Master of Science in Genomics and Bioinformatics, The Chinese University of Hong Kong	MSc (Genomics and Bioinformatics)(CUHK)	香港中文大學 基因組學及生物信息學 理學碩士
5.	Diploma in Tropical Medicine and Hygiene, Gorgas Memorial Institute of Tropical and Preventive Medicine	DTM&H (GMITPM)	戈加斯熱帶和 預防醫學紀念研究所 熱帶病學及衛生學文憑
6.	Master of Science (Medical Science) in Medical Genetics, University of Glasgow	MSc (Med Sci) in Medical Genetics (Glasgow)	格拉斯哥大學 醫學遺傳學碩士

Qualification only quotable by doctors with specific approval

The Medical Council has also approved an application for quotability of a qualification under the specifically approved category in the List as follows:-

Title of Qualification	Abbreviation	Chinese Title	Date of approval by the Medical Council	Reference
Doctor of Science, The University of Hong Kong	DSc (HK)	香港大學 科學博士	6 March 2013	MC/QQ/11/12

Change of details of quotable qualifications

The Medical Council at the Policy Meeting on 6 March 2013 agreed to add the following remark to the entry of the qualification “Fellowship of the Joint Faculty of Intensive Care Medicine, Australian and New Zealand College of Anaesthetists and Royal Australasian College of Physicians” in the List upon being informed that the “Joint Faculty of Intensive Care Medicine, Australian and New Zealand College of Anaesthetists and Royal Australasian College of Physicians” was replaced by the “College of Intensive Care Medicine of Australia and New Zealand” on 1 January 2010:-

Title of Qualification	Abbreviation	Chinese Title
Fellowship of the Joint Faculty of Intensive Care Medicine, Australian and New Zealand College of Anaesthetists and Royal Australasian College of Physicians	FJFICM	澳洲及紐西蘭麻醉科醫學院 及澳洲皇家內科醫學院 危重病學聯合學系院士
(Remarks: “FJFICM” has ceased to exist since 1 January 2010, as it has been replaced by “ <i>Fellow of the College of Intensive Care Medicine of Australia and New Zealand (FCICM)</i> ”.)		

The Medical Council decided at the Policy Meeting on 2 October 2013 to rectify the Chinese translation of the titles of three qualifications in the List conferred by the Queen’s University of Belfast by adopting the statutory Chinese name of the university as set out in Schedule 3 of the Medical Registration Ordinance (i.e. 貝爾法斯特女皇大學), and following the Council’s policy decision in 2006 not to add the country name to the Chinese title of future qualifications to be included in the List if the country name was not in the original title. The rectified details of the qualifications are as follows:-

	Title of Qualification	Abbreviation	Original Chinese Title	Rectified Chinese Title
1.	Master of Surgery, Queen’s University of Belfast	MCh (Belf)	愛爾蘭貝爾法斯特 皇后大學外科碩士	貝爾法斯特女皇大學 外科碩士
2.	Master of Obstetrics, Queen’s University of Belfast	MAO (Belf)	愛爾蘭貝爾法斯特 大學產科碩士	貝爾法斯特女皇大學 產科碩士
3.	Doctor of Medicine, Queen’s University of Belfast	MD (Belf)	愛爾蘭貝爾法斯特 皇后大學醫學博士	貝爾法斯特女皇大學 醫學博士

The Medical Council decided at the Policy Meeting on 4 December 2013 to rectify the abbreviations of the following quotable qualifications conferred by the College of Family Physicians of Canada (“CFPC”) after seeking confirmation from CFPC on the official abbreviations of the qualifications:

Title of Qualification	Abbreviation	Chinese Title
Certificant member, College of Family Physicians of Canada	CCFP	加拿大家庭醫學院證書
(Remarks: The Medical Council decided at the meeting on 4 December 2013 to rectify the abbreviation of the qualification “CCFPC” as “CCFP”.)		
Fellow of the College of Family Physicians of Canada	FCFP	加拿大家庭醫學學院院士
(Remarks: The Medical Council decided at the meeting on 4 December 2013 to rectify the abbreviation of the qualification “FCFPC” as “FCFP”.)		

Principle of translation of Chinese titles

Doctors are advised that for qualifications with no official Chinese title offered by the conferring institutions, the Council has adopted the principle of translation strictly according to the literal meaning of the official English titles of those qualifications.

Application for quoting research master and doctoral degrees

Doctors 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 Medical Council.

Result of the 2012 Election of the Medical Council of Hong Kong

The Medical Council held its 17th election of Medical Council Members on 19 December 2012 to fill two vacancies. Dr CHEUNG Tak-hong and Dr CHAN Yee-shing were elected/re-elected by obtaining 1,311 and 1,226 votes respectively. Their term of office as Members of the Medical Council commenced from 24 January 2013 for a period of three years.

Statistics on Disciplinary Cases Handled by the Medical Council

Table 1 - Complaints received by the Medical Council

<u>Allegations by Category</u>	<u>No. of Cases</u>				
	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
1. Conviction in Court	14	27	34	61	63
(a) Failure to keep proper record of dangerous drugs	6	2	1	-	2
(b) Others	8	25	33	61	61
2. Disregard of professional responsibility to patients	329	348	349	294	318*
3. Issuing misleading/false medical certificates	39	43	29	29	20
4. Practice promotion	25	15	13	19	8
5. Misleading, unapproved description & announcement	11	12	14	12	8
6. Improper/indecent behaviour to patients	9	5	14	2	10
7. Abuse of professional position to further improper association with patients	-	1	-	2	-
8. Fitness to practise	-	4	-	2	2
9. Abuse of professional confidence	7	5	-	1	1
10. Depreciation of other medical practitioner(s)	-	1	-	1	1
11. Improper delegation of medical duties to unregistered persons	-	3	1	-	1
12. Sharing fee and improper financial transaction	-	2	3	-	5
13. Other minor issues unrelated to professional responsibility	29	25	14	38	43
Total:	469	493	476	461	480

Remarks:

(i) Of the 480 complaints received in 2012:

- 301 cases (63%) are being processed or pending additional information
- 104 cases (22%) were dismissed by the PIC Chairman and the PIC Deputy Chairman in consultation with the Lay Member as being frivolous or groundless
- 66 cases (14%) were referred to the PIC meeting, out of which 1 case (0.2%) was referred to inquiry
- 9 cases (1%) could not be pursued further because the complainants failed to provide further information or statutory declaration or the complaints were anonymous or withdrawn, etc.

*(ii) The breakdown of cases on “Disregard of professional responsibility to patients” in 2012 is as follows:

- (a) Failure/unsatisfactory result of treatment/surgery, failure to properly/timely diagnose illness and disagreement with doctor’s medical opinion - 140 cases
- (b) Failure to give proper medical advice/explanation - 11 cases
- (c) Inappropriate prescription of drugs - 53 cases
- (d) Doctor’s unprofessional attitude/doctor-patient communication - 15 cases
- (e) Conducting unnecessary or inappropriate treatment/surgery - 15 cases
- (f) Fees and others - 84 cases

Table 2 - Breakdown on the complaints received in 2012 which were dismissed by the Chairman and the Deputy Chairman of the Preliminary Investigation Committee (PIC) of the Medical Council as being frivolous or groundless

<u>Nature of Complaints</u>	<u>No. of Cases</u>
1. Failure/unsatisfactory results of treatment/surgery	15
2. Failure to properly/timely diagnose illness	6
3. Disagreement with doctor's medical opinion	12
4. Inappropriate prescription of drugs	4
5. Doctors' unprofessional attitude/doctor-patient communication	21
6. Fees dispute	4
7. Sick leave and issues related to medical certificates	9
8. Practice promotion	2
9. Improper/ indecent behaviour to patients	2
10. Other issues unrelated to professional misconduct	29
Total:	104

Table 3 - Work of PIC of the Medical Council

<u>Nature</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
1. Total number of cases referred to the PIC meetings	151	103	108	99	95*
2. Total number of cases referred to the Medical Council for inquiries or no inquiry after the PIC meetings	27	41	49	59	69#
3. Total number of cases referred to the Health Committee for hearing after the PIC meetings	1	2	-	-	-

Remarks:

*This figure included those cases received before 2012. They were considered by the PIC in 2012 under the following categories:

	<u>No. of Cases</u>
(a) Disregard of professional responsibility to patients	31
- failure/unsatisfactory results of treatment/surgery	12
- failure to properly/timely diagnose illness	8
- failure to give proper medical advice/explanation	3
- conducting unnecessary or inappropriate treatment/surgery	2
- inappropriate prescription of drugs	4
- fees and others	2
(b) Conviction in court	51
(c) Practice promotion	6
(d) Issuing misleading, unapproved description and announcement	5
(e) Abuse of professional confidence	1
(f) Indecent behaviour to patients	1
Total:	95

#The cases referred by the PIC to the Medical Council in 2012 are classified as follows:

	<u>No. of Cases</u>	
(A) Recommended for no inquiry		
Conviction in court		48
- <i>careless driving</i>	44	
- <i>failure to comply with Building Ordinance order</i>	2	
- <i>failure to give information on demand</i>	1	
- <i>riding bicycle in country park</i>	1	
(B) Recommended for inquiry		
(a) Conviction in court in Hong Kong		2
- <i>misconduct in public office</i>	1	
- <i>agent deceiving principal</i>	1	
(b) Conviction in court in overseas	1	1
(c) Disregard of professional responsibility to patients		10
- <i>failure/unsatisfactory results of treatment/surgery</i>	6	
- <i>failure to properly/timely diagnose illness</i>	1	
- <i>inappropriate prescription of drugs</i>	3	
(d) Practice promotion		4
(e) Issuing misleading, unapproved description and announcement		2
(f) Abuse of professional confidence		1
(g) Indecent behaviour to patients		1
Total:		69

Table 4 - Work statistics of PIC of the Medical Council in 2012

	Jan-Mar	Apr-Jun	Jul-Sept	Oct-Dec	Total
No. of PIC Meetings	3	3	2	3	11
No. of cases considered	23	25	18	29	95
No. of cases dismissed (%)	9 (39.1 %)	6 (24.0 %)	2 (11.1%)	9 (31.0 %)	26 (27.4 %)
No. of cases referred to the Medical Council (%)	14 (60.9 %)	19 (76.0 %)	16 (88.9 %)	20 (69.0 %)	69* (72.6 %)
No. of cases referred to the Health Committee (%)	-- (0%)	-- (0%)	-- (0%)	-- (0%)	-- (0%)

* Of them, 48 cases were of minor offences and the Medical Council accepted the PIC's recommendation that no inquiry was to be held (Please see details at Table 3).

Table 5 - Disciplinary inquiries conducted by the Medical Council in 2012

<u>Nature</u>	<u>No. of Cases/ Doctors involved</u>	<u>Decision of the Council</u>
(A) Disregard of professional responsibility to patients	1 1 1 2 2 1 2 1	Removed indefinitely Removed for 2 years Removed for 1 month Removed for 1 month (suspended for 1 year) Reprimanded Warning Letter (gazetted) Warning Letter (not gazetted) Not guilty
Sub-total	11	
(B) Conviction in court		
(a) Offence of indecent assault	1	Removed for 1 year (suspended for 3 years)
(b) Offences contrary to the Dutiable Commodities (Marking and Colouring of Hydrocarbon Oil) Regulations, Cap. 109C, Laws of Hong Kong	1	1 charge: Reprimanded 1 charge: Warning Letter (not gazetted)
Sub-total	2	
Total :	13	

[Summary: 12 cases: guilty
1 cases: not guilty]

All cases were referred to the Council for inquiry by the PIC meetings held in/before 2012]

Table 6 - Figures on appeal cases

	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
No. of appeals lodged during the year	4	4	6	5	1
No. of appeal cases carried forward from previous years	7	10	12	13	6
Total no. of appeal cases in progress in the year:	11	14	18	18	7

Results of appeal cases concluded in 2012:

	<u>No. of Cases</u>
(a) Dismissed by Court of Appeal	1
(b) Allowed by Court of Appeal	1
(c) Appeal withdrawn	2
Total:	4

Reminder

Change of registered address

Under the Medical Registration Ordinance, 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 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 that the practising address be provided 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 Practitioners. Given the size of the updating exercise which involves over 13,000 entries, the list of registered medical practitioners on the website will be updated on a monthly basis. Any request 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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*serve on a rotation basis each for a period of 3 months