

**Functions and Compositions of
Preliminary Investigation Committee, Inquiry Panel
and Health Committee**

(A) Preliminary Investigation Committee

Under section 20T of the Medical Registration Ordinance (“MRO”), Cap. 161, Laws of Hong Kong, a Preliminary Investigation Committee (“PIC”) has the following functions:

- (a) to make preliminary investigations into complaints or information touching any matter that may be inquired into by an inquiry panel or heard by the Health Committee (“HC”) and to give advice on the matter to any registered medical practitioner;
- (b) to refer a case to an inquiry panel for holding an inquiry under section 21 of the MRO;
- (c) to make recommendations to the HC for conducting a hearing; and
- (d) to make preliminary investigations upon a referral by the Education and Accreditation Committee.

2. A PIC consists of 7 members, including (a) 4 registered medical practitioners each of whom is (i) a member of the Council; or (ii) a medical assessor; and (b) 3 lay persons each of whom is (i) a lay member of the Council; or (ii) a lay assessor.

(B) Inquiry Panel

3. During a disciplinary inquiry, an Inquiry Panel (“IP”) has to hear the evidence adduced by the Secretary of the Medical Council and the defendant registered medical practitioner(s) or their legal representative(s). An IP is empowered under section 22(1) of the MRO to do one or more of the following things:

- (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/her possession and to examine him/her as a witness or require him/her to produce any document or other thing in his/her 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; and
- (e) to award any person summoned to attend the inquiry such sum or sums as in the opinion of the panel may have been reasonably expended by him/her by reason of his/her attendance.

4. An inquiry panel consists of (a) 3 registered medical practitioners each of whom is (i) a member of the Council; or (ii) a medical assessor; and (b) 2 lay persons each of whom is (i) a lay member of the Council; or (ii) a lay assessor.

Roster System for Assessors' Attendance in Disciplinary Inquiries of the Medical Council

5. Rosters for attendance at disciplinary inquiries are drawn up in alphabetical order on a quarterly basis. The Council generally schedules about 6 – 8 new cases for inquiry hearings each month, in addition to resumed hearings of part-heard cases. In light of the statutory requirement on the composition of inquiry panels as set out in paragraph 4 above, a medical assessor and a lay assessor are expected to attend about two to three and three to four hearings each year respectively.

6. Under the roster system, an assessor will be notified about 2 months in advance if it is scheduled that he/she will need to attend a disciplinary inquiry in the following quarter. At the same time, he/she will be invited to advise on his/her availability in order to allow the Council Secretariat to draw up the actual duty schedule.

7. If an assessor is unable to attend any scheduled hearing according to the roster, he/she is requested to inform the Secretariat at the earliest opportunity so that alternative arrangements e.g. swapping of hearing sessions between assessors within the same quarter can be made.

(C) Health Committee

8. Under section 20V of the MRO, the HC 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 PIC or inquired into by an IP;
- (b) to conduct a hearing into matters referred to it by an IP;
- (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 HC, where appropriate; and
- (d) to recommend the extension, not exceeding 12 months, of a period of temporary removal of name recommended under paragraph (c).

9. The Council shall appoint the following members to the HC:

- (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; and
- (g) 2 lay persons each of whom is (i) a lay member of the Council; or (ii) a lay assessor.