

MEDICAL COUNCIL (ELECTION AND APPOINTMENT OF LAY MEMBERS) REGULATION
(Cap. 161F)

**NOTICE OF 2021 ELECTION OF LAY MEMBERS OF
THE MEDICAL COUNCIL OF HONG KONG**

Pursuant to section 9 of the Medical Council (Election and Appointment of Lay Members) Regulation (Cap. 161F) (the Regulation), it is hereby notified that the above election is to be held to fill 3 vacancies of lay members of the Medical Council of Hong Kong (the Medical Council) under section 3(2)(ga) of the Medical Registration Ordinance (Cap. 161).

2. Organizations registered as electors as included in the electoral register published in Government Notice No. 4029 on 2 July 2021 are now invited to make nominations of candidates for the above election.

Eligibility for Nomination

3. As stipulated in section 10 of the Regulation, any person who has attained the age of 18 years may be nominated as a candidate at an election of lay members of the Medical Council unless the person —

- (a) is a registered medical practitioner;
- (b) has not been ordinarily resident in Hong Kong for the last 12 months;
- (c) is an undischarged bankrupt or, within the previous 5 years, has either obtained discharge in bankruptcy or has entered into composition or arrangement with his or her creditors in either case without paying the creditors in full;
- (d) has, within the previous 5 years, been convicted of having engaged in corrupt or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554); or
- (e) has, within the previous 5 years, committed a prohibited practice as listed in the Schedule of the Regulation in a previous election.

4. According to section 3(7)(b) of the Medical Registration Ordinance (Cap. 161), which governs the nomination, appointment and election of all members of the Medical Council, a person is also not eligible for nomination or election as a lay member if the person is undergoing a sentence of imprisonment or is detained in a mental hospital.

Nomination of Candidates

5. A nomination must be made in the nomination form (LM-N (2021)). A person being nominated has to indicate his or her consent to the nomination by signing the nomination form and declare in the form that he or she is qualified for nomination.

6. A nomination form must be subscribed by at least 5 electors. The authorized representative of every elector subscribing the nomination form must declare in the form that the subscription reflects the decision of the elector made under its rules. An elector may subscribe to only 1 nomination form. If a nomination form (the former) subscribed by an elector is received by the Secretary of the Medical Council (the Secretary) and another nomination form (the latter) nominating another candidate that is subscribed by the same elector is subsequently received by

the Secretary, the elector is taken to have not subscribed to the latter as long as the person nominated under the former remains a validly nominated candidate until the end of the nomination period.

7. Only 1 nomination form should be submitted for a candidate and all subscriptions must be made on the same form. The duly completed nomination form must be submitted by post or in person to the Secretariat of the Medical Council (Address: 4/F, Hong Kong Academy of Medicine Jockey Club Building, 99 Wong Chuk Hang Road, Aberdeen, Hong Kong) during the **nomination period from 23 July to 19 August 2021** (both days inclusive). For submission in person, the nomination form should be submitted to the above address by 5:45 p.m. on the last day of nomination period (i.e. nomination closing date). For nomination form sent by post, the date of the relevant post mark is taken to be the date on which the nomination is sent. Late submission or submission by any other means will not be considered.

8. Copies of the nomination form can be obtained from the Secretariat of the Medical Council or can be downloaded from the website of the Medical Council at www.mchk.org.hk.

Determination of Validity of Nominations

9. According to section 14 of the Regulation, only a validly nominated candidate may stand for the election. The Secretary will determine the validity of a nomination and may make any inquiry as considered appropriate. A nomination may be determined as invalid if—

- (a) any of the requirements for nomination of candidates under section 12 or 13 of the Regulation is not complied with;
- (b) it is proved to the satisfaction of the Secretary that the person purported to be nominated —
 - (i) has died;
 - (ii) is not qualified for nomination under section 10 of the Regulation or section 3(7)(b) of the Medical Registration Ordinance (Cap. 161); or
 - (iii) is disqualified from being elected as a lay member under section 16 of the Regulation for the reason that the person —
 - (1) becomes a registered medical practitioner;
 - (2) becomes bankrupt;
 - (3) is convicted of having engaged in corrupt or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554); or
 - (4) commits a prohibited practice;
- (c) it is proved to the satisfaction of the Secretary that the subscription of the nomination form by an elector does not reflect the decision of the elector made under its rules; or
- (d) the nomination form is received by the Secretary after the nomination closing date.

10. The Secretary will issue to every person nominated a notice of the determination as to the validity of the nomination.

Result of Nominations

11. The Secretary will issue a notice of result of nominations to every elector.

12. If the number of validly nominated candidates who have not withdrawn candidature under section 15 of the Regulation exceeds the number of vacancies at the end of the day

following the nomination closing date, a poll is to be conducted under section 18 of the Regulation. A polling notice, a ballot paper and a declaration form will be issued to every elector. An elector who votes is to send the ballot paper and the declaration form in accordance with section 23 of the Regulation to P.O. Box 24391, Aberdeen Post Office, Hong Kong by the end of the polling period.

13. For situations other than that mentioned in paragraph 12 above, the respective arrangements are as follows:

Situation at the end of the day following the nomination closing date	Arrangement
Number of validly nominated candidates who have not withdrawn candidature under section 15 of the Regulation is the same as the number of vacancies.	The validly nominated candidates are to be declared elected.
No validly nominated candidate or every validly nominated candidate has withdrawn candidature.	A further round of election is to be conducted.
Number of vacancies exceeds the number of validly nominated candidates who have not withdrawn candidature.	The validly nominated candidates are to be declared elected and a further round of election is to be conducted to fill the remaining vacancies.

23 July 2021

Suzanne WONG *Secretary, Medical Council of Hong Kong*