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香港中環
昃臣道8號
立法會大樓
中華人民共和國香港特別行政區
立法會
條例草案委員會秘書
(經辦人：陳曼玲女士)

陳女士：

**《2001年醫療及健康護理(雜項修訂)條例草案》委員會
2002年3月15日第二次會議**

在條例草案委員會第二次會議後，我們曾通電話，商討有關跟進事項。政府當局已詳細考慮議員的各項要求，現回覆如下：

(a) 根據《助產士註冊條例》(第162章)第18條起訴個案的數目

我們已就有關事項徵詢有關部門。因部門並未存有根據該條起訴個案數目的資料，所以未能向議員提供。

(b) 《護士註冊條例》(第164章)第4(4)條及《輻射條例》(第303章)建議新增的第3A條 - 以傳閱文件方式處理事務

現時，護士管理局如其他管理局及委員會一樣，都可以傳閱文件方式處理其事務。《護士註冊條例》有關條文的建

議修訂是使現有文本更為清晰妥善。在實際運作時，只有較為次要或例行性質的事務才會以傳閱文件方式處理。對《輻射條例》有關條文的建議修訂，是為配合輻射管理局的運作需要而提出。為回應條例草案委員會的建議，我們會在政府當局恢復條例草案二讀辯論的演辭中闡明，護士管理局和輻射管理局只會以傳閱文件方式處理次要或例行性質的事務。

(c) 《護士註冊條例》(第164章)第27(3)(c)條

部份草案委員會成員對建議的《護士註冊條例》(第164章)第27(3)(c)條中的“將某人的姓名重新列入註冊護士名冊或登記護士名冊”的含意可能會被理解為只可將有關護士的姓名列入註冊名冊，而不得包括其他個人資料，表示關注。

政府當局曾就此事進一步徵詢法律意見。有關意見指出“姓名”一詞並不純粹指某人的姓名，而實際上是指某人在護士專業的專業身份。《護士註冊條例》第5(1)條訂明，護士管理局須安排備存一本註冊護士名冊，名冊內須載有不時訂明的詳情。根據該條例第17條，如有人違反紀律，管理局可將該人的“姓名”從註冊名冊中除去。根據該條例第21(4)條，護士管理局可將該人的“姓名”重新列入註冊或登記護士名冊內。由此可見，指某人的“姓名”列於註冊名冊內，其實是指該人獲准以專業身份執業。事實上，以“姓名”列入註冊名冊的提述來表示專業身份的例子於各類專業十分普遍。在其他條例中出現的有關例子載於附件。

至於註冊名冊內的其他資料，則由《護士(註冊及紀律處分程序)規例》第3條及《登記護士(註冊及紀律處分程序)規例》第3條訂明。

因應以上的原因，政府當局認為不需對《護士註冊條例》新增的第27(3)(c)條的用詞作出任何修改。

煩請將以上資料告知條例草案委員會成員。政府當局期待在2002年4月24日的立法會會議上恢復條例草案的二讀辯論。

衛生福利局局長
(郭仲佳 代行)

二零零二年三月二十日

副本送： 衛生署署長(經辦人： 陳漢儀醫生
招漢鈞先生)
律政司司長(經辦人： 勵啟鵬先生)

Annex
附件

Chapter (章)	Short Title (條例簡稱)/Provision (條文)
50 s.39(3)	<p>Professional Accountants Ordinance/《專業會計師條例》</p> <p>The Council shall, if it allows an application under subsection (1), order the Registrar to restore the name of the applicant to the register and thereupon the Registrar shall restore the name accordingly.</p> <p>理事會如准許根據第(1)款提出的申請，則須命令註冊主任將申請人的姓名或名稱重新列入註冊紀錄冊，而註冊主任須隨即據此重新列入該姓名或名稱。</p>
156 s. 22(3)	<p>Dentists Registration Ordinance/《牙醫註冊條例》</p> <p>Any person whose name has been removed from the register under the provisions of this Ordinance, or whose name prior to the commencement of this Ordinance had been removed or erased under the provisions of the repealed Ordinance from the register kept in accordance with the provisions of that Ordinance may apply to the Council for the restoration of his name to the register, and the Council, in its absolute discretion and after such inquiry and subject to such conditions as it may consider desirable, may either allow or refuse the application, and, if it allows the same, shall order the Registrar to restore the name of the applicant to the register, and thereupon the Registrar shall restore the name accordingly.</p> <p>如任何人的姓名根據本條例條文從註冊牙醫名冊除去，或在本條例生效日期前根據已廢除條例條文從按照該條例條文備存的註冊牙醫名冊除去或擦除，則該人可向委員會申請將姓名重新列入註冊牙醫名冊，而委員會可憑其絕對酌情決定權，在進行其認為適宜的研訊後和按其認為合宜的條件批准或拒絕該申請；如委員會批准該申請，則須指示註冊主任將申請人的姓名重新列入註冊牙醫名冊，而註冊主任須隨即據此將該姓名重新列入。</p>
161 s.25(3)	<p>Medical Registration Ordinance/《醫生註冊條例》</p> <p>Any person whose name has been removed from the General Register under the provisions of this Ordinance, or whose name had been, prior to the commencement of this Ordinance, removed under the provisions of the Medical Registration Ordinance 1935 (41 of 1935) from the register kept in accordance with the provisions of that Ordinance, may apply to the Council for the restoration of his name to the General Register and the Council in its absolute discretion and after such inquiry and subject to the submission of evidence that he has not been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment and has not been guilty of misconduct in a professional respect while practising in Hong Kong or elsewhere and to such conditions, as it may consider desirable, may either allow or refuse the application, and if it allows the same, shall order the Registrar on payment by the applicant of the prescribed fee to restore the name of the applicant to the General Register, and thereupon the Registrar shall restore the name accordingly.</p> <p>如任何人的姓名根據本條例條文從普通科醫生名冊除去，或在本條例生效日期前根據《1935年醫生註冊條例》*(1935年第41號)的條文從按照該條例條文備存的名冊除去，則該人可向醫務委員會申請將姓名重新列入普通科醫生名冊，而醫務委員會憑其絕對酌情決定權，在進行其認為適宜的研訊，並在證明該人沒有在香港或其他地方被裁定犯任何可判處監禁的罪行以及證明該人在香港或其他地方執業時沒有犯專業方面的失當行為的證據已予呈交後，可按醫務委員會認為合宜的條件，批准或拒絕該申請；如醫務委員會批准該申請，則須命令註冊主任在申請人繳付訂明費用後，將申請人的姓名重新列入普通科醫生名冊，而註冊主任須隨即據此將該姓名重新列入。</p>

<p>162 s.14(3)</p>	<p>Midwives Registration Ordinance/《助產士註冊條例》</p> <p>Any midwife whose name is removed from the register in accordance with the provisions of this Ordinance, or whose name prior to the commencement of this Ordinance was removed in accordance with the provisions of the repealed Midwives Ordinance* , from the roll of certified midwives kept in accordance with that Ordinance, may apply to the Council for restoration of the midwife's name to the register, and the Council, in its discretion, and after such inquiry and subject to such conditions as it may consider expedient, may either allow or refuse the application, and, if it allows the application, shall direct the secretary to restore the name of the applicant to the register and thereupon the secretary shall restore the name accordingly.</p> <p>如任何助產士的姓名按照本條例條文從註冊助產士名冊除去，或在本條例生效日期前按照已廢除的《助產士條例》*條文從按照該條例備存的核准助產士登記冊除去，則該助產士可向管理局申請將姓名重新列入註冊助產士名冊，而管理局可憑其酌情決定權，在進行其認為適宜的研訊後和按其認為合宜的條件，批准或拒絕該申請；如管理局批准該申請，則須指示秘書將申請人的姓名重新列入註冊助產士名冊，而秘書須隨即據此將該姓名重新列入。</p>
<p>164 s.21(4)</p>	<p>Nurses Registration Ordinance/《護士註冊條例》</p> <p>The Council may, in its absolute discretion, and after such inquiry and subject to such conditions as it may consider expedient, either allow or reject the application, and, if it allows the application, shall direct the secretary upon payment of the prescribed fee, if any, to restore the name of the applicant to the register or to such part thereof, or to the roll or to such part thereof, as the case may be, and thereupon the secretary shall restore the name accordingly:</p> <p>管理局可憑其絕對酌情決定權，以及在進行其認為適宜的研訊後和按其認為合宜的條件，批准或拒絕申請；如管理局批准申請，則須指示秘書，在訂明的費用(如有的話)繳付後，將申請人的姓名重新列入註冊護士名冊或登記護士名冊，或其中的有關部分內，視屬何情況而定，而秘書須隨即據此而將該姓名重新列入：</p>
<p>359 s.10(5)</p>	<p>Supplementary Medical Professions Ordinance/《輔助醫療業條例》</p> <p>A person whose name has been removed from a register under this section or section 22, may apply to the board for the restoration of his name to the register, and, subject to the submission by such person of a declaration stating whether or not he has been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment since the date of the last declaration made by him to the like effect for the purposes of his registration or his application for a practising certificate (as the case may be), the board may subject to any conditions it considers appropriate, approve or decline the application, and, if it approves the same, the secretary of the board shall, upon payment of the prescribed fee, restore the name accordingly.</p> <p>如任何人的姓名根據本條或第22條從註冊名冊除去，則該人可向委員會申請將其姓名重新列入註冊名冊，而在該人呈交一份聲明後(該聲明須述明在他就其註冊或其申請執業證明書(視屬何情況而定)的目的而作出上一次意思相同的聲明的日期後曾否於香港或其他地方被裁定犯可判處監禁的罪行)，委員會可按任何其認為適合的條件批准或拒絕該申請，如委員會批准該申請，則委員會秘書須於訂明費用經繳付後，據此將該姓名重新列入。</p>
<p>408 s.27(3)</p>	<p>Architects Registration Ordinance/《建築師註冊條例》</p> <p>Any person whose name has been removed from the register under this Ordinance may apply to the Board for the restoration of his name to the register, and the Board may, after such inquiry and subject to such conditions as it may consider desirable, allow or refuse the application.</p> <p>凡註冊主任根據本條例在註冊紀錄冊內註銷任何人的姓名，該人可向管理局申請將其姓名重新列入紀錄冊內，而管理局在進行它認為適當的調查後，可</p>

	批准或拒絕申請，並可為此施加它認為適當的條件。
409 s.26(3)	<p>Engineers Registration Ordinance/《工程師註冊條例》</p> <p>Any person whose name has been removed from the register under this Ordinance may apply to the Board for the restoration of his name to the register, and the Board may, after such inquiry and subject to such conditions as it may consider desirable, allow or refuse the application.</p> <p>凡註冊主任根據本條例在註冊紀錄冊內註銷任何人的姓名，該人可向管理局申請將其姓名重新列入紀錄冊內，而管理局進行它認為適當的調查後，可批准或拒絕申請，並可為此施加它認為適當的條件。</p>
418 s.26(3)	<p>Planners Registration Ordinance/《規劃師註冊條例》</p> <p>Any person whose name has been removed from the register under this Ordinance may apply to the Board for the restoration of his name to the register, and the Board may, after such inquiry and subject to such conditions as it may consider desirable, allow or refuse the application.</p> <p>凡註冊主任根據本條例在註冊紀錄冊內註銷任何人的姓名，該人可向管理局申請將其姓名重新列入紀錄冊內，而管理局在進行該局認為適當的調查後，可批准或拒絕申請，並可為此施加該局認為適當的條件。</p>
428 s.20(3)	<p>Chiropractors Registration Ordinance/《脊醫註冊條例》</p> <p>Any person whose name has been removed from the register under this Ordinance may apply to the Council for the restoration of his name to the register, and the Council may, after such inquiry and subject to such conditions as it may consider desirable, allow or refuse the application.</p> <p>凡秘書根據本條例自名冊內刪除任何人的姓名，該人可向管理局申請將其姓名重新列入名冊內，而管理局在進行該局認為適當的調查後，可批准或拒絕該項申請，並可為此施加該局認為適當的條件。</p>
516 s.26(3)	<p>Landscape Architects Registration Ordinance/《園境師註冊條例》</p> <p>Any person whose name has been removed from the register under this Ordinance may apply to the Board for the restoration of his name to the register, and the Board may, after such inquiry and subject to such conditions as it may consider desirable, allow or refuse the application.</p> <p>凡任何人的姓名根據本條例在註冊紀錄冊內註銷，該人可向管理局申請將其姓名重新列入紀錄冊內，而管理局在進行該局認為適當的調查後，可在符合該局認為適宜的條件下，批准或拒絕該申請。</p>
529 s.21(3)	<p>Veterinary Surgeons Registration Ordinance/《獸醫註冊條例》</p> <p>Any person whose name has been removed from the register under this Ordinance may apply to the Board for the restoration of his name to the register, and the Board may, after such inquiry and subject to such conditions as it may consider desirable, allow or refuse the application.</p> <p>如任何人的姓名根據本條例從名冊內刪除，則該人可向管理局申請將其姓名重新列入名冊，而管理局在進行該局認為適宜的研訊後，可按其認為適宜的條件批准或拒絕該申請。</p>
550 s.26(3)	<p>Housing Managers Registration Ordinance/《房屋經理註冊條例》</p> <p>Any person whose name has been removed from the register under this Ordinance may apply to the Board for the restoration of his name to the register, and the Board may, after such inquiry and subject to such conditions as it may consider desirable, allow or refuse the application.</p> <p>姓名根據本條例從註冊紀錄冊中刪除的人，可向管理局申請將其姓名重新列入註冊紀錄冊內，而管理局在進行其認為適當的研訊後，可批准或拒絕該申請，並可施加其認為適宜施加的條件。</p>