

LEGISLATIVE COUNCIL BRIEF

**Dentists Registration Ordinance
(Chapter 156)**

**Midwives Registration Ordinance
(Chapter 162)**

**Nurses Registration Ordinance
(Chapter 164)**

**Hospitals, Nursing Homes and Maternity Homes
Registration Ordinance
(Chapter 165)**

**Radiation Ordinance
(Chapter 303)**

**Chinese Medicine Ordinance
(Chapter 549)**

MEDICAL AND HEALTH CARE (MISCELLANEOUS AMENDMENTS) BILL 2001

INTRODUCTION

At the meeting of the Executive Council on 22 May 2001, the Council ADVISED and the Chief Executive ORDERED that the Medical and Health Care (Miscellaneous Amendments) Bill 2001 (“the Bill”) at Annex A should be introduced into the Legislative Council.

BACKGROUND AND ARGUMENT

Background

2. There are defects in a number of Ordinances and Regulations related to the regulation of health care professionals, institutions and products. Such defects may hamper the smooth operation of the regulatory schemes prescribed in these Ordinances. To rectify this unsatisfactory situation, the Medical and Health Care (Miscellaneous Amendments) Bill 2000 (“the 2000 Bill”) was introduced into the Legislative Council on 19 January 2000, with a view to improving the operation of the regulatory schemes prescribed in seven Ordinances related to the regulation of health care professionals and products. Pending the establishment of a Bills Committee, the 2000 Bill lapsed at the end of the 1999-2000 legislative session.

Present Position

3. We have since reviewed the amendments proposed in the 2000 Bill and identified further areas for improvement in some other health-related ordinances. Given the large number of ordinances and amendments involved, tackling all the amendments in one bill will make it too unwieldy. In view of this, we have included part of the amendments in the Bill and the remaining amendments will be dealt with in other bills to be introduced later.

The Proposal

4. The Bill comprises amendments to the following six Ordinances: -
- (a) Dentists Registration Ordinance;
 - (b) Midwives Registration Ordinance;
 - (c) Nurses Registration Ordinance;
 - (d) Hospitals, Nursing Homes and Maternity Homes Registration Ordinance;
 - (e) Radiation Ordinance; and
 - (f) Chinese Medicine Ordinance.

These Ordinances provide for the regulation of health care professionals and institutions, irradiating apparatus and radioactive substances. The purposes of these Ordinances are set out at Annex B. The proposed amendments relating to (b), (c) and (e) were covered in the 2000 Bill.

5. The more significant amendments in the 2001 Bill are: -
- (a) Amending the Dentists Registration Ordinance to provide that the Dental Council of Hong Kong may recognise certain local dental education programmes by prescribing them in a new schedule. It is intended that the graduates of these local education programmes could be registered as dentists without taking the Licensing Examination conducted by the Dental Council. Under the existing provision, the Dental Council has the discretion to allow a person who holds a qualification of a standard not lower than the passing of its Licensing Examination to be registered as a dentist without taking the examination. Since the Dental Council does not have the necessary resources to assess the standards of overseas dental programmes, it has never exercised such discretion. The Dental Council has, therefore, decided to give up this discretion.

- (b) Amending the Nurses Registration Ordinance to provide that the result of an election of members to the Nursing Council of Hong Kong may be questioned by an election petition and to authorise the Council to make regulations in relation to the election petition.
- (c) Amending the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance to enable different registration fees to be imposed on different groups of private hospitals, nursing homes and maternity homes, having regard to their capacity.
- (d) Amending the Radiation Ordinance to enable the Radiation Board to transact its business by circulation of papers among all its members without meetings.
- (e) Amending the Chinese Medicine Ordinance to clarify that the Practitioners Board of the Chinese Medicine Council of Hong Kong may conduct an inquiry into a complaint against a Chinese medicine practitioner and discipline him on the same occasion.

— The background and justification for all the amendments proposed in the Bill
— are at Annex C. The existing provisions which are being amended are at Annex D.

THE BILL

- 6. Clause 1 provides that after being enacted as an Ordinance, the Bill shall come into operation on a day to be appointed by the Secretary for Health and Welfare by a notice published in the gazette.
- 7. Clauses 2-7 and the six Schedules make miscellaneous amendments to the six Ordinances as set out in paragraphs 4 and 5 above.
- 8. Schedule 1 amends the Dentists Registration Ordinance (Cap. 156).
- 9. Schedule 2 amends the Midwives Registration Ordinance (Cap. 162).
- 10. Schedule 3 amends the Nurses Registration Ordinance (Cap. 164).
- 11. Schedule 4 amends the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap. 165).

12. Schedule 5 amends the Radiation Ordinance (Cap. 303).
13. Schedule 6 amends the Chinese Medicine Ordinance (Cap. 549).

LEGISLATIVE TIMETABLE

14. The legislative timetable is : -

Publication in the Gazette	1 June 2001
First Reading and Commencement of Second Reading debate	13 June 2001
Resumption of Second Reading debate, committee stage and Third Reading	to be notified

BASIC LAW IMPLICATIONS

15. The Department of Justice advises that the Bill does not conflict with those provisions of the Basic Law carrying no human rights implications.

HUMAN RIGHTS IMPLICATIONS

16. The Department of Justice advises that the Bill is consistent with the human rights provisions of the Basic Law.

BINDING EFFECT ON THE LEGISLATION

17. The amendments will not affect the current binding effect of the various Ordinances and Regulations covered by the Bill.

FINANCIAL AND STAFFING IMPLICATIONS

18. There are no additional financial or staffing implications.

PUBLIC CONSULTATION

19. We have consulted the relevant regulatory bodies on the proposed amendments and they have raised no objection. Consultation with the public is not considered necessary, as they are unlikely to be affected by the Bill.

PUBLICITY

20. Apart from this Legislative Council Brief, the Bill will be published in the Gazette on 1 June 2001.

ENQUIRY

21. For enquiries in relation to this Brief, please contact Mr Peter Kwok, Assistant Secretary for Health and Welfare at 2973 8117.

Health and Welfare Bureau
May 2001
(File Ref. HWB/M/21/7 Pt.6 (99))

MEDICAL AND HEALTH CARE (MISCELLANEOUS AMENDMENTS) BILL 2001**CONTENTS**

Clause		Page
1.	Short title and commencement	1
2.	Amendment of Dentists Registration Ordinance - (Schedule 1)	1
3.	Amendment of Midwives Registration Ordinance and its subsidiary legislation - (Schedule 2)	1
4.	Amendment of Nurses Registration Ordinance and its subsidiary legislation - (Schedule 3)	1
5.	Amendment of Hospitals, Nursing Homes and Maternity Homes Registration Ordinance - (Schedule 4)	2
6.	Amendment of Radiation Ordinance - (Schedule 5)	2
7.	Amendment of Chinese Medicine Ordinance - (Schedule 6)	2
Schedule 1	Amendment of Dentists Registration Ordinance	2
Schedule 2	Amendment of Midwives Registration Ordinance and its subsidiary legislation	3
Schedule 3	Amendment of Nurses Registration Ordinance and its subsidiary legislation	6
Schedule 4	Amendment of Hospitals, Nursing Homes and Maternity Homes Registration Ordinance	12
Schedule 5	Amendment of Radiation Ordinance	13
Schedule 6	Amendment of Chinese Medicine Ordinance	14

A BILL

To

Amend the Dentists Registration Ordinance, the Midwives Registration Ordinance, the Nurses Registration Ordinance, the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance, the Radiation Ordinance and the Chinese Medicine Ordinance.

Enacted by the Legislative Council.

1. Short title and commencement

(1) This Ordinance may be cited as the Medical and Health Care (Miscellaneous Amendments) Ordinance 2001.

(2) This Ordinance shall come into operation on a day to be appointed by the Secretary for Health and Welfare by notice published in the Gazette.

2. Amendment of Dentists Registration Ordinance - (Schedule 1)

The Dentists Registration Ordinance (Cap. 156) is amended as indicated in Schedule 1.

3. Amendment of Midwives Registration Ordinance and its subsidiary legislation - (Schedule 2)

The Midwives Registration Ordinance (Cap. 162) and its subsidiary legislation are amended as indicated in Schedule 2.

4. Amendment of Nurses Registration Ordinance and its subsidiary legislation - (Schedule 3)

The Nurses Registration Ordinance (Cap. 164) and its subsidiary legislation are amended as indicated in Schedule 3.

5. Amendment of Hospitals, Nursing Homes and Maternity Homes Registration Ordinance - (Schedule 4)

The Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap. 165) is amended as indicated in Schedule 4.

6. Amendment of Radiation Ordinance - (Schedule 5)

The Radiation Ordinance (Cap. 303) is amended as indicated in Schedule 5.

7. Amendment of Chinese Medicine Ordinance - (Schedule 6)

The Chinese Medicine Ordinance (Cap. 549) is amended as indicated in Schedule 6.

SCHEDULE 1

[s. 2]

AMENDMENT OF DENTISTS REGISTRATION ORDINANCE

Item	Provision affected	Amendment
1.	Section 4	<p>(a) In subsection (2)(d), repeal "8(1)(a), (b), (ba) or (c)" and substitute "8".</p> <p>(b) Repeal subsection (3) and substitute -</p> <p style="padding-left: 40px;">"(3) The term of a member of the Council appointed under subsection (2)(c), (d) or (e) is 3 years, or such lesser period as the Chief Executive may determine at the time of appointment, and the member is eligible for reappointment on the expiry of the term."</p>
2.	Section 4A	<p>(a) In subsection (3), repeal "consecutive".</p> <p>(b) Repeal subsection (4).</p>

3. Section 8
- (a) Renumber it as section 8(1).
- (b) Repeal subsection (1)(b) and substitute -
- "(b) has been awarded a bachelor degree in dentistry by a university in Hong Kong specified in the Schedule; or".
- (c) Add -
- "(2) The Council may, with the prior approval of the Legislative Council, amend the Schedule by notice published in the Gazette."

4. New Add -

"SCHEDULE [s. 8]

UNIVERSITIES IN HONG KONG SPECIFIED
FOR PURPOSES OF SECTION 8 OF THIS
ORDINANCE

1. The University of Hong Kong."

SCHEDULE 2 [s. 3]

AMENDMENT OF MIDWIVES REGISTRATION ORDINANCE AND ITS
SUBSIDIARY LEGISLATION

Item	Provision affected	Amendment
------	--------------------	-----------

Midwives Registration Ordinance

- | | | |
|----|--------------|---|
| 1. | Section 9(2) | Repeal section 9(2). |
| 2. | Section 14 | (a) Repeal subsection (3) and substitute - |
| | | "(3) A midwife whose name is removed from the register in accordance with the |

provisions of this Ordinance may apply to the Council for restoration of the name to the register."

(b) Add -

"(4) An application under subsection (3) shall be accompanied by a prescribed fee.

(5) After such inquiry and subject to such conditions as the Council may consider expedient, the Council may either allow or refuse an application under subsection (3), and if it allows the application, it shall direct the secretary to restore the name of the relevant midwife to the register."

3. Section 18(2)(b)(i) Repeal "instruction" and substitute "training".

4. New Add before section 22A -

"22AA. Replacement copies of certificates of registration or practising certificates

(1) The holder of a current certificate of registration or practising certificate issued under section 9 or 22 respectively may apply to the secretary for a replacement copy of the certificate of registration or practising certificate (as the case may be) if the original certificate of registration or practising certificate (as the case may be) is lost, destroyed or defaced.

(2) Subject to subsection (3), the secretary shall issue to the applicant a replacement copy of the certificate on receipt of an application accompanied by a

prescribed fee.

(3) The secretary shall not issue a replacement copy of the certificate unless the applicant proves to the satisfaction of the secretary that the original certificate is lost, destroyed or defaced."

5. Section 23 (a) Add -

"(1A) Regulations made under subsection (1)(a) may prescribe different fees for cases of different classes or description."

(b) In subsection (3)(c), repeal "re-registration" and substitute "restoration of the name of a person to the register".

Midwives Registration (Fees) Regulation

6. Schedule (a) In item 1(b), repeal "re-registration" and substitute "application for restoration of the name of a person to the register".

(b) In item 2, repeal everything in column 2 and substitute -

"Replacement copy of a certificate of registration or practising certificate".

Midwives (Registration and Disciplinary Procedure) Regulation

7. Section 4 Repeal.

8. Section 7 Repeal and substitute -

"7. Forms of certificates

The certificate of registration to be issued to a person by the secretary on entering or restoring the person's name in or to the register shall be in the form prescribed in Schedule 2."

9. Schedule 2 Within the square brackets, repeal "ss.4 &" and substitute "s."

Midwives Registration (Miscellaneous Provisions) Regulation

10. Section 4(b) Repeal "19(2)(b) or 20(2)" and substitute "18(2)(b) or 19(2)(a)".

SCHEDULE 3

[s. 4]

AMENDMENT OF NURSES REGISTRATION ORDINANCE AND ITS
SUBSIDIARY LEGISLATION

Item	Provision affected	Amendment
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Nurses Registration Ordinance

- | | | |
|----|-----------|---------------------------------|
| 1. | Part II | In the heading, repeal "理管". |
| 2. | Section 3 | In subsection (1), repeal "理管". |
| 3. | New | Add - |

"3A. Questioning of election by election petition

The result of an election of members to the Council under section 3(2)(ca) may only be questioned by an election petition heard and determined by the Council."

4. Section 4
- (a) In subsections (1)(b) and (2), repeal "5" and substitute "7".
 - (b) In subsection (4), repeal everything after "voting" and substitute "on the question."
 - (c) Add -

"(4A) Nothing in subsection (4) shall be construed to prevent any question for determination by the Council being so decided by a majority opinion of the members on circulation to the members of papers relating to the question."

5. New After section 4, add -

**"4AA. Transaction of business by
circulation of papers**

(1) The Council may transact its business by circulation of a paper to all members without a meeting.

(2) Subject to subsection (4), a written resolution that is approved by a majority of the members is as valid and effectual as if it had been passed at a meeting of the Council by the votes of the members so approving.

(3) A member may, by giving a notice in writing to the Chairman of the Council within such period as may be specified in the paper being circulated, request the Chairman to refer any item of business in the paper to the next meeting of the Council for determination.

(4) Any approval under subsection (2) in respect of an item of business specified in the notice is void."

6. New Add -

"8A. Review of results of examinations under section 8

(1) A person who is aggrieved by the result of an examination under section 8 may request the Council to review the result.

(2) A request for review under subsection (1) -

- (a) shall be in writing;
- (b) shall state the grounds relied on; and
- (c) shall be made within 1 month after the announcement of the examination result by the Council.

(3) On receipt of a request accompanied by a prescribed fee, the Council shall review the relevant examination result as soon as practicable.

(4) The Council shall notify the person concerned of the result of the review within 1 month after the completion of the review by a written notice served on the person personally or sent to the person by registered post."

7. Section 10 Repeal subsection (2).

8. New Add -

"10AA. Replacement copies of certificates of registration or practising certificates for registered nurses

(1) The holder of a current certificate of registration or practising certificate issued under section

10 or 10A respectively may apply to the secretary for a replacement copy of the certificate of registration or practising certificate (as the case may be) if the original certificate of registration or practising certificate (as the case may be) is lost, destroyed or defaced.

(2) Subject to subsection (3), the secretary shall issue to the applicant a replacement copy of the certificate on receipt of an application accompanied by a prescribed fee.

(3) The secretary shall not issue a replacement copy of the certificate unless the applicant proves to the satisfaction of the secretary that the original certificate is lost, destroyed or defaced."

9. New

Add -

"14A. Review of results of examinations under section 14

(1) A person who is aggrieved by the result of an examination under section 14 may request the Council to review the result.

(2) A request for review under subsection (1) -

- (a) shall be in writing;
- (b) shall state the grounds relied on; and
- (c) shall be made within 1 month after the announcement of the examination result by the Council.

(3) On receipt of a request accompanied by the prescribed fee, the Council shall review the relevant examination result as soon as practicable.

(4) The Council shall notify the person

concerned of the result of the review within 1 month after the completion of the review by a written notice served on the person personally or sent to the person by registered post."

10. Section 16 Repeal subsection (2).

11. New Add -

"16AA. Replacement copies of certificates of enrolment or practising certificates for enrolled nurses

(1) The holder of a current certificate of enrolment or practising certificate issued under section 16 or 16A respectively may apply to the secretary for a replacement copy of the certificate of enrolment or practising certificate (as the case may be) if the original certificate of enrolment or practising certificate (as the case may be) is lost, destroyed or defaced.

(2) Subject to subsection (3), the secretary shall issue to the applicant a replacement copy of the certificate on receipt of an application accompanied by a prescribed fee.

(3) The secretary shall not issue a replacement copy of the certificate unless the applicant proves to the satisfaction of the secretary that the original certificate is lost, destroyed or defaced."

12. Section 27 (a) Repeal subsection (1) and substitute -

"(1) The Chief Executive in Council may by regulation prescribe the fees payable under this

Ordinance, and different fees may be prescribed for cases of different classes or description."

- (b) In subsection (3) -
- (i) in paragraph (c), repeal ", re-registration and re-enrolment" and substitute "and restoration of the name of a person to the register or roll";
 - (ii) in paragraph (i), repeal "; and" and substitute -
 - ", including -
 - (i) the qualifications of candidates, electors and subscribers to a nomination paper;
 - (ii) the particulars of any system of voting and counting;
 - (iii) the determination of election results; and
 - (iv) other matters relating to the election;";
 - (iii) add -
 - "(ia) the procedure and other matters relating to an election petition under section 3A, including -
 - (i) the person who may present a petition;
 - (ii) the person who may be the respondent to a petition;
 - (iii) the grounds for questioning the result of an election by a petition;
 - (iv) the person who may regulate

the procedure of a petition; and

- (v) the power to validate acts done pending the determination of the result of a petition; and".

Nurses (Registration and Disciplinary Procedure) Regulations

13. Regulation 6 Repeal "certified" and substitute "replacement".
14. Second Schedule In item 2, repeal "certified" and substitute "replacement".

Enrolled Nurses (Enrolment and Disciplinary Procedure) Regulations

15. Regulation 6 Repeal "certified" and substitute "replacement".
16. Second Schedule In item 2, repeal "certified" and substitute "replacement".

SCHEDULE 4

[s. 5]

AMENDMENT OF HOSPITALS, NURSING HOMES AND MATERNITY HOMES REGISTRATION ORDINANCE

Item	Provision affected	Amendment
1.	Section 2(1)	Repeal the definition of "pupil midwife" and substitute - ""student midwife" (見習助産士) means a person who is a student midwife for the purposes of the Midwives (Registration and Disciplinary Procedure) Regulation (Cap. 162 sub. leg.);".
2.	Section 3	(a) In subsection (3A), repeal "the fees in". (b) In subsection (4), in the proviso, in paragraph (d), repeal

"pupil" where it twice appears and substitute "student".

SCHEDULE 5

[s. 6]

AMENDMENT OF RADIATION ORDINANCE

Item	Provision affected	Amendment
1.	Section 3	<p>(a) Repeal subsection (3) and substitute -</p> <p style="padding-left: 40px;">"(3) The term of a non-ex officio member is 3 years, or such lesser period as the Chief Executive may determine at the time of appointment, and the member is eligible for re-appointment on the expiry of the term."</p> <p>(b) Add -</p> <p style="padding-left: 40px;">"(3A) A non-ex officio may be removed by the Chief Executive at discretion.</p> <p style="padding-left: 40px;">(3B) A non-ex officio member may resign by giving a notice in writing to the Chairman of the Board."</p> <p>(c) Add -</p> <p style="padding-left: 40px;">"(10) In this section, "non-ex officio member" (非當然成員) means a member of the Board who is appointed under subsection (2)(b)."</p>
2.	New	<p>Add -</p> <p>"3A. Transaction of business by circulation of papers</p> <p>(1) The Board may transact its business by circulation of a paper to all members without a meeting.</p> <p>(2) Subject to subsection (4), a written resolution that is approved by a majority of the members is as valid</p>

and effectual as if it had been passed at a meeting of the Board by the votes of the members so approving.

(3) A member may, by giving a notice in writing to the Chairman of the Board within such period as may be specified in the paper being circulated, request the Chairman to refer any item of business in the paper to the next meeting of the Board for determination.

(4) Any approval under subsection (2) in respect of an item of business specified in the notice is void."

SCHEDULE 6

[s. 7]

AMENDMENT OF CHINESE MEDICINE ORDINANCE

Item	Provision affected	Amendment
1.	98(2)(b)	Repeal "has been found" and substitute "is".

Explanatory Memorandum

The purpose of this Bill is to make miscellaneous amendments to the following Ordinances relating to medical and health care -

- (a) the Dentists Registration Ordinance (Cap. 156);
 - (b) the Midwives Registration Ordinance (Cap. 162) and its subsidiary legislation;
 - (c) the Nurses Registration Ordinance (Cap. 164) and its subsidiary legislation;
 - (d) the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap. 165);
 - (e) the Radiation Ordinance (Cap. 303); and
 - (f) the Chinese Medicine Ordinance (Cap. 549).
2. The Bill contains the following provisions -

- (a) clause 1 specifies the short title of the proposed Ordinance and provides for the commencement of its provisions;
 - (b) clauses 2 to 7 are formal provisions that give effect to the Schedules to the proposed Ordinance.
3. Schedule 1 amends the Dentists Registration Ordinance (Cap. 156) by -
- (a) providing that the term of a member of the Dental Council of Hong Kong (the "Dental Council") may be determined by the Chief Executive (item 1(b));
 - (b) clarifying that the Dental Council may prohibit a person from sitting the Licensing Examination if the person has sat any one part of the examination 5 times and has failed each time (item 2);
 - (c) stipulating that dental graduates of a university in Hong Kong specified in the new Schedule 1 are qualified for registration as dentists (item 3).
4. Schedule 2 amends the Midwives Registration Ordinance (Cap. 162) by -
- (a) providing that a prescribed fee is payable for an application for the restoration of the name of a midwife to the register of midwife (item 2);
 - (b) providing that a midwife may apply for a replacement copy of a certificate of registration or a practising certificate (item 4);
 - (c) providing that a regulation made under the Midwives Registration Ordinance (Cap. 162) may prescribe different fees for cases of different classes or description (item 5).
5. Schedule 3 amends the Nurses Registration Ordinance (Cap. 164) by -
- (a) providing that the result of an election of members to the Nursing Council of Hong Kong (the "Nursing Council") may only be questioned by an election petition (item 3);
 - (b) providing that the Nursing Council may transact its business by

circulation of a paper to all members without a meeting (item 5);

- (c) providing that a person who is aggrieved by the result of an examination conducted under the Nurses Registration Ordinance (Cap. 164) may request to review the result (items 6 and 9);
- (d) providing that a registered nurse or an enrolled nurse may apply for a replacement copy of a certificate of registration or a certificate of enrolment or a practising certificate (as the case may be) (items 8 and 11);
- (e) providing that the Chief Executive in Council may by regulation prescribe different fees for cases of different classes or description (item 12(a));
- (f) providing that the Nursing Council may make regulations relating to elections and election petitions (item 12(b)).

6. Schedule 4 amends the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap. 165) by -

- (a) replacing the definition of "pupil midwife" with the definition of "student midwife" (item 1);
- (b) enabling amendments to be made to the whole Schedule to the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance by a resolution of the Legislative Council (item 2(a)).

7. Schedule 5 amends the Radiation Ordinance (Cap. 303) by -

- (a) providing that the term of a non-ex officio member of the Radiation Board may be determined by the Chief Executive, and the member may resign by giving a notice in writing to the Chairman of the Radiation Board (item 1);
- (b) providing that the Radiation Board may transact its business by circulation of a paper to all members without a meeting (item 2).

8. Schedule 6 amends the Chinese Medicine Ordinance (Cap. 549) by making it clear that the Chinese Medicine Practitioners Board may conduct an inquiry into a

complaint against a Chinese medicine practitioner and discipline the Chinese medicine practitioner on the same occasion (item 1).

Medical and Health Care (Miscellaneous Amendments) Bill 2001

Ordinances covered in this Bill

Dentists Registration Ordinance (Cap. 156)

To regulate the practice of dentistry through a system of registration and disciplinary control.

Midwives Registration Ordinance (Cap. 162)

To regulate the practice of midwifery through a system of registration and disciplinary control.

Nurses Registration Ordinance (Cap. 164)

To regulate the practice of nursing through a system of registration and disciplinary control.

Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap. 165)

To provide for the registration and inspection of hospitals, nursing homes and maternity homes.

Radiation Ordinance (Cap. 303)

To control the import, export, possession and use of radioactive substances and irradiating apparatus and the prospecting and mining for radioactive minerals.

Chinese Medicine Ordinance (Cap. 549)

To regulate the practice, use, trading and manufacture of Chinese medicine through a system of registration and disciplinary control.

Medical and Health Care (Miscellaneous Amendments) Bill 2001

Background and Justification for proposed amendments

Schedule 1 - Amendments of Dentists Registration Ordinance (Cap. 156)

<u>Section</u>	<u>Existing Provision</u>	<u>Proposed Amendments</u>	<u>Reasons</u>
4(2)(d)	The panel of dentists nominated by the Hong Kong Dental Association should be dentists qualified for registration under section 8(1)(a), (b), (ba) or (c).	To repeal "8(1)(a), (b), (ba) or (c)" and substitute "8".	To rectify a textual error, as the existing section 8 does not have any subsections.
4(3)	Members appointed shall hold office for a period of 3 years but no lesser period is allowed.	To amend the provision to provide that the appointment of members by the Chief Executive shall be for a period of 3 years or less.	To allow flexibility for the appointment of members for a period of less than 3 years.
4A(3)	A person may be prohibited from sitting the Licensing Examination if the person has sat any part of the Licensing Examination 5 "consecutive" times and has failed each time.	To repeal the word "consecutive".	The amendment is intended to clarify the policy intention of the Dental Council of Hong Kong that a person may be prohibited from sitting the Licensing Examination if the person has made 5 attempts (not necessarily to be consecutive) in any part of the Licensing Examination and failed each time.
4A(4)	The Dental Council of Hong Kong has the discretion to approve, for the purpose of registration as dentists, a dental programme, course of study or examination, the successful completion or passing of which is of a standard not lower than that achieved by the passing of the Licensing Examination.	To repeal the subsection.	The Dental Council of Hong Kong finds it difficult to assess the standard of an overseas dental programme and has never exercised such discretion. The Council has decided to give up this discretion. Instead, the Council shall assess local dental programmes and prescribe in a new schedule the local dental programmes which are recognised for exemption of the Licensing Examination. (See proposed Section 8(1)(b)).
8(1)(b)	A person who has successfully completed an education programme etc. approved under Section	To amend the subsection to provide that a person who has been awarded a bachelor degree of	See Section 4A(4) above.

	4A(4) is qualified to be registered as dentist.	dentistry by a university in Hong Kong specified in the new Schedule 1 is qualified to be registered as dentist.	
8(2)	New provision.	To provide that the Dental Council of Hong Kong may, with the prior approval of the Legislative Council, amend Schedule 1 by publishing a notice in the Gazette.	Consequent upon amendment to Section 8(1)(b) above.

Schedule 2 - Amendments of Midwives Registration Ordinance (Cap. 162)

Section	Existing Provision	Proposed Amendments	Reasons
S9(2)	Issue of a certified copy of certificate of registration.	To repeal this section.	To be replaced by a new section 22AA (see below).
S14	Restoration of the name of a midwife whose name has been removed from the register.	To provide that a prescribed fee is payable for an application for restoration of the name of a midwife to the register.	To provide that a fee is payable for such an application.
S18 (2)(b)(i)	Attendance of childbirth as part of a course of instruction.	To replace the word "instruction" with "training".	To achieve consistency on the use of the word "training" in similar provisions in the Ordinance
S22AA	New provision.	To provide that replacement copies of certificate of registration and practising certificate may be issued on application and payment of a prescribed fee by a midwife.	The amendment is to cater for the operational need of midwives whose original certificates were lost, destroyed or defaced.
S23(1A)	New provision.	To provide that the Chief Executive may prescribe different fees for cases of different classes or descriptions.	The amendment aims at enhancing the clarity of the existing provision.
S23(3)(c)	The Midwives Council may make regulations providing for re-registration.	To replace the word "re-registration" with "restoration".	To better reflect the practice of the Midwives Council in restoring to the register the name of a midwife that has been removed therefrom.

Amendments of Midwives Registration (Fees) Regulation (Cap. 162)

<u>Section</u>	<u>Existing Provision</u>	<u>Proposed Amendments</u>	<u>Reasons</u>
Item 1(b) of Schedule	Re-registration.	To replace the word "re-registration" with "restoration".	Consequent upon amendment made to Section 23(3)(c) of Cap. 162.
Item 2 of Schedule	Certified copy of certificate.	To replace with "replacement copy of certificate".	Consequent upon amendment made to Section 9(2) of Cap. 162.

Amendments of Midwives (Registration & Disciplinary Procedure) Regulation (Cap. 162)

<u>Section</u>	<u>Existing Provision</u>	<u>Proposed Amendments</u>	<u>Reasons</u>
S4	Provisions for the form of certificate of registration.	To repeal the section.	Consequent upon amendment to Section 7.
S7	Provisions for re-registration and re-registration.	To replace the word "re-registration" with "restoration".	Consequent upon amendment made to Section 23(3)(c) of Cap. 162.

Amendments of Midwives Registration (Miscellaneous Provisions) Regulation (Cap. 162)

<u>Section</u>	<u>Existing Provision</u>	<u>Proposed Amendments</u>	<u>Reasons</u>
S4(b)	Provision for serving notice of enquiry in accordance with section 19(2)(b) or 20(2) of the principal Ordinance.	To replace "19(2)(b) or 20(2)" with "18(2)(b) or 19(2)(a)."	To correct a textual error.

Schedule 3 - Amendments of Nurses Registration Ordinance (Cap. 164)

Section	Existing Provision	Proposed Amendments	Reasons
Part II heading	Heading in Chinese.	Delete the Chinese characters "理管"	To correct a textual error.
S3(1)	Chinese version of the section.	Delete the Chinese characters "理管"	To correct a textual error.
S3A	New provision.	To provide for the detailed procedures for an election petition in respect of an election of members of the Nursing Council of Hong Kong.	The amendment provides that the result of an election of members of the Nursing Council may only be questioned by an election petition.
S4(1)(b) and 2	Quorum of Nursing Council meeting is 5.	To repeal "5" and substitute "7".	Consequent upon the increase in the number of members of the Nursing Council.
S4(4)	Determination of Council matters by circulation of paper.	Provision redrafted in contemporary style.	To improve the readability of the existing text.
S4AA	New provision.	To provide for detailed procedures governing the transaction of business by circulation of papers without a meeting.	Consequent upon amendment to Section 4(4).
S8A	New provision.	To provide for the detailed procedures for reviewing the results of registration examination.	The amendment provides for the review of registration examination result.
S10(2)	Provision of certified copy of certificate of registration.	To repeal this section.	To be replaced by a new section 10AA (see below).
S10AA	New provision.	To provide for the issue of replacement copies of practising certificate and certificate of registration to registered nurses on application and payment of a prescribed fee.	To cater for the operational need of nurses whose original certificates were lost, destroyed or defaced.
S14A	New provision.	To provide for the detailed procedures for reviewing the results of	To provide for review of the results of enrolment examination.

		enrolment examination.	
S16(2)	Issue of a certified copy of certificate of enrolment.	To repeal this section.	To improve on the text by replacing it with a new section 16AA.
S16AA	New provision.	To provide for the issue of replacement copies of practising certificate and certificate of enrolment for enrolled nurses.	To cater for the operational need of enrolled nurses whose original certificates were lost, destroyed or defaced.
S27(1)	The Chief Executive may make regulations to prescribe fees.	To provide that the Chief Executive may prescribe different fees for cases of different classes or description.	The amendment aims at enhancing the clarity of the provision.
S27(3)(c)	The Nursing Council of Hong Kong may make regulations providing for re-registration and re-enrolment.	To replace "re-registration and re-enrolment" with "restoration".	To better reflect the practice of the Nursing Council in restoring to the register the name of a registered or enrolled nurse that has been removed therefrom.
S27(3)(i) & (ia)	The Nursing Council of Hong Kong may make regulations providing for the terms of office and manner of electing Council members.	To empower the Nursing Council of Hong Kong to make regulations in relation to election procedure and election petitions.	Consequent upon new section 3A.

Amendments of Nurses (Registration & Disciplinary Procedure) Regulations (Cap. 164)

<u>Section</u>	<u>Existing Provision</u>	<u>Proposed Amendments</u>	<u>Reasons</u>
Regulation 6	Certified copy of certificate of registration or practising certificate.	To replace "certified" with "replacement".	Consequent upon amendment to Section 10(2) of Cap. 164.
Schedule 2	- ditto -	- ditto -	- ditto -

Amendments of Enrolled Nurses (Enrolment & Disciplinary Procedure) Regulations (Cap. 164)

<u>Section</u>	<u>Existing Provision</u>	<u>Proposed Amendments</u>	<u>Reasons</u>
Regulation 6	Certified copy of certificate of enrolment or practising certificate.	To replace "certified" with "replacement".	Consequent upon amendment to Section 16(2) of Cap. 164.
Schedule 2	- ditto -	- ditto -	- ditto -

Schedule 4 - Amendments of Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap. 165)

<u>Section</u>	<u>Existing Provision</u>	<u>Proposed Amendments</u>	<u>Reasons</u>
S2(1)	This section sets out the definitions of terms used in the Ordinance including that of "pupil midwife".	To repeal definition of "pupil midwife" and substitute with the definition of "student midwife".	To rectify an incorrect cross-reference to the definition of "student midwife" in the Midwives (Registration and Disciplinary Procedure) Regulation (Cap. 162 sub.leg.).
S3(3A)	The Legislative Council may, by resolution, amend the fees in the schedule.	Delete the words "the fees in".	At present all private hospitals, nursing homes and maternity homes are charged the same level of registration fee, irrespective of their capacity. The amendment will provide flexibility for charging different registration fees for different groups of private hospitals, nursing homes and maternity homes, having regard to their capacity, by allowing amendments to the Schedule itself in addition to amending the fees in the Schedule.

Schedule 5 - Amendments of Radiation Ordinance (Cap. 303)

<u>Section</u>	<u>Existing Provision</u>	<u>Proposed Amendments</u>	<u>Reasons</u>
S3(3)	Terms of office of appointed members of the Radiation Board.	To provide that the term of a non-ex officio member may be determined by the Chief Executive and that the member may resign by giving a notice to the Chairman of the Board.	To rationalise the appointment and resignation provisions in respect of non-ex officio members.
S3A	New provision.	To provide that the Radiation Board may transact its business by circulation of papers without a meeting.	To cater for the operational need of the Radiation Board.

Schedule 6 - Amendments of Chinese Medicine Ordinance (Cap. 549)

<u>Section</u>	<u>Existing Provision</u>	<u>Proposed Amendments</u>	<u>Reasons</u>
S98(2)(b)	The existing provision provides that the Practitioners Board of the Chinese Medicine Council of Hong Kong may conduct an inquiry into a complaint against a practitioner and discipline him if he "has been found guilty" in Hong Kong or elsewhere of professional misconduct.	To delete the word "has been found" and replace by "is".	This amendment is to make sure that the Chinese Medicine Practitioners Board may conduct an inquiry into a complaint against a Chinese medicine practitioner and discipline him on the same occasion.

Chapter:	156	Title:	DENTISTS REGISTRATION ORDINANCE	Gazette Number:	37 of 2000
Section:	4	Heading:	Establishment and composition of Dental Council	Version Date:	01/07/1997

Remarks:

Adaptation amendments retroactively made - see 37 of 2000 s. 3

(1) There shall be established within Hong Kong a council to be called the Dental Council of Hong Kong. (Amended 79 of 1984 s. 2)

(2) The Council shall consist of-

- (a) the Registrar; (Replaced 4 of 1988 s. 3)
- (b) a consultant dental surgeon of the Dental Service of the Department of Health appointed by the Chief Executive; (Replaced 4 of 1988 s. 3. Amended L.N. 76 of 1989)
- (ba) a registered dentist, who is a full-time member of the teaching staff of the Faculty of Dentistry of the University of Hong Kong, nominated by the University of Hong Kong and appointed by the Chief Executive; (Added 79 of 1984 s. 2)
- (c) 2 medical practitioners appointed by the Chief Executive; (Amended 4 of 1988 s. 3)
- (d) 6 registered dentists qualified to be registered under section 8(1)(a), (b), (ba) or (c) and appointed by the Chief Executive- (Amended 62 of 1987 s. 2; 4 of 1988 s. 3)
 - (i) from a panel of not less than 12 such registered dentists nominated by the Hong Kong Dental Association; or
 - (ii) in the event of the Hong Kong Dental Association failing to nominate at least 12 such registered dentists, at the discretion of the Chief Executive; (Replaced 49 of 1977 s. 3. Amended 79 of 1984 s. 2; 4 of 1988 s. 3)
- (e) one lay member who shall be appointed by the Chief Executive. (Added 4 of 1988 s. 3. Amended 37 of 2000 s. 3)

(3) Members of the Council appointed under subsection (2)(c), (d) and (e) shall hold office for a period of 3 years but shall be eligible for re-appointment from time to time. (Amended 4 of 1988 s. 3)

(4) If the place of a member of the Council appointed under subsection (2)(c), (d) or (e) becomes vacant before the expiration of his term of office, the vacancy may be filled by appointment by the Chief Executive, and any person so appointed shall hold office so long only as the member in whose place he is appointed would have held office. (Amended 4 of 1988 s. 3; 37 of 2000 s. 3)

(5) The Chairman of the Council shall-

- (a) be elected by the members from amongst themselves;
- (b) subject to subsection (5D), hold office for 3 years or until he ceases to hold office as a member, whichever is the earlier; and
- (c) be eligible for re-election. (Replaced 4 of 1988 s. 3)

(5A) If the office of Chairman becomes vacant due to effluxion of time, or as a result of resignation or otherwise, the Secretary shall convene a meeting of the Council within 3 months of the occurrence of such vacancy for the purpose of electing a Chairman. (Added 4 of 1988 s. 3)

(5B) The Secretary shall preside at a meeting held under subsection (5A) until the Chairman is elected and assumes office, but he shall not have an original or a casting vote. (Added 4 of 1988 s. 3)

(5C) If the Chairman is unable to perform the functions of his office for any period due to absence from Hong Kong or any other reason, the members of the Council shall at a meeting of the Council elect one of themselves to act in his place for the duration of that period and notwithstanding any provision in this Ordinance the Secretary may, where necessary, convene a meeting for the purpose of such election. (Added 4 of 1988 s. 3)

(5D) The Chairman may at any time resign his office by giving notice in writing to the Secretary. (Added 4 of 1988 s. 3)

(6) There shall be a Secretary of the Council and a Legal Adviser to the Council who shall be appointed by the Chief Executive. (Amended 37 of 2000 s. 3)

Chapter: 156 Title: DENTISTS REGISTRATION Gazette Number:
ORDINANCE
Section: 4A Heading: **Council to set Licensing Examination** Version Date: 30/06/1997

(1) The Council shall set an examination, called the Licensing Examination, the passing of which qualifies a person to be registered under section 8.

(2) The Council may impose such conditions as it thinks fit, being conditions which are relevant to the assessment or improvement of a person's professional knowledge in dentistry, which a person must comply with before the Council allows him to sit the Licensing Examination or any part thereof.

(3) The Council may prohibit a person from sitting the Licensing Examination if the person has sat any one part of the Licensing Examination 5 consecutive times and has failed each time.

(4) Where the Council is of the opinion that-

- (a) the successful completion of any dental education programme or course of study provided by a university or other institution, in Hong Kong or elsewhere; or
- (b) the passing of any examination in dentistry set by a licensing body in a place outside Hong Kong responsible for licensing of dentists in that place,

shows the achievement of a standard not lower than that achieved by the passing of the Licensing Examination, the Council may approve such programme, course of study or examination for the purpose of this section.

(Added 34 of 1995 s. 3)

Chapter: 156 Title: DENTISTS REGISTRATION Gazette Number:
ORDINANCE
Section: 8 Heading: **Persons who are qualified to be registered** Version Date: 30/06/1997

Only a person who-

- (a) has passed the Licensing Examination and has complied with the conditions, if any, imposed by the Council under section 4A(2);
- (b) has successfully completed or passed an education programme, course of study or examination, as the case may be, approved under section 4A(4); or
- (c) was at any time registered before the commencement of section 5 of the Medical and Related Professionals (Registration) (Miscellaneous Amendments) Ordinance 1995 (34 of 1995),

is qualified to be registered under this Ordinance.

(Replaced 34 of 1995 s. 5)

Chapter:	162	Title:	MIDWIVES REGISTRATION ORDINANCE	Gazette Number:	L.N. 247 of 1999
Section:	9	Heading:	Certificate of registration	Version Date:	30/09/1999

(1) When the name of a person is registered under section 8, the secretary shall issue to the person a certificate in the form prescribed. (Amended 61 of 1997 s. 10)

(2) If any certificate issued under subsection (1) is lost or destroyed or if for any other reason a person to whom such certificate was issued requires a duplicate thereof, the secretary, upon being satisfied as to the loss or destruction of the original certificate or as to the propriety of the reason for which the duplicate is otherwise required, shall, upon payment of the fee prescribed, issue to such person a certified copy of the original certificate. (Amended 61 of 1997 s. 10)

(3) Any certificate issued in accordance with the provisions of the repealed Midwives Ordinance* shall be deemed to have been validly issued in accordance with the provisions of this Ordinance.

(4)-(5) (Repealed 61 of 1997 s. 10)

* See Cap 162, 1950 Ed.

Chapter:	162	Title:	MIDWIVES REGISTRATION ORDINANCE	Gazette Number:	L.N. 247 of 1999
Section:	14	Heading:	Provisions relating to orders of Council	Version Date:	30/09/1999

(1) The secretary shall cause a copy of any order made under section 10(1) or of any decision of the Council to refuse to enter the name of an applicant upon the register under section 8(3) to be served, as soon as may be after the making thereof, upon the person concerned, either personally or by registered post addressed to the person at the last address known to the secretary. (Amended 67 of 1985 s. 16)

(2) The secretary shall not remove the name of any midwife from the register before the expiration of 30 days after the service upon the midwife of the copy of the order referred to in subsection (1), or, in the case of an appeal against such order, until after the determination of the appeal.

(3) 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.

(Amended 61 of 1997 ss. 14 & 27)

* See Cap 162, 1950 Ed.

Chapter:	162	Title:	MIDWIVES REGISTRATION ORDINANCE	Gazette Number:	L.N. 247 of 1999
Section:	18	Heading:	Prohibition of persons other than a registered medical practitioner or registered midwife attending women in childbirth	Version Date:	30/09/1999

(1) A person who, not being a registered medical practitioner or a registered midwife, attends a woman in childbirth commits an offence and is liable on summary conviction to a fine at level 5 and to imprisonment for 2 years.

(2) Subsection (1) does not apply to-

- (a) a person who, while undergoing training with a view to becoming a registered medical practitioner-
 - (i) attends a woman in childbirth; and
 - (ii) is, during that attendance, under the direction and personal supervision of a registered medical practitioner or a registered midwife; or
- (b) a person who, while undergoing training with a view to becoming a registered midwife-
 - (i) attends a woman in childbirth as part of a course of instruction in midwifery recognized by the Council; and
 - (ii) is, during that attendance, under the direction and personal supervision of a registered medical practitioner or a registered midwife; or
- (c) a person who attends a woman in childbirth in case of an emergency.

(Replaced 61 of 1997 s. 18)

Chapter: 162	Title: MIDWIVES REGISTRATION ORDINANCE	Gazette Number: L.N. 247 of 1999; 37 of 2000
Section: 23	Heading: Regulations	Version Date: 30/09/1999

PART VI

REGULATIONS, DIRECTIONS AND EXEMPTIONS

- (1) The Chief Executive in Council may make regulations- (Amended 37 of 2000 s. 3)
 - (a) prescribing fees payable under this Ordinance; and
 - (b) providing for the disposal of any fee paid or recovered under this Ordinance.
- (2) The Secretary for Health and Welfare may make regulations-
 - (a) prescribing the functions of the legal adviser to the Council; and
 - (b) prescribing the functions to be performed by the secretary.
- (3) Subject to the approval of the Secretary for Health and Welfare, the Council may make regulations-
 - (a) prescribing the nature of the particulars to be entered in the register and the manner in which the register is to be kept;
 - (b) prescribing the procedure to be followed at meetings of the Council;
 - (c) providing for the manner in which applications for registration and re-registration are to be made;
 - (d) providing for examinations and courses of training in midwifery;
 - (e) providing for the receipt of complaints or information regarding a registered midwife or an applicant for registration;
 - (f) providing for the establishment of a committee to be known as the Preliminary Investigation Committee to make preliminary investigations into those complaints or that information and to determine whether or not an inquiry should be held under section 10;
 - (g) prescribing the procedure to be followed in relation to-
 - (i) the submission of any such complaints and information to the Committee;
 - (ii) the preliminary investigation by the Committee of those complaints or that information;
 - (iii) the formulation of charges arising out of those complaints or that information;
 - (iv) the reference to the Council of cases arising out of those complaints or that information; and
 - (v) inquiries held by the Council under section 10;
 - (h) if a person is a member of the Preliminary Investigation Committee and also a member of the Council, prohibiting the person from attending such an inquiry if the person also took part in an investigation which gave rise to the inquiry;

- (i) providing for matters relating to the conduct and the practice in midwifery;
and
- (j) generally providing for the provisions of this Ordinance to be carried into effect.

(4) Regulations made under subsection (3) may require documents submitted under those regulations to be in a form specified by, and to be verified by statutory declaration or by a declaration as is acceptable to, the Council.

(Replaced 61 of 1997 s. 24)

Chapter:	162B	Title:	MIDWIVES REGISTRATION (FEES) REGULATION	Gazette Number:	L.N. 316 of 2000
Section:	4	Heading:	SCHEDULE	Version Date:	01/01/2001

[section 2]

FEES

Item	Particular	Fee \$
1.	Registration fees-	
	(a) payable on first registration-	
	(i) in the case of a person who has completed training in midwifery in Hong Kong	305
	(ii) in the case of a person who has completed training in midwifery outside Hong Kong	1000
	(b) payable on re-registration	145
2.	Certified copy of a certificate of registration	185
3.	Issuance of a practising certificate under section 22 of the Ordinance	225
4.	Entrance fee for examination	1425
5.	Verbatim record of proceedings of an inquiry for each folio of 72 words or part thereof	73

(L.N. 316 of 2000)

Chapter:	162C	Title:	MIDWIVES (REGISTRATION AND DISCIPLINARY PROCEDURE) REGULATION	Gazette Number:	L.N. 315 of 1999
Section:	4	Heading:	Form of certificate of registration	Version Date:	01/01/2000

A certificate of registration issued under section 9 of the Ordinance shall be in the form prescribed in Schedule 2.

Chapter:	162C	Title:	MIDWIVES (REGISTRATION AND DISCIPLINARY PROCEDURE) REGULATION	Gazette Number:	L.N. 315 of 1999
Section:	7	Heading:	Registration and re-registration	Version Date:	01/01/2000

(1) Before the name of any person is entered in the register or, if removed from the register otherwise than by an order of the Council made under section 10(1)(ii) of the Ordinance, re-entered in the register, such person shall pay to the secretary the fee prescribed in the Midwives Registration (Fees) Regulation (Cap 162 sub. leg. B)

(2) Upon registration or re-registration of any midwife, the secretary shall issue to that midwife a certificate of registration in the form prescribed in Schedule 2.

Chapter: 162D Title: MIDWIVES REGISTRATION Gazette Number: L.N. 316 of
(MISCELLANEOUS 1999
PROVISIONS) REGULATION
Section: 4 Heading: **Functions of secretary relating to inquiry by Council** Version Date: 01/01/2000

At an inquiry under section 8 or 10 of the Ordinance, the secretary has, in particular, the following functions-

- (a) read the notice of inquiry at the opening of the inquiry;
 - (b) in the absence of the respondent and the respondent's representative at the opening of the inquiry, submit to the Council such evidence as the Council may require to prove that the notice of inquiry or, where applicable, the notice of adjournment has been served on the respondent in accordance with section 19(2)(b) or 20(2) of the Midwives (Registration and Disciplinary Procedure) Regulation (Cap 162 sub. leg. C);
 - (c) present the case against the respondent, adduce evidence to support the case and close the case;
 - (d) make a reply, if the respondent or the respondent's representative has made any submission at the conclusion of the presentation of the case against the respondent by the secretary;
 - (e) address the Council in reply at the conclusion of the respondent's case, if the respondent is called upon to state the respondent's case; and
 - (f) produce to the Council the records of any meeting of the Council at which an order has been made against the respondent under the Ordinance, if an order against the respondent is to be decided.
-

Chapter:	164	Title:	NURSES REGISTRATION ORDINANCE	Gazette Number:	L.N. 87 of 1999
Section:	4	Heading:	Meetings of the Council	Version Date:	03/05/1999

- (1) The Council shall meet at such times and in such places-
- (a) as the chairman may from time to time direct; or
 - (b) as may be requested in writing addressed to the chairman by not less than 5 members.
- (2) At any meeting of the Council 5 members shall be a quorum.
- (3) The validity of any proceedings of the Council shall not be affected by any vacancy among the members thereof or by any defect in the appointment of any member thereto.
- (4) All questions for determination at any meeting of the Council shall be decided by a majority vote of the members present at such meeting and voting thereon:
Provided that nothing in this subsection shall be construed to prevent any question for determination by the Council being so determined by a majority opinion of the members upon circulation to them of papers relating thereto.
- (5) The chairman at any meeting of the Council shall have an original vote and also, if upon any question the votes are equally divided, a casting vote except in the case of an inquiry held under section 17 in which case he shall have only an original vote.
- (6) The Council may make standing orders for regulating procedure at, or in connection with, its meetings.

(Amended 82 of 1997 s. 21)

Chapter:	164	Title:	NURSES REGISTRATION ORDINANCE	Gazette Number:	L.N. 87 of 1999
Section:	16	Heading:	Certificate of enrolment	Version Date:	03/05/1999

- (1) When the name of any person is enrolled under section 15, the secretary shall issue to him a certificate of enrolment in the form prescribed.
- (2) If any certificate issued under subsection (1) is lost or destroyed, or if for any other reason the person to whom such certificate was issued requires a copy thereof the secretary, upon being satisfied as to the loss or destruction of the original and as to the propriety of the reason for which the copy is required, shall, upon payment of the fee prescribed (if any), issue to such person a certified copy of the original certificate.
- (3)-(4) (Repealed 82 of 1997 s. 13)

Chapter:	164	Title:	NURSES REGISTRATION ORDINANCE	Gazette Number:	L.N. 87 of 1999
Section:	27	Heading:	Regulations	Version Date:	03/05/1999

Remarks:

Adaptation amendments retroactively made - see 37 of 2000 s. 3

- (1) The Chief Executive in Council may by regulation provide for- (Amended 82 of 1997 s. 20; 37 of 2000 s. 3)
- (a)-(c) (Repealed 82 of 1997 s. 20)
 - (d) the fees to be paid in connection with examinations, registration, enrolment, re-registration, re-enrolment, certificates of registration or enrolment and practising certificates, and certified copies thereof; (Amended 34 of 1995 s. 30; 82 of 1997 s. 20)
 - (e)-(i) (Repealed 82 of 1997 s. 20)
 - (ia) the fees to be paid in respect of the furnishing, to any party to an inquiry held by the Council under section 17, of a copy of any record of any proceedings of the inquiry;

(Added 19 of 1992 s. 2. Amended 82 of 1997 s. 20)

(j)-(k) (Repealed 82 of 1997 s. 20)

(2) The Secretary for Health and Welfare may by regulation provide for-

- (a) the duties of the legal adviser;
- (b) additional duties to be performed by the secretary. (Added 82 of 1997 s. 20)

(3) Subject to the approval of the Secretary for Health and Welfare, the Council may by regulation provide for-

- (a) the nature of the particulars to be entered in the register and on the roll and the manner in which they are to be kept;
- (b) the procedure to be followed at meetings of the Council;
- (c) the manner in which applications for registration, enrolment, re-registration and re-enrolment shall be made;
- (d) examinations and courses of training in nursing;
- (e) the receipt of complaints or information regarding any matter that may be inquired into by the Council under section 17 and the establishment of a committee to be known as the Preliminary Investigation Committee to make such preliminary investigation as it considers appropriate regarding such complaint or information and to determine whether or not there shall be an inquiry under section 17;
- (f) the prohibition of a member of the Preliminary Investigation Committee who is also a member of the Council from attending any meeting of the Council, while it is inquiring under section 17 into a complaint or information, in the preliminary investigation of which he took part;
- (g) the procedure to be followed in relation to-
 - (i) the submission of complaints and information to the Preliminary Investigation Committee;
 - (ii) the preliminary investigation of any complaint or information by the Preliminary Investigation Committee;
 - (iii) the formulation of charges arising out of complaints and information;
 - (iv) the reference to the Council by the Preliminary Investigation Committee of cases arising out of complaints and information;
 - (v) the procedure as regards inquiries held by the Council under section 17;
- (h) matters relating to the conduct of nursing practice;
- (i)* the term of office of and manner of electing members to the Council under section 3(2)(ca) and any other related matters; and
- (j) generally giving effect to the provisions of this Ordinance. (Added 82 of 1997 s. 20)

(4) For the purposes of subsection (3), regulations made under that subsection may require that documents submitted for the purpose of those regulations be in such a form as is specified by, and be verified by statutory declaration or such declaration as is acceptable to, the Council. (Added 82 of 1997 s. 20)

(Amended 38 of 1970 s. 16)

* Please see the provision relating to transitional powers of the Council in section 23 of 82 of 1997.

Chapter: 164A	Title: NURSES (REGISTRATION AND DISCIPLINARY PROCEDURE) REGULATIONS	Gazette Number:
Section: 6	Heading: Fee for copy of certificate of registration	Version Date: 30/06/1997

The fee payable upon issue of a certified copy of any certificate of registration or any practising certificate or of any certificate verifying such registration shall be the appropriate fee prescribed in the Second Schedule.

(34 of 1995 s. 32)

Chapter: 164A	Title: NURSES (REGISTRATION AND DISCIPLINARY PROCEDURE) REGULATIONS	Gazette Number: L.N. 317 of 2000
Section: 2	Heading: FEES	Version Date: 01/01/2001

[regulations 4, 6, 7 & 14]

Item	Particular	Fee \$
1.	For registration in any part of the register-	
	(a) Person qualified in Hong Kong	360
	(b) Person qualified elsewhere.....	1035
1A.	For practising certificate (34 of 1995 s. 34)	200
2.	For certified copy of certificate of registration or practising certificate (34 of 1995 s. 34)	175
3.	For restoration of name to any part of register	245
4.	Entrance fees for examination-	
	(a) Any examination	620
	(b) Any re-examination	620
5.	For certificate verifying registration	170

(L.N. 191 of 1989; L.N. 610 of 1994; L.N. 13 of 1997; L.N. 317 of 2000)

Chapter: 164B	Title: ENROLLED NURSES (ENROLMENT AND DISCIPLINARY PROCEDURE) REGULATIONS	Gazette Number:
Section: 6	Heading: Fee for copy of certificate of enrolment	Version Date: 30/06/1997

The fee payable upon issue of a certified copy of any certificate of enrolment or any practising certificate or of any certificate verifying such enrolment shall be the appropriate fee prescribed in the Second Schedule.

(34 of 1995 s. 36)

Chapter: 164B	Title: ENROLLED NURSES (ENROLMENT AND DISCIPLINARY PROCEDURE) REGULATIONS	Gazette Number: L.N. 318 of 2000
Section: 2	Heading: FEES	Version Date: 01/01/2001

[regulations 4, 6, 7 & 14]

Item	Particular	Fee \$
1.	For enrolment in any part of the roll-	
	(a) Person qualified in Hong Kong	360
	(b) Person qualified elsewhere.....	1035
1A.	For practising certificate (34 of 1995 s. 38)	200
2.	For certified copy of certificate of enrolment or practising certificate (34 of 1995 s. 38)	175
3.	For restoration of name to any part of the roll.....	245
4.	Entrance fees for examination-	
	(a) Any examination.....	665
	(b) Any re-examination	665
5.	For certificate verifying enrolment.....	170

(L.N. 184 of 1989; L.N. 603 of 1994; L.N. 14 of 1997; L.N. 318 of 2000)

Chapter:	165	Title:	HOSPITALS, NURSING HOMES AND MATERNITY HOMES REGISTRATION ORDINANCE	Gazette Number:	
Section:	2	Heading:	Interpretation	Version Date:	30/06/1997

- (1) In this Ordinance, unless the context otherwise requires-
- "Director" (署長) means the Director of Health; (Replaced 68 of 1990 s. 24)
- "hospital" (醫院) means any establishment for the care of the sick, injured or infirm or those who require medical treatment, including a nursing home, but does not include any hospital maintained by the Crown or a public hospital within the meaning of the Hospital Authority Ordinance (Cap 113); (Amended 68 of 1990 s. 24)
- "maternity home" (留產院) means any premises used or intended to be used for the reception of pregnant women or of women immediately after childbirth, but does not include any maternity home maintained by the Crown or any maternity home run as part of a public hospital within the meaning of the Hospital Authority Ordinance (Cap 113) or any maternity home managed or controlled by the Hospital Authority established under that Ordinance; (Amended 84 of 1992 s. 2)
- "pupil midwife" (見習助產士) means a woman whose name is registered with the Midwives Board under regulation 8 of the Midwives (Registration and Disciplinary Procedure) Regulations (Cap 162 sub. leg.);
- "register" (註冊) and "registration" (註冊) mean register and registration under this Ordinance;
- "registered midwife" (註冊助產士) means a woman who is registered or deemed to have been registered as a midwife under or in accordance with section 8 of the Midwives Registration Ordinance (Cap 162);
- "registered nurse" (註冊護士) means a nurse whose name appears in Part I of the register of nurses maintained in accordance with section 5 of the Nurses Registration Ordinance (Cap 164).
- (2) In relation to any premises used or intended to be used solely for the reception of, and the provision of nursing for, a class of patients in whose case the requisite nursing can be suitably and adequately provided by nurses of a class whose names are contained in some part of the register of nurses maintained in accordance with section 5 of the Nurses Registration Ordinance (Cap 164) other than Part I of that register, references in the definition "registered nurse" (註冊護士) to Part I of the register of nurses shall be construed as including references to that other part of the register.
- (Replaced 17 of 1966 s. 5)

Chapter:	165	Title:	HOSPITALS, NURSING HOMES AND MATERNITY HOMES REGISTRATION ORDINANCE	Gazette Number:	37 of 2000
Section:	3	Heading:	Registration of hospitals and maternity homes	Version Date:	01/07/1997

Remarks:

Adaptation amendments retroactively made - see 37 of 2000 s. 3

- (1) If any person carries on a hospital or a maternity home without being duly registered in respect thereof, he shall be guilty of an offence and shall be liable on summary conviction to a fine of \$1000, or in the case of a second or subsequent offence, to a fine of \$1000 and imprisonment for 3 months. (Amended 22 of 1950 Schedule; 17 of 1966 s. 3)
- (2) Application for registration shall be made to the Director in writing in a form prescribed by him. Where the applicant desires registration of premises as a hospital and as a maternity home separate forms shall be used. (Amended 17 of 1966 ss. 3 & 6; L.N. 76 of 1989)
- (3) Every application for registration shall be accompanied by the appropriate fee specified in the Schedule, whether a hospital or a maternity home or both a hospital and a maternity home will be carried on in the premises to which the application refers. (Added 17 of 1966 s. 6. Amended 62 of 1989 s. 2)
- (3A) The Legislative Council may, by resolution, amend the fees in the Schedule. (Added 62 of

1989 s. 2)

(4) Subject as provided in this Ordinance, the Director shall on receipt of an application for registration, register the applicant in respect of the hospital or maternity home named in the application, subject to such conditions relating to the accommodation, staffing or equipment thereof as he thinks fit, and issue to the applicant a certificate of registration, in which such conditions shall be set forth: (Amended 17 of 1966 s. 6)

Provided that the Director may refuse to register the applicant if he is satisfied-

- (a) that the applicant or any person employed by him at the hospital or maternity home is not a fit person to carry on or to be employed at a hospital or maternity home of such a description as the hospital or maternity home named in the application; or (Replaced 17 of 1966 s. 6)
- (b) that for reasons connected with situation, construction, accommodation, staffing or equipment the hospital or maternity home, or any premises used in connection therewith, is or are not fit to be used for or in connection with a hospital or maternity home of such a description as the hospital or maternity home named in the application, or that the hospital or maternity home, or any premises used in connection therewith, is or are used or to be used for purposes which are in any way improper or undesirable in the case of such a hospital or maternity home; or (Replaced 17 of 1966 s. 6)
- (c) in the case of a hospital, that the hospital is not under the charge of a person who is either a duly qualified medical practitioner or a registered nurse and who is resident in the hospital, or that there is not a proper proportion of registered nurses among the persons having the superintendence of or employed in the nursing of the patients in the hospital; or (Replaced 17 of 1966 s. 6)
- (d) in the case of a maternity home, that the person having the superintendence of the nursing of the patients in the home is not a registered midwife, or that any person employed in attending any woman in the home in childbirth or in nursing any patient in the home is not either a duly qualified medical practitioner, a registered midwife, or a pupil midwife or that there is not a proper proportion of registered midwives or pupil midwives among the persons having the superintendence of or employed in the attendance on or nursing of the patients in the home. (Amended 17 of 1966 s. 6)

(5) The current certificate of registration issued in respect of a hospital or maternity home shall be kept affixed in a conspicuous place in the hospital or maternity home, and, if default is made in complying with the foregoing requirement, the person carrying on the hospital or maternity home shall be guilty of an offence. (Amended 7 of 1966 ss. 3 & 6)

(6) Subject to the provisions of section 4, registration shall be valid until the end of the year in which it is made. Every person registered in respect of a hospital or maternity home who desires to continue to be so registered for any subsequent year shall make application in the month of December for re-registration and shall pay the fee prescribed by subsection (3). (Amended 17 of 1966 ss. 3 & 6)

- (7) (a) Any person registered in respect of a hospital or maternity home who is aggrieved by a condition imposed by the Director under subsection (4) may appeal by way of petition to the Chief Executive in Council.
- (b) On any such appeal, the Chief Executive in Council may confirm, vary or reverse the decision of the Director. (Added 17 of 1966 s. 6. Amended 37 of 2000 s. 3)

[cf. 1927 c. 38 s. 1 U.K.]

Chapter: 303	Title: RADIATION ORDINANCE	Gazette Number: L.N. 173 of 2000
Section: 3	Heading: Constitution of Radiation Board	Version Date: 01/07/2000

Remarks:

Adaptation amendments retroactively made - see 60 of 2000 s. 3

(1) There is hereby established for the purposes of this Ordinance a Board to be known as the Radiation Board.

(2) The Board shall consist of-

(a) the following ex officio members, namely-

(i) the Director of Health; (Amended 76 of 1989)

(ii) the Commissioner for Labour, or a person nominated by him as his representative; (Replaced 55 of 1970 s. 3)

(iii) the Director-General of Trade and Industry, or a person nominated by him as his representative; and (Replaced 55 of 1970 s. 3. Amended L.N. 206 of 1977; L.N. 294 of 1982; L.N. 292 of 1989; L.N. 173 of 2000)

(b) such persons not exceeding 10 in number as the Chief Executive may appoint. (Amended 60 of 2000 s. 3)

(3) Members of the Board appointed under subsection (2)(b) shall hold office for 3 years and may be re-appointed or removed by the Chief Executive at his discretion. In the event of any vacancy occurring from any cause such vacancy shall be filled by appointment by the Chief Executive and a member so appointed shall hold office for so long as the member in whose place he has been appointed would have held office. (Amended 60 of 2000 s. 3)

(4) The Director of Health shall be ex officio Chairman of the Board. In the absence of the Chairman from any meeting of the Board, the members of the Board present shall appoint one of their number to be Chairman. (Amended L.N. 76 of 1989)

(5) The Board shall meet at such places and times as the Chairman of the Board may appoint, and at any meeting 5 members shall form a quorum.

(6) Every question before the Board shall be determined by a majority of the votes of the members present at the meeting of the Board.

(7) The Chairman of the Board shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

(8) Except as expressly provided in this Ordinance, the Board may regulate its procedure and may make standing orders for that purpose. (Amended 46 of 1990 s. 3)

(9) A secretary to the Board shall be appointed by the Chief Executive. (Amended 60 of 2000 s. 3)

Chapter:	549	Title:	CHINESE MEDICINE ORDINANCE	Gazette Number:	L.N. 250 of 2000
Section:	98	Heading:	Disciplinary powers of Practitioners Board	Version Date:	16/08/2000

(1) Where the Disciplinary Committee of Chinese Medicine Practitioners considers that the conduct of a registered Chinese medicine practitioner should be inquired into as a result of a complaint being made to it or otherwise, the Disciplinary Committee of Chinese Medicine Practitioners shall refer the case to the Practitioners Board.

(2) Where the Practitioners Board is satisfied, after due inquiry into the case referred to it under subsection (1), that the registered Chinese medicine practitioner-

- (a) has been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment;
- (b) has been found guilty in Hong Kong or elsewhere of misconduct in any professional respect;
- (c) has obtained registration by fraud or misrepresentation;
- (d) was not at the time of his registration qualified to be registered;
- (e) has breached a condition or conditions imposed by the Practitioners Board on his practice of Chinese medicine;
- (f) has failed to disclose a conviction in Hong Kong or elsewhere of an offence punishable with imprisonment to the Registrar in accordance with section 79(a); or
- (g) has failed to disclose a record of misconduct in any professional respect to the Registrar in accordance with section 79(b),

the Practitioners Board may take any of the steps in subsection (3).

(3) The Practitioners Board may, in its discretion-

- (a) order that the name of the registered Chinese medicine practitioner be removed from the Register;
- (b) order that the name of the registered Chinese medicine practitioner be removed from the Register for such period as it may think fit and that the name be subsequently restored to the Register upon the expiry of such period;
- (c) make any such order as in paragraph (a) or (b) but suspend its application, subject to such conditions as it thinks fit, for a period, or periods in aggregate, not exceeding 3 years;
- (d) order that the registered Chinese medicine practitioner be reprimanded;
- (e) make any such order as in paragraph (a) or (b) and further order that such order takes effect upon its publication in the Gazette if the Practitioners Board is satisfied that it is necessary for the protection of the public to do so; or
- (f) order that a warning letter be served on the registered Chinese medicine practitioner.

(4) Where an order is made under subsection (3), the Practitioners Board may, in any case, make such order as it thinks fit with regard to the payment of costs of the Registrar, any complainant or any person presenting the case to the Practitioners Board and the registered Chinese medicine practitioner and any costs awarded may be recovered summarily as a civil debt in accordance with the provision of section 67 of the Magistrates Ordinance (Cap 227).

(5) Except for an order made under subsection (3)(e), the Registrar shall not remove the name of the registered Chinese medicine practitioner from the Register-

- (a) until after the expiry of the time within which an appeal may be lodged under section 103(1); or
- (b) in the case of an appeal having in fact been lodged under section 103(1), until after a decision of the Court of Appeal has been made.

(6) Nothing in this section shall be deemed to require the Practitioners Board to inquire into the question as to whether a registered Chinese medicine practitioner was properly convicted when considering a record of conviction of the Chinese medicine practitioner under this section, but the Practitioners Board may consider any record of the case in which such conviction was recorded and any other evidence which may be available and is relevant as showing the nature and gravity of the offence.

(7) In deciding whether the Practitioners Board should be recommended to hold an inquiry under this section in respect of a case, the Disciplinary Committee of Chinese Medicine Practitioners shall act in accordance with the prescribed procedure for considering the case brought to its attention.