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*Your ref.:* CB2/BC/22/00

20 March 2002

Clerk to Bills Committee  
(Attn: Ms Doris Chan)  
Legislative Council  
Hong Kong Special Administrative Region  
of the People's Republic of China  
Legislative Council Building  
8 Jackson Road  
Central  
Hong Kong

**By fax (2509 9055)**

Dear Ms Chan,

**Bills Committee on Medical and Health Care  
(Miscellaneous Amendments) Bill 2001 ("the Bill")**

**Second meeting on 15 March 2002**

I refer to the captioned meeting and our subsequent telephone conversations.

The Administration has considered suggestions made by Members during the meeting and would like to respond as follows :-

- (a) Number of prosecution made under Section 18 of Midwives Registration Ordinance, Cap 162

We have consulted the relevant authorities and are advised that no statistics on the number of prosecution made under the section is kept.

- (b) To transact business by circulation of papers – Section 4(4), Nurses Registration Ordinance (Cap 164) and new Section 3A, Radiation Ordinance (Cap 303)

At present, the Nursing Council, like other Boards and Councils, may conduct its business by circulation of papers. The objective of the current amendment is to improve the readability and clarity of the existing text. In practice, only matters of minor and routine nature will be decided upon by circulation of papers. The proposed amendment to the Radiation Board is to cater for the operational need of the Board. As requested by Members, we shall clarify, in the speech for the resumption of Second Reading of the Bill, that it is the intention of the Nursing Council and the Radiation Board that only minor or routine matters would be transacted by circulation of paper.

- (c) Section 27(3)(c) of the Nurses Registration Ordinance, Cap. 164

Some Members expressed concern that the phrase “restoration of the name of a person to the register or roll” in the proposed section 27(3)(c) of Cap 164 might be interpreted as only the “name” of the relevant nurse would be restored to the register but not the other personal particulars.

We have subsequently obtained further legal advice on this point. We are advised that the word “name” does not merely mean the name of the person but the professional status of a person in the nursing profession. Section 5(1) of the Ordinance provides that the Nursing Council shall cause a register to be kept which shall contain such particulars as may from time to time be prescribed. Under Section 17 of the Ordinance, if a person commits a disciplinary offence, the Nursing Council may order that the “name” of the nurse be removed from the register or roll. Under Section 21(4) of the Ordinance, the Council may also restore the “name” of the person to the register. Therefore, to place a person’s name on the register actually means that the person is allowed to practise a profession. Indeed, the reference to the “name” of a person in the register is commonly used by other professionals. A list of relevant examples in other ordinances is at the Annex. Other contents of the register and roll are regulated by regulation 3 of the Nurses (Registration and Disciplinary Procedure) Regulation and Regulation 3 of the Enrolled Nurses (Enrolment and Disciplinary Procedure) Regulation respectively.

In view of the above, we consider it unnecessary to change the relevant wordings of the proposed Section 27(3)(c) of Cap 164.

I should be grateful if you would convey the above to Members and we look forward to the resumption of the Second Reading Debate of the Bill on 24 April 2002.

Yours sincerely,

(Peter Kwok)  
for Secretary for Health and Welfare

c.c. Director of Health (Attn: Dr Constance Chan  
Mr Raymond Chiu)  
Department of Justice (Attn: Mr Allen Lai)

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 <b>restore the name</b> 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 <b>restoration of his name to the register</b>, 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 <b>restore the name</b> of the applicant to the register, and thereupon the Registrar shall <b>restore the name</b> 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之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 <b>restoration of his name to the General Register</b> 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 <b>restore the name of the applicant to the General Register</b>, and thereupon the Registrar shall <b>restore the name</b> 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 <b>restoration of the midwife's name to the register</b>, 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 <b>restore the name of the applicant to the register</b> and thereupon the secretary shall <b>restore the name</b> 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 <b>restore the name of the applicant to the register</b> or to such part thereof, or to the roll or to such part thereof, as the case may be, and thereupon the secretary shall <b>restore the name</b> 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 <b>restoration of his name to the register</b>, 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, <b>restore the name</b> 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 <b>restoration of his name to the register</b>, 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，可批准或拒絕申</p>

	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 <b>restoration of his name to the register</b>, 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 <b>restoration of his name to the register</b>, 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 <b>restoration of his name to the register</b>, 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 <b>restoration of his name to the register</b>, 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 <b>restoration of his name to the register</b>, 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 <b>restoration of his name to the register</b>, 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>