

**立法會**  
**Legislative Council**

LC Paper No. LS120/00-01

**Paper for the House Committee Meeting  
of the Legislative Council  
on 15 June 2001**

**Legal Service Division Report on  
Medical and Health Care (Miscellaneous Amendments) Bill 2001**

**Object of the Bill**

To propose amendments to the Dentists Registration Ordinance (Cap. 156), Midwives Registration Ordinance (Cap. 162), Nurses Registration Ordinance (Cap. 164), Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap. 165), Radiation Ordinance (Cap. 303) and Chinese Medicine Ordinance (Cap. 549).

**LegCo Brief Reference**

2. HWB/M/21/7 Pt. 6 (99) dated May 2001 issued by the Health and Welfare Bureau.

**Date of First Reading**

3. 13 June 2001.

**Comments**

4. This omnibus bill proposes minor amendments to six Ordinances. The effects of the proposed amendments are stated below:-

Dentists Registration Ordinance

- (a) To enable the Chief Executive to appoint certain members of the Dental Council for a period of less than 3 years.
- (b) To remove the provision which empowers the Dental Council to approve dental education programmes as no lower than the standard of the Licensing Examination, and to specify that a bachelor degree in dentistry awarded by the University of Hong Kong as one of the qualifications for registration as a dentist.

### Midwives Registration Ordinance

- (a) To refine the drafting of existing provisions.

### Nurses Registration Ordinance

- (a) To enable the result of an election of members to the Nursing Council to be questioned by an election petition to the Council.
- (b) To enable any member of the Council, where an item of business is sought to be transacted by circulation of papers, to request the Chairman to refer the item to the next meeting.
- (c) To provide a procedure for a person aggrieved by the result of an examination for registration or an examination for enrolment to request the Council to review the result.

### Hospitals, Nursing Homes and Maternity Homes Registration Ordinance

- (a) To change the term "pupil midwife" to "student midwife", and to remove the reference to gender in the definition of student midwife.
- (b) To enable the Legislative Council to amend the Schedule to the Ordinance instead of to merely amend the fees in the Schedule. According to the LegCo Brief, the amendment would enable different registration fees to be imposed on different groups of private hospitals, nursing homes and maternity homes, having regard to their capacity. Members may wish to note that the proposed amendment is only expanding the scope of amendments that the Legislative Council may make to the Schedule. No proposal on revision of fees is included in this Bill.

### Radiation Ordinance

- (a) To provide that a non-ex officio member (defined in the Bill) of the Radiation Board may resign by giving notice in writing to the Chairman of the Board.
- (b) To enable the Radiation Board to transact its business by circulation of papers.

### Chinese Medicine Ordinance

- (a) To clarify that the Practitioners Board of the Chinese Medicine Council of Hong Kong may conduct an inquiry into a complaint of misconduct in a professional respect and discipline a Chinese medicine practitioner in the same occasion.

5. Members may note that another omnibus bill, the Medical and Health Care (Miscellaneous Amendments) Bill 2000, was submitted to the Legislative Council in January 2000. A Bills Committee was formed in respect of that Bill, which subsequently lapsed as there was no slot available up to the end of the term. Part of the proposed amendments in that Bill, namely those relating to the Midwives Registration Ordinance, Nurses Registration Ordinance (except review of examination result) and Radiation Ordinance, are included in this Bill.

### **Consultation with Panel**

6. The Administration briefed the Panel on Health Services on this Bill on 9 April 2001 (LC Paper No. CB(2)1225/00-01(03) refers). Members of the Panel expressed reservations on the use of an omnibus bill to amend different areas of policy (Minutes of the meeting are in LC Paper No. CB(2)1458/00-01).

7. Members may note that the proposed amendments to the Pharmacy and Poisons Ordinance and the Chiropractors Registration Ordinance, which formed part of the briefing, are not included in this Bill. In the omnibus bill submitted in January 2000 and the consultation of the Panel on Health Services in April 2001, the more controversial item was the proposed amendment to the Pharmacy and Poisons Ordinance (Cap. 138). The proposal relates to changing the approval mechanism for subsidiary legislation made under the Ordinance from the positive procedure, i.e. by a resolution, to the negative procedure. The proposal is not in this Bill.

### **Public Consultation**

8. According to the LegCo Brief, the Administration has consulted the relevant regulatory bodies on the proposed amendments and they have raised no objection.

### **Conclusion**

9. The amendments proposed in the Bill appear to be procedural and uncontroversial. The legal and drafting aspects of the Bill are in order. Subject to Members views, the Bill is ready for resumption of Second Reading debate.

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13 June 2001