

**立法會**  
***Legislative Council***

LC Paper No. LS130/00-01

**Paper for the House Committee Meeting  
of the Legislative Council  
on 22 June 2001**

**Legal Service Division Further Report on  
Chiropractors (Registration and Disciplinary  
Procedures) Rules (L.N. 134)  
Gazetted on 8 June 2001**

The above Rules are made by the Chiropractors Council under the powers given by the Chiropractors Registration Ordinance (Cap. 428). Members may recall that in relation to registration, the Rules prescribe the information and documents to be provided, and in relation to disciplinary proceedings of chiropractors the Rules prescribe the procedure and details of such proceedings. The Rules would come into operation on 1 September 2001.

2. The Legal Service Division made a report on the above subsidiary legislation to the House Committee on 15 June 2001 (LC Paper No. LS117/00-01). In that report we informed members that we had asked the Administration to clarify certain points and a further report would be issued. The points we raised and the Administration's reply are summarized below:-

- (a) When would the list of examinations, training and experience which may be accepted for the purpose of registration as a chiropractor be published? (rule 3)

The Administration has informed us that to prepare for the commencement of the registration exercise on 1 September 2001, the Chiropractors Council intends to publish the list in the Gazette in August 2001. For the information of applicants the Chiropractors Council will also include the information in the "Guide to Applicants" to be distributed to members of the public before the commencement of the registration exercise;

- (b) In view of the term used in the Dentist Registration Ordinance (Cap. 156), is it more appropriate to use the term a "dentist" rather than a "dental practitioner" as one of those persons who may write a reference letter for a person applying for registration? (rule 4(6)(f))

The Administration has referred our view to the Chiropractors Council for consideration, and has recommended that the technical refinement be taken up by the Chiropractors Council on a suitable occasion in future.

- (c) Will rules of evidence apply to proceedings of the Inquiry Committee? (rule 37)

The Administration has confirmed that it is not intended that rules of evidence would apply to proceedings of the Inquiry Committee. The Administration has also observed that the common law does not require a disciplinary tribunal to observe the rules of evidence used in the courts, and that there are subsidiary legislation relating to disciplinary proceedings of health care professionals which do not contain express provisions to that effect. The Administration has referred the point to the Chiropractors Council and recommended that the review on the drafting be taken up by the Chiropractors Council on a suitable occasion in future.

### **Recommendation**

3. In relation to point (a) the actions which would be taken by the Chiropractors Council would ensure that the qualifications for registration are known to applicants before the registration scheme commences. In relation to points (b) and (c), the technical drafting points raised are for achieving consistency and improving clarity in the drafting of the Rules but are unlikely to substantially affect the operation of them in law. On this basis we recommend that the technical refinements contained in points (b) and (c) be left to the Chiropractors Council itself, and that intervention by the Legislative Council in respect of the Rules is not necessary.

Prepared by

LEE Yu-sung  
Senior Assistant Legal Adviser  
Legislative Council Secretariat  
20 June 2001