

**Legislative Council Panel on Health Services
Meeting on 9 April 2001**

Proposed Amendments to Health-related Ordinances

Introduction

This paper seeks Members' comments on the Administration's proposed amendments to various health-related ordinances.

Background

2. There are defects in a number of ordinances 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, we proposed, last year, to improve the relevant ordinances by removing some out-dated provisions, clarifying some existing ambiguities and rectifying some textual errors. We introduced the Medical and Health Care (Miscellaneous Amendments) Bill 2000 to the Legislative Council on 19 January 2000 with a view to improving the operation of the regulatory schemes prescribed in the ordinances concerned. Pending the establishment of a Bills Committee, the Bill lapsed at the end of the 1999-2000 legislative session.

3. We have since reviewed the proposed amendments contained in the 2000 Bill and identified further areas for improvement. We propose to introduce a new bill into the Legislative Council to rectify all these defects. A list of the affected ordinances is shown at Annex. The more significant amendments are :-

- (a) Amending the Pharmacy and Poisons Ordinance to provide that regulations made by the Pharmacy and Poisons Board dealing with technical matters, such as adding new substances into the Poisons List and Schedules of the Pharmacy and Poisons Regulations, shall be subject to the approval of the Secretary for Health and Welfare

and the negative, instead of positive as present, vetting by the Legislative Council.

- (b) Amending the Pharmacy and Poisons Ordinance to provide that regulations made by the Pharmacy and Poisons Board dealing with fees relating to examination, registration and certification of pharmacists shall be made by the Chief Executive in Council and subject to negative (instead of positive) vetting of the Legislative Council, to bring the pharmacists in line with other health care professionals in this respect.
- (c) Amending the Pharmacy and Poisons Ordinance so that the Hong Kong Branch of the British Medical Association will no longer be required to nominate a member to the Pharmacy and Poisons Board. Instead, the Hospital Authority may nominate a member to the Board.
- (d) Amending the Dentists Registration Ordinance to provide that the Dental Council of Hong Kong may prescribe in a new schedule the local dental programmes which are recognised for exemption from its licensing examination.
- (e) 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.
- (f) Amending the Hospital, Nursing Homes and Maternity Homes Registration Ordinance to enable different registration fees to be imposed on different private hospitals, nursing homes and maternity homes, having regard to their capacity.
- (g) Amending the Chiropractors Registration Ordinance to provide that the Chiropractors Council can investigate an alleged misconduct of a practitioner based on information received other than a formal complaint.
- (h) Amending the Chiropractors Registration Ordinance to provide that the rules made by the Chiropractors Council shall be subject to the approval of the Secretary for Health and Welfare, in addition to

negative vetting by the Legislative Council.

- (i) Amending the Chiropractors Registration Ordinance to provide that a registered chiropractor applying for the issue of or renewal of a practising certificate shall provide information as to whether he/she has been convicted of a criminal offence or found guilty of professional misconduct.
- (j) Amending the Chinese Medicine Ordinance so that the Practitioners Board of the Chinese Medicine Council of Hong Kong can order disciplinary action against a practitioner after an inquiry at which the practitioner has been found guilty of professional misconduct. This amendment is required to clarify an existing ambiguity in the Ordinance.
- (k) Amending the Radiation Ordinance to enable the Radiation Board to transact its business by circulation of papers.

Advice Sought

- 4. Members are invited to comment on the proposed amendments in paragraph 3.
- 3. We shall take into account Members' comments in finalising the bill for subsequent introduction into the Legislative Council.

Health and Welfare Bureau
April 2001

Ordinances proposed to be amended

Pharmacy and Poisons Ordinance (Cap. 138)

To provide for the practice of pharmacy through a system of registration and disciplinary control and to provide for the regulation of medicines and poisons through registration and controls on manufacture, import and sale of medicines and poisons.

Dentists Registration Ordinance (Cap. 156)

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

Medical Registration Ordinance (Cap. 161)

To regulate the practice of medicine and surgery 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.

Chiropractors Registration Ordinance (Cap. 428)

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

Chinese Medicine Ordinance (Cap. 549)

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