

## LEGISLATIVE COUNCIL BRIEF

### CHIROPRACTORS REGISTRATION ORDINANCE (CAP. 428) (COMMENCEMENT) NOTICE 2001

### CHIROPRACTORS REGISTRATION (FEES) REGULATION

#### INTRODUCTION

At the meeting of the Executive Council on 27 March 2001, the Council ADVISED and the Chief Executive ORDERED that –

- (a) the Chiropractors Registration Ordinance (Cap.428) (Commencement) Notice 2001 (“the Commencement Notice”) , at Annex A, should be made under section 1(2) of the Chiropractors Registration Ordinance (Cap. 428) (“the Ordinance”); and
- (b) the Chiropractors Registration (Fees) Regulation (“the Regulation”), at Annex B, should be made under section 27 of the Ordinance.

#### BACKGROUND AND ARGUMENT

##### General Background

2. Chiropractors are persons trained and qualified in the practice of chiropractic including the practice of the prevention, diagnosis and treatment of functional disorders of the human body through manipulation of the joints, particularly of the vertebral column and peripheral joints such as the pelvis.

3. The Chiropractors Registration Ordinance provides for the regulation of the practice of chiropractic through a system of registration and disciplinary control of chiropractors and the establishment of a Chiropractors Council as the regulatory authority. The Chiropractors Council was set up in 1993 and has been making preparation to enable the registration of chiropractors. The following subsidiary legislation will have to be made to support and facilitate the registration and disciplinary process -

- (a) Chiropractors Registration (Fees) Regulation, to be made by the Chief Executive in Council, providing for fees payable for registration as chiropractors and other related matters; and

- (b) Chiropractors (Registration and Disciplinary Procedure) Rules, to be made by the Chiropractors Council, setting out the detailed registration and disciplinary procedures and related matters.

4. The Chiropractors Registration (Fees) Regulation was made on 27 March 2001. The Rules mentioned in paragraph 3(b), to be made by the Chiropractors Council when section 17(3) of the Ordinance comes into force, will be the subject of another brief to be submitted to the Legislative Council shortly.

### **Commencement of the Ordinance**

5. So far, only those provisions of the Ordinance relating to the establishment of the Chiropractors Council and the regulation-making powers of the Chief Executive in Council, namely, sections 2 to 7, 13, 26 and 27, have been brought into force. To implement the registration system for chiropractors, we propose to bring the following provisions of the Ordinance into effect by phases, as follows -

	<b>Provisions</b>	<b>Commencement date</b>
Section 17(3)	Provide the Chiropractors Council with the power to make rules related to disciplinary investigations and proceedings	6 April 2001
Section 8 to 12, 14 to 16, 17(1), (2) and (4) to (9), 18 to 23, 24(a) to (g), (j) and (k), and 25	Set out in general the registration and disciplinary procedures	8 June 2001

6. The arrangement proposed above will allow the Chiropractors Council to make the Chiropractors (Registration and Disciplinary Procedure) Rules under sections 6 and 17(3) of the Ordinance on or after 6 April 2001 and to receive applications for registration thereafter. As it will take some time for all practising chiropractors to complete the registration procedures, the remaining provisions of the Ordinance (i.e. section 24(h) and (i)) should become effective at a later date, to be decided having regard to the progress of the registration exercise. Thereafter, if a person not being a registered chiropractor or not possessing a valid practising certificate practises chiropractic, he commits an offence under section 24(h) or (i) of the Ordinance.

## **The Fees Proposal**

7. To finance the implementation of the registration system for chiropractors, relevant fees should be introduced through the making of the Chiropractors Registration (Fees) Regulation. It is proposed to recover at this stage only 70% of the cost, at 2000-01 prices, of administering this registration system, and thereafter to achieve full cost recovery in three years. This approach is similar to the one we adopted last year for the registration of Chinese medicine practitioners.

8. The proposed fees for chiropractors are set at levels relatively higher than the corresponding fees for other health care professionals. This is because at present there are only about 50 chiropractors practising in Hong Kong. This small group of chiropractors will have to share the cost of running the secretariat of the Chiropractors Council, which is invariant to the size of the profession. As a result, the amount to be borne by each chiropractor is relatively higher.

## **THE COMMENCEMENT NOTICE**

9. The Commencement Notice specifies the commencement dates for the respective provisions of the Ordinance that are not yet in operation, except section 24(h) and (i).

## **THE REGULATION**

10. The Regulation sets out the fees payable under the Ordinance. Clause 1 provides that this Regulation shall come into operation on a day to be appointed by the Secretary for Health and Welfare by notice in the Gazette. Clause 2 provides for the fees payable under the Ordinance.

## **PUBLIC CONSULTATION**

11. The Chiropractors Council has been consulted on the option of setting the fee levels based on full cost, and it has raised no objection.

## **BASIC LAW IMPLICATIONS**

12. The Department of Justice advises that the Commencement Notice and the Regulation are consistent with the Basic Law.

## **HUMAN RIGHTS IMPLICATIONS**

13. The Department of Justice advises that the Commencement Notice and the Regulation have no human rights implications.

## **BINDING EFFECT OF THE REGULATION**

14. The Commencement Notice and the Regulation will not affect the current binding effect of the Ordinance.

## **FINANCIAL AND STAFFING IMPLICATIONS**

15. The proposed fees will give rise to annual revenue of about \$225,000 in the first year of implementation.

16. The Department of Health has been providing secretariat support to the Chiropractors Council. There will be no additional cost arising from implementation of the registration system.

## **LEGISLATIVE TIMETABLE**

17. The legislative timetable is as follows –

Publication in the Gazette	6 April 2001
Tabling at Legislative Council	25 April 2001

## **PUBLICITY**

18. A press release will be issued when the Commencement Notice and Regulation are gazetted. A spokesman of the Chiropractors Council will be available to handle media and public enquiries.

## **ENQUIRY**

19. For any enquiries on this brief, please contact Miss Winsome AU, Assistant Secretary for Health and Welfare at 2973 8118.

\* \* \* \* \*

Health and Welfare Bureau  
3 April 2001

**CHIROPRACTORS REGISTRATION ORDINANCE (CAP. 428)  
(COMMENCEMENT)**

**NOTICE 2001**

Under section 1(2) of the Chiropractors Registration Ordinance, I, after consultation with the Executive Council, appoint -

- (a) 6 April 2001 as the day on which section 17(3) of the Ordinance shall come into operation; and
- (b) 8 June 2001 as the day on which sections 8 to 12, 14 to 16, 17(1), (2) and (4) to (9), 18 to 23, 24(a) to (g), (j) and (k) and 25 of the Ordinance shall come into operation.

Chief Executive

2 April 2001

## CHIROPRACTORS REGISTRATION (FEES) REGULATION

(Made by the Chief Executive in Council  
under section 27 of the Chiropractors  
Registration Ordinance (Cap. 428))

### 1. Commencement

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

### 2. Fees

The fees payable under the Ordinance are set out in the Schedule.

#### SCHEDULE

[s. 2]

#### FEES

Item	Particular	Fee \$
1.	Application for registration under section 10 of the Ordinance	3,055
2.	Application for issue of a practising certificate under section 12 of the Ordinance	1,240
3.	Application for renewal of a practising certificate under section 12 of the Ordinance	1,240
4.	Certificate of registration issued under section 14 of the Ordinance	2,370

5. Restoration of an applicant's name to the register under section 20 of the Ordinance 655
6. Certificate signed by the Secretary, certifying any of the following - 700
  - (a) that the name of a person has been entered in the register
  - (b) that the name of a person has not been entered in the register
  - (c) that the name of a person has been removed from the register
  - (d) that the name of a person has been ordered to be removed from the register
7. Certificate signed by the Secretary, certifying that at a date specified in the certificate a person is not or was not the holder of a practising certificate then in force 700
8. Verbatim record of proceedings of an inquiry for each folio of 72 words or part thereof 73

Clerk to the Executive Council

COUNCIL CHAMBER

27 March 2001

**Explanatory Note**

This Regulation provides for the fees payable under the Chiropractors Registration Ordinance (Cap. 428).