

立法會
Legislative Council

LC Paper No. CB(2)1836/05-06
(These minutes have been
seen by the Administration)

Ref : CB2/BC/16/04

Bills Committee on Dentists Registration (Amendment) Bill 2005

Minutes of the 4th meeting
held on Tuesday, 28 March 2006 at 8:30 am
in Conference Room B of the Legislative Council Building

Members present : Dr Hon KWOK Ka-ki (Chairman)
Hon Audrey EU Yuet-mee, SC, JP
Hon LI Kwok-ying, MH

Member absent : Hon Andrew CHENG Kar-foo

Public Officers attending : Item I

Mr Jeff LEUNG
Principal Assistant Secretary for Health, Welfare and Food
(Health)

Mr Eric CHENG
Assistant Secretary for Health, Welfare and Food (Health)

Dr Joseph CHAN
Consultant i/c Dental Service
Department of Health

Mr H Y AU
Head, Boards & Councils
Department of Health

Ms Lonnie NG
Senior Government Counsel

Clerk in attendance : Ms Doris CHAN
Chief Council Secretary (2) 4

Staff in attendance : Miss Anita HO
Assistant Legal Adviser 2

Ms Maisie LAM
Council Secretary (2) 2

I. Meeting with the Administration

(The Bill, marked-up copy of the Bill, LC Paper Nos. CB(2)1504/05-06(01) to (03), marked-up copy of the draft Committee Stage amendments proposed by the Administration)

The Bills Committee deliberated (Index of proceedings at **Annex**).

2. The Bills Committee completed clause-by-clause examination of the Bill and the examination of the Committee Stage amendments (CSAs) to clauses 3, 10, 17(c), 18 and 22(b) proposed by the Administration.

Admin

3. The Administration agreed to revert to members the following -

(a) clarification on the effect of “an appeal to the Court of Appeal shall be deemed to be finally determined when the specified period expires without an application for leave to appeal,” under the amended section 2(3) taking into account that the Court of Appeal or the Court of Final Appeal, as the case may be, have the jurisdiction to extend the specified period for filing an appeal; and

(b) whether the rules on appeals provided under the amended section 23 were different from -

(i) the respective rules provided under the Supplementary Medical Professions Ordinance (Cap. 359) and the Social Workers Registration Ordinance (Cap. 505); and

(ii) the Rules of the High Court made under the High Court Ordinance (Cap. 4).

Admin

4. The Administration advised that it would propose the following new CSAs for the Bills Committee’s consideration -

- (a) clause 12 – to add the word “registered” before the word “address” in the proposed new sections 13A(1) and (2) for clarity, and the consequential amendments to the proposed new sections 7(4) and 15(1A); and
- (b) clause 34 – to amend Form 6 in the First Schedule under the Dentists (Registration and Disciplinary Procedure) Regulations (Cap. 156A) as the words “I have the honour to be, Sir/Madam, your obedient servant.” were archaic.

5. Members noted the Administration’s intention to consult the Panel on Health Services on the future revamp exercise of the Dentists Registration Ordinance (Cap. 156) to update and improve the existing regulatory regime for the dental profession.

Way forward

6. The Bills Committee agreed that the information requested in paragraph 3 above and the new CSAs to be provided by the Administration could be considered by circulation and no further meeting would be held unless any member or ALA2 had further comments or queries. The Bills Committee also agreed that subject to further comments from members and ALA2, the Bills Committee would report to the House Committee recommending resumption of the Second Reading debate on the Bill.

7. There being no other business, the meeting ended at 10:05 am.

Council Business Division 2
Legislative Council Secretariat
25 April 2006

**Proceedings of the fourth meeting of the
Bills Committee on Dentists Registration (Amendment) Bill 2005
on Tuesday, 28 March 2006 at 8:30 am
in Conference Room B of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 – 000225	Chairman	Opening remarks	
000226 – 001158	Administration Chairman	Briefing by the Administration on its response to issues raised by members at the meeting on 12 January 2006 [LC Paper No. CB(2)1504/05-06(01)]	
001159 – 001320	Chairman Administration	Present position of the revamp exercise of the Dentists Registration Ordinance (Cap. 156) to update and improve the existing regulatory regime for the dental profession	
001321 – 001333	Chairman	To proceed with the examination of the draft CSAs proposed by the Administration	
001334 – 002753	Administration Chairman Ms Audrey EU ALA2	<i>Proposed CSAs to clause 3</i> The Administration undertook to clarify the effect of “an appeal to the Court of Appeal shall be deemed to be finally determined when the specified period expires without an application for leave to appeal,” under the amended section 2(3) taking into account that the Court of Appeal or the Court of Final Appeal, as the case may be, have the jurisdiction to extend the specified period for filing an appeal	✓ (Admin to respond)
002754 – 003302	Administration Chairman	<i>Proposed CSA to clause 10</i> Time required by the Preliminary Investigation Committee (PIC) to process a complaint or information concerning a registered dentist or an applicant applying for the inclusion of his name in the Specialist Register	
003303 – 003408	Administration Chairman	<i>Proposed CSA to clause 17(c)</i> Agreement to the proposed CSA subject to the clarification to be provided by the Administration on the amended section 2(3)	
003409 – 003509	Administration Chairman	<i>Proposed CSA to clause 18</i>	
003510 – 004319	Administration Ms Audrey EU Chairman	<i>Proposed CSA to clause 22(b)</i> Whether a complainant had to ascertain, before submitting a complaint or information to the Dental Council of Hong Kong (the Council), whether the case before him was related to a registered dentist’s conduct or his suitability to have his name included in, or removed from, the Specialist Register Referral mechanism between the PIC and the Education and	

Time Marker	Speaker	Subject(s)	Action Required
		Accreditation Committee (EAC) and comparison with the respective arrangement under the Medical Registration Ordinance (Cap. 161)	
004320 – 004409	Chairman	To continue the clause-by-clause examination	
004410 – 005859	Administration Chairman Ms Audrey EU	<i>Clause 10 (proposed sections 12B, 12E and 12F)</i> Functions of the PIC and EAC	
005900 – 011053	Administration Chairman Ms Audrey EU	<i>Clause 15</i> Whether the word “Register” in the proposed new section 15A(2) was referring to the Specialist Register The ways to ensure that the notice given under the proposed new sections 12B(5)(b) and (11) and 12F(4) and (6) would reach the registered dentist concerned	
011054 – 011718	Administration Chairman ALA2	<i>Clause 16</i> The Administration would consider deleting the provision “matrimonial proceedings in a court of the Commonwealth having unlimited jurisdiction in civil matters” in section 18(4) in the next legislative exercise	
011719 – 012505	Administration Chairman ALA2	<i>Clause 18</i> Whether the Court of Appeal had the power to extend the one-month period for giving a notice of appeal against an order made under section 9 or 18 The Administration was required to provide information on whether the rules on appeals provided under the amended section 23 were different from – (a) the respective rules provided under the Supplementary Medical Professions Ordinance (Cap. 359) and the Social Workers Registration Ordinance (Cap. 505); and (b) the Rules of High Court made under the High Court Ordinance (Cap. 4).	✓ (Admin to respond)
012506 – 012653	Chairman Administration	<i>Clauses 22-23</i>	
012654 – 013235	Administration Chairman Ms Audrey EU	<i>Clause 24</i> Clarification that the duration of new section 32(2) was limited by the career life of the relevant dentists	
013236 – 013342	Administration Chairman	<i>Clauses 25-39</i>	
013343 – 013438	Chairman	New CSAs to be proposed by the Administration –	✓

Time Marker	Speaker	Subject(s)	Action Required
	ALA2 Administration	(a) new sections 7(4), 13A(1) and (2) and 15(1A) under the Dentists Registration Ordinance; and (b) Form 6 in the First Schedule under the Dentists (Registration and Disciplinary Procedure) Regulations (Cap. 156A) [LC Paper No. CB(2)1504/05-06(03)]	(Admin to provide the CSAs)
013439 – 013510	Chairman Administration Ms Audrey EU	Way forward The Bills Committee would report to the House Committee subject to further comments from members and ALA2 on the information and the new CSAs to be provided by the Administration	

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