

立法會
Legislative Council

LC Paper No. LS 197/98-99

**Paper for the House Committee Meeting
of the Legislative Council
on 4 June 1999**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 28 May 1999**

Date of Tabling in LegCo : 2 June 1999

Amendment to be made by : 30 June 1999 (or 7 July 1999 if extended by resolution)

**Miscellaneous Licences Ordinance (Cap. 114)
Miscellaneous Licences (Amendment) Regulation 1999 (L. N. 130)**

The Amendment Regulation amends regulation 17 of the Miscellaneous Licences Regulations (Cap. 114 sub. leg.) by deleting the references to the offences and penalties related to the operation of physiotherapy clinics. It is a consequential amendment upon the commencement of statutory control over the practice of physiotherapy under the Supplementary Medical Professions Ordinance (Cap. 359) (please refer to L.N.s 135-137 below).

The Amendment Regulation will come into operation on 1 July 1999.

**District Councils Ordinance (Cap. 8 of 1999)
Declaration of Constituencies (District Councils) Order 1999 (L. N. 131)**

This Order declares the areas within the Districts to be constituencies for the purposes of election to elect the members of the District Councils established for those Districts and gives names to those constituencies.

When making this Order, the Chief Executive in Council is required under section 6(2) of the District Councils Ordinance (8 of 1999) to have regard to the recommendations made by the Electoral Affairs Commission (“EAC”) in the last report of the Commission submitted under the Electoral Affairs Commission Ordinance (Cap. 541).

The EAC submitted the report containing its final recommendations to the Chief Executive on 15 May 1999. According to the LegCo Brief (Ref. : CAB C2/11) dated 25 May 1999 issued by the Constitutional Affairs Bureau, out of the 390 constituencies in the 18 Districts, there are 204 constituencies the boundaries of which are the same as the 1994 District Boards boundaries. As a result of public consultation, the EAC has adjusted the boundaries of 49 constituencies and the names of five constituencies. Members may refer to Annex B to the LegCo Brief for a breakdown of these adjustments.

Employees Retraining Ordinance (Cap. 423)

Employees Retraining Ordinance (Amendment of Schedule 2) (No. 4) Notice 1999 (L.N. 132)

This Notice adds 2 further organizations, namely, School of Professional And Continuing Education, The University of Hong Kong and China Business Centre, The Hong Kong Polytechnic University, to the list of training bodies capable of providing or conducting retraining courses for the purpose of the Employees Retraining Ordinance (Cap. 423).

Pensions (Increase) Ordinance (Cap. 305)

Declaration of Increase in Pensions Notice 1999 (L.N. 133)

This Notice declares an increase of 1.0% with effect from 1 April 1999 in respect of the basic pension payable under various Ordinances including the Pensions Ordinance (Cap. 89), the Pension Benefits Ordinance (Cap. 99) and the Pension Benefits (Judicial Officers) Ordinance (Cap. 401).

Widows and Orphans Pension (Increase) Ordinance (Cap. 205)

Widows and Orphans Pension (Increase) Notice 1999 (L. N. 134)

This Notice specifies an increase of 1.0% with effect from 1 April 1999 in respect of the pension payable under the Widows and Orphans Pension Ordinance (Cap. 94) to a widow or orphan of an officer.

Supplementary Medical Professions Ordinance (Cap. 359)
Supplementary Medical Professions Ordinance (Application) Order 1999 (L.N. 135)

**Supplementary Medical Professions, Midwives Registration and Nurses
Registration (Amendment) Ordinance 1985 (67 of 1985)**
**Supplementary Medical Professions, Midwives Registration and Nurses
Registration (Amendment) Ordinance 1985 (67 of 1985) (Commencement) Notice 1999
(L.N. 136)**

Supplementary Medical Professions Ordinance (Cap. 359)
**Physiotherapists (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub.
leg.) (Commencement) Notice 1999 (L.N. 137)**

L.N. 135 appoints 1 July 1999 as the day on which certain provisions of the Supplementary Medical Professions Ordinance (Cap. 359) (“the Ordinance”) will apply to the physiotherapy profession. Those provisions prohibit the practice of physiotherapy by unregistered persons and impose disciplinary control on registered physiotherapists. To tie in with the commencement of those provisions in the Ordinance, L.N. 137 appoints 1 July 1999 as the day on which the provisions relating to procedure of disciplinary hearings in the Physiotherapists (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg.) will come into operation.

L.N. 135 also appoints 1 July 1999 as the day on which sections 19 and 27(d) of the Ordinance will apply to all professions specified in the Schedule to the Ordinance, namely, medical laboratory technologists, radiographers, physiotherapists, occupational therapists and optometrists. Those provisions relate to the requirement to use suitable premises for practice.

L.N. 136 appoints 1 July 1999 as the day on which the remaining provisions of the Supplementary Medical Professions, Midwives Registration and Nurses Registration (Amendment) Ordinance 1985 (67 of 1985) (“the Amendment Ordinance 1985”) that have not yet come into operation will come into operation. Those provisions deal with the repeal of the provisions relating to control and regulation of physiotherapy clinics under the Miscellaneous Licences Ordinance (Cap. 114), the Miscellaneous Licences Regulations (Cap. 114 sub. leg.), the Massage Establishments Ordinance (Cap. 266) and the Medical Clinics Ordinance (Cap. 343). The repeal is consequential upon the commencement of the statutory control over the practice of physiotherapy under Cap. 359 with effect from 1 July 1999.

The above consequential amendments in the Amendment Ordinance 1985 was made to prepare for the statutory control of physiotherapists under Cap. 359. However, the provisions in Cap. 359 and the Physiotherapists (Registration and Disciplinary Procedure) Regulation relating to the registration of physiotherapists came into effect only on 1 April 1997. Other legislative provisions on statutory control over the practice of physiotherapy in Hong Kong have not been brought into operation pending completion of the registration of serving physiotherapists. According to the Administration, such registration has now been largely completed.

For background information, Members may refer to LegCo Brief (Ref.: HWB/M/22/3 Pt. 5 (95)) dated 28 May 1999 issued by the Health and Welfare Bureau.

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