

LEGISLATIVE COUNCIL BRIEF

**Supplementary Medical Professions Ordinance
(Chapter 359)**

**MEDICAL LABORATORY TECHNOLOGISTS (REGISTRATION AND
DISCIPLINARY PROCEDURE) (AMENDMENT) REGULATION 1999**

**PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY
PROCEDURE) (AMENDMENT) REGULATION 1999**

**RADIOGRAPHERS (REGISTRATION AND DISCIPLINARY
PROCEDURE) (AMENDMENT) REGULATION 1999**

INTRODUCTION

On 4 January 1999, Secretary for Health and Welfare, in exercise of the power under section 29(1A) of the Supplementary Medical Professions Ordinance (Cap. 359) (SMPO), made the following Amendment Regulations (at Annex) :

- (a) Medical Laboratory Technologists (Registration and Disciplinary Procedure) (Amendment) Regulation 1999;
- (b) Physiotherapists (Registration and Disciplinary Procedure)

(Amendment) Regulation 1999; and

- (c) Radiographers (Registration and Disciplinary Procedure) (Amendment) Regulation 1999.

BACKGROUND AND ARGUMENT

2. The Veterinary Surgeons Registration Ordinance (Cap. 529) (VSRO) was enacted on 29 June 1997 and provides for the registration of veterinary surgeons. We shall shortly bring into effect section 16 of the VSRO, which provides that only a “registered” veterinary surgeon with a valid practising certificate can practise veterinary surgery or provide a veterinary service in Hong Kong. It is essential that, when section 16 is brought into effect, other legislation with references to veterinary surgeons should have provisions in line with those in the VSRO.

3. References to “duly qualified” veterinary surgeons appear in the following subsidiary Regulations made under the SMPO, providing exemptions to these veterinary surgeons from the controls prescribed in the SMPO in relation to treatment by them of animals :-

- (a) the Medical Laboratory Technologists (Registration and Disciplinary Procedure) Regulations;
- (b) the Physiotherapists (Registration and Disciplinary Procedure) Regulation; and
- (c) the Radiographers (Registration and Disciplinary Procedure)

Regulation.

4. It is necessary to repeal these references to “duly qualified” veterinary surgeons and replace them with surgeons registered under the VSRO.

CORRIGENDUM

5. Amendments to the above Regulations were made by the Chief Executive in Council in purported exercise of the power under section 29 of the SMPO in November 1997. That power however had been transferred to the Secretary for Health and Welfare (SHW), pursuant to the coming into operation of section 21 of Ord. No. 80 of 1997 in June 1997. To date, these Amendment Regulations made have not had any legal consequences because they have not come into effect. Fresh Amendment Regulations have now been made by the SHW.

THE REGULATIONS

6. The principal provisions of the three Amendment Regulations are, in each case, as follows -

- (a) **section 1** provides for commencement on the day that section 16 of the VSRO comes into operation; and
- (b) **section 2** provide for replacement of existing reference to “duly qualified” veterinary surgeons by reference to veterinary surgeons registered under the VSRO.

PUBLIC CONSULTATION

7. As the Amendment Regulations are consequential to the enactment of the VSRO, public consultation is not necessary.

BASIC LAW IMPLICATIONS

8. The Department of Justice has advised that the Amendment Regulations have no basic law implications.

HUMAN RIGHTS IMPLICATIONS

9. The Department of Justice has advised that the Amendment Regulations have no human rights implications.

FINANCIAL AND STAFFING IMPLICATIONS

10. There are no financial or staffing implications.

PUBLICITY

11. A press release will be issued to announce the commencement of section 16 of the VSRO.

ENQUIRY

12. For any enquiry, please contact

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