

LEGISLATIVE COUNCIL BRIEF

- Pharmacy and Poisons Ordinance
(Chapter 138)
- Medical Registration Ordinance
(Chapter 161)
- Midwives Registration Ordinance
(Chapter 162)
- Nurses Registration Ordinance
(Chapter 164)
- Radiation Ordinance
(Chapter 303)
- Supplementary Medical Professions Ordinance
(Chapter 359)
- Chiropractors Registration Ordinance
(Chapter 428)

MEDICAL AND HEALTH CARE (MISCELLANEOUS AMENDMENTS) BILL 2000

INTRODUCTION

At the meeting of the Executive Council on 4 January 2000, the Council ADVISED and the Acting Chief Executive ORDERED that the Medical and Health Care (Miscellaneous Amendments) Bill 2000 at **Annex A** should be introduced into the Legislative Council.

BACKGROUND AND ARGUMENT

Background

2. We have identified a number of defects in the following Ordinances :-

- (a) Pharmacy and Poisons Ordinance (Chapter 138)
- (b) Medical Registration Ordinance (Chapter 161)
- (c) Midwives Registration Ordinance (Chapter 162)
- (d) Nurses Registration Ordinance (Chapter 164)
- (e) Radiation Ordinance (Chapter 303)
- (f) Supplementary Medical Professions Ordinance (Chapter 359)
- (g) Chiropractors Registration Ordinance (Chapter 428)

3. These Ordinances provide for the regulation of health care professionals, pharmaceutical products, irradiating apparatus and radioactive substances. The purposes of these Ordinances are set out in **Annex B**.

The Proposal

4. These defects may hamper the smooth operation of the regulatory schemes prescribed in the above Ordinances. We propose to rectify these defects by removing some out-dated provisions, streamlining the operation of the regulatory bodies, clarifying some existing ambiguities and rectifying some minor textual errors. These will enhance consistency among the relevant Ordinances. The proposed amendments are briefly described in the explanatory memorandum of the Bill. The more significant amendments are :-

- (a) Amending the Pharmacy and Poisons Ordinance to provide that regulations made by the Pharmacy and Poisons Board shall be subject to the approval of the Secretary for Health and Welfare and the negative, instead of positive, vetting by the Legislative Council, to help reduce the amount of administrative work;
- (b) Amending the Pharmacy and Poisons Ordinance and the Supplementary Medical Professions Ordinance (SMPO) so that the Hong Kong Branch of British Medical Association will no longer be required to nominate a member each to the Pharmacy and Poisons Board and the five Boards under the SMPO;
- (c) 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 authorize the Council to make regulations in relation to the election petition;
- (d) Amending the Radiation Ordinance to enable the Radiation Board to transact its business by circulation of papers;
- (e) Amending the Chiropractors Registration Ordinance to provide that rules made by the Chiropractors Council shall be subject to the approval of the Secretary for Health and Welfare, in addition to the negative vetting of the rules by the Legislative Council; and
- (f) 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.

The existing provisions which are being amended are at **Annex C**.

THE BILL

5. Clause 1 provides that after being enacted as an ordinance, the Bill shall come into operation on a day to be appointed by the Secretary for Health and Welfare.

6. Clauses 2 to 8 and the seven Schedules make miscellaneous amendments to the seven Ordinances as set out in paragraph 4 above.

LEGISLATIVE TIMETABLE

7. The proposed legislative timetable is –

Publication in the Gazette	7 January 2000
First Reading and commencement of Second Reading debate	19 January 2000
Resumption of Second Reading debate, committee stage and Third Reading	to be notified

BASIC LAW IMPLICATIONS

8. The Department of Justice advises that the Bill is consistent with the Basic Law.

HUMAN RIGHTS IMPLICATIONS

9. The Department of Justice advises that the Bill has no human rights implications.

BINDING EFFECT

10. The amendments will not affect the current binding effect of the various Ordinances covered by the Bill.

FINANCIAL AND STAFFING IMPLICATIONS

11. There are no additional financial or staffing implications.

PUBLIC CONSULTATION

12. The relevant regulatory bodies have been consulted, and have raised no objection to the proposed amendments. Consultation with the public is not considered necessary as they are unlikely to be affected by the Bill.

PUBLICITY

13. Apart from this Legislative Council Brief, the Bill will be published in the Gazette on 7 January 2000.

ENQUIRY

14. For enquiries in relation to this Brief, please contact Mr Fletch CHAN, Assistant Secretary for Health and Welfare at 2973 8118.

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Health and Welfare Bureau
January 2000
File ref : HWB/M/21/7 Pt.2 (99)