

立法會
Legislative Council

LC Paper No. CB(2)1752/99-00

Ref : CB2/SS/5/99

**Paper for the House Committee meeting
on 28 April 2000**

**Report of the Subcommittee on
Chinese Medicine (Fees) Regulation**

Purpose

This paper reports on the deliberations of the Subcommittee on Chinese Medicine (Fees) Regulation.

The Regulation

2. The Regulation prescribes the various fees payable under the Chinese Medicine Ordinance (Cap. 549). It will commence on a day to be appointed by the Secretary for Health and Welfare by notice in the Gazette.

The Subcommittee

3. The House Committee agreed at its meeting on 31 March 2000 to form a Subcommittee to examine the Regulation. The Subcommittee first met on 12 April 2000 and Professor Hon NG Ching-fai was elected Chairman. The membership list of the Subcommittee is in the Appendix.

4. The Subcommittee has held two meetings with the Administration. It met representatives from three associations of Chinese medicine practitioners (CMPs) at the first meeting and also considered the views expressed in seven written submissions.

Deliberations of the Subcommittee

Views of CMPs

5. Members note that except for one association which considers that the proposed fees are reasonable, the views expressed are that the fees are generally

on the high side when compared with similar fees for medical practitioners. Representatives from one of the associations of CMPs present at the meeting have pointed out that as many CMPs only earn about \$10,000 a month, they can ill afford the examination fees totalling \$7,930. As some of them may need to take repeated examinations, it will be quite a heavy burden for the candidates concerned.

Basis for the proposed level of fees

6. Members have asked the Administration to explain the basis for setting the fees at the proposed levels. The Administration has advised that in line with the Government policy on fee charging, the fees are calculated on a cost recovery basis. However, the costs of disciplinary action and law enforcement are not included in the calculation.

7. Members note from the Legislative Council Brief that the Department of Health will require a secretariat of 12 staff at a full annual cost of about \$9 million to serve the Chinese Medicine Council of Hong Kong and administer the registration system, and that the proposed fees will give rise to an annual revenue of about \$6 million. In response to members' request, the Administration has provided a detailed breakdown and comparison of the number of staff and staff costs between regulatory bodies for different healthcare professions for members' reference. The breakdown shows that the staff cost for registration and examination of CMPs is \$4.6 million plus \$1.6 million for departmental expenses.

Comparison with the fees for registration of medical practitioners

8. As to comparison with similar fees for medical practitioners, the Administration has explained that the main difference is that the fees for CMPs are based on 1999 costs whereas those for medical practitioners are based on 1994-95 costs. The latter fees should normally have been adjusted upwards but for the freeze on fees and charges in the past few years. As a result, the fees only cover 50% to 70% of the present costs. The Administration is currently reviewing Government fees and charges, including the various registration fees for medical practitioners.

9. Some members and representatives from associations of CMPs have commented that the fee for issue or renewal of a practising certificate of a CMP (\$1,750) is more than four times that of a medical practitioner (\$420). The Administration has clarified that the omission of the validity period of the practising certificate of a CMP from the Regulation has caused a misunderstanding. As it is valid for three years, the fee only works out to be about \$580 per year in comparison with an annual fee of \$420 for medical practitioners.

Examination fees

10. On the question of examination fees, the Administration has pointed out that about 4 000 of the 7 000 existing CMPs are qualified for exemption from the licensing examination and registration assessment under the transitional arrangements. They therefore only have to pay a one-off fee of \$1,190 for registration as a registered CMP. For the other two groups of existing CMPs who are exempted from the licensing examination but are required to pass a registration assessment, the fee for the assessment is only \$1,650.

11. As regards the level of examination fees, the Administration has explained that as clinical assessment is involved, there is a need for up to three examiners for each candidate in addition to clerical support for reception of the candidates and documentation, and therefore the cost is higher.

Members' views

12. Members share the view that while the training of medical practitioners is heavily subsidized, the Government has long neglected the Chinese medicine profession which, until recently, was not given any resources for its development. Since it is now the beginning of statutory control of Chinese medicine, they consider that the Government should show more support for the profession by providing some subsidy to facilitate its development instead of proposing full cost recovery right from the start.

13. Members also point to the fact that the fees for medical practitioners are being subsidized by the Government at present and it is unlikely that they could be raised to the full cost recovery level in the current review of Government fees and charges. They therefore consider that the fees for CMPs should not be higher than those for medical practitioners and the percentages of subsidized costs should at least be similar.

14. Members also share the view that since the present calculation of costs and revenue for setting the level of fees for CMPs is based on an estimated number of cases only, the fees should be reviewed in three years' time before full recovery of costs is proposed.

15. After taking members' views into consideration, the Administration has agreed to review the proposed fees in consultation with the Chinese Medicine Council of Hong Kong. As the Executive Council's approval is required for the changes, the Administration will not be able to submit the revised fees in time for the Council meeting on 3 May 2000, which is the deadline date for amendments. However, it will submit the revised fees for Members' consideration as soon as possible within the current session.

16. In view of the Administration's position, members agree that the Chairman of the Subcommittee should give notice to move a motion to repeal

the Regulation at the Council meeting on 3 May 2000.

Recommendation

17. The Subcommittee recommends support of the motion to repeal the Regulation.

Advice sought

18. Members are invited to note the recommendation in paragraph 17 above.

Legislative Council Secretariat

25 April 2000

Subcommittee on Chinese Medicine (Fees) Regulation

Membership List

Prof Hon NG Ching-fai (Chairman)

Hon David CHU Yu-lin

Hon HO Sai-chu, SBS, JP

Hon Cyd HO Sau-lan

Hon Michael HO Mun-ka

Hon LEE Wing-tat

Dr Hon LUI Ming-wah, JP

Hon HUI Cheung-ching

Hon CHAN Yuen-han

Dr Hon LEONG Che-hung, JP

Hon LEUNG Yiu-chung

Hon YEUNG Yiu-chung

Total : 12 Members

Legislative Council Secretariat

12 April 2000