

**立法會**  
**Legislative Council**

LC Paper No. LS66/99-00

**Paper for the House Committee Meeting  
of the Legislative Council  
on 21 January 2000**

**Legal Service Division Report on  
Medical and Health Care (Miscellaneous Amendments) Bill 2000**

**Objects of the Bill**

To make miscellaneous amendments to the Pharmacy and Poisons Ordinance (Cap. 138), Medical Registration Ordinance (Cap. 161), Midwives Registration Ordinance (Cap. 162), Nurses Registration Ordinance (Cap. 164), Radiation Ordinance (Cap. 303), Supplementary Medical Professions Ordinance (Cap. 359) and Chiropractors Registration Ordinance (Cap. 428).

**LegCo Brief Reference**

2. HWB/M/21/7 Pt. 2(99) issued by the Health and Welfare Bureau in January 2000.

**Date of First Reading**

3. 19 January 2000.

**Comments**

4. This omnibus bill seeks to make various amendments to Ordinances relating to the registration of health care professions. Members may wish to refer to paragraphs 3 to 9 of the Explanatory Memorandum of the Bill for an itemized summary of proposed amendments to each individual Ordinance. A marked-up copy of proposed changes is also provided by the Administration in Annex C to the LegCo Brief.

5. The majority of the proposed amendments relate to registration or professional self-governance of the health care professions concerned. However, the Bill also proposes changes to the approval mechanisms in respect of subsidiary legislation made under the Pharmacy and Poisons Ordinance and the Chiropractors Registration Ordinance. Under the existing provisions of the Pharmacy and Poisons Ordinance, subsidiary legislation made by the Pharmacy and Poisons

Board are subject to the approval of the Legislative Council by positive procedure, i.e. by a resolution. The Bill proposes that regulations made by the Board be subject to the approval of the Secretary of Health and Welfare. The effect is subsidiary legislation made would first be approved by the Secretary for Health and Welfare, and then be subject to the scrutiny of the Legislative Council by negative procedure under section 34 of the Interpretation and General Clauses Ordinance (Cap. 1).

6. The case for the Chiropractors Registration Ordinance is a bit different. Under existing provisions, subsidiary legislation relating to disciplinary inquiries made by the Chiropractors Council is subject to the scrutiny of the Legislative Council by way of negative procedure. Under the Bill, such rules would first be approved by the Secretary of Health and Welfare, and then subject to the scrutiny of the Legislative Council by way of negative procedure.

### **Public Consultation**

7. According to the LegCo Brief, the Administration has consulted the relevant professional bodies. They have raised no objections to the proposed amendments.

### **Consultation with the LegCo Panel**

8. Matters relating to registration of chiropractors have been discussed in the Panel on Health Services.

### **Conclusion**

9. The Legal Service Division has sought clarification from the Administration on certain technical points. Meanwhile, some Members have also expressed concern on the proposed change in the approval mechanism in respect of subsidiary legislation. While the Legal Service Division is waiting for the reply of the Administration, Members may wish to consider whether it is necessary to set up a Bills Committee to consider the Bill.

Prepared by

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