

立法會
Legislative Council

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(These minutes have been
seen by the Administration
and cleared with the Chairman)

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Subcommittee on Chinese Medicine (Fees) Regulation

Minutes of meeting
held on Wednesday, 19 April 2000 at 8:30 am
in Conference Room B of the Legislative Council Building

Members Present : Prof Hon NG Ching-fai (Chairman)
Hon David CHU Yu-lin
Hon HO Sai-chu, SBS, JP
Hon LEE Wing-tat
Hon HUI Cheung-ching
Hon CHAN Yuen-han
Dr Hon LEONG Che-hung, JP
Hon LEUNG Yiu-chung

Members Absent : Hon Cyd HO Sau-lan
Hon Michael HO Mun-ka
Dr Hon LUI Ming-wah, JP
Hon YEUNG Yiu-chung

Public Officers Attending : Mr Gregory LEUNG, JP
Deputy Secretary for Health and Welfare 1

Miss Angela LUK
Principal Assistant Secretary for Health and Welfare (Medical) 1

Mr SUEN Wai-chung
Senior Assistant Law Draftsman, Department of Justice

Dr LEUNG Ting-hung
Assistant Director of Health (Traditional Chinese Medicine)

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Clerk in Attendance : Ms Doris CHAN
Chief Assistant Secretary (2) 4

Staff in Attendance : Mr Arthur CHEUNG
Assistant Legal Adviser 5

Mr Stanley MA
Senior Assistant Secretary (2) 6

I. Meeting with the Administration
(LC Paper No. CB(2)1733/99-00(01))

The Chairman briefly introduced the Administration's paper for the meeting and invited members to raise questions.

Staff costs of the regulatory bodies for different healthcare professions

2. Mr LEE Wing-tat enquired about the need for 9.59 and 10.45 secretariat staff for servicing the regulatory bodies for the Chinese medicine practitioners (CMPs) and the western medical practitioners (MPs), as well as the reason for the disparity in the number of staff and rank of the head between the two secretariats. He considered that the Administration should review the staff establishment of the Chinese Medicine Council of Hong Kong (CMC) after the transition period, particularly the need to have a Chief Executive Officer to head the secretariat. He also asked about the administrative arrangements for the registration of listed CMPs (CMPs whose names were included in the list maintained by the Practitioners Board under section 90 of the Ordinance).

3. In response, Deputy Secretary for Health and Welfare (DSHW) said that the number of registered MPs was around 10 000 and the estimate of existing CMPs was 7 000. He pointed out that a direct comparison between the staff costs of the regulatory bodies of the two healthcare professions might not be appropriate in that the requirements and procedures for registration of CMPs and MPs were not the same. He clarified that while local medical graduates were qualified for registration as MPs, graduates in Chinese medicine and listed CMPs would have to undergo the necessary examination and assessment procedures to become registered CMPs. He pointed out that the projection of staff establishment in enclosure 2 of the paper was based on forecast operational needs after the transition period. He agreed that the CMC should review its manpower needs in the light of the experience gained from the transitional arrangements. Assistant Director of Health (Traditional Chinese

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Medicine) (ADH/TCM) supplemented that details of the transitional arrangements were highlighted in enclosure 4 and there would be around 4 000 serving CMPs participating in the licensing examinations in the first three years.

4. Dr LEONG Che-hung pointed out that sufficient manpower should be provided for the CMC Secretariat to perform the necessary checking and verification work for the registration of the CMPs as well as the listed CMPs .

5. Noting that the regulatory bodies of the nursing and allied medical professions required only 7.29 and 8.83 secretariat staff respectively, Mr HO Sai-chu enquired about the number of registered nurses and supplementary medical professionals included in the calculation under enclosure 3 of the Administration's paper.

6. DSHW said that the two secretariats currently served around 40 000 registered and enrolled nurses, and about 7 500 supplementary medical professionals who were classified under five categories. He explained that the procedures for the registration of these nurses and medical professionals were simpler than that for the CMPs.

Level of fees

7. Mr David CHU Yu-lin held the view that given the lower income of CMPs, the registration fee for a CMP should not be higher than that of a MP. He anticipated that CMPs would contribute to reducing Government's healthcare expenditure in the long run. He considered that in the light of promoting the development of Chinese medicine, the fees for taking the licensing examinations should not be set to recover the full cost at the beginning.

8. Dr LEONG Che-hung considered that Government should show more support for the CMP profession by providing some subsidy to facilitate its development, instead of proposing a full cost recovery right from the start. Mr LEUNG Yiu-chung shared the same view.

9. DSHW explained that the relatively high costs for the licensing examinations should be attributed to the need for experienced CMPs to set and mark the examination papers in Part I, and assess the clinical performance of individual candidates in Part II which would require up to three CMP examiners. He pointed out that according to a previous survey, around 4 000 existing CMPs were qualified for exemption from the licensing examination and registration assessment under the transitional arrangements. They therefore only had to pay a one-off fee of \$1,190 for registration as a registered CMP. For the other two groups of existing CMPs who were exempted from the licensing examination but were required to pass a registration assessment, the fee for the assessment was only \$1,650.

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10. Mr HUI Cheung-ching enquired about the purpose of limited registration. He also expressed concern about the fee of \$1,460 for applying to take the licensing examination, and the fees of \$2,630 and \$3,840 for taking Part I and Part II of the licensing examination.

11. DSHW replied that the provision of limited registration was to allow temporary registration for experts on Chinese medicine from outside Hong Kong to conduct clinical teaching and researches in Hong Kong. These CMPs were required to pay a fee of \$1,190 for the limited registration which would be valid for not more than a year. The fee for renewal of limited registration was also \$1,190.

12. ADH(TCM) explained that the fee of \$1,460 would cover the administrative costs for checking and verifying the qualifications and experience of an applicant for taking the licensing examination. The fees for Part I and II of the licensing examination were incurred for the administrative arrangements necessary for conducting the examinations and assessing the performance of candidates.

13. Mr HO Sai-chu considered that the proposed level of fees were reasonable for the long-term development of the profession, but agreed that the fees should initially be set at a lower level. He said that the Liberal Party supported the full cost recovery policy and held the view that Government should adopt a phased approach in recovering the full cost of administering the registration of MPs and CMPs.

14. Miss CHAN Yuen-han enquired about the basis for setting the proposed level of fees for CMPs and asked when the MPs would be charged on a full cost recovery basis. She considered it unfair to recover the full cost of administering the registration of CMPs from the outset, whereas the MPs were presently required to pay less than the full costs of the services provided. She therefore suggested the Administration to make reference to the fees and charges relating to the registration of MPs.

15. DSHW responded that the Government's policy was to achieve full cost recovery in the provision of public services. He clarified that the current level of fees for MPs was last revised in 1994. The fees should normally have been adjusted upwards but for the freeze on fees and charges in the past few years. He reiterated that the revision of fees for MPs was a separate exercise and the long-term objective was to recover the full costs incurred.

16. Dr LEONG Che-hung responded that while Government's policy was to recover the full cost in the long run, the Administration should review the costs of administering the registration of the CMPs and MPs on a continuous basis, since the number of applications for registration would change from time to time.

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17. Mr LEE Wing-tat said that the Democratic Party would not support any level of fees which were higher than the corresponding charges for MPs. He considered that Government should subsidise CMPs, at least during this initial stage of establishing a regulatory framework for the profession, to help promote Chinese medicine. He held the view that the level of fees should be reviewed and adjusted in the light of the future development of the CMP profession.

18. The Chairman summarized the deliberations of the Subcommittee and said that members unanimously agreed that during the initial stage of statutory control of Chinese medicine, Government should show more support for the CMP profession by providing some subsidy to facilitate its development instead of proposing full cost recovery.

19. DSHW said that in response to members' strong views, the Administration would review the proposed level of fees in consultation with the CMC and consider reducing the proposed fees to help promote the development of the CMP profession. He undertook to make reference to the current fees for similar services under the Medical Registration Ordinance. He added that since the present calculation of costs and revenue was based on the estimate of the number of cases in a year, the Administration would review and adjust the level of fees in the light of the actual operational and manpower needs after the transition period.

Legal aspect of the Chinese Medicine (Fee) Regulation (the Regulation)

20. Assistant Legal Adviser 5 sought clarifications as to the relevant sections of the Chinese Medicines Ordinance (the Ordinance) which empowered the Secretary for Health and Welfare to propose fees for items 10, 12 and 13 of the Schedule to the Regulation. The Administration responded that by virtue of subsections 161(5)(b) and (d) of the Ordinance, the Chinese Medicine Practitioners (Registration) Regulation and the Chinese Medicine Practitioners (Discipline) Regulation would be introduced into the Legislative Council shortly. As highlighted in paragraph 4 of the LegCo Brief, the two regulations would set out the registration procedures for CMPs and disciplinary procedures for handling complaints against registered CMPs.

Repeal of the Regulation

21. DSHW said that the Administration would have to seek the approval of the Executive Council for revising the proposed level of fees and in such circumstances would not be able to submit a revised Regulation in time for the Council meeting on 3 May 2000. He, however, undertook to submit the revised fees in a new Regulation within the current session.

22. Members agreed that sufficient time should be allowed for the Administration to propose a new level of fees which should be in line with the

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corresponding fees for MPs. Members also agreed that the Chairman should give notice to move a motion to repeal the Regulation at the Council meeting on 3 May 2000.

II. Any other business

23. There being no other business, the meeting ended at 9:45 am.

Legislative Council Secretariat

24 July 2000