

LEGISLATIVE COUNCIL BRIEF

Chinese Medicine Ordinance, Cap. 549

CHINESE MEDICINE PRACTITIONERS (FEES) REGULATION

Introduction

At the meeting of the Executive Council on 16 May 2000, the Council ADVISED and the Chief Executive ORDERED that the Chinese Medicine Practitioners (Fees) Regulation, at Annex A, should be made under Section 161(1) of the Chinese Medicine Ordinance.

BACKGROUND AND ARGUMENT

General Background

2. The Chinese Medicine (Fees) Regulation was tabled at the Legislative Council (LegCo) on 29 March 2000 and a Sub-committee of the LegCo (Sub-committee) was subsequently set up to examine the Regulation.

3. At the meetings of the Sub-committee held on 12 and 19 April 2000, Members of the Sub-committee made reference to the Administration's recent proposal to revise those fees and charges which do not directly affect people's livelihood or general business activities. The proposal covers some 120 items with low cost recovery rates, including those relating to the registration of western medicine practitioners, which were last revised in 1994. Recognizing the prevailing public sentiment on fee revisions, the Administration has decided to adopt a phased approach for achieving full cost recovery for these various fees and charges.

4. Against the above background, Members pointed out that it was unfair to recover, from the outset, the full cost of administering the registration of Chinese medicine practitioners, whereas western medicine practitioners were presently required to pay less than the full costs of the

services provided. Members also considered that the Government should subsidise Chinese medicine practitioners, at least during this initial stage of establishing a regulatory framework for the profession, to help promote Chinese medicine.

5. In order to allow time for the Administration to work out a revised fee schedule for registration of Chinese medicine practitioners, taking into account the corresponding fees for western medicine practitioners, the Legislative Council repealed the Chinese Medicine (Fees) Regulation on 3 May 2000.

The Proposal

6. We propose to revise the fees to recover at this stage only 70% of the cost of administering the registration of Chinese medicine practitioners, through the making of the Chinese Medicine Practitioners (Fees) Regulation. We aim to achieve full cost recovery in three years. We intend that the practising certificate will be valid for a period of three years.

THE REGULATION

7. The Chinese Medicine Practitioners (Fees) Regulation sets out the fees payable under the Chinese Medicine Ordinance in relation to registration as Chinese medicine practitioners. Clause 1 provides that this Regulation shall come into operation on a day to be appointed by the Secretary for Health and Welfare by notice in the Gazette.

8. Clause 2 of the Regulation provides that the fees set out in the Schedule are payable under the Ordinance.

9. Clause 3 of the Regulation provides that all fees set out in the Schedule that have been received shall be paid into the general revenue.

BASIC LAW IMPLICATIONS

10. The Department of Justice advises that the Regulation is consistent with the Basic Law.

HUMAN RIGHTS IMPLICATIONS

11. The Department of Justice advises that the Regulation has no human rights implications.

BINDING EFFECT OF THE REGULATION

12. The Regulation will not affect the current binding effect of the Chinese Medicine Ordinance.

FINANCIAL AND STAFFING IMPLICATIONS

13. 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 to administer the registration and disciplinary system.

14. The proposed fees will give rise to annual revenue of about \$4.4 million.

PUBLIC CONSULTATION

15. The Chinese Medicine Council of Hong Kong has been consulted and supported the revised fees. Most Members of the Subcommittee have found the revised fees agreeable. Several associations of Chinese medicine practitioners have written to Legislative Council Members expressing support for the revised fees.

LEGISLATIVE TIMETABLE

16. The Regulation will be gazetted on 19 May 2000 and tabled at the Legislative Council on 24 May 2000.

PUBLICITY

17. We will issue a press release (at Annex B) when the Regulation is published in Gazette. A spokesman will be available to answer enquiries.

Enquiries

18. Any enquiries on this brief should be addressed to Mr William Tsui, Assistant Secretary for Health and Welfare at 2973 8117 or by fax at 2840 0467.

Health and Welfare Bureau
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