

LEGISLATIVE COUNCIL BRIEF

Midwives Registration Ordinance
(Chapter 162)

MIDWIVES REGISTRATION (FEES) REGULATION

INTRODUCTION

At the meeting of the Executive Council on 16 November 1999, the Executive Council ADVISED and the Chief Executive ORDERED that the Midwives Registration (Fees) Regulation at **Annex A** should be made under section 23(1) of the Midwives Registration Ordinance ("the Principal Ordinance").

BACKGROUND AND ARGUMENT

General Background

2. The Midwives Registration Ordinance (Cap. 162) ("The Principal Ordinance") provides a statutory framework for regulating the profession of midwifery through a system of registration and discipline. The fees in relation to the registration of midwives are currently provided in the Midwives (Registration and Disciplinary Procedure) Regulations ("the existing Regulations") made under the Principal Ordinance.

3. The Principal Ordinance was updated in June 1997 via the enactment of the Midwives Registration (Amendment) Ordinance 1997 ("the Amendment Ordinance"). The Amendment Ordinance provides for, among other things, the requirement for a practising midwife to hold a valid practising certificate and the repealing of the existing Regulations. While most of the provisions of the Amendment Ordinance have come into operation on 30 September 1999, we have yet to bring into effect the provisions relating to practising certificate and the repeal of the existing Regulations, pending the making of the following subsidiary legislation:-

- (a) **Midwives Registration (Fees) Regulation** ("the Fees Regulation"), to be made by the Chief Executive-in-Council, prescribing the fees payable under the Principal Ordinance;

- (b) **Midwives (Registration and Disciplinary Procedure) Regulation**, to be made by the Midwives Council of Hong Kong subject to the approval of the Secretary for Health and Welfare, prescribing the registration and disciplinary procedures for the midwifery profession; and
- (c) **Midwives Registration (Miscellaneous Provisions) Regulation**, to be made by the Secretary for Health and Welfare, prescribing the functions of the legal adviser and the secretary to the Midwives Council of Hong Kong.

We shall bring the remaining provisions of the Amendment Ordinance into operation in tandem with the commencement of the above Regulations.

4. This Brief covers the Fees Regulation only. The other two Regulations will be enacted shortly.

THE REGULATION

5. The Fees Regulation provides for the fee items in relation to registration of midwives and their disciplinary proceedings, including-

- (a) the fees related to first registration, re-registration, and the provision of a certified copy of a certificate of registration, the examination fee and the fee for providing record of disciplinary proceedings. The fee levels will remain unchanged as at present; and
- (b) a new fee of \$220 for issuance of a 3-year practising certificate, which is set on cost-recovery basis. The relevant cost computation is at **Annex B**. The practising certificate is renewable every 3 years. This new fee will replace the existing annual practising fee of \$65.

6. Section 1 of the Fees Regulation provides that the Regulation shall come into operation on a day to be appointed by the Secretary for Health and Welfare by notice in the Gazette.

7. Section 2 and the Schedule of the Regulation prescribe the amount of fees payable under the Ordinance.

LEGISLATIVE TIMETABLE

8. The legislative timetable is as follows:

Publication in the Gazette 19 November 1999

Tabling at the Legislative Council 24 November 1999

BASIC LAW IMPLICATIONS

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

HUMAN RIGHTS IMPLICATIONS

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

BINDING EFFECT OF THE LEGISLATION

11. The Regulation will not affect the current binding effect of the Midwives Registration Ordinance.

FINANCIAL AND STAFFING IMPLICATIONS

12. There are no additional staffing implications. The revenue arising from the new fee for practising certificate is estimated to be about \$400,000 per year.

PUBLIC CONSULTATION

13. The Midwives Council of Hong Kong has been consulted about the Fees Regulation and it has raised no objection. Public consultation is not considered necessary as the Fees Regulation affects only registered midwives.

PUBLICITY

14. The Regulation will be published in the Gazette on 19 November 1999. A press release will be issued on the same day. A spokesman from the Midwives Council Secretariat will be available to handle media and public enquiries.

ENQUIRY

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

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Health and Welfare Bureau

19 November 1999

File Ref: HW CR/1/W/3261/92 (99) Pt.5

Midwives Registration Ordinance
(Chapter 162)

MIDWIVES REGISTRATION (FEES) REGULATION

Annexes

Annex A The Midwives Registration (Fees) Regulation

Annex B Cost computation: Fee for issuance of a Practising Certificate

MIDWIVES REGISTRATION (FEES) REGULATION

(Made by the Chief Executive in Council under section 23(1) of the Midwives Registration Ordinance (Cap. 162))

1. Commencement

This Regulation shall come into operation on a day to be appointed by the Secretary for Health and Welfare by notice in the Gazette.

2. Fees

The fees payable under the Ordinance are set out in the Schedule.

SCHEDULE

[s. 2]

FEES

Item	Particular	Fee \$
1.	Registration fees -	
	(a) payable on first registration -	
	(i) in the case of a person who has completed training in midwifery in Hong Kong	300
	(ii) in the case of a person who has completed training in midwifery outside Hong Kong	940
	(b) payable on re-registration	140

2.	Certified copy of a certificate of registration	175
3.	Issuance of a practising certificate under section 22 of the Ordinance	220
4.	Entrance fee for examination	1,310
5.	Verbatim record of proceedings of an inquiry for each folio of 72 words or part thereof	73

Clerk to the Executive Council

COUNCIL CHAMBER

1999

Explanatory Note

This Regulation prescribes the fees payable under the Midwives Registration Ordinance (Cap. 162).

Cost Computation

**Fee for Issuance of a Practising Certificate
Under Midwives Registration (Fees) Regulation
(Cost at 1999 - 2000 prices)**

	\$
Staff Cost	347,676
Departmental Expenses	13,733
Accommodation Cost	26,150
Central Administrative Overheads	7,771
TOTAL COST	<u>395,330</u>
Estimated number of applications per annum	1,800
Unit Cost (\$)	220
Proposed Fee (\$)	220