

## **LEGISLATIVE COUNCIL BRIEF**

### **Chinese Medicine Ordinance, Cap. 549**

#### **CHINESE MEDICINE (FEES) REGULATION**

##### **Introduction**

At the meeting of the Executive Council on 14 March 2000, the Council ADVISED and the Chief Executive ORDERED that the Chinese Medicine (Fees) Regulation, at the Annex, should be made under Section 161(1) of the Chinese Medicine Ordinance.

##### **BACKGROUND AND ARGUMENT**

###### **General Background**

2. The Chinese Medicine Ordinance (the Ordinance), enacted by the Legislative Council in July 1999, provides a statutory framework for the regulation of the practice, use, trading and manufacture of Chinese medicines in Hong Kong. The Ordinance provides for the establishment of a Chinese Medicine Council of Hong Kong to be responsible for devising and implementing these regulatory measures.

3. The Chinese Medicine Council of Hong Kong was established in September 1999, and proceeded immediately to prepare for the setting up of a registration system for Chinese medicine practitioners. Apart from recognizing the professional status of Chinese medicine practitioners, the registration system will help enhance the standard and public confidence in Chinese medicine practice. Statutory control over Chinese medicines will be introduced in phases commencing later this year.

4. The registration system for Chinese medicine practitioners will operate through a system of examination, registration and discipline. The following regulations will have to be made to provide for the registration of Chinese medicine practitioners :-

- (a) Chinese Medicine (Fees) Regulation, to be made by the Chief Executive in Council, setting out the level of fees payable for registration as Chinese medicine practitioners and other related purposes;
- (b) Chinese Medicine Practitioners (Registration) Regulation, to be made by the Chinese Medicine Council of Hong Kong with the approval of the Secretary for Health and Welfare, setting out the registration procedures and related matters; and
- (c) Chinese Medicine Practitioners (Discipline) Regulation, to be made by the Chinese Medicine Council of Hong Kong with the approval of the Secretary for Health and Welfare, setting out

the disciplinary procedures to be followed in handling complaints against registered Chinese medicine practitioners.

The two regulations mentioned in (b) & (c), to be made by the Chinese Medicine Council of Hong Kong, will be tabled at the Legislative Council shortly.

### **The Proposal**

5. In line with Government policy on fee charging, we propose to introduce fees, through the making of the Chinese Medicine (Fees) Regulation, to recover the cost of administering the registration of Chinese medicine practitioners.

### **THE REGULATION**

6. The 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.

7. Clause 2 provides that the fees set out in the Schedule are payable under the Ordinance.

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

## **BASIC LAW IMPLICATIONS**

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

## **HUMAN RIGHTS IMPLICATIONS**

10. The Department of Justice advised 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 Ordinance.

## **FINANCIAL AND STAFFING IMPLICATIONS**

12. 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 system.

13. The proposed fees will give rise to annual revenue of about \$6 million.

## **PUBLIC CONSULTATION**

14. The Chinese Medicine Council of Hong Kong has been consulted and has raised no objections. Consultation with the general public is not considered necessary, as they are not likely to be affected by the proposed Regulation.

## **LEGISLATIVE TIMETABLE**

15. The Regulation will be gazetted on 24 March 2000 and tabled at the Legislative Council on 29 March 2000.

## **PUBLICITY**

16. We will issue a press release on 24 March 2000 when the Regulation is published in Gazette.

## **Enquiries**

17. 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  
March 2000  
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**CHINESE MEDICINE (FEES) REGULATION**

(Made by the Chief Executive in Council under section 161(1) of the Chinese Medicine Ordinance (Cap. 549))

**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 set out in the Schedule are payable under the Ordinance.

**3. Disposal of fees received**

All fees set out in the Schedule that have been received shall be paid into the general revenue.

SCHEDULE

[ss. 2 & 3]

FEES

Item	Particular	Fee
		\$
1.	Application for registration as a registered Chinese medicine practitioner	1,190
2.	Application for or renewal of registration as a registered Chinese	1,190

	medicine practitioner with limited registration	
3.	Restoration to the Register	1,020
4.	Application for the issue or renewal of a practising certificate	1,750
5.	Application for taking the Licensing Examination	1,460
6.	Taking Licensing Examination - Part I	2,630
7.	Taking Licensing Examination - Part II	3,840
8.	Review of results of the Licensing Examination - Part I	1,020
9.	Review of results of the Licensing Examination - Part II	1,170
10.	Verbatim record of proceedings of an inquiry against a Chinese medicine practitioner - every 72 words or less	73
11.	Certificate verifying registration in the Register	400
12.	Certified copy of an entry in the Register	400

13.	Duplicate of a certificate of passing the Licensing Examination	570
14.	Certificate of standing	400
15.	Application for inclusion of a name in the list of Chinese medicine practitioners maintained by the Practitioners Board	650
16.	Registration assessment under section 94 of the Ordinance	1,650
17.	Review of results of the registration assessment under section 94 of the Ordinance	610

Clerk to the Executive Council

COUNCIL CHAMBER

2000

#### Explanatory Note

This Regulation provides for the fees payable under the Chinese Medicine Ordinance (Cap. 549).