

L. N. 301 of 1999

MIDWIVES REGISTRATION (MISCELLANEOUS  
PROVISIONS) REGULATION

(Made under section 23(2) 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. Functions of secretary relating to  
practising certificates

If a declaration referred to in section 22(3)(b) of the Ordinance shows that an applicant for a practising certificate has been convicted of a criminal offence that is punishable with imprisonment, in Hong Kong or elsewhere, the secretary shall submit the declaration to the chairman of the Preliminary Investigation Committee.

3. Functions of secretary to give prior  
notice to legal adviser

The secretary shall notify the legal adviser to the Council in advance of---

- (a) any inquiry to be held;
- (b) any other meeting held by the Council at which the legal adviser's presence is likely to be specifically required.

4. Functions of secretary relating to  
inquiry by Council

At an inquiry under section 8 or 10 of the Ordinance, the secretary has, in particular, the following functions---

- (a) read the notice of inquiry at the opening of the inquiry;
- (b) in the absence of the respondent and the respondent's representative at the opening of the inquiry, submit to the Council such evidence as the Council may require to prove that the notice of inquiry or, where applicable, the notice of adjournment has been served on the respondent in accordance with section 19(2)(b) or 20(2) of the Midwives (Registration and Disciplinary Procedure) Regulation (L. N. 300 of 1999);
- (c) present the case against the respondent, adduce evidence to support the case and close the case;
- (d) make a reply, if the respondent or the respondent's representative has made any submission at the conclusion of the presentation of the case against the respondent by the secretary;
- (e) address the Council in reply at the conclusion of the respondent's case, if the

respondent is called upon to state the respondent's case; and

(f) produce to the Council the records of any meeting of the Council at which an order has been made against the respondent under the Ordinance, if an order against the respondent is to be decided.

5. Other functions of secretary

The secretary has, other than those mentioned in sections 2, 3 and 4, such other functions which are required to be performed by the secretary under the Midwives (Registration and Disciplinary Procedure) Regulation (L.N. 300 of 1999).

6. Attendance of legal adviser

If notice has been given to the legal adviser to the Council under section 3 in respect of an inquiry or a meeting of the Council, the legal adviser shall attend such inquiry or meeting.

7. Advice given by legal adviser to inquiry

(1) If, during an inquiry held under section 8 or 10 of the Ordinance, the legal adviser to the Council advises the Council on any question of law as to evidence, procedure or any other matter, the legal adviser shall give the advice in the presence of every party to the proceedings or in the presence of the person representing each of the parties.

(2) If, after the Council has commenced to deliberate as to its findings, the legal adviser gives any advice on any question of law as to evidence, procedure or any other matter in respect of an inquiry under section 8 or 10 of the Ordinance, the legal adviser shall inform all parties to the proceedings or their representatives of his advice.

(3) If the Council does not accept any of the advice given by the legal adviser under subsection (1) or (2), the legal adviser shall inform the parties to the proceedings or their representatives accordingly.

E. K. YE0H

Secretary for Health and Welfare

30 November 1999

Explanatory Note

This Regulation prescribes---

(a) the functions of the legal adviser to the Midwives Council of Hong Kong ("the Council"); and

(b) the functions of the secretary of the Council.