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Secretary for Health, Welfare and Food
(Attention: Mr Jeff LEUNG, PAS(H)1)
Health, Welfare and Food Bureau
19/F, Murray Building
Garden Road
Hong Kong

7 March 2006

BY FAX
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Total no(s) of page(s) : (2)

Dear Mr Leung,

Dentists Registration (Amendment) Bill 2005

I have taken up the duty of the legal adviser to the Bills Committee on the Dentists Registration (Amendment) Bill 2005 and would like to seek your clarification on the legal and drafting aspects of the Bill as follows -

Clause 12 – new section 13A(1) and (2)

Should the word “registered” be added before the word “address”? Under new section 13A(2), could the Registrar delete names from the Specialist Register?

Clause 17 – new section 22(2A)

It has been held that the decision of the Court of Appeal is not final. Should this new section be amended?

Clause 24 – new section 32

While the new section is a transitional section, the substance of the section, in particular, new section 32(2) appears to be permanent. Further, would it be more common to use the word “in force” instead of “in effect” in new section 32(1)?

Clause 34

In Form 6, words such as “I have the honour to be your obedient servant” still appear. Would these words be regarded as archaic?

General observation

It is noted that in Form 2A, “guilty of misconduct in a professional respect” is mentioned. There is a definition of “unprofessional conduct” in the Dentists Registration Ordinance (Cap. 156) (“the Ordinance”) but no such words as “guilty of misconduct in a professional respect”.

Then section 18(4) of the Ordinance provides that “(I)n any inquiry under this section as to whether a person has been guilty of unprofessional conduct, any finding of fact which is shown to have been made in any matrimonial proceedings in a court of the Commonwealth having unlimited jurisdiction in civil matters, or on appeal from a decision in such proceedings, shall be conclusive evidence of the fact found”. Please clarify the legislative intent of this section and the reason for “a court of the Commonwealth having unlimited jurisdiction in civil matters” and not a Hong Kong court.

Your reply in both Chinese and English on or before 21 March 2006 is appreciated.

Yours sincerely,

(Anita HO)
Assistant Legal Adviser

c.c.: DoJ (Attn: Ms Lonnie NG, SGC)
LA