

Nurses Registration (Amendment) Bill 2023

Committee Stage

Amendments to be moved by the Secretary for Health

<u>Clause</u>	<u>Amendment Proposed</u>
1(3)	By deleting paragraphs (a), (b) and (c) and substituting— “(a) section 16(2) and (2B); (b) section 27(2) and (2B); (c) section 31(1) (in so far as it relates to the new section 22(1)(d)) and (2) (in so far as it relates to the new section 22(3)(a)(ii)); (d) section 37 (in so far as it relates to sections 12(3) and (4), 13(3) and (4) and 14(1) and (2) of the new Schedule 3).”.
2	(a) By renumbering the clause as clause 2(1). (b) By adding— “(2) The Chinese text of the provisions of the Nurses (Registration and Disciplinary Procedure) Regulations (Cap. 164 sub. leg. A) set out in column 2 of Part 1 of the Schedule are amended by repealing the expressions set out in column 3 of that Part and substituting the expressions set out in column 4 of that Part. (3) The Chinese text of the provisions of the Enrolled Nurses (Enrolment and Disciplinary Procedure) Regulations (Cap. 164 sub. leg. B) set out in column 2 of Part 2 of the Schedule are amended by repealing the expressions set out in column 3 of that Part and substituting the expressions set out in column 4 of that Part.”.
3	By adding— “(1A) Section 2(1), definition of <i>legal adviser</i> — Repeal everything after “means” Substitute

“a legal adviser to the Council appointed under section 3(6)(a);”.’.

5 By adding before subclause (1)—

“(1A) Section 3(2)(ca)—

Repeal

everything after “members who are”

Substitute

“persons with full registration or persons with full enrolment, and who are—

(i) appointed by the Chief Executive from a list of not less than 18 such persons elected in an election held in accordance with regulations made under section 27; or

(ii) if less than 18 such persons are elected in such an election—appointed at the discretion of the Chief Executive, whether or not the persons appointed are persons elected in the election;”.’.

5 By adding—

“(3) Section 3(4B)(a), English text—

Repeal

“any”

Substitute

“an”.

(4) Section 3(4B)—

Repeal paragraphs (c), (d) and (e)

Substitute

“(c) becomes bankrupt, or enters into a composition or arrangement with his or her creditors without paying them in full;

(d) is detained in a mental hospital;

(e) for a member described in subsection (2)(b), (c) or (e), or a member described in subsection (2)(ca) who was appointed in the capacity of a person with full

registration—no longer holds a valid practising certificate issued under section 10A;

- (ea) for a member described in subsection (2)(ca) who was appointed in the capacity of a person with full enrolment—no longer holds a valid practising certificate issued under section 16A; or”.

(5) Section 3(6)(a)—

Repeal

“a legal”

Substitute

“one or more than one legal”.”.

New

By adding—

“5A. Sections 3B and 3C added

After section 3A—

Add

“3B. Appointment when vacancy arises during term of office

- (1) If, during the term of office (*original term*) of a member of the Council described in section 3(2)(ca), the office becomes vacant—
 - (a) if the remainder of the original term is not less than one year, the Chief Executive may—
 - (i) appoint a qualified person from a list of not less than 18 qualified persons elected in an election held in accordance with regulations made under section 27 to fill the vacancy; or
 - (ii) if less than 18 qualified persons are elected in such an election—appoint a qualified person to fill the vacancy at the discretion of the Chief Executive, whether or not the person appointed is a person elected in the election; or
 - (b) if the remainder of the original term is less than one year, the Chief Executive may appoint a

qualified person to fill the vacancy at the discretion of the Chief Executive.

- (2) If, during the term of office (*original term*) of a member of the Council described in section 3(2)(b), (c), (d), (db), (e) or (f), the office becomes vacant, the Chief Executive may make an appointment under that section to fill the vacancy.
- (3) A person appointed under subsection (1) or (2) holds office until the end of the original term mentioned in that subsection.
- (4) In subsection (1)—

qualified person (合資格人士) means a person with full registration or a person with full enrolment.

3C. Persons not eligible for appointment etc.

Despite anything in sections 3 and 3B, a person is not eligible for appointment or reappointment as a member of the Council if the person—

- (a) is sentenced to a term of imprisonment for an offence;
- (b) is the subject of an order made under section 17;
- (c) is an undischarged bankrupt;
- (d) is detained in a mental hospital; or
- (e) for a member described in section 3(2)(b), (c), (ca) or (e)—does not hold a valid practising certificate issued under section 10A or 16A.”.”.

13

By deleting subclause (3) and substituting—

“(3) Section 9—

Repeal subsection (3)

Substitute

- “(3) If, after due inquiry into a case referred to it by a Preliminary Investigation Committee in accordance with regulations made under section 27, the Council is satisfied that the applicant of an application—
- (a) has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment;

- (b) has been, in Hong Kong or elsewhere, guilty of unprofessional conduct; or
 - (c) is not of good character,
- the Council may, in its discretion, reject the application.”.”.

13 By deleting subclause (4).

13(5) By adding—

“(8) In subsection (3)—

Preliminary Investigation Committee (初步調查委員會) means a committee established under regulation 15(1) of the Nurses (Registration and Disciplinary Procedure) Regulations (Cap. 164 sub. leg. A).”.

14 In the proposed section 9A(3)(b), by deleting everything before “the applicant” and substituting—

“(b) unless the applicant is a person with special registration or a person with limited registration when the application is made, or was such a person at any time before the application is made—”.

14 In the proposed section 9B(3)(b), by deleting everything before “the applicant” and substituting—

“(b) unless the applicant is a person with special registration or a person with limited registration when the application is made, or was such a person at any time before the application is made—”.

14 By deleting the proposed section 9C(5) and substituting—

“(5) In approving an application, the Council—

- (a) must specify in which part or parts of Division 4 of the register the subject person’s name is to be entered;
- (b) must specify a period not exceeding 14 days during which the registration is to be in force; and
- (c) may impose any condition that the Council considers appropriate.”.

- 14 By deleting the proposed section 9C(8)(b) and substituting—
- “(b) the removal of the person’s name from Division 4 of the register under an order made under section 7 or 17;
 - (c) the Council’s receipt of the applicant’s written notification for the termination of the registration.”.
- 16 By adding—
- “(1A) Section 10A—
- Repeal subsection (2)**
- Substitute**
- “(2) Subject to the payment of the prescribed fee for the issue of a practising certificate under this section, the Council must, on application made by a registered nurse, issue to the nurse a practising certificate.
- (2A) Subsection (2) and this subsection expire at the time when subsection (2B) comes into operation.”.
- 16 By deleting subclause (2) and substituting—
- “(2) After section 10A(2A)—
- Add**
- “(2B) The Council may issue a practising certificate in the specified form to a registered nurse (*applicant*) if—
- (a) the applicant applies to the Council for a practising certificate;
 - (b) the application is made in the specified form and contains information on the applicant’s employment and practice of nursing as required by the specified form;
 - (c) for an applicant who is not applying for a practising certificate for the first time—the application is supported by a declaration by the applicant as to whether, since the date of the applicant’s last application for a practising certificate, the applicant has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment, and if the applicant has been so convicted, giving details of the conviction; and

(d) the prescribed fee has been paid.

(2C) If an applicant for a practising certificate—

(a) is a person with full registration, special registration or limited registration; and

(b) is not applying for a practising certificate for the first time,

the Council must not issue a practising certificate to the applicant unless the Council is satisfied that the applicant has complied with the requirement regarding continuing nursing education determined by the Council as applicable to the applicant.”.”.

16 By adding—

“(2A) Before section 10A(3)—

Add

“(2D) The Council may specify in a practising certificate any condition that the Council considers appropriate.”.

(2B) After section 10A(2D)—

Add

“(2E) If the Council rejects an application for a practising certificate, the Council must notify the applicant in writing of the Council’s decision and the reason for it.”.”.

16 By deleting subclause (6) and substituting—

“(6) Section 10A—

Repeal subsections (6) and (7)

Substitute

“(6) An applicant for a practising certificate is deemed to have obtained the certificate when the applicant has duly applied to the Council and has paid the prescribed fee.

(7) Subsection (6) ceases to have effect in relation to the applicant when—

(a) the Council issues a practising certificate to the applicant; or

(b) the Council rejects the application.”.”.

- 24 By deleting subclause (3) and substituting—
“(3) Section 15—
Repeal subsection (3)
Substitute
“(3) If, after due inquiry into a case referred to it by a Preliminary Investigation Committee in accordance with regulations made under section 27, the Council is satisfied that the applicant of an application—
(a) has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment;
(b) has been, in Hong Kong or elsewhere, guilty of unprofessional conduct; or
(c) is not of good character,
the Council may, in its discretion, reject the application.”.”.
- 24 By deleting subclause (4).
- 24(5) By adding—
“(8) In subsection (3)—
Preliminary Investigation Committee (初步調查委員會) means a committee established under regulation 15(1) of the Enrolled Nurses (Enrolment and Disciplinary Procedure) Regulations (Cap. 164 sub. leg. B).”.
- 25 In the proposed section 15A(3)(b), by deleting everything before “the applicant” and substituting—
“(b) unless the applicant is a person with special enrolment or a person with limited enrolment when the application is made, or was such a person at any time before the application is made—”.
- 25 In the proposed section 15B(3)(b), by deleting everything before “the applicant” and substituting—
“(b) unless the applicant is a person with special enrolment or a person with limited enrolment when the application is made, or

was such a person at any time before the application is made—”.

25 By deleting the proposed section 15C(5) and substituting—

“(5) In approving an application, the Council—

- (a) must specify in which part or parts of Division 4 of the roll the subject person’s name is to be entered;
- (b) must specify a period not exceeding 14 days during which the enrolment is to be in force; and
- (c) may impose any condition that the Council considers appropriate.”.

25 By deleting the proposed section 15C(8)(b) and substituting—

- “(b) the removal of the person’s name from Division 4 of the roll under an order made under section 13 or 17;
- (c) the Council’s receipt of the applicant’s written notification for the termination of the enrolment.”.

27 By adding—

“(1A) Section 16A—

Repeal subsection (2)

Substitute

“(2) Subject to the payment of the prescribed fee for the issue of a practising certificate under this section, the Council must, on application made by an enrolled nurse, issue to the nurse a practising certificate.

(2A) Subsection (2) and this subsection expire at the time when subsection (2B) comes into operation.”.

27 By deleting subclause (2) and substituting—

“(2) After section 16A(2A)—

Add

“(2B) The Council may issue a practising certificate in the specified form to an enrolled nurse (*applicant*) if—

- (a) the applicant applies to the Council for a practising certificate;

- (b) the application is made in the specified form and contains information on the applicant's employment and practice of nursing as required by the specified form;
 - (c) for an applicant who is not applying for a practising certificate for the first time—the application is supported by a declaration by the applicant as to whether, since the date of the applicant's last application for a practising certificate, the applicant has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment, and if the applicant has been so convicted, giving details of the conviction; and
 - (d) the prescribed fee has been paid.
- (2C) If an applicant for a practising certificate—
- (a) is a person with full enrolment, special enrolment or limited enrolment; and
 - (b) is not applying for a practising certificate for the first time,
- the Council must not issue a practising certificate to the applicant unless the Council is satisfied that the applicant has complied with the requirement regarding continuing nursing education determined by the Council as applicable to the applicant.”.”.

27

By adding—

“(2A) Before section 16A(3)—

Add

“(2D) The Council may specify in a practising certificate any condition that the Council considers appropriate.”.

(2B) After section 16A(2D)—

Add

“(2E) If the Council rejects an application for a practising certificate, the Council must notify the applicant in writing of the Council's decision and the reason for it.”.”.

27

By deleting subclause (6) and substituting—

“(6) Section 16A—

Repeal subsections (6) and (7)

Substitute

“(6) An applicant for a practising certificate is deemed to have obtained the certificate when the applicant has duly applied to the Council and has paid the prescribed fee.

(7) Subsection (6) ceases to have effect in relation to the applicant when—

(a) the Council issues a practising certificate to the applicant; or

(b) the Council rejects the application.”.

29 By adding before subclause (1)—

“(1A) Section 17(1)—

Repeal

“any case referred to it by the”

Substitute

“a case referred to it by a”.

(1B) Section 17(1)(a)—

Repeal

“any”

Substitute

“an”.

29(2) In the proposed section 17(1)(da), by deleting “9B or 15B” and substituting “9B, 9C, 15B or 15C”.

30(3) In the proposed section 21(3)(a), by deleting “any” and substituting “a”.

30(4) By deleting “any part of Division” and substituting “a part of Division”.

30 By deleting subclause (6) and substituting—

“(6) Section 21(4)—

Repeal

everything after “either allow or reject”

Substitute

“an application.”.”.

30

By adding—

“(7) After section 21(4)—

Add

“(4A) The Council must notify an applicant in writing of—

(a) the Council’s decision; and

(b) if the application is rejected, the reason for it.

(4B) If the Council allows an application, the Council must direct the secretary to restore the applicant’s name to the part of the register or to the part of the roll (as the case may be), and the secretary must, after the prescribed fee has been paid, restore the name accordingly.”.”.

31

(a) By renumbering the clause as clause 31(1).

(b) In subclause (1), in the proposed section 22(1)(c), by deleting “9B or 15B” and substituting “9B, 9C, 15B or 15C”.

(c) In subclause (1), in the proposed section 22(1)(d), by deleting “; or” and substituting a semicolon.

(d) In subclause (1), in the proposed section 22(1)(e), by deleting the comma and substituting “; or”.

(e) In subclause (1), in the proposed section 22(1), by adding—

“(f) the Council’s decision to reject the person’s application for the restoration of the person’s name to the register or roll under section 21,”.

(f) By adding—

“(2) Section 22—

Repeal subsection (2)

Substitute

“(2) Subject to subsection (3), the procedure in relation to an appeal made under subsection (1) is subject to the rules of court made under the High Court Ordinance (Cap. 4).

(3) No appeal may be heard unless the person mentioned in subsection (1) gives a notice of appeal to the Court of Appeal within 30 days after—

- (a) the day on which a notice of the Council’s decision to which the appeal relates is given to the person—
 - (i) under section 9(6), 9A(5), 9B(5), 9C(6), 15(6), 15A(5), 15B(5), 15C(6) or 21(4A); or
 - (ii) under section 10A(2E) or 16A(2E);
- (b) if the appeal relates to a condition specified in a practising certificate issued to the person—the day on which the Council issues the certificate to the person under section 10A or 16A; or
- (c) the day on which a copy of the order to which the appeal relates is served on the person under section 21(1).”.”.

35

- (a) By renumbering the clause as clause 35(1).
- (b) In subclause (1), by deleting “and (3)”.
- (c) By adding—

“(2) Section 27(2)(a)—

Repeal

“the legal adviser;”

Substitute

“a legal adviser; and”.

- (3) Section 27(3)—

Repeal

“for Health”.

- (4) Section 27(3)—

Repeal paragraphs (e) and (f)

Substitute

- “(e) the receipt of complaints or information regarding any matter that may be inquired into by the Council under this Ordinance and the establishment of one or more than one committee to be known as a Preliminary Investigation Committee to make such preliminary investigation as it considers appropriate regarding such complaints or information and to determine whether or not there is to be an inquiry;

(f) the prohibition of a member of a Preliminary Investigation Committee who is also a member of the Council from attending any meeting of the Council while the Council is inquiring into a complaint or information in the preliminary investigation of which the member took part;”.

(5) Section 27(3)(g)(i), (ii) and (iv), English text—

Repeal

“the Preliminary”

Substitute

“a Preliminary”.

(6) Section 27(3)(g)(v)—

Repeal

“under section 17”.

37 In the proposed Schedule 3, in section 1, in the definition of *appointed date*, by deleting “section 16” and substituting “section 16(2)”.

37 In the proposed Schedule 3, in section 6(1), by deleting “subsection (2)” and substituting “subsections (2) and (3)”.

37 In the proposed Schedule 3, in section 6, by adding—
“(3) If an application referred to in subsection (1) is rejected on or after the commencement date, the decision is to be regarded as a decision made by the Council to reject an application under section 9(3) of the amended Ordinance and sections 9(6) and 22 of the amended Ordinance apply in relation to the decision accordingly.”.

37 In the proposed Schedule 3, in section 7(1), by deleting “subsection (2)” and substituting “subsections (2) and (3)”.

37 In the proposed Schedule 3, in section 7, by adding—
“(3) If an application referred to in subsection (1) is rejected on or after the commencement date, the decision is to be regarded as a decision made by the Council to reject an application under section 15(3) of the amended Ordinance and sections 15(6) and

22 of the amended Ordinance apply in relation to the decision accordingly.”.

37 In the proposed Schedule 3, in section 8, in the heading, by deleting
“**Restoration of name to register on application**” and substituting
“**Pending application for restoration of name to register**”.

37 In the proposed Schedule 3, by deleting section 8(1)(c) and substituting—
“(c) the application was pending immediately before the
commencement date.”.

37 In the proposed Schedule 3, in section 8, by adding—
“(1A) The application is, subject to subsections (2) and (3), to
continue to be processed under section 21(4) of the pre-
amended Ordinance.”.

37 In the proposed Schedule 3, in section 8(2), by deleting “The” and
substituting “If the application is allowed on or after the commencement
date, the”.

37 In the proposed Schedule 3, by adding—

**“8A. Restoration of name removed from register under pre-
amended Ordinance**

(1) This section applies if—

(a) before the commencement date, a person’s name was
removed from the existing register under section 7 or
17(1)(i) of the pre-amended Ordinance; and

(b) either—

(i) there was no pending application under section
21(3) of the pre-amended Ordinance for the
restoration of the person’s name to the existing
register immediately before the commencement
date; or

(ii) there was such an application immediately
before the commencement date and the
application was rejected.

(2) Section 21 of the amended Ordinance applies in relation to
the person as if the person’s name were removed from a

part of Division 1 of the new register in accordance with the provisions of the amended Ordinance.”.

37 In the proposed Schedule 3, in section 10, in the heading, by deleting **“Restoration of name to roll on application”** and substituting **“Pending application for restoration of name to roll”**.

37 In the proposed Schedule 3, by deleting section 10(1)(c) and substituting—

“(c) the application was pending immediately before the commencement date.”.

37 In the proposed Schedule 3, in section 10, by adding—

“(1A) The application is, subject to subsections (2) and (3), to continue to be processed under section 21(4) of the pre-amended Ordinance.”.

37 In the proposed Schedule 3, in section 10(2), by deleting “The” and substituting “If the application is allowed on or after the commencement date, the”.

37 In the proposed Schedule 3, by adding—

“10A. Restoration of name removed from roll under pre-amended Ordinance

(1) This section applies if—

(a) before the commencement date, a person’s name was removed from the existing roll under section 13 or 17(1)(i) of the pre-amended Ordinance; and

(b) either—

(i) there was no pending application under section 21(3) of the pre-amended Ordinance for the restoration of the person’s name to the existing roll immediately before the commencement date; or

(ii) there was such an application immediately before the commencement date and the application was rejected.

- (2) Section 21 of the amended Ordinance applies in relation to the person as if the person's name were removed from a part of Division 1 of the new roll in accordance with the provisions of the amended Ordinance.”.

37

In the proposed Schedule 3, by deleting sections 12 and 13 and substituting—

“12. Existing practising certificate issued to registered nurse

- (1) On and after the commencement date, a practising certificate issued to a registered nurse that was in force immediately before the commencement date (*existing certificate*) continues to be in force for the unexpired period as if it were issued under section 10A(2) as amended by section 16(1A) of the Amendment Ordinance (*amended section 10A(2)*).
- (2) Accordingly, a replacement copy of an existing certificate is to be regarded as a replacement copy of a practising certificate issued under the amended section 10A(2).
- (3) On and after the appointed date, a practising certificate issued to a registered nurse that was in force immediately before the appointed date (*current certificate*) continues to be in force for the unexpired period as if it were issued under section 10A(2B).
- (4) Accordingly, a replacement copy of a current certificate is to be regarded as a replacement copy of a practising certificate issued under section 10A(2B).

13. Existing practising certificate issued to enrolled nurse

- (1) On and after the commencement date, a practising certificate issued to an enrolled nurse that was in force immediately before the commencement date (*existing certificate*) continues to be in force for the unexpired period as if it were issued under section 16A(2) as amended by section 27(1A) of the Amendment Ordinance (*amended section 16A(2)*).
- (2) Accordingly, a replacement copy of an existing certificate is to be regarded as a replacement copy of a practising certificate issued under the amended section 16A(2).
- (3) On and after the appointed date, a practising certificate issued to an enrolled nurse that was in force immediately

before the appointed date (*current certificate*) continues to be in force for the unexpired period as if it were issued under section 16A(2B).

- (4) Accordingly, a replacement copy of a current certificate is to be regarded as a replacement copy of a practising certificate issued under section 16A(2B).”.

37

In the proposed Schedule 3, by adding before section 14(1)—

“(1A) An application made by a registered nurse for a practising certificate that was pending immediately before the commencement date is to continue to be processed as if it were an application made to the Council for the purposes of section 10A(2) as amended by section 16(1A) of the Amendment Ordinance.

(1B) An application made by an enrolled nurse for a practising certificate that was pending immediately before the commencement date is to continue to be processed as if it were an application made to the Council for the purposes of section 16A(2) as amended by section 27(1A) of the Amendment Ordinance.”.

New

In Part 3, by adding—

“37A. Regulation 2 amended (interpretation)

Regulation 2—

Repeal the definition of *Committee*

Substitute

“*Committee* (委員會) means a committee established under regulation 15(1);”.

New

By adding—

“45A. Regulation 15 amended (Preliminary Investigation Committee)

(1) Regulation 15(1)—

Repeal

everything before “consisting”

Substitute

- “(1) The Council may establish one or more than one committee to be known as a Preliminary Investigation Committee, each”.
- (2) Regulation 15(1)(b)(iii)—
Repeal
“Hong Kong Nurses Association”
Substitute
“College of Nursing, Hong Kong”.
- (3) Regulation 15(2), English text—
Repeal
“the Committee shall hold”
Substitute
“a Committee hold”.
- (4) Regulation 15(3), English text—
Repeal
“the Committee appointed”
Substitute
“a Committee appointed”.
- (5) Regulation 15(4), English text—
Repeal
“the Committee under”
Substitute
“a Committee under”.
- (6) Regulation 15(5), English text—
Repeal
“the Committee was”
Substitute
“a Committee was”.
- (7) Regulation 15(6), English text—
Repeal
“the Committee was”
Substitute

“a Committee was”.

(8) Regulation 15(6)(c)—

Repeal

“Hong Kong Nurses Association”

Substitute

“College of Nursing, Hong Kong”.

(9) Regulation 15(7)(a) and (b), English text—

Repeal

“the Committee”

Substitute

“a Committee”.

(10) Regulation 15(8), English text—

Repeal

“the Committee may”

Substitute

“a Committee may”.

(11) Regulation 15(9), English text—

Repeal

“No member of the Committee shall”

Substitute

“A member of a Committee must not”.

(12) Regulation 15(10), English text—

Repeal

“The Committee shall”

Substitute

“A Committee must”.’.

46

By deleting the clause and substituting—

“46. Regulation 16 substituted

Regulation 16—

Repeal the regulation

Substitute

“16. Submission of complaint or information

If—

- (a) a complaint is made to or information is received by the secretary that a registered nurse—
 - (i) has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment;
 - (ii) has been, in Hong Kong or elsewhere, guilty of unprofessional conduct;
 - (iii) has obtained registration by fraud or misrepresentation;
 - (iv) was not at the time of registration eligible to be registered;
 - (v) has contravened any condition imposed under section 9B or 9C, or specified under section 10A, of the Ordinance; or
 - (vi) has contravened any prohibition imposed under section 25(1) of the Ordinance; or
- (b) a complaint is made to or information is received by the secretary that an applicant for full registration—
 - (i) has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment;
 - (ii) has been, in Hong Kong or elsewhere, guilty of unprofessional conduct; or
 - (iii) is not of good character,

the secretary must submit the complaint or information to the chairman of a Committee.”.”.

New

By adding—

“46A. Regulation 17 amended (complaint or information touching conduct)

- (1) Regulation 17(1)—

Repeal

everything after “to the chairman” and before “guilty”

Substitute

“of a Committee under regulation 16, any allegation is made which in the opinion of the chairman of the Committee gives rise to a question whether a registered nurse or an applicant for full registration has been, in Hong Kong or elsewhere,”.

- (2) Regulation 17(2)(b)—

Repeal

“his belief in the truth of the facts; and”

Substitute

“the declarant’s belief in the truth of the facts.”.

New

By adding—

“46B. Regulation 18 amended (reference of the complaint or information to the Committee)

- (1) Regulation 18, English text, heading—

Repeal

“**the**” (wherever appearing).

- (2) Regulation 18(1), English text—

Repeal

“the Committee by”

Substitute

“a Committee by”.

New

By adding—

“46C. Regulation 19 amended (consideration of complaint or information by the Committee)

- (1) Regulation 19, English text, heading—

Repeal

“**the**”.

- (2) Regulation 19(1), English text—

Repeal

“by the Committee”

Substitute

“by a Committee”.’.

New

By adding—

“46D. Regulation 20 amended (determination by Committee that no inquiry be held)

Regulation 20, English text—

Repeal

“If the”

Substitute

“If a”.’.

New

By adding—

“46E. Regulation 21 amended (determination by Committee that inquiry be held)

(1) Regulation 21(1), English text—

Repeal

“If the”

Substitute

“If a”.’.

(2) Regulation 21(1)—

Repeal

“in accordance with Form 2 in the Third Schedule”.

(3) Regulation 21(1), English text, proviso—

Repeal

“the legal”

Substitute

“a legal”.’.

New

By adding—

“46F. Regulation 23 amended (reference back to Committee)

Regulation 23(1), after “referred”—

Add

“by a Committee”.’.

New

By adding—

“46G. Regulation 31 amended (order of procedure)

Regulation 31(a), English text, proviso—

Repeal

“the legal”

Substitute

“a legal”.’.

New

By adding—

“46H. Regulation 37 amended (evidence)

(1) Regulation 37—

Repeal paragraph (2).

(2) Regulation 37(5), English text—

Repeal

“the legal”

Substitute

“a legal”.’.

New

By adding—

“46I. Regulation 38 amended (voting)

Regulation 38(3), English text—

Repeal

“the legal adviser shall”

Substitute

“a legal adviser may”.’.

New

By adding—

“46J. Regulation 39 amended (attendance at disciplinary inquiries)

(1) Regulation 39, English text—

Repeal

“The”

Substitute

“A”.

(2) Regulation 39—

Repeal

“under”

Substitute

“for the purposes of”.

(3) Regulation 39—

Repeal

“the legal adviser is not”

Substitute

“no legal adviser is”.’.

New

By adding—

“46K. Regulation 40 amended (advice by legal adviser at disciplinary inquiries)

(1) Regulation 40(1), English text—

Repeal

“When the”

Substitute

“When a”.

(2) Regulation 40(1)—

Repeal

“under”

Substitute

“for the purposes of”.’.

- New By adding—
- “46L. Regulation 41 amended (attendance of legal adviser at ordinary meetings of the Council)**
Regulation 41, English text—
Repeal
“the legal”
Substitute
“a legal”.’”.
- 49 By deleting the clause and substituting—
- “49. Third Schedule repealed**
Third Schedule—
Repeal the Schedule.”.
- New In Part 4, by adding—
- “49A. Regulation 2 amended (interpretation)**
Regulation 2—
Repeal the definition of *Committee*
Substitute
“*Committee* (委員會) means a committee established under regulation 15(1);”.’”.
- 50(3) In the proposed regulation 3(2), in the English text, by deleting “register” and substituting “roll”.
- New By adding—
- “57A. Regulation 15 amended (Preliminary Investigation Committee)**
(1) Regulation 15(1)—
Repeal
everything before “consisting”
Substitute

- “(1) The Council may establish one or more than one committee to be known as a Preliminary Investigation Committee, each”.
- (2) Regulation 15(1)(b)(iii)—
Repeal
“Hong Kong Nurses Association”
Substitute
“College of Nursing, Hong Kong”.
- (3) Regulation 15(2), English text—
Repeal
“the Committee shall hold”
Substitute
“a Committee hold”.
- (4) Regulation 15(3), English text—
Repeal
“the Committee appointed”
Substitute
“a Committee appointed”.
- (5) Regulation 15(4), English text—
Repeal
“the Committee under”
Substitute
“a Committee under”.
- (6) Regulation 15(5), English text—
Repeal
“the Committee was”
Substitute
“a Committee was”.
- (7) Regulation 15(6), English text—
Repeal
“the Committee was”
Substitute

“a Committee was”.

(8) Regulation 15(6)(c)—

Repeal

“Hong Kong Nurses Association”

Substitute

“College of Nursing, Hong Kong”.

(9) Regulation 15(7)(a) and (b), English text—

Repeal

“the Committee”

Substitute

“a Committee”.

(10) Regulation 15(8), English text—

Repeal

“the Committee may”

Substitute

“a Committee may”.

(11) Regulation 15(9), English text—

Repeal

“No member of the Committee shall”

Substitute

“A member of a Committee must not”.

(12) Regulation 15(10), English text—

Repeal

“The Committee shall”

Substitute

“A Committee must”.’.

58

By deleting the clause and substituting—

“58. Regulation 16 substituted

Regulation 16—

Repeal the regulation

Substitute

“16. Submission of complaint or information

If—

- (a) a complaint is made to or information is received by the secretary that an enrolled nurse—
 - (i) has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment;
 - (ii) has been, in Hong Kong or elsewhere, guilty of unprofessional conduct;
 - (iii) has obtained enrolment by fraud or misrepresentation;
 - (iv) was not at the time of enrolment eligible to be enrolled;
 - (v) has contravened any condition imposed under section 15B or 15C, or specified under section 16A, of the Ordinance; or
 - (vi) has contravened any prohibition imposed under section 25(1) of the Ordinance; or
- (b) a complaint is made to or information is received by the secretary that an applicant for full enrolment—
 - (i) has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment;
 - (ii) has been, in Hong Kong or elsewhere, guilty of unprofessional conduct; or
 - (iii) is not of good character,

the secretary must submit the complaint or information to the chairman of a Committee.”.”.

New

By adding—

“58A. Regulation 17 amended (complaint or information touching conduct)

- (1) Regulation 17(1)—

Repeal

everything after “to the chairman” and before “guilty”

Substitute

“of a Committee under regulation 16, any allegation is made which in the opinion of the chairman of the Committee gives rise to a question whether an enrolled nurse or an applicant for full enrolment has been, in Hong Kong or elsewhere,”.

- (2) Regulation 17(2)(b)—

Repeal

“his belief in the truth of the facts; and”

Substitute

“the declarant’s belief in the truth of the facts.”.

New

By adding—

“58B. Regulation 18 amended (reference of the complaint or information to the Committee)

- (1) Regulation 18, English text, heading—

Repeal

“**the**” (wherever appearing).

- (2) Regulation 18(1), English text—

Repeal

“the Committee by”

Substitute

“a Committee by”.

New

By adding—

“58C. Regulation 19 amended (consideration of complaint or information by the Committee)

- (1) Regulation 19, English text, heading—

Repeal

“**the**”.

- (2) Regulation 19(1), English text—

Repeal

“by the Committee”

Substitute

“by a Committee”.’.

New

By adding—

“58D. Regulation 20 amended (determination by Committee that no inquiry be held)

Regulation 20, English text—

Repeal

“If the Committee determine”

Substitute

“If a Committee determines”.’.

New

By adding—

“58E. Regulation 21 amended (determination by Committee that inquiry be held)

(1) Regulation 21(1), English text—

Repeal

“If the Committee determine”

Substitute

“If a Committee determines”.’.

(2) Regulation 21(1)—

Repeal

“in accordance with Form 2 in the Third Schedule”.

(3) Regulation 21(1), English text, proviso—

Repeal

“the legal”

Substitute

“a legal”.’.

New

By adding—

“58F. Regulation 23 amended (reference back to Committee)

Regulation 23(1), after “referred”—

Add

“by a Committee”.’.

New

By adding—

“58G. Regulation 31 amended (order of procedure)

Regulation 31(a), English text, proviso—

Repeal

“the legal”

Substitute

“a legal”.’.

New

By adding—

“58H. Regulation 37 amended (evidence)

(1) Regulation 37—

Repeal paragraph (2).

(2) Regulation 37(5), English text—

Repeal

“the legal”

Substitute

“a legal”.’.

New

By adding—

“58I. Regulation 38 amended (voting)

Regulation 38(3), English text—

Repeal

“the legal adviser shall”

Substitute

“a legal adviser may”.’.

New

By adding—

“58J. Regulation 39 amended (attendance at disciplinary inquiries)

(1) Regulation 39, English text—

Repeal

“The”

Substitute

“A”.

(2) Regulation 39—

Repeal

“under”

Substitute

“for the purposes of”.

(3) Regulation 39—

Repeal

“the legal adviser is not”

Substitute

“no legal adviser is”.’.

New

By adding—

“58K. Regulation 40 amended (advice by legal adviser at disciplinary inquiries)

(1) Regulation 40(1), English text—

Repeal

“When the”

Substitute

“When a”.

(2) Regulation 40(1)—

Repeal

“under”

Substitute

“for the purposes of”.’.

New

By adding—

“58L. Regulation 41 amended (attendance of legal adviser at ordinary meetings of the Council)

Regulation 41, English text—

Repeal

“the legal”

Substitute

“a legal”.’.

61

By deleting the clause and substituting—

“61. Third Schedule repealed

Third Schedule—

Repeal the Schedule.”.

New

In Part 5, in Division 6, by adding—

“66A. Section 5 amended (section added)

(1) Section 5, English text, new section 4A(1)—

Repeal

“the Preliminary Investigation Committee”

Substitute

“Preliminary Investigation Committees”.

(2) Section 5, after new section 4A(5)—

Add

“(6) In subsection (1)—

Preliminary Investigation Committee (初步調查委員會)
means a committee established under—

- (a) regulation 15(1) of the Nurses (Registration and Disciplinary Procedure) Regulations (Cap. 164 sub. leg. A); or
- (b) regulation 15(1) of the Enrolled Nurses (Enrolment and Disciplinary Procedure) Regulations (Cap. 164 sub. leg. B).”.

Part 5 By deleting Division 7.

New By adding—

“Schedule

[s. 2]

**Amendments relating to Certain Expressions in
Chinese Text**

Part 1

**Amendments to Nurses (Registration and
Disciplinary Procedure) Regulations (Cap. 164
sub. leg. A)**

Column 1	Column 2	Column 3	Column 4
Item	Provision	Repeal	Substitute
1.	Regulation 15, heading	“小組”	“委員會”
2.	Regulation 15(1)(a) and (2)	“小組”	“委員會”
3.	Regulation 15(3)	“的小組”	“的委員會”
4.	Regulation 15(3)	“任小組”	“任該委員會”
5.	Regulation 15(4)	“的小組”	“的委員會”
6.	Regulation 15(4)	“任小組”	“任該委員會”
7.	Regulation 15(5)	“使小組”	“使委員會”
8.	Regulation 15(5)	“入小組”	“入該委員會”
9.	Regulation 15(5)	“小組成員的”	“該委員會成 員的”
10.	Regulation 15(5)	“小組成員期 間出任小組”	“該委員會成 員期間，出任 該委員會”

Column 1	Column 2	Column 3	Column 4
Item	Provision	Repeal	Substitute
11.	Regulation 15(6)	“使小組”	“使委員會”
12.	Regulation 15(6)	“入小組”	“入該委員會”
13.	Regulation 15(6)	“任小組”	“任該委員會”
14.	Regulation 15(7)(a) and (b)	“小組”	“委員會”
15.	Regulation 15(7)	“而小組”	“而該委員會”
16.	Regulation 15(7)	“選為小組”	“選為該委員會”
17.	Regulation 15(7)	“任為小組”	“任為該委員會”
18.	Regulation 15(7)	“則為小組”	“則為該委員會”
19.	Regulation 15(7)	“的小組”	“的該委員會”
20.	Regulation 15(7)	“至小組”	“至該委員會”
21.	Regulation 15(8)	“任為小組”	“任為委員會”
22.	Regulation 15(8)	“去小組”	“去該委員會”
23.	Regulation 15(8)	“小組正”	“該委員會正”
24.	Regulation 15(8)	“則為小組”	“則為該委員會”
25.	Regulation 15(8)	“小組成員，”	“該委員會成員，”
26.	Regulation 15(8)	“小組成員直至小組”	“該委員會成員直至該委員會”
27.	Regulation 15(9)	“如小組”	“如委員會”
28.	Regulation 15(9)	“席小組”	“席該委員會”

Column 1	Column 2	Column 3	Column 4
Item	Provision	Repeal	Substitute
29.	Regulation 15(9)	“的小組”	“的該委員會”
30.	Regulation 15(10)	“小組須按小組”	“委員會須按該委員會”
31.	Regulation 15(10)	“而小組”	“而委員會”
32.	Regulation 15(10)	“後小組”	“後該委員會”
33.	Regulation 17(1)	“向小組”	“向委員會”
34.	Regulation 17(1)	“而小組”	“而該委員會”
35.	Regulation 17(1)	“，則小組”	“，則該委員會”
36.	Regulation 17(1)	“否則小組”	“否則該委員會”
37.	Regulation 18, heading	“小組”	“委員會”
38.	Regulation 18(1)	“小組主席，小組”	“委員會主席，該委員會”
39.	Regulation 18(1)	“呈小組”	“呈該委員會”
40.	Regulation 18(1)	“讓小組”	“讓該委員會”
41.	Regulation 18(2)	“凡小組”	“凡委員會”
42.	Regulation 18(2)	“小組，小組”	“該委員會，該委員會”
43.	Regulation 18(2)(d) and (e)	“小組”	“該委員會”
44.	Regulation 19, heading	“小組”	“委員會”

Column 1	Column 2	Column 3	Column 4
Item	Provision	Repeal	Substitute
45.	Regulation 19(1)	“在小組”	“在委員會”
46.	Regulation 19(1)	“向小組”	“向該委員會”
47.	Regulation 19(2) and (3)	“小組”	“有關委員會”
48.	Regulation 20, heading	“小組”	“委員會”
49.	Regulation 20	“如小組”	“如委員會”
50.	Regulation 20	“於小組”	“於該委員會”
51.	Regulation 21, heading	“小組”	“委員會”
52.	Regulation 21(1)	“如小組”	“如委員會”
53.	Regulation 21(1)	“在小組”	“在該委員會”
54.	Regulation 23, heading	“小組”	“委員會”
55.	Regulation 23(1)	“小組”	“該委員會”

Part 2

Amendments to Enrolled Nurses (Enrolment and Disciplinary Procedure) Regulations (Cap. 164 sub. leg. B)

Column 1	Column 2	Column 3	Column 4
Item	Provision	Repeal	Substitute
1.	Regulation 15, heading	“小組”	“委員會”
2.	Regulation 15(1)(a) and (2)	“小組”	“委員會”

Column 1	Column 2	Column 3	Column 4
Item	Provision	Repeal	Substitute
3.	Regulation 15(3)	“的小組”	“的委員會”
4.	Regulation 15(3)	“任小組”	“任該委員會”
5.	Regulation 15(4)	“的小組”	“的委員會”
6.	Regulation 15(4)	“任小組”	“任該委員會”
7.	Regulation 15(5)	“使小組”	“使委員會”
8.	Regulation 15(5)	“入小組”	“入該委員會”
9.	Regulation 15(5)	“小組成員的”	“該委員會成員的”
10.	Regulation 15(5)	“小組成員期間出任小組”	“該委員會成員期間，出任該委員會”
11.	Regulation 15(6)	“使小組”	“使委員會”
12.	Regulation 15(6)	“入小組”	“入該委員會”
13.	Regulation 15(6)	“任小組”	“任該委員會”
14.	Regulation 15(7)(a) and (b)	“小組”	“委員會”
15.	Regulation 15(7)	“而小組”	“而該委員會”
16.	Regulation 15(7)	“選為小組”	“選為該委員會”
17.	Regulation 15(7)	“任為小組”	“任為該委員會”
18.	Regulation 15(7)	“則為小組”	“則為該委員會”
19.	Regulation 15(7)	“的小組”	“的該委員會”
20.	Regulation 15(7)	“至小組”	“至該委員會”

Column 1	Column 2	Column 3	Column 4
Item	Provision	Repeal	Substitute
21.	Regulation 15(8)	“任為小組”	“任為委員會”
22.	Regulation 15(8)	“去小組”	“去該委員會”
23.	Regulation 15(8)	“小組正”	“該委員會正”
24.	Regulation 15(8)	“則為小組”	“則為該委員會”
25.	Regulation 15(8)	“小組成員，”	“該委員會成員，”
26.	Regulation 15(8)	“小組成員直至小組”	“該委員會成員直至該委員會”
27.	Regulation 15(9)	“如小組”	“如委員會”
28.	Regulation 15(9)	“席小組”	“席該委員會”
29.	Regulation 15(9)	“的小組”	“的該委員會”
30.	Regulation 15(10)	“小組須按小組”	“委員會須按該委員會”
31.	Regulation 15(10)	“而小組”	“而委員會”
32.	Regulation 15(10)	“後小組”	“後該委員會”
33.	Regulation 17(1)	“向小組”	“向委員會”
34.	Regulation 17(1)	“而小組”	“而該委員會”
35.	Regulation 17(1)	“，則小組”	“，則該委員會”
36.	Regulation 17(1)	“否則小組”	“否則該委員會”
37.	Regulation 18, heading	“小組”	“委員會”

Column 1	Column 2	Column 3	Column 4
Item	Provision	Repeal	Substitute
38.	Regulation 18(1)	“小組主席， 小組”	“委員會主 席，該委員 會”
39.	Regulation 18(1)	“呈小組”	“呈該委員會”
40.	Regulation 18(1)	“讓小組”	“讓該委員會”
41.	Regulation 18(2)	“凡小組”	“凡委員會”
42.	Regulation 18(2)	“小組，小組”	“該委員會， 該委員會”
43.	Regulation 18(2)(d) and (e)	“小組”	“該委員會”
44.	Regulation 19, heading	“小組”	“委員會”
45.	Regulation 19(1)	“在小組”	“在委員會”
46.	Regulation 19(1)	“向小組”	“向該委員會”
47.	Regulation 19(2) and (3)	“小組”	“有關委員會”
48.	Regulation 20, heading	“小組”	“委員會”
49.	Regulation 20	“如小組”	“如委員會”
50.	Regulation 20	“於小組”	“於該委員會”
51.	Regulation 21, heading	“小組”	“委員會”
52.	Regulation 21(1)	“如小組”	“如委員會”
53.	Regulation 21(1)	“在小組”	“在該委員會”
54.	Regulation 23, heading	“小組”	“委員會”

Column 1	Column 2	Column 3	Column 4
Item	Provision	Repeal	Substitute
55.	Regulation 23(1)	“小組”	“該委員會””.