

**Nurses Registration (Amendment) Bill 2023****Debate and voting arrangements**

- Object of the Bill :** To amend the Nurses Registration Ordinance (Cap. 164) and its subsidiary legislation to:
- (a) provide for new types of registration known as special registration, limited registration and temporary registration, as well as new types of enrolment known as special enrolment, limited enrolment and temporary enrolment;
  - (b) authorize the Nursing Council of Hong Kong (“the Council”) to provide information to the Secretary for Health (“S for Health”);
  - (c) empower S for Health to give directions to the Council; and
  - (d) provide for transitional and related matters.

<b>Joint debate</b>	<b>: Clauses with no amendment, clauses with amendments, and new clauses and the new Schedule proposed by S for Health</b>	<b>— Clauses 1 to 73, and the proposed new clauses 5A, 37A, 45A, 46A to 46L, 49A, 57A, 58A to 58L and 66A, and the proposed new Schedule</b>
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Joint debate on the original clauses and the amendments (including deletion of Division 7 of Part 5 (i.e. clause 73), and the proposed new clauses and the new Schedule (as set out in the table in **Annex 1**).

**A total of 89 amendments proposed by S for Health**

The amendments seek to amend the Bill in respect of the following matters (please refer to **Annex 2** for details):

1. Transitional arrangements for practising certificates and continuing nursing education requirements
2. Establishment and composition of the Council
3. Inquiries in relation to full registration or full enrolment
4. Requirement of possession of a valid certificate issued by a certifying body recognized by the Council for applicants of special registration or enrolment and limited registration or enrolment
5. Power of the Council to impose conditions in respect of temporary registration or enrolment and arrangement for termination of temporary registration or enrolment
6. Appeal mechanism
7. Savings and transitional provisions
8. Consequential amendments to another ordinance no longer needed
9. Other drafting and technical amendments

<b>Voting order</b>	: 1. Clauses with no amendment standing part of the Bill 2. S for Health's amendments (not including the addition of the proposed new clauses and the new Schedule) 3. Clauses with or without amendments standing part of the Bill 4. Proposed new clauses and the new Schedule be read the second time and added to the Bill
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### **S for Health's amendments**

(set out in LC Paper No. CB(3)605/2024(01) issued on 8 July 2024)

Council Business Divisions

Legislative Council Secretariat

15 July 2024

### Nurses Registration (Amendment) Bill 2023

<b>Clauses with no amendment</b>	Clauses 4, 6 to 12, 15, 17 to 23, 26, 28, 32 to 34, 36, 38 to 45, 47, 48, 51 to 57, 59, 60 and 62 to 72
<b>Clauses with amendments proposed by the Secretary for Health (“S for Health”) (not including proposed new clauses)</b>	Clauses 1 to 3, 5, 13, 14, 16, 24, 25, 27, 29 to 31, 35, 37, 46, 49, 50, 58 and 61; and to delete Division 7 of Part 5 (i.e. clause 73)
<b>New clauses and the new Schedule proposed by S for Health</b>	Clauses 5A, 37A, 45A, 46A to 46L, 49A, 57A, 58A to 58L, 66A and the Schedule

## Nurses Registration (Amendment) Bill 2023

### Amendments proposed by the Secretary for Health (“S for Health”)

<i>Main objects of the amendments</i>	<i>Clause(s) involved</i>
<p><b>1. Transitional arrangements for practising certificates and continuing nursing education requirements</b></p> <ul style="list-style-type: none"> <li>- Under the proposed revised sections 10A and 16A of the Nurses Registration Ordinance (Cap. 164) (“NRO”), compliance with continuing nursing education requirement is a pre-requisite for the renewal of practising certificates for full registration (“FR”), full enrolment (“FE”), special registration (“SR”), special enrolment (“SE”), limited registration (“LR”) and limited enrolment (“LE”). Nurses failing to comply with the requirements under the new mechanism will not be issued the practising certificates and cannot practise in the nursing profession. To ensure a smooth transition to the new mechanism, to retain the original sections 10A(2) and 16A(2) of NRO which were proposed to be deleted with certain technical amendments made to them, in order to <b>preserve the existing mechanism for the time being whereby nurses need only pay the prescribed fees when applying for new or renewed practising certificates.</b></li> <li>- To dovetail with the implementation of the new mechanism for issuing practising certificates, to renumber the original proposed sections 10A(2) and 16A(2) as sections 10A(2B) and 16A(2B) respectively, and provide that those provisions will come into operation on a day to be appointed by S for Health by notice published in the Gazette.</li> <li>- To amend the Chinese and English texts of the proposed new sections 10A(2B)(c) and 16A(2B)(c) (as renumbered) of NRO to enhance their readability.</li> <li>- In order to <b>prevent applicants</b> who apply to renew their practising certificates in the last minute <b>from being unable to receive the renewed practising certificates in time</b> before the expiry of the existing certificates and thus causing unnecessary disruption to their practice, to retain the original sections 10A(6) and 16A(6) of NRO which were proposed to be deleted, with certain amendments to <b>clarify that the deeming arrangement will cease when the Nursing Council of Hong Kong (“the Council”) decides on a relevant application.</b></li> </ul>	Clauses 1, 16 and 27

<i>Main objects of the amendments</i>	<i>Clause(s) involved</i>
<p><b>2. Establishment and composition of the Council</b></p> <ul style="list-style-type: none"> <li>- With reference to the relevant provisions of the Dentists Registration (Amendment) Bill 2024 concerning the appointment of members from elections, to amend section 3(2)(ca) of NRO to ensure consistency in the relevant arrangement between the two councils of healthcare professionals. The amendment provides that <b>not less than 18 FR or FE nurses may be elected in accordance with regulations made under section 27 of NRO, among whom the Chief Executive may appoint six to become members of the Council.</b> Related amendments are also proposed to section 3(4B) of NRO (relating to revocation of appointment), so that the section will also be applicable to the elected members appointed under section 3(2)(ca) of NRO. As such, the previous legal issue arisen from the original section 3(2)(ca) and (4B) (i.e. the provisions added by the Nurses Registration (Amendment) Ordinance 1997) could be resolved.<sup>1</sup></li> <li>- In the light of the above amendment and in order to maintain consistency between the provisions governing the councils of the relevant healthcare professionals, to amend Part II (The Nursing Council) of NRO, including <b>providing for the arrangement for handling vacancies that arise during the term of office of members, and specifying the situations where a person will not be eligible for appointment or re-appointment as a member,</b> to allow NRO to keep pace with the time and to maintain the professional standard of the Council.</li> <li>- To amend section 3(6) of NRO to allow the Council <b>to have more than one legal adviser</b> for assisting the Council in handling the envisaged additional work. Related amendments are proposed to the relevant provisions in the Nurses (Registration and Disciplinary Procedure) Regulations (Cap. 164A) and the Enrolled Nurses (Registration and Disciplinary Procedure) Regulations (Cap. 164B).</li> </ul>	<p>Clauses 3 and 5, and the proposed new clauses 5A, 46E, 46G to 46L, 58E and 58G to 58L</p>

<sup>1</sup> Section 3(2)(ca) of NRO is enacted under the Nurses Registration (Amendment) Ordinance 1997 and the Government has been following up on its implementation. Meanwhile, legal advice has pointed out that section 3(4B) of NRO concerning revocation of appointment (with relevant ground of revocation such as that an appointed member is sentenced for a term of imprisonment or becomes bankrupt) is not applicable to the elected members under section 3(2)(ca) of NRO. Amendments to the relevant provisions of NRO for resolving this legal issue is thus necessary before the regulation on the election can be introduced.

<i>Main objects of the amendments</i>	<i>Clause(s) involved</i>
<p><b>3. Inquiries in relation to full registration or full enrolment</b></p> <ul style="list-style-type: none"> <li>- In response to the views of the members of the Bills Committee (“BC members”), to amend sections 9(3) and 15(3) of NRO by including <b>“the applicant is not of good character” as a ground for the Council, after due inquiry, to reject an application for full registration or full enrolment</b> to better reflect the legislative intent.</li> <li>- To amend the relevant provisions of Cap. 164A and Cap. 164B, and the relevant provisions of NRO to <b>empower the Council to establish more than one Preliminary Investigation Committee</b> as needed to handle additional preliminary inquiry cases.</li> </ul>	<p>Clauses 13, 24, 35, 46 and 58, and the proposed new clauses 37A, 45A, 46A to 46F, 49A, 57A, 58A to 58F and 66A</p>
<p><b>4. Requirement of possession of a valid certificate issued by a certifying body recognized by the Council for applicants of special registration or enrolment and limited registration or enrolment</b></p> <ul style="list-style-type: none"> <li>- To amend the proposed new sections 9A, 9B, 15A and 15B of NRO, such that <b>the requirement for applicants of SR or SE and LR or LE to possess a valid certificate to practise nursing issued by a certifying body recognized by the Council as constituting sufficient evidence of competency will only apply to applicants who have never been registered or enrolled as nurses with SR or SE or LR or LE</b>, so as to avoid the scenario where some non-locally trained nurses might not be able to continue to serve in Hong Kong owing to the expiration of their practising certificates in the place of origin after living in Hong Kong for a considerable period of time.</li> </ul>	<p>Clauses 14 and 25</p>
<p><b>5. Power of the Council to impose conditions in respect of temporary registration or enrolment and arrangement for termination of temporary registration or enrolment</b></p> <ul style="list-style-type: none"> <li>- In response to the views of BC members, to amend the proposed new sections 9C(5) and 15C(5) of NRO to <b>empower the Council to impose appropriate conditions in respect of temporary registration (“TR”) or temporary enrolment (“TE”) as in the case of LR or LE</b>.</li> <li>- To amend the proposed new sections 9C and 15C of NRO to explicitly provide that upon the Council’s receipt of an applicant’s written notification for the termination of the TR or TE, TR or TE will be no longer in force, such that when an applicant no longer requires the relevant non-locally trained nurse(s) for clinical demonstration for, or academic exchanges with, the applicant in Hong Kong (e.g. if the relevant activities are cancelled), the relevant TR or TE can be terminated.</li> </ul>	<p>Clauses 14, 25, 29, 31, 46 and 58</p>

<i>Main objects of the amendments</i>	<i>Clause(s) involved</i>
<ul style="list-style-type: none"> <li>- To make consequential amendments to the proposed revised sections 17(1)(da) (disciplinary powers of the Council) and 22(1)(c) (appeals) of NRO and to the proposed revised regulation 16 of Cap. 164A and the proposed revised regulation 16 of Cap. 164B (both relating to the submission of complaint or information).</li> </ul>	
<b>6. Appeal mechanism</b> <ul style="list-style-type: none"> <li>- To amend section 22 of NRO to <b>include the Council's decision to reject a person's application for the restoration of the person's name to the register or roll under the proposed revised section 21 as a ground of appeal under the proposed revised section 22(1).</b></li> <li>- To amend section 22(2) of NRO and to add section 22(3) to NRO, such that the original proviso in the existing section 22(2) (now becoming section 22(3) of NRO) will apply to all the grounds of appeal under the proposed revised section 22(1).</li> </ul>	Clauses 30 and 31
<b>7. Savings and transitional provisions</b> <ul style="list-style-type: none"> <li>- To amend sections 1, 6, 7, 8, 10, 12, 13 and 14 of, and add sections 8A and 10A to, the proposed new Schedule 3 (savings and transitional provisions). Except for section 1 which is a technical amendment, all other provisions aim to clearly provide for the transitional arrangements in relation to pending applications for registration or enrolment, applications for restoration of name to the register or roll (whether pending applications are involved), existing practising certificates issued and pending applications for practising certificates, and appeals in relation to decisions of rejection of relevant applications.<sup>2</sup></li> </ul>	Clause 37
<b>8. Consequential amendments to another ordinance no longer needed</b> <ul style="list-style-type: none"> <li>- The technical amendment under clause 73 is no longer needed as the passage of the Bill would take place after the commencement of section 87 of the Residential Care Homes Legislation (Miscellaneous Amendments) Ordinance 2023 (Ord. No. 12 of 2023).</li> </ul>	Division 7 of Part 5 (i.e. clause 73) to be deleted
<b>9. Other drafting and technical amendments</b> <ul style="list-style-type: none"> <li>- To make drafting and technical amendments to the Chinese text and/or English text of various clauses.</li> <li>- To repeal Form 2 and Form 3 of Schedule 3 to Cap. 164A and Cap. 164B, to give more flexibility to the Council in designing the relevant forms to suit its operational need in future.</li> </ul>	Clauses 2, 29, 35, 49, 50 and 61, and the proposed new clauses 37A, 46A, 46E, 46H, 46J, 46K, 49A, 58A, 58E, 58H, 58J, 58K and Schedule

<sup>2</sup> In respect of the savings and transitional provisions of the Bill, the general principle is that any relevant application or appeal will be handled under the existing mechanism of NRO if it is made before the passage of the Bill. For any relevant application or appeal made after the passage of the Bill, i.e. upon the enactment of the Nurses Registration (Amendment) Ordinance 2023 ("Amendment Ordinance"), it will be handled under the new mechanism as prescribed in the Amendment Ordinance.