ANNEX A

The Midwives Registration (Miscellaneous Provisions) Regulation under the Midwives Registration Ordinance (Cap. 162) (“the Principal Ordinance”) was approved by the Secretary for Health and Welfare on 30 November 1999.

ANNEX B

The Midwives (Registration and Disciplinary Procedure) Regulation was made by the Midwives Council of Hong Kong under section 23(3) of the Principal Ordinance on 29 November 1999.

INTRODUCTION

On 30 November 1999, the Secretary for Health and Welfare made the Midwives Registration (Miscellaneous Provisions) Regulation at Annex A under section 23(2) of the Midwives Registration Ordinance (Cap. 162) (“the Principal Ordinance”) and approved the Midwives (Registration and Disciplinary Procedure) Regulation at Annex B, which was made by the Midwives Council of Hong Kong under section 23(3) of the Principal Ordinance on 29 November 1999.

BACKGROUND AND ARGUMENT

General Background

2. The Principal Ordinance provides a statutory framework for regulating the profession of midwifery through a system of registration and discipline. The Principal Ordinance was updated in June 1997 via the enactment of the Midwives Registration (Amendment) Ordinance 1997 (“the Amendment Ordinance”). Most of the provisions of the Amendment Ordinance have come into operation with effect from 30 September 1999.

3. With the enactment of the Amendment Ordinance, the following subsidiary legislation have to be made to replace the existing Midwives (Registration and Disciplinary Procedure) Regulations:

(a) Midwives Registration (Fees) Regulation (“the Fees Regulation”), to be made by the Chief Executive in Council, prescribing the fees payable under the Principal Ordinance;

(b) Midwives Registration (Miscellaneous Provisions) Regulation, to be made by the Secretary for Health and Welfare, prescribing
the functions of the legal adviser and the secretary to the Midwives Council of Hong Kong; and

(c) **Midwives (Registration and Disciplinary Procedure) Regulation**, to be made by the Midwives Council of Hong Kong subject to the approval of the Secretary for Health and Welfare, prescribing the registration and disciplinary procedures for the midwifery profession.

4. The Fees Regulation was tabled at the Legislative Council on 24 November 1999. This Brief covers the other two Regulations. We shall bring into operation all the three Regulations and the remaining provisions of the Amendment Ordinance on 1 January 2000. This is to tie in with the expiry of the validity of the current annual practising fees of midwives on 31 December 1999.

**THE REGULATIONS**

**Midwives Registration (Miscellaneous Provisions) Regulation**

5. Clause 1 provides for the commencement of the Regulation on a day to be appointed by the Secretary for Health and Welfare. Clauses 2 to 5 provide for the functions of the secretary of the Midwives Council of Hong Kong. Clauses 6 and 7 provide for the functions of the legal adviser.

**Midwives (Registration and Disciplinary Procedure) Regulation**

6. Part I sets out the definitions of the terms used in the Regulation. Part II is about application for registration and the forms of the register, certificate of registration and practising certificate. Part III is about training of midwives. Part IV prescribes the procedure to be followed by the Preliminary Investigation Committee in investigations carried out before an inquiry of the Midwives Council of Hong Kong. Part V is about proceedings at an inquiry of the Midwives Council of Hong Kong.

**LEGISLATIVE TIMETABLE**

7. The legislative timetable is as follows: -

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<th>Event</th>
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<tr>
<td>Publication in the Gazette</td>
<td>3 December 1999</td>
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<tr>
<td>Tabling at the Legislative Council</td>
<td>8 December 1999</td>
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**BASIC LAW IMPLICATIONS**

8. The Department of Justice advises that the two Regulations are consistent with the Basic Law.

**HUMAN RIGHTS IMPLICATIONS**

9. The Department of Justice advises that the two Regulations have no human rights implications.

**BINDING EFFECT**

10. The two Regulations will not affect the current binding effect of the Midwives Registration Ordinance.

**FINANCIAL AND STAFFING IMPLICATIONS**

11. There are no additional financial and staffing implications.

**PUBLIC CONSULTATION**

12. Public consultation is not considered necessary as the two Regulations affect only registered midwives. The Midwives Council has endorsed the two Regulations.

**PUBLICITY**

13. The two Regulations will be published in the Gazette on 3 December 1999. The Midwives Council Secretariat will inform the registered midwives of the new arrangement.

**ENQUIRY**

14. For enquiries in relation to this Regulation, please contact Mr Fletch CHAN, Assistant Secretary for Health and Welfare at 2973 8118.

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Health and Welfare Bureau
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