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**Report of the Bills Committee on
Nurses Registration (Amendment) Bill 2023**

Purpose

This paper reports on the deliberations of the Bills Committee on Nurses Registration (Amendment) Bill 2023 (“the Bill Committee”).

Background

2. Under the current section 8 or 14 of the Nurses Registration Ordinance (Cap. 164), in order to be qualified as a registered nurse or an enrolled nurse in Hong Kong, a person has to satisfy the Nursing Council of Hong Kong (“the Council”), among others, that:

- (a) for a locally trained nurse: the person has completed the prescribed training and passed the examinations as required by the Council; or
- (b) for a non-locally trained nurse: the person possesses a valid certificate to practise nursing issued by such certifying body as may be recognized by the Council from time to time as constituting sufficient evidence of the person’s competency to practise nursing, and has passed the licensing examination administered by the Council.

3. Hong Kong has been facing an increasingly serious shortage of nurses. With only 9.2 nurses per 1 000 population, the nurse-to-population of Hong Kong lags behind that of some developed countries. Besides, the attrition rates of nurses in the public healthcare sector are escalating. According to the Report of the Strategic Review on Healthcare Manpower Planning and Professional Development published in 2017, it is expected that there will be a continuous shortage of general nurses in the short to medium term. The Healthcare Manpower Projection conducted in 2020 even shows that the manpower gap for general nurses is expected to widen in the short to medium term. Even though the Administration has increased the number of local training places and the number

of licensing examinations for non-locally trained nurses to address the shortage of nurses in Hong Kong, the number of nurses is still far from sufficient to meet the demand. In addition, upon the passage of the Residential Care Homes Legislation (Miscellaneous Amendments) Ordinance 2022, it is estimated that existing residential care homes (“RCHs”) will need to hire around 200 additional nurses starting from 2028, and another 280 starting from a date to be appointed by the Secretary for Labour and Welfare. The Administration considers that there is a genuine need to introduce new pathways for admitting qualified non-locally trained nurses to practise in Hong Kong, without requiring them to take any examination.

Nurses Registration (Amendment) Bill 2023

4. The Bill was published in the Gazette on 8 December 2023 and introduced into the Legislative Council (“LegCo”) on 13 December 2023. It seeks to:

- (a) amend Cap. 164 and its subsidiary legislation to:
 - (i) provide for new types of registration known as special registration (“SR”), limited registration (“LR”) and temporary registration (“TR”), as well as new types of enrolment known as special enrolment (“SE”), limited enrolment (“LE”) and temporary enrolment (“TE”);
 - (ii) authorize the Council to provide information to the Secretary for Health (“SH”); and
 - (iii) empower SH to give directions to the Council; and
- (b) provide for transitional and related matters.

5. The Bill, if passed, would come into operation on the day on which it is published in the Gazette as an Ordinance.¹

6. In short, the Administration plans to create two new pathways, namely (a) SR or SE and (b) LR or LE as well as introduce TR or TE. Besides, the Administration proposes to make the fulfilment of the continuing nursing

¹ Except for a number of provisions under clause 1(3) of the Bill (details in paragraph 81 below and amendments proposed by the Administration in Appendix 3). Those excepted clauses, which mainly relate to practising certificates and the continuing nursing education requirement and related matters, would come into operation on a day to be appointed by SH by notice published in the Gazette.

education (“CNE”) requirement a prerequisite for nurses upon renewal of their practising certificates².

The Bills Committee

7. At the House Committee meeting held on 5 January 2024, Members agreed to form a bills committee to study the Bill. Dr Hon David LAM Tzit-yuen and Prof Hon CHAN Wing-kwong are the Chairman and Deputy Chairman of the Bills Committee respectively. The membership list of the Bills Committee is in **Appendix 1**.

8. The Bills Committee has held five meetings with the Administration and invited nursing professional bodies to express their views at one of the meetings. A list of organization/individuals which/who have given views to the Bills Committee is in **Appendix 2**. The Administration has provided consolidated responses to their views vide LC Paper Nos. [CB\(4\)224/2024\(01\)](#) and [CB\(4\)348/2024\(01\)](#).

Deliberations of the Bills Committee

9. In the course of scrutinizing the Bill, members have had conducted in-depth discussions and expressed concerns on a number of issues. The major deliberations of the Bills Committee are set out in the ensuing paragraphs.

Legislative intent

10. Bills Committee members and nursing professional bodies that have given their views to the Bills Committee (“nursing bodies”) generally support the legislative policy of the Bill to introduce new pathways for admitting qualified non-locally trained nurses to address the manpower shortage of nurses in the public healthcare system and the social welfare sector.

11. According to the Administration, while the two new pathways of SR or SE and LR or LE are both intended to alleviate the shortage of nurses, there are differences between the purposes of the pathways. SR or SE is intended to attract nurses capable of serving in various clinical settings in clinics and hospitals in the public healthcare sector (i.e. the Department of Health (“DH”) and the Hospital Authority (“HA”)), and with the potential to join the local nursing profession on a permanent basis. LR or LE is intended to attract non-locally trained nurses capable of serving in specified settings in the public healthcare sector and the social welfare sector (e.g. RCHs for the elderly and persons with disability) to

² Applicable to all nurses under full registration or full enrolment, SR or SE and LR or LE.

help tide over manpower shortage and to meet sudden surges in demand. As for introducing TR or TE, the purpose is to enable nurses from other jurisdictions to perform academic exchanges or clinical demonstrations in Hong Kong for up to 14 days.

Target number of non-locally trained nurses to be introduced

12. Members have noted that according to the “Healthcare Manpower Projection 2020”, the manpower gap of nurses (General) is about 4 000. Some members have enquired about the expected number of non-locally trained nurses to be introduced and whether Hong Kong’s nurse-to-population ration can be raised (if the Bill is passed).

13. As advised by the Administration, it is expected that HA and DH will recruit 300 to 500 non-locally trained nurses in the next two years following the commencement of the Bill. In fact, the attrition rate of nurses is so high that HA alone is currently lacking thousands of nurses. Coupled with the passage of the Residential Care Homes Legislation (Miscellaneous Amendments) Bill 2022 in 2023, it is expected that at least some 480 additional nurses have to be employed by RCHs in the future.

14. Members have enquired whether the Administration will set a ceiling on the number of non-locally trained nurses to be introduced to safeguard local nurses’ employment opportunities, salary level and career prospects. Some nursing bodies have suggested the Administration stipulate a ratio between locally and non-locally trained nurses or establish a mechanism to review regularly the demand and supply in nursing manpower so as to adjust the number of non-locally trained nurses to be introduced.

15. As advised by the Administration, given the substantial shortfall in nursing power, it is envisaged that even though non-locally trained nurses will be admitted through new pathways for registration or enrolment, the manpower gap will persist for quite some time. Hence, the Administration has no plan to set a ceiling on the number of non-locally trained nurses to be introduced. Nevertheless, HA and DH will uphold the principle of giving priority to locally trained healthcare professionals, accord priority to employing locally trained nurses and offer non-locally trained nurses similar remuneration packages as their counterparts, so as to ensure that the employment and professional development opportunities for locally trained nurses will not be affected. In parallel, the Administration will work with other bureaux and departments to require designated institutions other than HA and DH to follow suit. The Government will conduct regular planning and projection exercises for healthcare professional manpower and project the demand systematically.

Control over the quality of non-locally trained nurses to be introduced

16. While recognizing the need to introduce non-locally trained nurses to meet sudden surges in demand, members are of the view that a rigorous and effective mechanism should be devised to exercise control over the quality of nurses. Some members have made suggestions which include requiring applicants to attend an interview; stipulating a probation period for non-locally trained nurses; formulating language proficiency requirement, performance assessment standards and continuous training plan. As advised by the Administration, the Council, as the regulatory body of the nursing profession, has all along been handling nurse registration or enrolment matters in accordance with Cap. 164 independently to ensure the professional standards in the sector. Besides, employing institutions may, according to their actual needs, adopt different approaches in assessing the professional competency and performance of non-locally trained nurses, and provide them with appropriate in-service training.

17. Under the proposed new section 9A or 15A of Cap. 164, a person may apply to the Council for SR or SE, and the Council must approve the application upon compliance with the relevant requirements if:

- (a) the applicant has obtained a qualification outside Hong Kong and the curriculum of the programme leading to the award of the qualification is broadly comparable to the curriculum of the programme of a recognized training course,³ and possesses a valid certificate to practise nursing issued by a certifying body recognized by the Council from time to time as constituting sufficient evidence of the applicant's competency to practise nursing;
- (b) the applicant has completed a post-qualification training programme that is relevant to the practice of nursing, and has had at least three years of full-time post-qualification clinical experience in a clinic or hospital; and
- (c) the applicant has been selected for full-time employment as a person with SR or SE in a "specified institution", and the Council is satisfied that the applicant is of good character and has good professional conduct.

³ A "recognized training course" refers to a course of training carried out in Hong Kong that is recognized by the Council for full registration or full enrolment (clause 3(6) of the Bill).

18. Under the proposed new section 9B or 15B of Cap. 164, a person may apply to the Council for LR or LE, and the Council must approve the application upon compliance with the relevant requirements if:

- (a) the applicant has obtained the qualification and possesses the certificate referred to in paragraph 17(a) above, has been selected for full-time employment as a person with LR or LE in a “designated institution”, and has had at least one year of full-time post-qualification clinical experience that is relevant to the employment; and
- (b) the Council is satisfied that the applicant is of good character and has good professional conduct.

Recognized training course

19. Members have noted that currently, the Council is the authority to approve the curriculum of local nursing programmes for registration or enrolment purpose (i.e. “recognized training course” as defined in the proposed revised section 2(1) of Cap. 164). Whether the curriculum of a non-local nursing programme is broadly comparable to the curriculum of the aforesaid recognized training course (“recognized non-Hong Kong nursing qualification”) is also a matter for the Council to decide. The Legal Adviser to the Bills Committee (“the Legal Adviser”) has suggested the Administration consider expressly providing for the same in the Bill for the sake of clarity.

20. As advised by the Administration, under the new sections 9A, 9B, 15A and 15B of Cap. 164, the Council shall determine whether an application of SR or SE should be approved based on the criteria set out in these provisions, including whether the curriculum of the training programme completed by the applicant outside Hong Kong is broadly comparable to the aforesaid “recognized training course”. The Administration is of the view that the current provisions can clearly reflect the policy intention and the role of the Council.

21. Members have enquired about the criteria for assessing whether the curriculum of a programme is broadly comparable to the curriculum of a “recognized training course” and for recognizing a valid certificate to practise nursing issued by a certifying body. As advised by the Administration, requiring applicants to possess qualifications that are broadly comparable in terms of curriculum to local training courses recognized by the Council for the purpose of registration or enrolment is consistent with the current approach adopted by the Council to assess the basic competency of applicants with non-local qualifications seeking to sit for licensing examination. The Council has stipulated and promulgated the Syllabus of Subjects and Core Competencies for Registration and Enrolment Nurses, which respectively highlights the core components of nursing

studies and competency areas required of a nurse. During the consultation period, the nursing community have generally agreed that the principle of “broadly comparable based on curriculum” will provide a clear benchmark for the Council to assess non-local nursing qualifications and ensure the professional competency of non-locally trained nurses while catering for the continued alignment with the curriculum development of local training programmes in future.

22. Some members have suggested that the Administration can draw reference from the Medical Registration Ordinance (Cap. 161) and incorporate the recognized training courses for non-locally trained nurses into the Bill in the form of a Schedule. Besides, the Legal Adviser has suggested the Administration set out the criteria for assessing whether a curriculum of a programme is comparable to the curriculum of a “recognized training course” as in the case for “recognized medical qualification” under section 14F(3) of Cap. 161, and publish a list of recognized non-Hong Kong nursing qualifications.

23. As explained by the Administration, given the sizeable quantum of nursing programmes around the world, and the time and cost involved in vetting individual qualifications, a mechanism for promulgation of a list of recognized non-local nursing qualifications to serve as a qualification threshold for processing applications for SR or SE and LR or LE is not appropriate in the case of the Bill. The Government will continue to discuss with the Council facilitative measures for prospective non-locally trained nurses, including promulgating from time to time the non-local qualifications possessed by SR or SE and LR or LE nurses for applicants’ reference.

24. The Administration has proposed to amend sections 9A, 9B, 15A, and 15B (proposed to be added by the Bill) which concerns the requirements for applicants of SR, LR, SE and LE to possess a valid certificate to practise nursing issued by a certifying body recognized by the Council from time to time to the effect that this requirement will only be applicable to applicants who have never been registered or enrolled nurses under SR or LR or SE or LE. This aims to avoid the scenario where some non-locally trained nurses cannot continue to serve in Hong Kong under SR or SE or LR or LE owing to the expiration of their practising certificates in the place of origin after living in Hong Kong for a certain period, thereby preventing unnecessary impact to their practice.

Clinical experience

25. According to paragraph 17(b) above, applicants of SR or SE are required to have had at least three years of full-time post-qualification clinical experience in a clinic or hospital. Members have enquired whether the three years of post-qualification clinical experience has to be a continuous period and whether a definition of clinical experience will be provided. The Administration has replied in the negative and advised that as many people outside Hong Kong may

not provide clinical services in the hospitals, both hospitals and clinics are included in the Bill to attract talents. In fact, an application for SR or SE will not be approved unless the applicant has already been employed by DH or HA. On this premise, no employment letter will be given out by DH or HA if an applicant does not possess the necessary clinical experience. The Administration considers that there is no need to provide an interpretation for clinical experience in a clinic.

“Being of good character” as a condition required for registration or enrolment

26. Members have expressed concern as to how the Council can determine whether or not an applicant for registration or enrolment is of good character and has good professional conduct. As advised by the Administration, applicants of nurse registration or enrolment (or subject persons for TR or TE) must make a declaration under the proposed new sections 9(2)(b), 9A(2)(b), 9B(2)(b), 9C(2)(b), 15(2)(b), 15A(2)(b), 15B(2)(b) or 15C(2)(b) of Cap. 164 to support that he or she is of good character and has good professional conduct.

27. In accordance with the aforesaid provisions, an application must be supported by a declaration made by an applicant as to whether he or she has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment.

28. Some members are concerned that the provision may cast the net too wide. They consider that if an applicant has never been sentenced to imprisonment, he or she may not be able to recall that he or she has been convicted of an offence punishable with imprisonment. Members have asked the Administration to explain how to ensure that an applicant will accurately and fully report any of his or her conviction in Hong Kong or elsewhere of an offence punishable with imprisonment (irrespective of whether he or she has in fact been sentenced to a term of imprisonment).

29. As advised by the Administration, the general public has high expectations on the professional and personal conduct of healthcare professionals. Hence, all locally-registered healthcare professionals are in principle required to make a declaration to their respective boards or councils as to whether they have been convicted in Hong Kong or elsewhere of a criminal offence punishable with imprisonment. Under the existing arrangement, all applicants for nurse registration or enrolment are required to make a declaration as to whether they have been convicted in Hong Kong or elsewhere of a criminal offence punishable with imprisonment, and if so, to give conviction details with supporting documents (e.g. certificates of trial, minute of adjudication and depositions of witnesses). In the light of members' concerns, the Council will remind applicants of the requirement by stating in the application documents that, among other things, applicants should give conviction details in the declaration for the Council to follow up if they are unsure of whether the relevant offence should be declared.

30. Members have suggested the Administration formulate guidelines in respect of making the relevant declaration for applicants' reference, for instance, by modelling on "Registration standard: Criminal history", which applies to all registered healthcare professionals in Australia. The Administration has advised that in processing an application for registration or enrolment, the Council will look holistically at a basket of factors, including the nature and gravity of the conviction, the age at the time of the offence, the judgment of the court, the relevance to the nursing profession and the likelihood of recidivism. Each application will be vetted on its own merits. The Council will consider compiling a list of factors for consideration in processing applications and formulating guidelines taking into account the practices of overseas regulatory bodies for applicants' reference in making declarations.

31. Some members are of the view that the Administration should not merely rely on the declaration made by an applicant for registration or enrolment as proof of his or her being of good character. They have suggested that the Administration should require the applicant who has been registered in other countries or places as a nurse to produce a certificate of good standing issued by the relevant registration or licensing authority. As advised by the Administration, the Council will verify the applicants' registration or enrolment and records of conviction or unprofessional conduct with their respective registration authorities.

Inquiry for full registration or full enrolment

32. Under the proposed revised section 9(3) or 15(3) of Cap. 164, if, after due inquiry into a case referred to it by a Preliminary Investigation Committee ("PIC") in accordance with regulations made under section 27, the Council is satisfied that the applicant of an application for registration or enrolment has in Hong Kong or elsewhere (a) been convicted of an offence punishable with imprisonment; or (b) been guilty of unprofessional conduct, the Council may, in its discretion, reject the application for FR or FE.

33. Members have enquired whether the Council can approve or reject an application without holding an inquiry into a case where the applicant declared that he or she has in Hong Kong or elsewhere been convicted of an offence punishable with imprisonment. As advised by the Administration, section 9(3) or 15(3) of Cap. 164 provides that if, after due inquiry, the Council is satisfied that an applicant has been convicted of an offence punishable with imprisonment or been guilty of unprofessional conduct, the Council may, in its discretion, refuse to enter the name of that person upon the register of nurses or roll of enrolled nurses. Under the existing arrangement, if an applicant declare that he or she has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment, the Council will, in accordance with the provisions of Cap. 164, refer the case to the PIC to determine whether to proceed with an inquiry. If an inquiry is held, the Council will decide in the inquiry whether to exercise its

discretion to refuse to enter the name of that applicant upon the register or roll. The Council will not refuse the applicant's application for registration or enrolment without an inquiry.

34. Members are of the view that being of good character is a prerequisite for nurse registration or enrolment. They have requested the Administration to consider adding “being not of good character” to the proposed sections 9(3) and 15(3) of Cap. 164 as a ground to reject applications for FR or FE by the Council after due inquiry of the matter by PIC. In the light of members’ views, the Administration has proposed to amend the proposed sections 9(3) and 15(3) of Cap. 164 by including “the applicant is not of good character” to explicitly prescribe that the Council may reject the application for registration or enrolment of nurse if it believes the applicant is not of good character to better reflect the legislative intent. The relevant arrangement is consistent with the current practice of doctors when applying for registration and has been proposed to apply to dentists and dental care professionals.

35. Moreover, the Administration has pointed out that in view of the increase in the number of nurses under various registrations or enrolment upon the creation of new registration or enrolment pathways, it is expected that the number of inquiry cases to be handled by the Council will also increase. Taking into account members’ views, the Administration has proposed to amend the relevant provisions of the Nurses (Registration and Disciplinary Procedure) Regulations (Cap. 164A), Enrolled Nurses (Registration and Disciplinary Procedure) Regulations (Cap. 164B), and the relevant provisions of Cap. 164 to empower the Council to establish more than one PIC so that the Council could increase the number of PICs as needed to handle inquiry cases.

Temporary registration or temporary enrolment

36. Under the proposed new section 9C or 15C of Cap. 164, a “relevant institution” may apply to the Council for TR or TE of a person exclusively for conducting clinical demonstration for, or academic exchanges with, the relevant institution. An institution would be a relevant institution if it is specified as such by the Council by notice published in the Gazette. The Council may approve the application if it is considered appropriate and necessary for such person to be granted TR or TE to enable such person to conduct the clinical demonstration or academic exchanges concerned. The period during which TR or TE would be in force is a period not exceeding 14 days.

37. Members have noted that the proposed new section 9B(4)(c) or 15B(4)(c) of Cap. 164 provides that in approving an application for LR or LE, the Council may impose any condition that the Council considers appropriate (including place, premises and nature of work). Some members have suggested that the Administration should consider empowering the Council to impose

appropriate conditions in respect of TR or TE as in the case for LR or LE. Upon review, the Administration has proposed an amendment to the proposed new section 9C(5) and 15C(5) of Cap. 164 by adding “may impose any condition that the Council considers appropriate.” In addition, some members are of the view that the Council should formulate detailed guidelines for TR or TE for reference by the “relevant institutions”.

38. The Administration has proposed to amend sections 9C and 15C (proposed to be added by the Bill) to explicitly provide that when an applicant for TR or TE (i.e. the relevant institution) notifies the Council in writing for the termination of the TR or TE, TR or TE will be no longer in force. This amendment enables relevant TR or TE to be terminated when an applicant no longer needs the non-locally trained nurse(s) for clinical teaching or research in Hong Kong (e.g. if the related academic exchange activities are cancelled). The Administration has proposed a similar amendment to the Dentists Registration (Amendment) Bill 2024.

39. Members have noted that under the proposed new sections 9C(10) and 15C(10), a notice published in the Gazette by the Council to specify an institution is a “relevant institution” is not subsidiary legislation and therefore not subject to the negative vetting procedure of LegCo. According to the Administration, given the very specific objective of TR or TE and the nature of activities to be carried out by TR or TE nurses, the Administration considers it appropriate for the Council to determine the suitability of relevant institutions based on its professional knowledge and specify eligible institutions by notice published in the Gazette without going through negative vetting.

Migration of nurses with special registration or special enrolment to full registration or full enrolment

40. Under the proposed revised sections 8(1) or 14(1) of Cap. 164, a person with SR or SE would be eligible for FR or FE if certain requirements are met, including if the person has within a period of time specified by the Council served in one or more “specified institutions” for at least five years in aggregate, and the “specified institution” or each of them certifies that it is satisfied with the person’s performance by reference to the criteria specified by the Council.

41. Members have asked the Administration to clarify the actual time for “a period of time specified by the Council” referred to in paragraph 40 above. As advised by the Administration, it means a period recognized by the Council. The Council is preparing the implementation details, yet the principle is that the period of time will not be too long to avoid applicants’ clinical experience become obsolete.

42. Members and nursing bodies are concerned that SR or SE nurses can directly migrate to FR or FE without having to take any examination. Some members consider it necessary for the Administration to ensure that the job nature of the applicants for migrating to FR or FE is comparable to that of FR or FE nurses, so as to guarantee the provision of high quality professional services after migration.

43. As advised by the Administration, the policy intent is that instead of taking the licensing examination, work-based assessment should be adopted to assess the skills and competency of nurses under SR or SE for consideration of FR or FE. The arrangement of assessing the performance of SR or SE nurses by employing institutions is in line with the well-established work-based assessment method in the healthcare sector, which evaluates the actual competencies and professional standards of healthcare professionals based on their clinical work performance. Taking the training of specialist doctors as an example, most of their assessments are work-based with their daily work recorded and evaluated. The assessment for SR or SE nurses to migrate to FR or FE will be conducted in a similar way.

44. Members understand that the work-based assessment method is widely adopted in nurse training. However, in light that an applicant with SR or SE would be eligible for FR or FE in Hong Kong as long as the “specified institution(s)” and assessing officer(s) concerned are satisfied with the applicant’s performance, some members and nursing bodies have expressed worries that such arrangement may be subjective and lead to actual, perceived or potential conflict of interest. To ensure the quality of nurses and public safety, members and nursing bodies have suggested that final decisions on migration should rest with the Council which is the regulatory body of the nursing profession (e.g. applicants may be required to pass an interview conducted by the Council).

45. As advised by the Administration, under the principle of professional autonomy, the Council, as the regulatory body of the nursing profession, has all along been independently handling nurse registration or enrolment matters in accordance with Cap. 164, including determining the professional qualifications for nurse registration and issuing practising certificates to eligible registered or enrolled nurses. The Bill clearly stipulates that the assessment criteria for SR or SE nurses to migrate to FR or FE will be specified by the Council. This arrangement demonstrates the Council’s role in regulating the nursing profession and its authority in approving applications for nurse registration, ensures the consistency and comprehensiveness of assessment applicable to SR or SE nurses, and enables the Council to have a grasp of applicants’ professional competencies when processing their applications for registration or enrolment.

46. Some members and nursing bodies have pointed out that the nursing work scope and requirements vary among “specified institutions”. To ensure that

SR or SE nurses can meet the professional standards of FR or FE nurses, the Council should formulate a robust and objective mechanism to continuously assess applicants in a fair and just manner; and draw up clear, unified and comprehensive assessment criteria/guidelines (including assessment on applicants' core competencies, mindset, enthusiasm, etc.) for "specified institutions" and assessing officers to follow. Moreover, as SR or SE nurses will be evaluated based on clinical observation, the assessing officers must possess sufficient qualifications and experience (e.g. employed professional nurses), and the Council should propose how to set out the qualifications, experience and training of assessing officers to ensure that the assessment is fair and truly reflective of whether applicants have fully meet the criteria specified by the Council.

47. As advised by the Administration, the assessment criteria for SR or SE nurses will make reference to the Core Competencies for Registered Nurses and Enrolled Nurses respectively promulgated by the Council, which cover different areas such as nursing practice, health promotion and health education, management and leadership, personal and professional attributes, as well as teamwork. Based on the scoring criteria specified by the Council, assessing officers will conduct ongoing assessments for SR or SE nurses having regard to their application of nursing knowledge and skills as well as their professional conduct in nursing work.

48. On implementation, the Administration has explained that after the assessment criteria have been devised, the Council may specify assessment methods and the actual implementation arrangements (such as requirements for assessing officers, methods and frequencies for assessing specific professional competencies, etc.) to which the employing institutions must comply when assessing the performance of SR or SE nurses. The assessment serves to determine whether applicants have fully met the criteria of satisfactory performance as specified by the Council. "Specified institutions" (now being HA and DH) have put in place an internal appeal mechanism for nurses to raise objections to the assessment results. to allow nurses to contest assessment results. Should the Council have any doubt about the assessment results of SR or SE nurses, including the assessing officers' statement about the nurses' performance, the Council can follow up the case with HA and DH and request them to conduct reassessment or provide supplementary information. The performance assessment of nurses concerned by "specified institutions" over a period of five years in accordance with the criteria specified by the Council should be sufficient for ensuring that the professional quality of the nurse meets the standard for FR without having to take the licensing examination.

49. The Administration has further advised that the Council will devise the detailed assessment criteria for SR or SE nurses and the requirements for assessing officers later on, as well as issue assessment standards and guidelines to

serve as reference for employing institutions and assessing officers. When necessary, the Council will from time to time invite third-party healthcare professionals to review the assessment of SR or SE nurses by “specified institutions” to ensure the effective operation of the mechanism and to keep pace with the development and needs of the nursing profession.

50. Members have enquired whether an applicant for migrating to FR or FE can lodge an appeal if the Council rejects his or her application. As advised by the Administration, a SR or SE nurse may lodge an appeal against the Council’s decision to reject his or her application for FR or FE under the proposed revised section 22 of Cap. 164.

Seeking full registration or full enrolment other than going through special registration or special enrolment route

51. The proposed revised sections 8 and 14 of Cap. 164 provide for the eligibility for FR or FE of nurses under Cap. 164. In respect of a non-locally trained nurses seeking FR or FE other than going through the SR or SE route (“other applicants”), members have noted that he or she would have to possess a valid certificate to practise nursing issued by a certifying body recognized by the Council and to be of good character.

52. Pursuant to the proposed revised section 8(2) of Cap. 164, the Council may require any other applicant to prove his or her competency in nursing by examination conducted by examiners appointed by the Council (i.e. the licensing examination would not be mandatory). The Legal Adviser has requested the Administration to clarify why the requirement for such an examination would not be made mandatory for other applicants under the proposed revised section 8(2), in light that for a non-locally trained nurse going through SR or SE route, he or she would have to satisfy the requirement of having served in “specified institution(s)” for at least five years, in addition to having possessed a valid certificate to practise nursing issued by a certifying body recognized by the Council (when seeking SR or SE). Members have also enquired about the Council’s arrangement, upon passage of the Bill, for approving an application for FR from an applicant possessing a valid certificate to practise nursing issued by a certifying body recognized by the Council from time to time as constituting sufficient evidence of the applicant’s competency to practise nursing under the proposed new section 8(1A)(a)(ii), without requiring the applicant to take any examination as may be required under the proposed revised section 8(2) of Cap. 164.

53. As advised by the Administration, the existing sections 8(1)(g) and 14(1)(c)(v) of Cap. 164 require applicants for FR or FE respectively to demonstrate their competency to practise nursing by showing possession of a valid certificate to practise nursing issued by a certifying body recognized by the

Council. Sections 8(2) and 14(2) as proposed to be revised by this Bill seek to preserve the prevailing mechanism whereby the Council may require non-locally trained applicants to prove their competency in nursing by examination. As a matter of fact, the Council, as the regulatory authority of the nursing profession, has been exercising its discretion to decide the appropriate way for assessing the professional competency of each applicant with a non-local qualification on a case-by-case basis in accordance with section 8 or 14 of Cap. 164. A way as provided under section 8(2) or 14(2) (whether existing or as revised) is to require an applicant to sit the licensing examination as the Council sees fit. In addition, the pathway for SR or SE nurses to migrate to FR or FE should be clearly delineated from the existing route for non-locally trained nurses to obtain FR or FE through Licensing Examination. The proposed arrangement of introducing work-based assessment to assess the skills and competency of SR or SE nurses for the purpose of migration to FR or FE will not affect that route.

54. As confirmed by the Administration, the Council will continue to review the relevant arrangement from time to time, including making reference to the actual work nature of non-locally trained nurses practising in Hong Kong, so as to understand the professional competency of practising nurses approved by different certifying bodies. After taking heed of the sector's feedback, the Council will timely revisit and update its arrangement under Cap. 164 for processing FR or FE application in Hong Kong of applicants whose qualifications to practise nursing are recognized by other certifying bodies.

Appeal mechanism

55. Under the proposed revised section 22 of Cap. 164, a person aggrieved by certain Council's decisions or order may appeal to the Court of Appeal. Such decisions or order comprise the Council's decision to reject an application for registration or enrolment under the proposed revised or new section 9, 9A, 9B, 9C, 15, 15A, 15B or 15C of Cap. 164; the Council's decision to impose a condition under the proposed new section 9B or 15B of Cap. 164 (regarding LR or LE) or to specify a condition under the proposed revised section 10A or 16A of Cap. 164 (regarding practising certificates); the Council's decision to reject an application for a practising certificate under the proposed revised section 10A or 16A of Cap. 164; and an order made under the proposed revised section 17(1) of Cap. 164 concerning disciplinary proceedings.

56. The Legal Adviser has enquired whether the proposed revised section 22 of Cap. 164 should also include the Council's decision to reject an application to restore a person's name to the relevant part of the register or the roll as made under the proposed revised section 21(4) of Cap. 164. As advised by the Administration, having discussed with the Department of Justice ("DoJ"), the Administration agrees to propose an amendment to the appeal mechanism under the proposed revised section 22 of Cap. 164 to enable nurses whose name have

been removed from the register or roll and whose application for restoring his or her name has been rejected by the Council to lodge an appeal against the decision through the existing appeal mechanism under the revised section 22(1).

57. The Legal Adviser has further enquired whether the proviso in the existing section 22(2) of Cap. 164 should, in addition to the reference to the proposed revised section 21 of Cap. 164 (subsection (1) of which only caters for the service of a copy of an order made under the proposed revised section 17(1) of Cap. 164), also make reference to the proposed revised or new sections 9, 9A, 9B, 9C, 15, 15A, 15B, 15C, 10A and 16A of Cap. 164, under which the Council may make relevant decisions and notify the persons concerned of the decisions accordingly.

58. As advised by the Administration, the revised section 22(1) sets out all the decisions of the Council, against which a person may lodge an appeal to the Court of Appeal. The Administration agrees that as a matter of principle, the proviso in the existing section 22(2) should be applicable to all these grounds of appeal under the revised section 22(1). On further discussion with DoJ, the Administration has proposed amendments to the proviso under the existing section 22(2), including adding section 22(3), to expressly provide for the relevant provisions in paragraph 57 above.

“Designated institution”

59. Under the proposed new section 9B or 15B of Cap. 164, a person may apply to the Council for LR or LE if, among others, the person has been selected for full-time employment as a person with LR or LE in a “designated institution”.

60. Under the proposed new section 2C and Parts 1 and 2 of the proposed new Schedule 2 to Cap. 164, an institution would be a “designated institution” if (a) it is specified in Part 1 of the proposed new Schedule 2 to Cap. 164 (i.e. DH and HA); (b) it falls within any of the categories of institution specified in Part 2 of that Schedule, including (i) nurse training schools, licensed RCHs for the elderly and persons with disability, as well as scheduled nursing homes within the meaning of the Private Healthcare Facilities Ordinance (Cap. 633); and (ii) an institution providing the type of employment in respect of which LR or LE is appropriate or necessary as determined and promulgated by the Council by notice published in the Gazette; or (c) it is designated as such by SH or the Director of Social Welfare (“DSW”) by notice published in the Gazette.

61. Members have expressed concern that the Council may decide which “designated institutions” are allowed to employ LR or LE nurses (paragraph 60(b)(ii) above). In view that the major functions of the Council are to regulate the professional standards and professional conduct of nurses, some members consider that it may not be appropriate to empower the Council to examine

whether or not “designated institutions” can employ LR or LE nurses. Members have asked the Administration to clarify the policy intent of this arrangement and the justifications for the aforesaid empowerment of the Council.

62. As explained by the Administration, the arrangement to empower the Council to specify types of employment is modelled after Cap.161 and the Dentists Registration (Amendment) Bill 2024 submitted to the Legislative Council earlier. Putting in place this arrangement under the framework of the current Cap. 164 would enable the Council, after confirming that LR or LE is appropriate and necessary for individual types of employment, to allow non-locally trained nurses to engage in employments beyond those in the public healthcare system and the social welfare sector. This is similar to the employments promulgated by the Medical Council of Hong Kong under Cap. 161 to allow relevant persons to apply for LR to engage in specified employments, such as team doctors of participating teams in the annual rugby event Sevens World Series and medical practitioners responsible for supervising medical matters of the Tuen Mun - Chek Lap Kok Link - Northern Connection Sub-sea Tunnel Section project.

63. In response to members’ enquiries as to how the Council will exercise the aforesaid power, including the mechanism or procedures involved, and the criteria adopted for assessing or approving the relevant applications from institutions, the Administration has explained that the Council should be satisfied that it is necessary for these types of employment to engage nursing professionals, and locally-trained nurses with the required qualifications or working experience cannot be recruited in Hong Kong. At the same time, the provision of related nursing services should be in the public interest, and employing institutions should have in place an effective mechanism to supervise the daily work of non-locally trained nurses, so that the well-being of patients and care recipients can be safeguarded and the overall professional standards of the nursing profession maintained. Employing institutions, when making applications to the Council to be included as “designated institutions” in respect of their types of employment provided, must submit information (including the background of application, the estimated number of nurses to be employed, the scope of nursing work, the place of work and the mechanism for supervising the daily work of nurses) required by the Council to form the basis for its consideration. Drawing reference from the experience of Cap. 161, the Council may impose conditions on approved applications for the admission of non-locally trained nurses with which employing institutions must comply. The Council will also require employing institutions to supervise the services of these nurses in accordance with the mechanism to ensure their professional standards.

64. Members have noted that the notices published in the Gazette as mentioned in paragraph 60(b)(ii) or (c) above are not subsidiary legislation and therefore not subject to the negative vetting procedure of LegCo. As explained

by the Administration, it is essential to confer a power to the Council, SH and DSW to designate specific institutions eligible for employing nurses of LR or LE to address any sudden surges in demand, such as the COVID-19 pandemic. As the designation of institutions is aimed at meeting unexpected and urgent public policy needs, some degree of flexibility should be given to the relevant authorities to add or remove the institutions by administrative measures at short notice. In comparison, as the institutions mentioned in paragraph 60(a) and (b)(i) above are established institutions facing longer term nursing manpower shortage, they can be spelt out in the new Schedule, and the change of which can only be effected by way of subsidiary legislation.

65. Several Members have pointed out that special schools with a boarding section need to employ nurses to provide care services to students, including those requiring intensive care. However, the nursing shortage in special schools is getting worse. To ensure sufficient nurses to care for the boarders in special schools, Members have asked the Administration to study the feasibility of including schools under the Code of Aid for Special Schools in the “designated institution” category to enable them to employ LR or LE nurses, thereby addressing the manpower shortage problem. There is also a suggestion that the Administration should consider including District Health Centres or the Primary Care Authority in the “designated institution” category.

66. As advised by the Administration, the nursing profession generally considers that institutions employing non-locally trained nurses must have in place a supervision system in respect of the nursing profession on a day-to-day basis to safeguard the well-being of the patients or the persons under their care as a prerequisite for the admission of non-locally trained nurses. Also, the nursing profession agrees that the “designated institutions” and “specified institutions” stipulated under the Bill meet the aforesaid requirement. The Administration understands that at present, some organizations (including special schools) which have not been designated as “designated institutions” may be facing a shortage of nurses. In this regard, a certain degree of flexibility has been built into the Bill, empowering the Council to designate, through publishing gazette notice, the types of employment to be provided by other organizations, so as to allow them to employ non-locally trained nurses through LR or LE. In future, the Council may, through publishing gazette notice, allow other organizations to employ LR or LE nurses if, having regard to the circumstances and conditions of the organizations, the Council considers that the types of employment offered by the organizations is suitable for the employment of LR or LE nurses. With the Government’s allocation of substantial resources to increase the number of training places for nurses in recent years, coupled with the admission of non-locally trained nurses, the Administration believes that the overall supply of nurses will gradually improve.

Mandatory continuing nursing education

67. The proposed revised sections 10A and 16A of Cap. 164 provides that the compliance with CNE requirement a pre-requisite for the renewal of practising certificates for all FR, FE, SR, SE, LR and LE nurses. Persons failing to comply with the requirements will not be issued practising certificates and may not practise in the nursing profession.

68. Members and nursing groups agree that CNE is essential for enhancing the professional standard of nurses and safeguarding the well-being of patients. Some members are concerned how the main contents and implementation details of CNE can ensure its effective implementation. As advised by the Administration, the Council, as the regulatory body of the nursing profession, will decide the main contents and modes of CNE (including whether multi-disciplinary collaborative training should be included) to ensure that CNE will keep pace with the needs and future development trends of the industry. Moreover, members have noted that applicants for practising certificate who do not meet the specified CNE requirements will still be issued with a practising certificate provided that they are able to complete specified activities and hours of CNE within the grace period specified by the Council.

69. The Bill proposes to delete the existing section 10A(2) of Cap. 164 and add the proposed sections 10A(2), 10A(2A) and 10A(2B) to introduce new requirements when registered nurses apply for new or renewed practising certificates. Apart from paying the prescribed fees (which is at present the only requirement), nurses will have to apply in the specified form (and provide the information as required), and (if applicable) provide a declaration on any convictions since the last application and complete CNE determined by the Council as applicable.

70. Upon review, the Administration considers it necessary to ensure a smooth transition from the existing mechanism for the Council to issue practising certificates to a new mechanism under the Bill. In this regard, the Administration has proposed an amendment to retain the existing section 10A(2) of Cap. 164 and make some technical amendments to it, which aim to preserve the existing mechanism for the time being whereby nurses need only pay the prescribed fees when applying for new or renewed practising certificate. The amendments will come into effect when the Bill is published in the Gazette as an Ordinance. The Administration has also proposed that the original proposed section 10A(2) will be renumbered as section 10A(2AB) and will come into operation subsequently on a day to be appointed by SH by notice published in the Gazette (“appointed day”), dovetailing with the implementation of the new mechanism for issuing practising certificates. Besides, upon members’ request, the Chinese and English texts of section 10A(2AB)(c) have been modified to enhance its readability.

71. Currently, section 10A(6) of Cap. 164 provides that any person who is required under this section to be the holder of a practising certificate issued under this section shall be deemed to have obtained the certificate when he or she has duly applied to the secretary of the Council and paid the prescribed fee for the issue of the practising certificate. Members have expressed concern about the deletion of section 10A(6) of Cap. 164 as proposed by the Bill. They consider that this may result in applicants who apply to renew their practising certificates in the last minute not being able to receive the renewed practising certificates in time before the expiry of the existing certificates, hence causing unnecessary disruption to their practice.

72. After consideration, the Administration has proposed to retain section 10A(6), subject to certain amendments to clarify the deeming arrangement will cease when a decision on the relevant application is reached. For practising certificates of enrolled nurses, the Administration has proposed mirror amendments of the amendments to section 10A (as mentioned in paragraphs 70, 71 and this paragraph) to section 16A.

Establishment and composition of the Nursing Council of Hong Kong

73. Members have noted that due to a legal issue pending to be resolved⁴ and the need for introducing a piece of subsidiary legislation for election of Council members, section 3(2)(ca) of Cap. 164 concerning the election of six members of the Council has not yet been implemented. No amendment has been proposed by the Bill on this matter. Members are concerned that the non-implementation of the provision will leave six seats that ought to be filled by elected members vacant, and consider it necessary to implement the electoral arrangement as soon as possible.

74. As advised by the Administration, after communicating with the Council, it agrees that there are practical needs to implement section 3(2)(ca) of Cap. 164 as soon as possible to ensure that the Council can operate more effectively with sufficient members to handle additional applications for SR, SE, LR, LE and related inquiries. The Administration has therefore proposed amendments to address the legal issue involved through amendments to Cap. 164.

⁴ Section 3(2)(ca) of Cap. 164 is enacted by the Nurses Registration (Amendment) Ordinance 1997 and the Government has been following up on the implementation of the provision concerned. In the process of drafting subsidiary legislation for the election of six members, legal advice has pointed out that section 3(4B) of Cap. 164 concerning revocation of appointment (e.g. for the reason that an appointed member is sentenced for a term of imprisonment or becomes bankrupt etc.) is not applicable to the elected members under section 3(2)(ca) of Cap. 164. Amendments to Cap. 164 for resolving this legal issue is thus necessary before the subsidiary legislation can be introduced.

75. The Administration has further explained that section 3(2)(ca) of Cap. 164 stipulates that the six members of the Council must be registered or enrolled nurses returned by election. With reference to the provisions of the Dentists Registration (Amendment) Bill 2024 which concerns the appointment of members from elections, it has proposed to amend section 3(2)(ca) of Cap. 164 to ensure consistency in the relevant arrangement between the two healthcare professional councils. The relevant amendment will stipulate that no less than 18 FR or FE nurses may be elected in accordance with regulations made under section 27 of Cap. 164, among which the Chief Executive may appoint six. Upon the amendment, section 3(4B) of Cap. 164 concerning revocation of appointment will also be applicable to the elected members appointed under section 3(2)(ca) of Cap. 164. The legal issue caused by the original section 3(2)(ca) (i.e. the provision enacted by the Nurses Registration (Amendment) Ordinance 1997) will be resolved.

76. In the light of the amendment of section 3(2)(ca) of Cap. 164 and the need to maintain consistency between the applicable provisions governing relevant healthcare professional boards, the Administration has made corresponding amendments to Part II of Cap. 164, including the arrangement for handling vacancies that arise during the term of office of elected members, and specifying the conditions where a person will not be eligible for appointment or re-appointment as a member of the Council. The Administration has advised that these amendments will allow Cap. 164 to keep pace with the time and ensure the professional standard of the Council.

77. Furthermore, the Administration has also proposed to amend section 3(6) to allow the Council to have more than one legal adviser for assisting the Council to handle the aforementioned additional work.

Savings and transitional provisions

78. The Administration has further proposed to amend sections 1, 6, 7, 8, 10, 12, 13 and 14 of, and add sections 8A and 10A to, Schedule 3. Except for section 1 which is a technical amendment, all other provisions aim to clearly set out the transitional arrangements for an application for registration or enrolment, for restoration of name to the register or roll, or for a practising certificate and any appeal in relation to the rejection of the relevant applications. Generally speaking, the relevant application or appeal will be handled by the existing mechanism of Cap. 164 if it is made before the enactment of the Bill. For the relevant application or appeal made after the passage and enactment of the Bill as an Ordinance, it will be handled by the new mechanism as prescribed under the Bill. The principle of this arrangement is in line with the other existing transitional provisions, and is consistent with the relevant arrangement proposed under the Dentists Registration (Amendment) Bill 2024.

Commencement arrangement

79. Pursuant to clause 1(2) of the Bill, the Bill (if passed) would come into operation on the day on which it is published in the Gazette, except that those clauses as referred to in clause 1(3) of the Bill would come into operation on a day to be appointed by SH by notice published in the Gazette. Those excepted clauses include (i) clauses 16, 17, 27 and 28; (ii) clause 31 (in so far as it relates to the proposed new section 22(1)(d) of Cap. 164); and (iii) clause 37 (in so far as it relates to sections 12, 13 and 14 of the proposed new Schedule 3 to Cap. 164). The Legal Adviser has enquired about the proposed commencement arrangement(s) for those excepted clauses and the reason(s) for proposing such arrangement(s).

80. As advised by the Administration, clauses 16 and 17 of the Bill seek to introduce new requirements when registered nurses apply for new or renewed practising certificates. Apart from paying the prescribed fees (which is at present the only requirement), upon commencement of these provisions, nurses will have to apply in the specified form (and provide the information as required), provide a declaration on any convictions since the last application, and complete CNE determined by the Council as applicable. Preparation by the Council is underway to prepare for the smooth implementation of the new requirements and efficient handling of the relevant applications. The provisions will commence when the Council Secretariat is operationally ready to adopt the new application arrangement. More time is also required for the Council to devise the detailed arrangement to implement CNE and ensure that the requirements are made known to the nurses. Clauses 27 and 28 are the mirror provisions of clauses 16 and 17 and are applicable to enrolled nurses. Furthermore, Section 22(1) of Cap. 164 as substituted by clause 31 of the Bill provides new grounds for persons who are aggrieved by the Council's decision to lodge an appeal to the Court of Appeal. According to clause 1(3) of the Bill, only the new section 22(1)(d), which relates to the Council's decision to reject an application for a practising certificate, is to commence at a later stage. This will tie in with the new arrangement proposed under clauses 16, 17, 27 and 28 above, which upon implementation would require the Council to exercise judgment to ascertain whether individual applicants have satisfied all the requirements for applications for practising certificates. As the new section 22 (1)(d) is contingent upon the commencement of clauses 16, 17, 27 and 28, it has to commence on an appointed commencement date. The new Schedule 3 provides for the savings and transitional arrangement. The new sections 12, 13 and 14 deal with the status of existing practising certificates and set out the operational arrangement for pending applications once the new regime for practising certificate begins. These sections will be brought into effect on the same commencement date as clauses 16, 17, 27 and 28.

81. In the light of the amendment proposed by the Administration in paragraph 70 above regarding Section 10A of Cap. 164, the Administration has

proposed to amend clause 1(3) of the Bill (in Appendix 3), so that the proposed sections 10A(2B), 10A(2C) and 10A(2E) to be added to Cap. 164 by clause 16 of the Bill, and the proposed sections 16A(2B), 16A(2C) and 16A(2E) to be added to Cap. 164 by clause 27 of the Bill, will come into effect on a day to be appointed by SH by notice published in the Gazette. The remaining provisions of clauses 16, 17, 27 and 28 of the Bill should come into operation when the Bill is published as an Ordinance in the Gazette. The commencement arrangement for clauses 31 and 37, insofar as they relate to the aforesaid amendments, also need to be amended accordingly.

Attracting non-locally trained nurses to practise in Hong Kong

82. Members are concerned about the clinical practice requirement for nurses training in Hong Kong since the number of hours required is more than that in other countries, which may create hindrance to attracting non-local nurses. Some members and nursing bodies are of the view that the Administration may consider reviewing the requirement to explore if there is room for adjustment. As explained by the Administration, taking into account the Government's commitment to the development of primary healthcare in recent years and the fact that many nursing students are able to experience and learn about primary care services during their placements in community organizations, the Council has updated the requirements for clinical practicum to allow nursing students to undertake clinical practicum in community organizations mainly offering primary care services, with the total number of recognized clinical practicum hours increased to 30%. The Council will embark on a comprehensive review of the Reference Guides in the coming year, focusing on the clinical education syllabus and core competencies of training for registered/enrolled nurses, including the minimum clinical practicum hours and the distribution of practicum hours among clinical areas, etc. The Council will also make reference to nursing programmes in other jurisdictions to ensure the curriculum is up-to-date and in line with the latest development of the nursing profession.

83. As LR or LE will only be valid for not more than three years (the proposed new sections 9B(4)(b) and 15B(4)(b) of Cap. 164) and cannot be migrated to FR or FE, members consider LR or LE not attractive. Some members have suggested the Administration consider introducing other mechanism(s) to enhance the attractiveness of LR or LE without compromising professional quality, such as extending the validity period of LR or LE.

84. Members have pointed out that a number of universities in Hong Kong have established campuses on the Mainland. The Administrative may liaise with these universities to operate nurse training schools in their Mainland campuses by making good use of the resources available under "One University, Two Campuses", with a view to training nurses in the Mainland to practise in Hong

Kong. The nursing programmes can be offered and monitored by the universities in Hong Kong thereafter.

85. Some members have suggested that the Administration should ask those qualified Mainland nurses who had come to Hong Kong for exchanges to indicate whether they are interested in practising in Hong Kong and contact them right after the passage of the Bill so that they can be introduced to Hong Kong earlier. Some other members have suggested the Administration identify in advance those countries where suitable manpower can be recruited and actively promote among them the arrangements under the Bill.

86. Members have pointed out that some new arrivals had been engaged in the nursing profession on the Mainland, yet they have not taken the licensing examinations for nurses or failed to obtain the qualifications to practise nursing in Hong Kong. As such, they can only serve as health workers in RCHs for the elderly. Members consider that if the Bill is passed, the Administration may help these qualified persons to become SR, SE, LR or LE nurses.

Retention of local nurses

87. Members have urged the Administration to attract non-locally trained nurses to practise in Hong Kong while at the same time, put in place measures to retain local nurses to reduce wastage. As advised by the Administration, HA has launched a series of human resources measures to retain nursing talents and relieve manpower shortage, including actively recruiting part-time nurses and retired nurses, increasing training opportunities, creating additional posts/ranks to enhance promotion opportunities, introducing the Preceptorship Programme to strengthen mentoring and support for newly recruited nurses, increasing the flexibility of the Special Honorarium Scheme, providing the Specialty Nurse Allowance, and launching the Enhanced Home Loan Interest Subsidy Scheme. With the implementation of the aforesaid measures, the attrition rate of full-time nurses in HA has reduced from 10.9% in 2022-2023 to 9.5% in 2023-2024 (from January to December 2023).

88. Some members have expressed worries that non-locally trained nurses to be introduced through the Bill in the future may resign because of the work environment and workload in Hong Kong. As advised by the Administration, HA will include non-locally trained nurses in the Preceptorship Programme as an enhanced support measure to enable them to familiarize with ward procedures and environment more quickly. DH will also organize a series of diverse activities, including orientation and familiarization programmes, induction training, mentoring and peer support schemes, to help non-locally trained nurses integrate into the work environment and adapting to the nursing practice of Hong Kong.

Resources of the Nursing Council of Hong Kong

89. Members have pointed out that if the Bill is passed, the workload of the Council will significantly increase. They have urged the Administration to provide resources to the Council (including assisting in upgrading the IT system) to cope with the relevant work, with a view to filling the manpower gap of nurses with non-locally trained nurses as soon as possible.

Proposed amendments to the Bill

90. The Bills Committee has noted and raised no query to the Administration's proposed amendments to the Bill, which are explained in paragraphs 24, 34, 35, 37, 38, 56, 58, 70, 72, 75 to 78 and 81. The Administration has also proposed a number of textual and technical amendments to the Bill. The full set of proposed amendments to be moved by the Administration is set out in **Appendix 3**. The Bills Committee will not propose any amendments to the Bill.

Resumption of Second Reading debate on the Bill

91. The Bills Committee has completed scrutiny of the Bill. The Bills Committee raises no objection to the resumption of the Second Reading debate on the Bill at the Council meeting of 17 July 2024.

Consultation with the House Committee

92. The Bills Committee reported its deliberations to the House Committee on 5 July 2024.

Council Business Divisions
Legislative Council Secretariat
11 July 2024

Bills Committee on Nurses Registration (Amendment) Bill 2023

Membership list

| | |
|------------------------|---|
| Chairman | Dr Hon David LAM Tzit-yuen |
| Deputy Chairman | Prof Hon CHAN Wing-kwong |
| Members | Hon Paul TSE Wai-chun, JP Hon Doreen KONG Yuk-foon Hon Duncan CHIU Hon Dennis LEUNG Tsz-wing, MH Hon Edward LEUNG Hei Hon CHAN Hoi-yan Hon Benson LUK Hon-man Hon Edmund WONG Chun-sek Revd Canon Hon Peter Douglas KOON Ho-ming, BBS, JP Hon LAI Tung-kwok, GBS, IDSM, JP |
| | (Total : 12 members) |
| Clerk | Ms Angel WONG |
| Legal Adviser | Ms Doreen WAN |
| Date | 23 January 2024 |

Bills Committee on Nurses Registration (Amendment) Bill 2023

List of organizations/individuals which/who have submitted views to the Bills Committee

| 名稱 | Name |
|------------------------------|---|
| 1. 香港護士協會 | Association of Hong Kong Nursing Staff |
| *2. 中國夢智庫 | Chinese Dream Think Tank |
| 3. 播道醫院 | Evangel Hospital |
| 4. 香港三育書院 | Hong Kong Adventist College |
| 5. 香港感染控制護士會 | Hong Kong Infection Control Nurses' Association |
| 6. 香港能仁專上學院 | Hong Kong Nang Yan College of Higher Education |
| 7. 香港護士總工會 | Hong Kong Nurses General Union |
| 8. 香港大學專業進修學院 生命科學及科技學院 | HKU SPACE College of Life Sciences and Technology |
| 9. 醫院診所護士協會 | Hospital & Clinic Nurses Association |
| *10. 香港執業脊醫協會 | The Chiropractic Doctors' Association of Hong Kong |
| 11. 香港護理專科學院 | The Hong Kong Academy of Nursing |
| *12. 香港護士總工會及香港 政府華員會護士分會 | The Hong Kong Nurses General Union and The Nurses Branch, Hong Kong Chinese Civil Servants' association |
| 13. 香港中文大學醫學院 那打素護理學院 | The Nethersole School of Nursing, Faculty of Medicine, The Chinese University of Hong Kong |

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|--------------------------------------|--|
| 14. 聖方濟各大學健康科學院 | School of Health Sciences, Saint Francis University |
| 15. 香港都會大學護理及健康學院 | School of Nursing and Health Studies, Hong Kong Metropolitan University |
| 16. 東華學院護理學院 | School of Nursing, Tung Wah College |
| *17. 香港社區組織協會、香港病人權益協會及長期病患者關注醫療改革聯席 | Society for Community Organization, Patients' Rights Association and Patients' Alliance on Healthcare Reform |
| 18. 聖德肋撒醫院護士學校 | St. Teresa's Hospital School of Nursing |
| *19. Ashley LAI | Ashley LAI |
| *20. 周小姐 | Miss CHAU Yuen-ying |
| *21. 荃灣區議會邱錦平先生 | Mr YAU Kam-ping, Tsuen Wan District Council |
| *22. 病人及醫護權益協會 | ----- |

* provided submissions only

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) | <p>By deleting paragraphs (a), (b) and (c) and substituting—</p> <p>“(a) section 16(2) and (2B);</p> <p>(b) section 27(2) and (2B);</p> <p>(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));</p> <p>(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).”.</p> |
| 2 | <p>(a) By renumbering the clause as clause 2(1).</p> <p>(b) By adding—</p> <p>“(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.</p> <p>(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.”.</p> |
| 3 | <p>By adding—</p> <p>“(1A) Section 2(1), definition of <i>legal adviser</i>—</p> <p style="padding-left: 40px;">Repeal</p> <p style="padding-left: 40px;">everything after “means”</p> <p style="padding-left: 40px;">Substitute</p> |

“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”。 |