

Nurses Registration (Amendment) Bill 2023

Contents

Clause	Page
Part 1	
Preliminary	
1.	Short title and commencement C4137
2.	Enactments amended C4139
Part 2	
Amendments to Nurses Registration Ordinance (Cap. 164)	
3.	Section 2 amended (interpretation)..... C4141
4.	Sections 2A, 2B and 2C added C4145
	2A. References relating to registration of nurses C4147
	2B. References relating to enrolment of nurses C4147
	2C. Meaning of <i>designated institution</i> C4149
5.	Section 3 amended (establishment and composition of the Council) C4149
6.	Section 4B added C4151
	4B. Council may provide information to Secretary C4151
7.	Part III, Division 1 heading added C4151
Division 1—Register	
8.	Section 5 amended (register of nurses) C4151

Clause	Page
9.	Section 6 amended (information with respect to nurses) C4151
10.	Section 7 amended (correction of the register) C4153
11.	Part III, Division 2 heading added C4155
Division 2—Registration	
12.	Section 8 amended (qualification for registration) C4155
13.	Section 9 amended (registration) C4159
14.	Sections 9A, 9B and 9C and Part III, Division 3 heading added C4163
9A.	Special registration C4163
9B.	Limited registration C4167
9C.	Temporary registration C4173
Division 3—Certificate of Registration and Practising Certificate	
15.	Section 10 amended (certificate of registration) C4175
16.	Section 10A amended (person not to practise as registered nurse without practising certificate) C4177
17.	Section 10B repealed (recovery of practising fees) C4181
18.	Part IV, Division 1 heading added C4181
Division 1—Roll	
19.	Section 11 amended (roll of enrolled nurses) C4183
20.	Section 12 amended (information with respect to enrolled nurses) C4183
21.	Section 13 amended (correction of the roll) C4185

Clause	Page
22.	Part IV, Division 2 heading added..... C4187

Division 2—Enrolment

23.	Section 14 amended (qualification for enrolment)..... C4187
24.	Section 15 amended (enrolment)..... C4189
25.	Sections 15A, 15B and 15C and Part IV, Division 3 heading added..... C4193
15A.	Special enrolment..... C4193
15B.	Limited enrolment..... C4197
15C.	Temporary enrolment..... C4203

Division 3—Certificate of Enrolment and Practising Certificate

26.	Section 16 amended (certificate of enrolment)..... C4207
27.	Section 16A amended (person not to practise as enrolled nurse without practising certificate)..... C4207
28.	Section 16B repealed (recovery of practising fees)..... C4213
29.	Section 17 amended (disciplinary powers of the Council)..... C4213
30.	Section 21 amended (provisions relating to orders of the Council)..... C4213
31.	Section 22 amended (appeals)..... C4217
32.	Section 24 amended (penalties for assumption of title of nurses, etc.)..... C4217
33.	Part VII heading amended (exemptions and regulations)..... C4219
34.	Section 26 amended (exemptions from registration)..... C4219

Clause	Page
35. Section 27 amended (regulations)	C4219
36. Sections 28 to 31 added	C4219
28. Council may specify forms	C4219
29. Secretary may give directions	C4221
30. Amendment of Schedules 1 and 2	C4223
31. Savings and transitional provisions relating to Nurses Registration (Amendment) Ordinance 2023 (of 2023).....	C4223
37. Schedules 1, 2 and 3 added	C4223
Schedule 1 Specified Institutions	C4223
Schedule 2 Designated Institutions	C4223
Schedule 3 Savings and Transitional Provisions relating to Nurses Registration (Amendment) Ordinance 2023	C4227

Part 3

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

38. Regulation 3 amended (contents of register)	C4245
39. Regulations 4, 5 and 5A repealed	C4247
40. Regulation 5B added.....	C4247
5B. Fees for registration and practising certificate.....	C4247
41. Regulation 7 substituted	C4249

Clause	Page
7.	Fee for restoration of name to register C4249
42.	Regulation 8 repealed (notification of removal from or restoration of names to the register)..... C4249
43.	Regulation 9 amended (training schools for nurses) C4249
44.	Regulation 10 repealed (minimum age for commencement of training) C4249
45.	Regulation 12 amended (minimum training qualifications for examination)..... C4251
46.	Regulation 16 amended (submission of complaint or information)..... C4251
47.	First Schedule repealed (particulars to be entered in the register) C4251
48.	Second Schedule amended (fees)..... C4253
49.	Third Schedule amended C4253

Part 4

Amendments to Enrolled Nurses (Enrolment and Disciplinary Procedure)

Regulations (Cap. 164 sub. leg. B)

50.	Regulation 3 amended (contents of roll) C4259
51.	Regulations 4, 5 and 5A repealed C4261
52.	Regulation 5B added..... C4261
	5B. Fees for enrolment and practising certificate..... C4261
53.	Regulation 7 substituted C4263
7.	Fee for restoration of name to roll..... C4263

Clause	Page
54. Regulation 8 repealed (notification of removal from or restoration of names to the roll).....	C4263
55. Regulation 9 amended (training schools for enrolled nurses).....	C4263
56. Regulation 10 repealed (minimum age for commencement of training)	C4263
57. Regulation 12 amended (minimum training qualifications for candidates for examinations).....	C4263
58. Regulation 16 amended (submission or receipt of complaint or information)	C4265
59. First Schedule repealed (particulars to be entered in the roll)	C4265
60. Second Schedule amended (fees).....	C4265
61. Third Schedule amended	C4267

Part 5

Consequential Amendments

Division 1—Amendment to Employment Ordinance (Cap. 57)

62. Section 33A amended (requirements for certificate of attendance for medical examination in relation to pregnancy)	C4273
---	-------

Division 2—Amendment to Residential Care Homes (Elderly Persons) Ordinance (Cap. 459)

63. Section 17 amended (appointment of inspectors).....	C4273
---	-------

Clause	Page
Division 3—Amendments to Residential Care Homes (Elderly Persons)	
Regulation (Cap. 459 sub. leg. A)	
64.	Section 2 amended (interpretation)..... C4275
Division 4—Amendment to Residential Care Homes (Persons with Disabilities)	
Ordinance (Cap. 613)	
65.	Section 15 amended (appointment of inspectors)..... C4275
Division 5—Amendment to Residential Care Homes (Persons with Disabilities)	
Regulation (Cap. 613 sub. leg. A)	
66.	Section 11 amended (employment of staff by operators) C4277
Division 6—Amendments to Nurses Registration (Amendment) Ordinance 1997	
(82 of 1997)	
67.	Sections repealed..... C4277
68.	Section 15 amended (penalty for failure to give evidence) C4277
69.	Section 16 amended (provisions relating to orders of the Council) C4277
70.	Section 17 amended (falsification of register or roll)..... C4279
71.	Section 18 amended (penalties for assumption of title of registered nurses or enrolled nurses) C4279
72.	Sections 19 and 24 repealed C4279
Division 7—Amendment to Residential Care Homes Legislation (Miscellaneous	
Amendments) Ordinance 2023 (12 of 2023)	
73.	Section 87 amended (section 11 amended (employment of staff by operators))..... C4281

A BILL

To

Amend the Nurses Registration Ordinance and its subsidiary legislation to provide for new types of registration known as special registration, limited registration and temporary registration, as well as new types of enrolment known as special enrolment, limited enrolment and temporary enrolment; to authorize the Nursing Council of Hong Kong to provide information to the Secretary for Health; to empower the Secretary for Health to give directions to the Nursing Council of Hong Kong; and to provide for transitional and related matters.

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title and commencement

- (1) This Ordinance may be cited as the Nurses Registration (Amendment) Ordinance 2023.
- (2) Subject to subsection (3), this Ordinance comes into operation on the day on which it is published in the Gazette.

- (3) The following provisions come into operation on a day to be appointed by the Secretary for Health by notice published in the Gazette—
- (a) sections 16, 17, 27 and 28;
 - (b) section 31 (in so far as it relates to the new section 22(1)(d));
 - (c) section 37 (in so far as it relates to sections 12, 13 and 14 of the new Schedule 3).

2. Enactments amended

The enactments specified in Parts 2 to 5 are amended as set out in those Parts.

Part 2

Amendments to Nurses Registration Ordinance (Cap. 164)

3. Section 2 amended (interpretation)

- (1) Section 2(1), definition of *enrolled nurse*—

Repeal

“nurse whose name appears in any part of the roll”

Substitute

“person with full enrolment, special enrolment, limited enrolment or temporary enrolment”.

- (2) Section 2(1), definition of *practising certificate*—

Repeal

everything after “證明書”

Substitute

“—

(a) in relation to a registered nurse—means a certificate issued under section 10A; and

(b) in relation to an enrolled nurse—means a certificate issued under section 16A;”.

- (3) Section 2(1), definition of *registered nurse*—

Repeal

“nurse whose name appears in any part of the register”

Substitute

“person with full registration, special registration, limited registration or temporary registration”.

- (4) Section 2(1), definition of *secretary*—

Repeal the full stop

Substitute

“appointed under section 3(6);”.

- (5) Section 2(1), Chinese text, definition of 管理局—

Repeal

“管理局。”

Substitute

“管理局；”.

- (6) Section 2(1)—

Add in alphabetical order

“*designated institution* (指定機構)—see section 2C(1);

full enrolment (正式登記)—see section 2B;

full registration (正式註冊)—see section 2A;

Hospital Authority (醫院管理局) means the body corporate established by section 3 of the Hospital Authority Ordinance (Cap. 113);

limited enrolment (有限度登記)—see section 2B;

limited registration (有限度註冊)—see section 2A;

prescribed fee (訂明費用), in relation to a matter, means the fee prescribed for the matter in regulations made under section 27;

recognized training course (認可訓練課程)—

- (a) in relation to a qualification obtained by an applicant for special registration or limited registration—means a course of training carried out in Hong Kong that is recognized by the Council for full registration; and

- (b) in relation to a qualification obtained by an applicant for special enrolment or limited enrolment—means a course of training carried out in Hong Kong that is recognized by the Council for full enrolment;

Secretary (局長) means the Secretary for Health;

special enrolment (特別登記)—see section 2B;

special registration (特別註冊)—see section 2A;

specified form (指明格式) means a form specified by the Council under section 28;

specified institution (指明機構) means an institution specified in Schedule 1;

temporary enrolment (暫時登記)—see section 2B;

temporary registration (暫時註冊)—see section 2A;

unprofessional conduct (不專業行為), in relation to a person, means an act or omission of the person that would reasonably be regarded as disgraceful or dishonourable—

- (a) if the person were a registered nurse—by registered nurses of good repute and competency; or
- (b) if the person were an enrolled nurse—by enrolled nurses of good repute and competency.”.

4. Sections 2A, 2B and 2C added

Part I, after section 2—

Add

“2A. References relating to registration of nurses

For the purposes of this Ordinance—

- (a) a person with full registration is a person whose name is contained in Division 1 of the register;
- (b) a person with special registration is a person whose name is contained in Division 2 of the register;
- (c) a person with limited registration is a person whose name is contained in Division 3 of the register; and
- (d) a person with temporary registration is a person whose name is contained in Division 4 of the register,

and references to full registration, special registration, limited registration and temporary registration are to be construed accordingly.

2B. References relating to enrolment of nurses

For the purposes of this Ordinance—

- (a) a person with full enrolment is a person whose name is contained in Division 1 of the roll;
- (b) a person with special enrolment is a person whose name is contained in Division 2 of the roll;
- (c) a person with limited enrolment is a person whose name is contained in Division 3 of the roll; and
- (d) a person with temporary enrolment is a person whose name is contained in Division 4 of the roll,

and references to full enrolment, special enrolment, limited enrolment and temporary enrolment are to be construed accordingly.

2C. Meaning of *designated institution*

- (1) For the purposes of this Ordinance, an institution is a designated institution if—
 - (a) it is specified in Part 1 of Schedule 2;
 - (b) it falls within any of the categories of institution specified in Part 2 of Schedule 2;
 - (c) it is designated as such by the Secretary by notice published in the Gazette; or
 - (d) it is designated as such by the Director of Social Welfare by notice published in the Gazette.
- (2) A notice published under subsection (1)(c) or (d) is not subsidiary legislation.”.

5. Section 3 amended (establishment and composition of the Council)

- (1) Section 3(2)(db)—

Repeal

“within the meaning of the Hospital Authority Ordinance (Cap. 113)”.

- (2) Section 3(2)(e)—

Repeal

“diseases or in the nursing and care of the mentally subnormal”

Substitute

“illnesses or in the nursing and care of mentally incapacitated persons”.

6. Section 4B added

At the end of Part II—

Add

“4B. Council may provide information to Secretary

The Council may provide any information to the Secretary if the Secretary requests the information for the formulation of health care policies.”.

7. Part III, Division 1 heading added

Before section 5—

Add

“Division 1—Register”.

8. Section 5 amended (register of nurses)

(1) Section 5(1)—

Repeal

“from time to time be prescribed”

Substitute

“be specified by the Council”.

(2) Section 5(2), after “number of”—

Add

“divisions and”.

9. Section 6 amended (information with respect to nurses)

(1) Section 6(1)—

Repeal

“thereof shall be kept at the offices of the Council and shall”

Substitute

“of the register must be kept at the offices of the Council and must, except for Division 4 of the register,”.

- (2) Section 6(2), English text—

Repeal

“shall”

Substitute

“must”.

- (3) Section 6(2), after “restored to”—

Add

“Division 1, 2 or 3 of”.

10. Section 7 amended (correction of the register)

Section 7—

Repeal subsection (3)

Substitute

- “(3) The Council may order the removal from the register of the name of any person—
- (a) who makes a written request addressed to the secretary that the person’s name be so removed;
 - (b) who is deceased;
 - (c) whose registration is no longer in force;
 - (d) who has failed to obtain a practising certificate within 6 months after the date of the person’s registration or after the expiry date of the last practising certificate issued to the person; or

- (e) who has not provided to the secretary an address in Hong Kong at which notices from the Council may be served on the person.
- (4) For the purposes of subsection (3)(e), a person is to be regarded as not having provided an address to the secretary if—
 - (a) a registered letter is sent to the person at the last address provided by the person to the secretary; and
 - (b) the person fails to acknowledge receipt of the letter within 12 months after the date on which the letter is sent to the person.”.

11. Part III, Division 2 heading added

Before section 8—

Add

“Division 2—Registration”.

12. Section 8 amended (qualification for registration)

- (1) Section 8, heading—

Repeal

“Qualification for registration”

Substitute

“Eligibility for full registration”.

- (2) Section 8—

Repeal subsection (1)

Substitute

- “(1) A person with special registration is eligible for full registration if—
- (a) the person has, within a period of time specified by the Council, served as a person with special registration in one or more specified institutions for at least 5 years in aggregate;
 - (b) the institution, or each of the institutions, certifies that it is satisfied with the person’s performance by reference to the criteria specified by the Council; and
 - (c) the Council is satisfied that the person is of good character and has good professional conduct.
- (1A) Any other person is eligible for full registration if—
- (a) either—
 - (i) the person has completed the prescribed training and has passed the examinations as may be required by the Council; or
 - (ii) the person 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 person’s competency to practise nursing; and
 - (b) the Council is satisfied that the person is of good character.”.
- (3) Section 8(2)—

Repeal

“Notwithstanding anything contained in subsection (1), the Council may require any applicant for registration in any part of the register to prove his”

Substitute

“Despite subsection (1A), the Council may require an applicant for full registration to prove the applicant’s”.

13. Section 9 amended (registration)

- (1) Section 9, heading—

Repeal

“Registration”

Substitute

“Full registration”.

- (2) Section 9—

Repeal subsections (1) and (2)

Substitute

- “(1) A person may apply to the Council for full registration.
- (2) An application must—
- (a) be made in the specified form; and
 - (b) be supported by a declaration by the applicant as to—
 - (i) whether the applicant has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment;
 - (ii) whether the applicant has been found guilty in Hong Kong or elsewhere of unprofessional conduct; and

(iii) whether, at the time of the application, the applicant is the subject of any criminal or disciplinary proceeding in Hong Kong or elsewhere.

(2A) Subject to subsection (3), on receiving an application made in accordance with subsection (2), the Council must approve it if the applicant is eligible for full registration in accordance with section 8.”.

(3) Section 9(3)—

Repeal

“a person applying under subsection (1)”

Substitute

“the applicant of an application”.

(4) Section 9(3)—

Repeal

“refuse to enter the name of that person upon the register”

Substitute

“reject the application”.

(5) After section 9(4)—

Add

“(5) In approving an application, the Council must specify in which part or parts of Division 1 of the register the applicant’s name is to be entered.

(6) 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.

- (7) If an application is approved, the secretary must, after the prescribed fee has been paid, enter the applicant's name in the part or parts of Division 1 of the register as specified by the Council.”.

14. Sections 9A, 9B and 9C and Part III, Division 3 heading added

After section 9—

Add

“9A. Special registration

- (1) A person may apply to the Council for special registration.
- (2) An application must—
 - (a) be made in the specified form; and
 - (b) be supported by a declaration by the applicant as to—
 - (i) whether the applicant has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment;
 - (ii) whether the applicant has been found guilty in Hong Kong or elsewhere of unprofessional conduct; and
 - (iii) whether, at the time of the application, the applicant is the subject of any criminal or disciplinary proceeding in Hong Kong or elsewhere.
- (3) On receiving an application made in accordance with subsection (2), the Council must approve it if—

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- (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;
 - (b) the applicant 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;
 - (c) the applicant has completed a post-qualification training programme that is relevant to the practice of nursing;
 - (d) the applicant has had at least 3 years of full-time post-qualification clinical experience in a clinic or hospital;
 - (e) the applicant has been selected for full-time employment as a person with special registration in a specified institution; and
 - (f) the Council is satisfied that the applicant is of good character and has good professional conduct.
- (4) In approving an application, the Council must—
- (a) specify in which part or parts of Division 2 of the register the applicant's name is to be entered; and
 - (b) specify a period not exceeding 3 years during which the registration is to be in force.

- (5) 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.
- (6) If an application is approved, the secretary must, after the prescribed fee has been paid, enter the applicant's name in the part or parts of Division 2 of the register as specified by the Council.
- (7) The registration of a person under this section is in force until the earliest of the following—
 - (a) the expiry of the period during which the registration is in force;
 - (b) the termination of the person's employment as a person with special registration in the specified institution mentioned in subsection (3)(e);
 - (c) the removal of the person's name from Division 2 of the register under an order made under section 7 or 17.

9B. Limited registration

- (1) A person may apply to the Council for limited registration.
- (2) An application must—
 - (a) be made in the specified form; and
 - (b) be supported by a declaration by the applicant as to—
 - (i) whether the applicant has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment;

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- (ii) whether the applicant has been found guilty in Hong Kong or elsewhere of unprofessional conduct; and
 - (iii) whether, at the time of the application, the applicant is the subject of any criminal or disciplinary proceeding in Hong Kong or elsewhere.
 - (3) On receiving an application made in accordance with subsection (2), the Council must approve it 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;
 - (b) the applicant 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;
 - (c) the applicant has been selected for full-time employment as a person with limited registration in a designated institution;
 - (d) the applicant has had at least 1 year of full-time post-qualification clinical experience that is relevant to the employment; and
 - (e) the Council is satisfied that the applicant is of good character and has good professional conduct.

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- (4) In approving an application, the Council—
 - (a) must specify in which part or parts of Division 3 of the register the applicant's name is to be entered;
 - (b) must specify a period not exceeding 3 years during which the registration is to be in force; and
 - (c) may impose any condition that the Council considers appropriate.
 - (5) 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.
 - (6) If an application is approved, the secretary must, after the prescribed fee has been paid, enter the applicant's name in the part or parts of Division 3 of the register as specified by the Council.
 - (7) The registration of a person under this section is in force until the earliest of the following—
 - (a) the expiry of the period during which the registration is in force;
 - (b) the termination of the person's employment as a person with limited registration in the designated institution mentioned in subsection (3)(c);
 - (c) the removal of the person's name from Division 3 of the register under an order made under section 7 or 17.

9C. Temporary registration

- (1) A relevant institution (*applicant*) may apply to the Council for temporary registration of a person (*subject person*) exclusively for conducting clinical demonstration for, or academic exchanges with, the applicant.
- (2) An application must—
 - (a) be made in the specified form; and
 - (b) be supported by a declaration by the subject person as to—
 - (i) whether the subject person has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment;
 - (ii) whether the subject person has been found guilty in Hong Kong or elsewhere of unprofessional conduct; and
 - (iii) whether, at the time of the application, the subject person is the subject of any criminal or disciplinary proceeding in Hong Kong or elsewhere.
- (3) On receiving an application made in accordance with subsection (2), the Council may approve or reject it.
- (4) However, the Council must not approve an application unless the Council is satisfied that it is appropriate and necessary for the subject person to be granted temporary registration to enable the person to conduct the clinical demonstration or academic exchanges concerned.
- (5) In approving an application, the Council must—

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- (a) specify in which part or parts of Division 4 of the register the subject person's name is to be entered; and
 - (b) specify a period not exceeding 14 days during which the registration is to be in force.
- (6) 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.
 - (7) If an application is approved, the secretary must, after the prescribed fee has been paid, enter the subject person's name in the part or parts of Division 4 of the register as specified by the Council.
 - (8) The registration of a person under this section is in force until the earlier of the following—
 - (a) the expiry of the period during which the registration is in force;
 - (b) the removal of the person's name from Division 4 of the register under an order made under section 7 or 17.
 - (9) For the purposes of this section, an institution is a relevant institution if it is specified as such by the Council by notice published in the Gazette.
 - (10) A notice published under subsection (9) is not subsidiary legislation.

Division 3—Certificate of Registration and Practising Certificate”.

15. Section 10 amended (certificate of registration)

Section 10—

Repeal subsection (1)**Substitute**

“(1) If the name of a person is entered in the register, the secretary must issue to the person a certificate in the specified form.”.

16. Section 10A amended (person not to practise as registered nurse without practising certificate)

(1) Section 10A(1)—

Repeal

“A person to whom this section applies shall”

Substitute

“A registered nurse (other than a person deemed to be a registered nurse under section 26) must”.

(2) Section 10A—

Repeal subsection (2)**Substitute**

“(2) 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) if the applicant 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.

(2A) 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.

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

(3) Section 10A(3)—

Repeal

everything before “issue a”

Substitute

“(3) If the Council issues a practising certificate to a person with full registration in respect of a period that is to commence in the year in which the application for the certificate is made, the Council must”.

(4) Section 10A(4)—

Repeal

everything before “issue”

Substitute

“(4) If the Council issues a practising certificate to a person with full registration in respect of a period that is to commence in the year following the year in which the application for the certificate is made, the Council must”.

(5) After section 10A(4)—

Add

“(4A) A practising certificate issued to a person with special registration or limited registration is, subject to subsection (5), in force for a period not exceeding 3 years, as specified in the certificate, beginning on the date of issue of the certificate.

(4B) A practising certificate issued to a person with temporary registration is, subject to subsection (5), in force for a period not exceeding 14 days, as specified in the certificate, beginning on the date of issue of the certificate.”.

(6) Section 10A—

Repeal subsections (6) and (7).

17. Section 10B repealed (recovery of practising fees)

Section 10B—

Repeal the section.

18. Part IV, Division 1 heading added

Before section 11—

Add

“Division 1—Roll”.

19. Section 11 amended (roll of enrolled nurses)

(1) Section 11(1)—

Repeal

“from time to time be prescribed”

Substitute

“be specified by the Council”.

(2) Section 11(2), after “number of”—

Add

“divisions and”.

20. Section 12 amended (information with respect to enrolled nurses)

(1) Section 12(1)—

Repeal

“thereof shall be kept at the offices of the Council and shall”

Substitute

“of the roll must be kept at the offices of the Council and must, except for Division 4 of the roll,”.

(2) Section 12(2), English text—

Repeal

“shall”

Substitute

“must”.

(3) Section 12(2), after “restored to”—

Add

“Division 1, 2 or 3 of”.

21. Section 13 amended (correction of the roll)

Section 13—

Repeal subsection (3)

Substitute

- “(3) The Council may order the removal from the roll of the name of any person—
- (a) who makes a written request addressed to the secretary that the person’s name be so removed;
 - (b) who is deceased;
 - (c) whose enrolment is no longer in force;
 - (d) who has failed to obtain a practising certificate within 6 months after the date of the person’s enrolment or after the expiry date of the last practising certificate issued to the person; or
 - (e) who has not provided to the secretary an address in Hong Kong at which notices from the Council may be served on the person.
- (4) For the purposes of subsection (3)(e), a person is to be regarded as not having provided an address to the secretary if—
- (a) a registered letter is sent to the person at the last address provided by the person to the secretary; and
 - (b) the person fails to acknowledge receipt of the letter within 12 months after the date on which the letter is sent to the person.”.

22. Part IV, Division 2 heading added

Before section 14—

Add

“Division 2—Enrolment”.

23. Section 14 amended (qualification for enrolment)

(1) Section 14, heading—

Repeal

“Qualification for enrolment”

Substitute

“Eligibility for full enrolment”.

(2) Section 14—

Repeal subsection (1)

Substitute

“(1) A person with special enrolment is eligible for full enrolment if—

- (a) the person has, within a period of time specified by the Council, served as a person with special enrolment in one or more specified institutions for at least 5 years in aggregate;
- (b) the institution, or each of the institutions, certifies that it is satisfied with the person’s performance by reference to the criteria specified by the Council; and
- (c) the Council is satisfied that the person is of good character and has good professional conduct.

(1A) Any other person is eligible for full enrolment if—

- (a) either—
 - (i) the person has completed the prescribed training and has passed the examinations as may be required by the Council; or
 - (ii) the person 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 person’s competency to practise nursing; and
- (b) the Council is satisfied that the person is of good character.”.

(3) Section 14(2)—

Repeal

“Notwithstanding the provisions of subsection (1), the Council may require any applicant for enrolment in any part of the roll to prove his”

Substitute

“Despite subsection (1A), the Council may require an applicant for full enrolment to prove the applicant’s”.

(4) Section 14—

Repeal subsection (3).

24. Section 15 amended (enrolment)

(1) Section 15, heading—

Repeal

“Enrolment”

Substitute

“Full enrolment”.

(2) Section 15—

Repeal subsections (1) and (2)

Substitute

“(1) A person may apply to the Council for full enrolment.

(2) An application must—

(a) be made in the specified form; and

(b) be supported by a declaration by the applicant as to—

(i) whether the applicant has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment;

(ii) whether the applicant has been found guilty in Hong Kong or elsewhere of unprofessional conduct; and

(iii) whether, at the time of the application, the applicant is the subject of any criminal or disciplinary proceeding in Hong Kong or elsewhere.

(2A) Subject to subsection (3), on receiving an application made in accordance with subsection (2), the Council must approve it if the applicant is eligible for full enrolment in accordance with section 14.”.

(3) Section 15(3)—

Repeal

“a person applying under subsection (1)”

Substitute

“the applicant of an application”.

(4) Section 15(3)—

Repeal

“refuse to enter the name of that person upon the roll”

Substitute

“reject the application”.

(5) After section 15(4)—

Add

- “(5) In approving an application, the Council must specify in which part or parts of Division 1 of the roll the applicant’s name is to be entered.
- (6) 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.
- (7) If an application is approved, the secretary must, after the prescribed fee has been paid, enter the applicant’s name in the part or parts of Division 1 of the roll as specified by the Council.”.

25. Sections 15A, 15B and 15C and Part IV, Division 3 heading added

After section 15—

Add

“15A. Special enrolment

- (1) A person may apply to the Council for special enrolment.
- (2) An application must—
 - (a) be made in the specified form; and
 - (b) be supported by a declaration by the applicant as to—

-
- (i) whether the applicant has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment;
 - (ii) whether the applicant has been found guilty in Hong Kong or elsewhere of unprofessional conduct; and
 - (iii) whether, at the time of the application, the applicant is the subject of any criminal or disciplinary proceeding in Hong Kong or elsewhere.
- (3) On receiving an application made in accordance with subsection (2), the Council must approve it 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;
 - (b) the applicant 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;
 - (c) the applicant has completed a post-qualification training programme that is relevant to the practice of nursing;
 - (d) the applicant has had at least 3 years of full-time post-qualification clinical experience in a clinic or hospital;
 - (e) the applicant has been selected for full-time employment as a person with special enrolment in a specified institution; and

-
- (f) the Council is satisfied that the applicant is of good character and has good professional conduct.
- (4) In approving an application, the Council must—
- (a) specify in which part or parts of Division 2 of the roll the applicant's name is to be entered; and
- (b) specify a period not exceeding 3 years during which the enrolment is to be in force.
- (5) 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.
- (6) If an application is approved, the secretary must, after the prescribed fee has been paid, enter the applicant's name in the part or parts of Division 2 of the roll as specified by the Council.
- (7) The enrolment of a person under this section is in force until the earliest of the following—
- (a) the expiry of the period during which the enrolment is in force;
- (b) the termination of the person's employment as a person with special enrolment in the specified institution mentioned in subsection (3)(e);
- (c) the removal of the person's name from Division 2 of the roll under an order made under section 13 or 17.

15B. Limited enrolment

- (1) A person may apply to the Council for limited enrolment.

-
- (2) An application must—
- (a) be made in the specified form; and
 - (b) be supported by a declaration by the applicant as to—
 - (i) whether the applicant has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment;
 - (ii) whether the applicant has been found guilty in Hong Kong or elsewhere of unprofessional conduct; and
 - (iii) whether, at the time of the application, the applicant is the subject of any criminal or disciplinary proceeding in Hong Kong or elsewhere.
- (3) On receiving an application made in accordance with subsection (2), the Council must approve it 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;
 - (b) the applicant 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;
 - (c) the applicant has been selected for full-time employment as a person with limited enrolment in a designated institution;

-
- (d) the applicant has had at least 1 year of full-time post-qualification clinical experience that is relevant to the employment; and
 - (e) the Council is satisfied that the applicant is of good character and has good professional conduct.
- (4) In approving an application, the Council—
- (a) must specify in which part or parts of Division 3 of the roll the applicant's name is to be entered;
 - (b) must specify a period not exceeding 3 years during which the enrolment is to be in force; and
 - (c) may impose any condition that the Council considers appropriate.
- (5) 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.
- (6) If an application is approved, the secretary must, after the prescribed fee has been paid, enter the applicant's name in the part or parts of Division 3 of the roll as specified by the Council.
- (7) The enrolment of a person under this section is in force until the earliest of the following—
- (a) the expiry of the period during which the enrolment is in force;
 - (b) the termination of the person's employment as a person with limited enrolment in the designated institution mentioned in subsection (3)(c);

- (c) the removal of the person's name from Division 3 of the roll under an order made under section 13 or 17.

15C. Temporary enrolment

- (1) A relevant institution (*applicant*) may apply to the Council for temporary enrolment of a person (*subject person*) exclusively for conducting clinical demonstration for, or academic exchanges with, the applicant.
- (2) An application must—
 - (a) be made in the specified form; and
 - (b) be supported by a declaration by the subject person as to—
 - (i) whether the subject person has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment;
 - (ii) whether the subject person has been found guilty in Hong Kong or elsewhere of unprofessional conduct; and
 - (iii) whether, at the time of the application, the subject person is the subject of any criminal or disciplinary proceeding in Hong Kong or elsewhere.
- (3) On receiving an application made in accordance with subsection (2), the Council may approve or reject it.

-
- (4) However, the Council must not approve an application unless the Council is satisfied that it is appropriate and necessary for the subject person to be granted temporary enrolment to enable the person to conduct the clinical demonstration or academic exchanges concerned.
 - (5) In approving an application, the Council must—
 - (a) specify in which part or parts of Division 4 of the roll the subject person's name is to be entered; and
 - (b) specify a period not exceeding 14 days during which the enrolment is to be in force.
 - (6) 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.
 - (7) If an application is approved, the secretary must, after the prescribed fee has been paid, enter the subject person's name in the part or parts of Division 4 of the roll as specified by the Council.
 - (8) The enrolment of a person under this section is in force until the earlier of the following—
 - (a) the expiry of the period during which the enrolment is in force;
 - (b) the removal of the person's name from Division 4 of the roll under an order made under section 13 or 17.
 - (9) For the purposes of this section, an institution is a relevant institution if it is specified as such by the Council by notice published in the Gazette.

- (10) A notice published under subsection (9) is not subsidiary legislation.

Division 3—Certificate of Enrolment and Practising Certificate”.

26. Section 16 amended (certificate of enrolment)

Section 16—

Repeal subsection (1)

Substitute

- “(1) If the name of a person is entered in the roll, the secretary must issue to the person a certificate in the specified form.”.

27. Section 16A amended (person not to practise as enrolled nurse without practising certificate)

(1) Section 16A(1)—

Repeal

“A person to whom this section applies shall”

Substitute

“An enrolled nurse (other than a person deemed to be an enrolled nurse under section 26) must”.

(2) Section 16A—

Repeal subsection (2)

Substitute

- “(2) 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) if the applicant 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.
- (2A) 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.
- (2B) The Council may specify in a practising certificate any condition that the Council considers appropriate.”
- (3) Section 16A(3)—
- Repeal**
- everything before “issue a”

Substitute

“(3) If the Council issues a practising certificate to a person with full enrolment in respect of a period that is to commence in the year in which the application for the certificate is made, the Council must”.

(4) Section 16A(4)—

Repeal

everything before “issue”

Substitute

“(4) If the Council issues a practising certificate to a person with full enrolment in respect of a period that is to commence in the year following the year in which the application for the certificate is made, the Council must”.

(5) After section 16A(4)—

Add

“(4A) A practising certificate issued to a person with special enrolment or limited enrolment is, subject to subsection (5), in force for a period not exceeding 3 years, as specified in the certificate, beginning on the date of issue of the certificate.

(4B) A practising certificate issued to a person with temporary enrolment is, subject to subsection (5), in force for a period not exceeding 14 days, as specified in the certificate, beginning on the date of issue of the certificate.”.

(6) Section 16A—

Repeal subsections (6) and (7).

28. Section 16B repealed (recovery of practising fees)

Section 16B—

Repeal the section.

29. Section 17 amended (disciplinary powers of the Council)

(1) Section 17(1)(d)—

Repeal

“qualified to be registered or enrolled; or”

Substitute

“eligible to be registered or enrolled (as the case may be);”.

(2) After section 17(1)(d)—

Add

“(da) has contravened any condition imposed under section 9B or 15B, or specified under section 10A or 16A; or”.

(3) Section 17—

Repeal subsections (3) and (5).

30. Section 21 amended (provisions relating to orders of the Council)

(1) Section 21(1)—

Repeal

everything after “The secretary” and before “served”

Substitute

“must cause a copy of an order made under section 17(1) to be”.

(2) Section 21(3)—

Repeal

“Any”

Substitute

“If”.

- (3) Section 21(3)—

Repeal paragraph (a)

Substitute

“(a) a person’s name is removed from any part of Division 1 of the register in accordance with the provisions of this Ordinance; or”.

- (4) Section 21(3)(b)—

Repeal

“enrolled nurse whose name is removed from the roll or any part thereof”

Substitute

“a person’s name is removed from any part of Division 1 of the roll”.

- (5) Section 21(3)—

Repeal everything after paragraph (b)

Substitute

“the person may apply to the Council for the restoration of the person’s name to that part of the register or to that part of the roll (as the case may be).”.

- (6) Section 21(4)—

Repeal

everything after “allows the application,”

Substitute

“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. Section 22 amended (appeals)

Section 22(1)—

Repeal

everything before “to the Court”

Substitute

“(1) A person who is aggrieved by—

- (a) the Council’s decision to reject the person’s application for registration under section 9, 9A, 9B or 9C;
- (b) the Council’s decision to reject the person’s application for enrolment under section 15, 15A, 15B or 15C;
- (c) the Council’s decision to impose a condition under section 9B or 15B, or to specify a condition under section 10A or 16A;
- (d) the Council’s decision to reject the person’s application for a practising certificate under section 10A or 16A; or
- (e) an order made under section 17(1),
may appeal”.

32. Section 24 amended (penalties for assumption of title of nurses, etc.)

Section 24(1)(a), (b) and (c)—

Repeal

“; or”

Substitute a semicolon.

33. Part VII heading amended (exemptions and regulations)

Part VII, heading—

Repeal

“Exemptions and Regulations”

Substitute

“Miscellaneous Provisions”.

34. Section 26 amended (exemptions from registration)

(1) Section 26(a)—

Repeal

“; and”

Substitute a full stop.

(2) Section 26—

Repeal paragraph (b).

35. Section 27 amended (regulations)

Section 27(2) and (3)—

Repeal

“for Health”.

36. Sections 28 to 31 added

After section 27—

Add

“28. Council may specify forms

(1) The Council may specify—

- (a) the form for making an application under this Ordinance; and
 - (b) the form of a certificate or any other document required or authorized to be issued under this Ordinance.
- (2) The Council's power under subsection (1)(a) may be exercised in a way as to include (whether by way of attachment or otherwise) in the specified form a statutory declaration—
- (a) to be made by a person completing the form; and
 - (b) as to whether the particulars contained in the form are true and correct to the best of the person's knowledge and belief.
- (3) A form specified under subsection (1)(a) must be—
- (a) completed in accordance with the directions and instructions as specified in the form; and
 - (b) accompanied by the statements, certificates or any other documents as specified in the form.

29. Secretary may give directions

- (1) The Secretary may, if the Secretary considers it is in the public interest, give written directions of a general or specific character to the Council in relation to the performance of its functions or the exercise of its powers.
- (2) The Council must comply with any direction given under subsection (1).

30. Amendment of Schedules 1 and 2

The Secretary may, by notice published in the Gazette, amend Schedule 1 or 2.

31. Savings and transitional provisions relating to Nurses Registration (Amendment) Ordinance 2023 (of 2023)

The savings and transitional provisions as set out in Schedule 3 have effect.”.

37. Schedules 1, 2 and 3 added

At the end of the Ordinance—

Add

“Schedule 1

[ss. 2 & 30]

Specified Institutions

1. Department of Health
2. Hospital Authority

Schedule 2

[ss. 2C & 30]

Designated Institutions

Part 1

Institutions Specified for Section 2C(1)(a)

1. Department of Health
2. Hospital Authority

Part 2

Categories of Institution Specified for Section 2C(1)(b)

1. A training school as defined by regulation 2 of the Nurses (Registration and Disciplinary Procedure) Regulations (Cap. 164 sub. leg. A) or regulation 2 of the Enrolled Nurses (Enrolment and Disciplinary Procedure) Regulations (Cap. 164 sub. leg. B)
2. A residential care home in respect of which a licence as defined by section 2 of the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) is in force
3. A residential care home for PWDs in respect of which a licence, or a certificate of exemption, as defined by section 2 of the Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613) is in force
4. A scheduled nursing home within the meaning of the Private Healthcare Facilities Ordinance (Cap. 633)

5. An institution providing the type of employment in respect of which limited registration or limited enrolment is appropriate or necessary as determined and promulgated by the Council by notice published in the Gazette

Part 3

Supplementary Provision

1. A notice published for the purposes of item 5 of Part 2 of this Schedule is not subsidiary legislation.

Schedule 3

[s. 31]

Savings and Transitional Provisions relating to Nurses Registration (Amendment) Ordinance 2023

1. Interpretation

In this Schedule—

amended Ordinance (《經修訂條例》) means this Ordinance as amended by the Amendment Ordinance;

Amendment Ordinance (《修訂條例》) means the Nurses Registration (Amendment) Ordinance 2023 (of 2023);

appointed date (指定日期) means the date on which section 16 of the Amendment Ordinance comes into operation;

commencement date (生效日期) means the date on which section 3 of the Amendment Ordinance comes into operation;

existing enrolled nurse (原有登記護士) means a person whose name appeared in the existing roll immediately before the commencement date;

existing register (原有註冊護士名冊) means the register kept under section 5(1) of the pre-amended Ordinance;

existing registered nurse (原有註冊護士) means a person whose name appeared in the existing register immediately before the commencement date;

existing roll (原有登記護士名冊) means the roll kept under section 11(1) of the pre-amended Ordinance;

new register (新註冊護士名冊) means the register kept under section 5(1) of the amended Ordinance;

new roll (新登記護士名冊) means the roll kept under section 11(1) of the amended Ordinance;

pre-amended Ordinance (《原有條例》) means this Ordinance as in force immediately before the commencement date.

2. Registration and register

- (1) On the commencement date, an existing registered nurse is to be regarded as a person with full registration.

- (2) Accordingly, the secretary must, on the commencement date, transfer the name and particulars of each person whose name and particulars are contained in a part of the existing register to the corresponding part of Division 1 of the new register.

3. Enrolment and roll

- (1) On the commencement date, an existing enrolled nurse is to be regarded as a person with full enrolment.
- (2) Accordingly, the secretary must, on the commencement date, transfer the name and particulars of each person whose name and particulars are contained in a part of the existing roll to the corresponding part of Division 1 of the new roll.

4. Existing certificate of registration

- (1) On and after the commencement date, a certificate of registration issued under section 10(1) of the pre-amended Ordinance that was in force immediately before the commencement date continues to be in force as if it were issued under section 10(1) of the amended Ordinance to a person with full registration.
- (2) Accordingly, a replacement copy of such a certificate is to be regarded as a replacement copy of a certificate of registration issued under section 10(1) of the amended Ordinance to a person with full registration.

5. Existing certificate of enrolment

- (1) On and after the commencement date, a certificate of enrolment issued under section 16(1) of the pre-amended Ordinance that was in force immediately before the commencement date continues to be in force as if it were issued under section 16(1) of the amended Ordinance to a person with full enrolment.
- (2) Accordingly, a replacement copy of such a certificate is to be regarded as a replacement copy of a certificate of enrolment issued under section 16(1) of the amended Ordinance to a person with full enrolment.

6. Pending application for registration

- (1) An application made under section 9 of the pre-amended Ordinance that was pending immediately before the commencement date is, subject to subsection (2), to continue to be processed under that section.
- (2) If an application referred to in subsection (1) is approved on or after the commencement date, the secretary must, after the prescribed fee has been paid, enter the applicant's name in Division 1 of the new register and issue to the applicant a certificate of registration under section 10(1) of the amended Ordinance.

7. Pending application for enrolment

- (1) An application made under section 15 of the pre-amended Ordinance that was pending immediately before the commencement date is, subject to subsection (2), to continue to be processed under that section.

- (2) If an application referred to in subsection (1) is approved on or after the commencement date, the secretary must, after the prescribed fee has been paid, enter the applicant's name in Division 1 of the new roll and issue to the applicant a certificate of enrolment under section 16(1) of the amended Ordinance.

8. Restoration of name to register on application

- (1) This section applies if—
 - (a) before the commencement date, a person's name was removed from a part of the existing register (*original part*);
 - (b) the person has, before the commencement date, applied to the Council for the restoration of the person's name to the original part under section 21(3) of the pre-amended Ordinance; and
 - (c) on or after the commencement date, the Council allows the application.
- (2) The Council must direct the secretary to restore the person's name to the part of Division 1 of the new register that corresponds to the original part.
- (3) The secretary must, after the prescribed fee has been paid, restore the person's name accordingly.
- (4) On the restoration of the person's name, the certificate of registration issued to the person under section 10(1) of the pre-amended Ordinance that was in force immediately before the removal is to be regarded as being in force as if it were issued under section 10(1) of the amended Ordinance to a person with full registration.

9. Restoration of name to register on expiry of specified period

- (1) This section applies if—
 - (a) before the commencement date, the Council has ordered that a person's name be removed from a part of the existing register (*original part*) for a specified period under section 17(1)(ii) of the pre-amended Ordinance;
 - (b) the period ends on or after the commencement date; and
 - (c) the prescribed fee has been paid.
- (2) The secretary must restore the person's name to the part of Division 1 of the new register that corresponds to the original part.
- (3) On the restoration of the person's name, the certificate of registration issued to the person under section 10(1) of the pre-amended Ordinance that was in force immediately before the removal is to be regarded as being in force as if it were issued under section 10(1) of the amended Ordinance to a person with full registration.

10. Restoration of name to roll on application

- (1) This section applies if—
 - (a) before the commencement date, a person's name was removed from a part of the existing roll (*original part*);
 - (b) the person has, before the commencement date, applied to the Council for the restoration of the person's name to the original part under section 21(3) of the pre-amended Ordinance; and

- (c) on or after the commencement date, the Council allows the application.
- (2) The Council must direct the secretary to restore the person's name to the part of Division 1 of the new roll that corresponds to the original part.
- (3) The secretary must, after the prescribed fee has been paid, restore the person's name accordingly.
- (4) On the restoration of the person's name, the certificate of enrolment issued to the person under section 16(1) of the pre-amended Ordinance that was in force immediately before the removal is to be regarded as being in force as if it were issued under section 16(1) of the amended Ordinance to a person with full enrolment.

11. Restoration of name to roll on expiry of specified period

- (1) This section applies if—
 - (a) before the commencement date, the Council has ordered that a person's name be removed from a part of the existing roll (*original part*) for a specified period under section 17(1)(ii) of the pre-amended Ordinance;
 - (b) the period ends on or after the commencement date; and
 - (c) the prescribed fee has been paid.
- (2) The secretary must restore the person's name to the part of Division 1 of the new roll that corresponds to the original part.
- (3) On the restoration of the person's name, the certificate of enrolment issued to the person under section 16(1) of the pre-amended Ordinance that was

in force immediately before the removal is to be regarded as being in force as if it were issued under section 16(1) of the amended Ordinance to a person with full enrolment.

12. Existing practising certificate issued to registered nurse

- (1) On and after the appointed date, a practising certificate issued to a registered nurse that was in force immediately before the appointed date continues to be in force for the unexpired period as if it were issued under section 10A(2) of the amended Ordinance.
- (2) Accordingly, a replacement copy of such a certificate is to be regarded as a replacement copy of a practising certificate issued under section 10A(2) of the amended Ordinance.

13. Existing practising certificate issued to enrolled nurse

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

14. Pending application for practising certificate

- (1) An application made by a registered nurse for a practising certificate that was pending immediately before the appointed date is to continue to be processed under section 10A of this Ordinance as in force immediately before the appointed date, and that section continues to apply in relation to the application.
 - (2) An application made by an enrolled nurse for a practising certificate that was pending immediately before the appointed date is to continue to be processed under section 16A of this Ordinance as in force immediately before the appointed date, and that section continues to apply in relation to the application.”.
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Part 3

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

38. Regulation 3 amended (contents of register)

(1) Regulation 3(1)—

Repeal

everything after “register”

Substitute

“must contain the particulars as specified by the Council of each person whose name is contained in the register.”.

(2) After regulation 3(1)—

Add

“(1A) The register is divided into the following divisions—

- (a) Division 1, which contains the names of all persons with full registration;
- (b) Division 2, which contains the names of all persons with special registration;
- (c) Division 3, which contains the names of all persons with limited registration;
- (d) Division 4, which contains the names of all persons with temporary registration.”.

(3) Regulation 3—

Repeal paragraph (2)

Substitute

“(2) Each division of the register is divided into the following parts—

- (a) Part I, which contains the names of all persons who are qualified to practise general nursing;
- (b) Part II, which contains the names of all persons who are specially qualified in the nursing and care of persons suffering from mental illnesses;
- (c) Part III, which contains the names of all persons who are specially qualified in the nursing and care of mentally incapacitated persons;
- (d) Part IV, which contains the names of all persons who are specially qualified in the nursing and care of sick children.”.

39. Regulations 4, 5 and 5A repealed

Regulations 4, 5 and 5A—

Repeal the regulations.

40. Regulation 5B added

Before regulation 6—

Add

“5B. Fees for registration and practising certificate

- (1) The fee specified in item 1(a) of the Second Schedule is the prescribed fee for a registration under the Ordinance of a person with a qualification obtained in Hong Kong.
- (2) The fee specified in item 1(b) of the Second Schedule is the prescribed fee for a registration under the Ordinance of a person with a qualification obtained elsewhere.

- (3) The fee specified in item 1A of the Second Schedule is the prescribed fee for the issue of a practising certificate under section 10A of the Ordinance.”.

41. Regulation 7 substituted

Regulation 7—

Repeal the regulation

Substitute

“7. Fee for restoration of name to register

The fee specified in item 3 of the Second Schedule is the prescribed fee for the restoration of a person’s name to the register.”.

42. Regulation 8 repealed (notification of removal from or restoration of names to the register)

Regulation 8—

Repeal the regulation.

43. Regulation 9 amended (training schools for nurses)

Regulation 9(2)—

Repeal

“the registration of any nurse”

Substitute

“full registration”.

44. Regulation 10 repealed (minimum age for commencement of training)

Regulation 10—

Repeal the regulation.

45. Regulation 12 amended (minimum training qualifications for examination)

Regulation 12(b)—

Repeal

everything after “held,”

Substitute

“a course of training in a training school or any other training institution accepted by the Council.”.

46. Regulation 16 amended (submission of complaint or information)

Regulation 16—

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

Substitute

- “(b) has been, in Hong Kong or elsewhere, guilty of unprofessional conduct;
- (c) has obtained registration by fraud or misrepresentation;
- (d) was not at the time of registration eligible to be registered;
- (e) has contravened any condition imposed under section 9B, or specified under section 10A, of the Ordinance; or
- (f) has contravened any prohibition imposed under section 25(1) of the Ordinance.”.

47. First Schedule repealed (particulars to be entered in the register)

First Schedule—

Repeal the Schedule.

48. Second Schedule amended (fees)

(1) Second Schedule—

Repeal

“[regs. 4”

Substitute

“[regs. 5B”.

(2) Second Schedule, item 1(a)—

Repeal

“qualified”

Substitute

“with a qualification obtained”.

(3) Second Schedule, item 1(b)—

Repeal

“qualified”

Substitute

“with a qualification obtained”.

49. Third Schedule amended

(1) Third Schedule—

Repeal Form 1.

(2) Third Schedule, Form 2—

Repeal

“on the day of, 19”

Substitute

“on the day of,”.

(3) Third Schedule, Form 2—

Repeal

“That you ⁽⁴⁾.....
and that in relation to the facts alleged
you were not at the time of your
registration qualified to be registered.

(if the charge
alleges that the
registered nurse
was not
qualified, at the
time of his
registration, to
be registered).”

Substitute

“That you ⁽⁴⁾.....
and that in relation to the facts alleged,
you were not at the time of your
registration eligible to be registered.

(if the charge
alleges that the
registered nurse
was not eligible,
at the time of
registration, to
be registered)

or

That you ⁽⁴⁾.....
and that in relation to the facts alleged,
you have contravened a condition
imposed or specified under the Nurses
Registration Ordinance.

(if the charge
alleges
contravention
of condition)

or

That you ⁽⁴⁾.....
and that in relation to the facts alleged,
you have contravened a prohibition
imposed under the Nurses Registration
Ordinance.

(if the charge
alleges
contravention
of
prohibition)”. .

(4) Third Schedule, Form 2—

Repeal

“(day of the week) the day of, 19”

Substitute

“(day of the week) the day of,”.

(5) Third Schedule, Form 3—

Repeal

“19”.

Part 4

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

50. Regulation 3 amended (contents of roll)

- (1) Regulation 3(1)—

Repeal

everything after “roll”

Substitute

“must contain the particulars as specified by the Council of each person whose name is contained in the roll.”.

- (2) After regulation 3(1)—

Add

“(1A) The roll is divided into the following divisions—

- (a) Division 1, which contains the names of all persons with full enrolment;
- (b) Division 2, which contains the names of all persons with special enrolment;
- (c) Division 3, which contains the names of all persons with limited enrolment;
- (d) Division 4, which contains the names of all persons with temporary enrolment.”.

- (3) Regulation 3—

Repeal paragraph (2)

Substitute

- “(2) Each division of the register is divided into the following parts—
- (a) Part I, which contains the names of all persons who are qualified to practise as an enrolled nurse in general nursing;
 - (b) Part II, which contains the names of all persons who are specially qualified to practise as an enrolled nurse in the nursing and care of persons suffering from mental illnesses.”.

51. Regulations 4, 5 and 5A repealed

Regulations 4, 5 and 5A—

Repeal the regulations.

52. Regulation 5B added

Before regulation 6—

Add

“5B. Fees for enrolment and practising certificate

- (1) The fee specified in item 1(a) of the Second Schedule is the prescribed fee for an enrolment under the Ordinance of a person with a qualification obtained in Hong Kong.
- (2) The fee specified in item 1(b) of the Second Schedule is the prescribed fee for an enrolment under the Ordinance of a person with a qualification obtained elsewhere.
- (3) The fee specified in item 1A of the Second Schedule is the prescribed fee for the issue of a practising certificate under section 16A of the Ordinance.”.

53. Regulation 7 substituted

Regulation 7—

Repeal the regulation

Substitute

“7. Fee for restoration of name to roll

The fee specified in item 3 of the Second Schedule is the prescribed fee for the restoration of a person’s name to the roll.”.

54. Regulation 8 repealed (notification of removal from or restoration of names to the roll)

Regulation 8—

Repeal the regulation.

55. Regulation 9 amended (training schools for enrolled nurses)

Regulation 9(2)—

Repeal

“the enrolment of any enrolled nurse”

Substitute

“full enrolment”.

56. Regulation 10 repealed (minimum age for commencement of training)

Regulation 10—

Repeal the regulation.

57. Regulation 12 amended (minimum training qualifications for candidates for examinations)

Regulation 12—

Repeal

everything after “held,”

Substitute

“a course of training in one or more training schools or any other training institution accepted by the Council.”.

58. Regulation 16 amended (submission or receipt of complaint or information)

Regulation 16—

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

Substitute

- “(b) has been, in Hong Kong or elsewhere, guilty of unprofessional conduct;
- (c) has obtained enrolment by fraud or misrepresentation;
- (d) was not at the time of enrolment eligible to be enrolled;
- (e) has contravened any condition imposed under section 15B, or specified under section 16A, of the Ordinance; or
- (f) has contravened any prohibition imposed under section 25(1) of the Ordinance.”.

59. First Schedule repealed (particulars to be entered in the roll)

First Schedule—

Repeal the Schedule.

60. Second Schedule amended (fees)

(1) Second Schedule—

Repeal

“[regs. 4”

Substitute

“[regs. 5B”.

- (2) Second Schedule, item 1(a)—

Repeal

“qualified”

Substitute

“with a qualification obtained”.

- (3) Second Schedule, item 1(b)—

Repeal

“qualified”

Substitute

“with a qualification obtained”.

61. Third Schedule amended

- (1) Third Schedule—

Repeal Form 1.

- (2) Third Schedule, Form 2—

Repeal

“on the day of, 19”

Substitute

“on the day of,”.

- (3) Third Schedule, Form 2—

Repeal

“That you⁽⁴⁾
and that in relation to the facts alleged
you were not at the time of your
enrolment qualified to be enrolled. (if the charge
alleges that the
enrolled nurse
was not
qualified at the
time of his
enrolment, to be
enrolled).”

Substitute

“That you⁽⁴⁾
and that in relation to the facts alleged,
you were not at the time of your
enrolment eligible to be enrolled. (if the charge
alleges that the
enrolled nurse
was not eligible,
at the time of
enrolment, to be
enrolled)

or

That you⁽⁴⁾
and that in relation to the facts alleged,
you have contravened a condition
imposed or specified under the Nurses
Registration Ordinance. (if the charge
alleges
contravention
of condition)

or

That you⁽⁴⁾
and that in relation to the facts alleged,
you have contravened a prohibition
imposed under the Nurses Registration
Ordinance. (if the charge
alleges
contravention
of
prohibition)”. ”.

(4) Third Schedule, Form 2—

Repeal

“(day of the week) the day of, 19”

Substitute

“(day of the week) the day of”.

- (5) Third Schedule, Form 3—

Repeal

“19”

Substitute a comma.

Part 5

Consequential Amendments

Division 1—Amendment to Employment Ordinance (Cap. 57)

62. Section 33A amended (requirements for certificate of attendance for medical examination in relation to pregnancy)

Section 33A(7), definition of *medical professional*—

Repeal paragraph (d)

Substitute

“(d) a person with full registration, special registration or limited registration within the meaning of the Nurses Registration Ordinance (Cap. 164).”.

Division 2—Amendment to Residential Care Homes (Elderly Persons) Ordinance (Cap. 459)

63. Section 17 amended (appointment of inspectors)

Section 17(d)—

Repeal

“whose name appears on the register of nurses maintained under section 5”

Substitute

“with full registration within the meaning”.

Division 3—Amendments to Residential Care Homes (Elderly Persons) Regulation (Cap. 459 sub. leg. A)

64. Section 2 amended (interpretation)

- (1) Section 2, definition of *enrolled nurse*—

Repeal

“any person whose name appears on the roll of enrolled nurses maintained under section 11”

Substitute

“a person with full enrolment or limited enrolment within the meaning”.

- (2) Section 2, definition of *registered nurse*—

Repeal

“any person whose name appears on the register of nurses maintained under section 5”

Substitute

“a person with full registration or limited registration within the meaning”.

Division 4—Amendment to Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613)

65. Section 15 amended (appointment of inspectors)

Section 15(d)—

Repeal

“whose name appears on the register of nurses maintained under section 5”

Substitute

“with full registration within the meaning”.

**Division 5—Amendment to Residential Care Homes
(Persons with Disabilities) Regulation (Cap. 613 sub. leg. A)**

66. Section 11 amended (employment of staff by operators)

Section 11(2)(e)(i)—

Repeal

everything after “person”

Substitute

“is a person with full registration, limited registration, full enrolment or limited enrolment within the meaning of the Nurses Registration Ordinance (Cap. 164); and”.

**Division 6—Amendments to Nurses Registration
(Amendment) Ordinance 1997 (82 of 1997)**

67. Sections repealed

Sections 6, 7, 8, 10, 11, 12 and 14—

Repeal the sections.

68. Section 15 amended (penalty for failure to give evidence)

Section 15(a)—

Repeal

“of \$1,000”

Substitute

“at level 1”.

69. Section 16 amended (provisions relating to orders of the Council)

(1) Section 16—

Repeal paragraph (a).

(2) Section 16(b), new section 21(5)—

Repeal

“shall, on expiry of the period and on payment of the prescribed fee”

Substitute

“must, on expiry of the period and after the prescribed fee has been paid”.

70. Section 17 amended (falsification of register or roll)

Section 17—

Repeal

“of \$1,000”

Substitute

“at level 1”.

71. Section 18 amended (penalties for assumption of title of registered nurses or enrolled nurses)

Section 18(a)—

Repeal

“of \$1,000” (wherever appearing)

Substitute

“at level 1”.

72. Sections 19 and 24 repealed

Sections 19 and 24—

Repeal the sections.

**Division 7—Amendment to Residential Care Homes
Legislation (Miscellaneous Amendments) Ordinance 2023
(12 of 2023)**

73. Section 87 amended (section 11 amended (employment of staff by operators))

Section 87—

Repeal subsection (5).

Explanatory Memorandum

The main object of this Bill is to amend the Nurses Registration Ordinance (Cap. 164) (*principal Ordinance*) and its subsidiary legislation to provide for new types of registration known as special registration, limited registration and temporary registration, as well as new types of enrolment known as special enrolment, limited enrolment and temporary enrolment.

2. The Bill contains 5 Parts.

Part 1—Preliminary

3. Clause 1 sets out the short title and provides for commencement.

Part 2—Amendments to Principal Ordinance

4. Clause 3 mainly adds new definitions relating to the new types of registration and enrolment to section 2 of the principal Ordinance.
5. Clause 4 adds new sections 2A, 2B and 2C to the principal Ordinance to provide for the references relating to the different types of registration and enrolment, and the meaning of *designated institution*.
6. Clause 6 adds a new section 4B to the principal Ordinance to authorize the Nursing Council of Hong Kong (*Council*) to provide information to the Secretary for Health (*Secretary*) on request for the formulation of health care policies.

7. Clauses 7 to 17 concern registered nurses. Clauses 7 to 9 make technical amendments. Clause 10 amends section 7 of the principal Ordinance to provide for the reasons for which the name of a person may be removed from the register of nurses.
8. Clauses 12 and 13 amend sections 8 and 9 of the principal Ordinance respectively to provide that—
 - (a) the existing registration of nurses is reclassified as full registration; and
 - (b) persons with special registration may apply for full registration if the specified requirements are met.
9. Clause 14 adds new sections 9A, 9B and 9C to the principal Ordinance to provide for the application criteria and procedures for, and the validity of, special registration, limited registration and temporary registration respectively.
10. Clause 16 amends section 10A of the principal Ordinance to—
 - (a) provide that applications for practising certificates for registered nurses must be made in the specified form;
 - (b) provide that, for persons with full registration, special registration or limited registration, compliance with the continuing nursing education requirements is a prerequisite for the issue of the second and subsequent practising certificates to those persons; and
 - (c) provide for the validity of practising certificates issued to persons with special registration, limited registration or temporary registration.
11. Clause 17 repeals section 10B of the principal Ordinance on the recovery of practising fees from registered nurses.

12. Clauses 18 to 28 concern enrolled nurses. Clauses 18 to 20 make technical amendments. Clause 21 amends section 13 of the principal Ordinance to provide for the reasons for which the name of a person may be removed from the roll of nurses.
13. Clauses 23 and 24 amend sections 14 and 15 of the principal Ordinance respectively to provide that—
 - (a) the existing enrolment of nurses is reclassified as full enrolment; and
 - (b) persons with special enrolment may apply for full enrolment if the specified requirements are met.
14. Clause 25 adds new sections 15A, 15B and 15C to the principal Ordinance to provide for the application criteria and procedures for, and the validity of, special enrolment, limited enrolment and temporary enrolment respectively.
15. Clause 27 amends section 16A of the principal Ordinance to—
 - (a) provide that applications for practising certificates for enrolled nurses must be made in the specified form;
 - (b) provide that, for persons with full enrolment, special enrolment or limited enrolment, compliance with the continuing nursing education requirements is a prerequisite for the issue of the second and subsequent practising certificates to those persons; and
 - (c) provide for the validity of practising certificates issued to persons with special enrolment, limited enrolment or temporary enrolment.
16. Clause 28 repeals section 16B of the principal Ordinance on the recovery of practising fees from enrolled nurses.

17. Clauses 29 and 30 make technical and consequential amendments to sections 17 and 21 of the principal Ordinance respectively.
18. Clause 31 amends section 22 of the principal Ordinance to add the Council's rejection of applications for any type of registration or enrolment or for practising certificates, and imposition of conditions, as matters in relation to which appeals may be made to the Court of Appeal.
19. Clause 34 amends section 26 of the principal Ordinance such that a person in full time employment by the Government as a nurse is no longer exempted from registration or enrolment.
20. Clause 36 adds new sections 28 to 31 to the principal Ordinance. The new section 28 empowers the Council to specify forms. The new section 29 empowers the Secretary to give directions to the Council. The new section 31 together with the new Schedule 3 provide for the savings and transitional provisions.
21. Clause 37 adds the new Schedules 1, 2 and 3 to the principal Ordinance. The new Schedule 1 sets out the specified institutions at which persons with special registration or special enrolment may work. The new Schedule 2 sets out the scope of designated institutions at which persons with limited registration or limited enrolment may work.

Part 3—Amendments to Nurses (Registration and Disciplinary Procedure) Regulations (Cap. 164 sub. leg. A) (*Cap. 164A*)

22. Clauses 38, 43, 45 and 48 make amendments to Cap. 164A that are consequential to the introduction of the new types of registration.

23. Clauses 39, 47 and 49 make amendments to Cap. 164A such that certain matters are now to be specified by the Council.
24. Clause 42 repeals regulation 8 of Cap. 164A to remove the requirement of sending notifications to nursing authorities outside Hong Kong.
25. Clause 44 repeals regulation 10 of Cap. 164A to remove the minimum age requirement for nursing training.

Part 4—Amendments to Enrolled Nurses (Enrolment and Disciplinary Procedure) Regulations (Cap. 164 sub. leg. B) (*Cap. 164B*)

26. Clauses 50, 55, 57 and 60 make amendments to Cap. 164B that are consequential to the introduction of the new types of enrolment.
27. Clauses 51, 59 and 61 make amendments to Cap. 164B such that certain matters are now to be specified by the Council.
28. Clause 54 repeals regulation 8 of Cap. 164B to remove the requirement of sending notifications to nursing authorities outside Hong Kong.
29. Clause 56 repeals regulation 10 of Cap. 164B to remove the minimum age requirement for nursing training.

Part 5—Consequential Amendments

30. Clauses 62 to 66 contain amendments to other enactments consequential to the introduction of the new types of registration and enrolment.

31. There are certain provisions in the Nurses Registration (Amendment) Ordinance 1997 (82 of 1997) (**1997 Ordinance**) that are yet to come into operation. Clause 67 repeals those provisions that are overtaken by the Bill. In view of the editorial amendments made by E.R. 7 of 2020 to sections 19, 23 and 24 of the principal Ordinance, clauses 68, 70 and 71 amend sections 15, 17 and 18 of the 1997 Ordinance consequentially so that these sections may come into operation.