

Chapter:	164	NURSES REGISTRATION ORDINANCE	Gazette Number	Version Date
		Long title		30/06/1997

To amend the law relating to nurses by incorporating more adequate provisions for their registration or enrolment, as the case may be, and the better control of nursing.

(Amended 38 of 1970 s. 2; 45 of 1972 s. 2)

[7 July 1961]

(Originally 27 of 1961)

Part:	I	CITATION AND INTERPRETATION		30/06/1997
Section:	1	Short title		30/06/1997

This Ordinance may be cited as the Nurses Registration Ordinance.

Section:	2	Interpretation	10 of 2005	08/07/2005
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(1) In this Ordinance, unless the context otherwise requires- (Amended 10 of 2005 s. 71)

"chairman" (主席) means the chairman of the Council and includes any person elected to act as chairman under section 3(5C); (Amended 5 of 1988 s. 2; 82 of 1997 s. 2)

"certificate of enrolment" (登記證明書) means a certificate issued under section 16; (Added 82 of 1997 s. 2)

"certificate of registration" (註冊證明書) means a certificate issued under section 10; (Added 82 of 1997 s. 2)

"Council" (管理局) means the Nursing Council of Hong Kong established in accordance with section 3; (Added 82 of 1997 s. 2)

"Director" (署長) means the head of the nursing service in the Department of Health; (Amended 5 of 1988 s. 2; L.N. 76 of 1989; 68 of 1990 s. 24)

"enrolled nurse" (登記護士) means a nurse whose name appears in any part of the roll; (Added 38 of 1970 s. 3. Amended 45 of 1972 s. 3)

"legal adviser" (法律顧問) means the legal adviser to the Council; (Amended 82 of 1997 s. 2)

"member" (成員) means a member of the Council; (Amended 82 of 1997 s. 2)

"practising certificate" (執業證明書) means a certificate issued under section 10A or 16A, as the case may be; (Added 34 of 1995 s. 25)

"prescribed" (訂明) means prescribed by regulations made pursuant to section 27;

"register" (註冊護士名冊) means the register of nurses maintained in accordance with section 5;

"registered nurse" (註冊護士) means a nurse whose name appears in any part of the register;

"roll" (登記護士名冊) means the roll of enrolled nurses maintained in accordance with section 11; (Added 38 of 1970 s. 3. Amended 45 of 1972 s. 3)

"secretary" (秘書) means the secretary to the Council; (Amended 82 of 1997 s. 2)

(2) For the purposes of sections 17(6) and 21(2), an appeal to the Court of Appeal shall be deemed to be finally determined when the earliest of the following events occurs, whichever is applicable in the circumstances-

- (a) when the appeal to the Court of Appeal is withdrawn or abandoned;
- (b) when the specified period expires without an application for leave to appeal having been made to the Court of Appeal;
- (c) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Appeal-
 - (i) when the application is withdrawn or abandoned;
 - (ii) if the application is refused, when the specified period expires without an application for leave to

- appeal having been made to the Court of Final Appeal; or
- (iii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of; or
- (d) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Final Appeal-
 - (i) when the application is withdrawn, abandoned or refused; or
 - (ii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of. (Added 10 of 2005 s. 71)

(3) In subsection (2)-

"application for leave to appeal" (上訴許可申請) means an application made to the Court of Appeal or the Court of Final Appeal under section 24 of the Hong Kong Court of Final Appeal Ordinance (Cap 484) for leave to appeal to the Court of Final Appeal from a judgment of the Court of Appeal;

"specified period" (指明限期)-

- (a) in the case of an application for leave to appeal made to the Court of Appeal, means-
 - (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(2) of the Hong Kong Court of Final Appeal Ordinance (Cap 484) is required to be filed; or
 - (ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Appeal extends that period, the period as so extended; or
- (b) in the case of an application for leave to appeal made to the Court of Final Appeal, means-
 - (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(4) of the Hong Kong Court of Final Appeal Ordinance (Cap 484) is required to be filed; or
 - (ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Final Appeal extends that period, the period as so extended. (Added 10 of 2005 s. 71)

(Amended 47 of 1996 s. 2; 82 of 1997 s. 2)

Part:	II	THE NURSING COUNCIL*	L.N. 87 of 1999	03/05/1999
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Note:

*** (Amended 82 of 1997 s. 3)**

Section:	3	Establishment and composition of the Council	L.N. 87 of 1999	03/05/1999
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Remarks:

Adaptation amendments retroactively made - see 37 of 2000 s. 3

(1) For the purposes of this Ordinance, there shall be established a Council to be known as the Nursing Council of Hong Kong.

(2) The Council shall consist of-

- (a) the Director;
- (b) one registered nurse in the public service of Hong Kong who shall be nominated by the Director of Health and appointed by the Chief Executive; (Replaced 5 of 1988 s. 3. Amended L.N. 76 of 1989)
- (c) 6 members, who shall be nurses registered in accordance with the provisions of this Ordinance and who shall be appointed by the Chief Executive; (Amended 82 of 1997 s. 4)
- (ca) 6 members who are registered nurses or enrolled nurses and who are elected for a term and in a manner provided for by regulations; (Added 82 of 1997 s. 4)
- (d) 2 members, selected by the Chief Executive from a pool of persons consisting of one person nominated by each of the tertiary institutions which have a nursing programme, and appointed by the Chief Executive; (Replaced 82 of 1997 s. 4)
- (da) (Repealed 82 of 1997 s. 4)
- (db) one member to be nominated by the Hospital Authority within the meaning of the Hospital Authority Ordinance (Cap 113) and appointed by the Chief Executive; (Added 68 of 1990 s. 24)
- (e) one member who shall be a registered nurse specially qualified in the nursing and care of persons

suffering from mental diseases or in the nursing and care of the mentally subnormal and who shall be appointed by the Chief Executive; (Replaced 28 of 1974 s. 3)

- (f) 3 lay members who shall be appointed by the Chief Executive. (Added 5 of 1988 s. 3. Amended 82 of 1997 s. 4; 37 of 2000 s. 3)

(3) Any member appointed by the Chief Executive shall hold office for a period of 3 years, or such lesser period as the Chief Executive may appoint, and shall be eligible for re-appointment from time to time. (Amended 37 of 2000 s. 3)

(4) If any member appointed by the Chief Executive is temporarily absent from Hong Kong or is for any other reason unable to attend to the business of the Council, the Chief Executive may appoint an additional member during the absence or disability of that member. (Amended 67 of 1985 s. 16; 37 of 2000 s. 3)

(4A) Any appointed member may at any time resign by giving notice in writing to the chairman. (Added 82 of 1997 s. 4)

(4B) If any appointed member-

- (a) is sentenced to a term of imprisonment for any offence;
- (b) is the subject of an order made under section 17;
- (c) becomes bankrupt or makes a voluntary arrangement with his creditors;
- (d) is, in the opinion of the Chief Executive, incapacitated from carrying out the duties of his office by reason of physical or mental illness;
- (e) is no longer ordinarily resident in Hong Kong; or
- (f) is, in the opinion of the Chief Executive, unable or unfit to perform his duties and exercise his powers as a member of the Council,

the Chief Executive may revoke the member's appointment to the Council. (Added 82 of 1997 s. 4. Amended 37 of 2000 s. 3)

(5) The chairman of the Council shall-

- (a) be elected by the members from amongst themselves;
- (b) subject to subsection (5D), hold office for 3 years or until he ceases to hold office as a member, whichever is the earlier; and
- (c) be eligible for re-election. (Replaced 5 of 1988 s. 3)

(5A) If the office of chairman becomes vacant due to effluxion of time, or as a result of resignation or otherwise, the secretary shall convene a meeting of the Council within 3 months of the occurrence of such vacancy for the purpose of electing a chairman. (Added 5 of 1988 s. 3)

(5B) The secretary shall preside at a meeting held under subsection (5A) until the chairman is elected and assumes office, but he shall not have an original or a casting vote. (Added 5 of 1988 s. 3)

(5C) If the chairman is unable to perform the functions of his office for any period due to absence from Hong Kong or any other reason, the members of the Council shall at a meeting of the Council elect one of themselves to act in his place for the duration of that period and notwithstanding any provision in this Ordinance, the secretary may, where necessary, convene a meeting for the purpose of such election. (Added 5 of 1988 s. 3)

(5D) The chairman may at any time resign his office by giving notice in writing to the secretary. (Added 5 of 1988 s. 3)

(6) There shall be a secretary to the Council and the following advisers to the Council-

- (a) a legal adviser; and
- (b) (Repealed 82 of 1997 s. 4)
- (c) (Repealed 5 of 1988 s. 3)

who shall be appointed by the Chief Executive. (Replaced 28 of 1974 s. 3. Amended 37 of 2000 s. 3)

(Amended 82 of 1997 s. 21)

Section:	3A	Questioning of election by election petition	L.N. 82 of 2002	12/07/2002
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The result of an election of members to the Council under section 3(2)(ca) may only be questioned by an election petition heard and determined by the Council.

(Added 9 of 2002 s. 4)

Section:	4	Meetings of the Council	L.N. 82 of 2002	12/07/2002
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(1) The Council shall meet at such times and in such places-

- (a) as the chairman may from time to time direct; or
- (b) as may be requested in writing addressed to the chairman by not less than 7 members. (Amended 9 of 2002 s. 4)
- (2) At any meeting of the Council 7 members shall be a quorum. (Amended 9 of 2002 s. 4)
- (3) The validity of any proceedings of the Council shall not be affected by any vacancy among the members thereof or by any defect in the appointment of any member thereto.
- (4) All questions for determination at any meeting of the Council shall be decided by a majority vote of the members present at such meeting and voting on the question. (Amended 9 of 2002 s. 4)
- (4A) Nothing in subsection (4) shall be construed to prevent any question for determination by the Council being so decided by a majority opinion of the members on circulation to the members of papers relating to the question. (Added 9 of 2002 s. 4)
- (5) The chairman at any meeting of the Council shall have an original vote and also, if upon any question the votes are equally divided, a casting vote except in the case of an inquiry held under section 17 in which case he shall have only an original vote.
- (6) The Council may make standing orders for regulating procedure at, or in connection with, its meetings. (Amended 82 of 1997 s. 21)

Section:	4AA	Transaction of business by circulation of papers	L.N. 82 of 2002	12/07/2002
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- (1) The Council may transact its business by circulation of a paper to all members without a meeting.
- (2) Subject to subsection (4), a written resolution that is approved by a majority of the members is as valid and effectual as if it had been passed at a meeting of the Council by the votes of the members so approving.
- (3) A member may, by giving a notice in writing to the Chairman within such period as may be specified in the paper being circulated, request the Chairman to refer any item of business in the paper to the next meeting of the Council for determination.
- (4) Any approval under subsection (2) in respect of an item of business specified in the notice is void. (Added 9 of 2002 s. 4)

Part:	III	REGISTRATION OF NURSES		30/06/1997
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Section:	5	Register of nurses	L.N. 87 of 1999	03/05/1999
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- (1) The Council shall cause a register to be kept which shall contain such particulars as may from time to time be prescribed. (Amended 82 of 1997 s. 21)
- (2) The register shall be divided into such number of parts as may be prescribed.
- (3) Where a person satisfies the conditions of admission to more than one part of the register, his name may be included in each such part.
- (4) A certificate purporting to be under the seal of the Council and signed by the chairman or secretary of the Council stating that a person is or was at any date or is not or was not at any date duly registered shall be evidence in all courts of law of the fact stated in such certificate until the contrary is proved. (Amended 82 of 1997 s. 21)
- (5) The register of nurses kept in accordance with the provisions of the Nurses Registration Ordinance 1931*, shall be deemed to be the register required to be maintained, and to have been maintained, in accordance with the provisions of this Ordinance; and every nurse whose name appears therein at the commencement of this Ordinance shall be deemed to have been registered as a nurse in accordance with the provisions of this Ordinance.

Note:

* See Cap 164, 1950 Ed.

Section:	6	Information with respect to nurses	L.N. 87 of 1999	03/05/1999
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- (1) The register or a copy thereof shall be kept at the offices of the Council and shall be open to inspection by any person free of charge during usual business hours upon application being made in writing addressed to the secretary. (Amended 5 of 1988 s. 4)
- (2) The Council shall cause to be published in the Gazette in relation to successive periods, in such manner as

the Council may think fit and at intervals of not more than 12 months, lists of all persons whose names have been entered in, removed from or restored to the register during these periods.

(Amended 82 of 1997 s. 21)

Section:	7	Correction of the register	L.N. 87 of 1999	03/05/1999
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(1) The secretary may from time to time amend the register as to the address or other relevant particulars relating to any nurse whose name appears therein upon his being satisfied that such amendment is necessary for the purpose of preserving the accuracy of the register.

(2) Subject to the provisions of section 21, the secretary shall add to or delete from the register the name of any nurse whose name the Council directs shall be added thereto or deleted therefrom, as the case may be. (Amended 82 of 1997 s. 21)

(3) Without prejudice to anything contained in Part V, the Council may direct that the name of any nurse be removed from the register who- (Amended 82 of 1997 s. 21)

- (a) requests in writing addressed to the secretary that his name be so removed;
- (b) dies;
- (c) has left Hong Kong without giving to the secretary notice of intention to return;
- (d) has not kept the secretary supplied with an address in Hong Kong at which notices from the Council may be served upon him: (Amended 82 of 1997 s. 21)

Provided that-

- (i) this paragraph shall not apply to any registered nurse in the service of the Government; and
- (ii) any nurse who fails to acknowledge within 12 months after the date of dispatch the receipt of a registered letter or telegram addressed to him at his last address as recorded in the register shall be deemed not to have kept the secretary supplied with an address under this paragraph; (Amended 67 of 1985 s. 16)
- (e) has failed to obtain a practising certificate issued under section 10A within 6 months of his registration under section 9 or of the expiry of such a certificate. (Added 34 of 1995 s. 26)

Section:	8	Qualification for registration	L.N. 87 of 1999	03/05/1999
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(1) Subject to the provisions of this Ordinance, no person shall be qualified to be registered under this Ordinance unless he has satisfied the Council that-

- (a) he has attained the minimum age of 21 years;
- (b) he is of good character,

and in addition thereto-

- (c) he has completed such training as may be prescribed and has passed such examinations as may be required by the Council; or
- (d)-(f) (Repealed 68 of 1995 s. 2)
- (g) he 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 his competency to practise nursing. (Amended 38 of 1970 s. 5; 68 of 1995 s. 2)

(2) Notwithstanding anything contained in subsection (1), the Council may require any applicant for registration in any part of the register to prove his competency in nursing by examination conducted by examiners appointed by the Council and, if required, to undergo such further training as the Council may specify.

(Amended 82 of 1997 s. 21)

Section:	8A	Review of results of examinations under section 8	L.N. 82 of 2002	12/07/2002
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(1) A person who is aggrieved by the result of an examination under section 8 may request the Council to review the result.

(2) A request for review under subsection (1)-

- (a) shall be in writing;
- (b) shall state the grounds relied on; and
- (c) shall be made within 1 week after the announcement of the examination result by the Council.

(3) On receipt of a request accompanied by a prescribed fee, the Council shall review the relevant examination

result as soon as practicable.

(4) The Council shall notify the person who has requested the review of the result of the review within 1 month after the completion of the review by a written notice served on the person personally or sent to the person by registered post.

(Added 9 of 2002 s. 4)

Section:	9	Registration	L.N. 87 of 1999	03/05/1999
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(1) Any person who considers himself qualified to be registered in any part of the register may apply in the manner prescribed to the secretary for registration.

(2) The name of a person qualified to be registered in accordance with section 8 who has complied with subsection (1) and with any regulations relating thereto shall, subject to payment of any prescribed fee and to subsection (3), be entered upon the register by the Council. (Replaced 67 of 1985 s. 16. Amended 82 of 1997 s. 21)

(3) If, after due inquiry into any case referred to it by the Preliminary Investigation Committee in accordance with regulations made under section 27, the Council is satisfied that a person applying under subsection (1) 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, refuse to enter the name of that person upon the register. (Added 67 of 1985 s. 16. Amended 82 of 1997 s. 21)

(4) Such provisions of Part V as are capable of application to an inquiry held for the purposes of this section shall apply to any such inquiry, and any such provision may be construed with such modifications not affecting the substance as may be necessary to render it applicable.

Section:	10	Certificate of registration	L.N. 82 of 2002	12/07/2002
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(1) When the name of any person is registered under section 9 the secretary shall issue to him a certificate in the form prescribed.

(2) (Repealed 9 of 2002 s. 4)

(3) Any certificate issued under the provisions of the Nurses Registration Ordinance 1931*, shall be deemed to have been validly issued under the provisions of this Ordinance.

(4)-(5) (Repealed 82 of 1997 s. 9)

Note:

* See Cap 164, 1950 Ed.

Section:	10A	Person not to practise as registered nurse without practising certificate		30/06/1997
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(1) A person to whom this section applies shall not practise as a registered nurse in Hong Kong unless he is the holder of a practising certificate which is then in force issued under this section.

(2) Subject to the payment of the prescribed fee for the issue of a practising certificate under this section, the secretary, on application made to him for that purpose by a person to whom this section applies, shall issue to the person a certificate to the effect that the person is, subject to any conditions and restrictions specified in the certificate, entitled to practise as a registered nurse in Hong Kong.

(3) Where the secretary issues a practising certificate in respect of a period which is to commence in the year in which the application for the certificate is made, he shall issue a certificate that, subject to subsection (5), is in force from the date of its issue until the end of the third year commencing on 1 January of the year of issue.

(4) Where the secretary issues a practising certificate in respect of a period that is to commence in the year following the year in which the application for the certificate is made, he shall issue a certificate that, subject to subsection (5), is in force for a period of 3 years commencing on 1 January of the first year of the relevant period.

(5) If at any time during the currency of a practising certificate issued under this section, the name of the holder of the certificate is removed from the register, the certificate shall thereupon be deemed to be cancelled.

(6) 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 has duly applied to the secretary and paid the

prescribed fee for the issue of the practising certificate.

(7) This section applies to-

- (a) a person registered under section 9; and
- (b) a person deemed to be a registered nurse by virtue of section 26(b).

(Added 34 of 1995 s. 27)

Section:	10AA	Replacement copies of certificates of registration or of practising certificates for registered nurses	L.N. 82 of 2002	12/07/2002
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(1) The holder of a current certificate of registration or practising certificate issued under section 10 or 10A respectively may apply to the secretary for a replacement copy of the certificate of registration or of the practising certificate (as the case may be) if the original certificate of registration or practising certificate (as the case may be) is lost, destroyed or defaced.

(2) Subject to subsection (3), the secretary shall issue to the applicant a replacement copy of the certificate on receipt of an application accompanied by a prescribed fee.

(3) The secretary shall not issue a replacement copy of the certificate unless the applicant proves to the satisfaction of the secretary that the original certificate is lost, destroyed or defaced.

(Added 9 of 2002 s. 4)

Section:	10B	Recovery of practising fees		30/06/1997
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(1) If a person to whom section 10A applies contravenes subsection (1) of that section, the amount of the prescribed fee payable by him under subsection (2) of that section shall be recoverable as a civil debt.

(2) In any proceedings under this section a certificate purporting to be under the hand of the secretary to the effect that the person concerned had not paid the prescribed fee for the issue of a practising certificate issued under section 10A is admissible as evidence of the non-payment of the fee.

(3) On recovery of a prescribed fee payable under section 10A the secretary shall, if the name of the person concerned appears on the register, issue to him an appropriate practising certificate.

(Added 34 of 1995 s. 27)

Part:	IV	ENROLLED NURSES*		30/06/1997
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(Part IV added 38 of 1970 s. 6)

Note:

*** (Amended 45 of 1972 s. 3)**

Section:	11	Roll of enrolled nurses	L.N. 87 of 1999	03/05/1999
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(1) The Council shall cause to be kept a roll of enrolled nurses which shall contain such particulars as may from time to time be prescribed. (Amended 45 of 1972 s. 3; 82 of 1997 s. 21)

(2) The roll shall be divided into such number of parts as may be prescribed.

(3) Where a person satisfies the conditions of admission to more than one part of the roll, his name may be included in each such part.

(4) A certificate purporting to be under the seal of the Council and signed by the chairman or secretary stating that a person is or was at any date or is not or was not at any date an enrolled nurse shall be evidence in all courts of law of the fact stated in such certificate until the contrary is proved. (Amended 45 of 1972 s. 3; 82 of 1997 s. 21)

Section:	12	Information with respect to enrolled nurses	L.N. 87 of 1999	03/05/1999
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(1) The roll or a copy thereof shall be kept at the offices of the Council and shall be open to inspection by any person free of charge during usual business hours upon application being made in writing addressed to the secretary.

(Amended 5 of 1988 s. 5)

(2) The Council shall cause to be published in the Gazette in relation to successive periods, in such manner as the Council may think fit and at intervals of not more than 12 months, lists of all persons whose names have been entered in, removed from or restored to the roll during these periods.

(Amended 82 of 1997 s. 21)

Section:	13	Correction of the roll	L.N. 87 of 1999	03/05/1999
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(1) The secretary may from time to time amend the roll as to the address or other relevant particulars relating to any nurse whose name appears therein upon his being satisfied that such amendment is necessary for the purpose of preserving the accuracy of the roll.

(2) Subject to the provisions of section 21, the secretary shall add to or delete from the roll the name of any nurse whose name the Council directs shall be added thereto or deleted therefrom, as the case may be. (Amended 82 of 1997 s. 21)

(3) Without prejudice to anything contained in Part V, the Council may direct that the name of any nurse be removed from the roll who- (Amended 82 of 1997 s. 21)

- (a) requests in writing addressed to the secretary that his name be so removed;
- (b) dies;
- (c) has left Hong Kong without giving to the secretary notice of intention to return;
- (d) has not kept the secretary supplied with an address in Hong Kong at which notices from the Council may be served upon him: (Amended 82 of 1997 s. 21)

Provided that-

- (i) this paragraph shall not apply to any enrolled nurse in the service of the Government; and
- (ii) any enrolled nurse who fails to acknowledge within 12 months after the date of dispatch the receipt of a registered letter or telegram addressed to him at his last address as recorded in the roll shall be deemed not to have kept the secretary supplied with an address under this paragraph; (Amended 67 of 1985 s. 16)
- (e) has failed to obtain a practising certificate issued under section 16A within 6 months of his enrolment under section 15 or of the expiry of such a certificate. (Added 34 of 1995 s. 28)

(Amended 45 of 1972 s. 3)

Section:	14	Qualification for enrolment	L.N. 87 of 1999	03/05/1999
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(1) Subject to the provisions of this Ordinance, no person shall be qualified to be enrolled under this Part unless he has satisfied the Council that-

- (a) he has attained the age of 20 years;
- (b) he is of good character; and
- (c) either-
 - (i) he has completed such training as may be prescribed and has passed such examinations as may be required by the Council; or
 - (ii)-(iv) (Repealed 68 of 1995 s. 2)
 - (v) he possesses a valid certificate to practise nursing issued by such certifying body as may be recognized by the Council as constituting sufficient evidence of his competency to practise nursing. (Added 28 of 1974 s. 4. Amended 68 of 1995 s. 2)

(2) Notwithstanding the provisions of subsection (1), the Council may require any applicant for enrolment in any part of the roll to prove his competency in nursing by examination conducted by examiners appointed by the Council and, if required, to undergo such further training as the Council may specify.

(3) Notwithstanding the provisions of subsection (1), any person who, before 31 December 1972, satisfies the Council that he- (Amended 45 of 1972 s. 4)

- (a) has attained the age of 20 years;
- (b) is of good character;
- (c) has completed a course of training which is acceptable to the Council; and
- (d) has, within the period of 3 years immediately preceding the date of application for enrolment, been bona fide engaged on nursing duties so as to fit him for enrolment as an enrolled nurse,

shall be qualified to be enrolled as an enrolled nurse. (Amended 45 of 1972 s. 3)

(Amended 82 of 1997 s. 21)

Section:	14A	Review of results of examinations under section 14	L.N. 82 of 2002	12/07/2002
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(1) A person who is aggrieved by the result of an examination under section 14 may request the Council to review the result.

(2) A request for review under subsection (1)-

(a) shall be in writing;

(b) shall state the grounds relied on; and

(c) shall be made within 1 week after the announcement of the examination result by the Council.

(3) On receipt of a request accompanied by a prescribed fee, the Council shall review the relevant examination result as soon as practicable.

(4) The Council shall notify the person who has requested the review of the result of the review within 1 month after the completion of the review by a written notice served on the person personally or sent to the person by registered post.

(Added 9 of 2002 s. 4)

Section:	15	Enrolment	L.N. 87 of 1999	03/05/1999
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(1) Any person who considers himself qualified to be enrolled in any part of the roll may apply in the manner prescribed to the secretary for enrolment.

(2) The name of a person qualified to be enrolled in accordance with section 14 who has complied with subsection (1) and with any regulations relating thereto shall, subject to payment of any prescribed fee and to subsection (3), be entered upon the roll by the Council. (Replaced 67 of 1985 s. 16. Amended 82 of 1997 s. 21)

(3) If, after due inquiry, the Council is satisfied that a person applying under subsection (1) has in Hong Kong or elsewhere- (Amended 82 of 1997 s. 21)

(a) been convicted of an offence punishable with imprisonment; or

(b) been guilty of unprofessional conduct,

the Council may, in its discretion, refuse to enter the name of that person upon the roll. (Added 67 of 1985 s. 16. Amended 82 of 1997 s. 21)

(4) Such provisions of Part V as are capable of application to an inquiry held for the purposes of this section shall apply to any such inquiry, and any such provision may be construed with such modifications not affecting the substance thereof as may be necessary to render it applicable.

Section:	16	Certificate of enrolment	L.N. 82 of 2002	12/07/2002
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(1) When the name of any person is enrolled under section 15, the secretary shall issue to him a certificate of enrolment in the form prescribed.

(2) (Repealed 9 of 2002 s. 4)

(3)-(4) (Repealed 82 of 1997 s. 13)

Section:	16A	Person not to practise as enrolled nurse without practising certificate		30/06/1997
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(1) A person to whom this section applies shall not practise as an enrolled nurse in Hong Kong unless he is the holder of a practising certificate which is then in force issued under this section.

(2) Subject to the payment of the prescribed fee for the issue of a practising certificate under this section, the secretary, on application made to him for that purpose by a person to whom this section applies, shall issue to the person a certificate to the effect that the person is, subject to any conditions and restrictions specified in the certificate, entitled to practise as an enrolled nurse in Hong Kong.

(3) Where the secretary issues a practising certificate in respect of a period which is to commence in the year in which the application for the certificate is made, he shall issue a certificate that, subject to subsection (5), is in force from the date of its issue until the end of the third year commencing on 1 January of the year of issue.

(4) Where the secretary issues a practising certificate in respect of a period that is to commence in the year

following the year in which the application for the certificate is made, he shall issue a certificate that, subject to subsection (5), is in force for a period of 3 years commencing on 1 January of the first year of the relevant period.

(5) If at any time during the currency of a practising certificate issued under this section, the name of the holder of the certificate is removed from the roll, the certificate shall thereupon be deemed to be cancelled.

(6) 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 has duly applied to the secretary and paid the prescribed fee for the issue of the practising certificate.

(7) This section applies to-

- (a) a person enrolled under section 15; and
- (b) a person deemed to be an enrolled nurse by virtue of section 26(b).

(Added 34 of 1995 s. 29)

Section:	16AA	Replacement copies of certificates of enrolment or of practising certificates for enrolled nurses	L.N. 82 of 2002	12/07/2002
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(1) The holder of a current certificate of enrolment or practising certificate issued under section 16 or 16A respectively may apply to the secretary for a replacement copy of the certificate of enrolment or of the practising certificate (as the case may be) if the original certificate of enrolment or practising certificate (as the case may be) is lost, destroyed or defaced.

(2) Subject to subsection (3), the secretary shall issue to the applicant a replacement copy of the certificate on receipt of an application accompanied by a prescribed fee.

(3) The secretary shall not issue a replacement copy of the certificate unless the applicant proves to the satisfaction of the secretary that the original certificate is lost, destroyed or defaced.

(Added 9 of 2002 s. 4)

Section:	16B	Recovery of practising fees		30/06/1997
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(1) If a person to whom section 16A applies contravenes subsection (1) of that section, the amount of the prescribed fee payable by him under subsection (2) of that section shall be recoverable as a civil debt.

(2) In any proceedings under this section a certificate purporting to be under the hand of the secretary to the effect that the person concerned had not paid the prescribed fee for the issue of a practising certificate issued under section 16A is admissible as evidence of the non-payment of the fee.

(3) On recovery of a prescribed fee payable under section 16A the secretary shall, if the name of the person concerned appears on the roll, issue to him an appropriate practising certificate.

(Added 34 of 1995 s. 29)

Part:	V	DISCIPLINARY PROCEEDINGS AND OFFENCES		30/06/1997
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Section:	17	Disciplinary powers of the Council	10 of 2005	08/07/2005
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(1) If, after due inquiry into any case referred to it by the Preliminary Investigation Committee in accordance with regulations made under section 27, the Council is satisfied that any registered nurse or any enrolled nurse, as the case may be- (Amended 82 of 1997 s. 21)

- (a) has been, in Hong Kong or elsewhere, convicted of any offence punishable with imprisonment;
- (b) has been, in Hong Kong or elsewhere, guilty of unprofessional conduct;
- (c) has obtained registration or enrolment by fraud or misrepresentation;
- (d) was not at the time of registration or enrolment qualified to be registered or enrolled; or
- (e) has contravened any prohibition imposed under section 25(1),

the Council, in its discretion, may- (Amended 82 of 1997 s. 21)

- (i) order that the name of the registered nurse or enrolled nurse be removed from the register or roll or any part thereof;
- (ii) order that the name of the registered nurse or enrolled nurse be removed from the register or the roll or any part thereof, for such specified period as it may think fit;

(iii) order that such registered nurse or enrolled nurse be reprimanded; or
 (iv) postpone judgment on the case for any period not exceeding 2 years,
 and may, in any event, make such order as the Council thinks fit with regard to the payment of costs of the chairman or of the secretary or other person presenting the case to the Council or of any complainant or of such registered nurse, or such enrolled nurse. (Replaced 38 of 1970 s. 7. Amended 67 of 1985 s. 16; 82 of 1997 s. 21)

(2) Any costs awarded in pursuance of subsection (1) may be recovered as a civil debt. (Amended 38 of 1970 s. 7)

(3) For the purposes of sections 9 and 15 and this section, "unprofessional conduct" (不專業行為) means an act or omission by a registered nurse or an enrolled nurse which could be reasonably regarded as disgraceful or dishonourable by registered nurses or enrolled nurses of good repute and competency. (Amended 38 of 1970 s. 7; 67 of 1985 s. 16)

(4) Nothing in this section shall be construed to require the Council to inquire into the question whether a registered nurse or an enrolled nurse was properly convicted but the Council may consider any record of the case in which such conviction was recorded and any other evidence which may be available and is relevant as showing the nature and gravity of the offence. (Amended 38 of 1970 s. 7; 82 of 1997 s. 21)

(5) In any inquiry under this section as to whether a registered nurse or an enrolled nurse has been guilty of unprofessional conduct, any finding of fact which is shown to have been made in any matrimonial proceedings in a Court of the Commonwealth having unlimited jurisdiction in civil matters, or on appeal from a decision in such proceedings, shall be conclusive evidence of the fact found. (Amended 38 of 1970 s. 7)

(6) Within 30 days after the expiration of the time within which an appeal against an order made by the Council may be made to the Court of Appeal in accordance with the provisions of section 22, or if such an appeal has been made, within 30 days after the appeal is finally determined, the Council shall cause the order or, if the order is varied on appeal, the order as so varied to be published in the Gazette, and may cause an account of the proceedings at the inquiry at which such order was made to be so published together with sufficient particulars to acquaint the public with the nature of the offence to which the order relates. (Amended 92 of 1975 s. 59; 82 of 1997 s. 21; 10 of 2005 s. 72)

(Amended 45 of 1972 s. 3)

Section:	18	Powers of the Council with regard to obtaining evidence and the conduct of proceedings	L.N. 87 of 1999	03/05/1999
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(1) For the purpose of any inquiry under section 9, 15 or 17, the Council shall have the following powers- (Amended 38 of 1970 s. 8; 82 of 1997 s. 21)

- (a) to take evidence and examine witnesses on oath;
- (b) to summon any person to attend the inquiry to give evidence or to produce any document or other thing in his possession or under his control and to examine him as a witness or to require him to produce any document or other thing in his possession or under his control;
- (c) to admit or exclude the public or any member of the public from the inquiry;
- (d) to admit or exclude the press from the inquiry; and
- (e) to award any person summoned to attend the inquiry such sum or sums as in the opinion of the Council may have been reasonably expended by him by reason of his attendance. (Amended 82 of 1997 s. 21)

(2) Summonses as to witnesses may be in such form as may be prescribed and shall be signed by the secretary.

Section:	19	Penalty for failure to give evidence	L.N. 87 of 1999	03/05/1999
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Any person who, being summoned to attend as a witness or to produce any document or other thing at any inquiry held in accordance with the provisions of section 17, refuses or neglects to do so or to answer any question put to him by or with the leave of the Council shall be guilty of an offence and shall be liable on summary conviction to a fine of \$1000 and to imprisonment for 3 months:

Provided that no person shall be required to answer any question, or to produce any document or other thing which, in the opinion of the Council, may tend to incriminate himself, and every witness shall, in respect of any evidence given by him before the Council, be entitled to the same privileges to which he would be entitled if he were giving evidence before a court of justice.

(Amended 82 of 1997 s. 21)

Section:	20	Representation of parties at disciplinary inquiries		30/06/1997
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The complainant in any inquiry held in accordance with the provisions of section 17 and the registered nurse or enrolled nurse whose conduct is the subject of such inquiry shall be entitled to be represented by counsel or solicitor or by a friend throughout the inquiry.

(Amended 38 of 1970 s. 9; 45 of 1972 s. 3)

Section:	21	Provisions relating to orders of the Council	10 of 2005	08/07/2005
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(1) The secretary shall cause a copy of-

- (a) any decision of the Council made under subsection (3) to refuse to enter the name of an applicant in the register of section 9; or
- (b) any decision of the Council made under subsection (3) to refuse to enter the name of an applicant upon the roll of section 15; or
- (c) any order made under section 17(1),

to be served, as soon as may be after the making of the order, upon the registered nurse or the enrolled nurse concerned, as the case may be, either personally or by registered post addressed to him at the last address known to the secretary. (Replaced 38 of 1970 s. 10. Amended 67 of 1985 s. 16)

(2) The secretary shall not remove the name of any registered nurse from the register or of any enrolled nurse from the roll, before the expiration of 30 days after the service upon such nurse of the copy of the order referred to in subsection (1), or, in the case of an appeal made to the Court of Appeal against the order under section 22, before the appeal is finally determined. (Amended 38 of 1970 s. 10; 10 of 2005 s. 73)

(3) Any-

- (a) registered nurse whose name is removed from the register or any part thereof in accordance with the provisions of this Ordinance, or whose name, prior to the commencement of this Ordinance, was so removed in accordance with the provisions of the Nurses Registration Ordinance 1931*, from the register or from any part thereof, maintained in accordance with the provisions of that Ordinance;
- (b) enrolled nurse whose name is removed from the roll or any part thereof in accordance with the provisions of this Ordinance,

may apply to the Council for the restoration of his name-

- (i) to the register or to such part thereof; or
- (ii) to the roll or to such part thereof. (Replaced 38 of 1970 s. 10)

(4) The Council may, in its absolute discretion, and after such inquiry and subject to such conditions as it may consider expedient, either allow or reject the application, and, if it allows the application, shall direct the secretary upon payment of the prescribed fee, if any, to restore the name of the applicant to the register or to such part thereof, or to the roll or to such part thereof, as the case may be, and thereupon the secretary shall restore the name accordingly:

Provided that where the name of-

- (a) a registered nurse was removed from the register or any part thereof; or
- (b) an enrolled nurse was removed from the roll or any part thereof,

by order of the Council for a specified period only, no fee shall be payable upon the restoration of the name upon the expiration of such period. (Added 38 of 1970 s. 10)

(Amended 45 of 1972 s. 3; 82 of 1997 s. 21)

Note:

* See Cap 164, 1950 Ed.

Section:	22	Appeals	10 of 2005	08/07/2005
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(1) Any person who considers himself aggrieved by a decision or an order of the Council made in accordance with the provisions of- (Amended 82 of 1997 s. 21; 10 of 2005 s. 74)

- (a) section 9(3) refusing to enter his name upon the register; (Amended 68 of 1995 s. 2)
- (b) section 15(3) refusing to enter his name upon the roll; or (Amended 68 of 1995 s. 2)
- (c) section 17,

may appeal therefrom to the Court of Appeal and the Court of Appeal may affirm, vary or reverse the decision or the order, as the case may be, and may exercise any power which the Council might have exercised. (Replaced 38 of 1970 s. 11. Amended 92 of 1975 s. 59; 67 of 1985 s. 16; 82 of 1997 s. 21; 10 of 2005 ss. 70 & 74)

(2) The procedure in relation to appeals made under this section shall be subject to any rules of court made under the provisions of the High Court Ordinance (Cap 4): (Amended 25 of 1998 s. 2)

Provided that no such appeal shall be heard unless notice thereof has been given to the court within 30 days after the service upon the appellant in accordance with section 21 of a copy of the order to which the appeal relates.

Part:	VI	MISCELLANEOUS OFFENCES AND PROHIBITIONS		30/06/1997
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Section:	23	Falsification of register or roll		30/06/1997
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Any person who wilfully makes, or causes to be made, a false statement in a matter relating-

(a) to the register or to the registration of any name therein; or

(b) to the roll or to the enrolment of any name therein,

shall be guilty of an offence and shall be liable upon conviction to a fine of \$1000 and to imprisonment for 3 months.

(Replaced 38 of 1970 s. 12)

Section:	24	Penalties for assumption of title of nurses, etc.		30/06/1997
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(1) Any person who-

(a) not being a duly registered nurse in accordance with the provisions of this Ordinance, wilfully pretends to be or takes or uses the name or title of registered nurse, either alone or in combination with any other words or letters, or any name, title, addition, description, uniform, or badge, implying that he is registered or recognized by law as registered; or (Amended 47 of 1996 s. 3)

(b) being a person whose name is included in any part of the register, takes or uses any name, title, addition, description, uniform or badge, or otherwise does any act of any kind, implying that his name is included in some other part of the register; or

(c) not being an enrolled nurse wilfully pretends to be or takes or uses the name or title of an enrolled nurse, either alone or in combination with any other words or letters, or any name, title, addition, description, uniform, or badge, implying that he is enrolled or recognized by law as an enrolled nurse; or (Amended 47 of 1996 s. 3)

(d) being a person whose name is included in any part of the roll, takes or uses any name, title, addition, description, uniform or badge, or otherwise does any act of any kind, implying that his name is included in some other part of the roll; (Amended 47 of 1996 s. 3)

(e) at any time, with intent to deceive-

(i) in the case of a registered nurse, makes use of any certificate of registration issued to him or to any other person; or

(ii) in the case of an enrolled nurse, makes use of any certificate of enrolment issued to him or to any other person; or (Amended 47 of 1996 s. 3)

(f) not being a person whose name is included in any part of the register, or a person whose name is included in any part of the roll, takes or uses the name or title of nurse, either alone or in combination with any other words or letters, or any name, title, addition, description, uniform, or badge, implying that he is a nurse, (Added 47 of 1996 s. 3)

shall be guilty of an offence and shall be liable on summary conviction to a fine of \$1000 and imprisonment for 3 months. (Amended 38 of 1970 s. 13; 45 of 1972 s. 3; 47 of 1996 s. 3)

(2) Any person who-

(a) knowing that some other person is not registered as a nurse under this Ordinance, makes any statement or does any act which suggests that such other person is so registered; or

(b) knowing that some other person is not an enrolled nurse makes any statement or does any act which suggests that such other person is so enrolled, (Amended 45 of 1972 s. 3)

shall be guilty of an offence and shall be liable on conviction to a fine of \$1000 and to imprisonment for 3 months. (Replaced 38 of 1970 s. 13)

(3) (Repealed 47 of 1996 s. 3)

(4) Proceedings for an offence against this section shall not be instituted except with the consent of the Director.

Section:	25	Power of Council to prohibit registered nurses or enrolled nurses suffering from certain diseases from attending sick persons	L.N. 202 of 2008	14/07/2008
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(1) If any registered nurse or any enrolled nurse contracts any scheduled infectious disease within the meaning of the Prevention and Control of Disease Ordinance (Cap 599), which, in the opinion of the Council, is likely to endanger the health of any person attended by him, the Council may prohibit such registered nurse or enrolled nurse, as the case may be, from attending sick persons in his professional capacity. (Amended 38 of 1970 s. 14; 45 of 1972 s. 3; 82 of 1997 s. 21; 14 of 2008 s. 18)

(2) Any contravention of a prohibition imposed under this section shall constitute a ground for the institution of disciplinary proceedings in accordance with section 17.

Part:	VII	EXEMPTIONS AND REGULATIONS		30/06/1997
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Section:	26	Exemptions from registration	2 of 2012	17/02/2012
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The following persons shall be exempted from registration or enrolment but shall be deemed to be registered nurses or enrolled nurses- (Amended 38 of 1970 s. 15; 45 of 1972 s. 3)

- (a) persons serving in the Chinese People's Liberation Army in the capacity of nurse while acting in the discharge of their duty; and (Amended 2 of 2012 s. 3)
- (b) persons in full time employment by the Government in the capacity of nurse while acting in the discharge of their duty.

Section:	27	Regulations	L.N. 130 of 2007	01/07/2007
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Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

(1) The Chief Executive in Council may by regulation prescribe the fees payable under this Ordinance, and different fees may be prescribed for cases of different classes or description. (Replaced 9 of 2002 s. 4)

(2) The Secretary for Food and Health may by regulation provide for- (Amended L.N. 106 of 2002; L.N. 130 of 2007)

- (a) the duties of the legal adviser;
- (b) additional duties to be performed by the secretary. (Added 82 of 1997 s. 20)

(3) Subject to the approval of the Secretary for Food and Health, the Council may by regulation provide for- (Amended L.N. 106 of 2002; L.N. 130 of 2007)

- (a) the nature of the particulars to be entered in the register and on the roll and the manner in which they are to be kept;
- (b) the procedure to be followed at meetings of the Council;
- (c) the manner in which applications for registration, enrolment and restoration of the name of a person to the register or roll shall be made; (Amended 9 of 2002 s. 4)
- (d) examinations and courses of training in nursing;
- (e) the receipt of complaints or information regarding any matter that may be inquired into by the Council under section 17 and the establishment of a committee to be known as the Preliminary Investigation Committee to make such preliminary investigation as it considers appropriate regarding such complaint or information and to determine whether or not there shall be an inquiry under section 17;
- (f) the prohibition of a member of the Preliminary Investigation Committee who is also a member of the Council from attending any meeting of the Council, while it is inquiring under section 17 into a complaint or information, in the preliminary investigation of which he took part;

- (g) the procedure to be followed in relation to-
 - (i) the submission of complaints and information to the Preliminary Investigation Committee;
 - (ii) the preliminary investigation of any complaint or information by the Preliminary Investigation Committee;
 - (iii) the formulation of charges arising out of complaints and information;
 - (iv) the reference to the Council by the Preliminary Investigation Committee of cases arising out of complaints and information;
 - (v) the procedure as regards inquiries held by the Council under section 17;
 - (h) matters relating to the conduct of nursing practice;
 - (i) the term of office of and manner of electing members to the Council under section 3(2)(ca) and any other related matters, including-
 - (i) the qualifications of candidates, electors and subscribers to a nomination paper;
 - (ii) the particulars of any system of voting and counting;
 - (iii) the determination of election results; and
 - (iv) other matters relating to the election; (Amended 9 of 2002 s. 4)
 - (ia) the procedure and other matters relating to an election petition under section 3A, including-
 - (i) the person who may present a petition;
 - (ii) the person who may be the respondent to a petition;
 - (iii) the grounds for questioning the result of an election by a petition;
 - (iv) the person who may regulate the procedure of a petition; and
 - (v) the power to validate acts done pending the determination of the result of a petition; and (Added 9 of 2002 s. 4)
 - (j) generally giving effect to the provisions of this Ordinance. (Added 82 of 1997 s. 20)
- (4) For the purposes of subsection (3), regulations made under that subsection may require that documents submitted for the purpose of those regulations be in such a form as is specified by, and be verified by statutory declaration or such declaration as is acceptable to, the Council. (Added 82 of 1997 s. 20)
- (Amended 38 of 1970 s. 16)