

HONG KONG ACADEMY OF NURSING BILL

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5th draft

(18 June 14)

A BILL

To

Provide for the establishment and functions of the Hong Kong Academy
of Nursing as a body corporate and matters incidental thereto.

Enacted by the Legislative Council of Hong Kong.

PART I

General

1. Short title

This Ordinance may be cited as the Hong Kong Academy of Nursing

Ordinance.

2. Interpretation of words and expressions

In this Ordinance, unless the context otherwise requires –

“Academy” (專科學院) means the Hong Kong Academy of Nursing
established under section 3;

“Academy College” (分科學院) means any Academy College recognized
under section 5(1) and included in the Schedule to this Ordinance;

“by law” (附例) means any bylaw made, and where applicable
approved, under section 11;

“College” (學院) means any association of persons –

(a) engaged in the study or practice of a particular specialty of
nursing; and

(b) which is a society to which the Societies Ordinance (Cap. 151)
applies or which is a company within the meaning of the
Companies Ordinance (Cap. 32);

“Council” (院務委員會) means the Council of the Hong Kong Academy

of nursing established under section 8(1) and constituted pursuant to section 8(2);

“Education Committee” (教育委員會) means the Education Committee established under section 9;

“election” (選舉) means an election held under section 8(9) for the purpose of electing members of the Council required to be elected under section 8(2)(a), (b), (c), (d) and (f);

“Fellow” (院士) means a member of the Academy admitted as a Fellow under section 3(4);

“nursing” (護理) includes all branches of nursing;

“member of an Academy College” (分科學院成員) means any person who is a member of an Academy College under the constitution, rules or the documents of incorporation, as the case may be, of that Academy College.

“registered midwife” (註冊助產士) means a registered midwife registered under the Midwives Registration Ordinance (Cap. 162);

“registered nurse” (註冊護士) means a registered nurse registered under the Nurses Registration Ordinance (Cap. 164).

3. Establishment and membership of Academy

(1) There is established a body corporate to be called in English the “Hong Kong Academy of Nursing” and in Chinese “ 香港護理專科學院 “ with perpetual succession and capable of suing and being sued.

(2) The members of the Academy are the persons admitted as such under this section.

(3) A registered nurse or registered midwife is eligible to become an Ordinary Member of the Academy if he or she has completed at least 3 years of supervised specialist training and has passed such examinations held, conducted or recognized by such Academy College as are specified in the bylaws.

(4) An Ordinary Member may, on the recommendation of an Academy College, apply to the Academy and be admitted to the membership of the Academy as a Fellow Member if the Council is satisfied that –

(a) he or she has passed such examinations held, conducted or recognized by such Academy College as are specified in the bylaws in relations to the admission of Fellows; and

(b) he or she has completed at least 6 years of supervised

post-registration training in a manner approved by the Academy.

(5) Any person of eminence or any person who has rendered outstanding service or made substantial contribution to the Academy or to the development of the art or science of nursing may, on nomination by an Academy College and subject to the approval by the Council, be admitted to the membership of the Academy as an Honorary Fellow Member.

PART II

OBJECTS AND POWERS OF THE ACADEMY

4. Objects of Academy

The objects of the Academy are –

- (a) to promote the advancement of the art and science of nursing and midwifery;
- (b) to foster the development of continuing education for nurses

and midwives;

(c) to promote the integrity, ethical conduct and standards in the practice of advanced nursing and its specialties;

(d) to promote the improvement of health care for Hong Kong citizens;

(e) to foster a spirit of collaboration among the nursing and healthcare practitioners;

(f) to facilitate the exchange of information and ideas in all aspects of the art and science of nursing and midwifery and in matters concerning the nursing and midwifery profession;

(g) to protect the public by regulating standards of advanced nursing practice.

5. Recognition of Academy Colleges

(1) The Academy may, on an application being made to it by a college, recognize that college as an Academy College as regards the specialty of that college.

(2) The Academy may withdraw any recognition under subsection (1)

after giving the Academy College concerned a prior notice of not less than 30 days beginning from the date of such notice, of its intention to do so and affording that Academy College an opportunity to make representations to the Academy.

(3) The name of any Academy College, recognized for the time being, must be included in a Schedule to this Ordinance.

(4) The Secretary for Food and Health must, on notification being given to him by the Academy of a recognition or withdrawal under this section, amend the Schedule.

6. Ancillary powers

The Academy may –

- (a) hold or assist in seminars, conferences, lectures, or any other form of promotional or instructional activity;
- (b) print or publish material and distribute, lend or sell such material;
- (c) provide or maintain any facility or amenity as it may consider appropriate and enable such persons as it may determine to use them;

- (d) provide advisory, consultancy, research and other related services;
- (e) determine and charge fees in respect of any matter specified in this Ordinance;
- (f) determine and charge fees in respect of any service, facility or amenity provided by it under this Ordinance, and specify conditions (if any) for the use or provision thereof;
- (g) generally or in any particular case or class of case reduce, waive or refund any such fee;
- (h) appoint such employees, agents, advisers or consultants as it may determine on such terms and conditions as it think fit including the payment of allowances, benefits and remuneration;
- (i) acquire, take on lease, purchase, hold and enjoy property of any description and sell, let or otherwise dispose of or deal with such property;
- (j) acquire, hold and dispose of interests in other bodies corporate and form or take part in forming bodies corporate;
- (k) enter into a partnership or any other form of joint venture with any person;

- (l) accept gifts or donations, whether subject to any trust or not;
- (m) undertake or execute any trust which may be necessary or useful for the performance of any of its functions;
- (n) invest its funds in such matter and to such extent as it thinks appropriate or expedient;
- (o) apply for and receive any grant in aid on such terms as it thinks appropriate or expedient;
- (p) borrow money in such manner and on such security or terms as it thinks fit;
- (q) provide financial assistance by way of grant or loan in connection with the achievement of its objects; or
- (r) do anything else which is conducive or incidental to the achievement of its objects.

7. Exercise of powers by the Academy

- (1) A power conferred on the Academy under sections 5, 6 and 10 may, subject to any requirements as to a quorum and manner of voting specified in regulations made under section 10, be exercised by a

resolution passed at a meeting of the Academy.

(2) Ordinary Members and Honorary Fellow Members are not allowed to vote or otherwise act by proxy as regards the consideration or determination of a question or other matter relating to the exercise of a power of the Academy as described in subsection (1).

PART III

THE COUNCIL OF THE ACADEMY

8. Council of the Academy

(1) There is established an administrative body of the Academy to be known as the Council of the Hong Kong Academy of Nursing.

(2) The Council must consist of the following members -

(a) 6 members, nominated and elected by members of the Council,

to hold the offices described in subsection (3);

(b) 5 elected members, elected pursuant to subsection (4);

(c) as ex officio members, the President of each Academy College;

- (d) the immediate past President of the Council who shall hold office for a period of 1 year from the date he or she ceases to be President;
 - (e) 2 persons who are not members of the nursing or midwifery profession, to be appointed by the Council from time to time and on such terms as the Council decides.
- (3) The offices referred to in subsection 2(a) are –
- (a) the President of the Academy;
 - (b) the Vice-President (General Affairs) of the Academy;
 - (c) the Vice-President (Education and Examinations) of the Academy;
 - (d) the Vice-President (Public Affairs) of the Academy;
 - (e) the Honorary Secretary of the Academy; and
 - (f) the Honorary Treasurer of the Academy.
- (4) (a) The 5 elected Council members under subsection (2)(b) shall be nominated and elected by all Fellows.
- (b) Not more than one member of any single College may be elected to
- the Council under the category of elected Council members.

(c) At least half of the total number of elected Council members shall have been Fellows of the Academy of not less than 5 years' standing at the time of nomination.

(5) The quorum for any meeting of the Council is to be a majority of its members for the time being present in Hong Kong.

(6) The Council manages the affairs of the Academy and, except where otherwise provided in relation to the powers of the Academy under sections 5, 6 and 10, it may, on the Academy's behalf, exercise any power conferred or perform any duty imposed on the Academy under this Ordinance.

(7) At any meeting of the Council -

(a) the President of the Academy referred to in subsection 3(a) is to preside;

(b) if such President is absent from Hong Kong or for any reason unable to preside at any meeting, the members present at the meeting must elect one of the Vice-Presidents to preside;

(c) if the President of the Academy and all the Vice-Presidents of the Academy are absent from Hong Kong or unable to preside for any reason, the members present at the meeting (including

all the appointed representative members under subsection

(2)(c) must elect one of their members to preside.

(8) The provisions in Part VII of the Interpretation and General Clauses Ordinance (Cap. 1) are to apply to any meeting of the Council.

(9) Subject to subsections (7) and (8) the Council may regulate its own business and procedure.

(10) The Council must cause elections to be held for the purposes of subsections (2)(a) in accordance with regulations made under section 10.

9. Education Committee

(1) There is to be established a Committee of the Council to be known as the Education Committee.

(2) The Education Committee is to be constituted as specified in any regulation made under section 10 and is to carry out such functions as may be specified in such regulation.

(3) The Council may give directions to the Education Committee generally or in a particular case in respect of the performance of its

functions and the Education Committee must comply with any such direction.

PART IV

MISCELLANEOUS

10. Regulations

- (1) The Academy may, subject to subsections (2), by regulation –
- (a) provide for the authentication of the seal of the Academy;
 - (b) require the holding of annual general meetings within such period as specified in the regulations;
 - (c) enable the holding of other general meetings including extraordinary general meetings in circumstances specified in the regulations;
 - (d) provide for a quorum and procedures (including adjournments) to be followed in the absence of a quorum;
 - (e) provide for the transaction of business by the Academy, including

the manner in which general meetings of the Academy are to be convened and conducted;

(f) specify who is to preside at general meetings of the Academy;

(g) require an Academy College –

(i) to develop, maintain and implement programmes relating to nursing / midwifery

and its specialties specified in the regulations;

(ii) for the purposes specified in subparagraph (i), to establish

Committees or boards as specified in the regulations;

(iii) to keep the Council informed in such manner as specified in

the regulations of any amendments to its constitution, rules

or documents of incorporation or of its decisions on

general policy and to submit a report of its activities to the

Council in the manner specified in the regulations; and

(iv) to provide, with the approval of the Academy, for reviews in

cases in which a recommendation under section 3(4) has

been refused;

(h) prohibit an Academy College from establishing or including as

part thereof any other association or body of persons without the

approval of the Academy'

- (i) require the Council to hold elections for the purpose of electing the members required to be elected under section 8(2)(a);
- (j) provide for the appointment of representative members of institutional members under section 8(2)(c);
- (k) prohibit voting by proxy and provide for the eligibility of members of the Academy to vote at any election and to stand for election (which eligibility may be determined with reference to any category of membership referred to in section 3), the manner of voting at an election, and the nomination of candidates for an election;
- (l) provide for the period for which a member of the Council may hold office, resignation from the membership of the Council, and filling of casual vacancies in the Council;
- (m) provide for the maintenance of a membership register or registers, their form, entries to be made therein, amendment and inspection thereof;
- (n) provide for the constitution of the Education Committee, the period of office of its members, resignation of members, filling of

- casual vacancies and the functions of the Education Committee;
- (o) provide for other committees to be established by the Council and provide for the regulation by the Education Committee and such other committees of their procedure;
- (p) enable the delegation by the Council of its powers or functions to the Education Committee or any other committee with or without restrictions; and
- (q) provide for such other matters as the Academy considers expedient or necessary to give effect to the foregoing.
- (2) Any regulation made under this section is subject to the approval of the Legislative Council.
- (3) The Honorary Secretary of the Academy referred to in section 8(3)(e) must cause a copy of any regulation made and approved under this section to be sent to each member of the Academy and the Council as soon as reasonably practicable after it is approved.

11. Bylaws

- (1) The Council may make bylaws, not inconsistent with this

Ordinance.

(2) Without affecting the generality of subsection (1), the Council may

by bylaw –

- (a) provide for the requirements, including qualifications, assessment, experience or training, for admission to various categories of membership of the Academy;
- (b) provide for the procedure for admission of members of the Academy;
- (c) specify the fees (if any) for membership of the Academy and the manner of payment of such fees;
- (d) provide for the resignation from membership of the Academy and termination of such membership, including the grounds therefor;
- (e) provide for the emblem of the Academy, the design of the seal of the Academy and the custody of the seal;
- (f) provide for academic dress of the members of the Academy and Academy Colleges;
- (g) provide for the welfare and the conduct of the members of the Academy and its employees;

(h) provide for powers, functions, rights and duties of the members of the Council;

(i) provide for the recognition of and withdrawal of recognition from Academic Colleges , including the procedure thereof and grounds for such withdrawal;

(j) specify financial procedures.

(3) The Honorary Secretary of the Academy referred to in section 8(3)(e) must cause a copy of any bylaw made to be sent to each member of the Academy as soon as reasonably practicable after it is made.

(4) Section 34 of the Interpretation and General Clauses Ordinance (Cap. 1) does not apply as regards any bylaw made under this section.

12. Accounts

(1) The Council must keep proper accounts and records of all financial transactions and must, within 5 months of the expiry of a particular financial year, prepare in respect of that financial year, a statement of accounts.

(2) The statement of accounts under subsection (1) must include an

income and expenditure account and a balance sheet, each to be signed by the President of the Academy.

(3) The Council must appoint auditors who shall be entitled at any reasonable time to –

(a) have access to all books of accounts, vouchers and other records of the Council; and

(b) require such information and explanations as they consider necessary to discharge their functions.

(4) The auditors must, within 7 months of the expiry of a particular financial year, audit the accounts, prepare a report on the statement of accounts and send it to the Council.

(5) The Council must cause the report of the auditors in respect of a particular financial year to be presented at the annual general meeting of the Academy next following the receipt by it of such report.

(6) The Council –

(a) must, subject to paragraph (b), determine the period of 12 months which is to be the financial year of the Academy; and

(b) may determine a period of –

(i) 12 months;

(ii) more than 12 months; or

(iii) less than 12 months,

as its first financial year.

(7) In this section “financial year” (財政年度) means the period determined under subsection (6)(a) or (b) as may be applicable.

13. Unlawful use of Academy name

(1) Subject to subsection (3), no person can incorporate, form, be a director, office bearer or organizer or work in connection with, or be a member of any body of persons, corporate or unincorporated, which without the written consent of the Academy, holds itself out to be –

(a) the Academy or any part thereof; or

(b) in any way connected or associated with the Academy.

(2) Subject to subsection (3), no person can incorporate, form, be a director, office bearer or organizer of or work in connection with, or be a member of any body of persons, corporate or unincorporated, which without the written consent of the Academy uses the title “Hong Kong Academy of Nursing” or “ 香港護理專科學院 ” or a title in any language

which so closely resembles both or either of those titles that it is or they are capable of misleading any person into believing the body of persons is –

(a) the Academy or any part thereof; or

(b) in any way connected or associated with the Academy.

(3) Subsection (1) does not apply to or in relation to any Academy College.

(4) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of level 5.

14. Savings and transitional arrangements

(1) In this section, “former institution” (之前機構) means the corporation called in English the “Provisional Hong Kong Academy of Nursing Limited” and in Chinese “臨時香港護理專科學院有限公司” incorporated and registered in 2011 under the Companies Ordinance, Cap. 32.

(2) On the day when this Ordinance comes into operation, the former institution is dissolved and –

(a) all assets, properties and liabilities of the former institution are transferred to and vest in the Academy without further assurance and the Academy is to have all powers necessary to take possession of, recover and deal with those assets and properties and discharge those liabilities;

(b) every contract, agreement, whether in writing or not, and every deed, bond or other instruments to which the former institution is a party or which affected the former institution, is to have effect as if the Academy were a party to it or affected by it instead of the former institution and as if for every reference (however worded and whether express or implied) in it to the former institution there were substituted in respect of anything to be done on or after such date of coming into operation a reference to the Academy;

(c) every certificate, certification document or academic recognition issued or made by the former institution is to have effect as if issued or made by the Academy;

(d) a person who was a member of the former institution under its relevant constitution or instruments of association continues as a

member of the Academy under and for the purposes of this Ordinance;

(e) all persons who were employed by the former institution continue to be employed by the Academy under and for the purposes of this Ordinance, and the terms and conditions, including the salary payable, on which such persons were employed continue;

(f) the Council of the former institution becomes the Council of the Academy and continues as such under and for the purposes of this Ordinance; and

(g) all Council members or officers of the former institution become the members or officers of the Academy and continue as such under and for the purposes of this Ordinance until the date on which the first annual general meeting of the Academy is held under subsection (3) and its Council members or officers elected or appointed.

(3) Within 18 months after the coming into operation of this Ordinance, the Academy must hold its first annual general meeting in which to elect or appoint its Council members or officers.

(4) Until regulations and bylaws are made under this Ordinance to

provide for a matter that may be prescribed by regulations and bylaws, all the regulations, rules and operation procedures (whatever they are called) adopted by the former institution for the management of its affairs and members and in force immediately before the coming into operation of this Ordinance apply as if made under this Ordinance.

Schedule (s. 6)

15. Schedule

1. The Hong Kong College of Cardiac Nursing
(香港心臟護士專科學院)
2. The Hong Kong College of Community and Public Health Nursing
(香港社區及公共健康護理學院)
3. The Hong Kong College of Critical Care Nursing
(香港危重病護理學院)
4. The Hong Kong College of Education and Research in Nursing
(香港護理教育及科研學院)
5. The Hong Kong College of Emergency Nursing

(香港急症科護理學院)

6. The Hong Kong College of Gerontology Nursing

(香港老年學護理專科學院)

7. The Hong Kong College of Medical Nursing

(香港內科護理學院)

8. The Hong Kong College of Mental Health Nursing

(香港精神健康護理學院)

9. The Hong Kong College of Midwives

(香港助產士學院)

10. The Hong Kong College of Nursing and Health Care Management

(香港護理及衛生管理學院)

11. The Hong Kong College of Orthopaedic Nursing

(香港骨科護理學院)

12. The Hong Kong College of Paediatric Nursing

(香港兒科護理學院)

13. The Hong Kong College of Perioperative Nursing

(香港圍手術護理學院)

14. The Hong Kong College of Surgical Nursing

(香港外科護理學院)

Consequential Amendment

Prevention of Bribery Ordinance

16. Public bodies

Schedule 1 to the Prevention of Bribery Ordinance (Cap. 201) is amended by adding –

“125. Hong Kong Academy of Nursing.”