

15.5.04

Members of Panel on Health Services,
Legislative Council.
(via Chairperson, Hon. Mr. Michael Mak)

Dear Hon. Legislative Councilors,

Re: LegCo Panel on Health Services – meeting on 17.5.04

**Way forward on the regulation of health care personnel not currently
subject to statutory registration**

Paper No. CB(2)2365/03-04(04) (by Health, Welfare & Food Bureau

Introduction of HKPS

The Hong Kong Psychological Society Ltd (HKPS), a registered company limited by guarantee, was founded in 1968. We are a learned society and a professional association. Our principle aims are to encourage the growth of psychological activities in the HKSAR, and to facilitate the maintenance of professional standards of practice. All members are obliged to adhere to the Code of Professional Conduct of HKPS.

Existing Society-based registration

2. **In 1994, the HKPS operated a voluntary society-based registration system to maintain a professional register of qualified psychologists.**
3. **In the past 10 years, HKPS has been trying to persuade the Hong Kong Government Administration (hereafter named as Adm) to have statutory registration (SR) of psychologists. Yet, the HKG has persistently stated that there was no need for SR of psychologists.**

Why SR of psychologists is urgently needed

4. **SR of psychologists is urgently needed because: now without SR, a) anyone in the HKSAR may call him/herself a psychologist and offer psychological services; b) in case of grievances and complaints of malpractice, the public does not have any protection, as there is no disciplinary mechanism with legal binding power over the psychologist. HKPS can only handle complaint cases against our own members.**

SR of psychologists can have the following benefits to the public

5. **SR will ensure that only individuals with sufficient education and training in the**

discipline of psychology can use the title of “Registered Psychologist”, and render their services according to their professional training. We have also proposed that the use of specialty designations will also be regulated under SR, to reduce confusion and misrepresentation to the general public.

6. SR shall help to regulate various continuing education and insurance requirements within the profession. This will offer quality assurance.
7. SR shall assist employers to select suitably qualified psychologists for their posts.
8. SR shall provide a transparent and accessible avenue for the public to bring queries and complaints when there are indications of professional incompetence, malpractice, negligence and/or misconduct.

Raise questions to the paper by Health, Welfare & Food Bureau

9. For the well-being of the Hong Kong citizens, we would like members of this Panel to consider presenting the following points of discussion or questions to the captioned paper by Health, Welfare & Food Bureau.

9.1 The Administration agrees that the “**objective for regulating health care professions is to protect the public from potential health hazards arising from services rendered by unqualified personnel**”, and that the Administration’s adopted risk-based approach to assess the risk associated with the practice, involves the following factors:

- a) frequency of contact and provision of direct clinical treatment;
- b) level of risks associated with malpractice;
- c) size of profession and employment distribution in public and private sectors.

9.2 **Then how can the Administration come to the conclusion that clinical psychologists (CP) and educational psychologists (EP) need not have SR.**

The reasons are as follows:

- a) **professional psychologists (in particular CP, EP) provide direct clinical care and services (including assessment/diagnosis and treatment) to all HK citizens of various age-groups (child, adolescence, adults, older-adults). They provide services at community level (including primary prevention), in hospital, clinics, primary and secondary schools, tertiary settings, special schools, disciplined settings (e.g. prisons). CPs also provide support to professional carers (e.g. nurses, doctors, social workers, other allied health professions, and teachers). Thus, all walks of life and the whole HK population could potentially have direct contact and clinical treatment from psychologists.**

- b) **As for the levels of risks**, professional psychologists (esp. CP and EP) have direct and significant roles in helping in assessment and diagnosis of mental health problems, and specifically in assessment of “mental retardation” (as defined in HK’s Mental Health Amendment Ordinance) and “mentally incapacitated persons” (as described in the scope of work of Guardianship Board. Failure to diagnosis, giving wrong diagnoses can affect the treatment or rehabilitation plan of a child or adolescence, and the consequences can be life-long. **Failure to detect mental health problems** (such as suicide risk and depressive mood, in the diagnosis process), **and providing inappropriate or substandard psychological treatment and services could result in delayed treatment, prolonged course of illnesses, and even lethal consequences.**
- c) **As for the size of the profession**, the figures quoted in the paper (dated 7.00) are definitely outdated. The number of psychologists eligible for professional registration under HKPS (as at 5.04) are as follows.

	Already on HKPS-register (5.04)	Existing no. of members within HKPS & eligible for registration (as at 12.5.04)	Estimated no. of qualified psychologists in Hong Kong not joined HKPS (5.04) *	Estimated no. of qualified psychologists in private practice in HK
Clinical Psychologists (CP)	125	185	65?	30?
Educational Psychologists (EP)	35	59	40?	2?
Industrial-organizational Psychologists (IOP)	15	Around 40	50?	70-80?
Others (including those teaching in universities)	52	No figures available	No figures available	No figures available
Total	227	Around 300		

* Notes: 1) These figures have not included the projected number of people to graduate by Sep 04. For CP, the projected number of graduates will be around 28, and for EP, there will be 13. 2) The 2 training programs for CPs will generate a projected number of graduates of around 10 (for 2005), and 25-28 (for 2006). 3) The training program for EP will have an intake of 12 places for every 2 years.

Given that the public organizations have no planned expansion of posts in the areas of CP and EP, most of the new graduates will work in the private sector.

Thus, the Administration will have to seriously re-appraise the situation.

Appendix 1 contains some questions for you to consider asking the HWFB on 17.5.04.

Thank you very much for your attention. HKPS will be open to have further discussion with your Panel, other LegCo members and the HWFB.

Yours sincerely,

Mrs. CC LU
Chair,
Preparatory Committee on Statutory Registration,
The Hong Kong Psychological Society Ltd.

**Appendix 1: Questions for the Health, Welfare and Food Bureau on
Way Forward on the regulation of health care personnel not currently
subject to statutory registration**

May 17, 2004

On the size of Profession

1. What are the numbers of clinical and educational psychologists in the public and private sectors in 2004?
2. The population of psychologists, as a profession, is bigger than some other professions who are governed by statutory registration (e.g., chiropractors). Why is it not necessary to have statutory registration for psychologists?

Psychologists work mainly in public sector

3. There are increasingly more psychologists in the private sector. A brief review of the PCCW telephone directory reveals tens of private practitioners under the category "psychologists". Yet many of them are using titles such as hypnotists and psychotherapists and claim to provide psychological help. Do you treat them as clinical and education psychologists? How do you make sure they do not cause any harm to their clients?

Low Level of Harm

4. In Paragraph 9 of the paper, practice which may incur "imminent and recognizable threat to the well-being of service recipients" should be accorded with higher priority of statutory registration. In Paragraph 15, it is claimed that there is a only "a small number of reported incidents of injury". How does the HWFB assess threat and danger? Is injury limited to physical injury? How do they assess or have they assessed psychological injury?
5. Harm may be incurred not only to service recipient but the general public. In the past, there are practitioners who are not registered with the Hong Kong Psychological Society yet use the title of psychologist to make

comments on individuals or tragic cases such as suicide. These comments are against the Professional Code of Conduct of psychologists. How does the HWFB assess such threat?

6. Social workers offer some services (similar to some aspects of work as CP and EP) and most of them work in public sectors. However, the Administration has already decided that SR for them is necessary. How does the HWFB explain the discrepancy?

Adequacy of society-based registration

7. This has been proven to be inadequate. It does not prohibit unqualified people from using the title of psychologists.