

*Our ref.:* HWF CR 1/V/3261/92 Pt.12  
*Your ref.:* CB2/BC/16/04

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12 January 2006

Clerk to Panel on Health Services  
Legislative Council Secretariat  
3/F Citibank Tower  
3 Garden Road  
Hong Kong  
(Attn: Ms Doris CHAN)

Dear Ms Chan,

**Bills Committee on Dentists Registration (Amendment) Bill 2005  
Meeting on 12 January 2006**

Thank you for your letter dated 16 December 2005. I am writing to clarify the legislative intent in respect of the condition set out in the proposed section 12B(3) and its difference from the condition under section 9(3)(b).

The public would expect a higher standard of service when they seek dental treatment from a specialist dentist in his field of specialty. We are of the view that academic qualifications alone cannot sufficiently determine whether a dentist is suitable for inclusion in the Specialist Register (SR). In the interest of public health, it is also necessary to consider other factors pertinent to the SR applicant's competence and performance in relation to the concerned specialty. This is our policy intent behind the proposed section 12B(3).

We would like to stress that a dentist must first have his name included in the General Register (GR) before he can apply for inclusion of his name in the SR. On this basis, the Dental Council considers that the expected level of moral/ conduct standard should be the same for all dentists, regardless of whether they are included in the SR or not. Therefore it is intended that

moral/conduct element will not be re-examined in applications for inclusion in SR.

We understand that Members have concern about the legislative intent of the proposed section 12B(3). We will propose a Committee Stage Amendment as appropriate.

The purpose of section 9(3)(b) is different from the proposed section 12B(3)(b). In considering an application for inclusion in the GR, the Dental Council should not rely on academic qualifications alone. Under section 9(3)(b), the Dental Council should also consider non-academic factors which may have bearing on GR inclusion. Such factors should include moral/conduct standard expected of a dentist. As explained above, the non-academic consideration under 12B(3)(b) is used to determine whether an applicant is suitable for being granted a specialist title, that is whether he can meet the higher standard expected specific to that particular specialty in terms of competence and performance.

The basic differences of the policy intent behind sections 9(3)(b) and section 12B(3)(b) are highlighted below:

- (i) section 9(3)(b) involves broader consideration whereas the proposed section 12B(3)(b) intends to cover consideration relating to competence and performance directly relevant to the specialty only;
- (ii) as far as competence and performance are concerned, the proposed section 12B(3)(b) involves a higher requirement specific to that specialty; and
- (iii) while section 9(3)(b) covers moral/conduct considerations, the proposed 12B(3)(b) does not.

Yours sincerely,

(Jeff LEUNG)  
for Secretary for Health, Welfare and Food