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Secretary for Health, Welfare and
Food Bureau
Health, Welfare and Food Bureau
Health Division
(Attn: Mr Jeff LEUNG, PAS (H)1)
19/F, Murray Building
Garden Road, Hong Kong

By Fax (2840 0467) and By Post

17 November 2005

Dear Mr LEUNG

Dentists Registration (Amendment) Bill 2005 (“the Bill”)

I refer to your letter dated 15 November 2005 and have the following comments on your reply:

A complaint or information involves a suitability issue

The proposed section 2(4)(c) provides that a complaint or information involves a suitability issue if the complaint or information concerns the question of whether the name of a registered dentist should be included in, or removed from, the Specialist Register, on any grounds including, but not limited to, the dentist’s act which would be reasonably regarded by registered dentists of good repute and competency as affecting the question of whether the name of the first-mentioned dentist should be included in, or removed from, the Specialist Register. This is a condition that a registered dentist has to satisfy in order that his name is to be included or remained in the Specialist Register. This condition does not appear in any Ordinance. Although the expression “registered dentists of good repute and competency” appears in other Ordinance, its meaning is not defined. Please clarify the new condition.

(A) Please clarify whether all registered dentists who have satisfied the qualification requirements set out under section 8 and registered under section 9 “registered dentists of good repute and competency”?

(B) I have requested you to clarify the meaning of the following statements and the difference between them:

- (a) “would be reasonably regarded by registered dentists of good repute and competency that his name should be removed from the Specialist Register”; and
- (b) his “act or omission would be reasonably regarded as disgraceful or dishonourable by registered dentists of good repute and competency”.

Your reply focused on the consequences on the registration of the registered dentist in the General and Specialist Registers if his act or omission falls within the ambit of the two statements. Please clarify the meaning of the two statements and the difference between them.

Complaints or information referred to EAC

You have confirmed that “the complaints or information referred to the EAC in the proposed section 12F(1)(b) are the complaints or information referred to the EAC under the proposed sections 12E(3)(b) and (4)”. Please reflect this in the proposed section 12F(1).

Exhibition of Certificate of Registration

Please account for the policy intent that a registered dentist whose named is included in the Specialist Register is not required to exhibit the certificate to the effect that the his name has been included in the Specialist Register issued by the Council under the proposed section 12B(10)(b) in the premises in which he practices dentistry for gain. How can the public, in particular his patients, be sure that he is a specialist and obtain particulars of his specialty/specialties?

Appeals

Please explain the difference between unprofessional conduct and qualification issue, which determines the right of appeal of a registered dentist.

Penalty

In the light of the difference in the penalties to be imposed, please clarify the difference between a person who falsely pretends to be or takes or uses the name or title of a dentist and a person who falsely pretends to be a dentist by exhibition of a false certificate of registration.

Preliminary Investigation Committee

Please clarify the source of power for the proposed amendment to section 13 and the new section 13A of the Dentists (Registration and Disciplinary Procedure) Regulations (Cap. 156 sub. leg. A).

It is appreciated that your reply in both Chinese and English could reach us by close of play, 24 November 2005.

Yours sincerely

(Monna LAI)
Assistant Legal Adviser