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A BILL

To

Amend the Dentists Registration Ordinance to provide for—

- (a) the establishment of a Specialist Register for registered dentists qualified in various specialist fields of dentistry;
- (b) the establishment, operation and conduct of the Education and Accreditation Committee; and
- (c) other consequential and related matters.

Enacted by the Legislative Council.

PART 1

PRELIMINARY

1. Short title

This Ordinance may be cited as the Dentists Registration (Amendment) Ordinance 2005.

2. Commencement

This Ordinance shall come into operation on a day to be appointed by the Secretary for Health, Welfare and Food by notice published in the Gazette.

PART 2

AMENDMENTS TO THE DENTISTS REGISTRATION ORDINANCE

3. Interpretation

Section 2 of the Dentists Registration Ordinance (Cap. 156) is amended—

(a) in subsection (1)—

(i) by repealing the definition of “register”;

(ii) by repealing the definition of “registered”;

(iii) by repealing the definition of “registered dentist” and substituting—

““registered dentist” (註冊牙醫) means a person whose name appears for the time being on the General Register, whether or not his name also appears on the Specialist Register;”;

(iv) in the definition of “Secretary”, by repealing the full stop and substituting a semicolon;

(v) in the definition of “醫務委員會”, by repealing the full stop and substituting a semicolon;

(vi) by adding—

““Academy of Medicine” (醫學專科學院) means the Hong Kong Academy of Medicine established under the Hong Kong Academy of Medicine Ordinance (Cap. 419);

“Education and Accreditation Committee” (教育及評審小組) means the committee established under section 5B;

“General Register” (普通科名冊) means the register of dentists kept under section 7(1);

“Preliminary Investigation Committee” (初步調查小組) means the committee established under regulation 12 of the Dentists (Registration and Disciplinary Procedure) Regulations (Cap. 156 sub. leg. A);

“Specialist Register” (專科名冊) means the register of specialist dentists kept under section 7(3).”;

(b) by adding—

“(3) For the purposes of this Ordinance, a person is registered if the name of that person is entered in the General Register in accordance with section 9, and registration shall be construed accordingly.

(4) For the purposes of this Ordinance, 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—

- (a) the dentist's qualification or experience;
- (b) the dentist's failure to comply with the continuing education requirement under section 12D; or
- (c) 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.”.

4. Sections added

The following are added—

**“5B. Establishment and composition of
Education and Accreditation
Committee**

(1) There shall be established a committee to be called the Education and Accreditation Committee.

(2) The Education and Accreditation Committee shall consist of the following members appointed by the Council—

- (a) a chairman who is a member of the Council;
- (b) 1 registered dentist, not being a member of the Council, nominated by the University of Hong Kong;
- (c) 1 registered dentist, not being a member of the Council, nominated by the Academy of Medicine;
- (d) 1 registered dentist, not being a member of the Council, nominated by the Director of Health;
- (e) 1 registered dentist, not being a member of the Council, nominated by the Hong Kong Dental Association;
- (f) 2 other members who are members of the Council.

(3) A registered dentist is not eligible for appointment under subsection (2) if the Council has made an order in respect of the dentist under section 18(1)(i), (ii), (iii) or (iv).

- (4) The term of a member appointed under subsection (2) is 3 years, and the member is eligible for reappointment on the expiry of the term.
- (5) If, during the period of his office—
- (a) a member of the Education and Accreditation Committee under subsection (2)(a) or (f) ceases to be a member of the Council;
 - (b) a member of the Education and Accreditation Committee under subsection (2)(b), (c), (d) or (e)—
 - (i) ceases to be a registered dentist; or
 - (ii) becomes a member of the Council; or
 - (c) the Council has made an order in respect of a member of the Education and Accreditation Committee under section 18(1)(i), (ii), (iii) or (iv),
- the member ceases to be a member of the Education and Accreditation Committee.

5C. Functions of Education and Accreditation Committee

The Education and Accreditation Committee has the following functions—

- (a) to recommend to the Council the specialties under which the names of registered dentists may be included in the Specialist Register;
- (b) to recommend to the Council the qualifications, experience and other attributes that qualify a registered dentist to have his name included in the Specialist Register under a specialty recommended by the Committee under paragraph (a);
- (c) to recommend to the Council the procedures and documentations for an application to include the name of a registered dentist in the Specialist Register;
- (d) to make recommendations to the Council so that it may decide whether the name of a registered dentist should be included in, or removed from, the Specialist Register;
- (e) to review and recommend to the Council the standard and structure of undergraduate dental education and training in dentistry required for a person to become a registered dentist;
- (f) such other functions as are imposed on it under this Ordinance.

5D. Meetings of Education and Accreditation Committee

(1) At any meeting of the Education and Accreditation Committee, 4 members (including the chairman) shall form a quorum.

(2) At any meeting of the Education and Accreditation Committee, the chairman of the Committee shall preside or, if he is absent, the members present shall elect one of them to preside.

(3) A question for determination at any meeting of the Education and Accreditation Committee shall be decided by a majority of votes of the members present and voting on the question.

(4) At any meeting of the Education and Accreditation Committee, the chairman of the Committee shall have an original vote and, if upon any question the votes are equally divided, a casting vote.

5E. Transaction of business in Education and Accreditation Committee by circulation of papers

(1) The Education and Accreditation Committee may transact any of its business by circulation of papers.

(2) A resolution in writing which is signed by all the members of the Education and Accreditation Committee present in Hong Kong at the time the resolution was circulated is as valid and effectual as if it had been passed at a meeting of the Committee by the votes of the members so signing.

5F. Proceedings of Education and Accreditation Committee

If a member of the Education and Accreditation Committee under section 5B(2)(a) or (f) has taken part in dealing with any complaint or information involving a suitability issue, the member shall not, as a member of the Council, take part in the determination of the complaint or information by the Council.

5G. Dissolution of Education and Accreditation Committee

(1) If, in the opinion of the Council, the Education and Accreditation Committee has acted in a manner that is prejudicial to the interest of the public or dental profession, the Council may, by a resolution passed by the votes of not less than three quarters of the members of the Council, dissolve the Committee.

(2) Upon a dissolution of the Education and Accreditation Committee under subsection (1), the Council—

- (a) may perform the functions of the Committee; and
- (b) shall make such appointments as are necessary to re-establish the Committee with new membership within 3 months of the dissolution.”.

5. Registrar of Dentists

Section 6(1) is amended by repealing everything after “with the” and substituting “General Register as may be prescribed, and with the Specialist Register as may be provided for, under this Ordinance.”.

6. Keeping of General Register and Specialist Register

Section 7 is amended—

- (a) in subsection (1), by adding “, to be called the General Register,” after “register of dentists”;
- (b) in subsection (2), by repealing “register” and substituting “General Register”;

(c) by adding—

“(3) The Registrar shall cause a register of specialist dentists, to be called the Specialist Register, to be kept in such form as he thinks fit.

(4) The Specialist Register shall contain the names, addresses, qualifications, specialties and such other particulars as the Registrar thinks necessary of those registered dentists who have been approved by the Council to have their names included in the Register.

(5) The Registrar shall be responsible for the maintenance and custody of the Specialist Register.”.

7. Application for registration

Section 9 is amended—

(a) in subsection (2)—

(i) by repealing “he” and substituting “the name of the person”;

(ii) by repealing “register” and substituting “General Register”;

(b) in subsection (3), by repealing “upon the register” and substituting “in the General Register”.

8. Person not to practise without practising certificate

Section 11A is amended—

- (a) in subsection (2), by repealing the comma after “the certificate”;
- (b) in subsection (8)(a), by repealing “register” and substituting “General Register”.

9. Recovery of practising fees

Section 11B(3) is amended by repealing “register” and substituting “General Register”.

10. Sections added

The following are added—

“12A. Qualification for inclusion in Specialist Register

The Council may approve the qualifications, experience and other attributes recommended by the Education and Accreditation Committee that qualify a registered dentist to have his name included in the Specialist Register under a specialty.

12B. Application for inclusion in Specialist Register

(1) A registered dentist who wishes to have his name included in the Specialist Register under a specialty may apply to the Council, in such form and manner as may be specified by the Council, for the inclusion.

(2) The Council shall not approve a registered dentist’s application made under subsection (1) unless, in the Council’s opinion, the dentist satisfies the conditions in subsection (3).

(3) Those conditions are—

(a) the dentist—

(i) has been—

(A) awarded a Fellowship of the Academy of Medicine; and

(B) certified by the Academy that he has completed the postgraduate dental training, and has satisfied the continuing education requirements, determined by the Academy for the specialty; or

- (ii) has been certified by the Academy of Medicine that—
 - (A) he has achieved a professional standard equivalent to that recognized by the Academy for the award of its fellowship; and
 - (B) he has completed the postgraduate dental training, and has satisfied the continuing education requirements, comparable to those determined by the Academy for the specialty; and
 - (b) the dentist is of good character.
- (4) On receiving a registered dentist's application made under subsection (1), the Council shall refer the application to the Education and Accreditation Committee for a recommendation as to whether the dentist satisfies the conditions in subsection (3).
- (5) As soon as practicable after having received a referral under subsection (4), the Education and Accreditation Committee shall—
- (a) notify the Council of its recommendation and the reasons for it; and
 - (b) in the case where the Committee recommends to the Council that the registered dentist does not satisfy the conditions in subsection (3), notify the dentist in writing of its recommendation and the reasons for it.
- (6) In making the recommendation referred to in subsection (4), the Education and Accreditation Committee shall take into account any recommendation made by the Committee under section 12F(1)(d).
- (7) Within 14 days after having received a notice under subsection (5)(b), the registered dentist may submit to the Council representations in writing on the Education and Accreditation Committee's recommendation.
- (8) If the Education and Accreditation Committee recommends to the Council that a registered dentist does not satisfy the conditions in subsection (3), the Council shall not decide whether or not to approve the application until the later of—
- (a) the expiry of the period within which the dentist may submit representations under subsection (7); or
 - (b) the expiry of the period within which the dentist may request the Committee to review its recommendation under section 12F(5).
- (9) In deciding whether or not to approve a registered dentist's application made under subsection (1), the Council shall have regard to—
- (a) the Education and Accreditation Committee's recommendation referred to in subsection (4) and the reasons for it;

- (b) if the dentist has submitted representations under subsection (7), those representations; and
- (c) if the dentist has requested the Committee to review its recommendation under section 12F(5), the result of the review and the reasons for it.

(10) If the Council approves the application of a registered dentist made under subsection (1), the Council shall, on receiving from the dentist the fee prescribed for the purpose, direct the Registrar—

- (a) to include the dentist's name in the Specialist Register under the specialty; and
- (b) to issue a certificate, in the form specified by the Council, to the effect that the dentist's name has been included in the Specialist Register under the specialty.

(11) If the Council rejects the application of the registered dentist, the Council shall notify the dentist in writing of the rejection and the reasons for it.

12C. Title of specialist, etc.

A registered dentist whose name is included in the Specialist Register under a specialty is entitled—

- (a) to be known in such specialist title in both the English language and Chinese language as may be determined by the Council for that specialty; and
- (b) to such other entitlements as may be determined by the Council.

12D. Continuing education for dentists included in Specialist Register

A registered dentist whose name is included in the Specialist Register under a specialty shall undergo such continuing education as may be determined from time to time by the Academy of Medicine for the specialty.

12E. Receipt of complaint or information on suitability issue

(1) Where the Secretary receives a complaint or information involving a suitability issue, he shall submit the complaint or information to the Preliminary Investigation Committee.

(2) As soon as practicable after a complaint or information has been submitted to the Preliminary Investigation Committee under subsection (1), the chairman of that Committee shall ascertain whether it also falls within regulation 13 of the Dentists (Registration and Disciplinary Procedure) Regulations (Cap. 156 sub. leg. A).

(3) If the chairman of the Preliminary Investigation Committee is of the opinion that the complaint or information also falls within regulation 13 of the Dentists (Registration and Disciplinary Procedure) Regulations (Cap. 156 sub. leg. A), the complaint or information shall—

- (a) be referred to the Secretary to be dealt with in accordance with those regulations; and
- (b) as soon as practicable after having been dealt with under those regulations, be referred to the Education and Accreditation Committee to be dealt with in accordance with section 12F.

(4) Subject to subsection (3), the complaint or information shall be referred to the Education and Accreditation Committee to be dealt with in accordance with section 12F.

12F. Complaints or information referred to Education and Accreditation Committee

(1) Where a complaint or information in respect of a registered dentist is referred to the Education and Accreditation Committee, the Committee, after considering all the circumstances of the case, may, with or without inviting the dentist to make representations under subsection (3)—

- (a) dismiss the matter;
- (b) where the complaint or information also falls within regulation 13 of the Dentists (Registration and Disciplinary Procedure) Regulations (Cap. 156 sub. leg. A), refer it to the Secretary to be dealt with in accordance with those regulations;
- (c) where the dentist's name is included in the Specialist Register, recommend to the Council that the name be removed from the Specialist Register, or be removed from the Register for such period or until the occurrence of such event as the Committee recommends; or
- (d) where the dentist is applying for the inclusion of his name in the Specialist Register, recommend to the Council that the dentist does not satisfy the conditions in section 12B(3).

(2) The Education and Accreditation Committee shall not deal with a complaint or information referred to it if the chairman of the Committee is of the opinion that the complaint or information is frivolous or groundless and should not proceed further.

(3) In dealing with such a complaint or information in respect of a registered dentist, the Education and Accreditation Committee may invite the dentist to make representations in person before the Committee or submit to the Committee representations in writing.

(4) If the Education and Accreditation Committee makes a recommendation under subsection (1)(c) or (d), the Committee shall notify the registered dentist concerned in writing of the recommendation and the reasons for it.

(5) Within 14 days after having received a notice under subsection (4), the registered dentist may request, in writing and setting out the reasons relied upon, the Education and Accreditation Committee to review its recommendation.

(6) As soon as practicable after having received a request under subsection (5), the Education and Accreditation Committee shall notify the registered dentist in writing of the result of the review and the reasons for it.

(7) If a registered dentist has requested the Education and Accreditation Committee to review its recommendation under subsection (1)(c), the dentist may, within 14 days after having received a notice under subsection (6), submit to the Council representations in writing on the result of the review.”.

11. Publication of General Register and evidence of registration

Section 13(1), (2) and (5) is amended by repealing “register” and substituting “General Register”.

12. Section added

The following is added—

“13A. Publication of Specialist Register and evidence of inclusion

(1) As soon as may be after 1 January of every year, the Registrar shall prepare and publish in the Gazette a list of the names, addresses, qualifications and dates of the qualifications of all registered dentists whose names appear on the Specialist Register on 1 January immediately preceding the publication of the list in the Gazette.

(2) As soon as may be after 1 July of every year, the Registrar shall prepare and publish in the Gazette a list of the names, addresses, qualifications and dates of the qualifications of all registered dentists whose names were added to the Specialist Register between 1 January and 1 July of such year.

(3) The publication of a list referred to in subsection (1) or (2) shall be prima facie evidence that the name of each registered dentist named in such list is included in the Specialist Register.

(4) The absence of the name of any registered dentist from the list last published under subsection (1) and from any list subsequently published under subsection (2) shall be prima facie evidence that the name of the dentist has not been included in the Specialist Register.

(5) A certificate under the hand of the Registrar that the name of a registered dentist—

(a) has or has not been included in; or

(b) has been removed from,

the Specialist Register shall be conclusive evidence of that fact.”.

13. Exhibition of certificate of registration

Section 14(2) is amended by repealing “register” and substituting “General Register”.

14. Correction of General Register or Specialist Register

Section 15 is amended—

(a) in subsection (1), by repealing “register” and substituting “General Register”;

(b) by adding—

“(1A) The Registrar shall from time to time insert in the Specialist Register any alteration or addition which may come to his knowledge in the name, addresses or qualifications of any registered dentist whose name is included in the Register.”;

(c) in subsection (2), by repealing “register” and substituting “General Register or Specialist Register”;

(d) in subsection (3), by repealing “register” and substituting “General Register”.

15. Section added

The following is added—

“15A. Removal of names from Specialist Register

(1) If—

(a) the Council orders a removal of the name of a registered dentist from the General Register under section 15(3) or 18(1); and

(b) the dentist’s name is also included in the Specialist Register, the Registrar shall, at the same time when he removes the dentist’s name from the General Register, also remove the dentist’s name from the Specialist Register.

(2) Subject to subsection (3), the Council may order that the name of a registered dentist be removed from the Specialist Register, or be removed from the Register for such period or until the occurrence of such event as the Council specifies.

(3) In deciding whether or not to order the removal of the registered dentist’s name from the Specialist Register, the Council shall have regard to—

(a) the Education and Accreditation Committee’s recommendation under section 12F(1)(c) and the reasons for it;

(b) if the dentist has requested the Committee to review that recommendation under section 12F(5), the result of the review and the reasons for it; and

(c) if the dentist has submitted representations under section 12F(7), those representations.

15B. Service of notice

A notice required to be given to a registered dentist under sections 12B(5)(b) and (11) and 12F(4) and (6) shall be given by sending it by registered post addressed to the dentist at his registered address.”.

16. Disciplinary inquiries by the Council

Section 18(1) is amended—

(a) by adding—

“(ca) has procured his name to be included in the Specialist Register by fraud or misrepresentation; or”;

(b) in paragraphs (i) and (ii), by repealing “register” and substituting “General Register”.

17. Provisions relating to orders of the Council

Section 22 is amended—

- (a) in subsection (1), by adding “, 15A(2)” before “or 18(1)”;
- (b) in subsection (2), by repealing “register” and substituting “General Register”;
- (c) by adding—
 - “(2A) The Registrar shall not remove the name of a registered dentist from the Specialist Register before the expiry of 1 month after the date of service of an order of the Council made under section 15A(2) on the dentist concerned and in the case of an appeal shall await the decision of the Court of Appeal.”;
- (d) in subsection (3)—
 - (i) by repealing “register under” and substituting “General Register under”;
 - (ii) by repealing “register,” where it twice appears and substituting “General Register,”.

18. Appeals

Section 23 is amended—

- (a) in subsection (1)—
 - (i) by repealing “upon the register” and substituting “in the General Register”;
 - (ii) by adding “, 15A(2)” before “or 18”;
- (b) in subsection (3), in the proviso, by adding “, 15A(2)” before “or 18”.

19. Section substituted

Section 24 is repealed and the following substituted—

“24. Penalty for fraudulent registration, etc.

Any person who fraudulently procures or attempts to procure—

(a) himself or any other person to be registered under this Ordinance; or
(b) his or any other person's name to be included in the Specialist Register,
by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either orally or in writing, commits an offence and is liable on conviction upon indictment to imprisonment for 3 years.”.

20. Section substituted

Section 25 is repealed and the following substituted—

“25. **Penalty for falsely pretending to be or taking or using the name or title of a dentist**

- (1) A person commits an offence if—
- (a) he is neither a registered dentist nor deemed to be one under this Ordinance; and
 - (b) he wilfully or falsely—
 - (i) pretends to be a dentist, dental surgeon, qualified dentist, doctor of dental surgery, professor of dentistry or surgeon dentist;
 - (ii) takes or uses the name or title of a dentist, dental surgeon, qualified dentist, doctor of dental surgery, professor of dentistry or surgeon dentist; or
 - (iii) takes or uses any name, title, addition or description implying (whether in itself or in the circumstances in which it is used) that he—
 - (A) is a dentist; or
 - (B) is qualified to heal or treat dental disorders or derangements, whether by dentistry or any other means of any kind or description whatsoever.
- (2) A person who commits an offence under subsection (1) is liable on summary conviction to a fine at level 6 and to imprisonment for 3 years.”.

21. Section added

The following is added—

“25A. Penalty for falsely pretending to be or taking or using the name or title of a specialist

- (1) A person commits an offence if—
 - (a) his name is not included in the Specialist Register; and
 - (b) he wilfully or falsely—
 - (i) pretends that his name is included in the Specialist Register; or
 - (ii) takes or uses any name, title, addition or description implying (whether in itself or in the circumstances in which it is used) that—
 - (A) he is a specialist dentist; or
 - (B) his name is included in the Specialist Register.
- (2) Subsection (1) applies—
 - (a) whether or not the person is a registered dentist; and
 - (b) whether or not the person is deemed to be a registered dentist under this Ordinance.
- (3) A person who commits an offence under subsection (1) is liable on summary conviction to a fine at level 6 and to imprisonment for 3 years.”.

22. Regulations

Section 29 is amended—

- (a) by repealing subsection (1B)(a) and substituting—
 - “(a) the form of the General Register and the manner in which the General Register and Specialist Register are to be kept; and”;
- (b) in subsection (1C)—
 - (i) in paragraph (b), by adding “or referral” after “the receipt”;
 - (ii) in paragraph (e), by adding “and required to be prescribed” after “Ordinance”.

23. Section added

The following is added—

“29A. Power of Council to specify forms, etc.

- (1) The Council may specify—

- (a) the form and manner of the application by a registered dentist to have his name included in the Specialist Register; and
 - (b) the form of a certificate to the effect that a registered dentist's name has been included in the Specialist Register under a specialty.
- (2) The Council's power under subsection (1)(a) may be exercised in such a way as to include (whether by way of attachment or otherwise) in the specified form a statutory declaration—
- (a) to be made by the registered dentist completing the form; and
 - (b) as to whether the particulars contained in the form are true and correct to the best of the dentist's knowledge and belief.
- (3) A form specified under subsection (1)(a) shall be—
- (a) completed in accordance with such directions and instructions as are specified in the form; and
 - (b) accompanied by such statements, certificates or any other documents as are specified in the form.”.

24. Section added

The following is added—

“32. Transitional

(1) If the Council has, before the commencement of section 7(3), approved a registered dentist to use, or be known in, a specialist title for a specialty, and the approval is in effect immediately before that commencement, the Registrar shall, on that commencement, include the dentist's name in the Specialist Register under the specialty.

(2) The Registrar shall, on receipt of payment of the prescribed fee, issue a certificate, in the form specified by the Council, to the effect that a registered dentist's name has been included in the Specialist Register under subsection (1) under a specialty.”.

PART 3

CONSEQUENTIAL AMENDMENTS TO THE DENTISTS (REGISTRATION AND DISCIPLINARY PROCEDURE) REGULATIONS

25. Part heading amended

The heading of Part II of the Dentists (Registration and Disciplinary Procedure) Regulations (Cap. 156 sub. leg. A) is amended by repealing “REGISTER” and substituting “REGISTERS”.

26. Form of General Register

Regulation 3 is amended by repealing “register” and substituting “General Register”.

27. Fees

Regulation 4(2) is amended by repealing “register” and substituting “General Register or Specialist Register”.

28. Copies of entries and certificates

Regulation 8B is amended—

(a) in paragraph (a)—

(i) in subparagraph (i), by repealing “register” and substituting “General Register or Specialist Register”;

(ii) in subparagraph (ii), by adding “or a duplicate certificate for the inclusion of name in the Specialist Register” after “registration”;

(iii) in subparagraph (iii), by adding “or a certificate for the inclusion of name in the Specialist Register” after “registration”;

(b) in paragraph (b)(ii), by adding “or the inclusion of name in the Specialist Register” after “registration”.

29. Alteration of General Register or Specialist Register

Regulation 9 is amended—

(a) by repealing “register” where it first appears and substituting “General Register or Specialist Register”;

- (b) by adding “or (1A)” after “section 15(1)”;
- (c) by repealing “register” where it secondly appears and substituting “Register”.

30. Qualifications

Regulation 10 is amended—

- (a) in paragraph (1)—
 - (i) by repealing “register” where it first appears and substituting “General Register or Specialist Register”;
 - (ii) by repealing “register” where it secondly appears and substituting “Register”;
- (b) in paragraph (2), by repealing “register” and substituting “Register”.

31. Submission or receipt of complaint or information

Regulation 13 is amended—

- (a) by adding “, or a complaint or information is referred to the Secretary,” after “by the Secretary”;
- (b) by adding—
 - “(ca) has procured his name to be included in the Specialist Register by fraud or misrepresentation;”.

32. Regulation added

The following is added—

“13A. Reference of complaint or information to Education and Accreditation Committee

(1) As soon as practicable after a complaint or information has been submitted to the Committee under regulation 13, the chairman of the Committee shall ascertain whether it also involves a suitability issue.

(2) If the chairman of the Committee is of the opinion that the complaint or information also involves a suitability issue, the complaint or information shall, as soon as practicable after having been dealt with under these regulations, be referred to the Education and Accreditation Committee to be dealt with in accordance with section 12F of the Ordinance.”.

33. Determination of Committee that inquiry be held

Regulation 17(5) is amended by repealing “register” and substituting “General Register”.

34. Forms

The First Schedule is amended—

- (a) in the heading of Form 1, by adding “GENERAL” before “REGISTER”;
- (b) in the heading of Form 1A, by adding “GENERAL” before “REGISTER”;
- (c) in Form 3, by adding “General” before “Register”;
- (d) in Form 6—
 - (i) by adding after “misrepresentation.”—
“or

(If the charge alleges that the registered dentist has procured his name to be included in the Specialist Register by fraud or misrepresentation) That you (set out briefly the facts alleged): and that in relation to the facts alleged you procured your name to be included in the Specialist Register by fraud or misrepresentation.”;

- (ii) by repealing “upon the register” and substituting “in the General Register”.

35. Fees

The Second Schedule is amended—

- (a) in the square brackets, by repealing “& 11A” and substituting “, 11A, 12B & 32”;
- (b) by adding—
“1A. Inclusion of name in the Specialist Register
under section 12B of the Ordinance 1,890”;
- (c) in item 4, by adding “or the inclusion of name in the Specialist Register” after “registration”;
- (d) in item 5, by repealing “register” and substituting “General Register or Specialist Register”;

- (e) in item 6, by repealing “register” and substituting “General Register or Specialist Register”;
- (f) by adding—
 - “6A. Certificate for the inclusion of name in the Specialist Register under section 32 of the Ordinance 590”;
- (g) in item 7, by adding “or duplicate certificate for the inclusion of name in the Specialist Register” after “registration”;
- (h) in item 8, by adding “or certificate for the inclusion of name in the Specialist Register” after “registration”;
- (i) in item 9—
 - (i) in paragraphs (a) and (b), by repealing “register” and substituting “General Register”;
 - (ii) in paragraph (d), by adding “of the Ordinance” after “30(3)(a)”.

PART 4

CONSEQUENTIAL AMENDMENTS TO OTHER ORDINANCES

Antibiotics Ordinance

36. Interpretation

Section 2 of the Antibiotics Ordinance (Cap. 137) is amended, in the definition of “registered dentist”, by repealing “dentists register” and substituting “General Register”.

Public Health (Animals and Birds)(Chemical Residues) Regulation

37. Interpretation

Section 2 of the Public Health (Animals and Birds)(Chemical Residues) Regulation (Cap. 139 sub. leg. N) is amended by repealing the definition of “registered dentist” and substituting—

““registered dentist” (註冊牙醫) means a dentist whose name is entered in the General Register under section 9 of the Dentists Registration Ordinance (Cap. 156);”.

Employees' Compensation Ordinance

38. Interpretation

Section 3(1) of the Employees' Compensation Ordinance (Cap. 282) is amended by repealing the definition of "registered dentist" and substituting—
"“registered dentist” (註冊牙醫) means a dentist whose name is entered in the General Register under section 9 of the Dentists Registration Ordinance (Cap. 156);”.

Chiropractors (Registration and Disciplinary Procedure) Rules

39. Application for registration

Section 4(6)(f) of the Chiropractors (Registration and Disciplinary Procedure) Rules (Cap. 428 sub. leg. B) is amended by repealing "dental practitioner" and substituting "registered dentist".

Explanatory Memorandum

This Bill amends the Dentists Registration Ordinance (Cap. 156) ("DRO"). The main purpose is to establish a Specialist Register for registered dentists qualified in various specialties in dentistry. The Bill is divided into 4 parts.

Part 1 of the Bill

2. Part 1 of the Bill provides for the short title of the Ordinance (clause 1) and its commencement (clause 2).

Part 2 of the Bill

3. Part 2 of the Bill contains amendments to the DRO.

4. Clause 3 amends section 2 of the DRO. In view of the introduction of a Specialist Register in the Bill, the definition of "register" in the DRO under which registered dentists are registered is renamed the "General Register". This clause also adds—

- (a) new definitions to define expressions used in the DRO as amended; and
- (b) 2 construction clauses and, in particular, the new section 2(4) sets out how a complaint or information involving a suitability issue is to be construed in the DRO as amended.

5. Clause 4 adds new sections 5B, 5C, 5D, 5E, 5F and 5G. New section 5B deals with the establishment and composition of the Education and Accreditation Committee (“EAC”). New section 5C provides for the functions of the EAC. New sections 5D to 5G relate to the operation and dissolution of the EAC.
6. Clauses 5, 7, 8 and 9 contain amendments consequential on the introduction of the Specialist Register.
7. Clause 6 adds new section 7(3) to (5) to provide for the setting up of the Specialist Register and for related matters.
8. Clause 10 adds new sections 12A to 12F to the DRO. New sections 12A and 12B provide for the qualification and procedures for the inclusion of names of registered dentists to the Specialist Register. New section 12C provides for the title of specialist dentists. New section 12D requires a specialist dentist to undergo continuing education determined by the Hong Kong Academy of Medicine. New section 12E relates to the receipt of complaints or information involving a suitability issue of a registered dentist. In particular, this section empowers the chairman of the Preliminary Investigation Committee (“PIC”) to decide whether a complaint or information received under the section should be dealt with by the PIC or EAC. New section 12F empowers the EAC to deal with a complaint or information involving a suitability issue.
9. Clauses 11, 12, 13, 14 and 16 contain amendments consequential on the introduction of the Specialist Register.
10. Clause 15 adds a new section 15A to empower the Dental Council of Hong Kong (“the Council”) to remove the name of a specialist dentist from the Specialist Register. This clause also adds a new section 15B to provide for the service of notice under certain circumstances.
11. Clause 17 amends section 22 to provide for the time when the Registrar of Dentists removes the name of a registered dentist from the Specialist Register.
12. Clause 18 amends section 23 to enable a registered dentist against whom an order has been made by the Council for a removal of his name from the Specialist Register to appeal to the Court of Appeal.
13. Clauses 19 and 20 amend the existing offence provisions in sections 24 and 25 respectively to—
 - (a) take into account the case of a specialist dentist; and
 - (b) follow the contemporary legislative drafting practice.

14. Clause 21 introduces the new section 25A to provide for criminal sanction against unauthorized use of specialist title.
15. Clause 22 amends section 29 to revise the regulation making power as a result of the introduction of the Specialist Register.
16. Clause 23 adds new section 29A to empower the Council to specify forms.
17. Clause 24 adds new section 32 to deal with transitional arrangement. Since 1959, the Council has been granting specialist titles to registered dentists through administrative means. The Council keeps a list of such registered dentists and makes it available to the general public. In view of the proposed statutory framework for a Specialist Register in the Bill, the names of those registered dentists on the list are to be transferred to the Specialist Register, and the relevant dentists will be given statutory recognition upon the transfer.

Part 3 of the Bill

18. Clauses 25 to 35 amend the Dentists (Registration and Disciplinary Procedure) Regulations (Cap. 156 sub. leg. A) (“Cap. 156A”).
19. Clauses 25 to 31 make consequential amendments to Cap. 156A which arise from the amendments made to the DRO.
20. Clause 32 adds a new regulation 13A to Cap. 156A to enable the chairman of PIC to refer a complaint or information received under Cap. 156A to the EAC.
21. Clauses 33 to 35 make consequential amendments to Cap. 156A which arise from the amendments made to the DRO.

Part 4 of the Bill

22. Clauses 36 to 39 contain consequential amendments to several other Ordinances.