

LEGISLATIVE COUNCIL BRIEF

Dentists Registration Ordinance
Chapter 156

Dentists Registration (Amendment) Bill 2005

INTRODUCTION

At the meeting of the Executive Council on 28 June 2005, the Council ADVISED and the Chief Executive ORDERED that the Dentists Registration (Amendment) Bill 2005 (“the Bill”), which contained amendments to the Dentists Registration Ordinance to establish a Specialist Register for registered dentists qualified in various specialist fields of dentistry, should be introduced into the Legislative Council.

JUSTIFICATIONS

2. The Ordinance provides for a legislative framework for the registration of dental practitioners in Hong Kong as well as the administration and governing of their professional practice and conduct. The Dental Council of Hong Kong (the Council) is set up under the Ordinance to take charge of matters relating to registration, conduct of licensing examination, disciplinary regulation etc.

3. Since its establishment in 1959, the Council has been granting specialist titles to registered dentists through administrative arrangements. Criteria are laid down by the Council and have evolved in keeping with developments of the dental profession throughout the past few decades. The names of dentists granted with a specialist title were included in a non-statutory specialist list, which is made publicly available for general information.

4. The current administrative arrangement however lacks legal backing and fails to provide clarity and certainty on the requirements and procedures to become specialists. By establishing a Specialist Register in the Ordinance, it will provide a firm legal basis for the accreditation

arrangements. In parallel, registration of medical specialists has been provided for under the Medical Registration Ordinance (Cap. 161).

5. The proposed amendments will incorporate into the Ordinance the requirements and procedures for becoming specialists, including procedures for making and handling applications, criteria to approve or refuse applications, review mechanism, etc. A copy of the Bill is at **Annex A**. The existing provisions to be amended are attached at **Annex B**.

6. A statutory Education and Accreditation Committee (EAC) will also be set up to handle matters relating to the Specialist Register and specialists. The EAC will recommend to the Council the specialties to be included in the Specialist Register, vet applications and make recommendations to the Council in order that the Council may decide whether the applications should be approved or not.

7. At the moment, unauthorized use of specialist titles by registered dentists, according to the Code of Professional Discipline promulgated by the Council, may amount to unprofessional conduct and may lead to removal of the dentists' names from the current register of dentists. Since such unauthorized use of specialist titles is analogous to misleading the public, it may result in serious health consequences and call into question the integrity of the dentists, more stringent sanction, as in the case of medical practitioners, is warranted. We therefore propose to make the act a criminal offence.

8. The introduction of a statutory Specialist Register can provide useful information to the public and the dental profession to the effect that a dentist whose name has been included in the Register under a specialty means that he has completed his post-graduate dental training in a given field to the satisfaction of the Council, so that he would be fully competent to exercise independent judgment and responsibility in practising in that speciality. The criminal sanction associated with unauthorized use of specialist titles will give a deterrent effect and serve to better inform and protect the public. In sum, the proposed legislative amendments would help to facilitate development of specialist practice in the dental profession and enhance their professional standing.

OTHER OPTIONS

9. Introducing legislative amendments is the only option to achieve the objective of providing the specialist dentists with a statutory status.

THE BILL

10. Clause 3 provides for the definitions of the General Register and Specialist Register and the related committees. Following the proposed establishment of a Specialist Register, the current “register” in the Ordinance is renamed the “General Register”.

11. Clause 4 provides for the establishment, operation and conduct of the Education and Accreditation Committee.

12. Clauses 6, 12 and 14 of the Bill provide for the setting up, publication and correction of the Specialist Register.

13. Clauses 10 and 32 prescribe the requirements to become a specialist, the manner in which such application shall be made and approved, the review mechanism for the refusal decision as well as the procedures of handling complaint or information against specialists.

14. Clauses 15, 17 and 18 provide for the power of the Council to order for the removal of names of specialists from the Specialist Register and an appeal mechanism for aggrieved dentists.

15. Clauses 16, 19, 21 and 31 provide for disciplinary inquiries by the Council and criminal sanction against fraudulent act of procuring a person’s name to be included in the Specialist Register and unauthorized use of specialist title.

16. Clause 23 empowers the Council to specify the form and manner of application for inclusion into the Specialist Register and the form of the relevant certificate for specialists.

17. Clause 24 provides for the inclusion of the names of registered dentists who have been granted specialist titles under the administrative system into the Specialist Register upon enactment of the relevant amendments.

18. Clause 35 prescribes the fees payable by specialist dentists for inclusion of their names in the Specialist Register and the issue of relevant certificates to those dentists.

LEGISLATIVE TIMETABLE

19. Subject to the Members’ approval of the introduction of the Bill into the Legislative Council, the legislative timetable will be –

Publication in the Gazette

30 June 2005

First Reading and commencement of Second Reading debate	6 July 2005
Resumption of Second Reading debate, committee stage and Third Reading	To be notified

IMPLICATIONS OF THE PROPOSAL

20. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. It will enhance professional standing of dentists and have positive impact on public health. The proposal has no civil service, productivity or sustainability implications. The Bill does not affect the current binding effect of the Ordinance.

21. The Bill provides that newly qualified dental specialists would submit an application to the Council to have their names entered into the Specialist Register. A fee of \$1,890 is proposed on the basis of recovering the cost in respect of processing the application and for the issuing of relevant certificate. We are not able to estimate the amount of revenue to be generated at this stage. Registered dentists currently on the administrative list will be admitted into the Specialist Register upon the establishment of the Register. A fee of \$590 will be charged on these dentists for the issue of certificate for the inclusion of name in the Specialist Register. Assuming all these dentists will apply for the issue of certificate, a small government revenue of about \$68,000 will be generated. DH will absorb the resources for implementing the proposal.

PUBLIC CONSULTATION

22. The proposed amendments were put forward by the Dental Council of Hong Kong, which the Health, Welfare and Food Bureau has worked very closely with in putting together the Bill. The Hong Kong Dental Association and the Dental Committee of Government Doctors Association have indicated support for the proposed amendments. The Hong Kong Academy of Medicine and the College of Dental Surgeons of Hong Kong also strongly support the introduction of the Specialist Register in the Ordinance.

23. The Bureau also met with representatives of the dentistry profession in January 2005 to exchange views on the proposed amendments. They were supportive of the Administration's approach to put forward amendments to the Ordinance in relation to Specialist Register in 2005 as a focus exercise. As regards requests for revamping other provisions in the Ordinance, they would need more detailed examination and the Bureau agreed to follow up at a later stage.

24. The LegCo Panel on Health Services was consulted in March 2005 on the main features of the Bill and members indicated support for the proposed amendments.

PUBLICITY

25. A press release will be issued on 30 June 2005. A spokesman from the Health, Welfare and Food Bureau will be available to handle press enquiries.

BACKGROUND

26. Since its establishment, the Dental Council of Hong Kong has been granting specialist status to qualified registered dentists through administrative means. At the moment, dentists who have been awarded a Fellowship in dental surgery by the Hong Kong Academy of Medicine (HKAM) or of equivalent status and have complied with the continuing education requirement set by the HKAM may be accredited as specialists and be authorized to use a specialist title.

27. There are at present 116 registered dentists being accredited with specialist titles by the Council. They belong to seven specialties in dentistry, namely Orthodontics, Oral and Maxillofacial Surgery, Periodontology, Endodontics, Paediatric Dentistry, Prosthodontics and Family Dentistry.

ENQUIRIES

28. Enquires on this brief should be addressed to Mr Jeff Leung, Principal Assistant Secretary (Health) 1 for Health, Welfare and Food, at 29738103 or Dr Fung Ying, Assistant Secretary (Health)2, at 29738118.

Health, Welfare and Food Bureau

29 June 2005

DENTISTS REGISTRATION (AMENDMENT) BILL 2005

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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.

Existing Provisions to be Amended
(Cap.156 & others)

Chapter:	156	DENTISTS REGISTRATION ORDINANCE	Gazette Number	Version Date
Section:	2	Interpretation		30/06/1997

- (1) In this Ordinance, unless the context otherwise requires-
- "certificate of registration" (註冊證明書) means a certificate of registration or a duplicate certificate of registration issued under section 10;
- "Chairman" (主席) means the chairman of the Council established under section 4 and includes any person elected to act as Chairman under section 4(5C); (Added 12 of 1968 s. 2. Amended 4 of 1988 s. 2)
- "complainant" (申訴人) means any person from whom a complaint against, or information in respect of a registered dentist or an applicant for registration has been received by the Secretary in accordance with regulations made under section 29; (Added 12 of 1968 s. 2)
- "Council" (委員會) means the Dental Council of Hong Kong established under section 4;
- "dangerous drugs" (危險藥物) means any drug to which the Dangerous Drugs Ordinance (Cap 134) applies;
- "due inquiry" (適當的研訊) means an inquiry by the Council conducted substantially in accordance with the procedure provided by regulations made under section 29(1C)(d)(v); (Amended 12 of 1968 s. 2; 80 of 1997 s. 5)
- "Legal Adviser" (法律顧問) means the person appointed to be Legal Adviser to the Council under section 4; (Added 12 of 1968 s. 2)
- "Licensing Examination" (許可試) means the examination set by the Council under section 4A; (Added 34 of 1995 s. 2)
- "Medical Council" (醫務委員會) means the Medical Council of Hong Kong established under section 3 of the Medical Registration Ordinance (Cap 161);
- "practising certificate" (執業證明書) means a certificate issued under section 11A; (Added 49 of 1977 s. 2)
- "prescribed" (訂明) means provided by regulations made under section 29;
- "register" (註冊牙醫名冊) means the register of dentists kept in accordance with section 7;
- "registered" (註冊) means admitted to the register in accordance with section 9;
- "registered address" (註冊地址) means the address appearing upon the certificate of registration issued under section 10;
- "registered dentist" (註冊牙醫) means a person whose name appears for the time being on the register;
- "Registrar" (註冊主任) means the Registrar of Dentists as provided for under section 6;
- "repealed Ordinance" (已廢除條例) means the Dentists Registration Ordinance 1940 (1 of 1940 see Cap 156 1950 Ed.);
- "Secretary" (秘書) means the Secretary of the Council appointed under section 4. (Added 12 of 1968 s. 2)

(2) A person shall be deemed to practise dentistry within the meaning of this Ordinance, who, for the sake of gain or otherwise, holds himself out, whether directly or by implication, as practising or being prepared to practise dentistry, or treats or attempts to treat or professes to treat, cure, relieve or prevent lesions or pain of the human teeth or jaws; or performs or attempts to

perform any operation thereon, or inserts or attempts to insert any artificial teeth or appliances for the restoration, regulation or improvement of the teeth or accessory structures.

Chapter:	156	DENTISTS REGISTRATION ORDINANCE	Gazette Number	Version Date
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Section:	6	Registrar of Dentists		30/06/1997
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(1) For the purposes of this Ordinance, there shall be a Registrar of Dentists, who shall perform such duties in connection with the register of dentists as may be prescribed.

(2) The consultant dental surgeon in charge of the Dental Service of the Department of Health shall be the Registrar. (Amended 4 of 1988 s. 5; L.N. 76 of 1989)

Chapter:	156	DENTISTS REGISTRATION ORDINANCE	Gazette Number	Version Date
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Section:	7	Keeping of register		30/06/1997
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(1) The Registrar shall cause a register of dentists to be kept in the form prescribed and he shall be responsible for the maintenance and custody thereof.

(2) In respect of any person who is registered by virtue of having been registered under the repealed Ordinance, the register shall indicate the paragraph of section 7* of the repealed Ordinance under which such person was first registered. (Amended 34 of 1995 s. 4)

Note:

* As amended by 24 of 1950 Schedule and 55 of 1955 s. 4

Chapter:	156	DENTISTS REGISTRATION ORDINANCE	Gazette Number	Version Date
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Section:	9	Application for registration		30/06/1997
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(1) Any person qualified to be registered may apply to the Registrar for registration. Every such application shall be made in such manner and shall be accompanied by such documents, photographs and particulars as may be prescribed.

(2) Where such person has complied with the provisions of subsection (1) and with any regulations relating thereto, and has paid the prescribed fee, he shall, subject to the provisions of subsection (3), be admitted by the Council to the register.

(3) If, after due inquiry, the Council is satisfied that any applicant for registration-

- (a) has been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment; or
- (b) has been guilty of unprofessional conduct; or
- (c) is the subject of an existing order made under section 17(1)(i) or (ii)* of the repealed Ordinance,

the Council may, in its discretion, order that the name of the applicant be not entered upon the register.

(4) Such of the provisions of section 18 as are capable of application to an inquiry held for the purposes of this section shall apply to such inquiry, and any such provision may be construed

with such modifications not affecting the substance as may be necessary to render it conveniently applicable.

Note:

* **As amended by 55 of 1955 s. 8.**

Chapter:	156	DENTISTS REGISTRATION ORDINANCE	Gazette Number	Version Date
Section:	11A	Person not to practise without practising certificate		30/06/1997

(1) Subject to this section, a person to whom this section applies shall not practise as a dentist in Hong Kong, unless he is the holder of a practising certificate which is then in force. (Amended 62 of 1987 s. 4)

(2) Subject to the payment of the prescribed fee for the issue of a practising certificate, the Secretary, on application made to him for that purpose by a person to whom this section applies, shall issue to him a certificate to the effect that he is, subject to any conditions and restrictions specified in the certificate,-

- (a) entitled to practise dentistry in Hong Kong; or
- (b) in the case of a person deemed to be a registered dentist under section 30(3)(a), entitled to practise dentistry for the purpose of teaching or performing hospital work in the Faculty of Dentistry of the University of Hong Kong. (Amended 62 of 1987 s. 4)

(3) Where a practising certificate is issued pursuant to an application made during the course of a year in respect of that year, the certificate shall, subject to subsection (5), be in force from the time of its issue until the end of that year.

(4) Where a practising certificate is issued pursuant to an application made during the course of a year in respect of the following year, the certificate shall, subject to subsection (5), be in force for a period of 12 months commencing on 1 January in that following year.

(5) If at any time during the currency of a practising certificate issued under this section, the holder of the certificate ceases to be registered, the certificate shall thereupon be deemed to be cancelled.

(6) Any person who is required under this section to be the holder of a practising certificate under this section shall be deemed to have obtained the certificate when he has duly applied to the Secretary and paid the prescribed fee for the issue of the practising certificate.

(7) Notwithstanding section 11(1) a person who is required under this section to be the holder of a practising certificate shall not be entitled to recover any fees, costs or other remuneration on any cause of action unless he was, at the time when the cause of action arose, the holder of a valid practising certificate.

- (8) This section applies to-
 - (a) any person whose name appears on the register; and
 - (b) any person deemed to be a registered dentist by virtue of section 30(3)(a). (Replaced 62 of 1987 s. 4)

(Added 49 of 1977 s. 6)

Chapter:	156	DENTISTS REGISTRATION ORDINANCE	Gazette Number	Version Date
Section:	11B	Recovery of practising fees		30/06/1997

(1) If any person to whom section 11A applies contravenes subsection (1) of that section, the amount of the prescribed fee payable by him under subsection (2) of that section shall be recoverable as a civil debt.

(2) In any proceedings under this section a certificate purporting to be under the hand of the Secretary to the effect that the person concerned had not paid the prescribed fee for the issue of a practising certificate shall, until the contrary is proved, be evidence of non-payment of the fee.

(3) On recovery of a prescribed fee under this section the Secretary shall, if the name of the person concerned appears on the register or if he is deemed to be a registered dentist under section 30(3)(a), issue to him an appropriate practising certificate. (Replaced 62 of 1987 s. 5)

(Added 49 of 1977 s. 6. Amended 62 of 1987 s. 5)

Chapter:	156	DENTISTS REGISTRATION ORDINANCE	Gazette Number	Version Date
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Section:	13	Publication of register and evidence of registration		30/06/1997
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(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, registered addresses, qualifications and dates of the qualifications of all persons whose names appear on the 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, registered addresses, qualifications and dates of the qualifications of all persons whose names were added to the 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 each person named in such list is registered.

(4) The absence of the name of any person from the list last published under subsection (1) and from any list subsequently published under subsection (2) shall be prima facie evidence that such person is not registered.

(5) A certificate under the hand of the Registrar that the name of a person has been entered on or removed from the register shall be conclusive evidence that a person is or is not registered as the case may be.

Chapter:	156	DENTISTS REGISTRATION ORDINANCE	Gazette Number	Version Date
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Section:	14	Exhibition of certificate of registration		30/06/1997
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(1) Every registered dentist shall cause to be exhibited in a conspicuous place in any premises in which he practises dentistry for gain the certificate of registration issued to him under subsection (1) of section 10 or a certified copy of such certificate issued under subsection (2) of that section and any registered dentist who fails to comply with the provisions of this section commits an offence and is liable on summary conviction to a fine of \$1000 and, in the case of a continued non-compliance, to a fine of \$50 for every day during which such non-compliance continues.

(2) Any person who displays or causes or permits to be displayed in any premises a certificate of registration or a certified copy of a certificate of registration bearing his name or photograph at any time when his name does not appear on the register commits an offence and is liable on summary conviction to a fine of \$1000.

(Amended 68 of 1986 s. 12)

Chapter:	156	DENTISTS REGISTRATION ORDINANCE	Gazette Number	Version Date
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Section:	15	Correction of register		30/06/1997
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(1) The Registrar shall from time to time insert in the register any alteration or addition which may come to his knowledge in the name, addresses or qualifications of any person registered.

(2) The Registrar shall make such amendments to the register as are made necessary by any decision of the Council.

- (3) The Council may order the removal from the register of the name of any person who-
- (a) is deceased; or
 - (b) is not practising dentistry in Hong Kong; or (Amended 79 of 1984 s. 7)
 - (ba) being a person required to be the holder of a practising certificate, has practised dentistry in Hong Kong for a period exceeding 6 months without having obtained such a certificate; or (Added 49 of 1977 s. 7)
 - (c) has not supplied to the Registrar an address in Hong Kong at which all notices from the Council may be served on him: (Amended 79 of 1984 s. 7)

Provided that any person failing to acknowledge within 12 months of the date of dispatch the receipt of a registered letter or telegram addressed to him at the last address supplied by him to the Registrar shall be deemed not to have supplied the Registrar with an address under this paragraph.

Chapter:	156	DENTISTS REGISTRATION ORDINANCE	Gazette Number	Version Date
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Section:	18	Disciplinary inquiries by the Council		30/06/1997
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(1) If, after due inquiry into any case referred to it by the Preliminary Investigation Committee in accordance with regulations made under section 29, the Council is satisfied that any registered dentist- (Amended 12 of 1968 s. 4)

- (a) has been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment; or (Amended 79 of 1984 s. 7)
- (b) has been guilty of unprofessional conduct; or
- (c) has obtained registration by fraud or misrepresentation; or
- (d) was not at the time of his registration qualified to be registered; or
- (e) has contravened the provisions of section 17,

the Council may, in its discretion-

- (i) order the name of the registered dentist to be removed from the register; or
- (ii) order the name of the registered dentist to be removed from the register for such period as it may think fit; or
- (iii) order the registered dentist to be reprimanded; or
- (iv) make any other order as it thinks fit, but no such order shall be of greater severity than those in paragraphs (i) to (iii), (Replaced 16 of 1992 s. 2)

and may, in any case, make such order as the Council thinks fit with regard to the payment of the costs of the Secretary, a complainant, a counsel or solicitor present at the inquiry and the registered dentist or any one or more of them, and any costs awarded may be recovered summarily as a civil debt in accordance with the Magistrates Ordinance (Cap 227). (Amended 49 of 1977 s. 8.)

(1A)The Council may, in making any of the orders referred to in subsection (1)(i) to (iii), order that the operation of such order be suspended so that it shall not take effect unless, during a period or periods specified in the suspending order in aggregate not exceeding 2 years, a finding is made against the registered dentist under subsection (1)(a) to (e) or he is found by the Council to

be in breach of any condition imposed by the Council at the time of making the suspending order. (Added 16 of 1992 s. 2)

(2) For the purposes of subsection (1), "unprofessional conduct" (不專業行爲) means an act or omission of a registered dentist which would be reasonably regarded as disgraceful or dishonourable by registered dentists of good repute and competency.

(3) Nothing in this section shall be deemed to require the Council to inquire into the question whether the registered dentist was properly convicted but the Council may consider any record of the case in which such conviction was recorded and any other evidence which may be available and is relevant as showing the nature and gravity of the offence.

(4) In any inquiry under this section as to whether a person has been guilty of unprofessional conduct, any finding of fact which is shown to have been made in any matrimonial proceedings in a court of the Commonwealth having unlimited jurisdiction in civil matters, or on appeal from a decision in such proceedings, shall be conclusive evidence of the fact found.

(5) Within 1 month after the expiry of the time within which an appeal against an order made by the Council in accordance with the provisions of subsection (1) may be made to the Court of Appeal in accordance with the provisions of section 23, or if such appeal has been made, within 1 month after the decision of the Court of Appeal affirming or varying such order, the Council shall, in the case of an order made under subsection (1)(i) to (iii), and may, in the case of an order made under subsection (1)(iv), cause the order or the order as varied on appeal to be published in the Gazette. (Amended 16 of 1992 s. 2)

(6) Where any order is published in the Gazette pursuant to subsection (5), the Council-

(a) shall publish with the order-

(i) sufficient particulars to acquaint the public with the nature of the matter to which the order relates; and

(ii) where an order has been made under subsection (1A) suspending the operation of the order, details of the suspending order; and

(b) may publish with the order an account of the proceedings at the inquiry at which the order was made. (Added 16 of 1992 s. 2)

Chapter:	156	DENTISTS REGISTRATION ORDINANCE	Gazette Number	Version Date
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Section:	22	Provisions relating to orders of the Council		30/06/1997
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(1) The Registrar shall cause a copy of any order made under section 9(3) or 18(1) to be served forthwith upon the person concerned, either personally or by registered post addressed to his registered address.

(2) The Registrar shall not remove the name of a registered dentist from the register before the expiry of 1 month after the date of service of an order of the Council made under section 18(1) on the person concerned and in the case of an appeal shall await the decision of the Court of Appeal.

(3) Any person whose name has been removed from the register under the provisions of this Ordinance, or whose name prior to the commencement of this Ordinance had been removed or erased under the provisions of the repealed Ordinance from the register kept in accordance with the provisions of that Ordinance may apply to the Council for the restoration of his name to the register, and the Council, in its absolute discretion and after such inquiry and subject to such conditions as it may consider desirable, may either allow or refuse the application, and, if it allows the same, shall order the Registrar to restore the name of the applicant to the register, and thereupon the Registrar shall restore the name accordingly.

(4) Any order made by the Council as aforesaid shall be signed by the Registrar.

Chapter:	156	DENTISTS REGISTRATION ORDINANCE	Gazette Number	Version Date
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Section:	23	Appeals	25 of 1998 s. 2	01/07/1997
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Remarks:

Amendments retroactively made - see 25 of 1998 s. 2

(1) Any person whose name has been ordered not to be entered upon the register under section 9(3) or any registered dentist who is aggrieved by any order made in respect of him under section 15 or 18 may appeal to the Court of Appeal and the Court of Appeal may thereupon affirm, reverse or vary the order appealed against.

(2) The decision of the Court of Appeal upon such appeal shall be final.

(3) The practice in relation to any such appeal shall be subject to any rules of court made under the High Court Ordinance (Cap 4): (Amended 25 of 1998 s. 2)

Provided that the Court of Appeal shall not have power to hear any appeal against an order made under section 9 or 18 unless notice of such appeal was given within 1 month of the service of the order in accordance with section 22(1).

(4) In deciding any appeal under this section the Court of Appeal may make such order for costs as it considers reasonable. (Added 49 of 1977 s. 9)

Chapter:	156	DENTISTS REGISTRATION ORDINANCE	Gazette Number	Version Date
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Section:	24	Penalty for fraudulent registration		30/06/1997
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Any person who fraudulently procures or attempts to procure himself or any other person to be registered under this Ordinance commits an offence and is liable on conviction upon indictment to imprisonment for 3 years.

(Amended 68 of 1986 s. 15)

Chapter:	156	DENTISTS REGISTRATION ORDINANCE	Gazette Number	Version Date
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Section:	25	Penalty for falsely pretending to be or taking or using the name or title of a dentist		30/06/1997
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Any person who is neither a registered dentist nor deemed to be one under this Ordinance and who wilfully or falsely pretends to be or takes or uses the name or title of a dentist, dental surgeon, qualified dentist, doctor of dental surgery, professor of dentistry, surgeon dentist, or any name, title, addition or description implying, whether in itself or in the circumstances in which it is used, that such person is a dentist or that such person is qualified to heal or treat dental disorders or derangements, whether by dentistry or any other means of any kind or description whatsoever, commits an offence and is liable on summary conviction to a fine at level 6 and to imprisonment for 3 years.

(Amended 68 of 1986 s. 16; 62 of 1987 s. 6; 80 of 1997 s. 92)

Chapter:	156	DENTISTS REGISTRATION ORDINANCE	Gazette Number	Version Date
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Section:	29	Regulations	L.N. 106 of 2002	01/07/2002
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- (1) The Chief Executive in Council may by regulation provide for- (Amended 37 of 2000 s. 3)
- (a) any fee required to be paid under this Ordinance; and
 - (b) the disposal of any fee paid or recovered under this Ordinance. (Replaced 80 of 1997 s. 7)
 - (c)-(m) (Repealed 80 of 1997 s. 7)
- (1A) The Secretary for Health, Welfare and Food may by regulation provide for- (Amended L.N. 106 of 2002)
- (a) the duties of the Registrar;
 - (b) the duties of the Legal Adviser;
 - (c) the duties of the Secretary;
 - (d) the establishment of classes of ancillary dental workers to undertake dental work of kinds prescribed by the regulations, being dental work amounting to the practice of dentistry, within the meaning of section 2(2), and in particular-
 - (i) the qualifications for becoming a member of any such class;
 - (ii) the dental work which a member of any such class may undertake and the conditions, if any, under which he may do so;
 - (iii) the establishment of a roll or record of such classes; and
 - (iv) the title to be used by a member of any such class indicating his membership. (Added 80 of 1997 s. 7)
- (1B) The Registrar may by regulation provide for-
- (a) the form of the register and the manner in which it is to be kept; and
 - (b) the manner in which applications for registrations shall be made. (Added 80 of 1997 s. 7)
- (1C) Subject to the approval of the Secretary for Health, Welfare and Food, the Council may by regulation provide for- (Amended L.N. 106 of 2002)
- (a) the procedure to be followed at meetings of the Council;
 - (b) the receipt of complaints or information about any registered dentist or any applicant for registration and the establishment and functions of a committee to be known as the Preliminary Investigation Committee to make such preliminary investigation as it considers appropriate regarding any such complaint or information and to determine whether or not there shall be an inquiry under section 9 or 18;
 - (c) the prohibition of a member of the Preliminary Investigation Committee who is also a member of the Council from attending any meeting of the Council while it is inquiring under section 9 or 18 into a complaint or information, in the preliminary investigation of which he took part;
 - (d) the procedure to be followed in relation to-
 - (i) the submission of complaints or information to the Preliminary Investigation Committee;
 - (ii) the preliminary investigation of any complaint or information by the Preliminary Investigation Committee;
 - (iii) the formulation of charges arising out of complaints or information;
 - (iv) the reference to the Council by the Preliminary Investigation Committee of cases arising out of complaints or information;
 - (v) inquiries held by the Council under this Ordinance;
 - (e) the form of any certificate, form or other document which is a certificate, form or other document to be used for a purpose of this Ordinance. (Added 80 of 1997 s. 7)
- (1D) Without prejudice to the generality of subsections (1A), (1B) and (1C), regulations made under subsections (1A) and (1C) may-

- (a) require documents for a purpose of this Ordinance to be submitted and to be in such form as may be prescribed and require matters or documents for that purpose to be supported by statutory declarations or such other declarations as specified or approved by the Council;
- (b) generally provide for the carrying into effect the provisions of this Ordinance. (Added 80 of 1997 s. 7)
- (2) Any regulations made under subsection (1)(a) may prescribe different fees to be payable by different categories of dentists. (Added 49 of 1977 s. 11. Amended 80 of 1997 s. 7)

Chapter:	156A	DENTISTS (REGISTRATION AND DISCIPLINARY PROCEDURE) REGULATIONS	Gazette Number	Version Date
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Regulation:	3	Form of register		30/06/1997
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PART II

REGISTER AND CERTIFICATES

The register shall be-

- (a) in accordance with Form 1 in the First Schedule, in the case of a dentist resident in Hong Kong; and
- (b) in accordance with Form 1A in the First Schedule, in the case of a dentist resident outside Hong Kong,
- or as near thereto as shall be convenient.

(L.N. 177 of 1977)

Chapter:	156A	DENTISTS (REGISTRATION AND DISCIPLINARY PROCEDURE) REGULATIONS	Gazette Number	Version Date
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Regulation:	4	Fees		30/06/1997
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(1) Subject to paragraph (2), the fees payable under the Ordinance and these regulations shall be the fees prescribed in the Second Schedule.

(2) Notwithstanding paragraph (1), no fee shall be payable for an alteration to the register consequent upon a change in marital status.

(L.N. 177 of 1977)

Chapter:	156A	DENTISTS (REGISTRATION AND DISCIPLINARY PROCEDURE) REGULATIONS	Gazette Number	Version Date
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Regulation:	8B	Copies of entries and certificates		30/06/1997
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On application and on payment of the appropriate fee prescribed in the Second Schedule-

- (a) the Registrar shall issue-
- (i) a certified copy of any entry in the register;
- (ii) a duplicate certificate of registration;
- (iii) a certified copy of a certificate of registration; and

- (b) the Secretary may issue-
- (i) a certificate of standing;
 - (ii) a certificate verifying registration.

(L.N. 177 of 1977)

Chapter:	156A	DENTISTS (REGISTRATION AND DISCIPLINARY PROCEDURE) REGULATIONS	Gazette Number	Version Date
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Regulation:	9	Alteration of register		30/06/1997
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When the Registrar makes any alteration to the register under section 15(1) of the Ordinance, he shall retain on the register until otherwise directed by the Council the entry before such alteration was made, in addition to the entry as altered.

Chapter:	156A	DENTISTS (REGISTRATION AND DISCIPLINARY PROCEDURE) REGULATIONS	Gazette Number	Version Date
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Regulation:	10	Qualifications		30/06/1997
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(1) A registered dentist may apply to the Registrar to have inserted in the register any degree or qualification recognized by the Council, in addition to any degree or qualification already entered on the register.

(2) On receipt of such application, the Registrar shall refer the application to the Council which, after such inquiry as it may consider desirable, shall direct the Registrar either to enter or to refuse to enter such degree or qualification on the register.

Chapter:	156A	DENTISTS (REGISTRATION AND DISCIPLINARY PROCEDURE) REGULATIONS	Gazette Number	Version Date
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Regulation:	13	Submission or receipt of complaint or information		30/06/1997
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Where a complaint is made to or information is received by the Secretary that a registered dentist-

- (a) has been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment; (L.N. 6 of 1985)
- (b) has been guilty of unprofessional conduct;
- (c) has obtained registration by fraud or misrepresentation;
- (d) was not at the time of his registration entitled to be registered; or
- (e) is practising dentistry in premises or under conditions which are unsuitable for such practice,

or that an applicant for registration-

- (i) has been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment; (L.N. 6 of 1985)
- (ii) has been guilty of unprofessional conduct; or (L.N. 162 of 1993)
- (iii) is the subject of an existing order made under section 17(1)(i) or (ii) of the repealed Ordinance,

the Secretary shall submit the complaint or information to the Committee.

(L.N. 118 of 1968)

Chapter:	156A	DENTISTS (REGISTRATION AND DISCIPLINARY PROCEDURE) REGULATIONS	Gazette Number	Version Date
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Regulation:	17	Determination of Committee that inquiry be held		30/06/1997
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(1) If the Committee determine that an inquiry shall be held it shall refer the case to the Council and the chairman of the Committee shall notify the Chairman of the Council of the matters into which inquiry is to be made.

(2) Where a case has been referred to the Council under paragraph (1), the Chairman of the Council shall fix a date upon which it is proposed that the inquiry shall be held and shall direct the Secretary to, and the Secretary when so directed shall, within 1 month of the determination of the Committee, serve on the defendant a notice of inquiry in accordance with Form 6 in the First Schedule together with a copy of these regulations.

(3) A notice of inquiry shall-

(a) specify in the form of a charge or charges the matters into which inquiry is to be made; and

(b) state the date, time and place at which the inquiry is proposed to be held.

(4) Except with the consent in writing of the defendant, an inquiry shall not be held less than 28 days after the date of service of the notice of inquiry.

(5) Service of a notice of inquiry on the defendant may be by registered post addressed to him at the address shown on the register or at his address last known to the Secretary if different.

(6) Within the time stipulated for service of the notice of inquiry, the Secretary shall send a copy of the notice of inquiry to any complainant.

(L.N. 118 of 1968)

Chapter:	156A	DENTISTS (REGISTRATION AND DISCIPLINARY PROCEDURE) REGULATIONS	Gazette Number	Version Date
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Schedule:	1			01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 37 of 2000 s. 3

FORM 1

[regulation 3]

DENTISTS REGISTRATION ORDINANCE

(Chapter 156)

REGISTER

(FOR DENTISTS RESIDENT IN HONG KONG)

Name	Principal and other practising addresses	Qualification and date	Certificate of Registration No.	Photograph	Remarks
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(L.N. 177 of 1977)

FORM 1A

[regulation 3]

DENTISTS REGISTRATION ORDINANCE

(Chapter 156)

REGISTER

(FOR DENTISTS RESIDENT OUTSIDE HONG KONG)

Name	Address (permanent)	Address (for correspondence)	Qualification and date	Certificate of Registration No.	Photograph	Remarks
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(L.N. 177 of 1977)

FORM 2

[regulation 5]

DENTISTS REGISTRATION ORDINANCE

(Chapter 156)

APPLICATION FOR REGISTRATION AS A DENTIST BY AN APPLICANT RESIDENT IN HONG KONG

I
of apply for registration as a registered dentist in accordance with section 9 of the Dentists Registration Ordinance.

2. I have not been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment, nor have I ever been found guilty of misconduct in a professional respect.
3. I hold the following qualifications-

.....
.....
Declared at Hong Kong
this day of
19

}

Before me,
Barrister-at-law, Commissioner for Oaths, Minister of Religion,
Registered Dentist or Solicitor.

Photograph

(L.N. 177 of 1977; 47 of 1997 s. 10)

FORM 2A

[regulation 5]

DENTISTS REGISTRATION ORDINANCE

(Chapter 156)

APPLICATION FOR REGISTRATION AS A DENTIST BY
AN APPLICANT RESIDENT OUTSIDE HONG KONG

I
of
apply for registration as a registered dentist in accordance with section 9 of the Dentists
Registration Ordinance.

2. (a) My permanent address is
.....; and

(b) My address for correspondence in Hong Kong is
.....

3. I have not been convicted in Hong Kong or elsewhere of any offence punishable
with imprisonment, nor have I ever been found guilty of misconduct in a professional respect.

4. I hold the following qualifications-

.....
.....

Declared at Hong Kong
this day of
19

}

Before me,

Commissioner for Oaths
or
Notary Public

Photograph

at

(L.N. 177 of 1977)

FORM 3

[section 10 & regulation 7]

DENTISTS REGISTRATION ORDINANCE

(Chapter 156)

CERTIFICATE OF REGISTRATION

No.

I hereby certify that the following is a true copy of particulars extracted from the entry in the Register-

Name	Address	Date of Registration	Qualifications
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Fee paid: \$835

Photograph

.....
Registrar.
..... 19.....
(L.N. 177 of 1977; 34 of 1995 s. 11)

FORM 4

(Repealed L.N. 177 of 1977)

DENTISTS REGISTRATION ORDINANCE

(Chapter 156)

PARTICULARS OF DIRECTORS OR MANAGERS OR PERSONS WHO PERFORM DENTAL OPERATIONS

Presented by (a).....

Particulars of the directors or managers (b) of (a)

Company of (c) or of persons who perform dental operations in connection with the business of the said company.

Names in full	Status (d)	Address	
		Business	Residential

(Signature)
(State whether director or manager or secretary).

Dated this day of , 19 .

- (a) Registered name of company.
- (b) "Director" includes any person who occupies the position of a director by whatever name called, and any person in accordance with whose directions or instructions the directors of a company are accustomed to act.
- (c) Registered address of company.
- (d) State whether director, manager or a person who performs dental operations in connection with the business of the company.

DENTISTS REGISTRATION ORDINANCE

(Chapter 156)

NOTICE OF INQUIRY

[Date]

Sir/Madam,

On behalf of the Dental Council of Hong Kong notice is hereby given to you that, in consequence of a complaint made against you to the Council/information received by the Council, an inquiry is to be held into the following charge(s) against you:-

(If the charge relates to conviction) That you were on the day of, 19..... at (specify court recording the conviction) convicted of (set out particulars of the conviction in sufficient detail to identify the case).

or

(If the charge relates to conduct) That you (set out briefly the facts alleged): and that in relation to the facts alleged you have been guilty of unprofessional conduct.

or

(If the charge relates to obtaining registration by fraud or misrepresentation) That you (set out briefly the facts alleged): and that in relation to the facts alleged you obtained registration by fraud or misrepresentation.

or

(If the charge alleges that the registered dentist was not qualified, at the time of his registration, to be registered) That you (set out briefly the facts alleged): and that in relation to the facts alleged you were not at the time of your registration qualified to be registered.

or

(If the charge alleges that the registered dentist is practising dentistry in premises or under conditions which are unsuitable for such practice) That you (set out briefly the facts alleged): and that in relation to the facts alleged you are practising dentistry in premises or under such conditions which are unsuitable for such practice.

or

(If the charge alleges that an applicant for registration has been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment, or has been guilty of unprofessional conduct or is the subject of an existing order made under section 17(1)(i) or (ii) of the repealed Ordinance) That on the day of....., 19..... you made application to the Secretary for registration in accordance with section 9 of the Dentists Registration Ordinance, whereas (set out briefly the facts alleged): and that in relation to the facts alleged your name should not be entered upon the register.

(Where there is more than one charge, the charges are to be numbered consecutively).

Notice is further given to you that on (day of the week) the day of, 19....., a meeting of the Dental Council of Hong Kong will be held at, ata.m./p.m. to consider the above-mentioned charge(s) against you, and to determine whether or not the said Council should take any action against you under (state whether section 9 or 18) of the Dentists Registration Ordinance.

You are hereby invited to answer in writing the above-mentioned charge(s) and also to appear before the Council at the place and time specified above, for the purpose of answering such charge(s). You may appear in person or by counsel or solicitor. The Council has power, if you do not appear, to hear and decide upon the said charge(s) in your absence.

Any answer, admission, or other statement or communication which you may desire to make with respect to the said charge(s) should be addressed to the Secretary.

If you desire to make any application that the inquiry should be postponed, you should send the application to the Secretary as soon as may be, stating the grounds on which you desire a postponement. Any such application will be considered by the Chairman of the Dental Council.

A copy of the Dentists (Registration and Disciplinary Procedure) Regulations is sent herewith for your information.

I have the honour to be,
Sir/Madam,
Your obedient servant.

.....

Secretary.

(L.N. 118 of 1968; 80 of 1997 s. 102; 37 of 2000 s. 3)

DENTISTS REGISTRATION ORDINANCE

(Chapter 156)

SUMMONS TO WITNESS

In the matter of a Disciplinary Inquiry under section 9/section 18 of the Ordinance:

And in the matter of ⁽¹⁾.....

To ⁽²⁾

You are hereby summoned to appear before the Dental Council of Hong Kong at
 upon the day of, at o'clock in
 the noon to give evidence touching the matter under inquiry ⁽³⁾
 and also to bring with you and produce ⁽⁴⁾

Given under my hand this day of

Chairman, Dental Council of Hong Kong.

- Note:
- (1) Insert name of registered dentist.
 - (2) Insert name and address of witness.
 - (3) Delete if not required.
 - (4) Specify the books, documents or other things to be produced.

Chapter:	156A	DENTISTS (REGISTRATION AND DISCIPLINARY PROCEDURE) REGULATIONS	Gazette Number	Version Date
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Schedule:	2	FEES	L.N. 314 of 2000	01/01/2001
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[sections 9(2) & 11A,
regulations 4, 6 & 8B]

Item	Particular	Fee \$
1.	Registration	1890
2.	Re-registration	1650
3.	Certificate of standing	475
4.	Certificate verifying registration	475
5.	Alteration to the register	615
6.	Certified copy of an entry in the register	475
7.	Duplicate certificate of registration	530
8.	Certified copy of certificate of registration	530
9.	Practising certificate-	
	(a) for a dentist whose name is on the register for dentists resident in Hong Kong	460
	(b) for a dentist whose name is on the register for dentists resident outside Hong Kong	290
	(c) (Repealed 34 of 1995 s. 12)	
	(d) for a person deemed to be a registered dentist under section 30(3)(a) ..	460
10.	Entrance for examination, in each part	4395

(L.N. 183 of 1989; L.N. 600 of 1994; 34 of 1995 s. 12; L.N. 10 of 1997; L.N. 314 of 2000)

Chapter:	137	ANTIBIOTICS ORDINANCE	Gazette Number	Version Date
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Section:	2	Interpretation	L.N. 331 of 1999	01/01/2000
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In this Ordinance, unless the context otherwise requires-

"authorized seller of poisons" (獲授權毒藥銷售商) has the meaning assigned to it by the Pharmacy and Poisons Ordinance (Cap 138);

"Director of Agriculture, Fisheries and Conservation" (漁農自然護理署署長) includes the senior veterinary officer and any veterinary officer; (Added 23 of 1962 s. 3. Amended L.N. 331 of 1999)

"penicillin" (青霉素) has the meaning assigned to it by the regulations made under this Ordinance;

"registered dentist" (註冊牙醫) means a person registered in the dentists register and a person deemed to be a registered dentist under the Dentists Registration Ordinance (Cap 156); (Amended 62 of 1987 s. 10)

"registered medical practitioner" (註冊醫生) means a person registered or deemed to be registered under the Medical Registration Ordinance (Cap 161);

"registered pharmacist" (註冊藥劑師) means a person registered in the register of pharmaceutical chemists or the register of chemists and druggists under the Pharmacy and Poisons Ordinance (Cap 138);

"registered veterinary surgeon" (註冊獸醫) means a veterinary surgeon registered under the Veterinary Surgeons Registration Ordinance (Cap 529). (Replaced 96 of 1997 s. 36)

Chapter:	139N	PUBLIC HEALTH (ANIMALS AND BIRDS) (CHEMICAL RESIDUES) REGULATION	Gazette Number	Version Date
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Section:	2	Interpretation	L.N. 274 of 2001	31/12/2001
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- In this Regulation, unless the context otherwise requires-
- "agricultural and veterinary chemical" (農業及獸醫用化學物) means any substance specified in column (2) of Schedules 2 and 3 and, where applicable, the metabolite of such substance specified in column (3) of Schedules 2 and 3;
- "body fluid" (體液) means blood, urine, cerebrospinal fluid, vitreous humor and any other fluid in the body of a food animal but does not include milk;
- "competent veterinary authority" (合資格獸醫當局) means a veterinary authority in a country, territory or place outside Hong Kong having the power under the laws in force in that country, territory or place to test or certify the status of food animals regarding the presence of prohibited chemicals and agricultural and veterinary chemicals in them;
- "contain" (含有), in relation to a food animal, means to be present in any tissue, body fluid or milk of the food animal;
- "fodder" (飼料) means any substance commonly used for the food of food animals;
- "food animal" (食用動物) means an animal or bird commonly kept for the purpose of providing food for human consumption;
- "food animal farmer" (食用動物飼養人) means-
- an owner of food animals kept in or on food animal rearing premises;
 - an occupier of food animal rearing premises;
 - a person responsible for the management of food animal rearing premises;
 - a person keeping food animals, or having the custody or possession of food animals, in or on food animal rearing premises;
 - a person licensed under regulation 8 of the Dairies Regulations (Cap 139 sub. leg.) to maintain a dairy; or
 - a person licensed under section 4 of the Public Health (Animals and Birds) (Licensing of Livestock Keeping) Regulation (Cap 139 sub. leg.) to keep livestock;
- "food animal rearing premises" (殖養場)-
- means any premises, buildings, land or land covered by water used for the purpose of keeping food animals; and
 - does not include any premises comprising any slaughterhouse, lairage, market, fresh provision shop or restaurant;
- "food animal trader" (食用動物販商) means-
- an owner of food animals kept in places other than food animal rearing premises;
 - a person responsible for feeding or keeping food animals in places other than food animal rearing premises;
 - a person who transports food animals;
 - a person who sells or offers to sell food animals in places other than food animal rearing premises; or
 - a person who imports food animals into Hong Kong;
- "keep" (飼養) includes breed, house, tend, look after and control, and "kept" and "keeping" shall be construed accordingly;
- "lairage" (牲口欄) means a part of a slaughterhouse which is used for the confinement of food animals;
- "maximum residue limit" (最高殘餘限量) means-
- in relation to tissues, the maximum residue limit referred to in section 4(a);
 - in relation to milk, the maximum residue limit referred to in section 4(b);

"prohibited chemical" (違禁化學物) means any substance specified in Schedule 1;

"Public Analyst" (政府分析員) means the Government Chemist;

"registered dentist" (註冊牙醫) means a dentist who is admitted to the register of dentists under section 9 of the Dentists Registration Ordinance (Cap 156);

"registered veterinary surgeon" (註冊獸醫) means a veterinary surgeon registered under the Veterinary Surgeons Registration Ordinance (Cap 529);

"slaughterhouse" (屠房) has the meaning assigned to it by section 2(1) of the Public Health and Municipal Services Ordinance (Cap 132);

"specified food animal" (指明食用動物) means any of the food animals specified in column (1) of Schedule 4;

"supply" (供應) includes import, manufacture, deliver and sell, and "supplying" and "supplier" (供應商) shall be construed accordingly;

"tissue" (組織) includes meat, offal, hair and any part of a food animal;

"wholesale market" (批發市場) means a market where food animals are sold for resale.

Chapter:	282	EMPLOYEES' COMPENSATION ORDINANCE	Gazette Number	Version Date
Section:	3	Interpretation	16 of 2002	01/07/2002

(1) In this Ordinance, unless the context otherwise requires- (Amended 52 of 2000 s. 3)

"accident insurance business" (意外保險業務) means the business of effecting contracts of insurance against the liability of an employer for personal injury by accident to any employee in his employment arising out of and in the course of such employment; (Added 55 of 1969 s. 3)

"Certificate for Funeral and Medical Attendance Expenses" (殯殮費和醫護費證明書) means a certificate issued under section 6E(1)(b); (Added 52 of 2000 s. 3)

"Certificate of Compensation Assessment for Fatal Case" (致命個案補償評估證明書) means a certificate issued under section 6B(1)(b); (Added 52 of 2000 s. 3)

"Certificate of Interim Payment" (臨時付款證明書) means a certificate issued under section 6C(1)(b); (Added 52 of 2000 s. 3)

"cohabitee" (同居者), in relation to an employee, means any person who at the time of the accident concerned was living with the employee as the employee's wife or husband; (Added 52 of 2000 s. 3)

"Commissioner" (處長) means the Commissioner for Labour; (Replaced 13 of 1966 Schedule. Amended 55 of 1969 s. 3; L.N. 142 of 1974)

"compensation" (補償) means any of the following-

- (a) compensation payable under section 6, 7, 8, 9 or 10, including the expenses of the funeral and medical attendance payable under section 6(5); (Amended 52 of 2000 s. 3)
- (b) medical expenses payable under section 10A;
- (c) wages or salary payable under section 16I(3) or 36MA; (Amended 36 of 1996 s. 3)
- (d) the cost of the supplying and fitting of a prosthesis or surgical appliance payable under section 36B, and the probable cost of repair and renewal thereof payable under section 36I;
- (da) interim payment; (Added 52 of 2000 s. 3)

- (e) any surcharge or interest payable under this Ordinance on the compensation referred to in paragraph (a), (b), (c), (d) or (da); (Replaced 76 of 1982 s. 3. Amended 52 of 2000 s. 3)

"contract of apprenticeship" (學徒訓練合約) includes a contract of improvership or learnership; (Added 55 of 1969 s. 3)

"Court" (法院) means-

- (a) in relation to any proceedings for the recovery of compensation in or required to be in the District Court, the District Court; or
- (b) in relation to any proceedings for the recovery of compensation in any other court or tribunal, or to be determined by the Commissioner, that court or tribunal, or the Commissioner, as the case may be; (Replaced 76 of 1982 s. 3)

"damages" (損害賠償) means any damages recoverable by an employee independently of this Ordinance in the case of personal injury to the employee by accident arising out of and in the course of his employment, and any interest payable on such damages; (Added 55 of 1969 s. 3. Amended 54 of 1991 s. 47)

"earnings" (收入) means any wages paid in cash to the employee by the employer and any privilege or benefit which is capable of being estimated in money and includes the value of any food, fuel, or quarters supplied to the employee by the employer if as a result of the accident the employee is deprived of such food, fuel or quarters; and any overtime payments or other special remuneration for work done, whether by way of bonus, allowance or otherwise, if of constant character or for work habitually performed and including tips if the employment be of such a nature that the habitual giving and receiving thereof is open and notorious and is recognized by the employer: but shall not include remuneration for intermittent overtime, or casual payments of a non-recurrent nature, or the value of a travelling allowance, or the value of any travelling concession or a contribution paid by the employer of an employee towards any pension or provident fund, or a sum paid to an employee to cover any special expenses entailed on him by the nature of his employment;

"ECAFB" (管理局) means the Employees Compensation Assistance Fund Board constituted by section 3(1) of the Employees Compensation Assistance Ordinance (Cap 365); (Added 16 of 2002 s. 33)

"employer" (僱主) includes the Government and any body of persons corporate or unincorporate and the legal personal representative of a deceased employer, and, where the services of an employee are temporarily lent or let on hire to another person by the person with whom the employee has entered into a contract of service or apprenticeship, the latter shall, for the purposes of this Ordinance, be deemed to continue to be the employer of the employee whilst he is working for that other person; and in relation to a person engaged, employed or paid through a club or hostel, the manager or members of the managing committee of the club or hostel shall, for the purposes of this Ordinance, be deemed to be the employer; (Amended 76 of 1982 s. 37; 68 of 1995 s. 2; 56 of 2000 s. 3)

"hospital" (醫院) means any hospital registered under the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap 165) or maintained by the Crown or which is a public hospital within the meaning of the Hospital Authority Ordinance (Cap 113); (Added 74 of 1977 s. 2. Amended 82 of 1991 s. 2)

"insurance company" (保險公司) and "insurer" (保險人) mean a person carrying on accident insurance business in Hong Kong and include-

- (a) a company authorized under section 8 of the Insurance Companies Ordinance (Cap 41) to carry on class 13 of the classes of insurance business specified in Part 3 of the First Schedule to that Ordinance;
- (b) an association of underwriters approved by the Governor in Council before 1 July 1994 or by the Insurance Authority on or after 1 July 1994 under section 6 of that Ordinance; (Amended 47 of 1995 s. 2)
- (c) the society of underwriters known in the United Kingdom as Lloyd's; (Replaced 33 of 1990 s. 31)

"interim payment" (臨時付款) means an interim payment of compensation the subject of a determination under section 6C(1)(a); (Added 52 of 2000 s. 3)

"medical expenses" (醫療費)-

- (a) in relation to medical treatment given in Hong Kong, means all or any of the following expenses incurred in respect of the medical treatment of an employee-
 - (i) the fees of a medical practitioner, registered dentist, registered chiropractor, registered physiotherapist or registered occupational therapist;
 - (ii) the fees for any surgical or therapeutic treatment;
 - (iii) the cost of nursing attendance;
 - (iv) the cost of hospital accommodation as an in-patient;
 - (v) the cost of medicines, curative materials and medical dressings;
- (b) in relation to medical treatment given outside Hong Kong, means such expenses incurred in respect of the medical treatment of an employee as the Commissioner, by certificate in writing issued under section 10B(1)(b), determines to be medical expenses; (Replaced 1 of 1995 s. 2)

"medical practitioner" (醫生) means a medical practitioner who-

- (a) is registered under the Medical Registration Ordinance (Cap 161); or
- (b) is deemed to be a registered medical practitioner by virtue of section 29(a) of the said Ordinance; (Replaced 13 of 1966 Schedule. Amended 34 of 1995 s. 45)

"medical treatment" (醫治), in relation to an employee to whom a personal injury is caused by accident arising out of and in the course of his employment, means medical treatment of any kind whatsoever given to the employee-

- (a) in the case of medical treatment given in Hong Kong, by, or under the supervision of, a medical practitioner, registered dentist, registered chiropractor, registered physiotherapist or registered occupational therapist;
- (b) in the case of medical treatment given outside Hong Kong, by, or under the supervision of, a person who is allowed to practise medicine, surgery, dentistry, chiropractic, physiotherapy or occupational therapy in the place where such medical treatment is given,

in a hospital, whether as an in-patient or other than as an in-patient, or elsewhere; (Added 74 of 1977 s. 2. Amended 1 of 1995 s. 2)

"member of the family" (家庭成員), in relation to an employee, means a person who has any of the following relationships in respect of the employee, whether by blood or an adoption specified in subsection (2)-

- (a) a spouse or cohabitee;
- (b) a child;
- (c) a parent or grandparent; or
- (d) a grandson, granddaughter, stepfather, stepmother, stepson, stepdaughter, son-in-law, daughter-in-law, brother, sister, half-brother, half-sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, and child of a brother or sister of the whole blood, any of whom has been living with the employee as a member of the same household and has been so living for the period of 24 months immediately preceding the accident concerned; (Replaced 52 of 2000 s. 3)

"occupational disease" (職業病) means any of the diseases specified in the second column of the Second Schedule and any recurrence or sequelae thereof; (Added 19 of 1964 s. 3)

"Ordinary Assessment Board" (普通評估委員會) means an Employees' Compensation (Ordinary Assessment) Board appointed under section 16D; (Added 76 of 1982 s. 3)

"outworker" (外發工) means a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, or repaired, or adapted for sale in his own home or on other premises not under the control or management of the person who gave out the materials or articles;

"partial incapacity" (部分喪失工作能力) means, where the incapacity is of a temporary nature, such incapacity as reduces the earning capacity of an employee in any employment in which

he was engaged at the time of the accident resulting in the incapacity, and, where the incapacity is of a permanent nature, such incapacity (which may include disfigurement) as reduces his earning capacity, present or future, in any employment which he was capable of undertaking at that time; (Amended 55 of 1969 s. 3; 49 of 1985 s. 2)

"principal contractor" (總承判商) means a person referred to as a principal contractor in section 24; (Added 76 of 1982 s. 3)

"registered dentist" (註冊牙醫) means a dentist who is admitted to the register of dentists under section 9 of the Dentists Registration Ordinance (Cap 156); (Added 74 of 1977 s. 2)

"Review Certificate for Funeral and Medical Attendance Expenses" (殯殮費和醫護費審核證明書) means a certificate issued under section 6E(12)(c); (Added 52 of 2000 s. 3)

"Review Certificate of Compensation Assessment for Fatal Case" (致命個案補償評估審核證明書) means a certificate issued under section 6D(6)(c); (Added 52 of 2000 s. 3)

"Review Certificate of Interim Payment" (臨時付款審核證明書) means a certificate issued under section 6C(11)(c); (Added 52 of 2000 s. 3)

"Special Assessment Board" (特別評估委員會) means an Employees' Compensation (Special Assessment) Board appointed under section 16E; (Added 76 of 1982 s. 3)

"sub-contractor" (次承判商) means-

- (a) any person who enters into a contract, express or implied, with a principal contractor to perform all or any part of the work which the principal contractor has undertaken to perform; and
- (b) any other person who enters into a contract, express or implied, to perform all or any part of the work which a sub-contractor within the meaning of paragraph (a) has undertaken to perform; (Added 76 of 1982 s. 3)

"total incapacity" (完全喪失工作能力) means such incapacity whether of a temporary or permanent nature as incapacitates an employee for any employment which he was capable of undertaking at the time of the accident resulting in such incapacity. (Amended 49 of 1985 s. 2)

(Amended 44 of 1980 s. 15; 52 of 2000 s. 3)

(2) For the purposes of the definition of "member of the family" (家庭成員)-

- (a) an adoption means an adoption-
 - (i) made under an adoption order made in accordance with the Adoption Ordinance (Cap 290);
 - (ii) to which section 17 of the Adoption Ordinance (Cap 290) applies; or
 - (iii) made in Hong Kong in accordance with Chinese law and custom before 1 January 1973; and
- (b) any person so adopted shall be treated as the child of the adopter, and not as the child of any other person, and all relationships to the adopted person shall be deduced accordingly. (Added 52 of 2000 s. 3)

Chapter:	428B	CHIROPRACTORS (REGISTRATION AND DISCIPLINARY PROCEDURE) RULES	Gazette Number	Version Date
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Section:	4	Application for registration	23 of 2004	08/09/2004
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(1) An application for registration under section 10 of the Ordinance shall be submitted to the Secretary in writing and shall contain the following-

- (a) a statement by the applicant of his personal particulars including-
 - (i) his correspondence address; and

- (ii) if the applicant is practising as a chiropractor in Hong Kong, the address at which he is practising;
 - (b) a statement by the applicant as to-
 - (i) whether he has been convicted in Hong Kong or elsewhere of any offence punishable by imprisonment;
 - (ii) whether any disciplinary proceedings have been instituted against him in relation to his practice of chiropractic in Hong Kong or elsewhere; and
 - (iii) whether any disciplinary order has been made against him in relation to his practice of chiropractic in Hong Kong or elsewhere;
 - (c) a statement by the applicant of each qualification relating to chiropractic held by him; and
 - (d) a statement by the applicant of any relevant working experience in chiropractic gained by him.
- (2) An application for registration shall be submitted together with-
- (a) 3 copies of a recent photo of the applicant, and one of these copies shall be fixed on the application form;
 - (b) for the purposes of section 9(1)(c) of the Ordinance, a declaration in writing from the applicant that he is competent to practise as a chiropractor; and
 - (c) for the purposes of section 9(1)(d) of the Ordinance-
 - (i) 2 reference letters, each of which shall be from any person-
 - (A) who is specified for the purpose of this sub-subparagraph in subsection (6);
 - (B) not being a chiropractor, a member of the Council, a member of any committee of the Council or a relative of the applicant; and
 - (C) who has known the applicant for at least 12 months and has the opportunity of judging his character, stating that the applicant is a fit and proper person to be registered under the Ordinance; and
 - (ii) any of the following documents-
 - (A) if the applicant is registered as a chiropractor in a place outside Hong Kong, a certificate of registration as a chiropractor which was issued in that place and is valid at the date of application for registration or other equivalent documentary evidence;
 - (B) if the applicant was formerly registered as a chiropractor in a place outside Hong Kong, a certificate of registration as a chiropractor which was issued in that place or other equivalent documentary evidence;
 - (C) if the applicant is practising as a chiropractor in a place outside Hong Kong, a practising certificate which was issued in that place and is valid at the date of application for registration or other equivalent documentary evidence of entitlement to practise chiropractic;
 - (D) if the applicant formerly practised as a chiropractor in a place outside Hong Kong, a practising certificate which was issued in that place or other equivalent documentary evidence of entitlement to practise chiropractic;
 - (E) a reference letter from such body or organization in chiropractic as the Council may accept;
 - (F) if a degree or qualification was awarded by a body or institution to the applicant not earlier than 2 years before the application and the applicant applies for registration by virtue of the degree or qualification, a reference letter from that body or institution;
 - (G) a declaration in writing from a chiropractor registered in Hong Kong or elsewhere that the applicant is a fit and proper person to be registered under the Ordinance;
 - (H) any such other document as the Council may accept.

(3) An application for registration shall be signed by the applicant in the presence of any of the following persons who shall also sign across the applicant's photo fixed on the application form-

- (a) a registered chiropractor; or
- (b) a person authorized by law to take and receive a declaration.

(4) If an application for registration is submitted to the Secretary, the Secretary shall refer the application to the Registration Committee as soon as practicable.

(5) An applicant shall provide the original or certified true copy of-

- (a) any documentary evidence of the degree or qualification by virtue of which the applicant applies for registration;
- (b) the applicant's identity card, passport or any other documentary proof of identity which the Council may accept;
- (c) any documentary evidence of working experience by virtue of which the applicant applies for registration;
- (d) any declaration, document or letter that is mentioned in subsection (2) and that is required to be submitted together with the application; and
- (e) such other documentary evidence as the Council may reasonably require in writing for the purposes of considering the application.

(6) The following persons are specified for the purpose of subsection (2)(c)(i)(A)-

- (a) a member of the Executive Council;
- (b) a member of the Legislative Council;
- (c) a justice of the peace;
- (d) a minister of religion;
- (e) a medical practitioner;
- (f) a dental practitioner registered under the Dentists Registration Ordinance (Cap 156);
- (g) a pharmacist registered under the Pharmacy and Poisons Ordinance (Cap 138);
- (h) a nurse registered under the Nurses Registration Ordinance (Cap 164);
- (i) a counsel;
- (j) a solicitor;
- (k) a certified public accountant within the meaning of the Professional Accountants Ordinance (Cap 50); and (23 of 2004 s. 56)
- (l) a person in such other profession as the Council may recognize.