

立法會
Legislative Council

LC Paper No. LS92/04-05

**Paper for the House Committee Meeting
on 8 July 2005**

**Legal Service Division Report on
Dentists Registration (Amendment) Bill 2005**

I. SUMMARY

- 1. Objects of the Bill** To establish:

 - (a) a Specialist Register for registered dentists qualified in various specialist fields of dentistry; and
 - (b) the Education and Accreditation Committee.

- 2. Comments** The Bill proposes to amend the principal Ordinance to:

 - (a) name the existing register of dentists as the General Register;
 - (b) establish a Specialist Register to include the names of:
 - (i) registered dentists approved by the Dental Council of Hong Kong (“the Council”) to use, or be known in, a specialist title for a specialty before the commencement of the Bill; and
 - (ii) dentists having satisfied the qualification and character requirements approved by the Council and whose applications have been approved by the Council;
 - (c) establish an Education and Accreditation Committee; and
 - (d) define a complaint or information involving a suitability issue and its handling arrangements by the EAC.

- 3. Public Consultation** According to the LegCo Brief, the proposed amendments were put forward by the Council and supported by the Hong Kong Dental Association, the Dental Committee of Government Doctors Association, the Hong Kong Academy of Medicine and the College of Dental Surgeons of Hong Kong.

- 4. Consultation with LegCo Panel** The Panel on Health Services was briefed on the proposed amendments at its meeting on 14 March 2005. Members expressed their support. Transitional arrangements for existing specialist dentists and the need for a review of the existing regulatory regime were discussed.

- 5. Conclusion** Scrutiny of the legal and drafting aspects of the Bill is not completed. A further report will be made when it is ready.

II. REPORT

Objects of the Bill

To amend the Dentists Registration Ordinance (Cap. 156) (“the Ordinance”) and the Dentists (Registration and Disciplinary Procedure) Regulations (Cap. 156 sub. leg. A) (“the Regulations”) to establish:

- (a) a Specialist Register for registered dentists qualified in various specialist fields of dentistry; and
- (b) the Education and Accreditation Committee.

LegCo Brief Reference

2. Members may refer to the LegCo Brief issued by the Health, Welfare and Food Bureau (“the Bureau”) on 29 June 2005 (File Ref: HWF CR/1/V/3261/92 Pt.10) for background information.

Date of First Reading

3. 6 July 2005.

Comments

4. The Bill proposes to amend the Ordinance and the Regulations as follows:

- (I) General Register and Specialist Register
 - (a) General Register: in view of the introduction of a Specialist Register, the “register” in the Ordinance under which registered dentists are currently registered is to be named the “General Register”.
 - (b) Specialist Register: a Specialist Register shall be established containing the names, addresses, qualifications, specialties and such other particulars as the Registrar of Dentist (“the Registrar”) thinks necessary of those specialist dentists who have been approved by the Dental Council of Hong Kong (“the Council”) to have their names included in the Register.
 - (c) A person commits an offence if:

- (i) he fraudulently procures himself or any other person to be registered under the Ordinance or his or any other person's name to be included in the Specialist Register; or
- (ii) he falsely pretends to be or takes or uses the name or title of a dentist.

(II) The Education and Accreditation Committee ("EAC")

- (a) The EAC shall consist of 7 members appointed by the Council. Three of them must be members of the Council including the Chairman, and four of them shall be registered dentists who are not Council members.
- (b) The EAC shall have the following functions:
 - (i) to recommend to the Council the specialties in the Specialist Register, the qualifications, experience and other attributes that qualify a registered dentist to have his name included in the Specialist Register and the procedures and documentations for making an application to include the name of a registered dentist in the Specialist Register;
 - (ii) to make recommendations to the Council whether the name of a registered dentist should be included in, or removed from, the Specialist Register;
 - (iii) 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; and
 - (iv) to deal with a complaint or information referred to it.
- (c) The Council may dissolve the EAC if the Council is of the opinion that the EAC has acted in a manner prejudicial to the interest of the public or dental profession.

(III) The Specialist Register

- (a) The names of following registered dentists shall be included in the Specialist Register:
 - (i) A registered dentist approved by the Council to use, or be known in, a specialist title for a specialty before the commencement of the Bill; and

- (ii) A dentist who has been awarded a Fellowship of the Academy of Medicine or achieved equivalent professional standard, completed the postgraduate dental training, satisfied the continuing education requirements and is of good character may apply to the Council for approval. The Council shall make its decision having regard to, inter alia, the recommendation of the EAC.

(IV) A complaint or information involving a suitability issue

- (a) A complaint or information involves a suitability issue (“Complaint”) if the complaint or information concerns the question of whether the name of a registered dentist should be included in, or removed from, the Specialist Register, on any grounds including, but not limited to, the dentist’s qualification or experience, the dentist’s failure to comply with the continuing education requirement or 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 that dentist should be included in, or removed from, the Specialist Register.
- (b) Where the Secretary of the Council receives a Complaint, he shall submit the Complaint to the Preliminary Investigation Committee (“PIC”). The chairman of the PIC shall decide whether the Complaint should be dealt with by the PIC or EAC. The EAC shall deal with the Complaint referred to it, unless the chairman is of the opinion that the Complaint is frivolous or groundless, and may recommend to the Council not to include the name of a registered dentist in the Specialist Register or remove the dentist’s name from the Specialist Register.

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

Public consultation

6. According to the LegCo Brief, the proposed amendments were put forward by the Council, which the 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.

7. 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 the Specialist Register in 2005 as a focus exercise.

Consultation with LegCo Panel

8. The Panel on Health Services ("the Panel") was briefed on the proposed amendments at its meeting on 14 March 2005.

9. Members expressed support for the proposed amendments. A member asked whether the proposed specialist registration system would create problems of transitional arrangements for existing specialist dentists. The Administration responded that there should not be any serious transitional problems. Under the present administrative arrangement, there were currently 107 registered dentists accredited with specialist titles by the Council and 99 of them were Fellows of the Hong Kong Academy of Medicine. The Administration considered that it would be reasonable to include them in the Specialist Register and allow them to continue to use the specialist designation after the new legislative amendments were in place.

10. A member was of the view that a general review of the Ordinance to improve the existing regulatory regime for the dental profession was long overdue. The Administration agreed that the provisions of the Ordinance need to be updated. Subject to the views of the relevant quarters of the profession on the details of changes to the legislation, the Administration intended to commence a general review of the Ordinance in 2006.

11. Members may wish to refer to the minutes of the meeting of the Panel on 14 March 2005 (Ref: LC Paper No. CB(2)1184/04-05) for details of the discussions.

Conclusion

12. Scrutiny of the legal and drafting aspects of the Bill is not completed. A further report will be provided when it is ready.

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