

立法會
Legislative Council

LC Paper No. CB(2)1184/04-05
(These minutes have been
seen by the Administration)

Ref : CB2/PL/HS

Panel on Health Services

Minutes of meeting
held on Monday, 14 March 2005 at 10:15 am
in Conference Room A of the Legislative Council Building

Members present : Hon Andrew CHENG Kar-foo (Chairman)
Dr Hon KWOK Ka-ki (Deputy Chairman)
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon CHAN Yuen-han, JP
Dr Hon YEUNG Sum
Hon LI Fung-ying, BBS, JP
Hon Vincent FANG Kang, JP
Hon LI Kwok-ying, MH
Dr Hon Joseph LEE Kok-long
Hon Albert Jinghan CHENG

Members absent : Hon Albert HO Chun-yan
Hon Bernard CHAN, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP

Public Officers attending : Item IV

Miss Susie HO, JP
Deputy Secretary for Health, Welfare and Food (Health)

Mr Jeff LEUNG
Principal Assistant Secretary for Health, Welfare and Food
(Health)¹

Dr T H LEUNG, JP
Deputy Director of Health

Dr CHAN Cho-yee, Joseph
Consultant i/c Dental Service

Clerk in attendance : Ms Doris CHAN
Chief Council Secretary (2) 4

Staff in attendance : Mr Paul WOO
Senior Council Secretary (2) 3

The Chairman declared the meeting open and suspended the meeting to enable the joint meeting of the Panel and the Panel on Food Safety and Environmental Hygiene held at the same venue to continue its business.

2. The meeting resumed at 10:55am after the joint meeting of the Panel and the Panel on Food Safety and Environmental Hygiene had ended.

I. Information paper issued since the last meeting

3. There was no information paper issued since the last meeting.

II. Items for discussion at the next meeting
(LC Paper Nos. CB(2)1019/04-05(01) to (02))

4. Members agreed to discuss the following items at the next regular meeting to be held on Monday, 18 April 2005 at 8:30 am -

- (a) further discussion on proposed amendments to Smoking (Public Health) Ordinance;
- (b) continuing medical education; and
- (c) Samaritan Fund.

III. Proposed overseas duty visit in July 2005

5. Members agreed in principle to the proposed visit of the Panel to some selected European countries in July 2005 to obtain first-hand information on the anti-smoking measures and medical/healthcare complaints mechanism in those countries. The Chairman suggested and members agreed that the Panel should form an informal working group to consider the countries to be visited and the proposed itinerary.

IV. Amendments to the Dentists Registration Ordinance (LC Paper No. CB(2)1019/04-05(03))

6. The Chairman sought members' views on the Administration's proposed amendments to the Dentist Registration Ordinance (DRO) (Cap. 156). The proposed amendments would incorporate the major features and procedures of the existing specialist registration system, currently an administrative arrangement, into the DRO, including the manner in which applications for specialist registration should be made, the manner in which the applications would be handled, the criteria for approving an application and the appeal mechanism.

7. Dr KWOK Ka-ki said that he saw no reason to oppose the proposed amendments but expressed disappointment that the Administration had not yet conducted a thorough and comprehensive review of the DRO. He pointed out that as major amendments to the DRO were last made in the 1960s, a general review to examine and revamp the provisions of DRO to improve the existing regulatory regime for the dental profession was long overdue. He added that as compared with the legislation providing for registration and regulations of other professions, the provisions of the DRO were far from satisfactory, and the amendments now proposed were not enough to fully meet current needs of the dentistry profession. Dr KWOK said that without a firm commitment on the part of the Administration as to when it would proceed with an overall review of the DRO, he might reserve his support for the proposed amendments.

8. In response, Deputy Secretary for Health, Welfare and Food (Health) (DSHWF(H)) informed members that the Administration had previously introduced legislative amendments to the DRO in the 1995-96 legislative session but the amendment bill subsequently lapsed because the Legislative Council (LegCo) did not have time to scrutinise it. The Hong Kong Dental Council (HKDC) had also examined and reviewed the provisions of the DRO at different stages since 1997. As a result of consultation with relevant stakeholders in the dentistry profession and with their support, the Administration considered that the present proposed amendments to the DRO should be introduced. Regarding Dr KWOK's proposal for a comprehensive review of the DRO, DSHWF(H) said

that the Administration accepted the view that the provisions of the DRO needed to be updated and modernised. The Administration, however, considered that the matter required detailed examination and could be followed up at a later stage separately. For the purposes of the review, the views of the relevant quarters would have to be sought on how such a review should proceed. She advised members that the Administration would take forward the review in 2006.

9. Dr KWOK Ka-ki considered that the Administration and HKDC should proceed with a thorough review of the DRO as soon as possible. He hoped that the review could be completed and any legislative proposals arising from the review could be introduced in the 2005-2006 legislative session. He added that the functions and composition of other statutory professional regulatory bodies such as the Medical Council should provide useful reference for the review of the DRO.

10. DSHWF(H) reiterated that subject to deliberation among the profession on the details of changes to the legislation, the Administration intended to commence a general review of the DRO in 2006. As to the timing of introduction of legislative proposals to LegCo, she said that it would depend on a variety of factors including the timing of completion of the review, the conclusions of the review as regards the areas which warranted improvement, the need for and the extent of legislative amendments, as well as the time required for the legislative drafting. She added that as the review would touch on broad issues relating to professional self-regulation of dentists, thorough consultation with stakeholders and members of the profession had to be undertaken. The time required for a comprehensive review of the DRO should therefore not be underestimated.

11. In further response to Dr KWOK Ka-ki, DSHWF(H) said that issues which had previously been raised and considered by HKDC at different stages included, inter alia, conditional registration of dentists, determination of what constituted unprofessional conduct or professional misconduct of dentists, the role and composition of a preliminary investigation committee, and sanctions imposed on practitioners committing misconduct etc.

12. Dr KWOK Ka-ki opined that previous deliberations of HKDC on ways to improve the statutory regulatory framework under the DRO could serve as useful foundation for the future general review. At his request, the Administration agreed to provide an information paper summarising the issues which had been considered in previous reviews for the Panel's reference.

Admin

13. Mrs Selina CHOW pointed out that the Administration had explained in paragraphs 18 and 19 of its paper that the Hong Kong Academy of Medicine (HKAM) and the College of Dental Surgeons of Hong Kong strongly supported the introduction of the Specialist Register in the DRO, while representatives of the

dentistry profession were generally supportive of the Administration's approach. She asked whether members of the dentistry profession had objected to any of the proposed amendments.

14. DSHWF(H) replied that the Administration had consulted representatives of relevant stakeholder groups and they unanimously supported the proposed amendments. Some consultees had also expressed the view that the Administration should go further by embarking on a review of the DRO as a whole.

15. Dr Joseph LEE said that he supported the proposed amendments. Referring to paragraph 8 of the Administration's paper on the proposal to set up a statutory Education and Accreditation Committee (EAC), he asked whether EAC would be formed under HKDC.

16. DSHWF(H) replied that the proposed EAC would be formed under HKDC to handle matters relating to specialist dentist registration. It was envisaged that EAC would comprise three members of HKDC, one of whom should be the EAC Chairman, and one registered dentist each from HKAM, the University of Hong Kong, the Hong Kong Dental Association and the Department of Health. She further advised that the new specialist registration system as well as the Specialist Register would be widely publicised and made public for general information.

17. Ms LI Fung-ying asked whether the proposed specialist registration system would create problems of transitional arrangement for existing specialist dentists to be included in the Specialist Register. DSHWF(H) replied that under the present administrative arrangement, there were currently 107 registered dentists who had been accredited with specialist titles by the HKDC. The Administration considered that it would be reasonable to include them in the Specialist Register and allow them to continue to use the specialists designation after the new legislative amendments were in place. They would be subject to the same continuing education requirement as prescribed by HKAM for all specialists under the new registration regime. DSHWF(H) further pointed that out of the 107 existing dental specialists, 99 were Fellows of HKAM. In the view of the Administration, there should not be any serious transitional problems.

V. Any other business

18. Dr KWOK Ka-ki said that a question had been asked by a Member at a recent LegCo meeting about the impact of the increase in the professional indemnity insurance premiums which posed a financial burden on private medical practitioners and how the Government would take steps to help medical practitioners affected by the increase. He said that the Secretary for Health,

Action

Welfare and Food, in replying to the question, had not offered any constructive advice on the matter. Dr KWOK considered that the Panel should discuss the issue at its next meeting in April 2005 and requested the Administration to provide a paper to facilitate discussion of the Panel.

Admin

19. DSHWF(H) said that the Administration might not be able to provide a paper in time for the Panel's meeting in April in view of the broad issues which needed to be examined. She undertook to provide the paper to the Panel as soon as practicable.

20. There being no other business, the meeting ended at 11:15 am.

Council Business Division 2
Legislative Council Secretariat
4 April 2005