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12 February 2008

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Clerk to Panel on Health Services
Legislative Council
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear Miss So,

**Meeting of Legislative Council Panel on Health Services on 12 November 2007
Progress Report on Registration of Chinese Medicine Practitioners**

At the meeting of the Panel on Health Services on 12 November 2007, we briefed Members on the progress of the registration of Chinese medicine practitioners (CMPs). Members requested the Administration to convey their views on the following two items to the Chinese Medicine Practitioners Board (Practitioners Board) under the Chinese Medicine Council of Hong Kong (CMCHK): (i) the disciplinary mechanism for CMPs should be made more open and transparent; and (ii) the graduates of the two part-time degree courses in Chinese medicine offered by the Xiamen University in collaboration with the Open University of Hong Kong and by the Hong Kong College of Technology in collaboration with the Jinan University should be allowed to sit the Chinese Medicine Practitioners Licensing Examination (CMP Licensing Examination). Besides, Members would like to be informed of the progress of the consideration of including training courses on the CMP

Licensing Examination in the Continuing Education Fund's list of reimbursable courses. We hereby give the following reply.

Enhancing Transparency of CMPs' Disciplinary Mechanism

The Practitioners Board has considered Panel Members' views at its meetings on 13 December 2007 and 24 January 2008. The Practitioners Board handles cases involving practices in breach of CMPs' code of practice and conducts disciplinary inquiries in accordance with the prescribed procedures under the Chinese Medicine Ordinance, the Code of Practice for Registered Chinese Medicine Practitioner in Hong Kong and the Code of Practice for Listed Chinese Medicine Practitioners. The entire disciplinary inquiry will be open to the public, unless either party of an inquiry has sufficient reason for the otherwise.

Under the Chinese Medicine Ordinance, a registered CMP convicted in a Practitioners Board inquiry may have his name removed from the Register, or be reprimanded or warned. Pursuant to the requirements of the Chinese Medicine Ordinance, the Practitioners Board will publish in the Gazette the order for a registered CMP to be subject to its disciplinary action. The order and decision will also be published in the website of the CMCHK. The Code of Practice for Listed Chinese Medicine Practitioners states that a listed CMP in breach of the Code may have his name removed from the list. The Practitioners Board will publish its decision to remove the name of the listed CMP from the list in the Gazette, and put on record the convictions of the listed CMP. The Practitioners Board considers that the existing disciplinary mechanism is open and transparent.

Recognised Courses for CMP Licensing Examination

Regarding the two part-time degree courses in Chinese medicine offered by the Xiamen University in collaboration with the Open University of Hong Kong and by the Hong Kong College of Technology in collaboration with the Jinan University, the Practitioners Board and the CMCHK have considered the following points:

- (i) The two courses do not meet the basic requirements of courses recognised by the Practitioners Board since they are not full-time undergraduate degree courses with duration of five years;
- (ii) In considering whether the above two part-time courses should be recognised, the Practitioners Board has discharged its duties in

accordance with the power conferred upon it by the law and has carefully taken into account all relevant circumstances;

- (iii) The Practitioners Board has held a number of discussions with the institutions offering the above courses upon their requests and explained to them its decision in detail; and
- (iv) Students enrolled in the two part-time degree courses in Chinese medicine offered by the University of Hong Kong and the Hong Kong Baptist University in or before 2002 were allowed to sit the CMP Licensing Examination when they had satisfactorily completed the courses. This was an exceptional and one-off arrangement and should not be extended to other part-time degree courses in Chinese medicine, especially non-local courses. The above policy has been scrutinized by the court in relevant judicial review cases, and has been accepted and approved of.

To ensure the professional standards of local CMPs and to protect public health and safety, the Practitioners Board and the CMCHK consider it necessary to maintain the requirement that recognized courses must be full-time courses with duration of five years, and they have no plan at present to grant exemption from or make alterations to the basic requirements of its recognised courses.

Assisting Listed CMPs to Prepare for the Licensing Examination

We are examining the feasibility of the proposal to include fee-charging courses on the CMP Licensing Examination in the list of reimbursable courses of the Continuing Education Fund together with the Labour and Welfare Bureau and the Education Bureau. We will revert to Members once the outcome of the discussions is available.

Yours sincerely,

(Miss Pamela LAM)
for Secretary for Food and Health

c.c. Director of Health (Attn : Dr Amy CHIU)