

立法會
Legislative Council

LC Paper No. CB(2)264/07-08(06)

Ref : CB2/PL/HS

Panel on Health Services

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 12 November 2007**

Registration of Chinese medicine practitioners

Purpose

This paper gives an account of the main views/concerns raised by members of the Panel on Health Services (the Panel) on the registration of Chinese medicine practitioners (CMPs).

Background

2. Following the enactment of the Chinese Medicine Ordinance (Cap. 549) (the Ordinance) in July 1999, the Chinese Medicine Council of Hong Kong (CMC) was established under the Ordinance in September 1999 to devise and implement regulatory measures for the practice, use, manufacture and trading of Chinese medicine in Hong Kong. The subsidiary legislation for the registration of CMPs was subsequently made in June 2000. Since then, CMC has gradually put in place various regulatory measures including the registration, examination and disciplinary measures for CMPs. In the long-term, only registered CMPs will be allowed to practise in Hong Kong. To become a registered CMP, one must satisfactorily complete an undergraduate degree course in Chinese medicine approved by the Chinese Medicine Practitioners Board (Practitioners Board) of CMC and pass the CMP Licensing Examination.

3. In order not to affect the livelihood of CMPs, the Ordinance provides for transitional arrangements for practising CMPs to allow them to continue their practice. Under section 90 of the Ordinance, any person practising Chinese medicine on 3 January 2000 in Hong Kong may apply to CMC within the period of 16 August 2000 to 30 December 2000 to become a listed CMP in order to

continue practising Chinese medicine. Listed CMPs who hold academic qualifications recognised by the Practitioners Board and have continuously been practising for a specified period in Hong Kong will be exempted from the Registration Assessment or the CMP Licensing Examination. For other listed CMPs, they will be required to pass the Registration Assessment or the CMP Licensing Examination. Other people who wish to register as registered CMP after 3 January 2000 must satisfactorily complete an undergraduate degree course in Chinese medicine recognised by the Practitioners Board and pass the CMP Licensing Examination. The CMP Licensing Examination comprises two parts, including a Part I written examination and a Part II clinical examination.

4. In December 2002, the Practitioners Board set down the basic requirements of an approved course in the "Candidates' Handbook for the 2003 Chinese Medicine Practitioners Licensing Examination". An approved course should be a full-time on-campus undergraduate degree course with duration of not less than five years, including a clinical internship of not less than 30 weeks and 10 compulsory subjects specified by the Practitioners Board. The course should not be conducted in any part by means of distance learning and the institutes running the course should fulfil the basic requirements for university and clinical training. To date, the Practitioners Board recognises the five-year full-time undergraduate degree courses in Chinese medicine offered by 31 Chinese medicine institutes and universities, including the Hong Kong Baptist University (HKBU), The Chinese University of Hong Kong, the University of Hong Kong (HKU) and 28 Mainland tertiary institutes.

5. The Secretary for Food and Health is empowered by the Ordinance to specify and promulgate the cut-off date of the transitional arrangements for CMPs by notice in the Gazette. Hitherto, no cut-off date of the transitional arrangements for CMPs has been set.

6. As at April 2007, there were 5 254 registered CMPs, 2 890 listed CMPs and 71 CMPs with limited registration (CMPs engaged in clinical teaching or research in an educational or scientific research institution) in Hong Kong.

Past discussions

7. The issue of registration of CMPs was discussed by the Panel on 13 November 2000, 12 May 2003, 8 December 2003, 25 February 2005, 13 November 2006 and 14 May 2007. Subsequent to the November 2006 meeting, members agreed to make the issue of registration of CMPs a standing agenda item for discussion by the Panel once every six months.

8. The major views/concerns expressed by members and the Administration's responses are summarised in the ensuing paragraphs.

Qualifying assessments for listed CMPs

9. Hon CHAN Yuen-han requested the Administration to look into the complaints about the imposition of additional requirements on practising experience and academic qualifications in assessing the applications for registration by listed CMPs by the Practitioners Board.

10. The Administration advised that the Practitioners Board conducted qualifying assessments for listed CMPs in accordance with the assessment criteria relating to the period of continuous practice of Chinese medicine, the acceptable academic qualifications and the requirements for documentary proofs laid down in the "Application Handbook for Registration as Chinese Medicine Practitioner". For cases where the claimed years of practice or academic qualifications of listed CMPs were not accepted, the main reason was that they failed to provide adequate and objective information as proofs. The Practitioners Board could not accept proofs of practice or period of practice guaranteed by individuals. When assessing the qualifications for the registration of listed CMPs, the Practitioners Board considered the objective proofs of practice and academic qualifications together with relevant information submitted by the applicant, and processed all applications in a lenient manner within the confines of the law. For instance, for cases without adequate information, the applicants were asked to provide supplementary information or clarification.

Composition of CMC

11. Hon LEUNG Yiu-chung was of the view that, to enhance the transparency of CMC, CMPs should be allowed to elect their own representatives to sit on CMC.

12. The Administration advised that it had no plan to amend the Ordinance to alter the composition of CMC at this stage. At present, CMPs serving on CMC included those who had acquired their practice skills through family succession or apprenticeship, holders of Chinese medicine degrees or higher qualifications, members of local CMPs groups or associations, registered and listed CMPs, CMPs in private practice, employed CMPs, CMPs in general practice or specialising in acupuncture and moxibustion or bone-setting, etc. The current arrangements ensured that views from different training backgrounds and different practice models were sufficiently reflected.

Assisting listed CMPs to get registration

13. In response to the call for providing assistance to listed CMPs in obtaining registration status, the Practitioners Board decided in August 2006 to revise the format and arrangement of the CMP Licensing Examination for implementation in 2007. The new arrangements include -

- (a) allowing the candidates to retain a pass in any one paper of the written examination taken in or after 2007 for three years and to choose to re-sit the other paper;
- (b) simplifying the question form of all multiple-choice questions in the written examination; and
- (c) regrouping the 20 subjects of the written examination into 13 subjects to make it easier for the candidates to understand the examination syllabus and allocate suitably their study time.

14. Hon CHAN Yuen-han and Hon LI Fung-ying considered that merely revising the format and arrangement of the Licensing Examination would not help listed CMPs to become registered CMPs, as the problem with the inability of listed CMPs in obtaining registration status and with some of them not having applied to sit the Licensing Examination lay in the handling of the registration system for CMPs by Practitioners Board and in certain provisions of the Ordinance.

15. The Administration did not see the case to review the existing arrangements for registration of CMPs, which were the result of extensive consultation with different sectors of the community, the CMP profession and the Legislative Council (LegCo) prior to the enactment of the Ordinance. All practising CMPs who wished to be registered might obtain registration status in the long run with the training provided by the Department of Health (DH) and local Chinese medicine organisations on examination skills, the efforts of listed CMPs and the continuous exchanges between the Practitioners Board and the CMP professionals about the Licensing Examination. To better help listed CMPs to prepare for the CMP Licensing Examination, consideration could be given to including in the training course on examination skills organised by DH the frequent mistakes made by candidates. Notwithstanding, viable means would continue to be explored to assist listed CMPs who wished to become registered CMPs to obtain registration status.

Eligibility for undertaking the CMP Licensing Examination

16. Members were generally of the view that graduates of part-time

undergraduate degree courses in Chinese medicine should be allowed to sit the CMP Licensing Examination, if the curriculum and standard of these part-time courses were no different from those of the full-time courses in Chinese medicine. Members pointed out that many professions, such as lawyers and accountants, recognised courses conducted part-time or by means of distance learning.

17. The Administration advised that as the practice of CMPs was closely related to the health of the public, the Practitioners Board considered that to complete satisfactorily an undergraduate course in Chinese medicine, students should have received comprehensive and fundamental university education and engaged in full-time study. Students should also be provided with adequate opportunity to practise continuously in order to complete all the relevant clinical training and experiments. A full-time on campus learning environment was an important component of quality teaching. To maintain the professional standard and status of CMPs, and with regard to the corresponding licensing requirements for other healthcare professionals such as medical practitioners and dentists, the Practitioners Board considered that the full-time mode of education should be adopted for the recognised courses for the CMP Licensing Examination.

18. Noting that graduates of part-time undergraduate degree courses in Chinese medicine offered by HKU and HKBU in or before 2002 were allowed to sit the CMP Licensing Examination, Dr Hon Fernando CHEUNG asked why such arrangement was not extended to other part-time undergraduate degree courses in Chinese medicine. The Administration explained that the reason was because these courses fulfilled the requirements of a recognised course. It was, however, pointed out that allowing students enrolled in part-time undergraduate degree courses in Chinese medicine offered by HKU and HKBU in or before 2002 to sit the CMP Licensing Examination was an exceptional and one-off arrangement, in view of the historical circumstances of Chinese medicine education in Hong Kong universities.

Latest Position

19. To resolve the disputes over the eligibility for undertaking the CMP Licensing Examination, the Administration was requested to expeditiously convene a meeting between CMC and institutes whose Chinese medicine degree courses were not recognised by the Practitioners Board and to invite Panel members to attend the meeting. The Administration was also requested to provide an explanation in writing on why the following two part-time undergraduate degree courses in Chinese medicine failed to fulfil the requirements of recognised courses stipulated by the Practitioners Board -

- (a) part-time undergraduate degree course in Chinese medicine offered

by the University of Xiamen and the Li Ka Shing Institute of Professional and Continuing Education, the Open University of Hong Kong; and

- (b) part-time undergraduate degree course in Chinese Medicine offered by Jinan University and the Hong Kong College of Technology.

Relevant papers

20. Members are invited to access LegCo's website (<http://www.legco.gov.hk>) for details of the relevant papers and minutes of the meetings of the Panel held on 13 November 2000, 12 May 2003, 8 December 2003, 25 February 2005, 13 November 2006 and 14 May 2007.

Council Business Division 2
Legislative Council Secretariat
6 November 2007