



Labour Department (Headquarters)

勞工處 (總處)

Your reference 來函編號 : CB2/PL/MP
Our reference 本處檔案編號 : ECS2/50/16
Tel. number 電話號碼 : 2852 4083
Fax number 傳真機號碼 : 2117 0875

6 July 2011

Clerk to Manpower Panel
Legislative Council
Legislative Council Building
8 Jackson Road, Central
Hong Kong
(Attn : Mr Raymond Lam)

Dear Mr Lam,

**Panel on Manpower
Follow-up to meeting on 17 June 2011**

The following motion was moved by Hon WONG Kwok-hing and passed by the Panel on Manpower at its meeting on 17 June 2011 under the 3rd agenda item:

“That this Panel urges the Government to expeditiously recognise, within the current term of the Legislative Council, the medical certificates and sick leave certificates issued by chiropractors, and formulate a timetable in this respect.”

The Administration’s response to the above motion is set out below:

An Inter-bureaux/departmental Working Group (“the Working Group”) was set up by the Administration to undertake an in-depth study on whether the medical and sick leave certificates issued by chiropractors should be recognised under labour legislation. Having thoroughly considered the chiropractic practice in Hong Kong, relevant surveys, experiences of other jurisdictions and views of stakeholders, the Working Group does not recommend recognising the certificates issued by chiropractors under labour legislation. The major considerations include:

- (a) There are significant differences in the approaches adopted by different countries in dealing with chiropractic practices under labour legislation and social security systems. In USA and Canada, the medical and sick leave certificates issued by chiropractors and other healthcare practitioners (such as physiotherapists, optometrists and nurses, etc) are recognised. However, in recent years, there has been a trend to restrict benefit payments in respect of chiropractic treatment in some states or provinces. Moreover, most European and Asian countries do not recognise the medical and sick leave certificates issued by chiropractors. The Working Group therefore considers it necessary to adopt a more prudent approach in considering this issue;
- (b) Chiropractic lacks ethnic root in the local Chinese community. The public do not know much about chiropractors and their scope of treatment. Even though injured employees can claim reimbursement for the cost of chiropractic treatment under the Employees' Compensation Ordinance, only a small number of citizens have sought such treatment, reflecting that the public have limited knowledge on chiropractors;
- (c) As all chiropractors are engaged in private practice and there is a lack of local tertiary institutions providing chiropractic training, it would be difficult to identify neutral and independent authority to offer medical opinion or arbitrate disputes, if the medical or sick leave certificates issued by a chiropractor are opposed to or challenged by the employer or insurer; and
- (d) If the medical and sick leave certificates of an additional type of healthcare practitioners are covered under labour legislation, employers and insurers will have to take on new legal obligations. Since they have limited understanding on the scope of chiropractic treatment, the diseases that chiropractors can treat, as well as the chiropractors' criteria and guidelines on the issuance of sick leave certificates, their understanding on these matters would need to be enhanced first in order to avoid unnecessary disputes relating to the issuance of medical and sick leave certificates.

Having carefully considered the Report of the Working Group, the Administration agrees with the conclusion of the Working Group that, at this juncture, there are not enough justifications for recognising under labour legislation the medical and sick leave certificates issued by chiropractors. Nevertheless, the Administration notes the recent development of the chiropractic profession, including a continual increase in the number of chiropractors, the recent launch of a voluntary Continuing Professional Development scheme and the organization of various kinds of activities to promote and publicise chiropractic treatment by the chiropractic sector.

In order to gain a more updated and thorough understanding on the community's knowledge and utilisation of chiropractic treatment, the Labour Department will commission the Census and Statistics Department to conduct a comprehensive survey to gauge the prevalence of chiropractic treatment in Hong Kong. The survey is tentatively scheduled to be conducted in the second half of 2012. Meanwhile, we will continue to communicate with the stakeholders and closely monitor the latest development of chiropractic in Hong Kong and other regions.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Ernest Ip', written in a cursive style.

(Ernest Ip)
for Commissioner for Labour