

核對表及指引
Check List and Instructions

物理治療師(註冊及紀律處分程序)規例
(第359章, 附屬法例J)
PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE)
REGULATION
(CAP. 359 sub. leg. J)

如欲確定此乃本成文法則的最新核對表及指引, 請參閱第 I 冊內的總核對表及指引第 II 部所載本成文法則的核對表及指引的刊印期數, 該刊印期數應與此頁右下角所示的刊印期數相同。

To verify that this is the latest Check List and Instructions for this enactment, please refer to the issue number of Check List and Instructions for this enactment shown in Part II of the Master Check List and Instructions in Volume I.

Such issue number should be the same as the issue number shown at the lower right hand corner of this page.

如欲知悉本成文法則文本切合同時的法律情況, 請參閱第 I 冊內的總核對表及指引第 I 部。

To determine how up to date the text of this enactment is, please see Part I of the Master Check List and Instructions in Volume I.

移去頁數 Withdraw pages	加插頁數 Insert pages	目前應有頁數 You should now have pages	刊印期數 Issue number
J5 - J6	J5 - J6	J1 - J4	13
J23 - J24	J23 - J24	J5 - J6	14
		J7 - J22	13
		J23 - J24	14
		J25 - J31	13

制定史

本為 1996 年第 437 號法律公告 — 1997 年第 47 號

Enactment History

Originally L.N. 437 of 1996 — 47 of 1997

尚未實施 —

第 6、14、16、44 及 46 條
第 III、IV 及 VI 部

The following are not yet in operation —

Sections 6, 14, 16, 44 and 46
Parts III, IV and VI

★ - Phase II
- Phase III

在附表 2 的表格 3 至 5
附表 4 及 5
各項修訂 — 見 1997 年第 558 號法律公告

Forms 3 to 5 in Schedule 2
Schedules 4 and 5
Amendments — see L.N. 558 of 1997



[Subsidiary]

[附屬法例]

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE) REGULATION

物理治療師(註冊及紀律處分程序)規例

Section	CONTENTS	條次	目錄
	PART I		第一部
	PRELIMINARY		導言
1.	Commencement	1.	生效日期
2.	Interpretation	2.	釋義
	PART II		第二部
	REGISTER AND CERTIFICATES		註冊名冊及證明書
3.	Form of register	3.	註冊名冊的格式
4.	Qualifications for registration	4.	註冊資格
5.	Entry in various parts of the register	5.	列入註冊名冊不同部分內
6.	Restrictions on the practice of Part II physiotherapists	6.	對第二部的物理治療師的執業限制
7.	Application for registration or provisional registration	7.	註冊的申請或臨時註冊的申請
8.	Consideration of an application by Council	8.	由管理局考慮申請
9.	Certificates of registration and provisional registration	9.	註冊證明書及臨時註冊證明書
10.	Examinations	10.	考試
11.	Appeals	11.	上訴
12.	Application for, and issue of, practising certificates	12.	執業證明書的申請及發出
13.	Certificate of standing or examination	13.	專業操守或考試證明書
14.	Statement by company	14.	由公司作出的報表
15.	Fees	15.	費用
16.	Exemptions	16.	豁免
	PART III		第三部
	PROCEEDINGS PREPARATORY TO HEARING BY THE BOARD		委員會準備聆訊的程序
17.	Preliminary Investigation Committee	17.	初步調查小組
18.	Submission of complaint or information	18.	呈交申訴或告發
19.	Complaint touching conduct	19.	涉及行為的申訴
20.	Reference of complaint	20.	轉呈申訴
21.	Consideration of complaint by Committee	21.	由小組考慮申訴
22.	Determination of Committee that no inquiry be held	22.	小組決定不進行研訊
23.	Determination of Committee that inquiry be held	23.	小組決定進行研訊

[Subsidiary]

[附屬法例]

Section

條次

- 24. Adjournment of inquiry
- 25. Documents to be furnished to Board
- 26. Documents to be available to each party
- 27. Notice to produce
- 28. Amendment of notice

- 24. 押後研訊
- 25. 向委員會提交的文件
- 26. 每一方可得的文件
- 27. 要求出示文件的通知书
- 28. 修訂通知书

PART IV

第 IV 部

PROCEEDINGS AT HEARING OF THE BOARD

委員會聆訊的程序

- 29. Interpretation
- 30. Record of proceedings
- 31. Appointment of legal officer as Secretary
- 32. Opening of inquiry
- 33. Objections on point of law
- 34. Order of procedure before Board
- 35. Determination by Board or postponement to future meeting
- 36. Notification of future meeting
- 37. Determination by Board at future meeting
- 38. Making of an order or postponement to future meeting
- 39. Notification of future meeting
- 40. Making of order at future meeting
- 41. Opportunity for mitigation
- 42. Evidence
- 43. Voting

- 29. 釋義
- 30. 程序的紀錄
- 31. 委任律政人員為秘書
- 32. 研訊的開始
- 33. 就法律論點提出反對
- 34. 委員會席前研訊的進行程序
- 35. 委員會作出裁定或押後至日後會議
- 36. 日後會議的通告
- 37. 委員會於日後會議上作出裁定
- 38. 作出命令或押後至日後會議
- 39. 日後會議的通告
- 40. 於日後會議上作出命令
- 41. 請求減輕處罰的機會
- 42. 證供
- 43. 表決

PART V

第 V 部

DUTIES OF LEGAL ADVISER

法律顧問的職責

- 44. Inquiry by Board
- 45. Ordinary meetings of Board
- 46. Advice by Legal Adviser

- 44. 委員會進行的研訊
- 45. 委員會的常會會議
- 46. 法律顧問提供的意見

PART VI

第 VI 部

MISCELLANEOUS

雜項

- 47. Application to section 13(3) inquiry

- 47. 適用於第 13(3) 條的研訊

Schedule 1 Form of register

附表 1 註冊名冊的格式

Schedule 2 Forms

附表 2 表格



[Subsidiary]

【附屬法例】

Section

- Schedule 3 Fees
- Schedule 4 Exemptions from the Ordinance
- Schedule 5 Preliminary Investigation Committee

條次

- 附表 3 費用
- 附表 4 豁免受本條例規限
- 附表 5 初步調查小組

[Subsidiary]

[附屬法例]

5. Entry in various parts of the register

(1) For the purposes of section 13(4) of the Ordinance, the Secretary shall enter the name of a physiotherapist—

- (a) who—
 - (i) holds a qualification referred to in section 4; and
 - (ii) has recognized experience of not less than 1 year acquired after the physiotherapist acquired such qualification,
 - (b) who holds a qualification referred to in section 4 but does not have the recognized experience referred to in paragraph (a)(ii), in Part Ia of the register;
 - (c) who is qualified to be registered under section 12(1)(b) or (c) of the Ordinance, in Part Ia or Ib of the register as the Council may determine under section 12(1A) of the Ordinance; and
 - (d) to whom a certificate of provisional registration has been issued under section 15 of the Ordinance, in Part II of the register.
- (2) In subsection (1)(a)(ii), “recognized experience” (認可經驗), in relation to a physiotherapist, means experience in the practice of physiotherapy acquired by him other than in the course of practising physiotherapy—
- (a) as a sole proprietor; or
 - (b) in any other capacity at a profit-seeking establishment at which no other physiotherapist who has experience of not less than 1 year in the practice of physiotherapy practises physiotherapy.

6. Restrictions on the practice of Part II physiotherapists

A Part II physiotherapist shall not practise otherwise than under the supervision of a Part Ia physiotherapist.

7. Application for registration or provisional registration

(1) An application for registration as a physiotherapist under section 13 of the Ordinance or for provisional registration as a physiotherapist under section 15 of the Ordinance, as the case may be, shall be in accordance with Form 1 in Schedule 2.

(2) A form of application for registration or provisional registration shall be signed in the presence of a barrister, commissioner for oaths, Part Ia physiotherapist, registered medical practitioner or solicitor and shall be delivered to the Secretary together with 4 photographs of the applicant of such size as shall be specified by the Secretary. (47 of 1997 s. 10)

5. 列入註冊名冊不同部分內

- (1) 為施行本條例第 13(4) 條，如一名物理治療師——
 - (a) (i) 持有第 4 條所提述的資格；及
 - (ii) 在獲取上述資格後取得不少於 1 年認可經驗，則秘書須將該物理治療師的姓名列入註冊名冊第 1a 部內；
 - (b) 持有第 4 條所提述的資格，但沒有 (a)(ii) 段所提述的認可經驗，則秘書須將該物理治療師的姓名列入註冊名冊第 1b 部內；
 - (c) 具備根據本條例第 12(1)(b) 或 (c) 條註冊的資格，則秘書須按管理局根據本條例第 12(1A) 條所作的決定，將該物理治療師的姓名列入註冊名冊第 1a 或 1b 部內；及
 - (d) 根據本條例第 15 條獲發臨時註冊證書，則秘書須將該物理治療師的姓名列入註冊名冊第 II 部內。
- (2) 在第 (1)(a)(ii) 款中，“認可經驗”(recognized experience) 就物理治療師而言，指他並非在以下情況從事物理治療的過程中所得的物理治療執業經驗——
 - (a) 作為獨資經營者而執業；或
 - (b) 以任何其他身分在牟利機構執業，而在該機構內，並無具有最少 1 年的物理治療執業經驗的其他物理治療師從事物理治療。

6. 對第 II 部的物理治療師的執業限制

一位名列第 II 部的物理治療師須在一位名列第 1a 部的物理治療師的督導下執業，否則不得執業。

7. 註冊的申請或臨時註冊的申請

(1) 根據本條例第 13 條申請註冊為物理治療師或根據本條例第 15 條申請臨時註冊為物理治療師(視屬何情況而定)，須按照附表 2 表格 1 提出申請。

(2) 註冊申請書或臨時註冊申請書須在大律師、監誓員、名列第 1a 部的物理治療師、註冊醫生或律師面前簽署，並須連同申請人的照片 4 幀一併送交秘書，照片的尺寸由秘書指明。(1997 年第 47 號第 10 條)

[Subsidiary]

[附屬法例]

12. Application for, and issue of, practising certificates

(1) An application for a practising certificate under section 16 of the Ordinance shall be in writing.

(2) A practising certificate shall be in such form as may be determined by the Secretary.

12. 執業證明書的申請及發出

(1) 根據本條例第 16 條提出的執業證明書申請，須採用書面形式。

(2) 執業證明書須按秘書決定的格式擬備。

13. Certificate of standing or examination

(1) A certificate of standing shall be in such form as the Board may determine.

(2) A certificate issued by the Board in respect of any examination shall be in such form as the Board may determine.

13. 專業操守或考試證明書

(1) 專業操守證明書須按委員會決定的格式擬備。

(2) 由委員會發出關於任何考試的證明書，須按其決定的格式擬備。

14. Statement by company

The statement required to be transmitted by a company carrying on the business of a physiotherapist to the Secretary under section 20(3) of the Ordinance shall be in accordance with Form 3 in Schedule 2.

14. 由公司作出的報表

根據本條例第 20(3) 條規定由經營物理治療師業務的公司向秘書呈交的報表，須按照附表 2 表格 3 擬備。

15. Fees

The fees payable under the Ordinance and this Regulation shall be the fees specified in Schedule 3.

15. 費用

根據本條例及本規例須繳付的費用為附表 3 所指明的費用。

16. Exemptions

(1) Any person of the description mentioned in column 2 of Part 1 of Schedule 4 is exempt from the section of the Ordinance specified in column 3 of that Schedule opposite such description.

(2) Any person of the description mentioned in column 2 of Part 2 of Schedule 4 is, subject to the conditions specified in subsection (3), exempt from the section of the Ordinance specified in column 3 of that Schedule opposite such description.

(3) The conditions referred to in subsection (2) are that—

(a) the exempt person employs in connection with his practice of physiotherapy at least one Part 1a physiotherapist or Part 1b physiotherapist; and

(b) the practice of physiotherapy by any Part 11 physiotherapist is carried on under the supervision of a Part 1a physiotherapist.

16. 豁免

(1) 附表 4 第 1 部第 2 欄所述類別的任何人，得獲豁免，不受與該類別相對而於該附表第 3 欄所指明的本條例的某條所規限。

(2) 附表 4 第 2 部第 2 欄所述類別的任何人，在符合第 (3) 款指明的條件下，得獲豁免，不受與該類別相對而於該附表第 3 欄所指明的本條例的某條所規限。

(3) 第 (2) 款所提述的條件為——

(a) 獲豁免人在其物理治療執業中，須聘用最少一位名列第 1a 部的物理治療師或名列第 1b 部的物理治療師；及

(b) 任何名列第 11 部的物理治療師須在一位名列第 1a 部的物理治療師督導之下執業。

[Subsidiary]

[附屬法例]

PART III

第 III 部

PROCEEDINGS PREPARATORY TO HEARING BY THE BOARD

委員會準備聆訊的程序

☆ 17. Preliminary Investigation Committee

☆ 17. 初步調查小組

(1) For the purposes of performing the functions conferred upon it by the Ordinance and this Regulation, there shall be a Preliminary Investigation Committee consisting of—

(1) 為執行本條例及本規例所授予的各項職能，現設立初步調查小組，由以下成員組成——

- (a) a Chairman who shall be a member of the Board nominated by the Board and appointed by the Chairman of the Board;
- (b) a Part Ia physiotherapist ordinarily resident in Hong Kong, not being a member of the Board, who is practising as a physiotherapist in the employment of the Government, the Hospital Authority or an institution in respect of which a grant is made directly or indirectly out of the general revenue, nominated by the Hong Kong Physiotherapy Association and appointed by the Chairman of the Board; and
- (c) a Part Ia physiotherapist ordinarily resident in Hong Kong, not being a member of the Board, who is practising as a physiotherapist other than as an employee of the Government, the Hospital Authority or an institution in respect of which a grant is made directly or indirectly out of the general revenue, nominated by the Hong Kong Physiotherapy Association and appointed by the Chairman of the Board.

- (a) 小組主席，由委員會提名並由委員會主席委任的一名委員會成員出任；
- (b) 一名通常居住於香港，於政府、醫院管理局或由政府一般收入中直接或間接撥款資助的機構受僱以物理治療師身分執業，且不屬委員會成員的名列第 1a 部的物理治療師，由香港物理治療學會提名，以及由委員會主席委任；及
- (c) 一名通常居住於香港，並非於政府、醫院管理局或由政府一般收入中直接或間接撥款資助的機構受僱以物理治療師身分執業，且不屬委員會成員的名列第 1a 部的物理治療師，由香港物理治療學會提名，以及由委員會主席委任。

(2) Save as provided in Schedule 5 the members of the Committee shall hold office for 12 months but at the end of such period they may be re-nominated and reappointed.

(2) 除附表 5 另有規定外，小組成員的任期為 12 個月，但在該任期終結時，他們可分別再獲提名及委任。

(3) Schedule 5 shall apply to the Committee.

(3) 附表 5 適用於小組。

☆ 18. Submission of complaint or information

☆ 18. 呈交申訴或告發

(1) Where—

(1) 凡關於本條例第 22(1) 條 (a)、(b)、(c)、(d) 或 (e) 段所提述的任何事項而有——

- (a) a complaint is made to the Secretary in respect of a registered physiotherapist; or
- (b) information is received by the Secretary in respect of an application for registration,

- (a) 就一名註冊物理治療師向秘書提出的申訴；或
- (b) 就一項註冊的申請而由秘書接獲的告發，

as to any of the matters referred to in paragraph (a), (b), (c), (d) or (e) of section 22(1) of the Ordinance he shall submit the complaint or that information to the Chairman of the Committee.

秘書須將該申訴或該告發呈交小組主席。

(2) In this Part, “complaint” (申訴) includes information received by the Secretary under subsection (1)(b) and submitted under that subsection.

(2) 在本部中，“申訴”(complaint) 包括秘書根據第 (1)(b) 款接獲並根據該款呈交的告發。

[Subsidiary]

[附屬法例]

19. Complaint touching conduct

(1) Where, in a complaint submitted by the Secretary to the Chairman of the Committee under section 18, any allegation is made which in the opinion of the Chairman of the Committee gives rise to a question whether a registered physiotherapist or an applicant for registration---

- (a) has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment;
(b) has been guilty in Hong Kong or elsewhere of unprofessional conduct; or
(c) may be guilty of any of the matters referred to in paragraph (c), (d) or (e) of section 22(1) of the Ordinance,

the Chairman of the Committee may require that the complaint be formulated in writing setting out the grounds thereof and, except where the complaint is in writing under the hand of a public officer, supported by one or more statutory declarations as to the facts of the case.

- (2) Each statutory declaration referred to in subsection (1)--
(a) shall state the address and description of the declarant; and
(b) if any fact declared is not within the personal knowledge of the declarant, shall state the source of the declarant's information and the ground for his belief in the truth of the facts.

20. Reference of complaint

(1) On receiving a complaint submitted under section 18, the Chairman of the Committee shall fix a date for a meeting of the Committee to consider the complaint for the purpose of determining whether it should be referred to the Board for inquiry.

(2) Where a complaint is to be considered by the Committee for the purposes described in subsection (1) the Secretary shall---

- (a) notify the respondent of the receipt of the complaint;
(b) inform him of the substance thereof;
(c) forward to him a copy of any statutory declaration furnished under section 19(1);
(d) inform him of the date fixed for the meeting of the Committee to consider the complaint; and
(e) invite him to submit to the Committee any explanation he wishes to offer for his conduct or any other matter alleged in the complaint.

19. 涉及行為的申訴

(1) 凡在秘書根據第 18 條向小組主席呈交的申訴中有任何指稱，而小組主席認為該指稱所引發的問題是某註冊物理治療師或要求註冊的申請人是否---

- (a) 曾在香港或其他地方被裁定犯可判處監禁的罪行；
(b) 曾在香港或其他地方犯了不專業行為；或
(c) 犯了本條例第 22(1) 條 (c)、(d) 或 (e) 段所提述的任何事項，

則小組主席可要求將該申訴以書面擬定和列明理由，而除非該申訴是由一名公職人員以書面作出和簽署的，否則小組主席並可要求該申訴附有一份或多於一份有關個案事實的法定聲明作為支持。

- (2) 第 (1) 款提述的每份法定聲明---
(a) 須述明聲明人的地址及身分；及
(b) 如所聲明的事實並非聲明人個人所知，須述明其獲悉該事實的資料來源及其相信該事實為真確無訛的理由。

20. 轉呈申訴

(1) 小組主席接獲根據第 18 條呈交的申訴後，須定出由小組考慮該申訴的會議日期，以決定是否應將該申訴轉呈委員會研訊。

(2) 凡申訴須由小組為第 (1) 款所述目的作出考慮，秘書須---

- (a) 通知答辯人已接獲有關的申訴；
(b) 告知他該申訴的內容；
(c) 向他送交根據第 19(1) 條提交的任何法定聲明的副本；
(d) 告知他所定出的、由小組考慮該申訴的會議日期；及
(e) 邀請他就申訴中有關他的行為或任何其他指稱事項，向小組呈交任何他欲給予的解釋。

[Subsidiary]

[附屬法例]

★ 21. Consideration of complaint by Committee

(1) The Secretary shall, at the meeting at which a complaint is considered, put before the Committee the complaint, any statutory declaration received therewith, any explanation submitted by the respondent; and any other available document or matter in the nature of evidence relevant to the complaint.

(2) The Committee shall consider any document or matter put before it under subsection (1) and, subject to subsection (3), shall determine either—

- (a) that no inquiry shall be held; or
- (b) that the complaint shall in whole or in part be referred to the Board for inquiry.

(3) Before coming to a determination under subsection (2), the Committee may cause to be made such further investigation and may obtain such additional advice or assistance as it considers necessary.

★ 22. Determination of Committee that no inquiry be held

If the Committee determines that no inquiry shall be held, it shall direct that the complaint be dismissed and the Secretary shall inform the respondent and the complainant, if any, accordingly.

★ 23. Determination of Committee that inquiry be held

(1) If the Committee determines that an inquiry shall be held it shall refer the case to the Board and the Chairman of the Committee shall notify the Chairman of the Board of the matters into which inquiry is to be held.

(2) Where a matter is referred to the Board under subsection (1), the Chairman of the Board shall fix a date for holding an inquiry and the Secretary shall, within 1 month of the determination of the Committee to refer the complaint to the Board, serve on the respondent—

- (a) a notice of inquiry which shall be in accordance with Form 4 in Schedule 2; and
 - (b) a copy of this Regulation.
- (3) A notice of inquiry shall—
- (a) in a case where the complaint is that the respondent has been guilty of misconduct, state in the form of a charge, which shall be formulated by the Secretary, the matters into which inquiry is to be held;
 - (b) in any other case, state the allegation contained in the complaint; and
 - (c) specify the date, time and place at which the inquiry is to be held.

★ 21. 由小組考慮申訴

(1) 在考慮申訴的會議上，秘書須向小組提交該申訴，連同一起接獲的任何法定聲明，並提交答辯人所呈交的任何解釋，以及所得的屬證據性質的並與該申訴有關的其他文件或事項。

(2) 小組須考慮根據第(1)款向其提交的任何文件或事項，並在不抵觸第(3)款的條文下，須作出下列決定——

- (a) 不進行研訊；或
- (b) 該申訴須全部或部分轉呈委員會研訊。

(3) 在根據第(2)款作出決定之前，小組可安排作出其認為需要的進一步調查和蒐集其認為需要的其他意見或協助。

★ 22. 小組決定不進行研訊

如小組決定不進行研訊，須指示將申訴駁回，秘書須據此而告知答辯人及申訴人(如有申訴人的話)。

★ 23. 小組決定進行研訊

(1) 如小組決定進行研訊，小組須將個案轉呈委員會，而小組主席須將須予研訊的事項通知委員會主席。

(2) 凡小組根據第(1)款將某事項轉呈委員會，委員會主席須定出進行研訊的日期，而秘書在小組決定將申訴轉呈委員會的1個月內，須向答辯人送達——

- (a) 一份按照附表2表格4擬備的研訊通知書；及
- (b) 一份本規例文本。

(3) 每份研訊通知書須——

- (a) (如申訴內容是答辯人曾犯行為不檢)按秘書擬定的控罪格式，述明須予進行研訊的事項；
- (b) (如屬在任何其他情況)述明申訴中的指稱；及
- (c) 指明擬進行研訊的日期、時間及地點。

[Subsidiary]

- (4) An inquiry shall not be held until 28 days after the date of service of the notice of inquiry unless the respondent consents in writing to holding it earlier.
- (5) Service of a notice of inquiry on the respondent shall be by registered post addressed to him at his address last known to the Secretary.
- (6) Within the time stipulated for service of the notice of inquiry, the Secretary shall send a copy of the notice of inquiry to the complainant, if any.

24. Adjournment of inquiry

- (1) The Chairman of the Board may, at any time, adjourn any inquiry to such date as he thinks fit.
- (2) Notice of any such adjournment shall be given to the respondent and to the complainant, if any.

25. Documents to be furnished to Board

The respondent and any complainant shall furnish to the Secretary, not less than 10 days before the date of an inquiry or such lesser period as the Board may determine, 2 copies of all documents upon which he intends to rely at the hearing of the inquiry.

26. Documents to be available to each party

The Secretary on the request of the respondent or of any complainant and on the payment of reasonable charges (if any) shall send to the respondent or to the complainant, as the case may be, copies of any document sent to the Secretary by the other party for the purposes of an inquiry.

27. Notice to produce

Any party may at any time give to any other party notice to produce any document alleged to be in the possession of that party and, on failure to produce such document, may prove the contents thereof by any alternative method.

28. Amendment of notice

(1) Where before the hearing or at any stage of the hearing it appears to the Board that a notice of inquiry is defective, the Chairman of the Board may give such directions for the amendment of the notice as he may consider necessary to meet the circumstances of the case, unless, having regard to the merits of the case, he is of the opinion that the required amendments cannot be made without prejudice to the respondent.

[附屬法例]

- (4) 研訊不得在研訊通知書送達的日期後 28 天內進行，但如答辯人以書面同意提前進行，則屬例外。
- (5) 凡向答辯人送達研訊通知書，須採用掛號郵遞方式寄往秘書最後知悉的答辯人地址致予答辯人。
- (6) 在規定送達研訊通知書的限期內，秘書須將該研訊通知書副本送交申訴人(如有申訴人的話)。

24. 押後研訊

- (1) 委員會主席可在任何時間將任何研訊押後至他認為適當的日期。
- (2) 有關該押後研訊的通知書須送予答辯人及申訴人(如有申訴人的話)。

25. 向委員會提交的文件

答辯人及任何申訴人須在不遲於研訊日期前 10 天或不遲於委員會所決定的較短期限前，將他在該研訊的聆訊中擬倚據的每份文件的文本 2 份向秘書提交。

26. 每一方可得的文件

在答辯人或任何申訴人提出要求下，並在合理費用(如有的話)繳付後，秘書須為研訊的目的，將另一方所呈交予秘書的任何文件的副本，送交該答辯人或申訴人(視屬何情況而定)。

27. 要求出示文件的通知書

任何一方可在任何時間向任何另一方發出通知，要求出示指稱由該另一方管有的任何文件；如沒有出示該文件，則可藉其他方法證明文件的內容。

28. 修訂通知書

(1) 凡在聆訊前或聆訊中的任何階段，委員會覺得研訊通知書欠妥，委員會主席可發出他認為情況所需的指示，將通知書修訂，除非他在顧及個案的實況後認為作出所需的修訂沒有可能不對答辯人造成損害性的影響，則屬例外。

[Subsidiary]

[附屬法例]

(2) The Secretary shall, as soon as is practicable, after the amendment of a notice of inquiry, give notice in writing thereof to the respondent and to the complainant, if any.

(2) 在任何研訊通知書經修訂後，秘書須在切實可行的範圍內盡快將該項修訂以書面通知答辯人及任何申訴人(如有申訴人的話)。

☆

PART IV

☆

第 IV 部

PROCEEDINGS AT HEARING OF THE BOARD

委員會聆訊的程序

☆ 29. Interpretation

In this Part—
“order” (命令) means an order made by the Board in the exercise of its powers under section 22 of the Ordinance;
“Secretary” (秘書) includes a legal officer appointed in pursuance of section 31.

☆ 29. 釋義

在本部中——
“命令”(order)指委員會根據本條例第 22 條行使其權力所作出的命令；
“秘書”(Secretary)包括依據第 31 條委任的律政人員。

☆ 30. Record of proceedings

(1) A shorthand writer may be appointed by the Board to prepare a verbatim record of the proceedings.
(2) If a verbatim record of any proceedings or any part of any proceedings has been prepared the Chairman of the Board, on application to him by any party and on the payment of reasonable charges (if any), shall furnish such party with a copy of such record.

☆ 30. 程序的紀錄

(1) 委員會可委任速記員擬備聆訊程序的逐字逐句的紀錄。
(2) 如已就任何聆訊程序或其中任何部分已擬備逐字逐句的紀錄，委員會主席須應任何一方的申請，並在合理費用(如有的話)繳付後，向該一方提供該紀錄的副本。

☆ 31. Appointment of legal officer as Secretary

On the application of the Secretary, the Attorney General may appoint a legal officer within the meaning of the Legal Officers Ordinance (Cap. 87) to carry out the duties which a secretary has to perform in an inquiry where the complainant is not present or represented by counsel or solicitor.

☆ 31. 委任律政人員為秘書

律政司可應秘書提出的申請，委任一名《律政人員條例》(第 87 章)所指的律政人員，在申訴人沒有出席亦沒有由大律師或律師代表的研訊中，執行秘書須執行的職責。

☆ 32. Opening of inquiry

(1) At the opening of an inquiry the Secretary shall read the notice of inquiry.
(2) If the respondent is not present and is not represented by counsel or solicitor at the opening of the inquiry, the Secretary shall furnish to the Board such evidence as the Board may require that the notice of inquiry was served on the respondent in accordance with section 23(5) and, on being satisfied as to such evidence, the Board may proceed with the inquiry in the absence of the respondent.

☆ 32. 研訊的開始

(1) 在研訊開始時，秘書須宣讀研訊通知書。
(2) 如答辯人在研訊開始時，沒有出席亦沒有由大律師或律師代表，則秘書須向委員會提交委員會所需要的證據，證明研訊通知書已按照第 23(5) 條送達答辯人，而委員會在信納該證據後，即可在答辯人缺席的情況下進行研訊。

[Subsidiary]

[附屬法例]

(3) If the respondent is present at the inquiry the Chairman of the Board, immediately after the notice of inquiry has been read, shall inform him of his right to cross-examine witnesses, to give evidence and to call witnesses on his behalf.

(3) 如答辯人出席研訊，委員會主席須緊接在研訊通知書宣讀後，告知答辯人其盤問證人、自行舉證和為自己傳召證人的權利。

33. Objections on point of law

☆ 33. 就法律論點提出反對

(1) After the reading of the notice of inquiry the respondent, or his counsel or solicitor, may object to any charge or allegation, as the case may be, on a point of law and the Secretary and any other party to the inquiry may reply thereto and, if the Secretary or any party replies to that objection, the respondent, or his counsel or solicitor, shall be permitted to answer such reply.

(1) 在研訊通知書宣讀後，答辯人或其大律師或律師可就法律論點反對任何控罪或指稱(視屬何情況而定)，而秘書及研訊程序的任何其他一方可就該項反對作出答覆；如秘書或該其他一方就該項反對作出答覆，則答辯人或其大律師或律師須獲准就該項答覆作出答辯。

(2) If such objection is upheld by the Board the charge or allegation to which such objection relates shall be considered only subject to such objection.

(2) 如委員會支持該項反對，則在考慮與該項反對有關的控罪或指稱時，只可在不抵觸該項反對的情況下作出考慮。

34. Order of procedure before Board

☆ 34. 委員會席前研訊的進行程序

(1) After the reading of the notice of inquiry the order of procedure set out in subsections (2), (3), (4), (5), (6), (7) and (8) shall be observed.

(1) 在研訊通知書宣讀後，第(2)、(3)、(4)、(5)、(6)、(7)及(8)款列出的先後程序須予遵循。

(2) The complainant, or his counsel or solicitor, or in their absence, or if there is no complainant, the Secretary, shall present the case against the respondent, adduce the evidence in support thereof and then close the case against the respondent.

(2) 須由中訴人或其大律師或律師提出提控答辯人的案、援引用以支持的證據及完成提出提控答辯人的案，如他們缺席或如沒有中訴人，以上事情須由秘書進行。

(3) At the close of the case against the respondent, he or his counsel or solicitor may make either or both of the following submissions in relation to any charge or allegation in respect of which evidence has been adduced—

(3) 當提出提控答辯人的案完成時，答辯人或其大律師或律師可就任何已援引證據的控罪或指稱作出以下的任何一項或兩項陳詞——

(a) that sufficient evidence has not been adduced upon which the Board can find that the facts alleged in the complaint have been proved;

(a) 並無援引足夠的證據，令委員會能據之而裁斷中訴中所指稱的事實為經證實者；

(b) that the facts alleged in the complaint are not such as to constitute the offence charged or the allegation made against the respondent.

(b) 中訴中所指稱的事實並不構成提控的事項或並不構成針對答辯人所作的指稱。

(4) Where a submission under subsection (3) is made, a reply thereto may be made by the complainant, or by his counsel or solicitor, or in their absence by the Secretary, and the respondent may answer such reply.

(4) 凡有根據第(3)款作出的陳詞，中訴人或其大律師或律師可就該項陳詞作出答覆，如他們缺席，則秘書可就該項陳詞作出答覆；而答辯人亦可就該項答覆作出答辯。

(5) The Board shall determine whether the submission made under subsection (3) shall be upheld and the Chairman of the Board shall announce the determination of the Board.

(5) 委員會須裁定是否支持根據第(3)款作出的陳詞，而委員會主席須公布委員會的裁定。

(6) If the Board—

(6) 如委員會——

(a) upholds the submission in respect of any charge or allegation, the finding shall be recorded that the respondent is not guilty on that charge or allegation;

(a) 支持關於某項控罪或指稱的陳詞，則須記錄該裁斷為答辯人沒有犯該項控罪或該項指稱；



[Subsidiary]

- (b) rejects the submission, the Chairman of the Board shall call upon the respondent to state his case.
- (7) When called upon to state the case, the respondent, or his counsel or solicitor, may adduce evidence in support of his case and may address the Board once, either before or after adducing evidence.
- (8) At the conclusion of the case of the respondent, the complainant, or his counsel or solicitor, or in their absence the Secretary, may address the Board in reply—
- (a) if any evidence other than the respondent's own evidence was adduced on the respondent's behalf; or
- (b) with the special leave of the Board.

☆ 35. **Determination by Board or postponement to future meeting**

- At the conclusion of the proceedings the Board shall either—
- (a) determine whether the facts alleged in any charge or allegation have been proved to its satisfaction and whether the respondent is guilty as alleged or charged; or
- (b) postpone its determination to a future meeting to be held on a date to be decided by the Board,
- and the Chairman of the Board shall announce the decision of the Board.

☆ 36. **Notification of future meeting**

- (1) Where the Board decides to postpone its determination to a future meeting, the Secretary shall, not less than 1 week before the date fixed for such future meeting, serve on the respondent a notice specifying the date, time and place fixed for the meeting of the Board and invite the respondent to appear at such meeting.
- (2) A notice under subsection (1) shall be served by registered post addressed to the respondent at his address last known to the Secretary, and a copy of the notice shall be sent to the complainant, if any.

☆ 37. **Determination by Board at future meeting**

At any future meeting of the Board referred to in section 35(b), the Board shall determine whether the facts alleged in any charge or allegation have been proved to its satisfaction and whether the Board finds the respondent guilty as alleged or charged and the Chairman of the Board shall announce the Board's determination.

[附屬法例]

- (b) 拒納該陳詞，則委員會主席須傳喚答辯人陳述其案。
- (7) 被傳喚陳述其案時，答辯人或其大律師或律師可援引證據支持其案，並可於援引證據之前或之後向委員會陳詞一次。
- (8) 當答辯人的案完畢時，申請人或其大律師或律師可在下列情況下向委員會陳詞答覆，如他們缺席，則秘書可在下列情況下向委員會陳詞答覆——
- (a) 證據是由他人代答辯人援引的，而該證據並非答辯人本人所作的證供；或
- (b) 已得委員會的特別許可。

☆ 35. **委員會作出裁定或押後至日後會議**

- 在研訊程序完畢時，委員會須——
- (a) 裁定任何控罪或指稱所指稱的事實是否已證明至足以獲其信納和答辯人是否犯了所指稱或指控的事項；或
- (b) 押後至日後的會議才作出裁定，舉行該會議的日期由委員會決定，而委員會主席須公布委員會的決定。

☆ 36. **日後會議的通告**

- (1) 凡委員會決定押後至日後會議時才作出裁定，秘書須於定出為該會議的日期前不少於 1 星期，將一份指明為該次委員會會議定出的日期、時間及地點的通知書送達答辯人，邀請答辯人出席該會議。
- (2) 根據第 (1) 款發出的通知書，須採用掛號郵遞方式寄往秘書最後知悉的答辯人地址而送達答辯人，而通知書的副本須送交申請人(如有申請人的話)。

☆ 37. **委員會於日後會議上作出裁定**

在第 35(b) 條所提述的任何委員會的日後會議上，委員會須裁定任何控罪或指稱所指稱的事實是否已證明至足以獲其信納，以及委員會是否裁斷答辯人犯了所指稱或指控的事項，而委員會主席須公布委員會的裁定。

[Subsidiary]

[附屬法例]

38. Making of an order or postponement to future meeting

Where the Board makes a finding of guilt or that any allegation against the respondent has been proved under section 35(a) or 37, it shall—

- (a) if the respondent is a registered person, subject to section 41, make an order; and
- (b) if the respondent is an applicant for registration, subject to section 41, decide whether to decline his application for registration; or
- (c) postpone to a future meeting to be held on a date to be decided by the Board, the making of an order under paragraph (a) or a decision under paragraph (b),

and the Chairman of the Board shall announce the decision of the Board.

39. Notification of future meeting

(1) Where the Board postpones to a future meeting the making of an order or a decision under section 38, the Secretary shall, not less than 1 week before the date fixed for such meeting, serve on the respondent a notice specifying the date, time and place fixed for the meeting and inviting him to appear at the meeting.

(2) A notice under subsection (1) shall be served by registered post addressed to the respondent at his address last known to the Secretary, and a copy of the notice shall be sent to the complainant, if any.

40. Making of order at future meeting

At any future meeting referred to in section 38, the Board shall, subject to section 41—

- (a) if the respondent is a registered person, determine the order to be made; and
- (b) if the respondent is an applicant for registration, decide whether to reject his application for registration,

and the Chairman of the Board shall announce the determination or decision of the Board.

41. Opportunity for mitigation

(1) At any meeting of the Board at which the Board proposes to make in respect of a respondent an order or a decision to decline his application for registration, before the order or decision is made, an opportunity shall be given to the respondent or his counsel or solicitor to make a statement in mitigation

38. 作出命令或押後至日後會議

凡委員會根據第 35(a) 或 37 條裁斷答辯人犯了有關事項或裁斷任何針對答辯人的指稱獲得證明，則——

- (a) 如答辯人是獲註冊的人，委員會須在符合第 41 條的規定下作出命令；及
- (b) 如答辯人是要求註冊的申請人，委員會須在符合第 41 條的規定下決定是否拒絕其註冊申請；或
- (c) 委員會須押後至日後的會議才根據 (a) 段作出命令或根據 (b) 段作出決定，舉行該會議的日期由委員會決定，

而委員會主席須公布委員會的決定。

39. 日後會議的通告

(1) 凡委員會押後至日後會議時才根據第 38 條作出命令或決定，秘書須於定出為該日後會議的日期前不少於 1 星期，將一份指明為該日後會議定出的日期、時間及地點並邀請答辯人出席該會議的通知書送達答辯人。

(2) 根據第 (1) 款發出的通知書，須採用掛號郵遞方式寄往秘書最後知悉的答辯人地址而送達答辯人，而通知書的副本須送交申訴人 (如有申訴人的話)。

40. 於日後會議上作出命令

在第 38 條所提述的任何日後會議上，委員會須在符合第 41 條的規定下——

- (a) (如答辯人是獲註冊的人) 裁定將要作出的命令；及
- (b) (如答辯人是要求註冊的申請人) 決定是否拒絕其註冊申請，

而委員會主席須公布委員會的裁定或決定。

41. 請求減輕判處的機會

(1) 在委員會擬就答辯人而作出拒絕其註冊申請的命令或決定的任何委員會會議上，在作出命令或決定之前，須給予答辯人或其大律師或律師機會，作出請求減輕判



[Subsidiary]

[附屬法例]

and to adduce evidence as to the circumstances leading to the commission of the offence or the conduct complained of and as to the character and antecedents of the respondent.

(2) At any meeting referred to in subsection (1), before the order or decision of the Board is made—

- (a) the Secretary or any other person presenting the case against the respondent may, if the respondent has been the subject of a previous order, produce to the Board the records of the meeting at which that order was made; and
- (b) the respondent, in person or by his counsel or solicitor, may make a statement by way of mitigation and adduce evidence as to the circumstances leading to the previous order.

☆ 42. Evidence

(1) Evidence may be taken by the Board by oral statement on oath or by written deposition or statement.

(2) A summons under section 23(1)(b) of the Ordinance to any person requiring him to attend an inquiry to give evidence or produce any document or other thing in his possession shall be in accordance with Form 5 in Schedule 2.

(3) Every witness shall be examined by the party producing him and may then be cross-examined by the other party and may be re-examined by the party producing that witness only upon matters arising out of the cross-examination.

(4) The Board may refuse to admit the evidence of any deponent to a document who is not present for, or who refuses to submit to, cross-examination.

(5) The Chairman of the Board, and members of the Board through the Chairman of the Board, may put such questions to the parties or to any witness as they see fit, and the other parties may then re-examine such party or witness on matters arising out of such questioning.

☆ 43. Voting

(1) In the taking of the votes of the Board on any question to be determined by it, the Chairman of the Board shall call upon the members to signify their votes and shall thereupon declare the determination of the Board in respect of such question.

(2) Where a determination of the Board declared under subsection (1) is challenged by any member of the Board, the Chairman of the Board shall call upon each member severally to declare his vote, announce his own vote and

處的陳述，並就引致犯該罪行的情況或引致申訴所指行為的情況，以及就答辯人的品格及經歷，援引證據。

(2) 於第(1)款所提述的任何會議上，在作出委員會的命令或決定之前——

- (a) 如答辯人曾是以前的某項命令的標的之人，秘書或其他提出提控答辯人的案的人，可將曾在會議席上作出該命令的會議的紀錄，向委員會出示；及
- (b) 答辯人可親自或由其大律師或律師作出請求減輕判處的陳述，並且可就引致該項以前作出的命令的情況援引證據。

☆ 42. 證供

(1) 委員會可接納經宣誓而作的口頭陳述或以書面供詞或陳述書形式提出的證供。

(2) 根據本條例第 23(1)(b) 條發給任何人規定其出席研訊作證或出示所管有的任何文件或其他物件的傳票，須按照附表 2 表格 5 擬備。

(3) 每名證人須由傳召他為證人的一方訊問，繼而可由另一方盤問，然後可由傳召他為證人的一方單就盤問時引起的事項再作覆問。

(4) 凡以文件宣誓作證的人，如沒有出席接受盤問或拒絕接受盤問，委員會可拒絕接納其所作的證供。

(5) 委員會主席和委員會成員透過委員會主席，可向各方或任何證人提出他們認為合適的問題，然後其他各方可就提出該問題時引起的事項覆問該方或該證人。

☆ 43. 表決

(1) 委員會就交由其決定的任何問題進行表決時，委員會主席須喚請各成員明示其表決取向，並須隨即宣布委員會就該問題所作的決定。

(2) 凡根據第(1)款宣布的委員會決定受到任何委員會成員質疑，委員會主席須分別喚請每名成員宣布其表決取向，主席亦須公布其本身的表決取向，以及公布每項表決取向的委員會成員人數及表決結果。

[Subsidiary]

announce the number of members of the Board who have voted each way, and the result of the vote.

(3) Where on any question to be determined by the Board the votes are equal, the question shall be deemed to have been decided in favour of the respondent.

(4) No person other than members of the Board and the Legal Adviser shall be present when the Board votes on any matter.

PART V

DUTIES OF LEGAL ADVISER

44. Inquiry by Board

The Legal Adviser shall be present at every inquiry held by the Board in accordance with section 13 or 22 of the Ordinance and no such inquiry shall commence if the Legal Adviser is not present.

45. Ordinary meetings of Board

The Chairman of the Board may give to the Legal Adviser prior notice that his advice may be required at any meeting of the Board, other than an inquiry under section 13 or 22 of the Ordinance, or at any meeting of the Committee and, if such notice is given, the Legal Adviser shall be present at such meeting.

46. Advice by Legal Adviser

(1) When the Legal Adviser advises the Board on any question of law as to evidence, procedure or any other matter in any inquiry under section 13 or 22 of the Ordinance he shall do so in the presence of every party to the proceedings or the person representing each party or, if the advice is tendered after the Board has commenced to deliberate as to its findings, every such party or person as aforesaid shall be informed of the advice that the Legal Adviser has tendered.

(2) In any case where the Board does not accept the advice of the Legal Adviser on any such question as aforesaid, every such party or person shall be informed of this fact.

[附屬法例]

(3) 凡就交由委員會決定的任何問題進行表決時票數均等，須當作已就該問題作出有利於答辯人的決定。

(4) 委員會就任何事項進行表決時，除委員會成員及法律顧問外，其他人不得在場。

第 V 部

法律顧問的職責

44. 委員會進行的研訊

法律顧問須出席委員會按照本條例第 13 或 22 條進行的每一次研訊，如法律顧問沒有出席，則任何該等研訊不得開始。

45. 委員會的常會會議

委員會主席可事先向法律顧問發出通知，表示可能需要法律顧問在委員會任何並非根據本條例第 13 或 22 條進行的研訊的會議上，或在小組的任何會議上提供意見，而凡發出此等通知，則法律顧問須出席該等會議。

46. 法律顧問提供的意見

(1) 如在根據本條例第 13 或 22 條進行的研訊中，法律顧問就任何證據、程序或其他事項的法律問題向委員會提供意見，他須在研訊程序的各方或代表該每一方的人在場時提出，或如該意見是在委員會已就其裁斷開始商議之後提出的，則須將法律顧問所提供的意見通知上述各方或各人。

(2) 在任何情況下，凡委員會不接納法律顧問就上文所述的任何問題提供的意見，上述各方或各人須獲得通知此事。

[Subsidiary]

[附屬法例]



PART VI
MISCELLANEOUS



第 VI 部
雜項

47. Application to section 13(3) inquiry

Where specific provision has not been made in this Regulation in respect of an inquiry held for the purposes of section 13(3) of the Ordinance, any provision applicable to an inquiry held for the purposes of section 22 of the Ordinance shall apply and may be construed with such modifications not affecting the substance as may be necessary to render it conveniently applicable.

47. 適用於第 13(3) 條的研訊

凡本規例沒有就為施行本條例第 13(3) 條而進行的研訊訂立特定的條文，任何適用於為施行本條例第 22 條而進行的研訊的條文須予適用，並可按需要而加以不影響實質的修改予以解釋，使其得以合宜適用。

SCHEDULE 1

[s. 3]

附表 1

[第 3 條]

FORM OF REGISTER

註冊名冊的格式

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE
(Chapter 359)

輔助醫療業條例
(第 359 章)

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY
PROCEDURE) REGULATION

物理治療師(註冊及紀律處分程序)規例

Register of Physiotherapists

物理治療師註冊名冊

PART Ia

第 Ia 部

REGISTRATION NO. :
 NAME : ()
 ADDRESS :
 BUSINESS ADDRESS :
 QUALIFICATIONS AND DATE OBTAINED :
 DETAILS OF WORKING EXPERIENCE :
 CERTIFICATE OF REGISTRATION SERIAL NO. :
 DATE OF REGISTRATION :
 REMARKS :

註冊編號 :
 姓名 : ()
 地址 :
 業務地址 :
 資格及取得資格日期 :
 工作經驗的詳細資料 :
 註冊證明書編號 :
 註冊日期 :
 備註 :

(Schedule 2)

[Subsidiary]

FORM 3

[s. 14]

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE
(Chapter 359)

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY
PROCEDURE) REGULATION

Particulars of a Company carrying on the
Business of Practising Physiotherapy

Presented by
(Name of Company)

of
(Registered Business Address)

(Business Registration Certificate No.)

Particulars of the names and addresses of all persons who are professionally qualified directors, other directors or managers of the above company in respect of the business of physiotherapy carried on by it at

under the name of

Name in full	Position	Certificate of Registration No. and Date of Registration where Directors are registered	Part registered in	Residential address

and of persons who practise physiotherapy in connection with the business of the said company in the above.

Name in full	Residential address	Occupation	Qualifications	Certificate of Registration No. and Date of Registration	Part registered in	Duties performed

(附表 2)

[附屬法例]

表格 3

[第 14 條]

輔助醫療業條例
(第 359 章)

物理治療師 (註冊及紀律處分程序) 規例

經營物理治療業務的公司的詳細資料

由位於
(商業登記地址)

(商業登記證號碼) 的 提交。
(公司名稱)

上述公司於

以 名稱經營物理治療業務，而其所有具備專業資格的董事、其他董事或經理的姓名、地址等詳情如下——

全名	職位	如董事已註冊，請填寫註冊證明書編號及註冊日期	列入註冊名冊的上述部分內	住址

就上述公司上述業務而從事物理治療工作的人的姓名、地址等詳情則如下——

全名	住址	職業	學歷	註冊證明書編號及註冊日期	列入註冊名冊的上述部分內	執行的職務



[Subsidiary]

[附屬法例]

Dated this day of 19

日期：19 年 月 日

(Signature)
(State whether director or manager or secretary)

(簽署)
(述明屬董事、經理或秘書)



FORM 4

[s. 23(2)]

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE
(Chapter 359)

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY
PROCEDURE) REGULATION

Notice of Inquiry

[Date]

Sir/Madam,

On behalf of the Physiotherapists Board notice is hereby given to you that, in consequence of a complaint made against you to the Board/information received by the Board, an inquiry is to be held into the following charge(s) against you—

(If the allegation relates to conviction) That you were on the day of 19 at (specify court recording the conviction) convicted of (set out particulars of the conviction in sufficient detail to identify the case).

or

(If the charge relates to conduct) That you

(set out briefly the facts alleged); and that in relation to the facts alleged you have been guilty of unprofessional conduct.

or

(If the allegation relates to obtaining registration by fraud or misrepresentation) That you

(set out briefly the facts alleged); and that in relation to the facts alleged you obtained registration by fraud or misrepresentation.

or

(If the allegation is that the registered physiotherapist was not qualified, at the time of his registration, to be registered) That you



表格 4

[第 23(2) 條]

輔助醫療業條例
(第 359 章)

物理治療師(註冊及紀律處分程序)規例

研訊通知書

[日期]

先生/女士：

現代表物理治療師管理委員會通知你，由於有一項向委員會作出的針對你的申訴/委員會接獲的告發，因而須就下列針對你的控罪進行研訊——

(如指稱與定罪有關) 你曾在 19 年 月 日於 (指明記錄有關的定罪的法院) 被裁定 (充分地列出足以識別該案的定罪詳情) 罪名成立。

或

(如控罪與行為有關) 你 (扼要列出指稱的事實)

指稱的事實，你犯了不專業行為。

或

(如指稱是關於藉欺詐或失實陳述獲得註冊的) 你 (扼要列出指稱的事實)

指稱的事實，你曾藉欺詐或失實陳述獲得註冊。

或

(如指稱是該註冊物理治療師在註冊時未具備註冊的資格) 你 (扼要列出指稱的事實)

[Subsidiary]

[附屬法例]

..... (set out briefly the facts alleged); and that in relation to the facts alleged you were not at the time of your registration qualified to be registered.

....., 而就該等指稱的事實, 你在註冊時並未具備註冊的資格。

或

(If the allegation is that the registered physiotherapist has not complied with or is in breach of any condition of his registration or has failed to comply with the Ordinance) That you

..... (set out briefly the facts alleged).

.....

或

(If the charge or allegation is that an applicant for registration has been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment, has been guilty of unprofessional conduct, is not qualified to be registered in his application for registration, has been guilty of fraud or misrepresentation or has failed to comply with the Ordinance) That on the.....day of.....19..... you made application to the Secretary for registration in accordance with section 13 of the Supplementary Medical Professions Ordinance, whereas

..... (set out briefly the facts alleged); and that in relation to the facts alleged your name should not be approved to be entered upon the register.

....., 而就該等指稱的事實, 你的姓名不應獲准列入註冊名冊內。

(如控罪或指稱多於一項, 各控罪或指稱應順序編號)。

(Where there is more than one charge or allegation they are to be numbered consecutively).

此外, 特此再通知你, 委員會將於 19.....年.....月.....日星期.....上午/下午.....時.....分在.....舉行會議, 以考慮針對你的申請中的上述控罪/指稱, 並決定委員會應否根據《輔助醫療業條例》第.....條(註明是第 13 或 22 條) 對你採取任何行動。

Notice is further given to you that on.....(day of the week) the..... day of.....19....., a meeting of the Board will be held at

請你就上述控罪/指稱以書面答辯, 並按上述所指明的時間、地點到委員會席前就該控罪/指稱應訊答辯。你可親自或由大律師或律師應訊。如你不出席應訊, 委員會有權在你缺席的情況下就該等控罪/指稱進行聆訊並作出決定。

at..... a.m./p.m. to consider the above-mentioned charge(s)/allegation(s) in a complaint against you, and to determine whether or not the Board should take any action against you under section.....(state whether section 13 or 22) of the Supplementary Medical Professions Ordinance.

如你欲就申請中的上述控罪/指稱作出答辯、認罪或作出其他陳述或通訊, 應向秘書作出。

You are hereby invited to answer in writing the above-mentioned charge(s)/allegation(s) and also to appear before the Board at the place and time specified above, for the purpose of answering such charge(s)/allegation(s). You may appear in person or by counsel or solicitor. The Board has power, if you do not appear, to hear and decide upon the said charge(s)/allegation(s) in your absence.

如你欲申請押後研訊, 你應盡快將申請書送交秘書, 述明你欲押後研訊的理由。任何此等申請均由委員會主席考慮。

Any answer, admission, or other statement or communication which you may desire to make with respect to the said charge(s)/allegation(s) in a complaint should be addressed to the Secretary.

現附上《物理治療師(註冊及紀律處分程序)規例》文本一份, 以供參閱。

If you desire to make any application that the inquiry should be postponed, you should send an application in writing to the Secretary as soon as may be, stating the grounds on which you desire a postponement. Any such application will be considered by the Chairman of the Board.

Secretary, Physiotherapists Board.

物理治療師管理委員會秘書



[Subsidiary]

FORM 5 [s. 42(2)]

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE
(Chapter 359)

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY
PROCEDURE) REGULATION

Summons to Witness

In the matter of a Disciplinary Inquiry under section 13/section 22 of the Ordinance:

And in the matter of ⁽¹⁾.....

To ⁽²⁾.....

You are hereby summoned to appear before the Physiotherapists Board at.....

..... on the..... at..... o'clock in the

day of..... 19..... noon to give evidence touching the matter under inquiry ⁽³⁾ and

also to bring with you and produce ⁽⁴⁾.....

Given under my hand this..... day of..... 19.....

.....
Chairman,
Physiotherapists Board.

- Note: (1) Insert name of registered physiotherapist.
(2) Insert name and address of witness.
(3) Delete if not required.
(4) Specify the books, documents or other things to be produced.

SCHEDULE 3 [ss. 10 & 15]

Fees

Item	Particulars	Fee \$
1.	Registration under section 13 of the Ordinance	1,115
2.	Provisional registration under section 15 of the Ordinance	1,075
3.	Practising certificate issued under section 16 of the Ordinance	390
4.	Certified copy of a certificate of registration under section 14(3) of the Ordinance	245
5.	Duplicate certificate of registration under section 14(7) of the Ordinance	285
6.	Restoration to the register under section 10(5) of the Ordinance	465
7.	Certificate of standing under section 14A of the Ordinance	570
8.	Examination fee for any examination conducted under section 15A of the Ordinance	1,060
9.	Certificate verifying registration under section 14A of the Ordinance	432

[附屬法例]

表格 5 [第 42(2) 條]

輔助醫療業條例
(第 359 章)

物理治療師(註冊及紀律處分程序)規例

證人傳票

根據本條例第 13 條/第 22 條進行的紀律研訊事宜:

關於 ⁽¹⁾..... 的研訊事宜

致 ⁽²⁾.....

現傳召你出席物理治療師管理委員會於 19..... 年..... 月..... 日

上午/下午..... 時..... 分在.....

..... 舉行的研訊, 就研訊所涉及的事項作證 ⁽³⁾, 並帶同和出

示 ⁽⁴⁾.....

本傳票於: 19..... 年..... 月..... 日由本人簽發。

.....
物理治療師管理委員會主席

- 註: (1) 填上註冊物理治療師的姓名。
(2) 填上證人姓名及地址。
(3) 如不需要可刪去。
(4) 指明須出示的簿冊、文件或其他物件。

附表 3 [第 10 及 15 條]

費用

項	詳情	費用 \$
1.	根據本條例第 13 條註冊	1,115
2.	根據本條例第 15 條臨時註冊	1,075
3.	根據本條例第 16 條發出的執業證明書	390
4.	根據本條例第 14(3) 條發出的註冊證明書的核證副本	245
5.	根據本條例第 14(7) 條發出的註冊證明書的複本	285
6.	根據本條例第 10(5) 條重新列入註冊名冊	465
7.	根據本條例第 14A 條發出的專業操守證明書	570
8.	根據本條例第 15A 條而舉行的任何考試的考試費	1,060
9.	根據本條例第 14A 條核實註冊的證明書	432

SCHEDULE 4		[Subsidiary]
EXEMPTIONS FROM THE ORDINANCE		[s. 16]
Item	Person Exempt	Exempt Section
PART 1		
1.	A registered medical practitioner while practising medicine	21(1)
2.	A dentist registered under section 8 of the Dentists Registration Ordinance (Cap. 156) but who is not qualified to be so registered by virtue of having been registered under the repealed Dentists Registration Ordinance 1940 (1 of 1940, see Cap. 156, 1950 Ed.) while practising dentistry	21(1)
3.	A student in the course of undergoing any course in physiotherapy, medicine or dentistry at the University of Hong Kong, The Chinese University of Hong Kong or The Hong Kong Polytechnic University	21(1)
4.	A duly qualified veterinary surgeon as defined in section 2 of the Pharmacy and Poisons Ordinance (Cap. 138) in relation to any physiotherapy treatment by him of an animal	21(1) and (2)
PART 2		
5.	A hospital to which the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap. 165) applies carried on by an individual person and registered under that Ordinance	21(1)
6.	A hospital to which the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap. 165) applies carried on by a corporation and registered under that Ordinance	20 and 21(1)
7.	A maternity home to which the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap. 165) applies carried on by an individual person and registered under that Ordinance	21(1)
8.	A maternity home to which the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap. 165) applies carried on by a corporation and registered under that Ordinance	20 and 21(1)
9.	A medical clinic carried on by an individual person and registered under the Medical Clinics Ordinance (Cap. 343)	21(1)
10.	A medical clinic carried on by a corporation and registered under the Medical Clinics Ordinance (Cap. 343)	20 and 21(1)

SCHEDULE 5		[s. 17]
PRELIMINARY INVESTIGATION COMMITTEE		
1.	Member ceasing to be member on becoming member of Board	
A member of the Committee other than the Chairman of the Committee who during the period of his office becomes a member of the Board shall cease to be a member of the Committee.		

附表 4		[附屬法例]
豁免受本條例規限		[第 16 條]
項	獲豁免的人	豁免受條例中以下各條規限
第 1 部		
1.	正執業為醫生的註冊醫生	21(1)
2.	根據《牙醫註冊條例》(第 156 章) 第 8 條註冊的牙醫，但其在註冊時，並不具備註冊資格，因其在執業為牙醫時，已根據已廢除的《1940 年牙醫註冊條例》(1940 年第 1 號，見第 156 章，1950 年版) 註冊	21(1)
3.	正在香港大學、香港中文大學或香港理工大學修讀物理治療、醫科或牙科課程的學生	21(1)
4.	替動物進行任何物理治療的《藥劑及毒藥條例》(第 138 章) 第 2 條所界定的合資格獸醫	21(1) 及 (2)
第 2 部		
5.	《醫院、護養院及留產院註冊條例》(第 165 章) 適用、由個人經營和根據該條例註冊的醫院	21(1)
6.	《醫院、護養院及留產院註冊條例》(第 165 章) 適用、由法團經營和根據該條例註冊的醫院	20 及 21(1)
7.	《醫院、護養院及留產院註冊條例》(第 165 章) 適用、由個人經營和根據該條例註冊的留產院	21(1)
8.	《醫院、護養院及留產院註冊條例》(第 165 章) 適用、由法團經營和根據該條例註冊的留產院	20 及 21(1)
9.	由個人經營的、已根據《診療所條例》(第 343 章) 註冊的診療所	21(1)
10.	由法團經營的、已根據《診療所條例》(第 343 章) 註冊的診療所	20 及 21(1)

附表 5		[第 17 條]
初步調查小組		
1.	小組成員成為委員會成員後停止出任小組成員	
除小組主席外，小組成員如其任期內成為委員會成員，即停止出任小組成員。		



[Subsidiary]

[附屬法例]

2. Appointment of acting Chairman

If the Chairman of the Committee is or will be unable temporarily to exercise his functions another member of the Board may be nominated by the Board and appointed by the Chairman of the Board to act during the period of his appointment, as Chairman of the Committee.

3. Appointment of acting member

If a member of the Committee is or will be unable temporarily to exercise his functions as a member of the Committee, a person satisfying the same criteria as applied to the appointment of that member may be nominated by the Hong Kong Physiotherapy Association and appointed by the Chairman of the Board to act during the period of his appointment, for that member.

4. Effect of lapse or termination of appointment

If at the time the Committee is considering any complaint or information under this Regulation

- (a) the appointment of any person to be the Chairman or a member of the Committee lapses by virtue of section 17 of this Regulation or terminates by operation of section 1 of this Schedule; or
- (b) the appointment of any person under section 2 or 3 of this Schedule lapses, then if such person is not thereupon elected or re-elected or appointed or reappointed, as the case may be, to be the Chairman or a member of the Committee, the chairmanship or membership of such person shall continue by virtue of this section for the purposes of the consideration of such complaint or information by the Committee, but for no other purpose, until the Committee has discharged its functions in respect of such complaint or information.

5. Resignation by Chairman and member of Committee

(1) The Chairman or a member of the Committee may at any time resign from the Committee by notice in writing addressed to the Secretary, save that, if at the time such notice is given the Committee is considering any complaint or information, the person so resigning shall, if so required by the Chairman of the Board, continue to be Chairman or member of the Committee for the purposes of the consideration of such complaint or information but for no other purpose, until the Committee has discharged its functions in respect of the complaint or information.

(2) Section 17 of this Regulation shall apply to any vacancy arising from any resignation under this section as if the vacancy had occurred by effluxion of time.

6. Chairman or member of Committee attending Board meeting

The Chairman of the Committee shall not and no member of the Committee shall attend any meeting of the Board as a member of the Board during the hearing or determination of any complaint or information against any person which is referred to the Board by the Committee for determination if such member has attended any meeting of the Committee at which such complaint or information was considered.

7. Meetings of Committee

(1) The Committee shall meet from time to time as directed by the Chairman of the Committee who may at any time adjourn any meeting of the Committee.

(2) Save as otherwise provided in the Ordinance the Chairman of the Committee shall determine the procedure to be adopted at any meeting.

2. 委任署理主席

如小組主席暫時不能或將暫時不能行使其職能，委員會可提名另一名委員會成員，並由委員會主席委任，在委任期間內署理小組主席的職務。

3. 委任署理成員

如小組成員暫時不能或將暫時不能行使其作為小組成員的職能，可由香港物理治療學會提名一位符合委任該成員的同樣準則的人，並由委員會主席委任，在委任期間內署理該成員的職務。

4. 任期屆滿或終止的影響

- 如小組當時正考慮根據本規例提出的任何申訴或告發，而——
 - (a) 任何獲委任為小組主席或小組成員的人的任期憑藉本規例第 17 條而屆滿或因本附表第 1 條的施行而終止；或
 - (b) 任何根據本附表第 2 或 3 條委任的人任期屆滿，則若上述的人並未隨即獲推選或並未隨即再獲推選為小組主席或小組成員，或未獲委任或未再獲委任為小組主席或小組成員，視屬何情況而定，則為小組考慮該申訴或告發的目的而非為其他目的，該人的主席身分或成員身分須憑藉本條得以繼續，直至小組已就該申訴或告發履行其職能為止。

5. 小組主席及小組成員辭職

(1) 小組主席或小組成員可於任何時間以書面通知秘書而辭去在小组的職務，但所受的規限是，如在給予該通知的任何時候，小组正考慮任何申訴或告發，而委員會主席要求如此辭職的人繼續出任小组主席或小组成員，則該人須為小组考慮該申訴或告發的目的而非為其他目的繼續出任小组主席或小组成員，直至小组已就該申訴或告發履行其職能為止。

(2) 本規例第 17 條適用於任何根據本條提出的辭職而產生的任何空缺，猶如該空缺是因期滿而出現者一樣。

6. 小組主席或小組成員出席委員會會議

如小組將針對某人的申訴或告發轉呈委員會裁定，則小組主席以及曾出席小組為考慮該申訴或告發而舉行的會議的任何小組成員，在委員會就該申訴或告發進行聆訊或裁定時，不得以委員會成員的身分出席任何委員會會議。

7. 小組會議

(1) 小組須按小組主席的指示不時召開會議，而小組主席可於任何時間押後小组的任何會議。

(2) 除本條例另有規定外，小组主席須決定任何會議所採取的議事程序。