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External Secy
Hong Kong Radiographers Association
c/o DR Department
Tuen Mun Hospital
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12.1.99

Ms E. Tsang
Sr. Asst Secy
LegCo, Complaint Section

Dear Ms Tsang,

Our Association would like to have a meeting with members of the Health Services Panel of the LegCo to follow up the issue in related to our previous petition to the Pro. LegCo in October 23 1997 (your ref. CPC 644/97).

All along, there is a strong view within our Profession and the Radiographers Board (RGB) that Regulation 26(1) in the Radiation(Control of Irradiating Apparatus) Regulations has to be amended so as to safeguard the public interest. The present version is written as:

"No person shall operate an irradiating apparatus for any purpose affecting the human body except a registered medical practitioner or a person acting under the personal supervision of a registered medical practitioner.

Provided that notwithstanding the provision of this regulation, a person referred to in column 1 of Schedule 3 may operate an irradiating apparatus for the purpose specified, and under the conditions stipulated, opposite the reference to that person in column 2 and column 3 of that Schedule respectively."

Since the registration of radiographers, our Profession has expressed our concerns to the relevant authorities (through the Association and the RGB) that this Regulation has to amend accordingly, so that only qualified or registered persons can operate the irradiating apparatus. By no means shall **any person or a layman** acting under the personal supervision of a medical practitioner operate the irradiating apparatus. This view was supported by the majority of the RGB.

After our Association met the Health Panel in 1997, H&WB agreed the Radiographers Board (December 97) to form a working group amongst the Radiation Board and the RGB to study how to amend this Regulation. But this proposal was rejected by the Radiation Board. Since then the issue was procrastinated.

This case had shown that the H&WB is incapable, while the Radiation Board is surreptitious, whereas our fellow members are helpless.

As the status of the RGB was seen as pejorative, I have resigned from the Radiographers Board as a member since August 1998.

The H&WB once suggested the following amendment to Regulation 26(1):

"No person shall operate an irradiating apparatus for any purpose affecting the human body except a registered medical practitioner or a person acting under the personal supervision of a registered medical practitioner who is *present in the unit or site as shown in the registered address in which the examination is taking place at the time it takes place.*

Provided that notwithstanding the provision of this regulation, a person referred to in column 1 of Schedule 3 may operate an irradiating apparatus for the purpose specified, and under the conditions stipulated, opposite the reference to that person in column 2 and column 3 of that Schedule respectively"

This version was not accepted by the majority of the RGB and our Association, because it only explains the condition of personal supervision, any person or a layman is still allowed to handle the irradiating apparatus.

About a year ago, the RGB conducted a survey among their Members, majority proposed the following amendment:

"No person other than a registered medical practitioner shall operate an irradiating apparatus for any purpose affecting the human body:

Provided that notwithstanding the provision of this regulation, a person referred to in column 1 of Schedule 3 may operate an irradiating apparatus for the purpose specified, and under the conditions stipulated, opposite the reference to that person in column 2 and column 3 of that Schedule respectively."

This version was inline with the view of our Association.

Our Association insists that to safeguard the public interest and the professional dignity, Regulation 26(1) of the Radiation (Control of Irradiating Apparatus) Regulations has to be amended in such a way that no unqualified and unregistered person be allowed to handle irradiating apparatus for treatment or diagnosis purpose to human being.

Thank you for your attention.

Yours sincerely,

CHAN Wing Chung Anthony

中華人民共和國香港特別行政區政府總部衛生福利局的信頭

本函檔號：(57)in HWB/M/22/5 Pt.2(95)

電話號碼：2973 8118

來函檔號：

傳真號碼：2840 0467

香港中區
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立法會秘書處
(經辦人：陳李湘雯女士)

陳女士：

有關香港放射技師協會的申訴

多謝一九九九年二月十五日來信，轉述香港放射技師協會的要求和立法會當值議員就該等要求所提的意見。現把我們的回覆載於下文：

擬議修訂《輻射條例》（第 303 章）附屬法例《輻射（管制輻照儀器）規例》第 26(1) 條

2. 香港放射技師協會建議修訂《輻射（管制輻照儀器）規例》第 26(1)條（“規例第 26(1)條”），只准許註冊醫生和規例的附表 3 第 1 欄指定的人士操作輻照儀器，由醫生親自督導行事的人士不得操作該等儀器。不過，這項建議無法配合註冊醫生在臨床工作上的實際需要。
3. 現行的第 26(1)條，可以滿足實際診療情況的需要，讓註冊醫生在治療或診斷時，可以倚賴其他醫護人員操作輻照儀器。在徵詢醫院管理局和其他有關人士的意見後，輻射管理局認為在某些臨床情況下應該靈活處理，但須清楚說明醫生應如何執行“親自督導”的職責，藉此收緊對操作

輻照儀器的管制。因此，輻射管理局建議把第 26(1)條修訂為—“除註冊醫生或由註冊醫生親自督導行事的人外，任何人不得為影響人體的目的而操作輻照儀器。註冊醫生親自督導行事的人在操作該等輻照儀器時，註冊醫生須在操作儀器的處所內。”

成立聯合工作小組

4. 在放射技師管理委員會提出成立聯合工作小組後，我們曾向輻射管理局反映這個建議。輻射管理局認為，放射技師管理委員會的意見已在先前的通信中清楚表明，而且雙方亦有把討論結果詳細向對方匯報，所以，除非有新的論點，否則毋需成立聯合工作小組重新討論此事。此外，放射技師管理委員會的主席目前同時是輻射管理局成員，這有助於促進兩個組織的溝通，彼此的聯繫也因而得以加強。儘管如此，輻射管理局仍然歡迎放射技師管理委員會隨時提出新的意見。

由未經註冊的放射技師操作輻照儀器

5. 《輻射條例》其中一個目的是，保障市民免受輻照儀器的輻射傷害。在規例第 26(1)條適用時，有關的督導醫生都會單獨負起臨床責任。如只准許註冊放射技師操作輻照儀器，似乎不會給市民帶來額外保障，相反可能會減低臨床治療和診斷的靈活性，延誤病情。

放射技師委派代表加入輻射管理局

6. 輻射管理局成立的目的，是管制放射性物質和輻照儀器的進口、出口、管有和使用，放射性礦物的勘探與開採，以及與此相關的事宜。

7. 輻射管理局的成員當中，不少是醫護人員，其中數位更是處理由輻射引起的健康問題的專家，其他成員則為有關範疇的知名科學家，以及來自政府有關部門的人員。輻射管理局的成員，已能夠充分代表有關各方的意見。該局現時的成員名單載於附錄。

8. 在有需要的時候，如擬決定的政策可能會影響其他團體，輻射管理局在作出決定前，還會徵詢這些團體的意見。為了貫徹《輻射條例》的精神，保障公眾的健康和安全不致受輻射影響，輻射管理局並不單止考慮個別醫護行業的關注點，亦會廣納其他專業意見。

在《輻射（管制輻照儀器）規例》附表 3 中刪除“牙科手術助理員”

9. 牙醫利用牙科放射照相術，幫助他們診斷病症、計劃療程、進行治療和跟進病情。一直以來，在世界各地，牙科手術助理員都由牙醫親自督導使用牙科輻照儀器。無論如何，牙科放射程序所產生的照射量遠較一般醫療放射程序的照射量為低。因此，輻射管理局認為，只要牙科手術助理員由註冊牙醫親自督導，並且在檢查時註冊牙醫也在場，便應准許牙科手術助理員操作牙科輻照儀器，拍攝牙齒或頤的平片放射照片。註冊牙醫須為這類檢查負上全部責任。放射技師管理委員會和輔助醫療業管理局都曾研究這個問題，至今沒有證據顯示現行的安排有損公眾利益。

使用輻照儀器的牌照

10. 規定放射技師申領使用輻照儀器的牌照，旨在藉實施規管措施，來保障公眾和操作輻照儀器人員的健康。通過發牌制度，輻射管理局可派出督察定期進行視察，確保一般市民和因職業關係可能受到輻射影響的人士，不致因輻射的影響而損害健康。輻射管理局就輻射防護所採用的原則，符合國際放射防護委員會、世界衛生組織等國際機關所頒布的準則。

11. 根據《釋義及通則條例》（第 1 章）第 66 條的規定，《輻射條例》對政府並無約束力。因此，法律上，受僱於政府的放射技師無須領取使用輻照儀器的牌照。不過，政府樂於體現該條例的精神和符合其安全規定，確保有關公務員在實際執行職務時，同樣遵守輻射防護的原則。

衛生福利局局長

（陳偉偉 代行）

一九九九年三月十一日

輻射管理局
成員名單
(至 1999 年 2 月 22 日止)

	<u>有關條文</u>	<u>姓名</u>	<u>背景</u>
當然主席	3(2)(a)(i)	陳馮富珍醫生	衛生署署長
當然成員	3(2)(a)(ii)	麥鴻驥先生	勞工處助理處長
當然成員	3(2)(a)(iii)	邱騰華先生	貿易署副署長
成員	3(2)(b)	陳富六醫生	瑪麗醫院放射診斷科主任及顧問 醫生放射技師管理委員會主席
成員	3(2)(b)	曹王敏賢博士	香港大學放射同位數研究所所長
成員	3(2)(b)	楊綱凱教授	香港中文大學物理學系
成員	3(2)(b)	馬天競醫生	聖德肋撒醫院放射治療部主管
成員	3(2)(b)	林鴻鑿博士	香港天文台台長
成員	3(2)(b)	蕭江林先生	土木工程署總土力工程師（鑛務 及石礦）
成員	3(2)(b)	梁禮文醫生	勞工處職業健康科顧問醫生
成員	3(2)(b)	鄧守廉醫生	註冊牙醫
成員	3(2)(b)	劉美明博士	首席環境保護主任
成員	3(2)(b)	鄭結文先生	衛生署放射衛生部高級物理學家 主管

**Letterhead of Health and Welfare Bureau
Government Secretariat, Government of the Hong Kong Special Administrative Region
The People's Republic of China**

By Fax (2521 7518)

Our ref.: (54) in HWB/M/22/5 Pt.2(95)
Your ref.: CP/C 023/99

Tel.: 2973 8118
Fax: 2840 0467

4 March, 1999

Secretary General
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road Central
Hong Kong
(Attn: Mrs Pandora CHAN)

Dear Mrs Chan,

Petition by the Hong Kong Radiographers' Association

Thank you for your letter of 15 February 1999 drawing our attention to the requests raised by the Hong Kong Radiographers' Association and the comments of the Legislative Council Duty Roster Members on these requests. Our responses are set out below:

**Proposed amendment to Regulation 26(1)
of the Radiation (Control of Irradiating Apparatus) Regulations
of the Radiation Ordinance, Cap. 303**

2. The amendment to Regulation 26(1) of the Radiation (Control of Irradiating Apparatus) Regulations ("Regulation 26(1)") as proposed by the Hong Kong Radiographers' Association is to restrict the operation of irradiating apparatus to a registered doctor and a person referred to in column 1 of the Third Schedule to the Regulations, that is, a person acting under the personal supervision of a medical practitioner is to be excluded. This proposal fails to cater for the operational need of registered doctors under various practical clinical situations.

3. Regulation 26(1) as it is presently provided can cater for such practical clinical situations where registered medical practitioners may require the assistance of some other health care staff in operating irradiating apparatus in the treatment or diagnosis processes. The Radiation Board has consulted the Hospital Authority and other concerned parties. It is of the view that flexibility should be given to certain clinical practices but the control on the use of irradiating apparatus should be tightened by specifying clearly how "Personal supervision" should be exercised by a medical practitioner. With this understanding, the Radiation Board proposes that Regulation 26(1) be amended to the effect that "No person shall operate an irradiating apparatus for any purpose affecting the human body except a registered medical practitioner or a person acting under the personal supervision of a registered medical practitioner who is present on the premises in which the operation is taking place at the time it takes place".

Setting up of a joint working group

4. After the suggestion for the setting-up of a joint working group had been made, the Administration had put forward the suggestion to the Radiation Board, which considered that the views of the Radiographers Board had been clearly expressed to the Radiation Board in their previous correspondences. Unless there were new arguments, it appeared unnecessary to discuss the issue all over again at a joint working group. In any case, each of the two Boards are kept informed of the other Board's deliberations. Moreover, communication between the two Boards has been facilitated by the fact that the Chairman of the Radiographers Board is at present serving as a member of the Radiation Board. He has provided a useful link between the two Boards. Nonetheless, the Radiation Board has indicated that it would welcome any new ideas proposed by the Radiographers Board.

Unregistered persons handling irradiating apparatus

5. One of the purposes of the Radiation Ordinance is to protect the public from radiation hazards of irradiating apparatus. Where Regulation 26(1) applies, the supervising medical practitioner concerned would hold sole clinical responsibility. Restricting the operations of irradiating apparatus to registered radiographers in such situations does not appear to introduce extra protection to the public. On the other hand, it may undermine the flexibility and efficiency of clinical treatments and diagnosis.

Radiographers to be represented in the Radiation Board

6. The Radiation Board is established to control the import, export, possession and use of radioactive substances and irradiating apparatus, and the prospecting and mining for radioactive minerals and for the purposes connected therein.

7. The Radiation Board is well represented by health care providers. A number of them are experts specialized in radiation related health problems. Others are leading scientists in relevant disciplines and officials from relevant Government Departments. The Radiation Board is adequately represented by the major interested parties. A current membership list is attached at Appendix.

8. Whenever necessary, the Radiation Board will consult other concerned parties before making decisions on policies which may affect them. To serve the spirit of the Radiation Ordinance of protecting the health and safety of the public from radiation, the Radiation Board would enlist expertise that goes beyond the interest of individual health care professions.

Deletion of dental surgery assistants from Schedule 3 of the Radiation (Control of Irradiating Apparatus) Regulations

9. Dental radiography is practised by dentists as an aid in diagnosis and treatment planning and to facilitate dental treatment procedures and follow-up care of patients. Dental radiographic equipment are used traditionally and internationally by dental surgery assistants under the personal supervision of dentists. In any event, the amount of radiation exposure produced by dental practice is much lower than that generated by the average medical radiography practice. The Radiation Board therefore considers that operation of dental irradiating apparatus by dental surgery assistants for taking plain radiographs of the teeth or jaws should be allowed so long as the dental surgery assistants are working under the personal supervision of registered dentists who are present at the premises where the examinations take place. The registered dentists are held fully responsible for the examinations. Both the Radiographers Board and the Supplementary Medical Professions Council have deliberated on this issue. There is no evidence so far to show that the interest of the public has been compromised under the existing arrangement.

Licence to Use Irradiating Apparatus

10. The purpose of requiring a radiographer to obtain a user licence for irradiating apparatus is to exercise regulatory control over them in order to safeguard the health interest of the public as well as the operators of irradiating apparatus. Through the licensing system, regular inspections can be conducted by Inspectors of the Radiation Board to ensure that the general public and occupationally exposed individuals are protected against detrimental health effects of radiation. The principles of radiological protection adopted by the Radiation Board are in line with those promulgated by international authorities, such as the International Commission on Radiological Protection and the World Health Organisation.

11. The Radiation Ordinance does not bind the Government on the basis of section 66 of the Interpretation and General Clauses Ordinance (Cap. 1). Therefore Government-employed radiographers are not legally required to obtain a user licence for irradiating apparatus. Despite this, the Government is always mindful of the need to fulfil the spirit and safety requirements of the law to ensure that the principles of radiological protection are equally observed while the concerned civil servants are discharging their duties in practice.

12. As discussed, the reply in Chinese will be submitted to you in due course.

Yours sincerely,

(Fletch CHAN)
for Secretary for Health and Welfare

Radiation Board
Membership List
(position as at 22.2.1999)

<u>Membership</u>	<u>Radiation Ordinance (Section)</u>	<u>Name</u>	<u>Background</u>
Chairman <i>(ex-officio)</i>	3(2)(a)(i)	Dr Margaret Chan, JP	Director of Health
Member <i>(ex-officio)</i>	3(2)(a)(ii)	Mr Dominic Mak	Assistant Commissioner, Labour Department
Member <i>(ex-officio)</i>	3(2)(a)(iii)	Mr Edward Yau	Assistant Director, Trade Department
Member	3(2)(b)	Dr Chan Fu-luk	Consultant Radiologist i/c, Department of Diagnostic Radiology, Queen Mary Hospital, Chairman of the Radiographers Board
Member	3(2)(b)	Dr Tso Wong Man-yin	Director of the Radioisotope Unit, The University of Hong Kong
Member	3(2)(b)	Prof. Kenneth Young	Department of Physics, The Chinese University of Hong Kong
Member	3(2)(b)	Dr Hector Ma	Radiologist-in-charge, St. Teresa Hospital
Member	3(2)(b)	Dr Lam Hung-kwan, JP	Director of Royal Observatory
Member	3(2)(b)	Mr Siu Kong-lam	Chief Geotechnical Engineer, Mines & Quarries, Civil Engineering Department
Member	3(2)(b)	Dr Leung Lai-man	Occupational Health Consultant, Labour Department
Member	3(2)(b)	Dr Philip Tang	Registered dentist
Member	3(2)(b)	Dr Lau May-ming	Principal Environmental Protection Officer
Member	3(2)(b)	Mr Cheng Kit-man	Senior Physicist i/c, Radiation Health Unit, Department of Health



OUR REF:

YOUR REF:

TEL: 24685161

Date: 8.6.99

Dear Michael,

多謝 Mandy 小姐之傳真。就續在福利局之覆函關於本會早前向立法會申訴有關輻射條例 26(1) 條及其他相關事情，本會有以下回應：

- (A) 覆函第二段，現時之 26(1) 條只會為醫生帶來絕對的方便而忽視大眾（及病人）之應有保障，其實在絕大部份的情況下，醫生是預知或預計到是否需要放射技師操作或協助操作輻射儀器，如果醫生預計錯誤，無理由要大眾（及病人）承擔。
- (B) 覆函第三段，容許醫生在臨床情況下“靈活”處理只會造成“濫用”之惡果。而在政府之建議修訂內，亦沒有說明“處所內”之定義。
- (C) 覆函第五段，本會相信政府已經忘記了為何要為放射技師註冊，居然可以說出

“如只准註冊放射技師操作輻照儀器，似乎不會給市民帶來額外保障。”(亦知所謂) 本會認同醫生可以操作輻照儀器，亦不反對他們可以這樣做(雖然醫生在操作輻照儀器之能力普遍受到放射技師們之質疑)，但本會絕對反對醫生可以教導非專業人士或監督非專業人士操作放射儀器。他們(普遍來說)沒有這方面之能力。

(D) 覆函第四段及第六段，在如何修訂 26(1) 條方面，輻射管理局與放射技師管理委員會及放射技師專業不能取得共識。成立聯合工作小組之目的足為了商討如何修訂 26(1) 條作出最佳之修訂。而且本會不認為放射技師管理委員會主席(現任或前任主席皆是醫生)可以担当放射技師專業與輻射管理局及政府間之問題調停人或代表放射技師。

(E) 覆函第九段，香港與世界一流國家情形不同，在香港，普遍在私家診所服務之牙科助理員都沒有接受認可之牙科輻照儀器之操作

訓練。而牙科醫生(普遍來說)亦沒有能力教導或監督所謂助理員操作輻照儀器。

(F) 覆函第七段。「放射技師」顧名思義是受到操作放射(輻照)儀器，而放射技師之所以要註冊是因為要操作放射儀器。所以放射技師是否已申領使用輻照儀器的牌照亦絕對有足夠之專業知識以保障公眾和操作輻照儀器人員的健康。而本會更加不明白為什麼放射技師不申領使用輻照儀器牌照，督察便不能定期進行視察(當然可能需要修改法例)。所有執業放射技師的資料可在放射管理委員會秘書處中找到。

本會自政府就輻射規例26(1)條之爭拗已持續經年，而仍未能解決，為免夜長夢多市民受害，現建議由衛生事務小組作為中介角色，安排本會與政府直接對話(或會議)，以便問題得以盡快解決。

香港放射技師協會外務秘書

陳永昇