

LEGISLATIVE COUNCIL BRIEF

Dentists Registration Ordinance
(Chapter 156)

ANCILLARY DENTAL WORKERS (DENTAL HYGIENISTS) (AMENDMENT) REGULATION 1999

INTRODUCTION

On 29 November 1999, the Secretary for Health and Welfare, in exercise of the power under section 29(1A) of the Dentists Registration Ordinance (Cap 156), made the Ancillary Dental Workers (Dental Hygienists) (Amendment) Regulation 1999 ("the Amendment Regulation") **at Annex.**

BACKGROUND AND ARGUMENT

General Background

2. The Ancillary Dental Workers (Dental Hygienists) Regulations ("the Regulations"), made under the Dentists Registration Ordinance (Cap. 156), require a dental hygienist to be enrolled with the Dental Council of Hong Kong and specify the qualifications required for such enrolment. The Regulations also prescribe the scope of dental work a dental hygienist may undertake and the conditions under which such dental work can be undertaken by a dental hygienist.

3. Regulation 6(2)(b) of the Regulations stipulates that a dental hygienist shall not undertake any form of dental work unless he/she is employed by a registered dentist. The Regulations were enacted in the past when there were no institutions providing dental services. At present, dental services are provided by a wide range of institutions, from subvented organizations, private hospitals to dental companies. In accordance with Regulation 6(2)(b), a dental hygienist may not be employed by these institutions. To bring the Regulations up to date, we propose to amend Regulation 6(2)(b) to the effect that a dental hygienist can be employed by either a registered dentist or any organization / establishment employing a registered dentist.

4. In accordance with Regulation 6(2)(c) and (d), a dental hygienist can only undertake dental work under the directions of a registered dentist. This requirement will not be affected by the proposed amendment to Regulation 6(2)(b).

THE AMENDMENT REGULATION

5. Section 1 of the Amendment Regulation provides that it shall come into operation on 15 January 2000. Section 2 amends Regulation 6(2)(b) of the Regulations so that a dental hygienist undertaking dental work should be employed by either a registered dentist or any organization / establishment employing at least one registered dentist.

LEGISLATIVE TIMETABLE

6. The legislative timetable is as follows:

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| Publication in the Gazette | 3 December 1999 |
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|------------------------------------|-----------------|
| Tabling at the Legislative Council | 8 December 1999 |
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PUBLIC CONSULTATION

7. General public consultation is not considered necessary as the proposed Amendment Regulation affects mainly only dental hygienists and will not give rise to a lowering of service standards. The relevant professional organizations have been consulted and agreed with the proposal to allow dental hygienists to be employed by organizations / establishments employing registered dentists.

BASIC LAW IMPLICATIONS

8. The Department of Justice advises that the Amendment Regulation is consistent with the Basic Law.

HUMAN RIGHTS IMPLICATIONS

9. The Department of Justice advises that the Amendment Regulation has no human rights implications.

BINDING EFFECT

10. The Amendment Regulation does not affect the current binding effect of the existing Regulations.

FINANCIAL AND STAFFING IMPLICATIONS

11. There are no additional financial and staffing implications.

PUBLICITY

12. The Amendment Regulation will be published in the Gazette on 3 December 1999. We will inform the professional organizations of the amendment.

ENQUIRY

13. For any enquiries on the brief, please contact Mr Fletch CHAN, Assistant Secretary for Health and Welfare at 2973 8118.

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Health and Welfare Bureau
December 1999
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**ANCILLARY DENTAL WORKERS (DENTAL HYGIENISTS)
(AMENDMENT) REGULATION 1999**

(Made under section 29(1A) of the Dentists Registration
Ordinance (Cap. 156))

1. Commencement

This Regulation shall come into operation on 1 January 2000.

**2. Scope of dental work that may be
undertaken by dental hygienists**

Regulation 6(2) (b) of the Ancillary Dental Workers (Dental Hygienists) Regulations (Cap. 156 sub. leg.) is amended by adding "or by any organization or establishment that has employed at least one registered dentist" after "registered dentist".

Secretary for Health and Welfare

1999

Explanatory Note

This Regulation amends regulation 6(2) (b) of the Ancillary Dental Workers (Dental Hygienists) Regulations (Cap. 156 sub. leg.) so that a dental hygienist employed by any organization or establishment that has employed at least one registered dentist may also undertake dental work.