

LEGISLATIVE COUNCIL BRIEF

Dentists Registration Ordinance
(Chapter 156)

DENTISTS REGISTRATION (AMENDMENT) BILL 2024

INTRODUCTION

At the meeting of the Executive Council on 26 March 2024, the Council ADVISED and the Chief Executive ORDERED that the Dentists Registration (Amendment) Bill 2024 (“the Bill”) at **Annex A** should be introduced into the Legislative Council (“LegCo”) to –

- A
- (a) provide new pathways for admission of qualified non-locally trained dentists to practise in specified institutions, in addition to local dental graduates and those who have passed the licensing examination of the Dental Council of Hong Kong (“DCHK”);
 - (b) introduce a provisional registration mechanism for a one-year internship requirement for local dental graduates and a period of assessment requirement for non-locally trained dentists who have passed the licensing examination of DCHK;
 - (c) introduce a statutory registration system for ancillary dental workers including dental hygienists and dental therapists, which will be retitled as dental care professionals (“DenCPs”) to recognise their professional status;
 - (d) make continuing professional development (“CPD”) mandatory requirements for dentists and DenCPs to enhance their professional competencies;
 - (e) revamp the composition and structure of DCHK having regard to its additional functions; and
 - (f) make other technical amendments to bring the operation of DCHK and regulatory regime of various dental professions up-to-date.

JUSTIFICATIONS

Need to Address Shortage of Dentists

2. Over the years, Hong Kong has been facing a shortage of dentists. As at end December 2023, there were 2 876 registered dentists in Hong Kong. The Healthcare Manpower Projection 2020 showed that the shortage of dentists might persist till 2035, and probably become less significant only towards 2040. That being said, the actual manpower situation may be more critical than projected. More than 45% dentists were already aged 50 or beyond back in 2017 and are now approaching retirement or semi-retirement age. Furthermore, around 8-10% of dentists are on the List of Registered Dentists Resident Outside Hong Kong (“non-resident list”) in DCHK’s register, signifying that these dentists are not residing locally and should not be counted as active workforce like those on the List of Registered Dentists Resident in Hong Kong (“resident list”).

3. The proportion of dentists in public and private practice in Hong Kong is estimated to be roughly 1:3, yet there has been a marked increase in the attrition rates in the public sector over the past few years. In 2022-23, the attrition rate reached 15.9% in the Hospital Authority (“HA”) and 11.8% in the Department of Health (“DH”). While HA only has a limited number of 14 posts for dentists, DH is suffering from an acute shortage of manpower in the Dental Officer (“DO”) grade with 100 vacancies out of 370 posts, representing a vacancy rate of 27.0% as at 1 January 2024. An impending retirement wave in the coming few years will further aggravate the problem as 58 DOs (more than 20% of DH’s current strength) will reach the retirement age by 2027-28. If the shortage of dentists, particularly in the public sector, is not duly addressed, it will unavoidably affect the dental health of our citizens, especially for the underprivileged¹.

¹ While dental care services in Hong Kong are mainly provided by the private sector, the Government undertakes publicity, education and promotion of oral health, particularly with emphasis on nurturing good oral hygiene habits among children from an early age and providing the comprehensive School Dental Care Service to primary school students.

In addition to providing limited emergency dental treatment services (commonly referred to as General Public sessions) for the public, the Government also takes forward initiatives in collaboration with non-governmental organisations (“NGOs”) which mainly target persons with special dental care needs, such as elderly at residential care homes and persons with intellectual disabilities etc.

Broaden Pathways for Dentists Registration

4. Under the existing section 8 of the Dentists Registration Ordinance (Cap. 156) (“DRO”), a person may apply for registration as a dentist in Hong Kong under either of the following routes –

- (a) **For a locally trained dentist:** he/she has been awarded a bachelor degree in dentistry by a university in Hong Kong specified in the Schedule to the DRO (now renumbered as Schedule 1 in the Bill);
or
- (b) **For a non-locally trained dentist:** he/she has passed the licensing examination² and has complied with the conditions, if any, imposed by DCHK for sitting the licensing examination.

5. Locally trained healthcare professionals are the bedrock of our healthcare workforce. Since 1980, the University of Hong Kong (“HKU”) has been the sole provider of undergraduate training in dentistry through its Bachelor of Dental Surgery (“BDS”) programme, funded by the University Grants Committee (“UGC”), which now lasts for six years. The Government has already increased the annual UGC-funded first-year-first-degree places for the HKU BDS programme on four occasions, namely from 50 to 53 in 2009-10, then to 73 in 2016-17, 80 in 2019-20 and most recently 90 in 2022-23. Given the lead time required for local training, as well as the practical constraints in expanding HKU Faculty of Dentistry and its affiliated teaching hospital, the Prince Philip Dental Hospital (“PPDH”), the Government can no longer solely increase local training places to address the imminent manpower shortage. There is a genuine need to tap on non-local sources and channel them to the public sector as far as possible.

² At present, the licensing examination administered by DCHK comprises three parts, namely Part I Written Test, Part II Practical Test and Part III Clinical Test.

6. Indeed, non-locally trained dentists were once an important source of dentist supply in Hong Kong. Before the 1990s, non-locally trained dentists with recognised qualifications granted in certain overseas countries were eligible for registration in Hong Kong. The requirement has been gradually changed such that all non-locally trained dentists are now required to pass the licensing examination administered by DCHK³. Despite DCHK's efforts in doubling the frequency of licensing examinations since 2015-16, the number of non-locally trained dentists passing the licensing examination remains rather low at 10 to 30 per annum. It would not be realistic to rely on the licensing examination to address the manpower shortage, nor to expect DCHK to relax the professional standard of the licensing examination. Legislative amendment is thus necessary to provide new pathways for admission of qualified non-locally trained dentists under the premise that the professional standards and patients' welfare are maintained. The current legislative proposal is summarised as follows –

(1) New Pathways for Admission of Non-Locally Trained Dentists

Limited Registration and Special Registration

7. With reference to the experience of the Medical Registration Ordinance (Cap. 161) (“MRO”), we propose to create new pathways under the DRO to admit qualified non-locally trained dentists, regardless of whether they are Hong Kong permanent residents or not, to practise in Hong Kong, namely limited registration (“LR”) and special registration (“SR”). The key difference is that LR is open to both general and specialist dentists, whereas SR is open to specialist dentists only. A comparison between the two pathways are summarised at **Annex B**.

B

8. Both LR and SR will be employment-tied, where non-locally trained dentists need to secure full-time employment in a specified institution before making the application. For the Bill, specified institutions include DH, HA, HKU and PPDH as well as those specified by the Secretary for Health in future, which are expected to include NGOs (e.g. those assisting in

³ With effect from 1 April 1990, holders of basic dental qualifications granted in Australia, Canada, the United States and South Africa were required to pass the licensing examination as a pre-requisite for registration. This was subsequently extended to the United Kingdom, Republic of Ireland, Singapore and New Zealand with effect from 1 October 1992. Given the above changes, the percentage of newly registered dentists holding a non-local basic dental qualification dropped significantly from an average of 54% between 1988 and 1992 to 20% between 2019 and 2023.

publicly-funded dental initiatives) or training institutions (e.g. those supporting the training of dentists and DenCPs) etc. The validity of both LR and SR will be three years, subject to the approval and renewal by DCHK.

Temporary Registration

9. To facilitate short-term academic or professional exchanges, we propose introducing temporary registration (“TR”) to enable dentists from other jurisdictions to perform clinical teaching or research in Hong Kong for a period of not exceeding 14 days. The institutions involved may be in the public or private sector, and the nature of work must be satisfied by DCHK.

Abolition of “Deemed-to-be-registered” Status

10. We propose abolishing the “deemed-to-be-registered” status for the full-time teaching staff of HKU Faculty of Dentistry, who will be required to obtain the appropriate type of registration depending on their circumstances. This will bring these teaching staff under DCHK’s regulatory oversight, in line with the arrangement for medical practitioners who perform clinical teaching duties in local medical schools. According to HKU, all current full-time teaching staff of HKU Faculty of Dentistry should be qualified to obtain registration from DCHK.

(2) Provisional Registration for Internship and Period of Assessment

11. Unlike medical practitioners, there is currently no statutory requirement for dentists to undergo internship or period of assessment prior to registration. In recent years, the dentist profession has advocated exploring ways to enhance the practical clinical experience of local dental graduates and non-locally trained dentists in real-life settings, which will enable them to better adapt to the practice in Hong Kong and hone their communication skills with local patients. This serves to ensure that they are not only equipped with professional knowledge, but also possess sound practical skills and professional attitude for making clinical judgment under different situations and handling the work of a practising dentist effectively. It will be highly beneficial to further enhance dentists’ professional standards and protection of patients’ safety, regardless of the manpower supply in the profession. Both DCHK and HKU Faculty of Dentistry supported implementing the proposal. DCHK considered that there were imminent needs to kick start the internship programme, and suggested that the Government give due consideration to determine the schedule of implementation; whereas HKU expressed their willingness to play a significant role in aspects such as work allocation, training and performance

monitoring during internship to further enrich the clinical experience and exposure of local dental graduates.

12. As supported by stakeholders during the consultation process, we propose that local dental graduates and non-locally trained dentists who have passed the licensing examination (i.e. those not admitted through LR or SR) will obtain the status of provisional registration. Such persons with provisional registration will undergo a one-year internship or period of assessment respectively in DH, HA or institutions specified by the Secretary for Health. Upon completion, a certificate of experience will be issued which will be necessary for them to obtain full registration in Hong Kong.

13. Under the Bill, DCHK, as the statutory regulatory body which sets the professional standard for the registration of dentists, will be responsible for specifying the scope of work that a person must undertake during the internship and period of assessment⁴. We propose empowering DCHK to extend the internship and period of assessment in case of unsatisfactory performance of local dental graduates and non-locally trained dentists. DCHK may also shorten the period of assessment for non-locally trained dentists, who may have already been practising for a long time before arrival at Hong Kong, on account of their qualifications and/or clinical experience.

14. Since the Government announced the proposed amendments to the DRO in July 2023 together with the plan to implement the internship as early as practicable, HKU Faculty of Dentistry was invited to engage students in the process of formulating the details of the internship programme. To avoid disrupting the employment of final-year BDS students who will soon

⁴ DCHK, DH and HKU Faculty of Dentistry have been engaging in active discussions on the implementation details of internship programme, of which the arrangement will be largely adopted for period of assessment. Interns and assessees will be employed by DH, and assigned to work in rotation at various positions under the guidance and evaluation of registered dentists, including –

- (a) General Dentistry (e.g. government dental out-patient services and general dental services);
- (b) Community Special Dental Service (e.g. outreach services for elderly persons at residential care homes and dental services targeting persons with intellectual disabilities);
- (c) School Dental Care Service; and
- (d) Hospital Dental Service (e.g. specialist services at Oral Maxillofacial Surgery and Dental Clinics in public hospitals).

In future, DH will consider collaborating with HA and other specified institutions (e.g. NGOs participating in publicly-funded dental initiatives) to further enrich the interns' and assessees' experience.

graduate in 2024, and to allow sufficient time for preparing local dental graduates for the new arrangements upon passage of the Bill, HHB plans to implement the mandatory internship requirement for local dental graduates in the class of 2025 and thereafter.

(3) Statutory Registration System for DenCPs

15. Apart from dentists, ancillary dental workers including dental hygienists and dental therapists currently provide dental care services that involve direct contact with patients⁵. As indicated in its Interim Report in December 2023, the Working Group on Oral Health and Dental Care considers that it is insufficient to merely rely on the dentist workforce to meet the needs for enhancing dental care services, and that ancillary dental workers could play a more significant role in dental care services. It also suggested exploring whether ancillary dental workers should be allowed to perform more primary dental services.

16. We propose introducing a statutory registration system for ancillary dental workers and retitle the term as “dental care professionals” to establish their professional status, while better ensuring their service quality under a more formalised regulatory regime. In practice, dental hygienists and dental therapists will be required to register afresh, and in future renew practising certificates annually. DCHK will be empowered to accredit their training programmes, benchmark the qualifications for the purpose of registration and take disciplinary actions where circumstances warrant. The Government expects DCHK to put in place the statutory registration system for DenCPs within three years after passage of the Bill, which will then enable dental therapists to work outside DH.

⁵ Dental hygienists are now required to enrol with DCHK once and for all under the Ancillary Dental Workers (Dental Hygienists) Regulations (Cap. 156B), without the need to renew practising certificates annually. They may perform preventive dental care (e.g. oral examination, education, teeth cleaning and polishing, fluoride application, scaling) in accordance with the directions of a dentist who is available in the premises at all times when such work is being carried out. As at end December 2023, there were 612 enrolled dental hygienists in Hong Kong.

On the other hand, there is no statutory registration or enrolment system for dental therapists. Dental therapists currently work only under DH to provide the School Dental Care Service. They may perform preventive dental care and basic curative dental care (e.g. filling, extraction) in accordance with the directions of a dentist who is available in the premises at all times when such work is being carried out. As at end December 2023, there were 237 dental therapists in Hong Kong.

17. Dental hygienists and dental therapists must still be engaged by a registered dentist, a partnership of which at least one partner is a registered dentist, or by an organisation, establishment or body corporate that has engaged at least one registered dentist in future. This will be essential for ensuring that dental hygienists and dental therapists can be put under dentists' supervision as and when necessary.

(4) Mandatory CPD for Dentists and DenCPs

18. CPD is an integral element of professionalism for various healthcare professionals. Maintaining and developing skills, expertise and professional practice are the core aspects of good healthcare practice. This requires participation in professional development, practice improvement and any other activities that would help ensure professional capabilities. We propose to make the fulfilment of the CPD requirement a pre-requisite for all dentists and DenCPs upon renewal of their practising certificates. The administration and the key components of the mandatory CPD programme will be decided by DCHK.

(5) Revamped Composition and Structure of DCHK

19. DCHK is currently composed of 12 members. To enable DCHK to cope with its additional statutory functions, we propose to –

- (a) expand DCHK's membership from 12 to 24 in view of stakeholders' responses during the consultation process, and the number of lay members will be increased from three to nine;
- (b) allow more than one Preliminary Investigation Committee to be set up where necessary and include lay members in the committee, so as to enhance the efficiency and credibility of complaint investigation and disciplinary proceedings;
- (c) confer statutory status to the Examination Committee and the CPD Committee; and
- (d) establish a new Health Committee to deal with matters relating to the health, physical or mental fitness of dentists and DenCPs for practice, with a view to better protecting patients' interests.

20. Details on the proposed changes to the composition and structure of DCHK are set out in **Annex C**. With the addition of new committees and

 C

elected members, HHB and DCHK will further amend the relevant procedural regulation (Cap. 156A)⁶ and enact new regulation(s) on election matters after the Bill is passed.

(6) Other Technical Amendments

*“Practising Dentistry”*⁷

21. The current definition of “practising dentistry” in the DRO has been in force since 1940. Throughout several decades, the dental professions have evolved drastically in view of new technologies and industry practices. It is essential to update the definition to avoid creating loopholes for lay persons to offer dental advice or services to the public.

22. In consultation with DCHK, a new Schedule 2 is added in the Bill to broadly define the services specified for purposes of meaning of “practising dentistry” which can be performed by dentists only. For the avoidance of doubt, some specific procedures have been added in Schedule 2 to better clarify the interpretation of the definitions therein. Schedule 2, when read together with Schedule 3 which will define the scope of practice for DenCPs⁸, will form the definition of “practising dentistry”⁹.

⁶ Cap. 156A also concerns fees, of which amendments will be introduced after the enactment of the Bill.

⁷ “Practising dentistry” used to be translated as “以牙醫身分執業” in the existing DRO. With the introduction of DenCPs in the Bill, the Chinese translation will be changed to “從事牙科執業”. This also better aligns with the Chinese translation of “practising medicine or surgery” as “從事內科或外科執業” in the existing MRO.

⁸ Schedules 2 and 3 do not include certain activities which are now commonly conducted by dentists, dental hygienists and dental therapists as “practising dentistry” (e.g. oral health education, oral examination etc.). The rationale is that unregistered persons may also be involved in such activities (e.g. teachers and social workers may conduct oral health education, whereas nurses may conduct oral examination etc.), and it is not the legislative intent to find these persons liable for offences in relation to “practising dentistry” in such contexts. For the avoidance of doubt, registrants under the DRO and unregistered persons can continue to conduct these activities in future.

⁹ We propose that, subject to the approval of the Secretary for Health, Schedule 2 can be amended by DCHK by notice published in the Gazette. This can allow timelier updates on the definition in view of DCHK’s deliberation to better align with the latest industry trends. Schedule 3 is to be amended by the Secretary for Health, similar to the practice for ancillary dental workers (now DenCPs) under the existing DRO.

23. Modelling on the legislation for other healthcare professionals, a new offence is proposed for the employer if an unregistered person commits an offence for “practising dentistry” while acting in the capacity as his/her employee. This serves to fill the legal vacuum where the existing DRO cannot cover a person who has not been personally “practising dentistry” but has, even for his/her own gain, employed an unregistered person to do so.

Regular Updating of Information

24. Under existing practice, dentists who seek to renew their practising certificate are only required to pay the requisite fee whereas dental hygienists do not need to obtain a practising certificate at all. Regular updating of dentists’ and DenCPs’ information about their employment and practice would facilitate DCHK’s regulation of the registrants in tandem with the actual needs and development of the dental professions in Hong Kong. Similar to the case of the Nurses Registration (Amendment) Bill 2023, we propose that all dentists and DenCPs be required to provide updated particulars, documents and information on employment and practice of dentistry when applying for a new practising certificate.

Secretary for Health’s power to give directions to DCHK

25. We propose to empower the Secretary for Health to give directions to DCHK regarding, among other things, the collection of additional information on dentists and DenCPs, other than those required for the purpose of renewal of practising certificate. For example, details concerning the status of dentists’ and DenCPs’ employment (e.g. working full-time, part-time or self-employed) might not be considered directly relevant to the assessment of their qualification. To facilitate DCHK’s sharing of information with HHB, we also propose to expressly authorise DCHK to provide information in DCHK’s possession on the Secretary for Health’s request for the purpose of formulating healthcare policies. Relevant provisions are modelled after the Nurses Registration (Amendment) Bill 2023.

Miscellaneous Amendments

26. We also propose to amend the DRO to bring the operation of DCHK and regulatory regime up-to-date. Salient examples include –

- (a) adding the “good character” requirement for sitting the licensing examination and obtaining full registration for dentists to tally with the practice for other healthcare professionals;
- (b) removing hurdles for digitalisation in various provisions that guide DCHK’s routine operation;
- (c) repealing the provisions concerning “dental companies” and modernising DCHK’s power on inspection of premises, so as to bring the DRO in line with the regulatory regime of the Private Healthcare Facilities Ordinance (Cap. 633) enacted in 2018;
- (d) redefining “resident list” and “non-resident list” as “practising list” and “non-practising list” respectively since DCHK has already been using dentists’ practising addresses to update the entries, with the introduction of retention certificate to better ensure dentists’ timely update on their status;
- (e) repealing the requirement of displaying certificates of registration and relevant provisions, which is no longer applicable to other healthcare professionals;
- (f) repealing the provisions concerning dentists registered under the older version of the DRO in 1940, who no longer exist in DCHK’s register; and
- (g) modernising the offence for “covering” where registered dentists practise dentistry in the same premises with unregistered persons, given that DenCPs will be covered in the DRO.

OTHER OPTIONS

27. The proposed new pathways for admission of qualified non-locally trained dentists, provisional registration for the internship and period of assessment requirements, statutory registration system for DenCPs, implementation of the mandatory CPD requirements, as well as revamp of DCHK's composition and structure could only be implemented through legislative means. There are no other options.

THE BILL

28. The main provisions are –

- (a) **Clause 6** introduces section 2A to the DRO which provides the meaning of “practising dentistry” by reference to the new Schedules 2 and 3, as well as sections 2B, 2C and 2D which provide references relating to the registration of dentists and DenCPs;
- (b) **Clause 10** amends section 4 of the DRO which provides for the establishment and composition of DCHK;
- (c) **Clause 30** introduces sections 7A to 7G to the DRO which provide for matters relating to the licensing examination and provisional registration;
- (d) **Clause 32** amends section 8 of the DRO which provides for matters relating to full registration;
- (e) **Clause 33** introduces sections 8A to 8E to the DRO which provide for the arrangement for internship and period of assessment;
- (f) **Clause 35** introduces sections 9C to 9L to the DRO which provide for matters relating to LR, TR and SR;
- (g) **Clause 38** amends section 11A of the DRO which provides for matters relating to practising certificates for dentists, including adding the fulfilment of CPD requirement as determined by DCHK as a requirement for renewal of a practising certificate;

- (h) **Clause 53** introduces sections 15C to 15K to the DRO which provide for matters relation to DenCPs, including their registration, scope of practice and practising certificate etc;
- (i) **Clauses 83 to 118** amend the Dentists (Registration and Disciplinary Procedure) Regulations (Cap. 156A) in view of the changes made to the DRO;
- (j) **Clause 119** repeals the Ancillary Dental Workers (Dental Hygienists) Regulations (Cap. 156B) as the provisions relating to ancillary dental workers will be incorporated into the DRO; and
- (k) **Clauses 120 to 139** contain consequential amendments.

 D 29. The existing provisions being amended are at **Annex D**.

LEGISLATIVE TIMETABLE

30. The legislative timetable will be –

Publication in the Gazette	28 March 2024
First Reading and commencement of Second Reading debate	10 April 2024
Resumption of Second Reading debate, committee stage and Third Reading	To be notified

IMPLICATIONS OF THE PROPOSAL

31. The Bill is in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the binding effect of the existing provisions of the DRO, but will repeal its subsidiary legislation, the Ancillary Dental Workers (Dental Hygienists) Regulations (Cap. 156B) as the provisions therein will be incorporated into the main legislation of the future DRO. The proposal has civil service, financial, economic, family and sustainability implications set out at **Annex E**. It has no environmental or gender implications.

 E

PUBLIC CONSULTATION

32. Since February 2023, HHB and DH have met with various stakeholders, such as DCHK, dental professional bodies, partners of the Government's dental service programmes, staff and students of HKU Faculty of Dentistry, associations and training institutions for ancillary dental workers, HA and patients' groups etc. to canvass their views on the legislative amendments. The LegCo Panel on Health Services was consulted on 14 July 2023. The approach proposed in the legislative amendment exercise was generally agreeable.

PUBLICITY

33. A press release will be issued, and a spokesperson will be available to handle media and public enquiries.

BACKGROUND

34. Established under the DRO in 1959, DCHK is a statutory body responsible for overseeing matters relating to registration, professional standards and discipline of dentists in Hong Kong. It is responsible for the registration of dentists, the conduct of the licensing examination, as well as the maintenance of ethics, professional standards and discipline of the profession.

35. The subsidiary legislation under the DRO, Ancillary Dental Workers (Dental Hygienists) Regulations (Cap. 156B), also empowers DCHK to provide enrolment and regulation of dental hygienists. A roll of enrolled dental hygienists is maintained by DCHK.

ENQUIRIES

36. Any enquiries on this brief can be addressed to Mr Ronald Cheng, Principal Assistant Secretary for Health 4 (Tel: 3509 8929).

Health Bureau
27 March 2024

Dentists Registration (Amendment) Bill 2024

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A BILL

To

Amend the Dentists Registration Ordinance and its subsidiary legislation to revise the regulatory framework in respect of the practice of dentistry; and to make consequential amendments.

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title and commencement

- (1) This Ordinance may be cited as the Dentists Registration (Amendment) Ordinance 2024.
- (2) This Ordinance comes into operation on a day to be appointed by the Secretary for Health by notice published in the Gazette.

2. Enactments amended

- (1) The enactments specified in Parts 2 to 5 are amended as set out in those Parts.
- (2) The Chinese text of the provisions of the Dentists Registration Ordinance (Cap. 156) set out in column 2 of Part 1 of the Schedule are amended by repealing the expressions set out in column 3 of that Part and substituting the expressions set out in column 4 of that Part.
- (3) The Chinese text of the provisions of the Dentists (Registration and Disciplinary Procedure) Regulations (Cap. 156 sub. leg. A)

set out in column 2 of Part 2 of the Schedule are amended by repealing the expressions set out in column 3 of that Part and substituting the expressions set out in column 4 of that Part.

Part 2**Amendments to Dentists Registration Ordinance (Cap. 156)****3. Long title amended**

The long title—

Repeal

everything after “To”

Substitute

“provide for a regulatory framework in respect of the practice of dentistry.”.

4. Part 1 heading added

Before section 1—

Add**“Part 1****Preliminary”.****5. Section 2 amended (interpretation)**(1) Section 2(1), definition of *complainant*—**Repeal**

“against, or information in respect of a registered dentist or an applicant for registration has been received by the Secretary”

Substitute

“or information has been received”.

(2) Section 2(1), definition of *Council*—**Repeal**

“委員會”

Substitute

“牙管會”.

(3) Section 2(1), definition of *Education and Accreditation Committee*—**Repeal**

“小組”

Substitute

“委員會”.

(4) Section 2(1), definition of *Education and Accreditation Committee*—**Repeal**

“5B”

Substitute

“5AC(2)(a)”.

(5) Section 2(1)—

Repeal the definition of *Legal Adviser***Substitute**“*Legal Adviser* (法律顧問) means a Legal Adviser to the Council appointed under section 4AAF(1)(b);”.(6) Section 2(1), definition of *Licensing Examination*—**Repeal**

“by the Council under section 4A”

Substitute

“under section 7A”.

(7) Section 2(1), definition of *Preliminary Investigation Committee*—

Repeal

“小組”

Substitute

“委員會”。

(8) Section 2(1)—

Repeal the definition of *Preliminary Investigation Committee***Substitute**“*Preliminary Investigation Committee* (初步調查委員會) means a committee established under section 5AC(2)(e);”。

(9) Section 2(1)—

Repeal the definition of *registered address***Substitute**“*registered address* (註冊地址)—

- (a) in relation to a registered dentist or a person with provisional registration, means—
 - (i) subject to subparagraph (ii), an address provided by him or her under section 12G(1); or
 - (ii) if a change of the address is reported under section 12G(4)—the address as changed; and
- (b) in relation to a registered dental care professional, means—
 - (i) subject to subparagraph (ii), an address provided by him or her under section 15I(1); or
 - (ii) if a change of the address is reported under section 15I(2)—the address as changed;”。

(10) Section 2(1)—

Repeal the definition of *registered dentist***Substitute**“*registered dentist* (註冊牙醫) means—

- (a) a person with full registration;
- (b) a person with limited registration;
- (c) a person with temporary registration; or
- (d) a person with special registration;”。

(11) Section 2(1), definition of *Secretary*—**Repeal**

“4”

Substitute

“4AAF(1)(a)”。

(12) Section 2(1), English text, definition of *Specialist Register*—**Repeal**

“7(3).”

Substitute

“7(3).”。

(13) Section 2(1), Chinese text, definition of *主席*—**Repeal**

“委員會”

Substitute

“牙管會”。

(14) Section 2(1), Chinese text, definition of *法律顧問*—**Repeal**

“委員會”

Substitute

“牙管會”。

- (15) Section 2(1), Chinese text, definition of
- ~~秘書~~
-

Repeal

“委員會”

Substitute

“牙管會”。

- (16) Section 2(1), Chinese text, definition of
- ~~適當的研訊~~
-

Repeal

“委員會”

Substitute

“牙管會”。

- (17) Section 2(1)—

- (a) definition of *certificate of registration*;
- (b) definition of *Chairman*;
- (c) definition of *practising certificate*;
- (d) definition of *repealed Ordinance*—

Repeal the definitions.

- (18) Section 2(1)—

Add in alphabetical order

“*Chairperson* (牙管會主席) means the Chairperson of the Council elected under section 4AAE(1) and includes a person elected under section 4AAE(5)(b) to act in the place of the Chairperson;

Continuing Professional Development Committee (持續專業發展委員會) means the committee established under section 5AC(2)(c);

dental care professional (牙科護理專業人員)—see section 2C;

Dentists Election Regulation (《牙醫選舉規例》) means regulations made under section 29(1C)(da);

Examination Committee (考試委員會) means the committee established under section 5AC(2)(b);

full registration (正式註冊)—see section 2B(a);

function (職能) means a duty or a power;

Health Committee (健康事務委員會) means the committee established under section 5AC(2)(d);

Hospital Authority (醫院管理局) means the Hospital Authority established by section 3 of the Hospital Authority Ordinance (Cap. 113);

lay person (業外人士) means a person who is not any of the following—

- (a) a registered dentist;
- (b) a person deemed to be a registered dentist under this Ordinance;
- (c) a person with provisional registration;

limited registration (有限度註冊)—see section 2B(c);

mental hospital (精神病院) has the meaning given by section 2(1) of the Mental Health Ordinance (Cap. 136);

non-practising list (非執業名單) means the list mentioned in section 7(1B)(b);

Organization Representatives Election Regulation (《組織代表選舉規例》) means regulations made under section 29(1A);

practice address (執業地址), in relation to a registered dentist, means—

- (a) subject to paragraph (b), an address provided by the dentist under section 12G(2); or
- (b) if a change of the address is reported under section 12G(4)—the address as changed;

practising dentistry (從事牙科執業)—see section 2A;

practising list (執業名單) means the list mentioned in section 7(1B)(a);

prescribed fee (訂明費用), in relation to a matter, means the fee prescribed for the matter;

provisional registration (臨時註冊)—see section 2B(b);

qualifying degree in dentistry (合資格牙醫學位) means a bachelor degree in dentistry awarded by a university in Hong Kong specified in Schedule 1;

Register of Dental Care Professionals (牙科護理專業人員名冊) means the register kept under section 15C(1);

registered dental care professional (註冊牙科護理專業人員) means a person whose name is contained in the Register of Dental Care Professionals;

registered specialist dentist (註冊專科牙醫) means a person whose name is contained in the Specialist Register;

registrant (註冊人) means—

- (a) a registered dentist;
- (b) a person with provisional registration; or
- (c) a registered dental care professional;

registration (註冊)—see section 2D;

retention certificate (保留證明書) means a certificate issued under section 12I(3);

Schedule 4 institution (附表 4 機構) means an institution specified in Schedule 4;

Schedule 5 institution (附表 5 機構) means an institution specified in Schedule 5;

Schedule 6 institution (附表 6 機構) means an institution specified in Schedule 6;

Schedule 7 institution (附表 7 機構) means an institution specified in Schedule 7;

special registration (特別註冊)—see section 2B(e);

specified form (指明格式) means a form specified under section 29A;

temporary registration (暫時註冊)—see section 2B(d);

unprofessional conduct (不專業行為), in relation to a person, means an act or omission of the person that would reasonably be regarded as disgraceful or dishonourable by registrants of good repute and competency.”

(19) Section 2—

Repeal subsection (2).

(20) Section 2(3)—

Repeal

“18(5) and 22(2) and (2A), an appeal to the Court of Appeal shall be”

Substitute

“15(7)(b), 15A(7)(b), 15K(8)(b), 18(5), 18A(3)(a) and 22(3)(b); an appeal to the Court of Appeal is”.

(21) Section 2—

Repeal subsection (5).

6. Sections 2A to 2D added

After section 2—

Add

“2A. Meaning of *practising dentistry* etc.

For the purposes of this Ordinance—

- (a) a person practises dentistry if, for the purpose of gain or otherwise—
 - (i) the person provides, or attempts to provide, any one or more of the services specified in Schedule 2; or
 - (ii) the person provides, or attempts to provide, any one or more of the services specified in column 3 of Part 1 of Schedule 3; and
- (b) references to dentist, dentistry and the carrying on of the practice of dentistry are to be construed accordingly.

2B. References relating to registration of dentists

For the purposes of this Ordinance—

- (a) a person with full registration is a person whose name is contained in Part 1 of the General Register;
- (b) a person with provisional registration is a person whose name is contained in Part 2 of the General Register;
- (c) a person with limited registration is a person whose name is contained in Part 3 of the General Register;
- (d) a person with temporary registration is a person whose name is contained in Part 4 of the General Register; and
- (e) a person with special registration is a person whose name is contained in Part 5 of the General Register,

and references to full registration, provisional registration, limited registration, temporary registration and special registration are to be construed accordingly.

2C. References relating to dental care professionals

For the purposes of this Ordinance—

- (a) a class of dental care professionals is a class of dental care professionals specified in column 1 of Part 1 of Schedule 3;
- (b) a registered dental care professional of a class specified in that column is a person whose name is contained in the part of the Register of Dental Care Professionals for that class; and
- (c) a class of dental care professionals specified in that column is in a category specified in column 2 of that Part opposite the class.

2D. References relating to registration and related expressions

For the purposes of this Ordinance—

- (a) a person is registered if the person is—
 - (i) a person with full registration, a person with provisional registration, a person with limited registration, a person with temporary registration or a person with special registration; or
 - (ii) a registered dental care professional; and
- (b) references to registration are references to registration under this Ordinance.”.

7. Part 2 heading added

Before section 3—

Add

“Part 2

Restrictions on Practising Dentistry”.

8. Section 3 amended (dentists to be registered)

(1) Section 3, heading—

Repeal

“Dentists to be registered”

Substitute

“Restrictions on practising dentistry”.

(2) Section 3(1)—

Repeal

“the provisions of any regulations made under section 29(1A)(d)”

Substitute

“subsection (1A)”.

(3) Section 3(1)—

Repeal

“any person, not being a registered dentist”

Substitute

“a person, not being a registered dentist or a person with provisional registration”.

(4) Section 3(1)(a), after “dentistry”—

Add

“, or holds himself or herself out (whether directly or by implication) as being qualified to practise dentistry,”.

(5) Section 3(1)(b), Chinese text—

Repeal

“以牙醫身分”

Substitute

“從事牙科”.

(6) After section 3(1)—

Add

“(1A) Subsection (1) does not apply to the following act of a registered dental care professional of a class specified in column 1 of Part 1 of Schedule 3—

- (a) providing, or attempting to provide, any service specified in column 3 of that Part opposite the class; or
- (b) holding himself or herself out (whether directly or by implication) as being qualified to provide the service.

(1B) If a person commits an offence under subsection (1) while acting as an employee of another person (*employer*), the employer also commits an offence and is liable on summary conviction to a fine at level 6 and to imprisonment for 3 years.

(1C) If an employer is charged with an offence under subsection (1B) because of an offence under subsection (1) (*specified offence*), it is a defence for the employer to establish that—

- (a) the specified offence was committed without the employer’s knowledge; and
- (b) the employer exercised all due diligence to prevent the commission of the specified offence.

- (1D) An employer may commit an offence under subsection (1B) whether or not the employee has been prosecuted for, or convicted of, the specified offence.
- (1E) An employer charged with an offence under subsection (1B) is taken to have established a matter that needs to be established for a defence under subsection (1C) if—
- (a) there is sufficient evidence to raise an issue with respect to the matter; and
 - (b) the contrary is not proved by the prosecution beyond reasonable doubt.”.

9. **Part 3 heading added**

Before section 4—

Add

“Part 3

Dental Council of Hong Kong”.

10. **Section 4 amended (establishment and composition of Dental Council)**

(1) Section 4(2)(b)—

Repeal

“a consultant”

Substitute

“1 consultant”.

(2) Section 4(2)(b), English text—

Repeal

“Service”

Substitute

“Services”.

(3) Section 4(2)(ba)—

Repeal

“a registered”

Substitute

“1 registered”.

(4) Section 4(2)—

Repeal paragraphs (c), (d) and (e)

Substitute

- “(c) 1 registered dentist nominated by the Board of Governors of The Prince Philip Dental Hospital and appointed by the Chief Executive;
- (d) 1 registered specialist dentist nominated by the Council of the Academy of Medicine and appointed by the Chief Executive;
- (e) 2 registered dentists nominated by the Council of the Hong Kong Dental Association and appointed by the Chief Executive;
- (f) 1 registered dentist, who satisfies the condition specified in subsection (3), nominated by the Council of the Hong Kong Dental Association and appointed by the Chief Executive;
- (g) 3 persons with full registration whose names are contained in the practising list—
- (i) appointed by the Chief Executive from a list of not less than 9 such persons elected in an election held in accordance with the Dentists Election Regulation; or

- (ii) if less than 9 such persons are elected in such an election—appointed at the discretion of the Chief Executive, whether or not the persons appointed are persons elected in the election;
- (h) 4 registered dentists appointed by the Chief Executive;
- (i) 2 registered medical practitioners appointed by the Chief Executive;
- (j) 2 lay persons—
 - (i) appointed by the Chief Executive from a list of not less than 6 lay persons elected in an election held in accordance with the Organization Representatives Election Regulation; or
 - (ii) if less than 6 lay persons are elected in such an election—appointed at the discretion of the Chief Executive, whether or not the persons appointed are persons elected in the election; and
- (k) 5 lay persons appointed by the Chief Executive.”

(5) Section 4—

Repeal subsection (3)

Substitute

- “(3) The condition for subsection (2)(f) is that—
- (a) the person has been a person with full registration whose name is contained in the practising list for at least 10 years in aggregate as at the date of nomination; or
 - (b) the person—
 - (i) is or was a member of the Council of the Hong Kong Dental Association elected in accordance with the articles of association of the Hong Kong Dental Association; and

- (ii) as at the date of nomination, has served as such a member for at least one full term.”.

(6) Section 4—

Repeal subsections (4), (5), (5A), (5B), (5C), (5D) and (6).

11. Sections 4AA to 4AAF added

After section 4—

Add

“4AA. Term of office

- (1) Subject to subsection (2) and section 4AAB, a member of the Council described in section 4(2)(ba), (c), (d), (e), (f), (g), (h), (i), (j) or (k)—
 - (a) holds office for 3 years beginning on the date of appointment, or a shorter period that the Chief Executive may determine at the time of appointment; and
 - (b) is eligible for reappointment.
- (2) A member of the Council described in section 4(2)(b), (ba), (c), (d), (e), (f), (g), (h), (i), (j) or (k) may at any time resign by giving written notice to the Chairperson or the Secretary.

4AAB. Vacation of office

The Chief Executive may declare the office of a member of the Council to be vacant if the member—

- (a) is subject to a sentence of imprisonment for an offence;
- (b) is the subject of an order made under section 18 or 18A;

- (c) becomes bankrupt, or enters into a composition or arrangement with his or her creditors without paying them in full;
- (d) is detained in a mental hospital;
- (e) for a member described in section 4(2)(ba), (c), (e), (f), (g) or (h)—is no longer a registered dentist or no longer holds a valid practising certificate issued under section 11A;
- (f) for a member described in section 4(2)(d)—is no longer a registered specialist dentist or no longer holds a valid practising certificate issued under section 11A;
- (g) for a member described in section 4(2)(i)—is no longer a registered medical practitioner; or
- (h) is, in the opinion of the Chief Executive, unable or unfit to perform the functions of the office.

4AAC. Appointment when vacancy arises during term of office

- (1) If, during the term of office (*original term*) of a member of the Council described in section 4(2)(g), the office becomes vacant—
 - (a) if the remainder of the original term is not less than one year, the Chief Executive may—
 - (i) appoint a qualified person from a list of not less than 9 qualified persons elected in an election held in accordance with the Dentists Election Regulation to fill the vacancy; or
 - (ii) if less than 9 qualified persons are elected in such an election—appoint a qualified person to fill the vacancy at the discretion of the Chief Executive, whether or not the person appointed is a person elected in the election; or

- (b) if the remainder of the original term is less than one year, the Chief Executive may appoint a qualified person to fill the vacancy at the discretion of the Chief Executive.
- (2) If, during the term of office (*original term*) of a member of the Council described in section 4(2)(j), the office becomes vacant—
 - (a) if the remainder of the original term is not less than one year, the Chief Executive may—
 - (i) appoint a lay person from a list of not less than 6 lay persons elected in an election held in accordance with the Organization Representatives Election Regulation to fill the vacancy; or
 - (ii) if less than 6 lay persons are elected in such an election—appoint a lay person to fill the vacancy at the discretion of the Chief Executive, whether or not the person appointed is a person elected in the election; or
 - (b) if the remainder of the original term is less than one year, the Chief Executive may appoint a lay person to fill the vacancy at the discretion of the Chief Executive.
- (3) If, during the term of office (*original term*) of a member of the Council described in section 4(2)(b), (ba), (c), (d), (e), (f), (h), (i) or (k), the office becomes vacant, the Chief Executive may make an appointment under that section to fill the vacancy.
- (4) A person appointed under subsection (1), (2) or (3) holds office until the end of the original term mentioned in that subsection.
- (5) In this section—

qualified person (合資格人士) means a person with full registration whose name is contained in the practising list.

4AAD. Persons not eligible for appointment etc.

Despite anything in sections 4 and 4AAC, a person is not eligible for appointment or reappointment as a member of the Council if the person—

- (a) is subject to a sentence of imprisonment for an offence;
- (b) is the subject of an order made under section 18 or 18A;
- (c) is an undischarged bankrupt;
- (d) is detained in a mental hospital; or
- (e) for a member described in section 4(2)(ba), (c), (d), (e), (f), (g) or (h)—does not hold a valid practising certificate issued under section 11A.

4AAE. Chairperson of Council

- (1) The members of the Council must elect one of them to be the Chairperson of the Council.
- (2) Subject to subsection (3), the Chairperson—
 - (a) holds office—
 - (i) for 3 years beginning on the date of election; or
 - (ii) if he or she ceases to be a member of the Council within that 3 years—until the cessation; and
 - (b) is eligible for re-election.
- (3) The Chairperson may at any time resign his or her office by giving written notice to the Secretary.

- (4) If the office of Chairperson becomes vacant, the Secretary must convene a meeting of the Council within 3 months of the occurrence of the vacancy for the purpose of electing a Chairperson.
- (5) If the Chairperson is temporarily unable to perform the functions of his or her office during a period—
 - (a) the Secretary must convene a meeting of the Council for the purposes of paragraph (b); and
 - (b) the members of the Council must elect one of them at the meeting to act in the place of the Chairperson during the period.
- (6) The Secretary—
 - (a) must preside at a meeting held under subsection (5) until a person is elected as the Chairperson and assumes office; and
 - (b) must not vote at the meeting.

4AAF. Secretary and Legal Adviser

- (1) The Chief Executive may—
 - (a) appoint a person to be the Secretary of the Council; and
 - (b) appoint one or more than one person to be a Legal Adviser to the Council.
- (2) A member of the Council may not be appointed to be a Legal Adviser.”.

12. Section 4A repealed (Council to set Licensing Examination)

Section 4A—

Repeal the section.

13. Section 5 amended (meetings of the Council)

(1) Section 5—

Repeal subsections (1) and (2)**Substitute**

“(1) Except for holding an inquiry mentioned in section 18, the Council—

- (a) must meet at the time and in the way specified by the Chairperson; and
- (b) must meet at a written request of at least 8 members of the Council addressed to the Chairperson.

(2) Subject to subsection (2A), at a meeting of the Council, 8 members of the Council, including not less than 4 members who are registered dentists, form a quorum.

(2A) At a meeting of the Council for holding an inquiry mentioned in section 18, 4 members of the Council, including not less than 3 members who are registered dentists, form a quorum.”.

(2) Section 5(4)—

Repeal

“All questions coming or arising before a meeting of the Council shall”

Substitute

“Except as otherwise provided in this Ordinance, all questions before the Council must”.

(3) Section 5(5)—

Repeal

“Chairman”

Substitute

“Chairperson”.

(4) Section 5(5)—

Repeal

“under section 9 or 18”

Substitute

“mentioned in section 9A, 15E, 18 or 27A”.

14. Section 5A substituted

Section 5A—

Repeal the section**Substitute****“5A. Transaction of business by circulation of papers**

- (1) The Council may transact any of its business, other than an inquiry mentioned in section 9A, 15E, 18 or 27A, by circulation of papers without meeting.
- (2) On the circulation of papers, a written resolution—
 - (a) in respect of which all members of the Council indicate their votes in writing; and
 - (b) passed by the number of members required for passing the resolution at a meeting of the Council, is as valid as if it had been passed at a meeting of the Council by the members who vote on the resolution.
- (3) For the purposes of subsections (1) and (2), a reference to the circulation of papers includes the circulation of information by electronic means.”.

15. Section 5AB added

After section 5A—

Add**“5AB. Council may provide information to Secretary for Health**

The Council may provide any information to the Secretary for Health if the Secretary for Health requests the information for the formulation of health care policies.”

16. Part 4 added

After section 5AB—

Add**“Part 4****Committees and Subcommittees****5AC. Council may establish committees**

- (1) The Council may establish any committee for the better performance of its functions.
- (2) Without limiting subsection (1), the Council may—
 - (a) establish the Education and Accreditation Committee in accordance with Part 5;
 - (b) establish the Examination Committee in accordance with Part 6;
 - (c) establish the Continuing Professional Development Committee in accordance with Part 7;
 - (d) establish the Health Committee in accordance with Part 8; and
 - (e) establish one or more than one Preliminary Investigation Committee in accordance with Part 9.

- (3) The functions of a committee established under subsection (2) are those prescribed by this Ordinance.
- (4) Subject to subsection (5) and Parts 5, 6, 7, 8 and 9, the Council may appoint a member of the Council, or a person who is not a member of the Council, to be a member of a committee established under subsection (1) or (2).
- (5) The Council must not appoint under subsection (4) a person who is the subject of an order made under section 18 or 18A.
- (6) The Council may dissolve a committee established under subsection (1) or (2) if—
 - (a) the committee has, in the opinion of the Council, acted in a way that is prejudicial to the interest of the public or the dental profession; and
 - (b) not less than 18 members of the Council resolve that the committee should be dissolved.
- (7) On the dissolution of a committee under subsection (6), the Council may perform the functions of the committee.

5AD. Committees may establish subcommittees

- (1) A committee established under section 5AC may establish a subcommittee to perform any function of the committee.
- (2) Subject to subsection (3), the committee may appoint a member of the committee, or a person who is not a member of the committee, to be a member of a subcommittee established by the committee under subsection (1).
- (3) The committee must not appoint under subsection (2) a person who is the subject of an order made under section 18 or 18A.

- (4) The committee must not appoint a person who is not a member of the committee to be the chairperson of a subcommittee established by the committee under subsection (1).

5AE. Further provisions for committees and subcommittees

- (1) Schedule 9 has effect in relation to committees established under section 5AC and subcommittees established under section 5AD.
- (2) If a provision in this Part or Part 5, 6, 7, 8 or 9 or in regulations made under section 29(1C) concerning a committee or subcommittee (*former provision*) is inconsistent with a provision in Schedule 9 (*latter provision*), the former provision prevails over the latter provision with regard to the committee or subcommittee.

5AF. Application of provisions in Interpretation and General Clauses Ordinance

To the extent that it is consistent with this Ordinance, Part VII of the Interpretation and General Clauses Ordinance (Cap. 1) applies to—

- (a) committees established under section 5AC;
- (b) subcommittees established under section 5AD; and
- (c) appointments of members of such committees or subcommittees.”.

17. Part 5 heading added

Before section 5B—

Add

“Part 5

Education and Accreditation Committee”.

18. Section 5B substituted

Section 5B—

Repeal the section

Substitute

“5B. Composition of Education and Accreditation Committee

- (1) If the Council decides to establish the Education and Accreditation Committee under section 5AC(2)(a), it must appoint the following persons to be the members of the Committee—
- (a) 3 members of the Council;
- (b) 1 registered dentist, who is a full-time member of the teaching staff of the Faculty of Dentistry of the University of Hong Kong and is not a member of the Council, nominated by the University of Hong Kong;
- (c) 1 registered specialist dentist, who is not a member of the Council, nominated by the Council of the Academy of Medicine;
- (d) 1 registered dentist, who is a public officer and is not a member of the Council, nominated by the Director of Health; and
- (e) 1 registered dentist, who is not a member of the Council, nominated by the Council of the Hong Kong Dental Association.
- (2) The Council must appoint a member described in subsection (1)(a) as the chairperson of the Committee.

- (3) A member of the Committee holds office for 3 years and is eligible for reappointment.
- (4) A person ceases to be a member of the Committee if, during the term of the person's office—
- (a) for a member described in subsection (1)(a)—the person ceases to be a member of the Council;
 - (b) for a member described in subsection (1)(b)—
 - (i) the person ceases to be a registered dentist or ceases to be a full-time member of the teaching staff of the Faculty of Dentistry of the University of Hong Kong; or
 - (ii) the person becomes a member of the Council;
 - (c) for a member described in subsection (1)(c)—
 - (i) the person ceases to be a registered specialist dentist; or
 - (ii) the person becomes a member of the Council;
 - (d) for a member described in subsection (1)(d)—
 - (i) the person ceases to be a registered dentist or ceases to be a public officer; or
 - (ii) the person becomes a member of the Council; or
 - (e) for a member described in subsection (1)(e)—
 - (i) the person ceases to be a registered dentist; or
 - (ii) the person becomes a member of the Council.”.

19. Section 5C amended (functions of Education and Accreditation Committee)

- (1) Section 5C—

Repeal

“Committee has”

Substitute

“Committee may perform”.

- (2) Section 5C(e)—

Repeal

everything after “structure of”

Substitute

“dental education and training in dentistry required for registration or practising dentistry; and”.

- (3) Section 5C—

Repeal paragraph (f)

Substitute

“(f) to accredit a training programme and recommend to the Council as to whether the programme should be recognized for the purpose of registration or practising dentistry.”.

20. Section 5D substituted

Section 5D—

Repeal the section

Substitute

“5D. Quorum of Education and Accreditation Committee’s meeting

At a meeting of the Education and Accreditation Committee, 4 members of the Committee (including the chairperson of the Committee) form a quorum.”.

21. Section 5E amended (transaction of business in Education and Accreditation Committee by circulation of papers)

Section 5E—

Repeal subsection (2)**Substitute**

“(2) On the circulation of papers, a written resolution—

- (a) in respect of which all members of the Education and Accreditation Committee indicate their votes in writing; and
- (b) passed by the number of members required for passing the resolution at a meeting of the Committee,

is as valid as if it had been passed at a meeting of the Committee by the members who vote on the resolution.

- (3) For the purposes of subsections (1) and (2), a reference to the circulation of papers includes the circulation of information by electronic means.”.

22. Section 5E repealed (transaction of business in Education and Accreditation Committee by circulation of papers)

Section 5E—

Repeal the section.**23. Section 5F amended (proceedings of Education and Accreditation Committee)**

Section 5F—

Repeal

“under section 5B(2)(a) or (f)”

Substitute

“described in section 5B(1)(a)”.

24. Section 5G repealed (dissolution of Education and Accreditation Committee)

Section 5G—

Repeal the section.**25. Parts 6 to 9 added**

Before Part 10—

Add**“Part 6****Examination Committee****5H. Composition of Examination Committee**

- (1) If the Council decides to establish the Examination Committee under section 5AC(2)(b), it must appoint the following persons to be the members of the Committee—
 - (a) 3 members of the Council;
 - (b) 2 registered dentists, who are full-time members of the teaching staff of the Faculty of Dentistry of the University of Hong Kong, nominated by the University of Hong Kong;
 - (c) 2 registered specialist dentists nominated by the Council of the Academy of Medicine;
 - (d) 2 registered dentists, who are public officers, nominated by the Director of Health;
 - (e) 2 registered dentists nominated by the Council of the Hong Kong Dental Association; and

- (f) 1 registered dentist appointed by the Council to be responsible for conducting the Licensing Examination.
- (2) The Council must appoint a member described in subsection (1)(a) as the chairperson of the Committee.
- (3) A member of the Committee holds office for 3 years and is eligible for reappointment.
- (4) A person ceases to be a member of the Committee if, during the term of the person's office—
- (a) for a member described in subsection (1)(a)—the person ceases to be a member of the Council;
 - (b) for a member described in subsection (1)(b)—the person ceases to be a registered dentist or ceases to be a full-time member of the teaching staff of the Faculty of Dentistry of the University of Hong Kong;
 - (c) for a member described in subsection (1)(c)—the person ceases to be a registered specialist dentist;
 - (d) for a member described in subsection (1)(d)—the person ceases to be a registered dentist or ceases to be a public officer;
 - (e) for a member described in subsection (1)(e)—the person ceases to be a registered dentist; or
 - (f) for a member described in subsection (1)(f)—the person ceases to be a registered dentist or ceases to be responsible for conducting the Licensing Examination.

5I. Functions of Examination Committee

The Examination Committee may perform the following functions—

- (a) to determine the eligibility of applicants for the Licensing Examination;
- (b) to oversee matters relating to the setting of standards for the Licensing Examination and the management of question bank;
- (c) to design the Licensing Examination; and
- (d) to make recommendations to the Council on the policies regarding—
 - (i) the Licensing Examination;
 - (ii) the criteria for exemption from the Licensing Examination or any part of the Licensing Examination;
 - (iii) the extension of an internship period under section 8A(4)(a);
 - (iv) the shortening or extension of a period of assessment under section 8B(4)(a);
 - (v) the termination of an internship under section 8A(5); and
 - (vi) the termination of a period of assessment under section 8B(5).

5J. Quorum of Examination Committee's meeting

At a meeting of the Examination Committee, 4 members of the Committee (including the chairperson of the Committee) form a quorum.

Part 7**Continuing Professional Development Committee****5K. Composition of Continuing Professional Development Committee**

- (1) If the Council decides to establish the Continuing Professional Development Committee under section 5AC(2)(c), it must appoint the following persons to be the members of the Committee—
 - (a) 3 members of the Council;
 - (b) 1 registered dentist, who is a full-time member of the teaching staff of the Faculty of Dentistry of the University of Hong Kong, nominated by the University of Hong Kong;
 - (c) 1 registered specialist dentist nominated by the Council of the Academy of Medicine;
 - (d) 1 registered dentist, who is a public officer, nominated by the Director of Health; and
 - (e) 1 registered dentist nominated by the Council of the Hong Kong Dental Association.
- (2) The Council must appoint a member described in subsection (1)(a) as the chairperson of the Committee.
- (3) A member of the Committee holds office for 3 years and is eligible for reappointment.
- (4) A person ceases to be a member of the Committee if, during the term of the person's office—
 - (a) for a member described in subsection (1)(a)—the person ceases to be a member of the Council;

- (b) for a member described in subsection (1)(b)—the person ceases to be a registered dentist or ceases to be a full-time member of the teaching staff of the Faculty of Dentistry of the University of Hong Kong;
- (c) for a member described in subsection (1)(c)—the person ceases to be a registered specialist dentist;
- (d) for a member described in subsection (1)(d)—the person ceases to be a registered dentist or ceases to be a public officer; or
- (e) for a member described in subsection (1)(e)—the person ceases to be a registered dentist.

5L. Functions of Continuing Professional Development Committee

The Continuing Professional Development Committee may perform the following functions—

- (a) to make recommendations to the Council on the policies regarding continuing professional development activities; and
- (b) to make recommendations to the Council on the requirement regarding continuing professional development that a person must comply with for the purposes of section 11A(2A) or 15H(3).

5M. Quorum of Continuing Professional Development Committee's meeting

At a meeting of the Continuing Professional Development Committee, 4 members of the Committee (including the chairperson of the Committee) form a quorum.

Part 8**Health Committee****5N. Composition of Health Committee**

- (1) If the Council decides to establish the Health Committee under section 5AC(2)(d), it must appoint the following persons to be the members of the Committee—
 - (a) 3 members of the Council who are registered dentists;
 - (b) 1 registered specialist dentist nominated by the Council of the Academy of Medicine;
 - (c) 1 registered dentist, who is a public officer, nominated by the Director of Health;
 - (d) 1 registered dentist nominated by the Council of the Hong Kong Dental Association;
 - (e) 1 to 3 persons, who are not members of the Council, whom the Council considers appropriate; and
 - (f) 2 members of the Council who are lay persons.
- (2) The Council must appoint a member described in subsection (1)(a) as the chairperson of the Committee.
- (3) A member of the Committee holds office for a period not exceeding 3 years as specified by the Council in the member's letter of appointment and is eligible for reappointment.
- (4) A person ceases to be a member of the Committee if, during the term of the person's office—

- (a) for a member described in subsection (1)(a)—the person ceases to be a member of the Council or ceases to be a registered dentist;
- (b) for a member described in subsection (1)(b)—the person ceases to be a registered specialist dentist;
- (c) for a member described in subsection (1)(c)—the person ceases to be a registered dentist or ceases to be a public officer;
- (d) for a member described in subsection (1)(d)—the person ceases to be a registered dentist;
- (e) for a member described in subsection (1)(e)—the person becomes a member of the Council; or
- (f) for a member described in subsection (1)(f)—the person ceases to be a member of the Council or ceases to be a lay person.

5O. Functions of Health Committee

- (1) The Health Committee may perform the following functions—
 - (a) to conduct a hearing on any matter concerning the health of a registrant or the physical or mental fitness of a registrant to practise dentistry;
 - (b) to make a recommendation to the Council, after a hearing conducted under paragraph (a) that the name of the registrant be removed from the General Register or Register of Dental Care Professionals permanently or with a right to apply for restoration under section 27A after the expiry of a period;

- (c) if a name is removed under paragraph (b) with a right to apply for restoration under section 27A after the expiry of a period, to recommend—
 - (i) the duration of the period, which must not exceed 12 months; and
 - (ii) the extension of the period mentioned in subparagraph (i) or as extended under this subparagraph for a period not exceeding 12 months; and
 - (d) to recommend, where appropriate, that the removal of a name under paragraph (b) be suspended subject to the condition (if any) recommended by the Committee.
- (2) The Health Committee must act in accordance with regulations made under section 29(1C).

5P. Quorum of Health Committee's meeting

At a meeting of the Health Committee, 4 members of the Committee (including the chairperson of the Committee) form a quorum.

5Q. Appeal to Council against recommendations of Health Committee

- (1) On making a recommendation under section 5O(1) in respect of a registrant, the Health Committee must notify the registrant in writing of the recommendation.
- (2) Within 14 days after receiving a notification given under subsection (1), the registrant may appeal to the Council against the Committee's recommendation.
- (3) In determining an appeal made under subsection (2), the Council—

- (a) may invite the appellant to appear before it to give further submission; and
 - (b) may allow a solicitor or counsel to appear on behalf of the appellant.
- (4) The Council may affirm, vary or reverse the recommendation of the Committee appealed against.
- (5) The decision of the Council under this section is final.

Part 9

Preliminary Investigation Committee

5R. Composition of Preliminary Investigation Committee

- (1) If the Council decides to establish a Preliminary Investigation Committee under section 5AC(2)(e), it must appoint the following persons to be the members of the Committee—
 - (a) 1 member of the Council who is a registered dentist;
 - (b) 2 registered dentists, who are not members of the Council, nominated by the Chairperson; and
 - (c) 2 members of the Council who are lay persons.
- (2) The Council—
 - (a) must appoint the member described in subsection (1)(a) as the chairperson of the Committee; and
 - (b) must appoint a member described in subsection (1)(b) as the deputy chairperson of the Committee.
- (3) A member of a Preliminary Investigation Committee holds office for a period not exceeding 3 years as

- specified by the Council in the member's letter of appointment and is eligible for reappointment.
- (4) A person ceases to be a member of a Preliminary Investigation Committee if, during the term of the person's office—
- (a) for a member described in subsection (1)(a)—the person ceases to be a member of the Council or ceases to be a registered dentist;
 - (b) for a member described in subsection (1)(b)—
 - (i) the person ceases to be a registered dentist; or
 - (ii) the person becomes a member of the Council; or
 - (c) for a member described in subsection (1)(c)—the person ceases to be a member of the Council or ceases to be a lay person.

5S. Functions of Preliminary Investigation Committee

- (1) A Preliminary Investigation Committee or any of its members may perform the following functions—
- (a) to—
 - (i) make preliminary investigations into complaints or information concerning any matter that may be inquired into by the Council or any matter that the Health Committee may conduct a hearing on; and
 - (ii) give advice on the matter to any registrant concerned;
 - (b) to refer a matter to the Council for an inquiry mentioned in section 18;

- (c) to refer a matter to the Health Committee for conducting a hearing; and
 - (d) to refer a matter to the Education and Accreditation Committee to be dealt with in accordance with section 12F.
- (2) A Preliminary Investigation Committee and its members must act in accordance with regulations made under section 29(1C).

5T. Quorum of Preliminary Investigation Committee's meeting

- (1) At a meeting of a Preliminary Investigation Committee, 3 members of the Committee form a quorum.
- (2) At a meeting of a Preliminary Investigation Committee—
 - (a) at least one member must be a member described in section 5R(1)(c);
 - (b) at least 2 members must be registered dentists; and
 - (c) subject to subsections (3) and (4), the chairperson of the Committee, or in the absence of the chairperson, the deputy chairperson of the Committee is to preside.
- (3) Subsection (4) applies if—
 - (a) the chairperson and the deputy chairperson (if present at a meeting) declare their interest in accordance with regulations made under section 29(1C) in respect of a matter that is to be decided at the meeting; and
 - (b) under the regulations, neither of them may preside at the meeting because of the interest.
- (4) The other members present at the meeting must elect one of them to preside at the meeting.”.

26. Part 10 heading added

Before section 6—

Add**“Part 10
Registrar”.****27. Section 6 amended (Registrar of Dentists)**

(1) Section 6(1)—

Repeal

“duties in connection with the General Register as may be prescribed, and with the Specialist Register as may be provided for,”

Substitute

“functions in connection with the General Register, Specialist Register and Register of Dental Care Professionals as may be provided for”.

(2) Section 6(2), English text—

Repeal

“Service”

Substitute

“Services”.

28. Part 11 heading and Part 11, Division 1 heading added

Before section 7—

Add**“Part 11****Registration of Dentists****Division 1—Keeping of Registers”.****29. Section 7 amended (keeping of General Register and Specialist Register)**

(1) Section 7—

Repeal subsection (1)**Substitute**

“(1) The Registrar must cause a register of dentists, called the General Register, to be kept in a form that the Registrar thinks fit.”.

(2) After section 7(1)—

Add

“(1A) The General Register must be divided into 5 parts and contain the name, practice address (if any), registered address, qualification and any other particulars that the Registrar thinks necessary, of—

- (a) in Part 1—every person whose name is required to be entered in this Part under section 9B;
- (b) in Part 2—every person whose name is required to be entered in this Part under section 7F;
- (c) in Part 3—every person whose name is required to be entered in this Part under section 9F;
- (d) in Part 4—every person whose name is required to be entered in this Part under section 9I; and
- (e) in Part 5—every person whose name is required to be entered in this Part under section 9L.

- (1B) Part 1 of the General Register must be further divided into—
- (a) the practising list; and
 - (b) the non-practising list.”.

(3) Section 7—

Repeal subsection (2).

(4) Section 7(4)—

Repeal

“shall contain the names,”

Substitute

“must contain the names, practice addresses (if any),”.

(5) Section 7—

Repeal subsection (5)

Substitute

“(5) The Registrar is responsible for the maintenance and custody of the General Register and Specialist Register.”.

30. Part 11, Divisions 2 and 3 added

After section 7—

Add

“Division 2—Licensing Examination

7A. Council to set Licensing Examination

- (1) The Council must set an examination called the Licensing Examination.
- (2) The Council may impose any condition relevant to the assessment or improvement of a person’s professional knowledge in dentistry that a person must satisfy before

the Council allows the person to take the Licensing Examination or any part of the Licensing Examination.

- (3) The Council may refuse to allow a person to take the Licensing Examination if the person has taken any part of the Licensing Examination 5 times and has failed each time.

7B. Eligibility for taking Licensing Examination

- (1) A person who wishes to take the Licensing Examination or any part of the Licensing Examination may make an application to the Council.
- (2) An application must be made in the specified form.
- (3) The Council may, on application, allow a person to take the Licensing Examination or the part of the Licensing Examination if—
 - (a) the prescribed fee has been paid;
 - (b) the Council is satisfied that the person is of good character; and
 - (c) the condition imposed under section 7A(2) is satisfied.

7C. Exemption from Licensing Examination

- (1) The Council may, on application made in the specified form, exempt a person from the Licensing Examination or any part of the Licensing Examination if it considers it appropriate to do so.
- (2) Subsection (3) applies if—
 - (a) an application is made for the purpose of seeking an exemption to satisfy a condition specified in Schedule 10 (as required under section 8(1)(c)(iii)); and

- (b) the applicant is a person who has worked under full-time employment as a person with special registration in one or more Schedule 5 institutions (whether or not the person has also worked under full-time employment as a person with limited registration in one or more Schedule 4 institutions) (*specified employment*).
- (3) The Council must grant the exemption unless, having considered the nature and scope of the work undertaken by the person under the specified employment, the Council has reasonable doubts on the person's professional knowledge on a matter that is the subject matter to be assessed by the Licensing Examination, or the part of the Licensing Examination for which the exemption is applied.

Division 3—Provisional Registration

7D. Application for provisional registration

- (1) A person may apply to the Registrar for provisional registration.
- (2) An application must be made in the specified form.

7E. Determination of application for provisional registration

- (1) On receiving an application made in accordance with section 7D, the Registrar must approve it if—
 - (a) the applicant—
 - (i) has been awarded a qualifying degree in dentistry; and
 - (ii) has been engaged to work under full-time employment as a dentist in a Schedule 6

institution for the purpose of completing an internship mentioned in section 8A; or

- (b) the applicant—
- (i) has passed the Licensing Examination; and
 - (ii) has been engaged to work under full-time employment as a dentist in a Schedule 7 institution for the purpose of completing a period of assessment mentioned in section 8B.
- (2) The Registrar must notify the applicant in writing of—
- (a) the Registrar's decision; and
 - (b) if the application is rejected—the reason for it.
- (3) For the purposes of subsection (1)(b)(i), a person who is exempted under section 7C from the Licensing Examination, or any part of the Licensing Examination, is to be regarded as having passed the Licensing Examination or the part of the Licensing Examination.

7F. Provisional registration

- (1) This section applies if the Registrar approves an application under section 7E.
- (2) The Registrar must, after the prescribed fee has been paid, enter the applicant's name in Part 2 of the General Register.
- (3) The registration of a person under this section is in force until the earlier of the following—
 - (a) the termination of the person's employment mentioned in section 7E(1)(a)(ii) or (b)(ii);
 - (b) the removal of the person's name from Part 2 of the General Register under an order made under section 15, 18 or 18A.

7G. Effect of provisional registration

A person with provisional registration is to be treated as a registered dentist—

- (a) for a person applying for provisional registration for the purpose of completing an internship mentioned in section 8A—while the person is undergoing the internship;
- (b) for a person applying for provisional registration for the purpose of completing a period of assessment mentioned in section 8B—while the person is undergoing the period of assessment; and
- (c) for any other purpose as may be directed by the Chief Executive in Council.”.

31. Part 11, Division 4 heading added

Before section 8—

Add

“Division 4—Full Registration”.

32. Section 8 substituted

Section 8—

Repeal the section

Substitute

“8. Eligibility for full registration

- (1) A person is eligible for full registration if—
 - (a) the person has been awarded—
 - (i) a qualifying degree in dentistry; and
 - (ii) a certificate of experience under section 8C;

- (b) the person—
 - (i) has passed the Licensing Examination; and
 - (ii) has been awarded a certificate of experience under section 8D; or
- (c) the person—
 - (i) has worked under full-time employment as a person with limited registration in one or more Schedule 4 institutions or as a person with special registration in one or more Schedule 5 institutions for at least 5 years in aggregate;
 - (ii) is certified by the institution, or by all the institutions, to have satisfactorily served as a dentist during the employment period by reference to the criteria specified by the Council; and
 - (iii) satisfies the condition specified in Schedule 10.
- (2) For the purposes of subsection (1)(b)(i), a person who is exempted under section 7C from the Licensing Examination, or any part of the Licensing Examination, is to be regarded as having passed the Licensing Examination or the part of the Licensing Examination.”.

33. Sections 8A to 8E added

After section 8—

Add

“8A. Internship

- (1) This section applies in relation to a person who—
 - (a) has been awarded a qualifying degree in dentistry; and

- (b) wishes to be awarded a certificate of experience under section 8C.
- (2) The Council must specify—
 - (a) the first day and the last day of a period (*internship period*) during which the person is required to undergo an internship in a Schedule 6 institution for the purpose of being awarded a certificate of experience under section 8C; and
 - (b) the scope of work that the person must undertake during the internship period for that purpose.
- (3) The duration of the internship period must be the same as that specified in Part 1 of Schedule 8.
- (4) The Council—
 - (a) despite subsection (3), may extend the internship period specified for the person if the Council considers it appropriate to do so; and
 - (b) may defer the dates specified under subsection (2)(a).
- (5) If the Council reasonably determines that a person undergoing an internship is unlikely to attain the professional standards required of a registered dentist at the end of the internship, the Council may terminate the internship.

8B. Period of assessment

- (1) This section applies in relation to a person who—
 - (a) has not been awarded a qualifying degree in dentistry;
 - (b) has passed the Licensing Examination; and
 - (c) wishes to be awarded a certificate of experience under section 8D.

- (2) The Council must specify—
 - (a) the first day and the last day of a period (*period of assessment*) during which the person is required to undergo assessment in a Schedule 7 institution for the purpose of being awarded a certificate of experience under section 8D; and
 - (b) the scope of work that the person must undertake during the period of assessment for that purpose.
- (3) The duration of the period of assessment must not exceed that specified in Part 2 of Schedule 8.
- (4) The Council—
 - (a) despite subsection (3), may shorten or extend the period of assessment specified for the person if the Council considers it appropriate to do so; and
 - (b) may defer the dates specified under subsection (2)(a).
- (5) If the Council reasonably determines that a person undergoing a period of assessment is unlikely to attain the professional standards required of a registered dentist at the end of the period of assessment, the Council may terminate the period of assessment.
- (6) For the purposes of subsection (1)(b), a person who is exempted under section 7C from the Licensing Examination, or any part of the Licensing Examination, is to be regarded as having passed the Licensing Examination or the part of the Licensing Examination.

8C. Certificate of experience on completion of internship

- (1) This section applies in relation to a person who has completed an internship mentioned in section 8A.

- (2) The person may apply to the specified authority for a certificate of experience.
- (3) The specified authority may award the certificate to the person if it is satisfied that—
 - (a) during the internship, the person undertook work within the scope of work specified under section 8A(2)(b); and
 - (b) the work of the person was satisfactory.
- (4) The certificate must be in the specified form.
- (5) In this section—

specified authority (當局) means—

- (a) if the Council has not delegated its functions under section 8E(1)—the Council; or
- (b) if the Council has delegated its functions under section 8E(1) to an institution—the institution.

8D. Certificate of experience on completion of period of assessment

- (1) This section applies in relation to a person who has completed a period of assessment mentioned in section 8B.
- (2) The person may apply to the specified authority for a certificate of experience.
- (3) The specified authority may award the certificate to the person if it is satisfied that—
 - (a) during the period of assessment, the person undertook work within the scope of work specified under section 8B(2)(b); and
 - (b) the work of the person was satisfactory.
- (4) The certificate must be in the specified form.

- (5) In this section—

specified authority (當局) means—

- (a) if the Council has not delegated its functions under section 8E(2)—the Council; or
- (b) if the Council has delegated its functions under section 8E(2) to an institution—the institution.

8E. Council may delegate its functions under sections 8C and 8D

- (1) The Council may, by notice published in the Gazette, delegate its functions under section 8C in respect of a person who has been awarded a qualifying degree in dentistry by a university to any of the following institutions—
 - (a) the university; or
 - (b) a Schedule 6 institution.
- (2) The Council may, by notice published in the Gazette, delegate its functions under section 8D in respect of a person to a Schedule 7 institution.
- (3) A notice published under subsection (1) or (2) is not subsidiary legislation.”

34. Section 9 substituted

Section 9—

Repeal the section

Substitute

“9. Application for full registration

- (1) A person may apply to the Registrar for full registration.
- (2) An application must—

- (a) be made in the specified form;
- (b) indicate the applicant's wish, if the application is approved, to have the applicant's name contained in the practising list or the non-practising list; and
- (c) be supported by a declaration by the applicant as to—
 - (i) whether the applicant has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment;
 - (ii) whether the applicant has been found guilty in Hong Kong or elsewhere of unprofessional conduct; and
 - (iii) whether, at the time of the application, the applicant is the subject of any criminal or disciplinary proceedings in Hong Kong or elsewhere.”.

35. Sections 9A and 9B and Part 11, Divisions 5, 6 and 7 added

After section 9—

Add

“9A. Determination of application for full registration

- (1) On receiving an application made in accordance with section 9, the Registrar must refer the application to the Council.
- (2) Subject to subsection (3), the Council must approve the application if the applicant is eligible for full registration in accordance with section 8.
- (3) The Council may reject the application if it is satisfied, after due inquiry, that the applicant—

- (a) has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment;
- (b) has been found guilty in Hong Kong or elsewhere of unprofessional conduct; or
- (c) is not of good character.
- (4) The Council must notify the Registrar of—
 - (a) the Council's decision; and
 - (b) if the application is rejected—the reason for it.
- (5) On receiving a notification under subsection (4), the Registrar must notify the applicant in writing of—
 - (a) the Council's decision; and
 - (b) if the application is rejected—the reason for it.

9B. Full registration

- (1) This section applies if the Council approves an application under section 9A.
- (2) The Registrar must, after the prescribed fee has been paid, enter the applicant's name in Part 1 of the General Register.
- (3) The Registrar must enter the applicant's name in the practising list or the non-practising list according to the wish indicated under section 9(2)(b).

Division 5—Limited Registration

9C. Application for limited registration

- (1) A person may apply to the Registrar for limited registration.
- (2) An application must—
 - (a) be made in the specified form; and

- (b) be supported by a declaration by the applicant as to—
- (i) whether the applicant has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment;
 - (ii) whether the applicant has been found guilty in Hong Kong or elsewhere of unprofessional conduct; and
 - (iii) whether, at the time of the application, the applicant is the subject of any criminal or disciplinary proceedings in Hong Kong or elsewhere.

9D. Determination of application for limited registration

- (1) On receiving an application made in accordance with section 9C, the Registrar must refer the application to the Council.
- (2) The Council must approve the application if it is satisfied that—
 - (a) the applicant has been selected for—
 - (i) full-time employment as a person with limited registration in a Schedule 4 institution; or
 - (ii) an employment or an employment of a type determined under section 9E;
 - (b) the applicant has obtained a recognized non-Hong Kong qualification;
 - (c) the applicant has had adequate and relevant full-time post-qualification clinical experience;
 - (d) the applicant is registered as a dentist under the law of a place outside Hong Kong;

- (e) the applicant has not been refused, under section 7A(3), to take the Licensing Examination; and
 - (f) the applicant is of good character.
- (3) In approving an application, the Council—
 - (a) must specify a period not exceeding 3 years during which the registration is to be in force; and
 - (b) may impose any condition that the Council considers appropriate.
 - (4) The Council must notify the Registrar of—
 - (a) the Council's decision; and
 - (b) if the application is rejected—the reason for it.
 - (5) On receiving a notification under subsection (4), the Registrar must notify the applicant in writing of—
 - (a) the Council's decision; and
 - (b) if the application is rejected—the reason for it.
 - (6) In this section—

recognized non-Hong Kong qualification (認可境外資格) means a qualification obtained outside Hong Kong that is recognized by the Council for the purposes of this section as being sufficient evidence of the possession of the requisite knowledge and skill for the effective practice of dentistry.

9E. Promulgation of employment for section 9D(2)(a)(ii)

- (1) The Council may, having regard to any representations made to it, determine for the purposes of section 9D(2)(a)(ii) an employment or a type of employment in respect of which limited registration is appropriate or necessary.

- (2) The Council must promulgate the determination by notice published in the Gazette.
- (3) A notice published under subsection (2) is not subsidiary legislation.

9F. Limited registration

- (1) This section applies if the Council approves an application under section 9D.
- (2) The Registrar must, after the prescribed fee has been paid, enter the applicant's name in Part 3 of the General Register.
- (3) The registration of a person under this section is in force until the earliest of the following—
 - (a) the expiry of the period during which the registration is in force;
 - (b) the termination of the person's employment mentioned in section 9D(2)(a);
 - (c) the removal of the person's name from Part 3 of the General Register under an order made under section 15, 18 or 18A.

Division 6—Temporary Registration**9G. Application for temporary registration**

- (1) A person (*applicant*) may apply to the Council for the temporary registration of another person (*subject person*) exclusively for conducting clinical teaching or research for the applicant.
- (2) An application must—
 - (a) be made in the specified form; and

- (b) be supported by a declaration by the subject person as to—
 - (i) whether the subject person has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment;
 - (ii) whether the subject person has been found guilty in Hong Kong or elsewhere of unprofessional conduct; and
 - (iii) whether, at the time of the application, the subject person is the subject of any criminal or disciplinary proceedings in Hong Kong or elsewhere.

9H. Determination of application for temporary registration

- (1) On receiving an application made in accordance with section 9G for the temporary registration of a person, the Council may approve or reject it.
- (2) However, the Council must not approve an application unless the Council is satisfied that it is appropriate and necessary for the person to be granted temporary registration to enable the person to conduct clinical teaching or research for the applicant.
- (3) In approving an application, the Council—
 - (a) must specify a period not exceeding 14 days during which the registration is to be in force; and
 - (b) may impose any condition that the Council considers appropriate.
- (4) The Council must notify the applicant in writing of—
 - (a) the Council's decision; and
 - (b) if the application is rejected—the reason for it.

- (5) If the Council approves an application, the Council must also notify the Registrar of the decision.

9I. Temporary registration

- (1) This section applies if the Council approves, under section 9H, an application for the temporary registration of a person.
- (2) The Registrar must enter the name of the person in Part 4 of the General Register.
- (3) The registration of a person under this section is in force until the earlier of the following—
- (a) the expiry of the period during which the registration is in force;
 - (b) the removal of the person's name from Part 4 of the General Register under an order made under section 15, 18 or 18A.

Division 7—Special Registration

9J. Application for special registration

- (1) A person may apply to the Registrar for special registration.
- (2) An application must—
- (a) be made in the specified form; and
 - (b) be supported by a declaration by the applicant as to—
 - (i) whether the applicant has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment;

- (ii) whether the applicant has been found guilty in Hong Kong or elsewhere of unprofessional conduct; and
- (iii) whether, at the time of the application, the applicant is the subject of any criminal or disciplinary proceedings in Hong Kong or elsewhere.

9K. Determination of application for special registration

- (1) On receiving an application made in accordance with section 9J, the Registrar must refer the application to the Council.
- (2) The Council must approve the application if it is satisfied that—
- (a) the applicant has been selected for full-time employment as a person with special registration in a Schedule 5 institution;
 - (b) the applicant has obtained a recognized non-Hong Kong qualification;
 - (c) either—
 - (i) the applicant has been awarded a Fellowship of the Academy of Medicine in the specialty of dental surgery; or
 - (ii) the Academy of Medicine has certified that the applicant has attained a professional standard equivalent to that recognized by the Academy for the award of a Fellowship of the Academy in the specialty of dental surgery;
 - (d) the applicant has had adequate and relevant full-time post-qualification clinical experience;

- (e) the applicant is registered as a dentist under the law of a place outside Hong Kong;
 - (f) the applicant has not been refused, under section 7A(3), to take the Licensing Examination; and
 - (g) the applicant is of good character.
- (3) In approving an application, the Council—
- (a) must specify a period not exceeding 3 years during which the registration is to be in force; and
 - (b) may impose any condition that the Council considers appropriate.
- (4) The Council must notify the Registrar of—
- (a) the Council's decision; and
 - (b) if the application is rejected—the reason for it.
- (5) On receiving a notification under subsection (4), the Registrar must notify the applicant in writing of—
- (a) the Council's decision; and
 - (b) if the application is rejected—the reason for it.
- (6) In this section—

recognized non-Hong Kong qualification (認可境外資格) means a qualification obtained outside Hong Kong that is recognized by the Council for the purposes of this section as being sufficient evidence of the possession of the requisite knowledge and skill for the effective practice of dentistry.

9L. Special registration

- (1) This section applies if the Council approves an application under section 9K.

- (2) The Registrar must, after the prescribed fee has been paid, enter the applicant's name in Part 5 of the General Register.
- (3) The registration of a person under this section is in force until the earliest of the following—
 - (a) the expiry of the period during which the registration is in force;
 - (b) the termination of the person's employment mentioned in section 9K(2)(a);
 - (c) the removal of the person's name from Part 5 of the General Register under an order made under section 15, 18 or 18A.”.

36. Part 11, Division 8 heading added

Before section 10—

Add

“Division 8—Certificate of Registration and Practising Certificate”.

37. Section 10 substituted

Section 10—

Repeal the section

Substitute

“10. Certificate of registration

If the name of a person is entered in Part 1, 3 or 5 of the General Register under section 9B, 9F or 9L, the Registrar must issue to the person a certificate of registration in the specified form.”.

38. **Section 11A amended (person not to practise without practising certificate)**

- (1) Section 11A, heading—

Repeal

“Person not to practise without practising certificate”

Substitute

“Practising certificate required for practice”.

- (2) Section 11A—

Repeal subsection (1)

Substitute

“(1) A registered dentist must not practise as a dentist in Hong Kong unless the registered dentist holds a valid practising certificate.”.

- (3) Section 11A—

Repeal subsection (2)

Substitute

“(2) The Council may issue a practising certificate in the specified form to a registered dentist (*applicant*) if—

- (a) the applicant applies to the Council for a practising certificate;
- (b) the application is made in the specified form and contains information on the applicant’s employment and practice of dentistry as required by the specified form;
- (c) the application is supported by a declaration by the applicant as to whether the applicant has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment, and if the applicant

has been so convicted, giving details of the conviction; and

- (d) the prescribed fee has been paid.

(2A) If the applicant for a practising certificate is a person with full registration, a person with limited registration or a person with special registration, the Council must not issue a practising certificate to the applicant unless the Council is satisfied that the applicant has complied with the requirement regarding continuing professional development determined by the Council as applicable to the applicant.

(2B) If the applicant for a practising certificate (*new certificate*) holds a valid practising certificate issued under section 15H (*existing certificate*), the Council must cancel the existing certificate before issuing the new certificate.

(2C) The Council may specify in a practising certificate any condition that the Council considers appropriate.”.

- (4) Section 11A—

Repeal subsection (3)

Substitute

“(3) - If a practising certificate is issued on an application made during a year in respect of that year, the certificate is, subject to subsections (4A) and (5), to be in force from the time of issue to the end of that year.”.

- (5) Section 11A—

Repeal subsection (4)

Substitute

“(4) If a practising certificate is issued on an application made during a year in respect of the following year, the

certificate is, subject to subsections (4A) and (5), to be in force during that following year.”.

- (6) After section 11A(4)—

Add

“(4A) A practising certificate issued to a person with temporary registration is, subject to subsection (5), to be in force during a period not exceeding 14 days, as specified in the certificate.”.

- (7) Section 11A—

Repeal subsection (5)

Substitute

“(5) A practising certificate issued under this section ceases to be in force if, during the currency of the certificate, its holder ceases to be—

- (a) a person with full registration whose name is contained in the practising list;
- (b) a person with limited registration;
- (c) a person with temporary registration; or
- (d) a person with special registration.”.

- (8) Section 11A—

Repeal subsections (6) and (8).

39. Section 11B repealed (recovery of practising fees)

Section 11B—

Repeal the section.

40. Section 12 repealed (dental companies)

Section 12—

Repeal the section.

41. Part 11, Division 9 heading added

Before section 12A—

Add

“Division 9—Specialist Register”.

42. Section 12B amended (application for inclusion in Specialist Register)

- (1) Section 12B(1)—

Repeal

“, in such form and manner as may be specified by the Council, for the inclusion”

Substitute

“for the inclusion in the specified form”.

- (2) Section 12B(3)(a)(i)(A), after “Medicine”—

Add

“in the specialty of dental surgery”.

- (3) Section 12B(10)—

Repeal

“shall, on receiving from the dentist the fee prescribed for the purpose”

Substitute

“must, after the prescribed fee has been paid”.

- (4) Section 12B(10)(b)—

Repeal

“form specified by the Council”

Substitute

“specified form”.

43. **Section 12E amended (receipt of complaint or information on suitability issue)**
- (1) Section 12E(1), English text—
Repeal
 “to the”
Substitute
 “to a”.
- (2) Section 12E(2), English text—
Repeal
 “the Preliminary Investigation Committee under subsection (1), the chairman of that Committee shall”
Substitute
 “a Preliminary Investigation Committee under subsection (1), the chairperson of the Committee must”.
- (3) Section 12E(2), Chinese text—
Repeal
 “小組後，該小組的主席須在切實可行範圍內”
Substitute
 “委員會後，該委員會的主席須在切實可行範圍內，”。
- (4) Section 12E(3), English text—
Repeal
 “chairman of the”
Substitute
 “chairperson of a”.

44. **Section 12F amended (complaints or information referred to Education and Accreditation Committee)**
- (1) Section 12F(2), English text—
Repeal
 “chairman”
Substitute
 “chairperson”.
- (2) Section 12F(2), Chinese text—
Repeal
 everything before “不得”
Substitute
 “(2) 如教育及評審委員會的主席認為，轉介該委員會的某申訴或告發屬瑣屑無聊或沒有根據，而不應着手作進一步處理，則該委員會”。
45. **Part 11, Division 10 heading added**
 After section 12F—
Add
 “**Division 10—Miscellaneous**”.
46. **Sections 12G to 12J added**
 Before section 13—
Add

“12G. Registered dentists and persons with provisional registration must provide address

- (1) A registered dentist or a person with provisional registration must provide to the Registrar an address in Hong Kong at which he or she may be contacted.
- (2) Subject to subsection (3), a registered dentist (other than a registered dentist whose name is contained in the non-practising list) must provide the address of all premises in Hong Kong on which he or she carries on the practice of dentistry.
- (3) Subsection (2) does not require a person to provide an address of—
 - (a) any premises on which the person provides an outreach medical service (within the meaning of section 9 of the Private Healthcare Facilities Ordinance (Cap. 633)); or
 - (b) any premises on which the person carries on the practice of dentistry not for gain.
- (4) A person who has provided an address under subsection (1) or (2) must report to the Registrar any change of the address (including the address as changed and reported under this subsection) within 2 months after the date on which the change occurs.
- (5) A person who fails to comply with subsection (1), (2) or (4) commits an offence and is liable on summary conviction to a fine at level 1.
- (6) If a person is charged with an offence under subsection (5), it is a defence for the person to establish that the person had a reasonable excuse for the failure to comply with subsection (1), (2) or (4).

- (7) A person charged with an offence under subsection (5) is taken to have established a matter that needs to be established for a defence under subsection (6) if—
 - (a) there is sufficient evidence to raise an issue with respect to the matter; and
 - (b) the contrary is not proved by the prosecution beyond reasonable doubt.

12H. Transfer from practising list to non-practising list

- (1) This section applies to a person—
 - (a) whose name is contained in the practising list; and
 - (b) who wishes to have the person’s name contained in the non-practising list.
- (2) The person may apply to the Registrar in the specified form for the transfer of the person’s name from the practising list to the non-practising list.
- (3) On receiving an application made in accordance with subsection (2), the Registrar must, after the prescribed fee has been paid, alter the General Register by transferring the person’s name from the practising list to the non-practising list.

12I. Issue of retention certificate to person whose name is contained in non-practising list

- (1) This section applies to a person whose name is contained in the non-practising list.
- (2) The person may apply to the Registrar in the specified form for a retention certificate.
- (3) On receiving an application made in accordance with subsection (2), the Registrar must, after the prescribed fee has been paid, issue to the person a retention certificate to

the effect that the person is, subject to any condition specified in the certificate, entitled to have the person's name contained in the non-practising list while the certificate is in force.

- (4) If a retention certificate is issued on an application made during a year in respect of that year, the certificate is, subject to subsection (6), to be in force from the time of issue to the end of that year.
- (5) If a retention certificate is issued on an application made during a year in respect of the following year, the certificate is, subject to subsection (6), to be in force during that following year.
- (6) A retention certificate ceases to be in force if, during the currency of the certificate—
 - (a) its holder ceases to be a person with full registration; or
 - (b) the Registrar cancels the certificate under section 12J(5).

12J. Transfer from non-practising list to practising list

- (1) This section applies to a person—
 - (a) whose name is contained in the non-practising list; and
 - (b) who wishes to have the person's name contained in the practising list.
- (2) The person may apply to the Registrar for the transfer of the person's name from the non-practising list to the practising list.
- (3) An application must—
 - (a) be made in the specified form; and

- (b) be made at the same time an application for a practising certificate mentioned in section 11A(2) is made.
- (4) On receiving an application made in accordance with subsection (3), the Registrar must alter the General Register by transferring the person's name from the non-practising list to the practising list if—
 - (a) the prescribed fee has been paid;
 - (b) the Registrar is satisfied that the condition (if any) specified under section 12I(3) has not been contravened; and
 - (c) a practising certificate has been issued to the person under section 11A(2).
- (5) On the transfer of the person's name, the Registrar must cancel the retention certificate issued to the person that is still in force.”.

47. Section 13 substituted

Section 13—

Repeal the section
Substitute

“13. Publication of information in General Register and evidence of registration

- (1) As soon as practicable after 1 January of every year, the Registrar must prepare and publish in the Gazette a list of the name, practice address (if any), qualification, date of qualification, and other particulars that the Registrar considers appropriate, of every person who is a person with full registration, a person with limited registration or a person with special registration on 1 January of the year.

- (2) As soon as practicable after 1 July of every year, the Registrar must prepare and publish in the Gazette a list of the name, practice address (if any), qualification, date of qualification, and other particulars that the Registrar considers appropriate, of every person—
 - (a) who is a person with full registration, a person with limited registration or a person with special registration on 1 July of the year; and
 - (b) whose name was entered in Part 1, 3 or 5 of the General Register between 1 January and 1 July (both dates inclusive) of the year.
- (3) A person's name being contained in a list published under subsection (1) or (2) is prima facie evidence that the person is a person with full registration, a person with limited registration or a person with special registration (as the case requires).
- (4) The absence of a person's name from the list last published under subsection (1) and from any list subsequently published under subsection (2) is prima facie evidence that the person is not a person with full registration, a person with limited registration or a person with special registration (as the case requires).
- (5) A certificate issued by the Registrar stating that a person's name is or is not, or was or was not, contained in the General Register on a date is conclusive evidence of that fact."

48. Section 13A substituted

Section 13A—

Repeal the section**Substitute****"13A. Publication of information in Specialist Register and evidence of inclusion**

- (1) As soon as practicable after 1 January of every year, the Registrar must prepare and publish in the Gazette a list of the name, practice address (if any), qualification, date of qualification, and other particulars that the Registrar considers appropriate, of every person who is a registered specialist dentist on 1 January of the year.
- (2) As soon as practicable after 1 July of every year, the Registrar must prepare and publish in the Gazette a list of the name, practice address (if any), qualification, date of qualification, and other particulars that the Registrar considers appropriate, of every person—
 - (a) who is a registered specialist dentist on 1 July of the year; and
 - (b) whose name was included in the Specialist Register between 1 January and 1 July (both dates inclusive) of the year.
- (3) A person's name being contained in a list published under subsection (1) or (2) is prima facie evidence that the person is a registered specialist dentist.
- (4) The absence of a person's name from the list last published under subsection (1) and from any list subsequently published under subsection (2) is prima facie evidence that the person is not a registered specialist dentist.
- (5) A certificate issued by the Registrar stating that a person's name is or is not, or was or was not, contained in the Specialist Register on a date is conclusive evidence of that fact."

49. **Section 14 repealed (exhibition of certificate of registration)**
Section 14—
Repeal the section.
50. **Section 15 amended (correction of General Register or Specialist Register)**
- (1) Section 15, heading—
Repeal
“Correction of General Register or”
Substitute
“Alterations to General Register and”.
- (2) Section 15—
Repeal subsections (1) and (1A)
Substitute
- “(1) If a change of or an addition to the practice address, or a change of the registered address, of a person whose name is contained in the General Register has come to the Registrar’s knowledge, the Registrar must alter the General Register to reflect the change or addition.
- (1A) If a change of or an addition to the practice address, or a change of the registered address, of a person whose name is contained in the Specialist Register has come to the Registrar’s knowledge, the Registrar must alter the Specialist Register to reflect the change or addition.
- (1B) The Registrar may, after the prescribed fee has been paid by a person whose name is contained in the General Register or Specialist Register, alter the entry in the Register relating to the person (other than an alteration relating to the practice address or registered address of the person).”.

- (3) Section 15(2)—
Repeal
“shall make such amendments to the General Register or Specialist Register as are”
Substitute
“must make an alteration to the General Register or Specialist Register that is”.
- (4) Section 15—
Repeal subsection (3)
Substitute
- “(3) The Council may order the removal from the General Register of the name of a person—
- (a) who is deceased;
- (b) who, being a person with full registration, a person with limited registration or a person with special registration, has failed to obtain a practising certificate under section 11A or a retention certificate (*relevant certificate*) within 6 months after the last of the following dates (if applicable)—
- (i) the date of the person’s registration;
- (ii) the expiry date of the last relevant certificate issued to the person;
- (iii) the date on which the person’s name is restored to the General Register under section 27A; or
- (c) who has not provided to the Registrar an address at which the person may be contacted.
- (4) An order made under subsection (3) must be signed by the Registrar.

- (5) Subject to subsections (6) and (7), the Registrar may remove from the General Register the name of a person—
 - (a) whose name is ordered to be removed under subsection (3); or
 - (b) whose registration under this Part is no longer in force.
- (6) The Registrar must, if practicable, cause a copy of an order made under subsection (3)(b) or (c) in respect of a person to be served on the person as soon as practicable after it is made.
- (7) The Registrar must not remove the name of a person from the General Register in accordance with an order made under subsection (3) before—
 - (a) if the order is made under subsection (3)(b) or (c) and a copy of the order is served under subsection (6)—subject to paragraph (b), the expiry of 1 month after the date on which a copy of the order is served; or
 - (b) if an appeal is made against the order under section 23—the appeal is finally determined.
- (8) For the purposes of subsection (3)(c), a person is to be regarded as not having provided an address to the Registrar if—
 - (a) a registered letter is sent to the person at the last registered address provided by the person to the Registrar; and
 - (b) the person fails to acknowledge receipt of the letter within 12 months after the date on which the letter is sent.”.

51. Section 15A amended (removal of names from Specialist Register)

- (1) Section 15A(1)(a)—

Repeal

“or 18(1)”

Substitute

“, 18 or 18A”.

- (2) After section 15A(3)—

Add

- “(4) An order made under subsection (2) must be signed by the Registrar.
- (5) Subject to subsections (6) and (7), the Registrar may remove from the Specialist Register the name of a registered dentist whose name is ordered to be removed under subsection (2).
- (6) The Registrar must cause a copy of an order made under subsection (2) in respect of a registered dentist to be served on the registered dentist as soon as practicable after it is made.
- (7) The Registrar must not remove the name of a registered dentist from the Specialist Register in accordance with an order made under subsection (2) before—
- (a) subject to paragraph (b), the expiry of 1 month after the date on which a copy of the order is served under subsection (6); or
 - (b) if an appeal is made against the order under section 23—the appeal is finally determined.”.

52. Section 15B repealed (service of notice)

Section 15B—

Repeal the section:

53. **Part 12 added**
Before Part 13—
Add

“Part 12**Dental Care Professionals****15C. Register of Dental Care Professionals**

- (1) The Registrar must cause a register of dental care professionals, called the Register of Dental Care Professionals, to be kept in a form that the Registrar thinks fit.
- (2) The Register of Dental Care Professionals must be divided into different parts for different classes of dental care professionals.
- (3) Each part of the Register of Dental Care Professionals must contain—
 - (a) the name of every person whose name is required to be entered in the part under section 15F(2)(a);
 - (b) the registered address and qualification of the person; and
 - (c) any other particulars of the person that the Registrar thinks necessary.
- (4) The Registrar is responsible for the maintenance and custody of the Register of Dental Care Professionals.

15D. Application for registration as dental care professional

- (1) A person may apply to the Registrar for registration as a registered dental care professional of a class specified in column 1 of Part 1 of Schedule 3.
- (2) An application must—
 - (a) be made in the specified form; and
 - (b) be supported by a declaration by the applicant as to—
 - (i) whether the applicant has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment;
 - (ii) whether the applicant has been found guilty in Hong Kong or elsewhere of unprofessional conduct; and
 - (iii) whether, at the time of the application, the applicant is the subject of any criminal or disciplinary proceedings in Hong Kong or elsewhere.
- (3) To avoid doubt—
 - (a) a person may apply for registration as a registered dental care professional for more than one class specified in column 1 of Part 1 of Schedule 3; and
 - (b) a person registered as a registered dental care professional of a class specified in that column may apply for registration as a registered dental care professional for another class or classes specified in that column.
- (4) If a person applies for registration as a registered dental care professional for more than one class specified in column 1 of Part 1 of Schedule 3, the application for each

class is to be processed separately as if separate applications were made.

15E. Determination of application for registration as dental care professional

- (1) On receiving an application for registration as a registered dental care professional of a class specified in column 1 of Part 1 of Schedule 3 made in accordance with section 15D, the Registrar must refer the application to the Council.
- (2) Subject to subsection (3), the Council must approve the application if the applicant is a person specified for that class in Part 3 of Schedule 3.
- (3) The Council may reject the application if it is satisfied, after due inquiry, that the applicant—
 - (a) has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment;
 - (b) has been found guilty in Hong Kong or elsewhere of unprofessional conduct; or
 - (c) is not of good character.
- (4) In approving the application, the Council may impose any condition that the Council considers appropriate.
- (5) The Council must notify the Registrar of—
 - (a) the Council's decision; and
 - (b) if the application is rejected—the reason for it.
- (6) On receiving a notification under subsection (5), the Registrar must notify the applicant in writing of—
 - (a) the Council's decision; and
 - (b) if the application is rejected—the reason for it.

15F. Registration as dental care professional

- (1) This section applies if the Council approves, under section 15E, an application for registration as a registered dental care professional for a class specified in column 1 of Part 1 of Schedule 3.
- (2) The Registrar must, after the prescribed fee has been paid—
 - (a) enter the applicant's name in the part of the Register of Dental Care Professionals for that class; and
 - (b) issue to the applicant a certificate of registration for that class.
- (3) A certificate of registration must be in the specified form.

15G. Scope of practice

- (1) A registered dental care professional of a class specified in column 1 of Part 1 of Schedule 3 may practise dentistry but only to the extent that the service provided in the practice is one specified in column 3 of that Part opposite the class (*specified service*).
- (2) Despite subsection (1), a registered dental care professional of any class must not provide a specified service unless—
 - (a) the person is engaged to provide the service by—
 - (i) a registered dentist;
 - (ii) a partnership of which at least one partner is a registered dentist; or
 - (iii) an organization or establishment, or a body corporate, that has engaged at least one registered dentist; and

- (b) the condition specified in column 4 of Part 1 of Schedule 3 opposite the service is satisfied.

15H. Practising certificate required for practice

- (1) A registered dental care professional of a class specified in column 1 of Part 1 of Schedule 3 must not practise as a dental care professional of the class in Hong Kong, unless he or she holds a valid practising certificate for that class.
- (2) The Council may issue a practising certificate for a class of dental care professionals in the specified form to a registered dental care professional of the class (*applicant*) if—
- (a) the applicant applies to the Council for a practising certificate for the class;
 - (b) the application is made in the specified form and contains information on the applicant's employment and practice of dentistry as required by the specified form;
 - (c) the application is supported by a declaration by the applicant as to whether the applicant has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment, and if the applicant has been so convicted, giving details of the conviction; and
 - (d) the prescribed fee has been paid.
- (3) The Council must not issue a practising certificate to an applicant unless the Council is satisfied that the applicant has complied with the requirement regarding continuing professional development determined by the Council as applicable to the applicant.

- (4) The Council must not issue practising certificates for more than one class of dental care professionals in a category to a person at the same time.
- (5) If an applicant for a practising certificate for a class of dental care professionals in a category (*new certificate*) holds a valid practising certificate for another class in the same category (*existing certificate*), the Council must cancel the existing certificate before issuing the new certificate.
- (6) The Council must not issue a practising certificate to a person who holds a valid practising certificate issued under section 11A(2).
- (7) The Council may specify in a practising certificate any condition that the Council considers appropriate.
- (8) If a practising certificate is issued on an application made during a year in respect of that year, the certificate is, subject to subsection (10), to be in force from the time of issue to the end of that year.
- (9) If a practising certificate is issued on an application made during a year in respect of the following year, the certificate is, subject to subsection (10), to be in force during that following year.
- (10) A practising certificate issued for a class under this section ceases to be in force if, during the currency of the certificate—
- (a) its holder ceases to be a registered dental care professional of the class; or
 - (b) the Council cancels the certificate under subsection (5) or section 11A(2B).

15I. Registered dental care professionals must provide address

- (1) A registered dental care professional must provide to the Registrar an address in Hong Kong at which he or she may be contacted.
- (2) A person who has provided an address under subsection (1) must report to the Registrar any change of the address (including the address as changed and reported under this subsection) within 2 months after the date on which the change occurs.
- (3) A person who fails to comply with subsection (1) or (2) commits an offence and is liable on summary conviction to a fine at level 1.
- (4) If a person is charged with an offence under subsection (3), it is a defence for the person to establish that the person had a reasonable excuse for the failure to comply with subsection (1) or (2).
- (5) A person charged with an offence under subsection (3) is taken to have established a matter that needs to be established for a defence under subsection (4) if—
 - (a) there is sufficient evidence to raise an issue with respect to the matter; and
 - (b) the contrary is not proved by the prosecution beyond reasonable doubt.

15J. Publication of information in Register of Dental Care Professionals and evidence of registration

- (1) As soon as practicable after 1 January of every year, the Registrar must prepare and publish in the Gazette a list of the name, and other particulars that the Registrar considers appropriate, of every person who is a registered dental care professional on 1 January of the year.

- (2) As soon as practicable after 1 July of every year, the Registrar must prepare and publish in the Gazette a list of the name, and other particulars that the Registrar considers appropriate, of every person—
 - (a) who is a registered dental care professional on 1 July of the year; and
 - (b) whose name was entered in the Register of Dental Care Professionals between 1 January and 1 July (both dates inclusive) of the year.
- (3) A person's name being contained in a list published under subsection (1) or (2) is prima facie evidence that the person is a registered dental care professional.
- (4) The absence of a person's name from the list last published under subsection (1) and from any list subsequently published under subsection (2) is prima facie evidence that the person is not a registered dental care professional.
- (5) A certificate issued by the Registrar stating that a person's name is or is not, or was or was not, contained in the Register of Dental Care Professionals on a date is conclusive evidence of that fact.

15K. Alterations to Register of Dental Care Professionals

- (1) If a change of the registered address of a person whose name is contained in the Register of Dental Care Professionals has come to the Registrar's knowledge, the Registrar must alter the Register to reflect the change.
- (2) The Registrar may, after the prescribed fee has been paid by a person whose name is contained in the Register of Dental Care Professionals, alter the entry in the Register relating to the person (other than an alteration relating to the registered address of the person).

- (3) The Registrar must make an alteration to the Register of Dental Care Professionals that is made necessary by any decision of the Council.
- (4) The Council may order the removal from the Register of Dental Care Professionals of the name of a person—
 - (a) who is deceased;
 - (b) who has failed to obtain a practising certificate for any class under section 15H within 6 months after the last of the following dates (if applicable)—
 - (i) the date of the person’s registration;
 - (ii) the expiry date of the last practising certificate issued to the person under that section;
 - (iii) the date on which the person’s name is restored to the Register of Dental Care Professionals under section 27A; or
 - (c) who has not provided to the Registrar an address at which the person may be contacted.
- (5) An order made under subsection (4) must be signed by the Registrar.
- (6) Subject to subsections (7) and (8), the Registrar may remove from the Register of Dental Care Professionals the name of a person whose name is ordered to be removed under subsection (4).
- (7) The Registrar must, if practicable, cause a copy of an order made under subsection (4)(b) or (c) in respect of a person to be served on the person as soon as practicable after it is made.
- (8) The Registrar must not remove the name of a person from the Register of Dental Care Professionals in accordance with an order made under subsection (4) before—

- (a) if the order is made under subsection (4)(b) or (c) and a copy of the order is served under subsection (7)—subject to paragraph (b), the expiry of 1 month after the date on which a copy of the order is served; or
- (b) if an appeal is made against the order under section 23—the appeal is finally determined.
- (9) For the purposes of subsection (4)(c), a person is to be regarded as not having provided an address to the Registrar if—
 - (a) a registered letter is sent to the person at the last registered address provided by the person to the Registrar; and
 - (b) the person fails to acknowledge receipt of the letter within 12 months after the date on which the letter is sent.”.

54. Part 13 heading added

Before section 16—

Add**“Part 13****Practice Premises”.****55. Section 16 amended (inspection of premises used for the practice of dentistry)**

(1) Section 16, Chinese text, heading—

Repeal

“牙醫”

Substitute

“牙科”。

(2) Section 16—

Repeal subsection (1)

Substitute

“(1) A public officer may, with the written authorization of the Council, exercise any or all of the powers specified in subsection (1A), for the purpose of conducting an investigation as to whether a person has done, is doing or is about to do an act that may render the person liable to an inquiry mentioned in section 18.

(1A) The powers are—

- (a) to enter any premises used or proposed to be used for the practice of dentistry;
- (b) after entering the premises—
 - (i) to inspect the premises;
 - (ii) to observe any procedure or test carried out on the premises;
 - (iii) to take any photograph and video recording on the premises;
 - (iv) to do anything necessary for ascertaining whether a person has done, is doing or is about to do an act that may render the person liable to an inquiry mentioned in section 18.

(1B) The public officer must, if requested, produce the Council’s authorization for inspection.”

(3) Section 16(2)—

Repeal

“inspection of premises used or proposed to be used for the practice of dentistry”

Substitute

“exercise of a power specified in subsection (1A)”.

(4) After section 16(2)—

Add

“(3) For the purposes of subsections (1) and (1A), a reference to an act includes an omission.”.

56. Section 17 amended (premises unsuitable for the practice of dentistry)

(1) Section 17, Chinese text, heading—

Repeal

“牙醫”

Substitute

“牙科”。

(2) Section 17—

Repeal

“No registered dentist shall practise dentistry in”

Substitute

“A registrant must not practise dentistry on”.

57. Part 14 heading added

Before section 18—

Add

“Part 14**Matters relating to Inquiry or Hearing by Council
or Health Committee”.****58. Section 18 amended (disciplinary inquiries by the Council)**

(1) Section 18(1)—

Repeal

“If, after due inquiry into any”

Substitute

“This section applies if, after due inquiry into a”.

(2) Section 18(1), English text—

Repeal

“the Preliminary”

Substitute

“a Preliminary”.

(3) Section 18(1)—

Repeal

“any registered dentist”

Substitute

“a registrant”.

(4) Section 18(1)(a)—

Repeal

“; or”

Substitute a semicolon.

(5) Section 18(1)(b)—

Repeal

“guilty of unprofessional conduct; or”

Substitute

“found guilty in Hong Kong or elsewhere of unprofessional conduct;”.

(6) Section 18(1)(c) and (ca)—

Repeal

“; or”

Substitute a semicolon.

(7) Section 18(1)(d)—

Repeal

“his registration qualified to be registered; or”

Substitute

“registration eligible to be registered;”.

(8) Section 18(1)(e)—

Repeal

“the provisions of section 17,”

Substitute

“section 17;”.

(9) Section 18(1)—

Repeal everything after paragraph (e)**Substitute**

(f) has contravened section 15G(2);

(g) has contravened any condition imposed under section 9D, 9H, 9K or 15E, or specified under section 11A or 15H; or

(h) has contravened any provision in a code of practice issued under section 27B.”.

(10) After section 18(1)—

Add

- “(1AA) The Council may—
- (a) if the registrant is a registered dentist or a person with provisional registration—
 - (i) order the name of the registrant to be removed from the General Register permanently; or
 - (ii) order the name of the registrant to be removed from the General Register with a right to apply for restoration under section 27A after the expiry of a period that it considers appropriate;
 - (b) if the registrant is a registered dental care professional—
 - (i) order the name of the registrant to be removed from the Register of Dental Care Professionals permanently;
 - (ii) order the name of the registrant to be removed from the Register of Dental Care Professionals with a right to apply for restoration under section 27A after the expiry of a period that it considers appropriate; or
 - (iii) if the registrant is a registered dental care professional for more than one class—
 - (A) order the name of the registrant to be removed from any one or more parts of the Register of Dental Care Professionals permanently; or
 - (B) order the name of the registrant to be removed from any one or more parts of the Register of Dental Care Professionals with a right to apply for restoration under

section 27A after the expiry of a period that it considers appropriate;

- (c) order the registrant to be reprimanded; or
 - (d) make any other order that it considers appropriate, but no such order may be of greater severity than that mentioned in paragraph (a), (b) or (c).
- (1AAB) To avoid doubt, if the registrant is both a registered dentist or a person with provisional registration and a registered dental care professional, the Council may make any one or more of the orders under subsection (1AA)(a) and (b) against the registrant.
- (1AAC) The Council may also make any order that the Council considers appropriate with regard to the payment of the costs of any one or more of the following persons—
- (a) the Secretary;
 - (b) the complainant;
 - (c) a solicitor or counsel present at the inquiry;
 - (d) the registrant.
- (1AAD) Any costs awarded under subsection (1AAC) may be recovered summarily as a civil debt in accordance with the Magistrates Ordinance (Cap. 227).”.
- (11) Section 18(1A)—
- Repeal**
- “(1)(i) to (iii)”
- Substitute**
- “(1AA)(a), (b) and (c)”.
- (12) Section 18(1A)—
- Repeal**
- “registered dentist under subsection (1)(a) to (e) or he”

Substitute

“registrant under subsection (1) or the registrant”.

(13) Section 18—

Repeal subsection (2).

(14) Section 18(3)—

Repeal

“registered dentist”

Substitute

“registrant”.

(15) Section 18—

Repeal subsection (4).

(16) Section 18(5)—

Repeal

“in accordance with the provisions of subsection (1) may be made to the Court of Appeal in accordance with the provisions of”

Substitute

“under subsection (1AA) or (1AAC) may be made to the Court of Appeal under”.

(17) Section 18(5)—

Repeal

“shall, in the case of an order made under subsection (1)(i) to (iii), and may, in the case of an order made under subsection (1)(iv)”

Substitute

“must, in the case of an order made under subsection (1AA)(a), (b) or (c), and may, in the case of an order made under subsection (1AA)(d)”.

59. Section 18A added

After section 18—

Add**“18A. Powers of Council in relation to registrant’s fitness to practise**

(1) This section applies if—

(a) the Health Committee makes a recommendation in respect of a registrant under section 5O(1); and

(b) either—

(i) the time for appeal against the recommendation under section 5Q has expired and there is no appeal; or

(ii) the Council has, on an appeal by the registrant, affirmed the recommendation under section 5Q.

(2) If the Council is satisfied that the registrant is physically or mentally unfit to practise dentistry, the Council may exercise any one or more of the following powers—

(a) order the name of the registrant to be removed from the General Register or Register of Dental Care Professionals permanently;

(b) order the name of the registrant to be removed from the General Register or Register of Dental Care Professionals with a right to apply for restoration under section 27A after the expiry of a period that it considers appropriate;

(c) where an order mentioned in paragraph (a) or (b) (*removal order*) is made—order that the operation of the removal order be suspended so that, subject to the condition (*relevant condition*) that the Council

- considers appropriate, the removal order does not take effect unless, during a period, or periods in aggregate, not exceeding 3 years, the registrant is found by the Council to be in contravention of the relevant condition;
- (d) where a removal order is made—order that the removal order takes effect on its publication in the Gazette if the Council is satisfied that it is necessary to do so for the protection of the public or in the best interest of the registrant.
- (3) If a removal order is made without an order mentioned in subsection (2)(d) being made at the same time—
- (a) if an appeal against the order is made under section 23, the Council must, within 1 month after the appeal is finally determined, publish in the Gazette—
- (i) if the order is not varied on appeal—the order; or
- (ii) if the order is varied on appeal—the order as varied; or
- (b) if no appeal against the order is made under section 23 on the expiry of the period within which such an appeal may be made—the Council must publish the order in the Gazette within 1 month after the expiry of the period.
- (4) If an order mentioned in subsection (2)(d) is made at the same time as a removal order is made, the Council must, as soon as practicable after the orders are made, publish the orders in the Gazette.
- (5) If an order is published in the Gazette under subsection (3) or (4), the Council—

- (a) must publish with the order sufficient particulars to inform the public of the nature of the matter to which the order relates; and
- (b) may publish with the order an account of the proceedings at the hearing at which the order was made.”.
60. **Section 19 amended (powers of Council with regard to obtaining evidence and the conduct of proceedings)**
- (1) Section 19, heading—
- Repeal**
“with regard to obtaining evidence and the conduct of”
Substitute
“and Health Committee as regards”.
- (2) Section 19(1)—
- Repeal**
“under section 9 or 18, the Council shall have”
Substitute
“mentioned in section 9A, 15E or 18, the Council has”.
- (3) Section 19(1)(e), Chinese text, after “而”—
- Add**
“可能”.
- (4) After section 19(1)—
- Add**
“(1A) For the purposes of a hearing conducted under section 5O(1)(a), the Health Committee has the following powers—
- (a) to hear, receive and examine evidence on oath;

- (b) to summon a person to attend the hearing or to give evidence or produce any document or other thing in the person's possession and to examine the person as a witness or require the person to produce any document or other thing in the person's possession, subject to all just exceptions;
- (c) to award a person summoned to attend the hearing any sum or sums that, in the opinion of the Health Committee, may have been reasonably expended by the person because of the person's attendance.

(1B) A hearing by the Health Committee must be held in private.”.

(5) Section 19—

Repeal subsection (2)

Substitute

- “(2) Summonses to witnesses must be signed by—
- (a) for an inquiry by the Council—the Chairperson; or
 - (b) for a hearing by the Health Committee—the chairperson of the Committee.
- (3) If it appears to the Council or Health Committee that it is necessary to do so in the interest of the complainant, the registrant concerned or any witness concerned, the Council or Health Committee may order that all or any information relating to the hearing must not be disclosed.
- (4) A person who fails to comply with an order made under subsection (3) commits an offence and is liable on summary conviction to a fine at level 3 and to imprisonment for 6 months.”.

61. Section 20 amended (penalty for failure to give evidence)

(1) Section 20—

Repeal

“under section 9 or 18”

Substitute

“mentioned in section 9A, 15E or 18”.

(2) Section 20, before “refuses”—

Add

“or a hearing conducted under section 50(1)(a)”.

(3) Section 20, before “commits”—

Add

“or Health Committee”.

(4) Section 20, proviso—

Repeal

“before the Council”

Substitute

“in the inquiry or hearing”.

62. Section 21 amended (appearance of counsel, etc.)

(1) Section 21—

Renumber the section as section 21(1).

(2) Section 21(1)—

Repeal

“under section 9”

Substitute

“mentioned in section 9A, 15E”.

(3) After section 21(1)—

Add

“(2) The person whose fitness to practise is the subject of a hearing by the Health Committee is entitled to be assisted by a solicitor or counsel at the hearing.”.

63. Section 22 amended (provisions relating to orders of the Council)

(1) Section 22, heading—

Repeal

“relating to orders of the Council”

Substitute

“for Council’s orders under sections 18 and 18A”.

(2) Section 22—

Repeal subsections (1) and (2)

Substitute

“(1) Subject to subsections (2) and (3), the Registrar may remove from the General Register or Register of Dental Care Professionals the name of a registrant whose name is ordered to be removed under section 18 or 18A.

(2) The Registrar must cause a copy of an order made under section 18 or 18A in respect a registrant to be served on the registrant as soon as practicable after it is made.”.

(3) Section 22—

Repeal subsection (2A).

(4) Section 22—

Repeal subsection (3)

Substitute

“(3) The Registrar must not remove the name of a registrant from the General Register or Register of Dental Care Professionals in accordance with an order made under section 18 or 18A before—

(a) subject to paragraph (b), the expiry of 1 month after the date on which a copy of the order is served under subsection (2); or

(b) if an appeal is made against the order under section 23—the appeal is finally determined.”.

(5) Section 22(4)—

Repeal

“as aforesaid shall”

Substitute

“under section 18 or 18A must”.

64. Part 15 heading added

Before section 23—

Add

“Part 15

Appeal”.

65. Section 23 amended (appeals)

(1) Section 23(1)—

Repeal paragraph (a)

Substitute

“(a) a person whose application for registration is rejected by the Registrar under section 7E;

(ab) a person whose application for registration is rejected by the Council under section 9A, 9D, 9H or 9K;

(ac) a person whose application for registration is rejected by the Council under section 15E;”.

- (2) Section 23(1)(c)—

Repeal

“any registered dentist”

Substitute

“a person”.

- (3) Section 23(1)(c)—

Repeal

“under section 15, 15A(2) or 18,”

Substitute

“or her under section 15, 15A(2), 15K, 18 or 18A;”.

- (4) After section 23(1)(c)—

Add

- “(d) a person whose application for a practising certificate is rejected under section 11A or 15H;
- (e) a person who is aggrieved by the Council’s decision to impose a condition under section 9D, 9H, 9K or 15E;
- (f) a person whose application for restoration is rejected by the Council under section 27A;”.

- (5) Section 23(1)—

Repeal

“against.”

Substitute

“against and (if applicable) may exercise any power that the Council may exercise.”.

- (6) Section 23(3A)(a)—

Repeal

“9, 15A(2) or 18”

Substitute

“15, 15A(2), 15K, 18 or 18A”.

- (7) Section 23(3A)(a)—

Repeal

“22(1)”

Substitute

“15(6), 15A(6), 15K(7) or 22(2) (if service of a copy of the order is required under that section)”.

- (8) After section 23(3A)(a)—

Add

- “(ab) hear an appeal against a decision made under section 7E, 9A, 9D, 9H, 9K, 15E or 27A to reject an application unless notice of the appeal was given within 1 month after the notice of the decision was given under that section;
- (ac) hear an appeal against a decision to impose a condition under section 9D, 9H, 9K or 15E unless notice of the appeal was given within 1 month after the notice of the decision was given under that section; and”.

66. Part 16 heading added

Before section 24—

Add**“Part 16****Offences”.****67. Section 25 amended (penalty for falsely pretending to be or taking or using the name or title of a dentist)**

- (1) Section 25(1)—

Repeal

“A”

Substitute

“Subject to subsection (1A), a”.

- (2) Section 25(1)—

Repeal paragraph (a)**Substitute**

“(a) the person is not any of the following—

- (i) a registered dentist;
- (ii) a person deemed to be a registered dentist under this Ordinance;
- (iii) a person with provisional registration; and”.

- (3) Section 25(1)(b), English text—

Repeal

“he wilfully”

Substitute

“the person wilfully”.

- (4) Section 25(1)(b)(iii), English text—

Repeal

“he”

Substitute

“the person”.

- (5) Section 25(1)(b)(iii)—

Repeal sub-subparagraph (B)**Substitute**

“(B) is qualified to practise dentistry.”.

- (6) Section 25(1), Chinese text, before “即屬犯罪”—

Add

“該人”.

- (7) After section 25(1)—

Add

“(1A) An enrolled dental hygienist (within the meaning of the Ancillary Dental Workers (Dental Hygienists) Regulations (Cap. 156 sub. leg. B)) does not commit an offence under subsection (1) because he or she takes or uses any name, title, addition or description implying (whether in itself or in the circumstances in which it is used) that he or she is qualified to undertake the kinds of dental work prescribed in regulation 6(1) of those Regulations.”.

- (8) Section 25—

Repeal subsection (1A)**Substitute**

“(1A) A registered dental care professional of a class specified in column 1 of Part 1 of Schedule 3 does not commit an offence under subsection (1) because he or she takes or uses any name, title, addition or description implying (whether in itself or in the circumstances in which it is used) that he or she is qualified to provide any service specified in column 3 of that Part opposite the class.”.

68. Section 25B added

After section 25A—

Add

“25B. Penalty for falsely pretending to be or taking or using name or title of dental care professional

- (1) Subject to subsection (2), a person commits an offence if—
- (a) the person is not a registered dental care professional of a class specified in column 1 of Part 1 of Schedule 3 (*specified class*); and
 - (b) the person wilfully or falsely—
 - (i) pretends to be a dental care professional of the specified class;
 - (ii) takes or uses the name or title of a dental care professional of the specified class; or
 - (iii) takes or uses any name, title, addition or description implying (whether in itself or in the circumstances in which it is used) that the person—
 - (A) is a dental care professional of the specified class; or
 - (B) is qualified to provide any service specified in column 3 of that Part opposite the specified class.
- (2) A registered dentist, a person deemed to be a registered dentist under this Ordinance or a person with provisional registration does not commit an offence under subsection (1) because he or she takes or uses any name, title, addition or description implying (whether in itself or in the circumstances in which it is used) that he or she is qualified to provide any service specified in column 3 of Part 1 of Schedule 3.

- (3) A person who commits an offence under subsection (1) is liable on summary conviction to a fine at level 6 and to imprisonment for 3 years.”.

69. Section 26 repealed (penalty for registered dentist falsely describing his vocation)

Section 26—

Repeal the section.**70. Section 27 substituted**

Section 27—

Repeal the section**Substitute****“27. Liability of registrants for allowing another to contravene certain requirements of this Ordinance**

- (1) A registrant who allows another person who is not a registrant to practise dentistry on any premises used by or under the control of the registrant commits an offence.
- (2) A registrant who, by his or her presence, countenance, advice, assistance or cooperation, knowingly enables a person who is not a registrant to practise dentistry commits an offence.
- (3) If—
- (a) a registrant knows or has reason to believe that another person—
 - (i) is not a registrant; but
 - (ii) practises dentistry on any premises; and
 - (b) the registrant practises dentistry on the premises, the registrant commits an offence.

- (4) A person who commits an offence under subsection (1), (2) or (3) is liable on summary conviction to a fine at level 3 and to imprisonment for 6 months.
- (5) If a person is charged with an offence under subsection (1) or (2), it is a defence to establish that—
 - (a) the commission of the offence was due to a mistake on the person's part, or due to reliance on information supplied to the person, or due to the act of another person or any other cause beyond the person's control; and
 - (b) the person exercised all due diligence to avoid committing the offence.
- (6) A person charged with an offence under subsection (1) or (2) is taken to have established a matter that needs to be established for a defence under subsection (5) if—
 - (a) there is sufficient evidence to raise an issue with respect to the matter; and
 - (b) the contrary is not proved by the prosecution beyond reasonable doubt.
- (7) For the purposes of this Ordinance, a person is to be regarded as not being a registrant if the person—
 - (a) is a registered dental care professional of a class specified in column 1 of Part 1 of Schedule 3; and
 - (b) practises dentistry by providing a service that is not one specified in column 3 of that Part opposite the class.”.

71. Part 17 heading added

After section 27—

Add**“Part 17****Miscellaneous”.****72. Sections 27A to 27D added**

Before section 28—

Add**“27A. Restoration of persons whose names have been removed from registers**

- (1) This section applies if—
 - (a) the name of a person was removed from a part of the General Register or Register of Dental Care Professionals (*original part*); and
 - (b) either—
 - (i) the name was so removed on an order made under section 18 or 18A with a right to apply for restoration under this section after the expiry of a period; or
 - (ii) the name was so removed on an order made under section 15(3) or 15K(4).
- (2) The person may apply to the Council for the restoration of the person's name to the original part.
- (3) The application must—
 - (a) for subsection (1)(b)(i)—be made after the expiry of the period mentioned in that subsection;
 - (b) be made in the specified form; and
 - (c) if the original part is Part 1 of the General Register—indicate the applicant's wish, if the application is approved, to have the applicant's

- name contained in the practising list or the non-practising list.
- (4) The Council may, after any inquiry and subject to any condition that it considers appropriate, approve or reject the application.
 - (5) The Council must notify the Registrar of—
 - (a) the Council's decision; and
 - (b) if the application is rejected—the reason for it.
 - (6) On receiving a notification under subsection (5), the Registrar must—
 - (a) if the application is approved—
 - (i) notify the applicant in writing of the Council's decision; and
 - (ii) after the prescribed fee has been paid, restore the applicant's name to the original part; or
 - (b) if the application is rejected, notify the applicant in writing of the Council's decision and the reason for it.
 - (7) If, before the name was removed, the person was a person with limited registration or a person with special registration, the registration of the person effected by the restoration of the person's name under this section is to be in force until the earliest of the following—
 - (a) the expiry of the period specified under section 9D(3)(a) or 9K(3)(a) in respect of the limited registration or special registration;
 - (b) the termination of the person's employment mentioned in section 9D(2)(a) or 9K(2)(a);
 - (c) the removal of the person's name from Part 3 or 5 of the General Register under an order made under section 15, 18 or 18A.

- (8) If the original part is Part 1 of the General Register, the Register must enter the applicant's name in the practising list or the non-practising list according to the wish indicated under subsection (3)(c).

27B. Council may issue code of practice

- (1) The Council may issue a code of practice for any or all of the following purposes—
 - (a) setting the standards of conduct and practice for registrants in relation to the practice of dentistry;
 - (b) providing guidelines regarding the activities of registrants in relation to the practice of dentistry.
- (2) The Council—
 - (a) may issue different codes of practice for different classes of registrants; and
 - (b) may issue different codes of practice for different purposes.
- (3) The Council may from time to time revise or revoke the whole, or any part, of a code of practice.
- (4) The Secretary must, as soon as practicable after the registration of a person, cause a copy of a code of practice that applies to the person to be sent to the person.
- (5) If any part of a code of practice that applies to a person is revised under subsection (3), the Secretary must, as soon as practicable after the revision, cause a copy of the revised part of the code of practice to be sent to the person.
- (6) If a code of practice issued or revised under this section (or any part of the code of practice) (*former provision*) is inconsistent with this Ordinance or regulations made under section 29 (*latter provision*), the latter provision prevails over the former provision.

27C. Registrar may request provision of means of contact

The Registrar may request a person to provide to the Registrar a means of contact (other than an address) for the purposes of section 27D(2)(c).

27D. Means of service etc.

- (1) This section applies in relation to the following documents—
 - (a) a notice required to be given to a person under section 5Q(1), 7E(2), 9A(5), 9D(5), 9H(4), 9K(5), 12B(5)(b) or (11), 12F(4) or (6), 15E(6) or 27A(6);
 - (b) a copy of an order required to be served on a person under section 15(6), 15A(6), 15K(7) or 22(2);
 - (c) a copy of a code of practice, or the revised part of a code of practice, required to be sent to a person under section 27B(4) or (5); and
 - (d) a summons mentioned in section 19(2).
- (2) The document is to be regarded as having been given or sent to, or served on, a person if—
 - (a) it is delivered personally;
 - (b) it is sent by post—
 - (i) if the person is a registrant—to the last registered address provided by the person to the Registrar; or
 - (ii) if the person is not a registrant—to the person's address last known to the Registrar; or
 - (c) it is sent by using a means of contact provided under section 27C.

- (3) The document is, in the absence of evidence to the contrary, to be regarded as having been given or sent to, or served on, a person—
 - (a) if it is delivered personally—on the day on which it is delivered;
 - (b) if it is sent by post—on the day after the day on which it is sent; or
 - (c) if it is sent by using a means of contact provided under section 27C—on the day on which it is sent.”.

73. Section 28 amended (forfeiture)

Section 28(1), after “3(1)”—

Add

“or (1B)”.

74. Section 29 amended (regulations)

- (1) Section 29(1A)(a)—

Repeal

“duties”

Substitute

“functions”.

- (2) Section 29(1A)(b)—

Repeal

“duties”

Substitute

“functions”.

- (3) Section 29(1A)(b)—

Repeal

“the Legal Adviser;”

Substitute

“a Legal Adviser; and”.

- (4) Section 29(1A)(c)—

Repeal

“duties”

Substitute

“functions”.

- (5) Section 29(1A)(c)—

Repeal

“Secretary;”

Substitute

“Secretary.”.

- (6) Section 29(1A)—

Repeal paragraph (d).

- (7) After section 29(1A)—

Add

“(1AB) The Permanent Secretary for Health may by regulation provide for the procedure and other matters relating to an election for appointment to the Council under section 4, including the qualifications of candidates, the eligibility requirements for electors and subscribers for a nomination form, the particulars of any system of voting and counting, the determination of election results and questioning of the results.”.

- (8) Section 29(1B)(a)—

Repeal

“the form of the General Register and”.

- (9) Section 29(1C)(a), after “Council”—

Add

“, a committee established under section 5AC or a subcommittee established under section 5AD, and the procedure to be followed by the members of the Council, committee or subcommittee”.

- (10) Section 29(1C)(b)—

Repeal

“registered dentist”

Substitute

“registrant”.

- (11) Section 29(1C)(b)—

Repeal

“under section 9 or 18”.

- (12) Section 29(1C)(b)—

Repeal

everything after “information about”

Substitute

“a registrant or an applicant for registration;”.

- (13) Section 29(1C)(ba), English text—

Repeal

“chairman of the”

Substitute

“chairperson of a”.

- (14) Section 29(1C)(c), English text—

Repeal

“the Preliminary”

Substitute

“a Preliminary”.

- (15) Section 29(1C)(c)—

Repeal

“under section 9 or 18”.

- (16) Section 29(1C)(d)(i), (ii) and (iv), English text—

Repeal

“the Preliminary”

Substitute

“a Preliminary”.

- (17) Section 29(1C)(d)(v)—

Repeal

“Ordinance;”

Substitute

“Ordinance; and”.

- (18) After section 29(1C)(d)(v)—

Add

“(vi) reviews and appeals under this Ordinance;”.

- (19) After section 29(1C)(d)—

Add

“(da) the procedure and other matters relating to an election for appointment to the Council under section 4, including the qualifications of candidates, the eligibility requirements for electors and subscribers for a nomination form, the particulars of any system of voting and counting, the determination of election results and questioning of the results;

(db) the regulation of the activities of registrants in relation to the practice of dentistry; and”.

- (20) Section 29(1D), after “(1A)” (wherever appearing)—

Add

“, (1AB)”.

- (21) After section 29(1D)(a)—

Add

“(ab) provide for any incidental, supplemental, evidential, consequential, savings and transitional provisions that are necessary and expedient in consequence of the regulations; and”.

- (22) Section 29(2)—

Repeal

“dentists”

Substitute

“persons”.

75. Section 29A amended (power of Council to specify forms, etc.)

- (1) Section 29A(1)—

Repeal paragraphs (a) and (b)

Substitute

“(a) the form and manner of making an application under this Ordinance; and

(b) the form of a certificate or any other document required, or authorized, to be issued under this Ordinance.”.

- (2) Section 29A(2)(a)—

Repeal

“the registered dentist”

Substitute

“a person”.

- (3) Section 29A(2)(b)—

Repeal

“dentist’s”

Substitute

“person’s”.

76. Sections 29B and 29C added

After section 29A—

Add**“29B. Secretary for Health may give directions**

- (1) The Secretary for Health may, if the Secretary for Health considers it is in the public interest, give written directions of a general or specific character to the Council in relation to the performance of its functions.
- (2) The Council must comply with any direction given under subsection (1).

29C. Amendment of Schedules

- (1) The Council may, subject to the approval of the Legislative Council, amend Schedule 1 by notice published in the Gazette.
- (2) Subject to the approval of the Secretary for Health, the Council may, by notice published in the Gazette, amend Schedule 2.
- (3) The Secretary for Health may, by notice published in the Gazette, amend Schedule 3, 4, 5, 6, 7, 8, 10 or 11.
- (4) The Council may, by notice published in the Gazette, amend Schedule 9.”.

77. Section 30 amended (exemptions from sections 9, 10 and 14)

- (1) Section 30, heading—

Repeal

“sections 9, 10 and 14”

Substitute

“requirements relating to provision of address and registration etc.”.

- (2) Section 30(1)—

Repeal

“dentists”

Substitute

“registrants”.

- (3) Section 30(1)—

Repeal

“10(3) and (5) and 14”

Substitute

“12G and 15I”.

- (4) Section 30(2)—

Repeal

“sections 9, 10 and 14 shall”

Substitute

“Divisions 3, 4, 5, 6 and 7 of Part 11, and sections 11A and 12G do”.

- (5) Section 30(3)(a)—

Repeal

“3; and”

Substitute

“3,”.

(6) Section 30(3)—
Repeal paragraph (b).

(7) Section 30—
Repeal subsection (3).

(8) Section 30(4)—
Repeal
everything before “, unless”

Substitute

“(4) All registrants in the full-time service of the Hospital Authority are exempt from sections 12G and 15I”.

78. Section 31 amended (exemptions)

(1) Section 31(2)—
Repeal
“, dental therapists”.

(2) Section 31(2)—
Repeal
“dental hygienists”

Substitute

“dental care professionals”.

(3) Section 31(3)—
Repeal

“dental therapists”

Substitute

“dental care professionals”.

(4) After section 31(3)—

Add

“(4) This Ordinance does not prevent the operation of an irradiating apparatus by a person authorized to operate the apparatus under regulation 26 of the Radiation (Control of Irradiating Apparatus) Regulations (Cap. 303 sub. leg. B).”.

79. Sections 33 and 34 added

After section 32—

Add

“33. Savings and transitional provisions for Dentists Registration (Amendment) Ordinance 2024 (of 2024)

The savings and transitional provisions in Schedule 11 have effect.

34. Regulations for consequential amendments consequent on enactment of Dentists Registration (Amendment) Ordinance 2024 (of 2024)

(1) The Secretary for Health may by regulation make consequential or related amendments to any enactment as are necessary consequent on the enactment of the Amendment Ordinance.

(2) For the purposes of subsection (1), regulations made under that subsection may include savings and transitional provisions relating to the consequential or related amendments.

(3) Regulations made under subsection (1) may provide for any provision of the regulations to take effect on a date earlier than the date of publication of the regulations (*publication date*) but not earlier than the day on which

section 79 of the Amendment Ordinance comes into operation.

- (4) To the extent to which a provision of regulations made under subsection (1) takes effect on a date earlier than the publication date, the provision does not operate so as—
- (a) to affect, in a way prejudicial to any person (other than the Government or a public body), the rights of that person before the publication date; or
- (b) to impose liabilities on a person (other than the Government or a public body) in respect of anything done, or omitted to be done, before the publication date.

- (5) In this section—

Amendment Ordinance (《修訂條例》) means the Dentists Registration (Amendment) Ordinance 2024 (of 2024).”.

80. Schedule amended (universities in Hong Kong specified for purposes of section 8 of this Ordinance)

- (1) The Schedule—

Renumber the Schedule as Schedule 1.

- (2) Schedule 1, heading—

Repeal

“Section 8 of this Ordinance”

Substitute

“Definition of *Qualifying Degree in Dentistry* in Section 2(1)”.

- (3) Schedule 1—

Repeal

“[s. 8]”

Substitute

“[ss. 2 & 29C]”.

81. Schedules 2 to 11 added

After Schedule 1—

Add

“Schedule 2

[ss. 2A & 29C]

Services Specified for Meaning of *Practising Dentistry*

1. Examine the condition of the mouth, teeth or jaws of another person, or their associated structures, to facilitate the diagnosis or treatment of any disease, pain, disorder, deficiency, deformity, discolouration, lesion or injury of the mouth, teeth, jaws or structures, including, without limiting the provision above, the taking of a digital impression with an intra-oral scanner
2. Diagnose or treat any disease, pain, disorder, deficiency, deformity, discolouration, lesion or injury of the mouth, teeth or jaws of another person, or their associated structures
3. Perform any procedure or operation on another person that is adjunctive to a service mentioned in item 1 or 2
4. Prescribe, apply or insert any substance, artificial tooth, filling, device, appliance or prosthesis for the alteration, restoration,

regulation or improvement of the mouth, teeth or jaws of another person, or their associated structures, including, without limiting the provision above—

- (a) the carrying out of dental bleaching or teeth whitening procedure;
- (b) the prescription of clear aligner; and
- (c) the carrying out of teeth veneering procedure

Schedule 3

[ss. 2A, 2C, 3, 15D, 15E, 15F, 15G, 15H, 25, 25B, 27 & 29C]

Matters relating to Dental Care Professionals

Part 1

Classes of Dental Care Professionals and Scope of Practice

Column 1	Column 2	Column 3	Column 4
Class	Category	Service	Conditions
Dental hygienist	1	(a) The cleaning and polishing of those parts of the surface of the teeth of	Nil

Column 1	Column 2	Column 3	Column 4
Class	Category	Service	Conditions
		another person that are not covered by the gums	
	(b)	The application to the teeth of another person of any topical fluoride, fissure sealant, or other similar preventive agent	Nil
	(c)	The taking of a radiograph intra-orally or extra-orally for the examination of the mouth, teeth or jaws of another person, or their associated structures	The condition set out in section 1 of Part 2 of this Schedule
	(d)	The scaling of the teeth of another person (that is to say the removal of calculus deposits and stains from those parts of the surface of the teeth that are exposed or	The conditions set out in sections 1 and 2 of Part 2 of this Schedule

Column 1	Column 2	Column 3	Column 4
Class	Category	Service	Conditions
Dental therapist	1	that are beneath the free margins of the gums, including the application of medicaments)	
		(a) The cleaning and polishing of those parts of the surface of the teeth of another person that are not covered by the gums	Nil
		(b) The application to the teeth of another person of any topical fluoride, fissure sealant, or other similar preventive agent	Nil
		(c) The taking of a radiograph intra-orally or extra-orally for the examination of the mouth, teeth or jaws of another person, or their	The condition set out in section 1 of Part 2 of this Schedule

Column 1	Column 2	Column 3	Column 4
Class	Category	Service	Conditions
		associated structures	
		(d) The scaling of the teeth of another person (that is to say the removal of calculus deposits and stains from those parts of the surface of the teeth that are exposed or that are beneath the free margins of the gums, including the application of medicaments)	The conditions set out in sections 1 and 2 of Part 2 of this Schedule
		(e) The filling of a tooth set out below of another person (that is to say the carrying out of cavity preparation and the subsequent insertion of any lining, base, dressing or permanent filling)—	The conditions set out in sections 1, 2 and 3 of Part 2 of this Schedule

Column 1	Column 2	Column 3	Column 4
Class	Category	Service	Conditions
		(i) a decayed tooth; or	
		(ii) a tooth with a dental anomaly	
	(f)	The carrying out of an indirect pulp capping on a tooth of another person	The conditions set out in sections 1, 2 and 3 of Part 2 of this Schedule
	(g)	The direct restoration of an incisor of another person that is fractured due to a trauma	The conditions set out in sections 1, 2 and 3 of Part 2 of this Schedule
	(h)	The carrying out of primary tooth pulpotomy on another person	The conditions set out in sections 1 and 2 of Part 2 of

Column 1	Column 2	Column 3	Column 4
Class	Category	Service	Conditions
			this Schedule
	(i)	The extraction of a tooth set out below of another person using dental forceps (that is to say the extraction of a tooth without incision)—	The conditions set out in sections 1, 2 and 3 of Part 2 of this Schedule
		(i) a primary tooth;	
		(ii) a decayed tooth; or	
		(iii) a mobile permanent tooth	
	(j)	The extraction of an erupted permanent tooth of another person using dental forceps (that is to say the extraction of a tooth without incision)—	The conditions set out in sections 1, 2 and 3 of Part 2 of this Schedule

Column 1	Column 2	Column 3	Column 4
Class	Category	Service	Conditions
		(i) for orthodontic purpose; or	
		(ii) for management of a dental anomaly	

Part 2

Conditions

1. Before the service is provided by the registered dental care professional concerned to another person (*patient*), a registered dentist or a person with provisional registration—
 - (a) has assessed the medical history of, and examined, the patient; and
 - (b) has, based on the assessment and examination, prescribed that the service is to be provided to the patient.
2. The service is provided on any premises by the registered dental care professional concerned in accordance with the directions of a registered dentist or a person with provisional registration who is present on the premises at all times when the service is provided.
3. Either—

- (a) the patient is under the age of 18 years; or
- (b) if the patient has attained the age of 18 years—
 - (i) the registered dental care professional concerned has completed a training programme recognized by the Council for the purposes of this section; or
 - (ii) a consultant dental surgeon appointed by the Director of Health for this purpose has certified that the registered dental care professional concerned is capable of providing the service on the ground that the registered dental care professional has acquired adequate relevant knowledge and experience, and is competent, in the provision of dental services.

Part 3

Qualifications

1. Persons specified for class of dental hygienist

The person specified for the purposes of the class of dental hygienist is—

- (a) a person who holds a Higher Diploma in Dental Hygiene awarded by The Prince Philip Dental Hospital and the School of Professional and Continuing Education of the University of Hong Kong;
- (b) a person who has completed a training programme in dental hygiene that is recognized by the Council for registration as a registered dental care professional in the class of dental hygienist;

- (c) a person who has completed a training programme in dental hygiene solely or jointly organized by the Department of Health that is recognized by the Director of Health for registration as a registered dental care professional in the class of dental hygienist; or
- (d) a person whose name is recorded, immediately before the commencement date of this paragraph, on a roll maintained under regulation 4(2) of the Ancillary Dental Workers (Dental Hygienists) Regulations (Cap. 156 sub. leg. B) as in force immediately before that date.

2. Persons specified for class of dental therapist

The person specified for the purposes of the class of dental therapist is—

- (a) a person who holds an Advanced Diploma in Dental Therapy awarded by the School of Professional and Continuing Education of the University of Hong Kong;
- (b) a person who has completed a training programme in dental therapy that is recognized by the Council for registration as a registered dental care professional in the class of dental therapist;
- (c) a person who has completed a training programme in dental therapy solely or jointly organized by the Department of Health that is recognized by the Director of Health for registration as a registered dental care professional in the class of dental therapist; or
- (d) a person who has at any time served in the grade of dental therapist in the Government, other than a

person who has only served at the rank of student dental therapist.

Schedule 4

[ss. 2 & 29C]

Schedule 4 Institutions (Limited Registration)

1. Department of Health
2. Hospital Authority
3. The University of Hong Kong
4. The Prince Philip Dental Hospital

Schedule 5

[ss. 2 & 29C]

Schedule 5 Institutions (Special Registration)

1. Department of Health
2. Hospital Authority

3. The University of Hong Kong
 4. The Prince Philip Dental Hospital
-

Schedule 6

[ss. 2 & 29C]

Schedule 6 Institutions (Internship)

1. Department of Health
 2. Hospital Authority
-

Schedule 7

[ss. 2 & 29C]

Schedule 7 Institutions (Period of Assessment)

1. Department of Health
 2. Hospital Authority
-

Schedule 8

[ss. 8A, 8B & 29C]

Specified Period

Part 1

Internship

12 months

Part 2

Period of Assessment

12 months

Schedule 9

[ss. 5AE & 29C]

**Provisions with respect to Committee Established
under Section 5AC and Subcommittee
Established under Section 5AD**

1. Interpretation

In this Schedule—

committee (委員會) means a committee established under section 5AC;

subcommittee (委員會小組) means a subcommittee established under section 5AD.

2. Terms of members

- (1) Subject to subsection (3) and section 3 of this Schedule, a member of a committee (other than one established under section 5AC(2))—
 - (a) holds office for the period specified in the member's letter of appointment; and
 - (b) is eligible for reappointment.
- (2) Subject to subsection (3) and section 3 of this Schedule, a member of a subcommittee—
 - (a) holds office for the period specified in the member's letter of appointment; and
 - (b) is eligible for reappointment.
- (3) A member of a committee or subcommittee may at any time resign by giving written notice to the Chairperson or Secretary.

3. Vacation of office

If an order is made under section 18 or 18A in respect of a member of a committee or subcommittee, the member ceases to be such a member.

4. Temporary members

- (1) If a member of a committee is temporarily unable to perform the functions as a member of the committee during a period, another person who is eligible for appointment as such a member may be appointed by the Chairperson to be temporarily a member of the committee during the period.
- (2) If a member of a subcommittee established by a committee is temporarily unable to perform the functions as a member of the subcommittee during a period, another person who is eligible for appointment as such a member may be appointed by the Chairperson, or the chairperson of the committee, to be temporarily a member of the subcommittee during the period.

5. Outgoing member to continue transacting business

- (1) This section applies if a committee or subcommittee is considering a complaint or an information, or conducting a hearing or review, at the time when—
 - (a) a notice of resignation is given by a person under section 2(3) of this Schedule; or
 - (b) the membership or temporary membership of the committee or subcommittee of a person terminates otherwise than by resignation.
- (2) The person must—
 - (a) for a person that is a member of a committee—if requested by the Council or the Chairperson,

continue to be a member of the committee for the purpose of completing the performance of the person's function in respect of that complaint, information, hearing or review and for no other purpose; or

- (b) for a person that is a member of a subcommittee—if requested by the Council, the Chairperson, the committee that established the subcommittee or the chairperson of the committee, continue to be a member of the subcommittee for the purpose of completing the performance of the person's function in respect of that complaint, information, hearing or review and for no other purpose.

6. Meetings

- (1) At a meeting of a committee or subcommittee—
- (a) except for a committee established under section 5AC(2)(e), the chairperson of the committee or subcommittee must preside at the meeting; and
- (b) except for a committee established under section 5AC(2), if the chairperson is absent, the members present must elect one of them to preside at the meeting.
- (2) A question for determination at any meeting of a committee or subcommittee must be decided by a majority of the members present and voting on the question.
- (3) At any meeting of a committee or subcommittee, the chairperson of the committee or subcommittee has an original vote and, if on any question the votes are equally divided, a casting vote.

- (4) Subject to subsection (5), a committee or subcommittee may transact any of its business by circulation of papers.
- (5) Subsection (4) does not apply to a committee established under section 5AC(2)(d) or (e) or a subcommittee established by such a committee.
- (6) On the circulation of papers, a written resolution—
- (a) in respect of which all members of the committee or subcommittee indicate their votes in writing; and
- (b) passed by the number of members required for passing the resolution at a meeting of the committee or subcommittee,
- is as valid as if it had been passed at a meeting of the committee or subcommittee by the members who vote on the resolution.
- (7) For the purposes of subsections (4) and (6), a reference to the circulation of papers includes the circulation of information by electronic means.

7. Secretary

- (1) The Council may appoint a person to be a secretary to a committee.
- (2) A committee establishing a subcommittee may appoint a person to be a secretary to the subcommittee.

8. Procedure

Except where express provision about the procedure of a committee or subcommittee is made in this Ordinance or regulations made under section 29, a committee or subcommittee may regulate its own procedure.

Schedule 10

[ss. 7C, 8 & 29C]

Conditions for Full Registration

1. For a person who has not worked under full-time employment as a person with special registration in any Schedule 5 institution at any time during the period mentioned in section 8(1)(c)(i)—the person has passed the clinical part of the Licensing Examination.
2. For a person who has worked under full-time employment as a person with special registration in one or more Schedule 5 institutions at any time during the period mentioned in section 8(1)(c)(i)—the person has passed, or been exempted under section 7C from, the clinical part of the Licensing Examination.

Schedule 11

[ss. 29C & 33]

Savings and Transitional Provisions for Dentists Registration (Amendment) Ordinance 2024

Part 1

Matters relating to Registration

1. Interpretation of Part 1 of Schedule 11

(1) In this Part—

amended Ordinance (《經修訂條例》) means this Ordinance as amended by the Amendment Ordinance;

Amendment Ordinance (《修訂條例》) means the Dentists Registration (Amendment) Ordinance 2024 (of 2024);

commencement date (生效日期) means the date on which section 34 of the Amendment Ordinance comes into operation;

existing prescribed fee (原有訂明費用), in relation to a matter, means the fee prescribed for the matter in the pre-amended Regulation;

existing register (原有名冊) means the General Register kept under section 7(1) of the pre-amended Ordinance;

existing registrant (原有註冊人) means a person whose name is contained in the existing register immediately before the commencement date;

new register (新名冊) means the General Register kept under section 7(1) of the amended Ordinance;

pre-amended Ordinance (《原有條例》) means this Ordinance as in force immediately before the commencement date;

pre-amended Regulation (《原有規例》) means the Dentists (Registration and Disciplinary Procedure) Regulations (Cap. 156 sub. leg. A) as in force immediately before the commencement date.

- (2) For the purposes of this Part—
- (a) a person is on the resident list of the existing register if the name of the person is contained in the form prepared in accordance with regulation 3(a) of the pre-amended Regulation; and
- (b) a person is on the non-resident list of the existing register if the name of the person is contained in the form prepared in accordance with regulation 3(b) of the pre-amended Regulation,
- and references to the resident list and the non-resident list are to be construed accordingly.

2. Registration and register

- (1) On the commencement date, an existing registrant is to be regarded as a person with full registration.
- (2) Accordingly, the Registrar must, on the commencement date—
- (a) transfer the name and particulars of each existing registrant on the resident list of the existing register to the practising list of Part 1 of the new register; and
- (b) transfer the name and particulars of each existing registrant on the non-resident list of the existing register to the non-practising list of Part 1 of the new register.
- (3) On the transfer of a person's name and particulars under subsection (2)(b), the person is to be regarded as having been issued a retention certificate under section 12I(3) of

the amended Ordinance that is, subject to section 12I(6) of the amended Ordinance, to be in force until—

- (a) if the commencement date falls on a date not later than 30 June of a year—the end of that year; or
- (b) if the commencement date falls on a date later than 30 June of a year—the end of the following year.

3. Addresses

- (1) This section applies to a person whose name and particulars are transferred to the new register under section 2(2) of this Schedule.
- (2) If the name and particulars of the person are transferred under section 2(2)(a) of this Schedule—
- (a) if only one address is transferred—that address is to be regarded as an address provided on the commencement date by the person under section 12G(1) and (2) of the amended Ordinance; or
- (b) if more than one address is so transferred—
- (i) all those addresses are to be regarded as addresses provided on the commencement date by the person under section 12G(2) of the amended Ordinance; and
- (ii) the latest address indicated by the person to the Registrar before the commencement date as the correspondence address is to be regarded as an address provided on the commencement date by the person under section 12G(1) of the amended Ordinance.
- (3) If the name and particulars of the person are transferred under section 2(2)(b) of this Schedule, the address in Hong Kong so transferred is to be regarded as an address

provided on the commencement date by the person under section 12G(1) of the amended Ordinance.

4. Existing certification of registration

- (1) On and after the commencement date, a certificate of registration issued under section 10(1) of the pre-amended Ordinance that was in force immediately before the commencement date continues to be in force as if it were issued under section 10 of the amended Ordinance to a person with full registration.
- (2) Accordingly, a duplicate or certified copy of such a certificate is to be regarded as a duplicate or certified copy of a certificate of registration issued under section 10 of the amended Ordinance to a person with full registration.

5. Pending application for registration

- (1) An application made under section 9 of the pre-amended Ordinance that was pending immediately before the commencement date is, subject to subsection (2), to continue to be processed under that section.
- (2) If an application referred to in subsection (1) is approved on or after the commencement date, the Registrar must, after the existing prescribed fee has been paid—
 - (a) enter the applicant's name in—
 - (i) if the applicant indicated that the applicant wished, if the application was approved, to have the applicant's name contained in the resident list of the existing register—the practising list of Part I of the new register; or
 - (ii) if the applicant indicated that the applicant wished, if the application was approved, to have the applicant's name contained in the

non-resident list of the existing register—the non-practising list of Part I of the new register; and

- (b) issue to the applicant a certificate of registration under section 10 of the amended Ordinance.

6. Restoration of name to register on application

- (1) This section applies if—
 - (a) before the commencement date, a person's name was removed from the existing register; and
 - (b) the person has, before the commencement date, applied to the Council for the restoration of the person's name to the existing register under section 22(3) of the pre-amended Ordinance; and
 - (c) the application was pending immediately before the commencement date.
- (2) The application is, subject to subsection (3), to continue to be processed under section 22(3) of the pre-amended Ordinance.
- (3) If the application is allowed on or after the commencement date, the Registrar must, after the existing prescribed fee has been paid, enter the applicant's name in—
 - (a) if the applicant indicated that the applicant wished, if the application was allowed, to have the applicant's name contained in the resident list of the existing register—the practising list of Part I of the new register; or
 - (b) if the applicant indicated that the applicant wished, if the application was allowed, to have the applicant's name contained in the non-resident list

of the existing register—the non-practising list of Part 1 of the new register.

- (4) On entering the person's name in the non-practising list of Part 1 of the new register under this section, the person is to be regarded as having been issued a retention certificate under section 12I(3) of the amended Ordinance that is, subject to section 12I(6) of the amended Ordinance, to be in force until—
 - (a) if the commencement date falls on a date not later than 30 June of a year—the end of that year; or
 - (b) if the commencement date falls on a date later than 30 June of a year—the end of the following year.
- (5) On entering the person's name under this section, the certificate of registration issued to the person under section 10(1) of the pre-amended Ordinance that was in force immediately before the removal is to be regarded as being in force as if it were issued under section 10 of the amended Ordinance to a person with full registration.
- (6) Accordingly, a duplicate or certified copy of such a certificate is to be regarded as a duplicate or certified copy of a certificate of registration issued under section 10 of the amended Ordinance to a person with full registration.

7. Existing practising certificate

On and after the commencement date, a practising certificate issued to a person under section 11A(2) of the pre-amended Ordinance that was in force immediately before the commencement date continues to be in force for the unexpired period as if it were a practising certificate issued under section 11A(2) of the amended Ordinance to—

- (a) if the person is a person mentioned in section 11A(8)(a) of the pre-amended Ordinance—a person with full registration; or
- (b) if the person is a person mentioned in section 11A(8)(b) of the pre-amended Ordinance—a person with limited registration.

8. Pending application for practising certificate

- (1) An application made by a person under section 11A of the pre-amended Ordinance that was pending immediately before the commencement date is, subject to subsection (2), to continue to be processed under that section.
- (2) If an application referred to in subsection (1) is approved on or after the commencement date, the Council must, after the existing prescribed fee has been paid, issue a practising certificate under section 11A of the amended Ordinance to the person as if the application were made by—
 - (a) if the person is a person mentioned in section 11A(8)(a) of the pre-amended Ordinance—a person with full registration; or
 - (b) if the person is a person mentioned in section 11A(8)(b) of the pre-amended Ordinance—a person with limited registration.

Part 2

Matters relating to Council and Committees

9. Interpretation of Part 2 of Schedule 11

In this Part—

amended Ordinance (《經修訂條例》) means this Ordinance as amended by the Amendment Ordinance;

Amendment Ordinance (《修訂條例》) means the Dentists Registration (Amendment) Ordinance 2024 (of 2024);

commencement date (生效日期) means the date on which section 10(4) of the Amendment Ordinance comes into operation;

former Council (前牙管會) means the Council established under section 4 of the pre-amended Ordinance;

former EAC (前教評委) means the Education and Accreditation Committee established under section 5B of the pre-amended Ordinance;

former PIC (前初調委) means the Preliminary Investigation Committee established under regulation 12 of the pre-amended Regulation;

pre-amended Ordinance (《原有條例》) means this Ordinance as in force immediately before the commencement date;

pre-amended Regulation (《原有規例》) means the Dentists (Registration and Disciplinary Procedure) Regulations (Cap. 156 sub. leg. A) as in force immediately before the commencement date.

10. Former Council members

- (1) This section applies if—
- (a) before the commencement date, a person was appointed as a member of the former Council described in section 4(2)(ba), (c), (d) or (e) of the pre-amended Ordinance; and
 - (b) immediately before the commencement date, the term of office of the member has not yet expired.

- (2) Despite section 4 of the pre-amended Ordinance, the term of office of the person is, subject to section 15(3) of this Schedule, to be regarded as having expired when the commencement date begins.

11. Secretary of, and Legal Adviser to, Council

- (1) On and after the commencement date, the person appointed under section 4(6) of the pre-amended Ordinance as the Secretary of the former Council and was holding office immediately before that date continues to hold office as the Secretary of the Council as if the person were appointed under section 4AAF(1)(a) of the amended Ordinance.
- (2) On and after the commencement date, the person appointed under section 4(6) of the pre-amended Ordinance as the Legal Adviser to the former Council and was holding office immediately before that date continues to hold office as a Legal Adviser to the Council as if the person were appointed under section 4AAF(1)(b) of the amended Ordinance.

12. Former members of Education and Accreditation Committee

- (1) This section applies if—
 - (a) before the commencement date, a person was appointed as a member of the former EAC; and
 - (b) immediately before the commencement date, the term of office of the member has not yet expired.
- (2) Despite section 5B of the pre-amended Ordinance, the term of office of the person is to be regarded as having expired when the commencement date begins.

13. Former members of Preliminary Investigation Committee

- (1) This section applies if—
- (a) before the commencement date, a person was appointed or elected as a member of the former PIC; and
 - (b) immediately before the commencement date, the term of office of the member has not yet expired.
- (2) Despite regulation 12 of the pre-amended Regulation, the term of office of the person is, subject to section 14(3) of this Schedule, to be regarded as having expired when the commencement date begins.

14. Complaint or information submitted to former PIC

- (1) This section applies if, before the commencement date—
- (a) either—
 - (i) the Secretary has submitted a complaint or an information to the former PIC under regulation 13 of the pre-amended Regulation; or
 - (ii) a complaint or an information has been referred back to the former PIC under regulation 19(1) of the pre-amended Regulation; and
 - (b) the complaint or information has not been disposed of by the former PIC.
- (2) For the purposes of subsection (1)(b), a complaint or an information has been disposed of by the former PIC if—
- (a) the chairman of the former PIC has directed under regulation 15(1) of the pre-amended Regulation that the complaint or information should not proceed further on ground that it is frivolous or groundless; or

- (b) the former PIC has determined under regulation 15A(2) of the pre-amended Regulation as to whether the complaint or information is to be referred to the Council for inquiry.
- (3) On and after the commencement date—
- (a) regulations 14, 15, 15A, 16 and 17 of the pre-amended Regulation continue to apply in relation to the consideration of the complaint or information; and
 - (b) to the extent that it relates to the consideration of the complaint or information, regulation 12 of the pre-amended Regulation continues to apply in relation to the membership of the former PIC (including a vacancy in the membership).
- (4) If the former PIC makes a determination under regulation 15A(2)(b) of the pre-amended Regulation to refer the complaint or information to the Council, the determination is, for the purposes of this Ordinance (other than regulation 19 of the pre-amended Regulation), to be regarded as being made by a Preliminary Investigation Committee under regulation 15A(2)(b) of the Dentists (Registration and Disciplinary Procedure) Regulations (Cap. 156 sub. leg. A) as in force at the time of the determination.

15. Cases referred to Council

- (1) This section applies if, before the commencement date—
- (a) the former PIC determined under regulation 15A(2)(b) of the pre-amended Regulation to refer a case against a person (*person charged*) to the former Council for an inquiry to be held;

- (b) the Secretary has read the notice of inquiry at the opening of an inquiry held for the case in accordance with regulation 25(1) of the pre-amended Regulation; and
 - (c) the case has not been disposed of by the former Council.
- (2) For the purposes of subsection (1)(c), a case has been disposed of by the former Council if—
- (a) the former Council has announced under regulation 28(4) or 29(4) of the pre-amended Regulation that the person charged is not guilty; or
 - (b) the former Council has announced under regulation 28(4) or 29(4) of the pre-amended Regulation that the person charged is guilty and a sentence has been announced under regulation 31(2) of the pre-amended Regulation.
- (3) On and after the commencement date—
- (a) sections 18, 19, 20 and 21 of the pre-amended Ordinance, and regulation 23 and Part IV of the pre-amended Regulation, continue to apply in relation to the hearing of the inquiry; and
 - (b) to the extent that it relates to the hearing of the inquiry, section 4 of the pre-amended Ordinance continues to apply in relation to the membership of the former Council (including a vacancy in the membership).

16. Complaint or information referred back to former PIC

- (1) This section applies if—
- (a) before the commencement date, a complaint or an information has been referred by the former PIC to

- the former Council under regulation 17(1) of the pre-amended Regulation; or
 - (b) on or after the commencement date, a complaint or an information is referred by the former PIC to the Council under regulation 17(1) of the pre-amended Regulation because of the operation of section 14 of this Schedule.
- (2) On and after the commencement date, the Council may continue to exercise the power to refer the complaint or information back to the former PIC under regulation 19(1) of the pre-amended Regulation.
- (3) If the Council refers a complaint or an information back to the former PIC under subsection (2), section 14 of this Schedule applies in relation to the complaint or information as if it were a complaint or information referred back to the former PIC under regulation 19(1) of the pre-amended Regulation before the commencement date.

Part 3

Matters relating to Fees

17. Interpretation of Part 3 of Schedule 11

In this Part—

Amendment Ordinance (《修訂條例》) means the Dentists Registration (Amendment) Ordinance 2024 (of 2024);

commencement date (生效日期) means the date on which section 118 of the Amendment Ordinance comes into operation;

existing prescribed fee (原有訂明費用), in relation to a matter, means the fee prescribed for the matter in the pre-amended Regulation;

pre-amended Ordinance (《原有條例》) means this Ordinance as in force immediately before the commencement date;

pre-amended Regulation (《原有規例》) means the Dentists (Registration and Disciplinary Procedure) Regulations (Cap. 156 sub. leg. A) as in force immediately before the commencement date.

18. Fee for inclusion in Specialist Register

- (1) This section applies if—
 - (a) an application for the inclusion of a person's name in the Specialist Register under section 12B of the pre-amended Ordinance was made before the commencement date; and
 - (b) the application is approved on or after the commencement date.
- (2) The fee payable for the inclusion of the person's name in the Specialist Register is the existing prescribed fee.

19. Fee for certificate of standing

- (1) This section applies if—
 - (a) an application for the issue of a certificate of standing mentioned in regulation 8B(b)(i) of the pre-amended Regulation was made before the commencement date; and
 - (b) the certificate is issued on or after the commencement date.

- (2) The fee payable for the issue of the certificate is the existing prescribed fee.

20. Fee for certificate verifying registration or inclusion of name in Specialist Register

- (1) This section applies if—
 - (a) an application for the issue of a certificate verifying registration or the inclusion of name in the Specialist Register mentioned in regulation 8B(b)(ii) of the pre-amended Regulation was made before the commencement date; and
 - (b) the certificate is issued on or after the commencement date.
- (2) The fee payable for the issue of the certificate is the existing prescribed fee.

21. Fee for certified copy of entry in General Register or Specialist Register

- (1) This section applies if—
 - (a) an application for the issue of a certified copy of an entry in the General Register or Specialist Register mentioned in regulation 8B(a)(i) of the pre-amended Regulation was made before the commencement date; and
 - (b) the certified copy is issued on or after the commencement date.
- (2) The fee payable for the issue of the certified copy is the existing prescribed fee.

22. Fee for certificate for inclusion of name in Specialist Register under section 32 of pre-amended Ordinance

- (1) This section applies if—
- (a) an application for the issue of a certificate mentioned in section 32 of the pre-amended Ordinance was made before the commencement date; and
 - (b) the certificate is issued on or after the commencement date.
- (2) The fee payable for the issue of the certificate is the existing prescribed fee.

23. Fee for duplicate certificate of registration or duplicate certificate for inclusion of name in Specialist Register

- (1) This section applies if—
- (a) an application for the issue of a duplicate certificate of registration or a duplicate certificate for the inclusion of name in the Specialist Register mentioned in regulation 8B(a)(ii) of the pre-amended Regulation was made before the commencement date; and
 - (b) the duplicate certificate is issued on or after the commencement date.
- (2) The fee payable for the issue of the duplicate certificate is the existing prescribed fee.

24. Fee for certified copy of certificate of registration or certificate for inclusion of name in Specialist Register

- (1) This section applies if—
- (a) an application for the issue of a certified copy of a certificate of registration or a certificate for the

inclusion of name in the Specialist Register mentioned in regulation 8B(a)(iii) of the pre-amended Regulation was made before the commencement date; and

- (b) the certified copy is issued on or after the commencement date.

- (2) The fee payable for the issue of the certified copy is the existing prescribed fee.”

82. Schedule 3 amended (matters relating to dental care professionals)

Schedule 3, Part 3—

Repeal sections 1(a) and 2(a).

Part 3**Amendments to Dentists (Registration and Disciplinary Procedure) Regulations (Cap. 156 sub. leg. A)**

83. **Regulation 2 amended (interpretation)**
- (1) Regulation 2, definition of *Committee*—
Repeal
 “小組”
Substitute
 “初調委”.
- (2) Regulation 2, definition of *Committee*—
Repeal
 everything after “means”
Substitute
 “a Preliminary Investigation Committee established under section 5AC(2)(e) of the Ordinance;”.
- (3) Regulation 2, definition of *defendant*—
Repeal
 “registered dentist”
Substitute
 “registrant”.
84. **Regulation 3 repealed (form of General Register)**
 Regulation 3—
Repeal the regulation.

85. **Regulation 4 repealed (fees)**
 Regulation 4—
Repeal the regulation.
86. **Regulation 5 repealed (application for registration)**
 Regulation 5—
Repeal the regulation.
87. **Regulation 7 repealed (certificate of registration)**
 Regulation 7—
Repeal the regulation.
88. **Regulation 8 repealed (practising certificate)**
 Regulation 8—
Repeal the regulation.
89. **Regulation 8A amended (certificate of standing)**
 Regulation 8A—
Repeal
 everything after “standing”
Substitute
 “must be in the specified form.”.
90. **Regulation 8B amended (copies of entries and certificates)**
 (1) Regulation 8B—
Repeal
 “appropriate fee prescribed in the Second Schedule”
Substitute
 “prescribed fee”.

- (2) Regulation 8B(a)(i)—
Repeal
 “or Specialist Register”
Substitute
 “, Specialist Register or Register of Dental Care Professionals”.
91. **Regulation 9 repealed (alteration of General Register or Specialist Register)**
 Regulation 9—
Repeal the regulation.
92. **Regulation 10 amended (qualifications)**
 Regulation 10(1), after “dentist”—
Add
 “or a person with provisional registration”.
93. **Regulation 11 repealed (statement by body corporate)**
 Regulation 11—
Repeal the regulation.
94. **Regulation 12 amended (Preliminary Investigation Committee)**
- (1) Regulation 12, heading, before “Preliminary”—
Add
 “Meeting of”.
- (2) Regulation 12—
Repeal paragraphs (1), (2), (3), (4), (5) and (6).
- (3) Regulation 12(7), English text—
Repeal

- “No member of the Committee shall”
Substitute
 “A member of a Committee must not”.
- (4) Regulation 12(8), English text—
Repeal
 “The Committee shall meet from time to time as directed by the chairman”
Substitute
 “A Committee must meet from time to time as directed by the chairperson”.
95. **Regulation 13 amended (submission or receipt of complaint or information)**
- (1) Regulation 13—
Repeal
 “registered dentist”
Substitute
 “registrant”.
- (2) Regulation 13(b)—
Repeal
 “guilty”
Substitute
 “found guilty in Hong Kong or elsewhere”.
- (3) Regulation 13(d)—
Repeal
 “his registration entitled to be registered; or”
Substitute

“registration eligible to be registered;”.

- (4) Regulation 13—

Repeal paragraph (e)

Substitute

“(e) has contravened section 17 of the Ordinance;”.

- (5) After regulation 13(e)—

Add

“(f) has contravened section 15G(2) of the Ordinance;

(g) has contravened any condition imposed under section 9D, 9H, 9K or 15E, or specified under section 11A or 15H, of the Ordinance; or

(h) has contravened any provision in a code of practice issued under section 27B of the Ordinance.”.

- (6) Regulation 13—

Repeal paragraphs (ii) and (iii)

Substitute

“(ii) has been found guilty in Hong Kong or elsewhere of unprofessional conduct; or

(iii) is not of good character;”.

- (7) Regulation 13, English text—

Repeal

“the Committee”

Substitute

“a Committee”.

96. Regulation 13A amended (reference of complaint or information to Education and Accreditation Committee)

- (1) Regulation 13A(1), English text—

Repeal

“to the Committee under regulation 13, the chairman”

Substitute

“to a Committee under regulation 13, the chairperson”.

- (2) Regulation 13A(2), English text—

Repeal

“chairman of the”

Substitute

“chairperson of a”.

97. Regulation 14 amended (complaint or information touching conduct)

- (1) Regulation 14(1), English text—

Repeal

“to the chairman of the”

Substitute

“to the chairperson of a”.

- (2) Regulation 14(1), English text—

Repeal

“of the chairman of the Committee”

Substitute

“of the chairperson”.

- (3) Regulation 14(1)—

Repeal

“registered dentist or an applicant for registration has been guilty of unprofessional conduct”

Substitute

“registrant or an applicant for registration has been found guilty of unprofessional conduct in Hong Kong or elsewhere”.

- (4) Regulation 14(1), English text—

Repeal

“, the chairman of the Committee”

Substitute

“, the chairperson”.

- (5) Regulation 14(1), Chinese text—

Repeal

“而初調委”

Substitute

“而該”.

- (6) Regulation 14(1), Chinese text—

Repeal

“則初調委主席可要求”

Substitute

“則該主席可要求”.

- (7) Regulation 14(1), Chinese text—

Repeal

“則初調委主席並”

Substitute

“則該主席並”.

- (8) Regulation 14(2)(b)—

Repeal

“his belief in the truth of the facts; and”

Substitute

“the declarant’s belief in the truth of the facts.”.

98. **Regulation 15 amended (reference of complaint or information to the Committee)**

- (1) Regulation 15, English text, heading—

Repeal

“the”.

- (2) Regulation 15(1), English text—

Repeal

“to the chairman of the”

Substitute

“to the chairperson of a”.

- (3) Regulation 15(1), English text—

Repeal

“, the chairman of the Committee”

Substitute

“, the chairperson”.

- (4) Regulation 15(1), Chinese text—

Repeal

“除非初調委”

Substitute

“除非該”.

- (5) Regulation 15(2), English text—

Repeal

“chairman”

Substitute

“chairperson”.

99. Regulation 15A amended (consideration of complaint or information by the Committee)

(1) Regulation 15A, English text, heading—

Repeal

“the”.

(2) Regulation 15A(1), English text—

Repeal

“by the Committee”

Substitute

“by a Committee”.

100. Regulation 16 amended (determination of Committee that no inquiry be held)

(1) Regulation 16, English text—

Repeal

“the Committee determine”

Substitute

“a Committee determines”.

(2) Regulation 16, English text—

Repeal

“chairman”

Substitute

“chairperson”.

(3) Regulation 16, Chinese text—

Repeal

“秘書告知任何申訴人及被告人關於小組的決定”

Substitute

“秘書，將該決定告知任何申訴人及被告人”。

101. Regulation 17 amended (determination of Committee that inquiry be held)

(1) Regulation 17(1), English text—

Repeal

“the Committee determine”

Substitute

“a Committee determines”.

(2) Regulation 17(1), English text—

Repeal

“and the chairman”

Substitute

“and the chairperson”.

(3) Regulation 17(1), English text—

Repeal

“Chairman of the Council”

Substitute

“Chairperson”.

(4) Regulation 17(1), Chinese text—

Repeal

“通知委員會主席須予研訊的事項”

Substitute

“將須予研訊的事項，通知牙管會主席”。

(5) Regulation 17(2), English text—

Repeal

“Chairman of the Council”

Substitute

“Chairperson”.

- (6) Regulation 17(2)—

Repeal

“in accordance with Form 6 in the First Schedule”.

- (7) Regulation 17(5)—

Repeal

“him at the address shown on the General Register or at his”

Substitute

“the defendant at the defendant’s registered address or at the defendant’s”.

102. Regulation 18 amended (adjournment of inquiry)

Regulation 18(1), English text—

Repeal

“Chairman of the Council”

Substitute

“Chairperson”.

103. Regulation 19 amended (reference back to Committee)

- (1) Regulation 19(1), after “referred”—

Add

“by a Committee”.

- (2) Regulation 19(2), English text—

Repeal

“chairman”

Substitute

“chairperson”.

104. Regulation 23 amended (amendment of notice)

Regulation 23(1)—

Repeal

“Chairman”

Substitute

“Chairperson”.

105. Regulation 24 amended (record of proceedings)

- (1) Regulation 24(2)—

Repeal

“the Chairman”

Substitute

“, the Chairperson”.

- (2) Regulation 24(2)—

Repeal

“any party and on payment to him of a fee \$43 for each folio of 72 words or part thereof, shall”

Substitute

“a party and after the prescribed fee has been paid, must”.

106. Regulation 25 amended (opening of inquiry)

Regulation 25(3)—

Repeal

“Chairman”

Substitute

“Chairperson”.

107. Regulation 27 amended (order of procedure)

- (1) Regulation 27(a), proviso—

Repeal

“Chairman”

Substitute

“Chairperson”.

- (2) Regulation 27(c)(i) and (iii)—

Repeal

“Chairman”

Substitute

“Chairperson”.

108. Regulation 28 amended (postponement of judgment)

Regulation 28(2) and (4)—

Repeal

“Chairman”

Substitute

“Chairperson”.

109. Regulation 29 amended (notice of determination of judgment)

Regulation 29(3)—

Repeal

“Chairman”

Substitute

“Chairperson”.

110. Regulation 30 amended (postponement of sentence)

Regulation 30(2)—

Repeal

“Chairman shall”

Substitute

“Chairperson must”.

111. Regulation 31 amended (address in mitigation)

Regulation 31(2)—

Repeal

“Chairman shall”

Substitute

“Chairperson must”.

112. Regulation 33 amended (evidence)

- (1) Regulation 33—

Repeal paragraph (2).

- (2) Regulation 33(5)—

Repeal

“Chairman” (wherever appearing)

Substitute

“Chairperson”.

113. Regulation 34 amended (voting)

- (1) Regulation 34(1) and (2)—

Repeal

“Chairman” (wherever appearing)

Substitute

“Chairperson”.

- (2) Regulation 34(4), English text—

Repeal

“the Legal Adviser shall”

Substitute

“a Legal Adviser may”.

114. Regulation 35 amended (inquiry by the Council)

- (1) Regulation 35, English text—

Repeal

“The”

Substitute

“A”.

- (2) Regulation 35—

Repeal

“in accordance with the provisions of section 9 or section”

Substitute

“for the purposes of section 9A, 15E or”.

- (3) Regulation 35—

Repeal

“the Legal Adviser is not”

Substitute

“no Legal Adviser is”.

115. Regulation 36 amended (ordinary meeting of Council)

- (1) Regulation 36—

Repeal

“Chairman may give to the”

Substitute

“Chairperson may give to a”.

- (2) Regulation 36—

Repeal

“under section 9 or section”

Substitute

“mentioned in section 9A, 15E or”.

116. Regulation 37 amended (advice by Legal Adviser)

- (1) Regulation 37(1), English text—

Repeal

“When the”

Substitute

“When a”.

- (2) Regulation 37(1)—

Repeal

“under section 9 or section”

Substitute

“mentioned in section 9A, 15E or”.

117. First Schedule repealed (forms)

First Schedule—

Repeal the Schedule.

118. Second Schedule repealed (fees)

Second Schedule—

Repeal the Schedule.

Part 4**Repeal of Ancillary Dental Workers (Dental Hygienists) Regulations (Cap. 156 sub. leg. B)****119. Ancillary Dental Workers (Dental Hygienists) Regulations repealed**

Ancillary Dental Workers (Dental Hygienists) Regulations—
Repeal the Regulations.

Part 5**Consequential Amendments****Division 1—Amendment to Jury Ordinance (Cap. 3)****120. Section 5 amended (exemptions from service)**

Section 5(1)(e)—

Repeal

“persons duly registered as dentists under”

Substitute

“persons who are registered dentists or persons with provisional registration within the meaning of”.

Division 2—Amendment to Dangerous Drugs Ordinance (Cap. 134)**121. Section 2 amended (interpretation)**

(1) Section 2(1), definition of *registered dentist*—

Repeal paragraph (a)**Substitute**

“(a) a registered dentist as defined by section 2(1) of the Dentists Registration Ordinance (Cap. 156); or”.

(2) Section 2(1), definition of *registered dentist*, paragraph (b)—

Repeal

“the Dentists Registration Ordinance (Cap. 156)”

Substitute

“that Ordinance”.

Division 3—Amendment to Antibiotics Ordinance (Cap. 137)

122. Section 2 amended (interpretation)

Section 2—

Repeal the definition of *registered dentist*

Substitute

“*registered dentist* (註冊牙醫) means—

- (a) a registered dentist as defined by section 2(1) of the Dentists Registration Ordinance (Cap. 156); or
- (b) a person deemed to be a registered dentist under that Ordinance;”.

Division 4—Amendment to Pharmacy and Poisons Ordinance (Cap. 138)

123. Section 2 amended (interpretation)

Section 2(1), definition of *registered*, paragraph (d)—

Repeal

everything after “dentist,”

Substitute

“a registered dentist as defined by section 2(1) of, or a person deemed to be a registered dentist under, the Dentists Registration Ordinance (Cap. 156);”.

Division 5—Amendment to Public Health (Animals and Birds) (Chemical Residues) Regulation (Cap. 139 sub. leg. N)

124. Section 2 amended (interpretation)

Section 2—

Repeal the definition of *registered dentist*

Substitute

“*registered dentist* (註冊牙醫) has the meaning given by section 2(1) of the Dentists Registration Ordinance (Cap. 156);”.

Division 6—Amendment to Medical Registration Ordinance (Cap. 161)

125. Section 28 amended (unlawful use of title etc. and practice without registration)

Section 28(3)(a)—

Repeal

everything after “performed by”

Substitute

“a registered dentist, or a person with provisional registration, within the meaning of the Dentists Registration Ordinance (Cap. 156), or a person deemed to be a registered dentist under that Ordinance;”.

Division 7—Amendment to Employees’ Compensation Ordinance (Cap. 282)

126. Section 3 amended (interpretation)

Section 3(1)—

Repeal the definition of *registered dentist*

Substitute

“*registered dentist* (註冊牙醫) has the meaning given by section 2(1) of the Dentists Registration Ordinance (Cap. 156);”.

Division 8—Amendments to Radiation (Control of Irradiating Apparatus) Regulations (Cap. 303 sub. leg. B)

127. Section 2 amended (interpretation)

Section 2, definition of *dental practitioner*—

Repeal

everything after “means”

Substitute

“a registered dentist, or a person with provisional registration, within the meaning of the Dentists Registration Ordinance (Cap. 156), or a person deemed to be a registered dentist under that Ordinance;”.

128. Schedule 3 amended

(1) Schedule 3—

Repeal the entry relating to Registered dentist.

(2) Schedule 3, before the entry relating to Dental surgery assistant—

Add

“Dental practitioner	The taking of a radiograph intra-orally or extra-orally for the examination of the mouth, teeth or jaws of another person, or their associated structures	Nil.
Dental hygienist	The taking of a radiograph intra-orally or extra-orally for the examination of the mouth, teeth or jaws of another person, or their associated structures	Before the operation of the irradiating apparatus— (a) a dental practitioner has assessed the medical history of, and examined, that another person; and (b) the dental practitioner has, based on the assessment and examination, prescribed that the irradiating apparatus is to be operated for that purpose.
Dental therapist	The taking of a radiograph intra-orally or extra-orally for the	Before the operation of the irradiating apparatus— (a) a dental practitioner has assessed the

examination of the mouth, teeth or jaws of another person, or their associated structures	(b) the dental practitioner has, based on the assessment and examination, prescribed that the irradiating apparatus is to be operated for that purpose.”.	medical history of, and examined, that another person; and
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(3) Schedule 3—

Repeal the entry relating to Dental surgery assistant**Substitute**

“Dental surgery assistant	The taking of a radiograph intra-orally or extra-orally for the examination of the mouth, teeth or jaws of another person, or their associated structures	Before the operation of the irradiating apparatus— (a) a dental practitioner has assessed the medical history of, and examined, that another person; and (b) the dental practitioner has, based on the assessment and examination, prescribed that the irradiating apparatus is to be operated for that purpose.”.
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(4) Schedule 3, list of definitions, definition of *dental surgery assistant*—**Repeal**

everything after “employed”

Substitute

“to assist a dental practitioner in practising dentistry;”.

Division 9—Amendments to Medical Clinics Ordinance (Cap. 343)**129. Section 2 amended (interpretation)**(1) Section 2, definition of *clinic*, paragraph (c)—**Repeal**

“dentists duly registered in accordance with the provisions”

Substitute

“registered dentists as defined by section 2(1)”.

(2) Section 2, definition of *medical treatment*, paragraph (a)—**Repeal**

everything after “given by”

Substitute

“a registered dentist, or a person with provisional registration, within the meaning of the Dentists Registration Ordinance (Cap. 156), or a person deemed to be a registered dentist under that Ordinance;”.

Division 10—Amendments to Waste Disposal (Clinical Waste) (General) Regulation (Cap. 354 sub. leg. O)**130. Section 2 amended (interpretation)**(1) Section 2, definition of *healthcare professional*, paragraph (d)—

Repeal

“or”.

- (2) Section 2, definition of *healthcare professional*, paragraph (e)—

Repeal

“(Cap. 549);”

Substitute

“(Cap. 549); or”.

- (3) Section 2, definition of *healthcare professional*, after paragraph (e)—

Add

“(f) a registered dental care professional as defined by section 2(1) of the Dentists Registration Ordinance (Cap. 156);”.

Division 11—Amendment to Medical Laboratory Technologists (Registration and Disciplinary Procedure) Regulations (Cap. 359 sub. leg. A)

131. Schedule 4 amended (exemptions from the Ordinance)

Schedule 4, item 2—

Repeal everything in column 2**Substitute**

“A registered dentist as defined by section 2(1) of the Dentists Registration Ordinance (Cap. 156) while practising dentistry”.

Division 12—Amendment to Physiotherapists (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. J)

132. Schedule 4 amended (exemptions from the Ordinance)

Schedule 4, item 2—

Repeal everything in column 2**Substitute**

“A registered dentist as defined by section 2(1) of the Dentists Registration Ordinance (Cap. 156) while practising dentistry”.

Division 13—Amendments to Trade Descriptions Ordinance (Cap. 362)

133. Schedule 3 amended (exempt persons)

- (1) Schedule 3—

Repeal item 4**Substitute**

“4. A registered dentist, or a person with provisional registration, within the meaning of the Dentists Registration Ordinance (Cap. 156), or a person deemed to be a registered dentist under that Ordinance.”.

- (2) Schedule 3—

Repeal item 5**Substitute**

“5. A registered dental care professional as defined by section 2(1) of the Dentists Registration Ordinance (Cap. 156).”.

**Division 14—Amendments to Legislative Council
Ordinance (Cap. 542)**

134. Section 201A amended (composition of the medical and health services functional constituency)

(1) Section 201A—

Repeal paragraph (b)

Substitute

“(b) registered dentists as defined by section 2(1) of, or persons deemed to be registered dentists under, the Dentists Registration Ordinance (Cap. 156); and”.

(2) Section 201A—

Repeal paragraph (l)

Substitute

“(l) registered dental care professionals as defined by section 2(1) of the Dentists Registration Ordinance (Cap. 156); and”.

Division 15—Amendments to Electronic Health Record Sharing System Ordinance (Cap. 625)

135. Section 19 amended (application by healthcare providers for registration)

Section 19(5)—

Repeal paragraph (c).

136. Schedule amended (healthcare professionals)

The Schedule—

Repeal item 3

Substitute

“3. A registered dental care professional as defined by section 2(1) of the Dentists Registration Ordinance (Cap. 156).”.

Division 16—Amendments to Private Healthcare Facilities Ordinance (Cap. 633)

137. Section 44 amended (notice of intended change or cessation)

Section 44(7), definition of *deregistration*, paragraph (b)—

Repeal

“15(3) or 18(1)”

Substitute

“15, 18 or 18A”.

138. Section 116 amended (powers after entry)

(1) Section 116(d), English text—

Repeal

“at”

Substitute

“on”.

(2) Section 116(e)—

Repeal

“inside”

Substitute

“on”.

139. Schedule 7 amended (healthcare professionals)

Schedule 7—

Repeal item 3

Substitute

- “3. A registered dental care professional as defined by section 2(1) of the Dentists Registration Ordinance (Cap. 156).”.

Schedule

[s. 2]

Amendments relating to Certain Expressions in Chinese Text**Part 1****Amendments to Dentists Registration Ordinance (Cap. 156)**

Column 1	Column 2	Column 3	Column 4
Item	Provision	Repeal	Substitute
1.	Section 4(2), (3), (4), (5), (5A), (5C) and (6)	“委員會” (wherever appearing)	“牙管會”
2.	Section 5, heading	“委員會”	“牙管會”
3.	Section 5(1), (2), (3), (4) and (5)	“委員會”	“牙管會”
4.	Section 5B, heading	“小組”	“委員會”
5.	Section 5B(1), (2) and (5)	“小組” (wherever appearing)	“委員會”

Column 1	Column 2	Column 3	Column 4
Item	Provision	Repeal	Substitute
6.	Section 5B(2), (3) and (5)	“委員會” (wherever appearing)	“牙管會”
7.	Section 5B(2), (4) and (5)	“成員” (wherever appearing)	“委員”
8.	Section 5C, heading	“小組”	“委員會”
9.	Section 5C	“小組” (wherever appearing)	“委員會”
10.	Section 5C(a), (b), (c), (d) and (e)	“委員會” (wherever appearing)	“牙管會”
11.	Section 5D, heading	“小組”	“委員會”
12.	Section 5D(1), (2), (3) and (4)	“小組” (wherever appearing)	“委員會”
13.	Section 5D(1), (2) and (3)	“成員” (wherever appearing)	“委員”
14.	Section 5E, heading	“小組”	“委員會”
15.	Section 5E(1)	“小組”	“委員會”

Column 1	Column 2	Column 3	Column 4
Item	Provision	Repeal	Substitute
16.	Section 5F, heading	“小組”	“委員會”
17.	Section 5F	“小組”	“委員會”
18.	Section 5F	“成員” (wherever appearing)	“委員”
19.	Section 5F	“委員會” (wherever appearing)	“牙管會”
20.	Section 5G, heading	“小組”	“委員會”
21.	Section 5G(1) and (2)	“委員會” (wherever appearing)	“牙管會”
22.	Section 5G(1) and (2)	“小組” (wherever appearing)	“委員會”
23.	Section 5G(2)(b)	“成員”	“委員”
24.	Section 12A	“小組”	“委員會”
25.	Section 12A	“委員會”	“牙管會”

Column 1	Column 2	Column 3	Column 4
Item	Provision	Repeal	Substitute
26.	Section 12B(2), (4), (5), (7), (8), (9) and (11)	“委員會” (wherever appearing)	“牙管會”
27.	Section 12B(4), (5), (6), (7), (8) and (9)(a) and (c)	“小組” (wherever appearing)	“委員會”
28.	Section 12C(a) and (b)	“委員會”	“牙管會”
29.	Section 12E(1), (3) and (4)	“小組” (wherever appearing)	“委員會”
30.	Section 12F, heading	“小組”	“委員會”
31.	Section 12F(1), (3), (4), (5), (6) and (7)	“小組” (wherever appearing)	“委員會”
32.	Section 12F(1)(c) and (d) and (7)	“委員會”	“牙管會”
33.	Section 15A(2) and (3)	“委員會” (wherever appearing)	“牙管會”
34.	Section 15A(3)(a) and (b)	“小組”	“委員會”

Column 1	Column 2	Column 3	Column 4
Item	Provision	Repeal	Substitute
35.	Section 16(2)	“委員會”	“牙管會”
36.	Section 18, heading	“委員會”	“牙管會”
37.	Section 18(1) and (6)	“委員會”	“牙管會”
38.	Section 18(1)	“小組”	“委員會”
39.	Section 19, heading	“委員會”	“牙管會”
40.	Section 19(1)(e)	“委員會”	“牙管會”
41.	Section 20	“委員會” (wherever appearing)	“牙管會”
42.	Section 22, heading	“委員會”	“牙管會”
43.	Section 23(1)(b) and (3A)(b)	“委員會”	“牙管會”
44.	Section 29(1C) and (1D)(a)	“委員會” (wherever appearing)	“牙管會”

Column 1	Column 2	Column 3	Column 4
Item	Provision	Repeal	Substitute
45.	Section 29(1C)(ba) and (d)(i), (ii) and (iv)	“小組”(wherever appearing)	“委員會”
46.	Section 29(1A)(d)(i), (ii) and (iv)	“成員”(wherever appearing)	“委員”
47.	Section 29A, heading	“委員會”	“牙管會”
48.	Section 29A(1) and (2)	“委員會”	“牙管會”
49.	Section 32(1) and (2)	“委員會”	“牙管會”

Part 2

Amendments to Dentists (Registration and Disciplinary Procedure) Regulations (Cap. 156 sub. leg. A)

Column 1	Column 2	Column 3	Column 4
Item	Provision	Repeal	Substitute
1.	Regulation 10(1) and (2)	“委員會”(wherever appearing)	“牙管會”

Column 1	Column 2	Column 3	Column 4
Item	Provision	Repeal	Substitute
2.	Part III, heading	“委員會”	“牙管會”
3.	Regulation 12, heading	“小組”	“委員會”
4.	Regulation 12(1)	“初步調查小組的小組”	“初步調查委員會的委員會”
5.	Regulation 12(1)(a), (2), (3), (4), (5), (6), (7) and (8)	“小組”(wherever appearing)	“初調委”
6.	Regulation 12(1), (2), (3), (4), (5), (6) and (7)	“成員”(wherever appearing)	“委員”
7.	Regulation 12(1)(a) and (b), (3), (4), (6) and (7)	“委員會”(wherever appearing)	“牙管會”
8.	Regulation 13	“小組”	“初調委”
9.	Regulation 13A, heading	“小組”	“委員會”
10.	Regulation 13A(1)	“小組”(wherever appearing)	“初調委”

Column 1	Column 2	Column 3	Column 4
Item	Provision	Repeal	Substitute
11.	Regulation 13A(2)	“小組的”	“初調委的”
12.	Regulation 13A(2)	“教育及評審小組”	“教育及評審委員會”
13.	Regulation 14(1)	“小組” (wherever appearing)	“初調委”
14.	Regulation 15, heading	“小組”	“初調委”
15.	Regulation 15(1) and (2)	“小組” (wherever appearing)	“初調委”
16.	Regulation 15A, heading	“由小組”	“初調委”
17.	Regulation 15A(1), (2) and (3)	“小組” (wherever appearing)	“初調委”
18.	Regulation 15A(2)(b)	“委員會”	“牙管會”
19.	Regulation 16, heading	“小組”	“初調委”
20.	Regulation 16	“如小組”	“如初調委”
21.	Regulation 16	“則小組”	“則初調委”

Column 1	Column 2	Column 3	Column 4
Item	Provision	Repeal	Substitute
22.	Regulation 17, heading	“小組”	“初調委”
23.	Regulation 17(1) and (2)	“小組” (wherever appearing)	“初調委”
24.	Regulation 17(1)	“予委員會”	“予牙管會”
25.	Regulation 17(2)	“委員會” (wherever appearing)	“牙管會”
26.	Regulation 18(1)	“委員會”	“牙管會”
27.	Regulation 19, heading	“小組”	“初調委”
28.	Regulation 19(1)	“委員會” (wherever appearing)	“牙管會”
29.	Regulation 19(1) and (2)	“小組”	“初調委”
30.	Regulation 20, heading	“委員會”	“牙管會”
31.	Regulation 20	“委員會”	“牙管會”
32.	Regulation 23(1)	“委員會”	“牙管會”

Column 1	Column 2	Column 3	Column 4
Item	Provision	Repeal	Substitute
33.	Part IV, heading	“委員會”	“牙管會”
34.	Regulation 24(1)	“委員會”	“牙管會”
35.	Regulation 25(2)	“委員會” (wherever appearing)	“牙管會”
36.	Regulation 26(2)	“委員會”	“牙管會”
37.	Regulation 27(b)(i), (c), (d) and (e)	“委員會” (wherever appearing)	“牙管會”
38.	Regulation 28(1), (2), (3) and (4)	“委員會” (wherever appearing)	“牙管會”
39.	Regulation 29(1), (3) and (4)	“委員會” (wherever appearing)	“牙管會”
40.	Regulation 30(1) and (2)	“委員會” (wherever appearing)	“牙管會”
41.	Regulation 31(1), (1A)(a) and (b) and (2)	“委員會” (wherever appearing)	“牙管會”

Column 1	Column 2	Column 3	Column 4
Item	Provision	Repeal	Substitute
42.	Regulation 32(1)	“委員會” (wherever appearing)	“牙管會”
43.	Regulation 33(1), (4) and (5)	“委員會”	“牙管會”
44.	Regulation 34(1), (2), (3) and (4)	“委員會” (wherever appearing)	“牙管會”
45.	Regulation 35, heading	“委員會”	“牙管會”
46.	Regulation 35	“委員會”	“牙管會”
47.	Regulation 36, heading	“委員會”	“牙管會”
48.	Regulation 36	“委員會”	“牙管會”
49.	Regulation 36	“小組”	“初調委”
50.	Regulation 37(1) and (2)	“委員會” (wherever appearing)	“牙管會”

Explanatory Memorandum

The main object of this Bill is to amend the Dentists Registration Ordinance (Cap. 156) (*principal Ordinance*) and its subsidiary legislation to—

- (a) provide for new types of registration for dentists known as provisional registration, limited registration, temporary registration and special registration;
- (b) provide for the registration of 2 classes of dental care professionals known as dental hygienists and dental therapists;
- (c) reform the composition and structure of the Dental Council of Hong Kong (*Council*) and its committees; and
- (d) modernize the regulatory framework in respect of the practice of dentistry.

2. The Bill contains 5 Parts and a Schedule.

Part 1—Preliminary

3. Clause 1 sets out the short title and provides for commencement.

Part 2—Amendments to Principal Ordinance

4. Clause 3 amends the long title of the principal Ordinance to better reflect the scope of the principal Ordinance.
5. Clauses 5 and 6 amend existing definitions and add new definitions for the interpretation of the principal Ordinance. The new section 2A provides for the meaning of *practising dentistry* and the new section 2B provides for the references relating to different types of registration.
6. Clause 8 amends section 3 of the principal Ordinance in view of the amendment to the definition of *practising dentistry* and the

introduction of the registration of dental care professionals. The amended section 3 also provides for the liability of a person who employs another person to practise dentistry in contravention of that section.

7. Clause 10 amends section 4 of the principal Ordinance to reform the composition of the Council.
8. Clause 11 adds new sections 4AA to 4AAF to the principal Ordinance to deal with matters relating to the term of office of members of the Council, vacation of office, handling of vacancy, election of the Chairperson of the Council and appointment of the Secretary of, and Legal Advisers to, the Council.
9. Clauses 13 and 14 amend sections 5 and 5A of the principal Ordinance respectively. The main purpose is to modernize the operation of the Council to enable the transaction of business by modern technology.
10. Clause 15 adds a new section 5AB to the principal Ordinance to authorize the Council to provide information to the Secretary for Health on request for the formulation of health care policies.
11. Clause 16 adds a new Part 4 to the principal Ordinance to empower the establishment of committees and subcommittees for the better performance of the functions of the Council. In particular, the Council may establish the Education and Accreditation Committee, the Examination Committee, the Continuing Professional Development Committee, the Health Committee and one or more than one Preliminary Investigation Committee.
12. Clause 18 amends section 5B of the principal Ordinance to specify the composition of the Education and Accreditation Committee. Clause 19 amends section 5C of the principal Ordinance to amend the functions of the Committee in view of the new functions of the Council under the new regime. Clause 20 amends section 5D of the

- principal Ordinance to amend the number of members required for a quorum in view of the change in membership of the Committee.
13. Clause 25 adds new Parts 6 to 9 to the principal Ordinance to deal with the composition, functions and quorum of the Examination Committee, the Continuing Professional Development Committee, the Health Committee and the Preliminary Investigation Committee.
 14. Clause 27 amends section 6 of the principal Ordinance to extend the functions of the Registrar of Dentists (*Registrar*) to the Register of Dental Care Professionals.
 15. Clause 29 amends section 7 of the principal Ordinance. After the amendment, the General Register will be divided into 5 parts and each part will contain the names and particulars of persons with full registration, provisional registration, limited registration, temporary registration and special registration respectively. The amended section 7 further provides that Part 1 of the General Register is to be divided into the practising list and the non-practising list.
 16. Clause 30 adds new provisions to the principal Ordinance. New sections 7A, 7B and 7C added by that clause provide for the setting of the Licensing Examination by the Council and the Council's power to grant exemption from the Licensing Examination. New sections 7D to 7G provide for the procedure for making an application for provisional registration, the procedures for determining such an application and the validity and effect of provisional registration.
 17. Clause 32 amends section 8 of the principal Ordinance to set out the eligibility for full registration. In particular, the new section 8(1)(a) and (b) has the effect of requiring a person with provisional registration to undergo an internship or a period of assessment before the person is eligible to make an application for full registration.
 18. Clause 33 adds new sections 8A to 8E to the principal Ordinance. Those sections set out the arrangements regarding the internship or

- period of assessment required for obtaining full registration, and the award of a certificate of experience on the completion of the internship or period of assessment.
19. Clause 34 amends section 9 of the principal Ordinance to set out the application criteria for full registration.
 20. Clause 35 adds new sections 9A to 9L to the principal Ordinance. The new sections 9A and 9B provide for the procedures for determining an application for full registration. The new sections 9C to 9L provide for the application criteria and procedures for, and the validity of, limited registration, temporary registration and special registration.
 21. Clause 37 amends section 10 of the principal Ordinance to repeal provisions relating to the issue of a certified copy of a certificate of registration for the purpose of complying with the requirement to exhibit such a certificate as the requirement to exhibit such a certificate is repealed. The requirements relating to the registered address and the photo appearing on a certificate of registration are also repealed.
 22. Clause 38 amends section 11A of the principal Ordinance to—
 - (a) provide that applications for practising certificates for registered dentist must be made in the specified form;
 - (b) provide that compliance with the continuing professional development requirements is a prerequisite for the issue of practising certificates; and
 - (c) provide for the validity of practising certificates issue to persons with temporary registration.
 23. Clause 39 repeals section 11B of the principal Ordinance on the recovery of practising fees from registered dentists.
 24. Clause 40 repeals section 12 of the principal Ordinance on dental companies.

25. Clauses 42 to 45 make technical amendments to provisions relating to the Specialist Register.
26. Clause 46 adds new sections 12G to 12J to the principal Ordinance. The new section 12G requires a registered dentist or a person with provisional registration to provide the Registrar an address in Hong Kong at which he or she may be contacted. The new section 12H deals with the transfer of a person's name from the practising list to the non-practising list. The new section 12I deals with the issue of retention certificate to a person whose name is contained in the non-practising list. The new section 12J deals with the transfer of a person's name from the non-practising list to the practising list.
27. Clauses 47 and 48 amend the publication requirements set out in sections 13 and 13A of the principal Ordinance respectively to reflect the introduction of the new types of registration for dentists.
28. Clause 50 amends section 15 of the principal Ordinance to clarify the requirements for making alteration to the General Register and Specialist Register, and the circumstances under which a name may be removed from the Registers.
29. Clause 51 amends section 15A of the principal Ordinance to include provisions relating to orders made by the Council that, before the amendments, was included in section 22 of the principal Ordinance for better readability.
30. Clause 52 repeals section 15B of the principal Ordinance on the service of notice. The requirement will be reinstated in the new section 27D.
31. Clause 53 adds a new Part 12 to the principal Ordinance. The new Part 12 deals with matters relating to registered dental care professionals including—
- (a) the keeping of the Register of Dental Care Professionals;
 - (b) the application criteria and procedures for registration;

- (c) the scope of practice of registered dental care professionals;
 - (d) the issue of practising certificate to registered dental care professionals;
 - (e) the provision of an address in Hong Kong at which a registered dental care professional may be contacted;
 - (f) the publication of a list of registered dental care professionals in the Gazette; and
 - (g) the alteration to the Register of Dental Care Professionals.
32. Clause 55 amends section 16 of the principal Ordinance to clarify that the power is exercised for the purpose of disciplinary proceedings under the principal Ordinance and to revise the powers that may be exercised by an authorized officer.
33. Clause 56 amends section 17 of the principal Ordinance to bring registered dental care professionals under that section.
34. Clause 58 amends section 18 of the principal Ordinance mainly to deal with disciplinary proceedings against registered dental care professionals.
35. Clause 59 adds a new section 18A to the principal Ordinance to provide for the power of the Council to deal with a person that is subject to a recommendation of the Health Committee.
36. Clause 60 amends section 19 of the principal Ordinance to provide for the powers of the Health Committee in a hearing.
37. Clauses 61 and 62 make technical amendments to sections 20 and 21 of the principal Ordinance respectively consequent on the adding of provisions regarding the Health Committee.
38. Clause 63 amends section 22 of the principal Ordinance to repeal provisions relating to an order made under section 15A of the

principal Ordinance. The provisions are reinstated in section 15A of the principal Ordinance for better readability.

39. Clause 65 amends section 23 of the principal Ordinance to add the Council's or Registrar's rejection of applications for new types of registration, for practising certificates and restoration of registration, and the imposition of conditions, as matters in relation to which appeals may be made to the Court of Appeal.
40. Clause 67 amends section 25 of the principal Ordinance so that a person must not wilfully or falsely pretend to be, or take or use the name or title, of a dentist or registered dental care professional.
41. Clause 68 adds a new section 25B to the principal Ordinance so that a registered dental care professional must not wilfully or falsely pretend to be, or take or use the name or title, of a dentist or registered dental care professional of that class that he or she does not belong.
42. Clause 69 repeals section 26 of the principal Ordinance that deals with registered dentists qualified to be registered by virtue only of having been registered under the Dentists Registration Ordinance 1940 (1 of 1940).
43. Clause 70 amends section 27 of the principal Ordinance to provide for the liability of a registrant to allow another person who is not a registrant to practise dentistry on any premises used by or under the control of the registrant.
44. Clause 72 adds new sections 27A to 27D to the principal Ordinance. The new section 27A provides for the procedures for restoration. The new section 27B empowers the Council to issue codes of practice. The new section 27C empowers the Registrar to request a person to provide a means of contact. The new section 27D provides for the giving, service or sending of documents.
45. Clause 73 amends section 28 of the principal Ordinance to make a technical amendment.

46. Clause 74 amends section 29 of the principal Ordinance to revise the power to make regulation in view of the expanded scope of the principal Ordinance.
47. Clause 75 amends section 29A of the principal Ordinance so that the power of the Council to specify forms will cover all documents under the principal Ordinance.
48. Clause 76 adds a new section 29B to the principal Ordinance to empower the Secretary for Health to give written directions to the Council and adds a new section 29C to the principal Ordinance to provide for the amendments of the Schedules to the principal Ordinance.
49. Clause 77 makes technical amendments to section 30 of the principal Ordinance.
50. Clause 78 amends section 31 of the principal Ordinance to exempt a person authorized to operate an irradiating apparatus under the Radiation (Control of Irradiating Apparatus) Regulations (Cap. 303 sub. leg. B) from the operation of the principal Ordinance.
51. Clause 79 adds new sections 33 and 34 to the principal Ordinance. The new section 33 together with the new Schedule 11 provide for the savings and transitional provisions. The new section 34 empowers the Secretary for Health to make, by regulations, consequential or related amendments to any enactment as are necessary consequent of the enactment of the Bill.
52. Clause 80 makes technical amendments to the existing Schedule to the principal Ordinance.
53. Clause 81 adds new Schedules 2 to 11 to the principal Ordinance. The new Schedule 2 provides for the services that fall within the scope of the definition of *practising dentistry*. The new Schedule 3 specifies the class of dental care professionals, their scope of practice and the qualifications required for registration as registered dental care professionals. The new Schedules 4, 5, 6 and 7 specify the

institutions for the operation of the provisions relating to the limited registration, the special registration, an internship and a period of assessment. The new Schedule 8 specifies the length of the period for an internship or a period of assessment. The new Schedule 9 provides for matters relating to the terms of appointment, membership and procedures of committees and subcommittees established under the new sections 5AC and 5AD. The new Schedule 10 sets out the conditions for the purposes of section 8(1)(c)(iii) of the principal Ordinance.

Part 3—Amendments to Dentists (Registration and Disciplinary Procedure) Regulations (Cap. 156 sub. leg. A) (Cap. 156A)

54. Part 3 makes amendments to Cap. 156A that are consequent on the amendments made to the principal Ordinance. In particular—
- (a) references to the Preliminary Investigation Committee are replaced by a Preliminary Investigation Committee as more than one Preliminary Investigation Committee may be established by the Council;
 - (b) references to the Legal Adviser are replaced by a Legal Adviser as more than one Legal Adviser may be appointed;
 - (c) references to registered dentist are replaced by registrant to cover a person with provisional registration and a registered dental care professional; and
 - (d) the prescribed forms are repealed as the forms will be specified by the Council under the amended section 29A of the principal Ordinance.
55. Clauses 85 and 118 repeal the requirement to pay fee in regulation 4 of, and the schedule of fee in the Second Schedule to, Cap. 156A as the fee items no longer correspond to the provisions that require the payment of fees in the amended principal Ordinance.

56. Clause 91 repeals regulation 9 of Cap. 156A to remove the requirement to keep old entry in the General Register or Specialist Register.
57. Part 3 also makes textual amendments to Cap. 156A to bring the provisions in line with the principal Ordinance.

Part 4—Repeal of Ancillary Dental Workers (Dental Hygienists) Regulations (Cap. 156 sub. leg. B) (Cap. 156B)

58. Part 4 repeals Cap. 156B. The requirement relating to dental hygienists will be set out in the new Part 12 of the principal Ordinance.

Part 5—Consequential Amendments

59. Part 5 contains amendments to other enactments consequential to the introduction of the new types of registration.

Schedule—Amendments relating to Certain Expressions in Chinese Text

60. The Schedule contains textual amendments to certain Chinese expressions used in the principal Ordinance and Cap. 156A.

**COMPARISON OF LIMITED REGISTRATION
AND SPECIAL REGISTRATION**

	Limited Registration ("LR")	Special Registration ("SR")
Requirements	<p>Satisfy DCHK that the applicant –</p> <ul style="list-style-type: none">• Has been selected for full-time employment as a person with LR in a specified institution, or an employment or a type of employment determined and promulgated by DCHK;• Has obtained a recognised non-Hong Kong qualification;• Has had adequate and relevant full-time post-qualification clinical experience;• Is registered as a dentist under the law of a place outside Hong Kong;• Has not been refused to take the licensing examination¹; and• Is of good character	<p>Satisfy DCHK that the applicant –</p> <ul style="list-style-type: none">• Has been selected for full-time employment as a person with SR in a specified institution;• Has obtained a recognised non-Hong Kong qualification;• Has been awarded a Fellowship of the Hong Kong Academy of Medicine ("HKAM") in the specialty of dental surgery, or has been certified by HKAM that the applicant has attained a professional standard equivalent to that recognised by HKAM for the award of a Fellowship of the HKAM in the specialty of dental surgery• Has had adequate and relevant full-time post-qualification clinical experience;• Is registered as a dentist under the law of a place outside Hong Kong;• Has not been refused to take the licensing examination; and• Is of good character

¹ Pursuant to section 4A(3) of the DRO, DCHK may prohibit a person from sitting the licensing examination if the person has sat any one part of the licensing examination five times and has failed each time.

	Limited Registration ("LR")	Special Registration ("SR")
Specified institutions	<ul style="list-style-type: none"> ● Listed in Schedule 4, including DH, HA, HKU, PPDH and other institutions to be specified by the Secretary for Health in future ● Any employment or type of employment determined and promulgated by DCHK² 	<ul style="list-style-type: none"> ● Listed in Schedule 5, including DH, HA, HKU, PPDH and other institutions to be specified by the Secretary for Health in future
Migration to full registration	<p>If a person –</p> <ul style="list-style-type: none"> ● has worked under full-time employment as a person with LR in one or more Schedule 4 institutions for at least 5 years in aggregate; and ● is certified by the institution, or by all institutions, to have served satisfactorily as a dentist during the period by reference to the criteria specified by DCHK <p>he or she will need to pass the clinical part of the licensing examination³</p>	<p>If a person –</p> <ul style="list-style-type: none"> ● has worked under full-time employment as a person with LR/SR in one or more Schedule 4/5 institutions for at least 5 years in aggregate; and ● is certified by the institution, or by all institutions, to have served satisfactorily as a dentist during the period by reference to the criteria specified by DCHK <p>he or she will need to pass the clinical part of the licensing examination³, or may be exempted from taking the licensing examination by DCHK having considered the nature and scope of the work undertaken by the person during employment</p>

² This arrangement is modelled after the MRO. Having regard to any representations made to it, the Medical Council of Hong Kong ("MCHK") may determine and promulgate from time to time the employment or type of employment in respect of which limited registration is appropriate or necessary.

MCHK has issued notices for such occasions as medical practitioners accompanying non-local teams to participate in major events hosted in Hong Kong (e.g. Rugby Sevens, Olympic Equestrian Events), as well as medical practitioners responsible for supervising medical matters arising from works under large-scale construction projects (e.g. Tuen Mun-Chek Lap Kok Link).

³ As the current licensing examination administered by DCHK comprises three parts, namely Part I Written Test, Part II Practical Test and Part III Clinical Test, it is intended that such persons do not need to take Part I and Part II under the existing examination arrangement.

**PROPOSED CHANGES TO COMPOSITION AND STRUCTURE OF
THE DENTAL COUNCIL OF HONG KONG**

Dental Council of Hong Kong (“DCHK”)

Expand the membership which enables DCHK to cope with its additional statutory functions and broaden the representation.

2. In view of the responses from the Prince Philip Dental Hospital (“PPDH”) and the Hong Kong Dental Association (“HKDA”) during the consultation process, additional seats are provided to both parties to ensure that DCHK may better obtain views on the training of dental care professionals and industry practice.

Present Composition (12 members)	Proposed Composition (24 members; see Note 1)
<ul style="list-style-type: none">• Registrar of Dentists• 1 consultant dental surgeon of the Dental Services of the Department of Health (“DH”) appointed by the Chief Executive (“CE”)• 1 registered dentist, who is a full-time member of the teaching staff of the Faculty of Dentistry of the University of Hong Kong (“HKU”), nominated by HKU and appointed by CE• 6 registered dentists appointed by CE, who are selected from a panel of not less than 12 registered dentists nominated by HKDA• 2 medical practitioners appointed by CE• 1 lay member appointed by CE	<ul style="list-style-type: none">• Registrar of Dentists• 1 consultant dental surgeon of DH Dental Services appointed by CE• 1 registered dentist, who is a full-time member of the teaching staff of HKU Faculty of Dentistry, nominated by HKU and appointed by CE• 1 registered dentist nominated by PPDH and appointed by CE• 1 registered specialist dentist nominated by the Hong Kong Academy of Medicine (“HKAM”) and appointed by CE• 3 registered dentists nominated by HKDA and appointed by CE (see Note 2)• 3 persons with full registration whose names are contained in the practising list, appointed by CE from a list of not less than 9 registered dentists who are elected by persons with full registration, limited registration and special registration (see Note 3)• 4 registered dentists appointed by CE• 2 lay members appointed by CE, who are medical practitioners• 2 lay members appointed by CE from a list of not less than 6 nominees elected by patient organisations and non-governmental organisations providing dental services• 5 lay members appointed by CE

Note 1: It is proposed to allow DCHK to appoint more than one legal adviser, who is not a DCHK member, as necessary to support its operation.

Note 2: To ensure the participation of a more experienced dentist from HKDA, it will be specified that 1 DCHK member nominated by HKDA and appointed by CE should (a) have been a person with full registration whose name is contained in the practising list for at least 10 years in aggregate as at the date of nomination; or (b) have served as an elected council member of HKDA for at least one full term as at the date of nomination.

Note 3: In the DCHK election regulation to be enacted after the passage of this Bill, it will be specified that every candidate taking part in the general election should (a) have been a person with full registration whose name is contained in the practising list for at least 10 years in aggregate as at the date of nomination; or (b) have served as an elected council member of HKDA for at least one full term as at the date of nomination. This is meant to reflect the discussion with stakeholders during the consultation process.

Preliminary Investigation Committee (“PIC”)

3. Add lay members to enhance the credibility of complaint investigation and disciplinary proceedings. With the expanded composition, the quorum of a PIC meeting will be three and at least two of whom shall be registered dentists.
4. Empower DCHK to set up more than one PIC as necessary, thereby increasing the efficiency in handling complaints.
5. Each case will be reviewed by the PIC chairperson, the PIC deputy chairperson and a lay member before dismissal to ensure participation of both registered dentists and lay member.

Present Composition (3 members)	Proposed Composition (5 members)
<ul style="list-style-type: none">• 1 DCHK member; shall be the PIC chairperson• 2 registered dentists who are not DCHK members, nominated by DCHK Chairperson from a panel of not less than 12 registered dentists nominated by HKDA	<ul style="list-style-type: none">• 1 DCHK member who is a registered dentist; shall be the PIC chairperson• 2 registered dentists who are not DCHK members, nominated by DCHK Chairperson; one of whom shall be the PIC deputy chairperson• 2 lay members of DCHK

Examination Committee (“EC”)

6. Confer statutory status to EC while maintaining the existing composition.

Present Composition (12 members)	Proposed Composition (12 members)
<ul style="list-style-type: none">• 3 DCHK members; one of whom shall be the EC chairperson• 2 registered dentists, who are full-time members of the teaching staff of HKU Faculty of Dentistry, nominated by HKU• 2 registered specialist dentists nominated by HKAM• 2 registered dentists nominated by HKDA• 2 registered dentists who are public officers, nominated by the Director of Health (“DoH”)• 1 registered dentist appointed by DCHK to be responsible for conducting the licensing examination (see Note)	<ul style="list-style-type: none">• No change

Note: Conventionally, this seat is taken by the chairperson of DCHK’s Board of Examiners, which is responsible for conducting the licensing examination.

Continuing Professional Development Committee (“CPDC”)

7. Confer statutory status to CPDC, while adding a registered dentist nominated by DoH to reflect DH’s dual role as a continuing professional development programme provider and public service provider.

Present Composition (6 members)	Proposed Composition (7 members)
<ul style="list-style-type: none"> • 3 DCHK members; one of whom shall be the CPDC chairperson • 1 registered dentist, who is a full-time member of the teaching staff of HKU Faculty of Dentistry, nominated by HKU • 1 registered specialist dentist nominated by HKAM • 1 registered dentist nominated by HKDA 	<ul style="list-style-type: none"> • 3 DCHK members; one of whom shall be the CPDC chairperson • 1 registered dentist, who is a full-time member of the teaching staff of HKU Faculty of Dentistry, nominated by HKU • 1 registered specialist dentist nominated by HKAM • 1 registered dentist nominated by HKDA • 1 registered dentist who is a public officer, nominated by DoH

Health Committee (“HC”)

8. Establish a new HC to deal with matters relating to the health, physical or mental fitness of dentists and dental care professionals for practice.

9. In view of the response from HKAM during the consultation process, a seat is provided to HKAM to ensure that HC may better obtain views on the health-related requirements for specialist dentists.

Present Composition (N/A)	Proposed Composition (9-11 members)
<ul style="list-style-type: none"> • Not established 	<ul style="list-style-type: none"> • 3 DCHK members who are registered dentists; one of whom shall be the HC chairperson • 1 registered specialist dentist nominated by HKAM • 1 registered dentist nominated by HKDA • 1 registered dentist who is a public officer, nominated by DoH • 1-3 persons who are not DCHK members whom DCHK considers appropriate • 2 lay members of DCHK

To amend the law relating to dentists by making more comprehensive provisions.

[1 October 1959] *G.N.A. 60 of 1959*
(*Format changes—E.R. 7 of 2020*)

2. Interpretation

(1) In this Ordinance, unless the context otherwise requires—

Academy of Medicine (醫學專科學院) means the Hong Kong Academy of Medicine established under the Hong Kong Academy of Medicine Ordinance (Cap. 419); (*Added 11 of 2006 s. 3*)

certificate of registration (註冊證明書) means a certificate of registration or a duplicate certificate of registration issued under section 10;

Chairman (主席) means the chairman of the Council established under section 4 and includes any person elected to act as Chairman under section 4(5C); (*Added 12 of 1968 s. 2. Amended 4 of 1988 s. 2*)

complainant (申訴人) means any person from whom a complaint against, or information in respect of a registered dentist or an applicant for registration has been received by the Secretary in accordance with regulations made under section 29; (*Added 12 of 1968 s. 2*)

Council (委員會) means the Dental Council of Hong Kong established under section 4;

dangerous drugs (危險藥物) means any drug to which the Dangerous Drugs Ordinance (Cap. 134) applies;

due inquiry (適當的研訊) means an inquiry by the Council conducted substantially in accordance with the procedure provided by regulations made under section 29(1C)(d) (v); (*Amended 12 of 1968 s. 2; 80 of 1997 s. 5*)

Education and Accreditation Committee (教育及評審小組) means the committee established under section 5B; (*Added 11 of 2006 s. 3*)

General Register (普通科名冊) means the register of dentists kept under section 7(1); (*Added 11 of 2006 s. 3*)

Legal Adviser (法律顧問) means the person appointed to be Legal Adviser to the Council under section 4; (*Added 12 of 1968 s.*

2)

Licensing Examination (許可試) means the examination set by the Council under section 4A; (*Added 34 of 1995 s. 2*)

Medical Council (醫務委員會) means the Medical Council of Hong Kong established under section 3 of the Medical Registration Ordinance (Cap. 161);

practising certificate (執業證明書) means a certificate issued under section 11A; (*Added 49 of 1977 s. 2*)

Preliminary Investigation Committee (初步調查小組) means the committee established under regulation 12 of the Dentists (Registration and Disciplinary Procedure) Regulations (Cap. 156 sub. leg. A); (*Added 11 of 2006 s. 3*)

prescribed (訂明) means provided by regulations made under section 29;

registered address (註冊地址) means the address appearing upon the certificate of registration issued under section 10;

registered dentist (註冊牙醫) means a person whose name appears for the time being on the General Register, whether or not his name also appears on the Specialist Register; (*Replaced 11 of 2006 s. 3*)

Registrar (註冊主任) means the Registrar of Dentists as provided for under section 6;

repealed Ordinance (已廢除條例) means the Dentists Registration Ordinance 1940 (1 of 1940, see Cap. 156, 1950 Ed.);

Secretary (秘書) means the Secretary of the Council appointed under section 4; (*Added 12 of 1968 s. 2. Amended 11 of 2006 s. 3*)

Specialist Register (專科名冊) means the register of specialist dentists kept under section 7(3). (*Added 11 of 2006 s. 3*)

(*Amended 11 of 2006 s. 3*)

(2) A person shall be deemed to practise dentistry within the meaning of this Ordinance, who, for the sake of gain or otherwise, holds himself out, whether directly or by implication, as practising or being prepared to practise dentistry, or treats or attempts to treat or professes to treat, cure, relieve or prevent lesions or pain of the human teeth or jaws; or performs or attempts to perform any operation thereon, or inserts or attempts to insert any artificial teeth or appliances for the restoration, regulation or improvement of the teeth or accessory structures.

- (3) For the purposes of sections 18(5) and 22(2) and (2A), an appeal to the Court of Appeal shall be deemed to be finally determined when the earliest of the following events occurs, whichever is applicable in the circumstances— (*Amended 11 of 2006 s. 3*)
- (a) when the appeal to the Court of Appeal is withdrawn or abandoned;
 - (b) when the specified period expires without an application for leave to appeal having been made to the Court of Appeal;
 - (c) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Appeal—
 - (i) when the application is withdrawn or abandoned;
 - (ii) if the application is refused, when the specified period expires without an application for leave to appeal having been made to the Court of Final Appeal; or
 - (iii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of; or
 - (d) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Final Appeal—
 - (i) when the application is withdrawn, abandoned or refused; or
 - (ii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of. (*Added 10 of 2005 s. 54*)

(4) In subsection (3)—

application for leave to appeal (上訴許可申請) means an application made to the Court of Appeal or the Court of Final Appeal under section 24 of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) for leave to appeal to the Court of Final Appeal from a judgment of the Court of Appeal;

specified period (指明限期)—

- (a) in the case of an application for leave to appeal made to the Court of Appeal, means—

- (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(2) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is required to be filed; or
 - (ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Appeal extends that period, the period as so extended; or
- (b) in the case of an application for leave to appeal made to the Court of Final Appeal, means—
 - (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(4) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is required to be filed; or
 - (ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Final Appeal extends that period, the period as so extended. (*Added 10 of 2005 s. 54*)
- (5) For the purposes of this Ordinance, a person is registered if the name of that person is entered in the General Register in accordance with section 9, and **registration** shall be construed accordingly. (*Added 11 of 2006 s. 3*)
- (6) For the purposes of this Ordinance, a complaint or information involves a suitability issue if the complaint or information concerns the question of whether the name of a registered dentist should be included in, or removed from, the Specialist Register. (*Added 11 of 2006 s. 3*)

3. Dentists to be registered

- (1) Subject to the provisions of any regulations made under section 29(1A)(d), any person, not being a registered dentist, who— (*Amended 80 of 1997 s. 6*)
 - (a) practises dentistry within Hong Kong commits an offence and is liable—
 - (i) on summary conviction to a fine at level 6 and to imprisonment for 3 years; or
 - (ii) on conviction upon indictment to imprisonment for 5 years; or
 - (b) practises dentistry on a person within Hong Kong which results in personal injury to that person commits an offence and is liable—

- (i) on summary conviction to a fine of \$200,000 and to imprisonment for 3 years; or
 - (ii) on conviction upon indictment to imprisonment for 7 years. (*Amended 12 of 1968 s. 3; 79 of 1984 s. 7; 68 of 1986 s. 9; 80 of 1997 s. 89*)
- (2) Nothing in this section shall operate to prevent the extraction of teeth for the relief of pain, or the application of remedies for such purposes, by a medical practitioner registered under the Medical Registration Ordinance (Cap. 161).
- (3) For the purposes of this section a person who fraudulently procures himself to be registered under this Ordinance shall be deemed not to have been so registered. (*Added 68 of 1986 s. 9*)

4. Establishment and composition of Dental Council

- (1) There shall be established within Hong Kong a council to be called the “Dental Council of Hong Kong”. (*Amended 79 of 1984 s. 2; E.R. 7 of 2020*)
- (2) The Council shall consist of—
- (a) the Registrar; (*Replaced 4 of 1988 s. 3*)
 - (b) a consultant dental surgeon of the Dental Service of the Department of Health appointed by the Chief Executive; (*Replaced 4 of 1988 s. 3. Amended L.N. 76 of 1989*)
 - (ba) a registered dentist, who is a full-time member of the teaching staff of the Faculty of Dentistry of the University of Hong Kong, nominated by the University of Hong Kong and appointed by the Chief Executive; (*Added 79 of 1984 s. 2*)
 - (c) 2 medical practitioners appointed by the Chief Executive; (*Amended 4 of 1988 s. 3*)
 - (d) 6 registered dentists qualified to be registered under section 8 and appointed by the Chief Executive— (*Amended 62 of 1987 s. 2; 4 of 1988 s. 3; 37 of 2000 s. 3; 9 of 2002 s. 2*)
 - (i) from a panel of not less than 12 such registered dentists nominated by the Hong Kong Dental Association; or
 - (ii) in the event of the Hong Kong Dental Association failing to nominate at least 12 such registered dentists, at the discretion of the Chief Executive; (*Replaced 49 of 1977 s. 3. Amended 79 of 1984 s. 2; 4 of 1988 s. 3*)

- (e) one lay member who shall be appointed by the Chief Executive. *(Added 4 of 1988 s. 3. Amended 37 of 2000 s. 3)*
- (3) The term of a member of the Council appointed under subsection (2)(c), (d) or (e) is 3 years, or such lesser period as the Chief Executive may determine at the time of appointment, and the member is eligible for reappointment on the expiry of the term. *(Replaced 9 of 2002 s. 2)*
- (4) If the place of a member of the Council appointed under subsection (2)(c), (d) or (e) becomes vacant before the expiration of his term of office, the vacancy may be filled by appointment by the Chief Executive, and any person so appointed shall hold office so long only as the member in whose place he is appointed would have held office. *(Amended 4 of 1988 s. 3; 37 of 2000 s. 3)*
- (5) The Chairman of the Council shall—
- (a) be elected by the members from amongst themselves;
 - (b) subject to subsection (5D), hold office for 3 years or until he ceases to hold office as a member, whichever is the earlier; and
 - (c) be eligible for re-election. *(Replaced 4 of 1988 s. 3)*
- (5A) If the office of Chairman becomes vacant due to effluxion of time, or as a result of resignation or otherwise, the Secretary shall convene a meeting of the Council within 3 months of the occurrence of such vacancy for the purpose of electing a Chairman. *(Added 4 of 1988 s. 3)*
- (5B) The Secretary shall preside at a meeting held under subsection (5A) until the Chairman is elected and assumes office, but he shall not have an original or a casting vote. *(Added 4 of 1988 s. 3)*
- (5C) If the Chairman is unable to perform the functions of his office for any period due to absence from Hong Kong or any other reason, the members of the Council shall at a meeting of the Council elect one of themselves to act in his place for the duration of that period and notwithstanding any provision in this Ordinance the Secretary may, where necessary, convene a meeting for the purpose of such election. *(Added 4 of 1988 s. 3)*
- (5D) The Chairman may at any time resign his office by giving notice in writing to the Secretary. *(Added 4 of 1988 s. 3)*
- (6) There shall be a Secretary of the Council and a Legal Adviser to the Council who shall be appointed by the Chief Executive. *(Amended 37 of 2000 s. 3)*

4A. Council to set Licensing Examination

- (1) The Council shall set an examination, called the Licensing Examination, the passing of which qualifies a person to be registered under section 8.
- (2) The Council may impose such conditions as it thinks fit, being conditions which are relevant to the assessment or improvement of a person's professional knowledge in dentistry, which a person must comply with before the Council allows him to sit the Licensing Examination or any part thereof.
- (3) The Council may prohibit a person from sitting the Licensing Examination if the person has sat any one part of the Licensing Examination 5 times and has failed each time. *(Amended 9 of 2002 s. 2)*
- (4) *(Repealed 9 of 2002 s. 2)*

(Added 34 of 1995 s. 3)

5. Meetings of the Council

- (1) The Council shall meet at such times and such places as the Chairman may appoint, and the Council shall also meet at the request in writing of at least 4 members, addressed to the Chairman. *(Amended 4 of 1988 s. 4)*
- (2) At any meeting of the Council 4 members, including not less than 1 member appointed under section 4(2)(d), shall be a quorum.
- (3) The validity of any proceedings of the Council shall not be affected by any vacancy among the members thereof or by any defect in the appointment of a member thereof.
- (4) All questions coming or arising before a meeting of the Council shall be decided by a majority of the members of the Council present and voting thereon.
- (5) The Chairman at any meeting of the Council shall have an original vote and also, if upon any question the votes shall be equally divided, a casting vote except in an inquiry under section 9 or 18 at which he shall have only an original vote. *(Amended 4 of 1988 s. 4)*

5A. Transaction of business by circulation of papers

The Council may transact any of its business, other than an inquiry under section 9 or 18, by circulation of papers, and a resolution in writing which is approved in writing by all the members present in Hong Kong at the time the resolution was circulated (being not less

than the number required to constitute a majority of the members of the Council) shall be as valid and effectual as if it had been passed at a meeting of the Council by the votes of the members so approving the resolution.

(Added 80 of 1997 s. 90)

5B. Establishment and composition of Education and Accreditation Committee

- (1) There shall be established a committee to be called the “Education and Accreditation Committee”. *(Amended E.R. 7 of 2020)*
- (2) The Education and Accreditation Committee shall consist of the following members appointed by the Council—
 - (a) a chairman who is a member of the Council;
 - (b) 1 registered dentist, not being a member of the Council, nominated by the University of Hong Kong;
 - (c) 1 registered dentist, not being a member of the Council, nominated by the Academy of Medicine;
 - (d) 1 registered dentist, not being a member of the Council, nominated by the Director of Health;
 - (e) 1 registered dentist, not being a member of the Council, nominated by the Hong Kong Dental Association;
 - (f) 2 other members who are members of the Council.
- (3) A registered dentist is not eligible for appointment under subsection (2) if the Council has made an order in respect of the dentist under section 18(1)(i), (ii), (iii) or (iv).
- (4) The term of a member appointed under subsection (2) is 3 years, and the member is eligible for reappointment on the expiry of the term.
- (5) If, during the period of his office—
 - (a) a member of the Education and Accreditation Committee under subsection (2)(a) or (f) ceases to be a member of the Council;
 - (b) a member of the Education and Accreditation Committee under subsection (2)(b), (c), (d) or (e)—
 - (i) ceases to be a registered dentist; or
 - (ii) becomes a member of the Council; or
 - (c) the Council has made an order in respect of a member of the Education and Accreditation Committee under section 18(1)(i), (ii), (iii) or (iv),

the member ceases to be a member of the Education and Accreditation Committee.

(Added 11 of 2006 s. 4)

5C. Functions of Education and Accreditation Committee

The Education and Accreditation Committee has the following functions—

- (a) to recommend to the Council the specialties under which the names of registered dentists may be included in the Specialist Register;
- (b) to recommend to the Council the qualifications, experience and other attributes that qualify a registered dentist to have his name included in the Specialist Register under a specialty recommended by the Committee under paragraph (a);
- (c) to recommend to the Council the procedures and documentations for an application to include the name of a registered dentist in the Specialist Register;
- (d) to make recommendations to the Council so that it may decide whether the name of a registered dentist should be included in, or removed from, the Specialist Register;
- (e) to review and recommend to the Council the standard and structure of undergraduate dental education and training in dentistry required for a person to become a registered dentist;
- (f) such other functions as are imposed on it under this Ordinance.

(Added 11 of 2006 s. 4)

5D. Meetings of Education and Accreditation Committee

- (1) At any meeting of the Education and Accreditation Committee, 4 members (including the chairman) shall form a quorum.
- (2) At any meeting of the Education and Accreditation Committee, the chairman of the Committee shall preside or, if he is absent, the members present shall elect one of them to preside.
- (3) A question for determination at any meeting of the Education and Accreditation Committee shall be decided by a majority of votes of the members present and voting on the question.

- (4) At any meeting of the Education and Accreditation Committee, the chairman of the Committee shall have an original vote and, if upon any question the votes are equally divided, a casting vote.

(Added 11 of 2006 s. 4)

5E. Transaction of business in Education and Accreditation Committee by circulation of papers

- (1) The Education and Accreditation Committee may transact any of its business by circulation of papers.
- (2) A resolution in writing which is signed by all the members of the Education and Accreditation Committee present in Hong Kong at the time the resolution was circulated is as valid and effectual as if it had been passed at a meeting of the Committee by the votes of the members so signing.

(Added 11 of 2006 s. 4)

5F. Proceedings of Education and Accreditation Committee

If a member of the Education and Accreditation Committee under section 5B(2)(a) or (f) has taken part in dealing with any complaint or information involving a suitability issue, the member shall not, as a member of the Council, take part in the determination of the complaint or information by the Council.

(Added 11 of 2006 s. 4)

5G. Dissolution of Education and Accreditation Committee

- (1) If, in the opinion of the Council, the Education and Accreditation Committee has acted in a manner that is prejudicial to the interest of the public or dental profession, the Council may, by a resolution passed by the votes of not less than three quarters of the members of the Council, dissolve the Committee.
- (2) Upon a dissolution of the Education and Accreditation Committee under subsection (1), the Council—
- (a) may perform the functions of the Committee; and
 - (b) shall make such appointments as are necessary to re-establish the Committee with new membership within 3 months of the dissolution.

(Added 11 of 2006 s. 4)

6. Registrar of Dentists

- (1) For the purposes of this Ordinance, there shall be a Registrar of Dentists, who shall perform such duties in connection with the General Register as may be prescribed, and with the Specialist Register as may be provided for, under this Ordinance. *(Amended 11 of 2006 s. 5)*
- (2) The consultant dental surgeon in charge of the Dental Service of the Department of Health shall be the Registrar. *(Amended 4 of 1988 s. 5; L.N. 76 of 1989)*

7. Keeping of General Register and Specialist Register

- (1) The Registrar shall cause a register of dentists, to be called the General Register, to be kept in the form prescribed and he shall be responsible for the maintenance and custody thereof.
- (2) In respect of any person who is registered by virtue of having been registered under the repealed Ordinance, the General Register shall indicate the paragraph of section 7* of the repealed Ordinance under which such person was first registered. *(Amended 34 of 1995 s. 4)*
- (3) The Registrar shall cause a register of specialist dentists, to be called the Specialist Register, to be kept in such form as he thinks fit. *(Added 11 of 2006 s. 6)*
- (4) The Specialist Register shall contain the names, registered addresses, qualifications, specialties and such other particulars as the Registrar thinks necessary of those registered dentists who have been approved by the Council to have their names included in the Register. *(Added 11 of 2006 s. 6)*
- (5) The Registrar shall be responsible for the maintenance and custody of the Specialist Register. *(Added 11 of 2006 s. 6)*
(Amended 11 of 2006 s. 6)

Editorial Note:

* As amended by 24 of 1950 Schedule and 55 of 1955 s. 4.

8. Persons who are qualified to be registered

- (1) Only a person who— *(Amended 9 of 2002 s. 2)*
 - (a) has passed the Licensing Examination and has complied with the conditions, if any, imposed by the Council under section 4A(2);
 - (b) has been awarded a bachelor degree in dentistry by a university in Hong Kong specified in the Schedule; or *(Replaced 9 of 2002 s. 2)*

- (c) was at any time registered before the commencement[#] of section 5 of the Medical and Related Professionals (Registration) (Miscellaneous Amendments) Ordinance 1995 (34 of 1995),

is qualified to be registered under this Ordinance.

- (2) The Council may, with the prior approval of the Legislative Council, amend the Schedule by notice published in the Gazette. (*Added 9 of 2002 s. 2*)

(*Replaced 34 of 1995 s. 5*)

Editorial Note:

[#] Commencement date: 1 July 1995.

9. Application for registration

- (1) Any person qualified to be registered may apply to the Registrar for registration. Every such application shall be made in such manner and shall be accompanied by such documents, photographs and particulars as may be prescribed.
- (2) Where such person has complied with the provisions of subsection (1) and with any regulations relating thereto, and has paid the prescribed fee, the name of the person shall, subject to the provisions of subsection (3), be admitted by the Council to the General Register. (*Amended 11 of 2006 s. 7*)
- (3) If, after due inquiry, the Council is satisfied that any applicant for registration—
- (a) has been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment; or
 - (b) has been guilty of unprofessional conduct; or
 - (c) is the subject of an existing order made under section 17(1)(i) or (ii)* of the repealed Ordinance,
- the Council may, in its discretion, order that the name of the applicant be not entered in the General Register. (*Amended 11 of 2006 s. 7*)
- (4) Such of the provisions of section 18 as are capable of application to an inquiry held for the purposes of this section shall apply to such inquiry, and any such provision may be construed with such modifications not affecting the substance as may be necessary to render it conveniently applicable.

Editorial Note:

* As amended by 55 of 1955 s. 8.

10. Certificate of registration

- (1) When a person has been registered, the Council shall issue to him a certificate of registration in such form as may be prescribed.
- (2) A registered dentist who requires a certified copy of his certificate of registration in order to comply with the provisions of section 14(1) shall apply in writing to the Registrar enclosing one passport size photograph and stating the address of the premises at which he proposes to practise, and the Registrar may thereupon issue to the registered dentist a certified copy of his certificate of registration.
- (3)
 - (a) The registered address appearing upon the certificate of registration shall be the principal address at which the registered dentist carries on his practice;
 - (b) every registered dentist shall report to the Registrar every address at which he carries on the practice of dentistry for gain;
 - (c) every registered dentist shall report to the Registrar any change of his registered address or the change of any other address at which he carries on the practice of dentistry for gain within 2 months of such change;
 - (d) upon a report of any change of a registered address being made to the Registrar in accordance with paragraph (c) the Registrar shall cause the registered address upon the certificate of registration or upon any certified copy thereof or upon both such certificate of registration and upon such certified copy thereof as the case may be to be amended accordingly;
 - (e) any registered dentist who fails to make a report in accordance with paragraph (b) or (c) commits an offence and is liable on summary conviction to a fine at level 1. (*Amended 68 of 1986 s. 10; E.R. 7 of 2020*)
- (4) If a certificate of registration has been lost, destroyed or defaced, the registered dentist may apply in writing to the Registrar to issue to him a duplicate certificate of registration and the Registrar upon being satisfied as to such loss, destruction or defacement, shall issue to the registered dentist a duplicate certificate of registration in the same form as is prescribed for a certificate of registration, marked on the face thereof with the word “duplicate”.

- (5) If it appears to the Registrar that a certificate of registration or a certified copy of a certificate of registration is defaced or that the photograph thereon is not a reasonable likeness of the registered dentist to whom the certificate of registration relates the Registrar by notice in writing may require the registered dentist to lodge his certificate of registration or certified copy, as the case may be, with the Registrar and to apply for the issue of a duplicate certificate of registration or of another certified copy, and any registered dentist who on being so required fails to do so within 7 days of the service of such notice commits an offence and is liable on summary conviction to a fine at level 1. (*Amended 68 of 1986 s. 10; E.R. 7 of 2020*)

11A. Person not to practise without practising certificate

- (1) Subject to this section, a person to whom this section applies shall not practise as a dentist in Hong Kong, unless he is the holder of a practising certificate which is then in force. (*Amended 62 of 1987 s. 4*)
- (2) Subject to the payment of the prescribed fee for the issue of a practising certificate, the Secretary, on application made to him for that purpose by a person to whom this section applies, shall issue to him a certificate to the effect that he is, subject to any conditions and restrictions specified in the certificate — (*Amended 11 of 2006 s. 8*)
- (a) entitled to practise dentistry in Hong Kong; or
- (b) in the case of a person deemed to be a registered dentist under section 30(3)(a), entitled to practise dentistry for the purpose of teaching or performing hospital work in the Faculty of Dentistry of the University of Hong Kong. (*Amended 62 of 1987 s. 4*)
- (3) Where a practising certificate is issued pursuant to an application made during the course of a year in respect of that year, the certificate shall, subject to subsection (5), be in force from the time of its issue until the end of that year.
- (4) Where a practising certificate is issued pursuant to an application made during the course of a year in respect of the following year, the certificate shall, subject to subsection (5), be in force for a period of 12 months commencing on 1 January in that following year.
- (5) If at any time during the currency of a practising certificate issued under this section, the holder of the certificate ceases to be registered, the certificate shall thereupon be deemed to be cancelled.

- (6) Any person who is required under this section to be the holder of a practising certificate under this section shall be deemed to have obtained the certificate when he has duly applied to the Secretary and paid the prescribed fee for the issue of the practising certificate.
- (7) Notwithstanding section 11(1) a person who is required under this section to be the holder of a practising certificate shall not be entitled to recover any fees, costs or other remuneration on any cause of action unless he was, at the time when the cause of action arose, the holder of a valid practising certificate.
- (8) This section applies to—
 - (a) any person whose name appears on the General Register; and (*Amended 11 of 2006 s. 8*)
 - (b) any person deemed to be a registered dentist by virtue of section 30(3)(a). (*Replaced 62 of 1987 s. 4*)

(Added 49 of 1977 s. 6)

11B. Recovery of practising fees

- (1) If any person to whom section 11A applies contravenes subsection (1) of that section, the amount of the prescribed fee payable by him under subsection (2) of that section shall be recoverable as a civil debt.
- (2) In any proceedings under this section a certificate purporting to be under the hand of the Secretary to the effect that the person concerned had not paid the prescribed fee for the issue of a practising certificate shall, until the contrary is proved, be evidence of non-payment of the fee.
- (3) On recovery of a prescribed fee under this section the Secretary shall, if the name of the person concerned appears on the General Register or if he is deemed to be a registered dentist under section 30(3)(a), issue to him an appropriate practising certificate. (*Replaced 62 of 1987 s. 5. Amended 11 of 2006 s. 9*)

(Added 49 of 1977 s. 6. Amended 62 of 1987 s. 5)

12. Dental companies

- (1) A body corporate may carry on the business of dentistry if—
 - (a) it carries on no business other than dentistry or some business ancillary to the business of dentistry; and

- (b) a majority of the directors and all persons practising dentistry are registered dentists:

Provided that a body corporate which was carrying on the business of dentistry before the date of commencement* of this Ordinance shall not be disqualified from carrying on the business of dentistry under this section by reason only that it carries on some business other than dentistry or a business ancillary to that business, if that other business is a business which the body was lawfully entitled at the date of coming into operation of this Ordinance to carry on.

- (2) Save as aforesaid it shall not be lawful for any body corporate to carry on the business of dentistry, and any body corporate which carries on the business of dentistry in contravention of the provisions of this section and every director and manager thereof, subject to subsection (2A), commits an offence and is liable on summary conviction to a fine at level 1 for each offence. *(Amended 68 of 1986 s. 11; E.R. 7 of 2020)*
- (2A) Where a person is charged with an offence under subsection (2) by reason of being a director or manager, it shall be a defence for him to prove that the offence alleged to be committed by the body corporate was committed without his knowledge. *(Added 68 of 1986 s. 11)*
- (3) Every body corporate carrying on the business of dentistry shall within 7 days of 1 January in every year transmit to the Registrar a statement in the prescribed form containing the names and addresses of all persons who are directors or managers of the company, or who perform dental operations in connection with the business of the company, and, if any such body corporate fails so to do, it shall be deemed to be carrying on the business of dentistry in contravention of the provisions of this section.
- (4) Nothing in this section shall prevent the carrying on of the business of dentistry by the operating staff of any hospital of any description (including an institution for out-patients only), or of any dental school, which is approved for the purposes of this section by the Chief Executive in Council. *(Amended 37 of 2000 s. 3)*

Editorial Note:

* Commencement date: 1 October 1959.

12B. Application for inclusion in Specialist Register

- (1) A registered dentist who wishes to have his name included in the Specialist Register under a specialty may apply to the Council, in such form and manner as may be specified by the Council, for the inclusion.
- (2) The Council shall not approve a registered dentist's application made under subsection (1) unless, in the Council's opinion, the dentist satisfies the conditions in subsection (3).
- (3) Those conditions are—
 - (a) the dentist—
 - (i) has been—
 - (A) awarded a Fellowship of the Academy of Medicine; and
 - (B) certified by the Academy that he has completed the postgraduate dental training, and has satisfied the continuing education requirements, determined by the Academy for the specialty; or
 - (ii) has been certified by the Academy of Medicine that—
 - (A) he has achieved a professional standard equivalent to that recognized by the Academy for the award of its fellowship; and
 - (B) he has completed the postgraduate dental training, and has satisfied the continuing education requirements, comparable to those determined by the Academy for the specialty; and
 - (b) the dentist is competent in the specialty.
- (4) On receiving a registered dentist's application made under subsection (1), the Council shall refer the application to the Education and Accreditation Committee for a recommendation as to whether the dentist satisfies the conditions in subsection (3).
- (5) As soon as practicable after having received a referral under subsection (4), the Education and Accreditation Committee shall—
 - (a) notify the Council of its recommendation and the reasons for it; and
 - (b) in the case where the Committee recommends to the Council that the registered dentist does not satisfy the conditions in subsection (3), notify the dentist in writing of its recommendation and the reasons for it.

- (6) In making the recommendation referred to in subsection (4), the Education and Accreditation Committee shall take into account any recommendation made by the Committee under section 12F(1)(d).
- (7) Within 14 days after having received a notice under subsection (5)(b), the registered dentist may submit to the Council representations in writing on the Education and Accreditation Committee's recommendation.
- (8) If the Education and Accreditation Committee recommends to the Council that a registered dentist does not satisfy the conditions in subsection (3), the Council shall not decide whether or not to approve the application until the later of—
 - (a) the expiry of the period within which the dentist may submit representations under subsection (7); or
 - (b) the expiry of the period within which the dentist may request the Committee to review its recommendation under section 12F(5).
- (9) In deciding whether or not to approve a registered dentist's application made under subsection (1), the Council shall have regard to—
 - (a) the Education and Accreditation Committee's recommendation referred to in subsection (4) and the reasons for it;
 - (b) if the dentist has submitted representations under subsection (7), those representations; and
 - (c) if the dentist has requested the Committee to review its recommendation under section 12F(5), the result of the review and the reasons for it.
- (10) If the Council approves the application of a registered dentist made under subsection (1), the Council shall, on receiving from the dentist the fee prescribed for the purpose, direct the Registrar—
 - (a) to include the dentist's name in the Specialist Register under the specialty; and
 - (b) to issue a certificate, in the form specified by the Council, to the effect that the dentist's name has been included in the Specialist Register under the specialty.
- (11) If the Council rejects the application of the registered dentist, the Council shall notify the dentist in writing of the rejection and the reasons for it.

(Added 11 of 2006 s. 10)

12E. Receipt of complaint or information on suitability issue

- (1) Where the Secretary receives a complaint or information involving a suitability issue, he shall submit the complaint or information to the Preliminary Investigation Committee.
- (2) As soon as practicable after a complaint or information has been submitted to the Preliminary Investigation Committee under subsection (1), the chairman of that Committee shall ascertain whether it also falls within regulation 13 of the Dentists (Registration and Disciplinary Procedure) Regulations (Cap. 156 sub. leg. A).
- (3) If the chairman of the Preliminary Investigation Committee is of the opinion that the complaint or information also falls within regulation 13 of the Dentists (Registration and Disciplinary Procedure) Regulations (Cap. 156 sub. leg. A), the complaint or information shall—
 - (a) be referred to the Secretary to be dealt with in accordance with those regulations; and
 - (b) as soon as practicable after having been dealt with under those regulations, be referred to the Education and Accreditation Committee to be dealt with in accordance with section 12F.
- (4) Subject to subsection (3), the complaint or information shall be referred to the Education and Accreditation Committee to be dealt with in accordance with section 12F.

(Added 11 of 2006 s. 10)

12F. Complaints or information referred to Education and Accreditation Committee

- (1) Where a complaint or information in respect of a registered dentist is referred to the Education and Accreditation Committee, the Committee, after considering all the circumstances of the case, may, with or without inviting the dentist to make representations under subsection (3)—
 - (a) dismiss the matter;
 - (b) where the complaint or information also falls within regulation 13 of the Dentists (Registration and Disciplinary Procedure) Regulations (Cap. 156 sub. leg. A), refer it to the Secretary to be dealt with in accordance with those regulations;

- (c) where the dentist's name is included in the Specialist Register, recommend to the Council that the name be removed from the Specialist Register, or be removed from the Register for such period or until the occurrence of such event as the Committee recommends; or
 - (d) where the dentist is applying for the inclusion of his name in the Specialist Register, recommend to the Council that the dentist does not satisfy the conditions in section 12B(3).
- (2) The Education and Accreditation Committee shall not deal with a complaint or information referred to it if the chairman of the Committee is of the opinion that the complaint or information is frivolous or groundless and should not proceed further.
 - (3) In dealing with such a complaint or information in respect of a registered dentist, the Education and Accreditation Committee may invite the dentist to make representations in person before the Committee or submit to the Committee representations in writing.
 - (4) If the Education and Accreditation Committee makes a recommendation under subsection (1)(c) or (d), the Committee shall notify the registered dentist concerned in writing of the recommendation and the reasons for it.
 - (5) Within 14 days after having received a notice under subsection (4), the registered dentist may request, in writing and setting out the reasons relied upon, the Education and Accreditation Committee to review its recommendation.
 - (6) As soon as practicable after having received a request under subsection (5), the Education and Accreditation Committee shall notify the registered dentist in writing of the result of the review and the reasons for it.
 - (7) If a registered dentist has requested the Education and Accreditation Committee to review its recommendation under subsection (1)(c), the dentist may, within 14 days after having received a notice under subsection (6), submit to the Council representations in writing on the result of the review.

(Added 11 of 2006 s. 10)

13. Publication of General Register and evidence of registration

- (1) As soon as may be after 1 January of every year, the Registrar shall prepare and publish in the Gazette a list of the names, registered addresses, qualifications and dates of the qualifications of all persons whose names appear on the General Register on 1 January immediately preceding the publication of the list in the Gazette.
- (2) As soon as may be after 1 July of every year, the Registrar shall prepare and publish in the Gazette a list of the names, registered addresses, qualifications and dates of the qualifications of all persons whose names were added to the General Register between 1 January and 1 July of such year.
- (3) The publication of a list referred to in subsection (1) or (2) shall be prima facie evidence that each person named in such list is registered.
- (4) The absence of the name of any person from the list last published under subsection (1) and from any list subsequently published under subsection (2) shall be prima facie evidence that such person is not registered.
- (5) A certificate under the hand of the Registrar that the name of a person has been entered on or removed from the General Register shall be conclusive evidence that a person is or is not registered as the case may be.

(Amended 11 of 2006 s. 11)

13A. Publication of Specialist Register and evidence of inclusion

- (1) As soon as may be after 1 January of every year, the Registrar shall prepare and publish in the Gazette a list of the names, registered addresses, qualifications and dates of the qualifications of all registered dentists whose names appear on the Specialist Register on 1 January immediately preceding the publication of the list in the Gazette.
- (2) As soon as may be after 1 July of every year, the Registrar shall prepare and publish in the Gazette a list of the names, registered addresses, qualifications and dates of the qualifications of all registered dentists whose names were added to the Specialist Register between 1 January and 1 July of such year.
- (3) The publication of a list referred to in subsection (1) or (2) shall be prima facie evidence that the name of each registered dentist named in such list is included in the Specialist Register.

- (4) The absence of the name of any registered dentist from the list last published under subsection (1) and from any list subsequently published under subsection (2) shall be prima facie evidence that the name of the dentist has not been included in the Specialist Register.
- (5) A certificate under the hand of the Registrar that the name of a registered dentist—
 - (a) has or has not been included in; or
 - (b) has been removed from,the Specialist Register shall be conclusive evidence of that fact.

(Added 11 of 2006 s. 12)

14. Exhibition of certificate of registration

- (1) Every registered dentist shall cause to be exhibited in a conspicuous place in any premises in which he practises dentistry for gain the certificate of registration issued to him under subsection (1) of section 10 or a certified copy of such certificate issued under subsection (2) of that section and any registered dentist who fails to comply with the provisions of this section commits an offence and is liable on summary conviction to a fine at level 1 and, in the case of a continued non-compliance, to a fine of \$50 for every day during which such non-compliance continues.
- (2) Any person who displays or causes or permits to be displayed in any premises a certificate of registration or a certified copy of a certificate of registration bearing his name or photograph at any time when his name does not appear on the General Register commits an offence and is liable on summary conviction to a fine at level 1. *(Amended 11 of 2006 s. 13)*

(Amended 68 of 1986 s. 12; E.R. 7 of 2020)

15. Correction of General Register or Specialist Register

- (1) The Registrar shall from time to time insert in the General Register any alteration or addition which may come to his knowledge in the name, registered addresses or qualifications of any person registered.
- (1A) The Registrar shall from time to time insert in the Specialist Register any alteration or addition which may come to his knowledge in the name, registered addresses or qualifications of any registered dentist whose name is included in the Register. *(Added 11 of 2006 s. 14)*

- (2) The Registrar shall make such amendments to the General Register or Specialist Register as are made necessary by any decision of the Council.
- (3) The Council may order the removal from the General Register of the name of any person who— (*Amended 11 of 2006 s. 14*)
 - (a) is deceased; or
 - (b) is not practising dentistry in Hong Kong; or (*Amended 79 of 1984 s. 7*)
 - (ba) being a person required to be the holder of a practising certificate, has practised dentistry in Hong Kong for a period exceeding 6 months without having obtained such a certificate; or (*Added 49 of 1977 s. 7*)
 - (c) has not supplied to the Registrar an address in Hong Kong at which all notices from the Council may be served on him: (*Amended 79 of 1984 s. 7*)Provided that any person failing to acknowledge within 12 months of the date of dispatch the receipt of a registered letter or telegram addressed to him at the last address supplied by him to the Registrar shall be deemed not to have supplied the Registrar with an address under this paragraph.

(Amended 11 of 2006 s. 14)

15A. Removal of names from Specialist Register

- (1) If—
 - (a) the Council orders a removal of the name of a registered dentist from the General Register under section 15(3) or 18(1); and
 - (b) the dentist's name is also included in the Specialist Register,the Registrar shall, at the same time when he removes the dentist's name from the General Register, also remove the dentist's name from the Specialist Register.
- (2) Subject to subsection (3), the Council may order that the name of a registered dentist be removed from the Specialist Register, or be removed from the Register for such period or until the occurrence of such event as the Council specifies.
- (3) In deciding whether or not to order the removal of the registered dentist's name from the Specialist Register, the Council shall have regard to—

- (a) the Education and Accreditation Committee's recommendation under section 12F(1)(c) and the reasons for it;
- (b) if the dentist has requested the Committee to review that recommendation under section 12F(5), the result of the review and the reasons for it; and
- (c) if the dentist has submitted representations under section 12F(7), those representations.

(Added 11 of 2006 s. 15)

15B. Service of notice

A notice required to be given to a registered dentist under sections 12B(5)(b) and (11) and 12F(4) and (6) shall be given by sending it by registered post addressed to the dentist at his registered address.

(Added 11 of 2006 s. 15)

16. Inspection of premises used for the practice of dentistry

- (1) It shall be lawful for any public officer thereunto authorized by the Council to enter and inspect any premises used or proposed to be used for the practice of dentistry. Such officer shall produce, on demand, a written authority, signed by the Chairman or the Secretary authorizing such entry and inspection. *(Amended 4 of 1988 s. 6; L.N. 126 of 1995)*
- (2) Any person wilfully obstructing or resisting an officer duly authorized by the Council in the inspection of premises used or proposed to be used for the practice of dentistry commits an offence and is liable on summary conviction to a fine at level 1. *(Amended 68 of 1986 s. 13; E.R. 7 of 2020)*

17. Premises unsuitable for the practice of dentistry

No registered dentist shall practise dentistry in premises or under conditions which are unsuitable for such practice.

18. Disciplinary inquiries by the Council

- (1) If, after due inquiry into any case referred to it by the Preliminary Investigation Committee in accordance with regulations made under section 29, the Council is satisfied that any registered dentist— *(Amended 12 of 1968 s. 4)*
 - (a) has been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment; or *(Amended 79 of 1984 s. 7)*
 - (b) has been guilty of unprofessional conduct; or

- (c) has obtained registration by fraud or misrepresentation; or
 - (ca) has procured his name to be included in the Specialist Register by fraud or misrepresentation; or (*Added 11 of 2006 s. 16*)
 - (d) was not at the time of his registration qualified to be registered; or
 - (e) has contravened the provisions of section 17,
- the Council may, in its discretion—
- (i) order the name of the registered dentist to be removed from the General Register; or (*Amended 11 of 2006 s. 16*)
 - (ii) order the name of the registered dentist to be removed from the General Register for such period as it may think fit; or (*Amended 11 of 2006 s. 16*)
 - (iii) order the registered dentist to be reprimanded; or
 - (iv) make any other order as it thinks fit, but no such order shall be of greater severity than those in paragraphs (i) to (iii), (*Replaced 16 of 1992 s. 2*)

and may, in any case, make such order as the Council thinks fit with regard to the payment of the costs of the Secretary, a complainant, a counsel or solicitor present at the inquiry and the registered dentist or any one or more of them, and any costs awarded may be recovered summarily as a civil debt in accordance with the Magistrates Ordinance (Cap. 227). (*Amended 49 of 1977 s. 8*)

- (1A) The Council may, in making any of the orders referred to in subsection (1)(i) to (iii), order that the operation of such order be suspended so that it shall not take effect unless, during a period or periods specified in the suspending order in aggregate not exceeding 2 years, a finding is made against the registered dentist under subsection (1)(a) to (e) or he is found by the Council to be in breach of any condition imposed by the Council at the time of making the suspending order. (*Added 16 of 1992 s. 2*)
- (2) For the purposes of subsection (1), ***unprofessional conduct*** (不專業行為) means an act or omission of a registered dentist which would be reasonably regarded as disgraceful or dishonourable by registered dentists of good repute and competency.

- (3) Nothing in this section shall be deemed to require the Council to inquire into the question whether the registered dentist was properly convicted but the Council may consider any record of the case in which such conviction was recorded and any other evidence which may be available and is relevant as showing the nature and gravity of the offence.
- (4) In any inquiry under this section as to whether a person has been guilty of unprofessional conduct, any finding of fact which is shown to have been made in any matrimonial proceedings in a court of the Commonwealth having unlimited jurisdiction in civil matters, or on appeal from a decision in such proceedings, shall be conclusive evidence of the fact found.
- (5) Within 1 month after the expiry of the time within which an appeal against an order made by the Council in accordance with the provisions of subsection (1) may be made to the Court of Appeal in accordance with the provisions of section 23, or if such appeal has been made, within 1 month after the appeal is finally determined, the Council shall, in the case of an order made under subsection (1)(i) to (iii), and may, in the case of an order made under subsection (1)(iv), cause the order or, if the order is varied on appeal, the order as so varied to be published in the Gazette. (*Amended 16 of 1992 s. 2; 10 of 2005 s. 55*)
- (6) Where any order is published in the Gazette pursuant to subsection (5), the Council—
 - (a) shall publish with the order—
 - (i) sufficient particulars to acquaint the public with the nature of the matter to which the order relates; and
 - (ii) where an order has been made under subsection (1A) suspending the operation of the order, details of the suspending order; and
 - (b) may publish with the order an account of the proceedings at the inquiry at which the order was made. (*Added 16 of 1992 s. 2*)

19. Powers of Council with regard to obtaining evidence and the conduct of proceedings

- (1) For the purposes of an inquiry under section 9 or 18, the Council shall have the following powers—
 - (a) to hear, receive and examine evidence on oath;

- (b) to summon any person to attend the inquiry to give evidence or produce any document or other thing in his possession and to examine him as a witness or require him to produce any document or other thing in his possession, subject to all just exceptions;
 - (c) to admit or exclude the public or any member of the public from the inquiry;
 - (d) to admit or exclude the press from the inquiry;
 - (e) to award any person summoned to attend the inquiry such sum or sums as in the opinion of the Council may have been reasonably expended by him by reason of his attendance.
- (2) Summonses to witnesses may be in the prescribed form and shall be signed by the Chairman.

20. Penalty for failure to give evidence

Any person who being summoned to attend as a witness or produce a book, document or any other thing at any inquiry under section 9 or 18 refuses or neglects to do so or to answer any question put to him by or with the concurrence of the Council commits an offence and is liable on summary conviction to a fine at level 3 and to imprisonment for 6 months: (*Amended 68 of 1986 s. 14; 80 of 1997 s. 91*)

Provided that no person shall be bound to incriminate himself and every witness shall, in respect of any evidence given by him before the Council, be entitled to the same privileges to which he would be entitled if giving evidence before a court of justice.

21. Appearance of counsel, etc.

The complainant in any inquiry under section 9 or 18 and the person whose conduct is the subject of such inquiry shall be entitled to be represented by counsel or a solicitor throughout the inquiry.

22. Provisions relating to orders of the Council

- (1) The Registrar shall cause a copy of any order made under section 9(3), 15A(2) or 18(1) to be served forthwith upon the person concerned, either personally or by registered post addressed to his registered address.

- (2) The Registrar shall not remove the name of a registered dentist from the General Register before the expiry of 1 month after the date of service of an order of the Council made under section 18(1) on the person concerned or, in the case of an appeal made to the Court of Appeal against the order under section 23, before the appeal is finally determined. *(Amended 10 of 2005 s. 56)*
- (2A) The Registrar shall not remove the name of a registered dentist from the Specialist Register before the expiry of 1 month after the date of service of an order of the Council made under section 15A(2) on the dentist concerned or, in the case of an appeal made to the Court of Appeal against the order under section 23, before the appeal is finally determined. *(Added 11 of 2006 s. 17)*
- (3) Any person whose name has been removed from the General Register under the provisions of this Ordinance, or whose name prior to the commencement* of this Ordinance had been removed or erased under the provisions of the repealed Ordinance from the register kept in accordance with the provisions of that Ordinance may apply to the Council for the restoration of his name to the General Register, and the Council, in its absolute discretion and after such inquiry and subject to such conditions as it may consider desirable, may either allow or refuse the application, and, if it allows the same, shall order the Registrar to restore the name of the applicant to the General Register, and thereupon the Registrar shall restore the name accordingly.
- (4) Any order made by the Council as aforesaid shall be signed by the Registrar.

(Amended 11 of 2006 s. 17)

Editorial Note:

* Commencement date: 1 October 1959.

23. Appeals

- (1) The following person may appeal to the Court of Appeal—
- (a) any person whose name has been ordered not to be entered in the General Register under section 9(3);
 - (b) any registered dentist whose application under section 12B(1) to have his name included in the Specialist Register is rejected by the Council;
 - (c) any registered dentist who is aggrieved by an order made in respect of him under section 15, 15A(2) or 18,

and the Court of Appeal may affirm, reverse or vary the order or decision appealed against. (*Replaced 11 of 2006 s. 18*)

- (2) (*Repealed 10 of 2005 s. 53*)
- (3) The practice in relation to any such appeal shall be subject to any rules of court made under the High Court Ordinance (Cap. 4). (*Amended 25 of 1998 s. 2; 11 of 2006 s. 18*)
- (3A) Despite subsection (3), the Court of Appeal has no power to—
 - (a) hear any appeal against an order made under section 9, 15A(2) or 18 unless notice of the appeal was given within 1 month of the order being served in accordance with section 22(1);
 - (b) hear any appeal against a decision made by the Council to reject an application under section 12B(1) unless notice of the appeal was given within 1 month of the notice of the rejection being given under section 12B(11). (*Added 11 of 2006 s. 18*)
- (4) In deciding any appeal under this section the Court of Appeal may make such order for costs as it considers reasonable. (*Added 49 of 1977 s. 9*)

25. Penalty for falsely pretending to be or taking or using the name or title of a dentist

- (1) A person commits an offence if—
 - (a) he is neither a registered dentist nor deemed to be one under this Ordinance; and
 - (b) he wilfully or falsely—
 - (i) pretends to be a dentist, dental surgeon, qualified dentist, doctor of dental surgery, professor of dentistry or surgeon dentist;
 - (ii) takes or uses the name or title of a dentist, dental surgeon, qualified dentist, doctor of dental surgery, professor of dentistry or surgeon dentist; or
 - (iii) takes or uses any name, title, addition or description implying (whether in itself or in the circumstances in which it is used) that he—
 - (A) is a dentist; or
 - (B) is qualified to heal or treat dental disorders or derangements, whether by dentistry or any other means of any kind or description whatsoever.

- (2) A person who commits an offence under subsection (1) is liable on summary conviction to a fine at level 6 and to imprisonment for 3 years.

(Replaced 11 of 2006 s. 20)

26. Penalty for registered dentist falsely describing his vocation

A registered dentist qualified to be registered by virtue only of having been registered under the repealed Ordinance shall not make use, in describing his vocation, of any name, title, addition, description or term other than that of “registered dentist” (註冊牙醫) or the abbreviated form “dentist” (牙醫). Any such registered dentist who wilfully or falsely pretends to be or takes or uses the name or title of a dental surgeon, surgeon dentist, qualified dentist, doctor of dental surgery, professor of dentistry or any name, title or description implying in itself or in the circumstances in which it is used that such registered dentist possesses or holds any qualification to practise other than that he is registered as a dentist commits an offence and is liable on summary conviction to a fine at level 3 and to imprisonment for 6 months: *(Amended 49 of 1977 s. 10; 68 of 1986 s. 17; 80 of 1997 s. 93)*

Provided that, notwithstanding the foregoing provisions of this section, the Council may, by writing under the hand of the Secretary, authorize a registered dentist qualified to be registered by virtue only of having been registered under the repealed Ordinance to use such title or titles associated with his academic qualifications as the Council may think fit.

(Amended 79 of 1984 s. 4; 62 of 1987 s. 7; 34 of 1995 s. 6)

27. Covering

Any registered dentist who practises dentistry in premises in which an unregistered person practises dentistry commits an offence and is liable on summary conviction to a fine at level 3 and to imprisonment for 6 months.

(Amended 68 of 1986 s. 18; 80 of 1997 s. 94)

28. Forfeiture

- (1) Where a person has been convicted of an offence against section 3(1), a magistrate may, on application made on behalf of the Government, order that all dental materials and equipment in the possession or under the control of such person shall be forfeited to the Government.

- (2) Upon the making of an order for forfeiture under this section, the materials and equipment to which such order relates shall be deemed to be the property of the Government free from the rights of any person.

(Amended 37 of 2000 s. 3)

29. Regulations

- (1) The Chief Executive in Council may by regulation provide for — *(Amended 37 of 2000 s. 3)*
- (a) any fee required to be paid under this Ordinance; and
 - (b) the disposal of any fee paid or recovered under this Ordinance. *(Replaced 80 of 1997 s. 7)*
 - (c)-(m) *(Repealed 80 of 1997 s. 7)*
- (1A) The Secretary for Health may by regulation provide for — *(Amended L.N. 106 of 2002; L.N. 130 of 2007; L.N. 144 of 2022)*
- (a) the duties of the Registrar;
 - (b) the duties of the Legal Adviser;
 - (c) the duties of the Secretary;
 - (d) the establishment of classes of ancillary dental workers to undertake dental work of kinds prescribed by the regulations, being dental work amounting to the practice of dentistry, within the meaning of section 2(2), and in particular—
 - (i) the qualifications for becoming a member of any such class;
 - (ii) the dental work which a member of any such class may undertake and the conditions, if any, under which he may do so;
 - (iii) the establishment of a roll or record of such classes; and
 - (iv) the title to be used by a member of any such class indicating his membership. *(Added 80 of 1997 s. 7)*
- (1B) The Registrar may by regulation provide for—
- (a) the form of the General Register and the manner in which the General Register and Specialist Register are to be kept; and *(Replaced 11 of 2006 s. 22)*
 - (b) the manner in which applications for registrations shall be made. *(Added 80 of 1997 s. 7)*

- (1C) Subject to the approval of the Secretary for Health, the Council may by regulation provide for— (*Amended L.N. 106 of 2002; L.N. 130 of 2007; L.N. 144 of 2022*)
- (a) the procedure to be followed at meetings of the Council;
 - (b) the receipt of complaints or information about any registered dentist or any applicant for registration and the establishment and functions of a committee to be known as the Preliminary Investigation Committee to make such preliminary investigation as it considers appropriate regarding any such complaint or information and to determine whether or not there shall be an inquiry under section 9 or 18;
 - (ba) the ascertainment by the chairman of the Preliminary Investigation Committee as to whether a complaint or information about any registered dentist involves a suitability issue and the referral of such a complaint or information involving a suitability issue to the Education and Accreditation Committee; (*Added 11 of 2006 s. 22*)
 - (c) the prohibition of a member of the Preliminary Investigation Committee who is also a member of the Council from attending any meeting of the Council while it is inquiring under section 9 or 18 into a complaint or information, in the preliminary investigation of which he took part;
 - (d) the procedure to be followed in relation to—
 - (i) the submission of complaints or information to the Preliminary Investigation Committee;
 - (ii) the preliminary investigation of any complaint or information by the Preliminary Investigation Committee;
 - (iii) the formulation of charges arising out of complaints or information;
 - (iv) the reference to the Council by the Preliminary Investigation Committee of cases arising out of complaints or information;
 - (v) inquiries held by the Council under this Ordinance;
 - (e) the form of any certificate, form or other document which is a certificate, form or other document to be used for a purpose of this Ordinance and required to be prescribed. (*Added 80 of 1997 s. 7. Amended 11 of 2006 s. 22*)

- (1D) Without prejudice to the generality of subsections (1A), (1B) and (1C), regulations made under subsections (1A) and (1C) may—
- (a) require documents for a purpose of this Ordinance to be submitted and to be in such form as may be prescribed and require matters or documents for that purpose to be supported by statutory declarations or such other declarations as specified or approved by the Council;
 - (b) generally provide for the carrying into effect the provisions of this Ordinance. *(Added 80 of 1997 s. 7)*
- (2) Any regulations made under subsection (1)(a) may prescribe different fees to be payable by different categories of dentists. *(Added 49 of 1977 s. 11. Amended 80 of 1997 s. 7)*

29A. Power of Council to specify forms, etc.

- (1) The Council may specify—
- (a) the form and manner of the application by a registered dentist to have his name included in the Specialist Register; and
 - (b) the form of a certificate to the effect that a registered dentist's name has been included in the Specialist Register under a specialty.
- (2) The Council's power under subsection (1)(a) may be exercised in such a way as to include (whether by way of attachment or otherwise) in the specified form a statutory declaration—
- (a) to be made by the registered dentist completing the form; and
 - (b) as to whether the particulars contained in the form are true and correct to the best of the dentist's knowledge and belief.
- (3) A form specified under subsection (1)(a) shall be—
- (a) completed in accordance with such directions and instructions as are specified in the form; and
 - (b) accompanied by such statements, certificates or any other documents as are specified in the form.

(Added 11 of 2006 s. 23)

30. Exemptions from sections 9, 10 and 14

- (1) All dentists in the public service of Hong Kong shall, while in the discharge of their duties or while practising dentistry otherwise than for gain in a charitable clinic approved by the Council, be exempt from sections 10(3) and (5) and 14.

- (2) All dentists of the Chinese People's Liberation Army residing in Hong Kong shall, while in the discharge of their duties or while practising dentistry otherwise than for gain in a charitable clinic approved by the Council, be deemed to be registered dentists for the purpose of section 3, and sections 9, 10 and 14 shall not apply to such dentists unless they practise dentistry privately in Hong Kong. *(Amended 2 of 2012 s. 3)*
- (3) All persons on the full-time teaching staff of the Faculty of Dentistry of the University of Hong Kong shall, while in the discharge of teaching duties or while performing hospital work in the Faculty of Dentistry—
- (a) be deemed to be registered dentists for the purpose of section 3; and
- (b) be exempt from section 14, unless they practise dentistry privately within Hong Kong. *(Replaced 34 of 1995 s. 7)*
- (4) All dentists in the full-time service of the Hospital Authority within the meaning of the Hospital Authority Ordinance (Cap. 113) shall be exempt from sections 10(3) and (5) and 14, unless they practise dentistry privately in Hong Kong. *(Added 87 of 1991 s. 2)*
- (Amended 24 of 1962 s. 4; 79 of 1984 s. 5; 62 of 1987 s. 8; 34 of 1995 s. 7)*

31. Exemptions

- (1) Nothing in this Ordinance shall operate to prevent the practice of medicine or surgery by a medical practitioner registered under the Medical Registration Ordinance (Cap. 161).
- (2) Nothing in this Ordinance shall operate to prevent the training of medical students, dental students, dental therapists or dental hygienists in the practice of dentistry under the supervision of a registered dentist or a person deemed to be a registered dentist during a course of training operated by an institution approved by the Chief Executive for the purpose of this section. *(Replaced 79 of 1984 s. 6. Amended 62 of 1987 s. 9; 37 of 2000 s. 3)*
- (3) Nothing in this Ordinance shall operate to prevent the performance by dental therapists employed in the public service of minor dental work of such a character as may be authorized in writing by a government consultant dental surgeon appointed by the Director of Health for that purpose. *(Amended 10 of 1966 s. 3; 79 of 1984 s. 6; L.N. 76 of 1989)*

Schedule

[s. 8]

Universities in Hong Kong Specified for purposes of Section 8 of this Ordinance

(Schedule added 9 of 2002 s. 2)

1. The University of Hong Kong

(Amended E.R. 7 of 2020)

2. Interpretation

In these regulations, unless the context otherwise requires—

“Committee” (小組) means the Preliminary Investigation Committee constituted under regulation 12;

“defendant” (被告人) means any registered dentist or applicant for registration against or in respect of whom a complaint or information has been received by the Secretary in accordance with regulation 13; (*L.N. 118 of 1968*)

“notice of inquiry” (研訊通知書) means a notice served in accordance with regulation 17.

(*L.N. 118 of 1968*)

3. Form of General Register

The General Register shall be— (*11 of 2006 s. 26*)

- (a) in accordance with Form 1 in the First Schedule, in the case of a dentist resident in Hong Kong; and
- (b) in accordance with Form 1A in the First Schedule, in the case of a dentist resident outside Hong Kong,

or as near thereto as shall be convenient.

(*L.N. 177 of 1977*)

4. Fees

- (1) Subject to paragraph (2), the fees payable under the Ordinance and these regulations shall be the fees prescribed in the Second Schedule.
- (2) Notwithstanding paragraph (1), no fee shall be payable for an alteration to the General Register or Specialist Register consequent upon a change in marital status. (*11 of 2006 s. 27*)

(*L.N. 177 of 1977*)

5. Application for registration

(1) An application for registration shall be—

(a) if the applicant is resident in Hong Kong—

- (i) in accordance with Form 2 in the First Schedule;
- and

- (ii) completed in the presence of a barrister-at-law, commissioner for oaths, minister of religion, registered dentist or solicitor; or (*47 of 1997 s. 10*)
 - (b) if the applicant is resident outside Hong Kong—
 - (i) in accordance with Form 2A in the First Schedule; and
 - (ii) completed in the presence of a commissioner for oaths or notary public.
- (2) An application under paragraph (1) shall be delivered to the Registrar, together with 4 copies of a photograph of the applicant of a size not greater than 50 × 70 mm and not less than 40 × 60 mm. (*L.N. 2 of 1985*)

(L.N. 177 of 1977)

7. Certificate of registration

A certificate of registration shall be in accordance with Form 3 in the First Schedule.

(L.N. 177 of 1977)

8. Practising certificate

A practising certificate shall be in such form as may be determined by the Registrar.

(L.N. 177 of 1977)

8A. Certificate of standing

A certificate of standing shall be in such form as may be determined by the Council.

(L.N. 177 of 1977)

8B. Copies of entries and certificates

On application and on payment of the appropriate fee prescribed in the Second Schedule—

- (a) the Registrar shall issue—
 - (i) a certified copy of any entry in the General Register or Specialist Register;
 - (ii) a duplicate certificate of registration or a duplicate certificate for the inclusion of name in the Specialist Register;
 - (iii) a certified copy of a certificate of registration or a certificate for the inclusion of name in the Specialist Register; and

- (b) the Secretary may issue—
 - (i) a certificate of standing;
 - (ii) a certificate verifying registration or the inclusion of name in the Specialist Register.

(L.N. 177 of 1977; 11 of 2006 s. 28)

9. Alteration of General Register or Specialist Register

When the Registrar makes any alteration to the General Register or Specialist Register under section 15(1) or (1A) of the Ordinance, he shall retain on the Register until otherwise directed by the Council the entry before such alteration was made, in addition to the entry as altered.

(11 of 2006 s. 29)

10. Qualifications

- (1) A registered dentist may apply to the Registrar to have inserted in the General Register or Specialist Register any degree or qualification recognized by the Council, in addition to any degree or qualification already entered on the Register.
- (2) On receipt of such application, the Registrar shall refer the application to the Council which, after such inquiry as it may consider desirable, shall direct the Registrar either to enter or to refuse to enter such degree or qualification on the Register.

(11 of 2006 s. 30)

11. Statement by body corporate

The statement required to be transmitted by a body corporate carrying on the business of dentistry to the Registrar in accordance with section 12(3) of the Ordinance shall be in accordance with Form 5 in the First Schedule.

12. Preliminary Investigation Committee

- (1) For the purposes of performing the functions conferred upon it by these regulations, there shall be established a committee known as the Preliminary Investigation Committee consisting of—
 - (a) 1 member of the Council elected by the Council, who shall be the chairman of the Committee;
 - (b) 2 registered dentists qualified to be registered under section 8 of the Ordinance, ordinarily resident in Hong Kong, who are not members of the Council and who shall be appointed by the Chairman- *(34 of 1995 s. 9)*

- (i) from a panel of not less than 12 such registered dentists nominated by the Hong Kong Dental Association; or
 - (ii) in the event of the Hong Kong Dental Association failing to nominate at least 12 such registered dentists, at the discretion of the Chairman.
- (2) Save as provided in paragraphs (3), (4) and (5) the members of the Committee shall hold office for 12 months but at the end of such period they may be re-elected or re-appointed, as the case may be.
- (3) If during the period of his office a member of the Committee appointed under paragraph (1)(b) becomes a member of the Council he shall cease to be a member of the Committee.
- (4)
 - (a) Where for any reason a person elected or appointed to the Committee under paragraph (1) is or will be unable temporarily to exercise his functions as such member, another person may be elected by the Council or, as the case may be, appointed by the Chairman, to be temporarily a member of the Committee.
 - (b) If the person so unable temporarily to exercise his function as a member of the Committee was elected to the Committee under paragraph (1)(a) the person elected to be temporarily a member of the Committee shall be another member of the Council, who shall, during the period of his membership of the Committee, be chairman of the Committee.
 - (c) If the person so unable temporarily to exercise his functions as a member of the Committee was appointed to the Committee under paragraph (1)(b) the person appointed to be temporarily a member of the Committee shall be a registered dentist qualified to be registered under section 8 of the Ordinance ordinarily resident in Hong Kong, who is not a member of the Council, nominated by the Hong Kong Dental Association. *(34 of 1995 s. 9)*
- (5) If—
 - (a) at the time the membership of any person elected or appointed to be a member of the Committee under paragraph (1) terminates by virtue of paragraph (2) or paragraph (3); or
 - (b) at the time the membership of any person elected or appointed to be temporarily a member of the Committee under paragraph (4) terminates,

the Committee is considering any complaint or information under these regulations, then if such person is not thereupon elected or re-elected or, as the case may be, appointed or re-appointed, to be member of the Committee, the membership of such person shall continue by virtue of this paragraph 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.

- (6) A person elected or appointed to be a member of the Committee may at any time resign his membership of the Committee by notice in writing addressed to the Secretary or, as the case may be, the Chairman, 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 Council or, as the case may be, the Chairman, continue to be a 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.
- (7) No member of the Committee shall attend any meeting of the Council as a member of the Council during the hearing or determination of any complaint or information against any person which is referred to the Council by the Committee for determination if such member has attended any meeting of the Committee at which such complaint or information was considered.
- (8) 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.

(L.N. 118 of 1968; L.N. 177 of 1977; L.N. 6 of 1985; 62 of 1987 s. 10; 4 of 1988 s. 7)

13. Submission or receipt of complaint or information

Where a complaint is made to or information is received by the Secretary, or a complaint or information is referred to the Secretary, that a registered dentist— *(11 of 2006 s. 31)*

- (a) has been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment; *(L.N. 6 of 1985)*
- (b) has been guilty of unprofessional conduct;
- (c) has obtained registration by fraud or misrepresentation;
- (ca) has procured his name to be included in the Specialist Register by fraud or misrepresentation; *(11 of 2006 s. 31)*

- (d) was not at the time of his registration entitled to be registered; or
- (e) is practising dentistry in premises or under conditions which are unsuitable for such practice,

or that an applicant for registration—

- (i) has been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment; (*L.N. 6 of 1985*)
- (ii) has been guilty of unprofessional conduct; or (*L.N. 162 of 1993*)
- (iii) is the subject of an existing order made under section 17(1)(i) or (ii) of the repealed Ordinance,

the Secretary shall submit the complaint or information to the Committee.

(L.N. 118 of 1968)

13A. Reference of complaint or information to Education and Accreditation Committee

- (1) As soon as practicable after a complaint or information has been submitted to the Committee under regulation 13, the chairman of the Committee shall ascertain whether it also involves a suitability issue.
- (2) If the chairman of the Committee is of the opinion that the complaint or information also involves a suitability issue, the complaint or information shall, as soon as practicable after having been dealt with under these regulations, be referred to the Education and Accreditation Committee to be dealt with in accordance with section 12F of the Ordinance.

(11 of 2006 s. 32)

14. Complaint or information touching conduct

- (1) Where, in a complaint or information submitted by the Secretary to the chairman of the Committee under regulation 13, any allegation is made which in the opinion of the chairman of the Committee gives rise to a question whether a registered dentist or an applicant for registration has been guilty of unprofessional conduct, the chairman of the Committee may require that the complaint or information be formulated in writing setting out the grounds thereof and, except where the complaint or information 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 paragraph (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 grounds for his belief in the truth of the facts; and
- (c) *(Repealed 34 of 1995 s. 10)*

(L.N. 118 of 1968)

15. Reference of complaint or information to the Committee

- (1) Where a complaint or information is submitted to the chairman of the Committee by the Secretary, the chairman of the Committee shall, unless it appears to him that the complaint or information is frivolous or groundless and should not proceed further, direct that the complaint or information be referred to the Committee for its consideration and shall fix a date upon which it is proposed that the Committee shall meet to consider the complaint or information.
- (2) Where the chairman of the Committee directs that a complaint or information be referred to the Committee, he shall direct the Secretary to, and the Secretary when so directed shall—
 - (a) notify the defendant of the receipt of the complaint or information;
 - (b) inform him of the substance thereof;
 - (c) forward to him a copy of any statutory declaration furnished under regulation 14(1);
 - (d) inform him of the date upon which the Committee is due to meet for the purpose of considering the complaint or information; and
 - (e) invite him to submit to the Committee any explanation of his conduct or of any other matter alleged in the complaint or information which he may have to offer.

(L.N. 118 of 1968)

15A. Consideration of complaint or information by the Committee

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

- (2) The Committee, having regard to any explanation or declaration made by the defendant, shall consider the complaint or information, any statutory declaration received therewith and any document or matter put before it by the Secretary under paragraph (1) and, subject to the provisions of this regulation, shall determine either—
 - (a) that no inquiry shall be held; or
 - (b) that the complaint or information shall in whole or in part be referred to the Council for inquiry.
- (3) Before coming to a determination under paragraph (2), the Committee may cause to be made such further investigations and may obtain such additional advice or assistance as it considers necessary.

(L.N. 118 of 1968)

16. Determination of Committee that no inquiry be held

If the Committee determine that no inquiry shall be held, the chairman of the Committee shall direct the Secretary to, and the Secretary when so directed shall, inform any complainant and the defendant of the decision of the Committee and no inquiry shall be held.

(L.N. 118 of 1968)

17. Determination of Committee that inquiry be held

- (1) If the Committee determine that an inquiry shall be held it shall refer the case to the Council and the chairman of the Committee shall notify the Chairman of the Council of the matters into which inquiry is to be made.
- (2) Where a case has been referred to the Council under paragraph (1), the Chairman of the Council shall fix a date upon which it is proposed that the inquiry shall be held and shall direct the Secretary to, and the Secretary when so directed shall, within 1 month of the determination of the Committee, serve on the defendant a notice of inquiry in accordance with Form 6 in the First Schedule together with a copy of these regulations.
- (3) A notice of inquiry shall—
 - (a) specify in the form of a charge or charges the matters into which inquiry is to be made; and
 - (b) state the date, time and place at which the inquiry is proposed to be held.
- (4) Except with the consent in writing of the defendant, an inquiry shall not be held less than 28 days after the date of service of the notice of inquiry.

- (5) Service of a notice of inquiry on the defendant may be by registered post addressed to him at the address shown on the General Register or at his address last known to the Secretary if different. *(11 of 2006 s. 33)*
- (6) Within the time stipulated for service of the notice of inquiry, the Secretary shall send a copy of the notice of inquiry to any complainant.

(L.N. 118 of 1968)

18. Adjournment of inquiry

- (1) The Chairman of the Council may adjourn any inquiry to such date as he thinks fit.
- (2) Notice of any such adjournment shall be given to the defendant and to any complainant.

(L.N. 118 of 1968)

19. Reference back to Committee

- (1) Where, after a complaint or information has been referred to the Council for inquiry, further information is subsequently produced in writing which suggests that an inquiry should not be held, the Council may refer back the case to the Committee for further consideration.
- (2) As soon as may be after the giving of any such direction, the chairman of the Committee shall direct the Secretary to, and the Secretary when so directed shall, give notice thereof to any complainant and to the defendant.

(L.N. 118 of 1968)

23. Amendment of notice

- (1) Where before the hearing or at any stage of the hearing it appears to the Council that a notice of inquiry is defective, the Chairman may give such directions for the amendment of the notice as may be thought 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 injustice to the defendant.
- (2) The Secretary as soon as is practicable, after the amendment of a notice of inquiry, shall give notice in writing thereof to the defendant and to any complainant. *(L.N. 118 of 1968)*

24. Record of proceedings

- (1) A shorthand writer may be appointed by the Council 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, on application to him by any party and on payment to him of a fee \$43 for each folio of 72 words or part thereof, shall furnish such party with a copy of such record. (*L.N. 118 of 1968; L.N. 124 of 1992; L.N. 81 of 2006*)

25. Opening of inquiry

- (1) At the opening of an inquiry the Secretary shall read the notice of inquiry.
- (2) If the defendant is not present or represented by his solicitor or counsel at the opening of the inquiry, the Secretary shall furnish to the Council such evidence as the Council may require that the notice of inquiry was served on the defendant in accordance with the provisions of regulation 17 and, on being satisfied as to such evidence, the Council may proceed with the inquiry in the absence of the defendant.
- (3) If the defendant is present at the inquiry the Chairman, immediately after the charge has been read, shall inform him of his right to cross-examine witnesses, to give evidence and to call witnesses on his behalf.

27. Order of procedure

Subject to the provisions of regulations 25 and 26, the following order of procedure shall be observed—

- (a) the complainant, or his solicitor or counsel, or in their absence, or if there is no complainant, the Secretary, shall present the case against the defendant and adduce the evidence in support thereof and shall close the case against the defendant:
Provided that, on the application of the Chairman, the Secretary for Justice may appoint a legal officer within the meaning of the Legal Officers Ordinance (Cap. 87) to carry out the duties of the Secretary in respect of that inquiry in the absence of a complainant and his solicitor or counsel; (*4 of 1988 s. 7; L.N. 362 of 1997*)
- (b) at the conclusion of the presentation of the case against the defendant, he or his solicitor or counsel may make either or both of the following submissions in relation to any charge in respect of which evidence has been adduced—
 - (i) that sufficient evidence has not been adduced upon which the Council can find that the facts alleged in that charge have been proved;

- (ii) that the facts alleged in the charge are not such as to constitute the offence charged,

and where such submission is made, a reply thereto may be made by the complainant, or by his solicitor or counsel, or in their absence by the Secretary, and the defendant may answer such reply;

- (c) if a submission is made under paragraph (b), the Council shall consider and determine whether the submission shall be upheld and—
 - (i) the Chairman shall announce the determination of the Council; and
 - (ii) if the Council upholds the submission in respect of any charge, the finding shall be recorded that the defendant is not guilty on that charge; and
 - (iii) if the Council rejects the submission, the Chairman shall call upon the defendant to state his case;
- (d) the defendant, or his solicitor or counsel, may then adduce evidence in support of his case and may address the Council:
Provided that only one address may be made under this paragraph, and where evidence has been adduced by or on behalf of the defendant such address may be made either before or after such evidence has been adduced;
- (e) at the conclusion of the case of the defendant, the complainant, or his solicitor or counsel, or in their absence the Secretary, may address the Council in reply, only if evidence has been adduced by or on behalf of the defendant other than by his own evidence, or with the special leave of the Council.

28. Postponement of judgment

- (1) At the conclusion of the proceedings under regulation 27, the Council shall consider and determine whether to postpone judgment.
- (2) If the Council decides to postpone judgment, the judgment of the Council shall stand postponed until such future meeting of the Council as the Council may decide, and the Chairman shall announce the decision of the Council in such terms as the Council may approve.
- (3) If the Council decides not to postpone judgment, the Council shall consider and determine whether the facts alleged in any charge before the Council have been proved to its satisfaction and whether the defendant is guilty of the offence charged.

- (4) When the Council has come to its decision under paragraph (3), the Chairman shall announce the decision of the Council in such terms as the Council may approve.

29. Notice of determination of judgment

- (1) Where under the provisions of regulation 28(2), the judgment of the Council in respect of a charge stands postponed to a future meeting of the Council, the Secretary, not less than 1 week before the date fixed for such future meeting, shall serve on the defendant a notice specifying the date, time and place fixed for the meeting of the Council and inviting him to appear at such meeting; such notice shall be served in the manner provided by regulation 17 for the service of a notice of inquiry.
- (2) If there is a complainant in respect of the charge, a copy of the notice shall be sent to such complainant.
- (3) At such future meeting the Chairman may invite the Secretary to recall, for the information of the Council, the position in which the case stands and the Council may hear any other party to the proceedings.
- (4) The Council shall then consider and determine its judgment in accordance with the provisions of regulation 28 and shall announce its decision in the manner set forth in that regulation.

30. Postponement of sentence

- (1) After the announcement of the decision of the Council in respect of the charge, if such decision be a finding of guilty of the offence charged, the Council shall consider and determine whether or not to postpone sentence on the defendant.
- (2) If the Council decides to postpone sentence, the sentence of the Council shall stand postponed until such future meeting of the Council as the Council may decide, and the Chairman shall announce the decision of the Council in such terms as the Council may approve.

31. Address in mitigation

- (1) At any meeting of the Council at which sentence on a defendant is to be decided by the Council, before the Council shall decide such sentence an opportunity shall be given to the defendant, or his solicitor or counsel, to address the Council by way of mitigation and to adduce evidence as to the circumstances leading to the offence and as to the character and antecedents of the defendant.
- (1A) At any such meeting—

- (a) the Secretary or other person presenting the case to the Council may produce to the Council the records of any meeting of the Council at which an order was made against the defendant pursuant to section 18 of the Ordinance; and
 - (b) the defendant, in person or by his solicitor or counsel, may address the Council by way of mitigation and may adduce evidence as to the circumstances leading to any such previous order. (*L.N. 177 of 1977*)
- (2) The Council shall then consider and determine the sentence on the defendant and the Chairman shall announce the decision of the Council in such terms as the Council may approve.

33. Evidence

- (1) Evidence may be taken by the Council by oral statement on oath or by written deposition or statement.
- (2) A summons to any person requiring him to attend an inquiry to give evidence or produce any document or other thing in his possession, in accordance with the provisions of section 19 of the Ordinance, may be in accordance with Form 7 in the First Schedule.
- (3) Every witness shall be examined by the party producing him and may then be cross-examined by the other party and only upon matters arising out of such cross-examination may be re-examined by the party producing him.
- (4) The Council may decline to admit the evidence of any deponent to a document who is not present for, or who declines to submit to, cross-examination.
- (5) The Chairman, and members of the Council through the Chairman, may put such questions to the parties or to any witness as they may think desirable.

34. Voting

- (1) In the taking of the votes of the Council on any question to be determined by them, the Chairman shall call upon the members to signify their votes by raising their right hands, and shall thereupon declare the determination of the Council in respect of such question.

- (2) Where the determination of the Council so declared by the Chairman is challenged by any member of the Council, the Chairman shall call upon each member severally to declare his vote, announce his own vote and announce the number of members of the Council who have voted each way, and the result of the vote.
- (3) Where on any question to be determined by the Council the votes are equal, the question shall be deemed to have been decided in favour of the defendant.
- (4) No person other than members of the Council and the Legal Adviser shall be present when the Council votes on any matter. (*L.N. 118 of 1968*)

35. Inquiry by the Council

The Legal Adviser shall be present at every inquiry held by the Council in accordance with the provisions of section 9 or section 18 of the Ordinance and no such inquiry shall commence if the Legal Adviser is not present.

36. Ordinary meetings of Council

The Chairman may give to the Legal Adviser prior notice that his advice may be required at any meeting of the Council, other than an inquiry under section 9 or section 18 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.

37. Advice by Legal Adviser

- (1) When the Legal Adviser advises the Council on any question of law as to evidence, procedure or any other matter in any inquiry under section 9 or section 18 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 Council 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 Council 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.

FIRST SCHEDULE

DENTISTS REGISTRATION ORDINANCE

(Chapter 156)

GENERAL REGISTER

(FOR DENTISTS RESIDENT IN HONG KONG)

<i>Name</i>	<i>Principal and other practising addresses</i>	<i>Qualification and date</i>	<i>Certificate of Registration No.</i>	<i>Photograph</i>	<i>Remarks</i>

(L.N. 177 of 1977; 11 of 2006 s. 34)

DENTISTS REGISTRATION ORDINANCE

(Chapter 156)

GENERAL REGISTER

(FOR DENTISTS RESIDENT OUTSIDE HONG KONG)

<i>Name</i>	<i>Address (permanent)</i>	<i>Address (for correspondence)</i>	<i>Qualification and date</i>	<i>Certificate of Registration No.</i>	<i>Photograph</i>	<i>Remarks</i>

(L.N. 177 of 1977; 11 of 2006 s. 34)

DENTISTS REGISTRATION ORDINANCE

(Chapter 156)

APPLICATION FOR REGISTRATION AS A DENTIST BY AN APPLICANT RESIDENT IN HONG KONG

I of apply for registration as a registered dentist in accordance with section 9 of the Dentists Registration Ordinance.

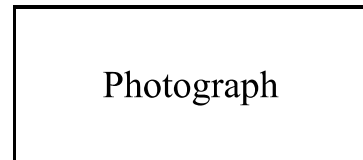
2. I have not been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment, nor have I ever been found guilty of misconduct in a professional respect.

3. I hold the following qualifications—

.....

Declared at Hong Kong this day of 19 }

Before me, Barrister-at-law, Commissioner for Oaths, Minister of Religion, Registered Dentist or Solicitor.



(L.N. 177 of 1977; 47 of 1997 s. 10)

DENTISTS REGISTRATION ORDINANCE

(Chapter 156)

APPLICATION FOR REGISTRATION AS A DENTIST BY AN APPLICANT RESIDENT OUTSIDE HONG KONG

I of

apply for registration as a registered dentist in accordance with section 9 of the Dentists Registration Ordinance.

2. (a) My permanent address is
..... ; and

(b) My address for correspondence in Hong Kong is

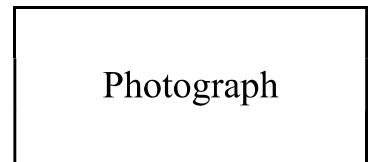
3. I have not been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment, nor have I ever been found guilty of misconduct in a professional respect.

4. I hold the following qualifications—

.....
.....

Declared at Hong Kong
this day of
19 }

Before me,
Commissioner for Oaths
or
Notary Public



(L.N. 177 of 1977)

FORM 3

[s. 10 & reg. 7]

DENTISTS REGISTRATION ORDINANCE

(Chapter 156)

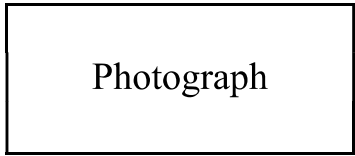
CERTIFICATE OF REGISTRATION

No.

I hereby certify that the following is a true copy of particulars extracted from the entry in the General Register—

Name	Address	Date of Registration	Qualifications

Fee paid: \$835



.....

Registrar.

..... 19.....

(L.N. 177 of 1977; 34 of 1995 s. 11; 11 of 2006 s. 34)

FORM 4

(Repealed L.N. 177 of 1977)

FORM 5

[reg. 11]

DENTISTS REGISTRATION ORDINANCE

(Chapter 156)

PARTICULARS OF DIRECTORS OR MANAGERS OR PERSONS WHO PERFORM DENTAL OPERATIONS

Presented by
(a)

.....
Particulars of the directors or managers ^(b) of
(a)

Company of ^(c) or of persons who perform dental operations in connection with the business of the said company.

Names in full	Status ^(d)	Address	
		Business	Residential

(Signature)

*(State whether director or
manager or secretary).*

Dated this day of , 19 .

- (a) Registered name of company.
- (b) "Director" includes any person who occupies the position of a director by whatever name called, and any person in accordance with whose directions or instructions the directors of a company are accustomed to act.
- (c) Registered address of company.
- (d) State whether director, manager or a person who performs dental operations in connection with the business of the company.

FORM 6

[reg. 17]

DENTISTS REGISTRATION ORDINANCE

(Chapter 156)

NOTICE OF INQUIRY

[Date]

Sir/Madam,

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

(If the charge 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 charge 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 charge alleges that the registered dentist has procured his name to be included in the Specialist Register by fraud or misrepresentation) That you *(set out briefly the facts alleged)*: and that in relation to the facts alleged you procured your name to be included in the Specialist Register by fraud or misrepresentation.

or

(If the charge alleges that the registered dentist was not qualified, at the time of his registration, to be registered) That you *(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.

or

(If the charge alleges that the registered dentist is practising dentistry in premises or under conditions which are unsuitable for such practice) That you *(set out briefly the facts alleged)*: and that in relation to the facts alleged you are practising dentistry in premises or under such conditions which are unsuitable for such practice.

or

(If the charge alleges that an applicant for registration has been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment, or has been guilty of unprofessional conduct or is the subject of an existing order made under section 17(1)(i) or (ii) of the repealed Ordinance) That on the day of....., 19.... you made application to the Secretary for registration in accordance with section 9 of the Dentists Registration Ordinance, whereas *(set out briefly the facts alleged)*: and that in relation to the facts alleged your name should not be entered in the General Register.

(Where there is more than one charge, the charges are to be numbered consecutively).

Notice is further given to you that on *(day of the week)* the day of, 19....., a meeting of the Dental Council of Hong Kong will be held at, at a.m./p.m. to consider the above-mentioned charge(s) against you, and to determine whether or not the said Council should take any action against you under *(state whether section 9 or 18)* of the Dentists Registration Ordinance.

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

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

If you desire to make any application that the inquiry should be postponed, you should send the application 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 Dental Council.

A copy of the Dentists (Registration and Disciplinary Procedure) Regulations is sent herewith for your information.

.....

Secretary.

(L.N. 118 of 1968; 80 of 1997 s. 102; 37 of 2000 s. 3; 11 of 2006 s. 34)

FORM 7

[reg. 33]

DENTISTS REGISTRATION ORDINANCE

(Chapter 156)

SUMMONS TO WITNESS

In the matter of a Disciplinary Inquiry under section 9/section 18 of the Ordinance:

And in the matter of
(1)

To (2)

You are hereby summoned to appear before the Dental Council of Hong Kong at upon the day of, at o'clock in the 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

Chairman, Dental Council of Hong Kong.

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

SECOND SCHEDULE

[ss. 9(2), 11A, 12B & 32,
regs. 4, 6 & 8B]
(11 of 2006 s. 35)

FEES

Item	Particular	Fee
		\$
1.	Registration	2,170
1A.	Inclusion of name in the Specialist Register under section 12B of the Ordinance (11 of 2006 s. 35).....	2,170
2.	Re-registration	2,090
3.	Certificate of standing	590
4.	Certificate verifying registration or the inclusion of name in the Specialist Register	590
5.	Alteration to the General Register or Specialist Register	775
6.	Certified copy of an entry in the General Register or Specialist Register	600
6A.	Certificate for the inclusion of name in the Specialist Register under section 32 of the Ordinance (11 of 2006 s. 35).....	590
7.	Duplicate certificate of registration or duplicate certificate for the inclusion of name in the Specialist Register	675
8.	Certified copy of certificate of registration or certificate for the inclusion of name in the Specialist Register	675
9.	Practising certificate—	
	(a) for a dentist whose name is on the General Register for dentists resident in Hong Kong	555
	(b) for a dentist whose name is on the General Register for dentists resident outside Hong Kong	290
	(c) (Repealed 34 of 1995 s. 12)	
	(d) for a person deemed to be a registered dentist under section 30(3)(a) of the Ordinance.....	580
10.	Entrance for examination, in each part	5,810
	(L.N. 183 of 1989; L.N. 600 of 1994; 34 of 1995 s. 12; L.N. 10 of 1997; L.N. 314 of 2000; L.N. 81 of 2006; 11 of 2006 s. 35; L.N. 131 of 2015)	

5. Exemptions from service

- (1) The following persons shall be exempt from service as jurors — (*Amended 51 of 1911; 63 of 1911 Schedule; 28 of 1962 s. 3; 28 of 2000 s. 47*)
- (a) members of the Executive or Legislative Council; (*Replaced 8 of 1912 s. 29. Amended 67 of 1987 s. 2*)
 - (aa) (*Repealed 78 of 1999 s. 7*)
 - (ab) justices of the peace; (*Added 64 of 1984 s. 4*)
 - (b) any public officer who is—
 - (i) a judge, deputy judge, District Judge, deputy District Judge, Registrar, Senior Deputy Registrar, Deputy Registrar, Assistant Registrar, coroner or magistrate; (*Amended 10 of 2005 s. 163*)
 - (ii) a presiding officer, adjudicator or member of any tribunal established by law;
 - (iii) an officer or member of the staff of any court or tribunal established by law, if his work is mainly concerned with the day to day administration of the court or tribunal;
 - (iv) a legal officer within the meaning of section 2 of the Legal Officers Ordinance (Cap. 87); (*Replaced 8 of 1993 s. 5*)
 - (v) serving in the Department of Justice, the Legal Aid Department, the Official Receiver's Office or the Intellectual Property Department; (*Amended 39 of 1992 s. 7; 60 of 1992 s. 2; 8 of 1993 s. 5; L.N. 362 of 1997*)
 - (vi) a member of the Hong Kong Police Force, the Immigration Service, the Customs and Excise Service or the Fire Services Department, including a person holding any post specified in the Seventh Schedule to the Fire Services Ordinance (Cap. 95); (*Amended L.N. 362 of 1997*)
 - (vii) an officer of the Correctional Services Department;
 - (viii) a member of the Government Flying Service; (*Replaced 54 of 1992 s. 19*)

- (ix) the Commissioner, Deputy Commissioner or an officer of the Independent Commission Against Corruption;
 - (x) carrying out duties in the Hong Kong Police Force, the Immigration Department, the Customs and Excise Department, the Fire Services Department, the Correctional Services Department, the Government Flying Service or the Independent Commission Against Corruption; (*Amended 1 of 1997 s. 7; L.N. 362 of 1997*)
 - (xi) serving in a training or apprentice rank; (*Replaced 64 of 1984 s. 4*)
 - (xii) appointed as the principal probation officer, or as a probation officer, under the Probation of Offenders Ordinance (Cap. 298); or (*Added 37 of 1988 s. 3*)
 - (xiii) a social worker employed full-time in any reformatory school established under the Reformatory Schools Ordinance (Cap. 225), any place of detention appointed under the Juvenile Offenders Ordinance (Cap. 226), or any approved institution within the meaning of the Probation of Offenders Ordinance (Cap. 298); (*Added 37 of 1988 s. 3*)
- (c) consuls, vice-consuls, and officers of equivalent status, of governments of foreign states and such salaried functionaries of such governments as are nationals of such governments and are not carrying on business in Hong Kong, and the spouses and dependent children of such persons; (*Replaced 6 of 1955 s. 2. Amended 39 of 1960 s. 3; 37 of 1988 s. 13; 23 of 1998 s. 2*)
 - (d) barristers-at-law and solicitors in actual practice, and their clerks;
 - (e) persons duly registered as or deemed to be medical practitioners under the Medical Registration Ordinance (Cap. 161), persons duly registered as dentists under the Dentists Registration Ordinance (Cap. 156) and persons duly registered under the Veterinary Surgeons Registration Ordinance (Cap. 529); (*Replaced 31 of 1936 s. 2. Amended 1 of 1940 s. 28; 96 of 1997 s. 31*)
 - (f) editors of daily newspapers in Hong Kong and such members of their staffs in respect of whom the Registrar is satisfied that jury service would disrupt the publication of such newspapers; (*Replaced 6 of 1955 s. 2. Amended 37 of 1988 s. 13*)

- (g) chemists and druggists actually carrying on business as such;
- (h) clergymen, priests, and ministers of any Christian congregation or Jewish congregation, functioning in Hong Kong; (*Amended 20 of 1948 s. 4; 37 of 1988 s. 13*)
- (ha) imams of and persons holding similar positions in any Muslim congregation functioning in Hong Kong; (*Added 72 of 1997 s. 5*)
- (hb) priests of and persons holding similar positions in any Hindu congregation functioning in Hong Kong; (*Added 72 of 1997 s. 5*)
- (i) full time students of any school, college, university, polytechnic, technical institute, industrial training centre or other educational (including vocational education) institution; (*Replaced 64 of 1984 s. 4*)
- (j) members of the Chinese People's Liberation Army; (*Replaced 2 of 2012 s. 3*)
- (k) pilots licensed under the Pilotage Ordinance (Cap. 84), and the master and members of the crew of any ship; (*Replaced 28 of 1962 s. 3*)
- (l) pilots, navigators, wireless operators and other full-time members of the crews of passenger or mail or commercial aircraft; (*Replaced 6 of 1955 s. 2*)
- (m) members of the Hong Kong Auxiliary Police Force and persons summoned to act or enrolled or appointed as special constables under any enactment: (*Amended 29 of 1969 s. 2; L.N. 362 of 1997*)
 Provided that any person claiming exemption under this paragraph may be required by the Registrar to produce a certificate from the Commissioner of Police in proof of such exemption; (*Replaced 2 of 1959 Second Schedule*)
- (n) persons who are vowed and full-time members of any religious orders living in monasteries, convents or other such religious communities; (*Added 6 of 1955 s. 2. Amended 64 of 1984 s. 4*)
- (o) the spouse of—
 - (i) the Chief Justice;
 - (ia) a judge of the Court of Final Appeal; (*Added 79 of 1995 s. 50*)
 - (ib) the Chief Judge; (*Added 26 of 1999 s. 3*)
 - (ii) a Justice of Appeal;

- (iii) a judge of the Court of First Instance; and (*Amended 25 of 1998 s. 2*)
 - (iv) a coroner; (*Replaced 72 of 1997 s. 5*)
 - (p) spouses of members of the Chinese People's Liberation Army; (*Added 39 of 1960 s. 3. Amended 28 of 1962 s. 3; 72 of 1997 s. 5; 2 of 2012 s. 3*)
 - (q) (*Repealed 25 of 1998 s. 2*)
 - (r) the Legal Adviser of the Legislative Council Secretariat and any of his assistants who is in the full time employment of the Legislative Council Commission and is a barrister or a solicitor as defined in the Legal Practitioners Ordinance (Cap. 159). (*Added 72 of 1997 s. 5*)
- (2) In this section—
- (a) reference to **Registrar** includes reference to the Registrar of the District Court;
 - (aa) **Senior Deputy Registrar** (高級副司法常務官) means Senior Deputy Registrar of the High Court; (*Added 10 of 2005 s. 163*)
 - (b) **Deputy Registrar** (副司法常務官) means Deputy Registrar of the High Court or of the District Court;
 - (c) **Assistant Registrar** (助理司法常務官) means Assistant Registrar of the High Court or of the District Court. (*Added 28 of 2000 s. 47*)

2. Interpretation

(1) In this Ordinance, unless the context otherwise requires—
approved (認可) means approved by the Director for the purposes of this Ordinance;

authorized seller of poisons (獲授權毒藥銷售商) means an authorized seller of poisons within the meaning of the Pharmacy and Poisons Ordinance (Cap. 138);

cannabis (大麻) means any plant, or any part of any plant, of the genus cannabis which contains tetrahydro-cannabinol and the viable seeds of any plant of the genus cannabis; (*Replaced 46 of 1978 s. 2*)

cannabis resin (大麻樹脂) means the separated resin, whether crude or purified, obtained from any plant of the genus cannabis; (*Added 62 of 1994 s. 2*)

charge (控訴) means a complaint, information, charge or indictment;

Chief Pharmacist (總藥劑師) means the person so appointed by the Chief Executive and such other person as the Director may appoint in writing to carry out the duties of the Chief Pharmacist under this Ordinance; (*Amended 13 of 1999 s. 3*)

coca leaves (古柯葉) means the leaves of any plant of the genus of the erythroxylaceae from which cocaine can be extracted, either directly or by chemical transformation;

Conventions (公約) means—

(a)-(d) (*Repealed 13 of 1999 s. 3*)

(e) the Single Convention on Narcotic Drugs signed at New York on 30 March 1961;

(f) the Convention on Psychotropic Substances signed at Vienna on 21 February 1971;

(g) the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances signed at Vienna on 20 December 1988;

(h) any Convention or Protocol specified in a notice under subsection (4) to be a Convention or Protocol for the purposes of this Ordinance; and

- (i) any convention or final protocol amending, supplementing or in substitution for any of the Conventions or Protocols referred to in paragraphs (e), (f), (g) and (h); (*Replaced 89 of 1995 s. 34. Amended 13 of 1999 s. 3*)

corresponding law (相應法律) means a law stated in a certificate purporting to be issued by or on behalf of the government of any place outside Hong Kong to be a law providing for the control and regulation in that place of dangerous drugs in accordance with the Conventions; (*Replaced 89 of 1995 s. 34*)

dangerous drug (危險藥物) means any of the drugs or substances specified in Part I of the First Schedule;

Director (署長) means the Director of Health, Deputy Director of Health or an Assistant Director of Health; (*Amended L.N. 76 of 1989; E.R. 4 of 2019*)

divan (煙窟) means any place or premises opened, kept or used, whether on one occasion or more than one occasion, for the smoking, inhalation, ingestion or injection of a dangerous drug;

diversion certificate (轉運證明書) means a certificate issued by a competent authority in a country outside Hong Kong through which a dangerous drug passes in transit—

- (a) authorizing the diversion of such drug to a country other than that specified in the export authorization relating to that drug as the country to which it was to be exported;
- (b) containing full particulars of such drug and the quantity authorized to be diverted and of the names and addresses of the person by whom the drug is to be diverted and the person to whom it is to be sent; and
- (c) specifying the country from which the drug was originally exported;

ecgonine (芽子鹼) means laevo-ecgonine and any derivatives of ecgonine from which it may be recovered industrially;

export (出口) means to take or cause to be taken out of Hong Kong or any other country, as the case may be, by land, air or water;

export authorization (出口授權書) means an authorization issued by a competent authority in the country outside Hong Kong from which a dangerous drug is to be exported—

- (a) containing full particulars of such drug and the quantity authorized to be exported and of the names and addresses of the person by whom the drug is to be exported and the person to whom it is to be sent; and

(b) specifying the country to which, and the period within which, it is to be exported;

import (進口) means to bring or cause to be brought into Hong Kong or any other country, as the case may be, by land, air or water;

in transit (過境途中) means imported into Hong Kong for the sole purpose of being exported from Hong Kong to another country;

inject or **injection** (注射) means injection into any person by a hypodermic syringe or any other method;

manufacture (製造) means any act connected with making, adulterating, purifying, mixing, separating or otherwise treating a dangerous drug; (*Replaced 40 of 1982 s. 2*)

matron (總護士長) includes any person performing the duties of a matron and any person, whatever the title of the office which he holds, performing duties of the kind performed by a matron;

medicinal opium (藥用鴉片) means raw opium which has undergone the processes necessary to adapt it for medicinal use in accordance with the requirements of the European Pharmacopoeia or the United States Pharmacopoeia, whether it is in the form of powder or is granulated or is in any other form, and whether or not it is mixed with neutral substances; (*Amended 13 of 1999 s. 3*)

opium (鴉片) includes raw opium, prepared opium, opium dross and every substance (other than medicinal opium) containing any proportion of raw opium, prepared opium or opium dross;

opium dross (鴉片煙渣) means any residue remaining after opium has been smoked;

opium poppy (鴉片罌粟) means a plant of the species *Papaver somniferum* L or the species *Papaver setigerum* D.C. and any plant from which morphine may be produced;

opium water (鴉片水) means an aqueous extract of opium; (*Added 46 of 1971 s. 2*)

owner (擁有人), in relation to any premises, includes any person holding premises direct from the Government, whether under lease, licence or otherwise, any mortgagee in possession and any person receiving the rent of any premises, solely or with another and on his own behalf or that of any person, or who would receive the same if such premises were let to a tenant, and, where such owner as above defined cannot be found or ascertained or is absent from Hong Kong or is under disability,

also includes the agent of such owner; (*Amended 46 of 1971 s. 2; 29 of 1998 s. 105*)

place (場所) means any ship, aircraft, vehicle, building, structure or enclosure, whether movable or not, and any spot on land or water;

poppy straw (罌粟稈) means all parts, except the seeds, of the opium poppy after mowing; [*cf. 1965 c. 15 s. 24(1) U.K.*]

preparation (製劑) means a preparation, mixture, extract or other substance containing any proportion of a dangerous drug specified in any of paragraphs 1 to 7 of Part I of the First Schedule; (*Amended 46 of 1971 s. 2*)

prepared opium (熟鴉片) includes any preparation of opium, and any substance of which opium forms an ingredient, which is used or intended to be used, or is capable of being used, for smoking, inhaling, ingestion or injection;

prescribed hospital (訂明醫院) means a hospital maintained by the Government, a military hospital and a hospital or institution specified in the Second Schedule; (*Amended 2 of 2012 s. 3*)

prescription (處方) means a prescription for a single individual given by a registered medical practitioner for the purposes of medical treatment, by a registered dentist for the purposes of dental treatment or by a registered veterinary surgeon for the purposes of animal treatment; (*Amended 96 of 1997 s. 32*) [*cf. S.I. 1964/1811 reg. 32(1) U.K.*]

raw opium (生鴉片) means any kind of opium not prepared for smoking, inhaling, ingestion or injection and also means the leaves or wrappings in which raw opium has been wrapped, but does not include opium dross;

registered dentist (註冊牙醫) means—

- (a) a dentist registered under 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.); or (*Amended 34 of 1995 s. 44*)
- (b) a person deemed to be a registered dentist under the Dentists Registration Ordinance (Cap. 156); (*Replaced 62 of 1987 s. 10*)

registered veterinary surgeon (註冊獸醫) means a veterinary surgeon registered under the Veterinary Surgeons Registration Ordinance (Cap. 529); (*Added 96 of 1997 s. 32*)

ship (船舶) includes every description of vessel used in navigation or for the carriage or storage of goods on water;

sister (護士長) includes any person performing the duties of a nursing sister and any person, whatever the title of the office which he holds, performing duties of the kind performed by a nursing sister;

specified clinic (指明診療所), in relation to a specified person, means the clinic specified in the authorization under section 22(5A) by virtue of which such person is a specified person; (*Added 2 of 1992 s. 2*)

specified dangerous drug (指明危險藥物), in relation to a specified person, means any dangerous drug specified in the authorization under section 22(5A) by virtue of which such person is a specified person; (*Added 2 of 1992 s. 2*)

specified person (指明的人) means a person authorized under section 22(5A); (*Added 2 of 1992 s. 2*)

trafficking (販運), in relation to a dangerous drug, includes importing into Hong Kong, exporting from Hong Kong, procuring, supplying or otherwise dealing in or with the dangerous drug, or possessing the dangerous drug for the purpose of trafficking, and **traffic in a dangerous drug** (販運危險藥物) shall be construed accordingly; (*Amended 52 of 1992 s. 2*)

unlawful or **unlawfully** (非法), in relation to trafficking in or manufacturing or storage of a dangerous drug, means otherwise than under and in accordance with this Ordinance or a licence issued thereunder; (*Amended 46 of 1971 s. 2*)

wholesale dealer (批發商) means a person who carries on the business of selling dangerous drugs to persons who buy to sell again, and **wholesale dealing** (批發經營) shall be construed accordingly. [*cf. S.I. 1964/1811 reg. 32(1) U.K.*]

(2) For the purposes of this Ordinance, a person shall be deemed to be in possession of a dangerous drug or a pipe, equipment or apparatus, as the case may be, if it is in his actual custody or is held by some other person subject to his control or for him and on his behalf. [*cf. S.I. 1964/1811 reg. 20 U.K.*]

(3) Any quantity of a dangerous drug shall be a dangerous drug for the purposes of this Ordinance notwithstanding that the quantity is insufficient to be measured or used. (*Added 40 of 1982 s. 2*)

(4) The Secretary for Security may, by notice in the Gazette, specify a Convention or Protocol for the purposes of this Ordinance. (*Added 89 of 1995 s. 34*)

2. Interpretation

In this Ordinance, unless the context otherwise requires—

authorized seller of poisons (獲授權毒藥銷售商) has the meaning assigned to it by the Pharmacy and Poisons Ordinance (Cap. 138);

Director of Agriculture, Fisheries and Conservation (漁農自然護理署署長) includes the senior veterinary officer and any veterinary officer; (*Added 23 of 1962 s. 3. Amended L.N. 331 of 1999*)

penicillin (青霉素) has the meaning assigned to it by the regulations made under this Ordinance;

registered dentist (註冊牙醫) means a person registered in the General Register and a person deemed to be a registered dentist under the Dentists Registration Ordinance (Cap. 156); (*Amended 62 of 1987 s. 10; 11 of 2006 s. 36*)

registered medical practitioner (註冊醫生) means a person registered or deemed to be registered under the Medical Registration Ordinance (Cap. 161);

registered pharmacist (註冊藥劑師) means a person registered in the register of pharmaceutical chemists or the register of chemists and druggists under the Pharmacy and Poisons Ordinance (Cap. 138);

registered veterinary surgeon (註冊獸醫) means a veterinary surgeon registered under the Veterinary Surgeons Registration Ordinance (Cap. 529). (*Replaced 96 of 1997 s. 36*)

2. Interpretation

(1) In this Ordinance, unless the context otherwise requires—
advanced therapy product (先進療法製品) means any of the following products that is for human use—

- (a) a gene therapy product;
- (b) a somatic cell therapy product;
- (c) a tissue engineered product; (*Added 19 of 2020 s. 3*)

authorized seller of poisons (獲授權毒藥銷售商) means a registered pharmacist, body corporate or unincorporated body of persons that is authorized to carry on a business of retail sale of poisons under section 11; (*Replaced 58 of 1986 s. 2. Amended 2 of 2015 s. 4*)

Board (管理局) means the Pharmacy and Poisons Board established under section 3;

certificate of good standing (良好聲譽證明書) means a certificate issued under section 9A; (*Added 68 of 1995 s. 24*)

code of conduct (《行為守則》) means a code of conduct issued under section 4B as revised from time to time under that section; (*Added 2 of 2015 s. 4*)

code of practice (《執業守則》) means a code of practice issued under section 4B as revised from time to time under that section; (*Added 2 of 2015 s. 4*)

court (法庭) includes a magistrate; (*Added 2 of 2015 s. 4*)

dispense (配發、配藥) means supplying a medicine or poison on and in accordance with a prescription given by a registered medical practitioner, a registered dentist or a registered veterinary surgeon; and also means the compounding or mixing of substances, including poisons, and the supplying of the same and **dispensing** (配發、配藥) shall be construed accordingly; (*Added 58 of 1986 s. 2. Amended 96 of 1997 s. 39*)

gene therapy product (基因療法製品)—

- (a) means a product—

- (i) that contains an active substance containing or consisting of a recombinant nucleic acid that may be used in or administered to human beings with a view to regulating, repairing, replacing, adding or deleting a genetic sequence; and
- (ii) the therapeutic, prophylactic or diagnostic effect of which relates directly to—
 - (A) the recombinant nucleic acid sequence it contains; or
 - (B) the product of genetic expression of that sequence; but
- (b) does not include a vaccine against an infectious disease; *(Added 19 of 2020 s. 3)*

institution (機構) means—

- (a) any private healthcare facility within the meaning of the Private Healthcare Facilities Ordinance (Cap. 633) for which a licence under that Ordinance is in force; *(Replaced 34 of 2018 s. 159 and E.R. 5 of 2018)*
- (b) any clinic within the meaning of the Medical Clinics Ordinance (Cap. 343); *(Amended 84 of 1992 s. 7)*
- (c) any such hospital, maternity home or clinic maintained by the Government; *(Amended 84 of 1992 s. 7; 2 of 2012 s. 3)*
- (ca) any military hospital or any maternity home or clinic of the Hong Kong Garrison; *(Added 2 of 2012 s. 3. Amended 34 of 2018 s. 159)*
- (d) any hospital, maternity home or clinic managed or controlled by the Hospital Authority established under the Hospital Authority Ordinance (Cap. 113); *(Added 84 of 1992 s. 7)*
- (e) any scheduled nursing home within the meaning of the Private Healthcare Facilities Ordinance (Cap. 633) for which an exemption granted under section 128 of that Ordinance is in force; or *(Added 34 of 2018 s. 159 and E.R. 5 of 2018)*
- (f) any nursing home within the meaning of the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) for which a licence under that Ordinance is in force; *(Added 34 of 2018 s. 159)*

label (標籤) means any statement forming part of or affixed to a container in which pharmaceutical products are sold, which statement may, subject to any regulations made under this

Ordinance, be printed in English or Chinese; (*Amended 68 of 1995 s. 2*)

licensed manufacturer (持牌製造商) means a holder of a licence to manufacture pharmaceutical products issued under any regulations made under section 29; (*Added 2 of 2015 s. 4*)

licensed wholesale dealer (持牌批發商) means a holder of a wholesale dealer licence; (*Added 2 of 2015 s. 4*)

listed seller of poisons (列載毒藥銷售商) means a person whose name is entered on the list kept under section 25 of persons entitled to conduct the retail sale of poisons included in Part 2 of the Poisons List; (*Amended E.R. 4 of 2015*)

manufacture (製造), in relation to a pharmaceutical product—

- (a) means—
 - (i) the preparation of the product, from purchase or acquisition of materials, through processing and packaging, to its completion as a finished product for clinical trial, sale or distribution; or
 - (ii) the repackaging of the product as a finished product for clinical trial, sale or distribution; but
- (b) does not include the individual dispensing on a prescription or otherwise of the product if the product—
 - (i) is not an advanced therapy product; or
 - (ii) is an advanced therapy product the dispensing of which does not involve substantial manipulation of cells or tissues; (*Replaced 19 of 2020 s. 3*)

manufacturer (製造商), in relation to a pharmaceutical product, means a person who manufactures the product; (*Added 19 of 2020 s. 3*)

medicine (藥物) has the same meaning as in the definition of **pharmaceutical product**; (*Added 19 of 2020 s. 3*)

pharmaceutical product (藥劑製品)—

- (a) means a substance or combination of substances that—
 - (i) is presented as having properties for treating or preventing disease in human beings or animals; or
 - (ii) may be used in or administered to human beings or animals with a view to—
 - (A) restoring, correcting or modifying physiological functions by exerting a pharmacological, immunological or metabolic action; or

(B) making a medical diagnosis; and

(b) includes an advanced therapy product; (*Added 19 of 2020 s. 3*)

poison (毒藥) means a substance which is specified in the Poisons List;

Poisons List (毒藥表) means the Poisons List prescribed by regulations made under section 29; (*Amended 2 of 2015 s. 4*)

practising certificate (執業證明書) means a certificate issued under section 10A; (*Added 50 of 1977 s. 2*)

registered (註冊) means—

(a) in relation to a pharmacist, a person whose name has been entered on the register of pharmacists under section 5;

(b) in relation to premises, such premises as are entered on the register of premises under section 13;

(c) in relation to a medical practitioner, a person duly registered or deemed to be registered under the Medical Registration Ordinance (Cap. 161);

(d) in relation to a dentist, a person duly registered or deemed to be registered under the Dentists Registration Ordinance (Cap. 156);

(e) in relation to a veterinary surgeon, a person duly registered under the Veterinary Surgeons Registration Ordinance (Cap. 529); (*Added 96 of 1997 s. 39*)

sale by way of wholesale dealing (以批發經營方式銷售) means the sale of goods to a person who is authorized by this Ordinance to resell such goods;

Secretary (秘書) means the secretary to the Board;

sell (售、銷售) includes—

(a) offer or expose for sale;

(b) supply without payment; and

(c) offer or expose for supply without payment,

and ***sold*** (售、銷售) and ***seller*** (銷售商) shall be construed accordingly; (*Replaced 58 of 1986 s. 2*)

somatic cell therapy product (體細胞療法製品) means a product that—

(a) contains or consists of any of the following cells or tissues—

- (i) cells or tissues that have been subject to substantial manipulation so that their biological characteristics, physiological functions or structural properties relevant for the intended clinical use have been altered;
 - (ii) cells or tissues that are not intended to be used for the same essential functions in their recipient as in their donor; and
- (b) is presented as having properties for, or may be used in or administered to human beings with a view to—
- (i) treating, preventing or diagnosing a disease; or
 - (ii) restoring, correcting or modifying physiological functions,
- through the pharmacological, immunological or metabolic action of those cells or tissues; (*Added 19 of 2020 s. 3*)

specified form (指明格式), in relation to a purpose under this Ordinance, means the form specified for that purpose by the Board under section 29A; (*Added 2 of 2015 s. 4*)

substantial manipulation (實質處理), in relation to cells or tissues, does not include the manipulation processes set out in the Schedule; (*Added 19 of 2020 s. 3*)

tissue engineered product (組織工程製品)—

- (a) means a product that—
 - (i) contains or consists of any of the following cells or tissues—
 - (A) cells or tissues that have been subject to substantial manipulation so that their biological characteristics, physiological functions or structural properties relevant for the intended regeneration, repair or replacement have been altered;
 - (B) cells or tissues that are not intended to be used for the same essential functions in their recipient as in their donor; and
 - (ii) is presented as having properties for, or may be used in or administered to human beings with a view to, regenerating, repairing or replacing a human tissue; but
- (b) does not include a product that—

- (i) contains or consists of exclusively non-viable human or animal cells or tissues; and
- (ii) does not act principally by pharmacological, immunological or metabolic action; (*Added 19 of 2020 s. 3*)

Tribunal (審裁處) has the meaning assigned to it by section 30; (*Added 50 of 1980 s. 2. Amended 2 of 2015 s. 4*)

wholesale dealer licence (批發商牌照) means a wholesale dealer licence issued under any regulations made under section 29. (*Added 2 of 2015 s. 4*)

(*Amended 38 of 1977 s. 24; 96 of 1997 s. 39; 19 of 2020 s. 3*)

(1A) In the definition of **manufacture** in subsection (1)—

packaging (包裝) means any operation, including filling and labelling, that a bulk product (being a product that has completed all processing stages up to, but not including, final packaging) has to undergo to become a finished product. (*Added 2 of 2015 s. 4*)

- (2) It shall be a sufficient compliance with any requirement in this Ordinance that premises be under the personal control of a registered pharmacist if for not less than two-thirds of the hours of each day the premises are open for business a registered pharmacist is present at the premises and exercises control and supervision over the persons employed therein.
- (3) Where in this Ordinance any document is required to be signed by any person, that person shall write his name or make his mark on the document but the affixing of a chop shall not be an adequate signature.

2. Interpretation

In this Regulation, unless the context otherwise requires—

“agricultural and veterinary chemical” (農業及獸醫用化學物) means any substance specified in column (2) of Schedules 2 and 3 and, where applicable, the metabolite of such substance specified in column (3) of Schedules 2 and 3;

“body fluid” (體液) means blood, urine, cerebrospinal fluid, vitreous humor and any other fluid in the body of a food animal but does not include milk;

“competent veterinary authority” (合資格獸醫當局) means a veterinary authority in a country, territory or place outside Hong Kong having the power under the laws in force in that country, territory or place to test or certify the status of food animals regarding the presence of prohibited chemicals and agricultural and veterinary chemicals in them;

“contain” (含有), in relation to a food animal, means to be present in any tissue, body fluid or milk of the food animal;

“fodder” (飼料) means any substance commonly used for the food of food animals;

“food animal” (食用動物) means an animal or bird commonly kept for the purpose of providing food for human consumption;

“food animal farmer” (食用動物飼養人) means—

- (a) an owner of food animals kept in or on food animal rearing premises;
- (b) an occupier of food animal rearing premises;
- (c) a person responsible for the management of food animal rearing premises;
- (d) a person keeping food animals, or having the custody or possession of food animals, in or on food animal rearing premises;
- (e) a person licensed under regulation 8 of the Dairies Regulations (Cap. 139 sub. leg. D) to maintain a dairy; or
- (f) a person licensed under section 4 of the Public Health (Animals and Birds) (Licensing of Livestock Keeping) Regulation (Cap. 139 sub. leg. L) to keep livestock;

“food animal rearing premises” (殖養場)—

- (a) means any premises, buildings, land or land covered by water used for the purpose of keeping food animals; and
- (b) does not include any premises comprising any slaughterhouse, lairage, market, fresh provision shop or restaurant;

“food animal trader” (食用動物販商) means—

- (a) an owner of food animals kept in places other than food animal rearing premises;
- (b) a person responsible for feeding or keeping food animals in places other than food animal rearing premises;
- (c) a person who transports food animals;
- (d) a person who sells or offers to sell food animals in places other than food animal rearing premises; or
- (e) a person who imports food animals into Hong Kong;

“keep” (飼養) includes breed, house, tend, look after and control, and “kept” and “keeping” shall be construed accordingly;

“lairage” (牲口欄) means a part of a slaughterhouse which is used for the confinement of food animals;

“maximum residue limit” (最高殘餘限量) means—

- (a) in relation to tissues, the maximum residue limit referred to in section 4(a);
- (b) in relation to milk, the maximum residue limit referred to in section 4(b);

“prohibited chemical” (違禁化學物) means any substance specified in Schedule 1;

“Public Analyst” (政府分析員) means the Government Chemist;

“registered dentist” (註冊牙醫) means a dentist whose name is entered in the General Register under section 9 of the Dentists Registration Ordinance (Cap. 156); (*11 of 2006 s. 37*)

“registered veterinary surgeon” (註冊獸醫) means a veterinary surgeon registered under the Veterinary Surgeons Registration Ordinance (Cap. 529);

“slaughterhouse” (屠房) has the meaning assigned to it by section 2(1) of the Public Health and Municipal Services Ordinance (Cap. 132);

“specified food animal” (指明食用動物) means any of the food animals specified in column (1) of Schedule 4;

“supply” (供應) includes import, manufacture, deliver and sell, and “supplying” and “supplier” (供應商) shall be construed

accordingly;

“tissue” (組織) includes meat, offal, hair and any part of a food animal;

“wholesale market” (批發市場) means a market where food animals are sold for resale.

28. Unlawful use of title etc. and practice without registration

- (1) Any person who—
 - (a) wilfully or falsely pretends—
 - (i) to be qualified to practise medicine or surgery; or
 - (ii) to be registered; or
 - (iii) that his name is included in the Specialist Register; or
 - (b) wilfully or falsely takes or uses any name, title, addition or description implying that—
 - (i) he is qualified to practise medicine or surgery; or
 - (ii) he is registered; or
 - (iii) his name is included in the Specialist Register; or
 - (c) not being registered or provisionally registered or exempted from registration, professes to practise or publishes his name as practising medicine or surgery, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 3 years. (*Replaced 7 of 1996 s. 34*)
- (2) Subject to subsection (3), any person who not being registered or provisionally registered or exempted from registration—
 - (a) practises medicine or surgery commits an offence and is liable—
 - (i) on summary conviction to a fine at level 6 and to imprisonment for 3 years; or
 - (ii) on conviction upon indictment to imprisonment for 5 years; or
 - (b) does any medical diagnosis, prescribes any medical treatment or performs any medical treatment (including surgery) in relation to a person which results in personal injury to that person commits an offence and is liable—
 - (i) on summary conviction to a fine of \$200,000 and to imprisonment for 3 years; or
 - (ii) on conviction upon indictment to imprisonment for 7 years. (*Added 68 of 1986 s. 5 Amended 7 of 1996 s. 34*)
- (3) Subsection (2) shall not apply to any treatment—

- (a) by way of dentistry performed by a dentist registered, deemed to be registered or exempt from registration under the Dentists Registration Ordinance (Cap. 156);
 - (b) by way of the dispensation of medicine or poison by a pharmacist registered under the Pharmacy and Poisons Ordinance (Cap. 138);
 - (c) by way of the dispensation of poison by a seller of poisons listed under the Pharmacy and Poisons Ordinance (Cap. 138); (*Amended E.R. 7 of 2020*)
 - (d) in the course of the practice of one of the professions listed in the Schedule to the Supplementary Medical Professions Ordinance (Cap. 359) given by a person registered or licensed under that Ordinance to practise that profession;
 - (e) by way of massage given in a massage establishment by or under the supervision of a person licensed to operate that massage establishment under the Massage Establishments Ordinance (Cap. 266);
 - (f) by way of chiropody, chiropractic or osteopathy; (*Amended 47 of 1999 s. 164*)
 - (g) by way of first aid; and (*Added 68 of 1986 s. 5. Amended 47 of 1999 s. 164*)
 - (h) by way of practising Chinese medicine by a Chinese medicine practitioner registered or listed under the Chinese Medicine Ordinance (Cap. 549). (*Added 47 of 1999 s. 164*)
- (4) For the purposes of this section a person who fraudulently procures himself to be registered by making or producing or causing to be made or produced, any false or fraudulent representation or declaration, either oral or in writing, shall be deemed not to have been so registered. (*Added 68 of 1986 s. 5*)
- (4A) Any person with limited registration who wilfully and falsely pretends to be qualified, or takes or uses any name or title implying that he is qualified, to practise medicine or surgery or to be registered, beyond the limits defined in a direction under section 14A(2) or (7) relating to that registration commits an offence and is liable on summary conviction to a fine at level 3 and to imprisonment for 6 months. (*Added 38 of 1992 s. 8. Amended E.R. 7 of 2020*)
- (4B) For the purposes of this section and section 32, a person with limited registration shall be deemed not to have been registered insofar as his registration does not have effect under section 14A. (*Added 38 of 1992 s. 8*)

- (5) In subsection (3) **treatment** (治療) includes such diagnosis and prescription as is necessary for the purpose of giving treatment. (*Added 68 of 1986 s. 5*)
- (6) Without prejudice to any Ordinance relating to the prosecution of criminal offences or to the powers of the Secretary for Justice in relation to the prosecution of criminal offences, prosecutions for an offence in connection with the practice of Chinese medicine shall only be brought under the Chinese Medicine Ordinance (Cap. 549). (*Added 47 of 1999 s. 164*)

3. Interpretation

(1) In this Ordinance, unless the context otherwise requires — (*Amended 52 of 2000 s. 3*)

accident insurance business (意外保險業務) means the business of effecting contracts of insurance against the liability of an employer for personal injury by accident to any employee in his employment arising out of and in the course of such employment; (*Added 55 of 1969 s. 3*)

Certificate for Funeral and Medical Attendance Expenses (殯殮費和醫護費證明書) means a certificate issued under section 6E(1)(b); (*Added 52 of 2000 s. 3*)

Certificate of Compensation Assessment for Fatal Case (致命個案補償評估證明書) means a certificate issued under section 6B(1)(b); (*Added 52 of 2000 s. 3*)

Certificate of Interim Payment (臨時付款證明書) means a certificate issued under section 6C(1)(b); (*Added 52 of 2000 s. 3*)

cohabitee (同居者), in relation to an employee, means any person who at the time of the accident concerned was living with the employee as the employee's wife or husband; (*Added 52 of 2000 s. 3*)

Commissioner (處長) means the Commissioner for Labour; (*Replaced 13 of 1966 Schedule. Amended 55 of 1969 s. 3; L.N. 142 of 1974*)

compensation (補償) means any of the following—

- (a) compensation payable under section 6, 7, 8, 9 or 10, including the expenses of the funeral and medical attendance payable under section 6(5); (*Amended 52 of 2000 s. 3*)
- (b) medical expenses payable under section 10A;
- (c) wages or salary payable under section 16I(3) or 36MA; (*Amended 36 of 1996 s. 3*)
- (d) the cost of the supplying and fitting of a prosthesis or surgical appliance payable under section 36B, and the probable cost of repair and renewal thereof payable under section 36I;
- (da) interim payment; (*Added 52 of 2000 s. 3*)

- (e) any surcharge or interest payable under this Ordinance on the compensation referred to in paragraph (a), (b), (c), (d) or (da); (*Replaced 76 of 1982 s. 3. Amended 52 of 2000 s. 3*)

contract of apprenticeship (學徒訓練合約) includes a contract of improvership or learnership; (*Added 55 of 1969 s. 3*)

Court (法院) means—

- (a) in relation to any proceedings for the recovery of compensation in or required to be in the District Court, the District Court; or
- (b) in relation to any proceedings for the recovery of compensation in any other court or tribunal, or to be determined by the Commissioner, that court or tribunal, or the Commissioner, as the case may be; (*Replaced 76 of 1982 s. 3*)

damages (損害賠償) means any damages recoverable by an employee independently of this Ordinance in the case of personal injury to the employee by accident arising out of and in the course of his employment, and any interest payable on such damages; (*Added 55 of 1969 s. 3. Amended 54 of 1991 s. 47*)

earnings (收入) means any wages paid in cash to the employee by the employer and any privilege or benefit which is capable of being estimated in money and includes the value of any food, fuel, or quarters supplied to the employee by the employer if as a result of the accident the employee is deprived of such food, fuel or quarters; and any overtime payments or other special remuneration for work done, whether by way of bonus, allowance or otherwise, if of constant character or for work habitually performed and including tips if the employment be of such a nature that the habitual giving and receiving thereof is open and notorious and is recognized by the employer: but shall not include remuneration for intermittent overtime, or casual payments of a non-recurrent nature, or the value of a travelling allowance, or the value of any travelling concession or a contribution paid by the employer of an employee towards any pension or provident fund, or a sum paid to an employee to cover any special expenses entailed on him by the nature of his employment;

ECAFB (管理局) means the Employees Compensation Assistance Fund Board constituted by section 3(1) of the Employees Compensation Assistance Ordinance (Cap. 365); (*Added 16 of 2002 s. 33*)

employer (僱主) includes the Government and any body of persons corporate or unincorporate and the legal personal representative of a deceased employer, and, where the services of an employee are temporarily lent or let on hire to another person by the person with whom the employee has entered into a contract of service or apprenticeship, the latter shall, for the purposes of this Ordinance, be deemed to continue to be the employer of the employee whilst he is working for that other person; and in relation to a person engaged, employed or paid through a club or hostel, the manager or members of the managing committee of the club or hostel shall, for the purposes of this Ordinance, be deemed to be the employer; (*Amended 76 of 1982 s. 37; 68 of 1995 s. 2; 56 of 2000 s. 3*)

hospital (醫院) means any hospital within the meaning of the Private Healthcare Facilities Ordinance (Cap. 633) for which a licence under that Ordinance is in force, any hospital maintained by the Government, any military hospital or any public hospital within the meaning of the Hospital Authority Ordinance (Cap. 113); (*Added 74 of 1977 s. 2. Amended 82 of 1991 s. 2; 2 of 2012 s. 3; 34 of 2018 s. 166 and E.R. 5 of 2018*)

insurance company (保險公司) and **insurer** (保險人) mean a person carrying on accident insurance business in Hong Kong and include—

- (a) a company authorized under section 8 of the Insurance Ordinance (Cap. 41) to carry on class 13 of the classes of insurance business specified in Part 3 of Schedule 1 to that Ordinance; (*Amended 12 of 2015 s. 111*)
- (b) an association of underwriters approved by the Governor in Council before 1 July 1994 or by the Insurance Authority under section 6 of that Ordinance; (*Amended 47 of 1995 s. 2 ; Amended 12 of 2015 s. 111*)
- (c) the society of underwriters known in the United Kingdom as Lloyd's; (*Replaced 33 of 1990 s. 31*)

interim payment (臨時付款) means an interim payment of compensation the subject of a determination under section 6C(1)(a); (*Added 52 of 2000 s. 3*)

medical expenses (醫療費)—

- (a) in relation to medical treatment given in Hong Kong, means all or any of the following expenses incurred in respect of the medical treatment of an employee—

- (i) the fees of a registered medical practitioner, registered Chinese medicine practitioner, registered dentist, registered chiropractor, registered physiotherapist or registered occupational therapist; (*Replaced 16 of 2006 s. 12*)
 - (ii) the fees for any surgical or therapeutic treatment;
 - (iii) the cost of nursing attendance;
 - (iv) the cost of hospital accommodation as an in-patient;
 - (v) subject to section 10AB, the cost of medicines, curative materials and medical dressings; (*Amended 16 of 2006 s. 12*)
- (b) in relation to medical treatment given outside Hong Kong, means such expenses incurred in respect of the medical treatment of an employee as the Commissioner, by certificate in writing issued under section 10B(1)(b), determines to be medical expenses; (*Replaced 1 of 1995 s. 2*)

medical treatment (醫治), in relation to an employee to whom a personal injury is caused by accident arising out of and in the course of his employment, means medical treatment of any kind whatsoever given to the employee—

- (a) in the case of medical treatment given in Hong Kong, by, or under the supervision of, a registered medical practitioner, registered Chinese medicine practitioner, registered dentist, registered chiropractor, registered physiotherapist or registered occupational therapist; (*Amended 16 of 2006 s. 12*)
- (b) in the case of medical treatment given outside Hong Kong, by, or under the supervision of, a person who is allowed to practise medicine, surgery, dentistry, chiropractic, physiotherapy or occupational therapy in the place where such medical treatment is given,

in a hospital, whether as an in-patient or other than as an in-patient, or elsewhere; (*Added 74 of 1977 s. 2. Amended 1 of 1995 s. 2*)

member of the family (家庭成員), in relation to an employee, means a person who has any of the following relationships in respect of the employee, whether by blood or an adoption specified in subsection (2)—

- (a) a spouse or cohabitee;
- (b) a child;
- (c) a parent or grandparent; or

(d) a grandson, granddaughter, stepfather, stepmother, stepson, stepdaughter, son-in-law, daughter-in-law, brother, sister, half-brother, half-sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, and child of a brother or sister of the whole blood, any of whom has been living with the employee as a member of the same household and has been so living for the period of 24 months immediately preceding the accident concerned; (*Replaced 52 of 2000 s. 3*)

occupational disease (職業病) means any of the diseases specified in the second column of the Second Schedule and any recurrence or sequelae thereof; (*Added 19 of 1964 s. 3*)

Ordinary Assessment Board (普通評估委員會) means an Employees' Compensation (Ordinary Assessment) Board appointed under section 16D; (*Added 76 of 1982 s. 3*)

outworker (外發工) means a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, or repaired, or adapted for sale in his own home or on other premises not under the control or management of the person who gave out the materials or articles;

partial incapacity (部分喪失工作能力) means, where the incapacity is of a temporary nature, such incapacity as reduces the earning capacity of an employee in any employment in which he was engaged at the time of the accident resulting in the incapacity, and, where the incapacity is of a permanent nature, such incapacity (which may include disfigurement) as reduces his earning capacity, present or future, in any employment which he was capable of undertaking at that time; (*Amended 55 of 1969 s. 3; 49 of 1985 s. 2*)

principal contractor (總承判商) means a person referred to as a principal contractor in section 24; (*Added 76 of 1982 s. 3*)

registered Chinese medicine practitioner (註冊中醫) has the meaning assigned to it by section 2 of the Chinese Medicine Ordinance (Cap. 549); (*Added 16 of 2006 s. 12*)

registered chiropractor (註冊脊醫) has the meaning assigned to it by section 2 of the Chiropractors Registration Ordinance (Cap. 428); (*Added 16 of 2006 s. 12*)

registered dentist (註冊牙醫) means a dentist whose name is entered in the General Register under section 9 of the Dentists Registration Ordinance (Cap. 156); (*Replaced 11 of 2006 s. 38*)

registered medical practitioner (註冊醫生) means a medical practitioner who—

- (a) is registered under the Medical Registration Ordinance (Cap. 161); or
- (b) is deemed to be a registered medical practitioner by virtue of section 29(a) of that Ordinance; (*Added 16 of 2006 s. 12*)

registered occupational therapist (註冊職業治療師) means a person who is an occupational therapist and is registered in respect of that profession under the Supplementary Medical Professions Ordinance (Cap. 359); (*Added 16 of 2006 s. 12*)

registered physiotherapist (註冊物理治療師) means a person who is a physiotherapist and is registered in respect of that profession under the Supplementary Medical Professions Ordinance (Cap. 359); (*Added 16 of 2006 s. 12*)

Review Certificate for Funeral and Medical Attendance Expenses (殯殮費和醫護費審核證明書) means a certificate issued under section 6E(12)(c); (*Added 52 of 2000 s. 3*)

Review Certificate of Compensation Assessment for Fatal Case (致命個案補償評估審核證明書) means a certificate issued under section 6D(6)(c); (*Added 52 of 2000 s. 3*)

Review Certificate of Interim Payment (臨時付款審核證明書) means a certificate issued under section 6C(11)(c); (*Added 52 of 2000 s. 3*)

Special Assessment Board (特別評估委員會) means an Employees' Compensation (Special Assessment) Board appointed under section 16E; (*Added 76 of 1982 s. 3*)

sub-contractor (次承判商) means—

- (a) any person who enters into a contract, express or implied, with a principal contractor to perform all or any part of the work which the principal contractor has undertaken to perform; and
- (b) any other person who enters into a contract, express or implied, to perform all or any part of the work which a sub-contractor within the meaning of paragraph (a) has undertaken to perform; (*Added 76 of 1982 s. 3*)

total incapacity (完全喪失工作能力) means such incapacity whether of a temporary or permanent nature as incapacitates an employee for any employment which he was capable of undertaking at the time of the accident resulting in such incapacity. (*Amended 49 of 1985 s. 2*)

(*Amended 44 of 1980 s. 15; 52 of 2000 s. 3; 16 of 2006 s. 12*)

- (2) For the purposes of the definition of *member of the family* (家庭成員)—
- (a) an adoption means an adoption—
 - (i) made under an adoption order made in accordance with the Adoption Ordinance (Cap. 290);
 - (ii) to which section 17 or 20F of that Ordinance applies; or (*Amended 28 of 2004 s. 35*)
 - (iii) made in Hong Kong in accordance with Chinese law and custom before 1 January 1973; (*Amended 28 of 2004 s. 35*)
 - (b) subject to paragraph (c), any person so adopted shall be treated as the child of the adopter, and not as the child of any other person, and all relationships to the adopted person shall be deduced accordingly; and (*Added 52 of 2000 s. 3. Amended 28 of 2004 s. 35*)
 - (c) any person adopted under an adoption order granted under paragraph (c) of section 5(1) of the Adoption Ordinance (Cap. 290) shall be treated as the child of the adopter and the parent referred to in that paragraph, and not as the child of any other person, and all relationships to the adopted person shall be deduced accordingly. (*Amended 28 of 2004 s. 35*)

2. Interpretation

In these regulations, unless the context otherwise requires—

“approved laboratory” (認可檢驗所) means a laboratory approved by the Board for the purposes of regulation 16;

“dental irradiating apparatus” (牙科輻照儀器) means a type of irradiating apparatus specifically designed for the taking of radiographs of the teeth or jaws; (*L.N. 225 of 1990*)

“dental practitioner” (牙醫) means a person for the time being registered or deemed to be registered under the Dentists Registration Ordinance (Cap. 156);

“diagnostic irradiating apparatus” (診斷用輻照儀器) means an irradiating apparatus designed for medical diagnosis; (*L.N. 225 of 1990*)

“dose” (劑量) is the quantity of absorbed energy from radiation;

“dose limit” (劑量限值) in relation to persons employed in radiation work means a dose of radiation—

- (a) in the case of the whole body, as a result of exposure of the whole or part of the body, of 20 millisieverts in any calendar year;
- (b) without prejudice to paragraph (a), in the case of an individual organ or tissue (other than the lens of the eye) or any body extremity or area of skin averaged over any 1 square centimetre, of 500 millisieverts in any calendar year;
- (c) in the case of the lens of the eye, of 150 millisieverts in any calendar year; (*L.N. 154 of 1995*)
- (d) in the case of the abdomen of a woman with reproductive capacity, of 5 millisieverts in any consecutive 3 months interval; and (*L.N. 154 of 1995*)
- (e) in the case of a pregnant woman, of 1 millisievert to the fetus during the pregnancy of the woman; (*L.N. 225 of 1990; L.N. 154 of 1995*)

“dosimeter” (劑量計) means an instrument for measuring exposure to radiation;

“dose rate” (劑量率) is the dose per unit of time, usually expressed as grays per minute and symbolized Gy/min. or as sieverts per

- minute and symbolized Sv/min.;
- “employ” and “employment” (僱用、受僱) include reference to any kind of work carried out in furtherance of apprenticeship or any agreement for training;
- “equivalent thickness of lead” (鉛的等厚) means such thickness of lead as is equally opaque to a specific quality of radiation;
- “filter” (射線過濾器) means any substance interposed in a beam of radiation for the purpose of changing its quality or intensity, or both; and “filtration” (過濾) has a meaning corresponding therewith;
- “Gray” (戈瑞) means a unit of absorbed dose of energy from radiation which is equivalent to 1 joule per kilogram of material irradiated; (*L.N. 410 of 1982*)
- “half-value layer” (半值層) means the thickness of material which reduces to half the exposure rate of a particular beam of radiation;
- “intensity” (強度) means the quantity of radiation passing through a unit area perpendicular to the direction of the beam of radiation per unit of time;
- “ionometric method” (離子濃度測量法) means a method of measurement based on the ionization produced by the radiation which is being measured;
- “licence” (牌照) means a licence issued under section 9 of the Ordinance;
- “licensee” (持牌人), in relation to any irradiating apparatus, means a person holding a licence for the time being in force issued under the Ordinance with respect to that apparatus;
- “panel” (醫務小組) means such committee as the Board may from time to time appoint under section 5 of the Ordinance for the purpose of advising the Board upon matters affecting or concerning the state of health of persons employed or to be employed on, or engaged in, radiation work;
- “personnel radiation monitoring device” (工作人員輻射監測器具) means a device designed to be worn or carried by an individual for the purpose of measuring exposure to radiation and includes a photographic film suitable for that purposes, placed in an appropriate film holder; (*L.N. 229 of 1985*)
- “photograph” (照片) means a photograph of approximate size neither greater than 50 x 70 mm nor smaller than 40 x 50 mm; (*L.N. 225 of 1990*)
- “proximity” (接近), in relation to any irradiating apparatus, means a position in which a person may be liable to receive a dose of

radiation exceeding 6 millisieverts to any part of the body if such position were retained by him for one calendar year; (*L.N. 154 of 1995*)

“quality” (質量), in relation to radiation, means the property of the radiation which determines the manner in which it affects and is itself altered by the matter it traverses, expressed quantitatively in terms of equivalent constant potential or half-value layer;

“radiation” (輻射) and “rays” (射線) mean ionizing radiation;

“radiation hazard” (輻射危害) means the danger to health arising from exposure to ionizing radiation whether such danger is due to radiation arising from sources outside the human body or to radiation from radioactive substances within the body;

“radiation work” (輻射性工作) means work by any person which involves proximity to any irradiating apparatus in operation;

“sealed source” (密封源) means a radioactive substance which is permanently enclosed in a container in such a manner that it or any part of it cannot be separated from the container unless the container is damaged, but also in such a manner as to permit of the emission of radiation;

“sievert” (希沃特) means that quantity of radiation which when absorbed by man produces an effect biologically equivalent to the absorption by man of one gray of X-rays with average specific ionization of 100 ion pairs per micrometre of water, in terms of its air equivalent, in the same region; (*L.N. 410 of 1982*)

“therapeutic irradiating apparatus” (治療用輻照儀器) means an irradiating apparatus designed for medical therapy; (*L.N. 225 of 1990*)

“useful beam” (有用束流) means, in the case of X-rays, that part of the radiation from an X-ray tube that passes through the aperture, cone or other device for collimating the X-ray beam, and, in other cases, any radiations from a sealed source that can be employed for the purposes for which the sealed source is used;

“X-ray machine” (X射線機) means any machine that can be used for the production of X-rays.

(*L.N. 410 of 1982; L.N. 225 of 1990; 32 of 2000 s. 48*)

Schedule 3

[reg. 26]

Column 1 Person	Column 2 Purpose	Column 3 Condition
Diagnostic radiographer	Medical exposure for diagnostic purposes	Acting in accordance with the restrictions on practice of a diagnostic radiographer under the Radiographers (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. H).
Therapeutic radiographer	Medical exposure for planning of radiotherapy treatment or therapeutic purposes	(a) Acting under the direction of a medical practitioner; (b) acting in accordance with the restrictions on practice of a therapeutic radiographer under the Radiographers (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. H).
Registered dentist	Dental exposure involving the taking of plain radiograph of the skull including the teeth or jaws	Nil.
Dental surgery assistant	Dental exposure involving the taking of plain radiograph of the teeth or jaws	Acting under the personal supervision of a registered dentist who is present on the premises in which the examination is taking place at the time it takes place.

In this Schedule—

“dental exposure” (牙科照射) means exposure of a person to ionizing radiation for dental purposes;

“dental surgery assistant” (牙科手術助理員) means a person employed in a dental surgery to assist a registered dentist within the meaning assigned to that term by the Dentists Registration Ordinance (Cap. 156) in his practice of dentistry;

“diagnostic radiographer” (放射診斷技師) means a radiographer whose name is entered in Category D of the register kept in accordance with the Radiographers (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. H);

“medical exposure” (醫療照射) means exposure of a person to ionizing radiation either by means of irradiating apparatus or by administration of radioactive substance for a medical diagnostic or medical therapeutic purpose;

“therapeutic radiographer” (放射治療技師) means a radiographer whose name is entered in Category T of the register kept in accordance with the Radiographers (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. H).

(L.N 154 of 1995)

2. Interpretation

In this Ordinance, unless the context otherwise requires—

clinic (診療所) means any premises used or intended to be used for the medical diagnosis or treatment of persons suffering from, or believed to be suffering from, any disease, injury or disability of mind or body, but does not include—

- (a) premises used in the manner aforesaid which are maintained or controlled by any department of the Government, or by the Hong Kong Garrison, or by The Chinese University of Hong Kong, or by the University of Hong Kong; (*Amended 68 of 1986 s. 7; 2 of 2012 s. 3*)
- (b) private consulting rooms used exclusively by registered medical practitioners in the course of their practice on their own account and not bearing any title or description which includes the word “clinic” or “polyclinic” in the English language; (*Amended 37 of 1966 s. 2*)
- (c) premises used exclusively by dentists duly registered in accordance with the provisions of the Dentists Registration Ordinance (Cap. 156) in the course of their practice on their own account and not bearing any title or description which includes the word “clinic” or “polyclinic” in the English language; (*Amended 37 of 1966 s. 2*)
- (d) premises used exclusively by physiotherapists duly registered in accordance with the provisions of the Supplementary Medical Professions Ordinance (Cap. 359); (*Replaced 67 of 1985 s. 16*)
- (e) premises used exclusively by persons duly licensed under the Massage Establishments Ordinance (Cap. 266) to operate a massage establishment on such premises; (*Amended 53 of 1983 s. 18*)
- (f) premises used exclusively by a Chinese medicine practitioner registered or listed under the Chinese Medicine Ordinance (Cap. 549) in the course of his practice; (*Replaced 47 of 1999 s. 170*)

- (g) premises used exclusively for the dispensation of medicines by pharmacists duly registered in accordance with the provisions of the Pharmacy and Poisons Ordinance (Cap. 138) in the course of their practice on their own account;
- (h) premises used exclusively by chiropodists, or chiropractors, or osteopaths in the course of their practice on their own account; (*Amended 67 of 1985 s. 16*)
- (ha) premises used exclusively by an optometrist duly registered in accordance with the provisions of the Supplementary Medical Professions Ordinance (Cap. 359); (*Added 67 of 1985 s. 16*)
- (i) premises used exclusively for a scheme of medical treatment recognized by the Director of Health under section 34 of the Employment Ordinance (Cap. 57); (*Amended 39 of 1973 s. 9; L.N. 76 of 1989*)
- (j) any hospital or maternity home in respect of which a person is registered under the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap. 165), or any clinic maintained by any such hospital or maternity home; (*Added 18 of 1966 s. 2*)
- (k) any hospital, maternity home or clinic managed or controlled by the Hospital Authority established under the Hospital Authority Ordinance (Cap. 113); (*Added 84 of 1992 s. 5*)

medical treatment (醫 療) means medical treatment of any description other than—

- (a) the treatment given by a dentist registered, deemed to be registered or exempt from registration under the Dentists Registration Ordinance (Cap. 156); (*Replaced 68 of 1986 s. 7*)
- (b) the dispensation of medicine or poison by a pharmacist registered under the Pharmacy and Poisons Ordinance (Cap. 138); (*Replaced 68 of 1986 s. 7*)
- (ba) the dispensation of poison by a seller of poisons listed under the Pharmacy and Poisons Ordinance (Cap. 138); (*Added 68 of 1986 s. 7*)
- (c) the dispensation of Chinese herbal medicines under the Chinese Medicine Ordinance (Cap. 549); (*Replaced 47 of 1999 s. 170*)
- (d) the treatment given by a Chinese medicine practitioner registered or listed under the Chinese Medicine Ordinance (Cap. 549); (*Replaced 47 of 1999 s. 170*)

- (e) in the course of the practice of one of the professions listed in the Schedule to the Supplementary Medical Professions Ordinance (Cap. 359) by a person registered or licensed under that Ordinance to practise that profession; (*Amended 67 of 1985 s. 16. Replaced 68 of 1986 s. 7*)
- (f) treatment by way of massage given in premises by persons duly licensed under the Massage Establishments Ordinance (Cap. 266) to operate a massage establishment on such premises or by approved assistants employed by such persons; (*Amended 53 of 1983 s. 18*)
- (g) treatment by way of chiropody, or chiropractic, or osteopathy; or
- (h) treatment by way of first aid;

premises (處所) includes any place whatsoever, whether consisting of a building or not, and any vehicle or vessel, whether mobile or not; (*Added 22 of 1964 s. 2*)

registered medical practitioner (註冊醫生) means a person who is duly registered in accordance with the provisions of the Medical Registration Ordinance (Cap. 161), or who is deemed, by virtue of the provisions of that Ordinance, to be so registered;

Registrar (註冊主任) means the Registrar of Clinics.

2. Interpretation

In this Regulation—

“authorized waste collector” (獲授權廢物收集者) means a person who is authorized under section 10(1) to collect or remove clinical waste;

“collection point” (收集站) means—

- (a) any land or premises authorized to be used by a licensed waste collector or authorized waste collector for the receipt of clinical waste, under a waste collection licence or an authorization granted under section 10(1); or
- (b) any land or premises authorized to be used as an on-site collection point under section 9(1);

“healthcare professional” (醫護專業人士) means—

- (a) a registered dentist within the meaning of the Dentists Registration Ordinance (Cap. 156);
- (b) a registered medical practitioner within the meaning of the Medical Registration Ordinance (Cap. 161);
- (c) a registered nurse or enrolled nurse within the meaning of the Nurses Registration Ordinance (Cap. 164);
- (d) a registered veterinary surgeon within the meaning of the Veterinary Surgeons Registration Ordinance (Cap. 529); or
- (e) a registered Chinese medicine practitioner or listed Chinese medicine practitioner within the meaning of the Chinese Medicine Ordinance (Cap. 549);

“licensed waste collector” (持牌廢物收集者) means a person who is permitted under a waste collection licence to provide services for the collection or removal of clinical waste;

“off-site reception point” (場外接收站) means any land or premises

- (a) that are not used for the purposes of any practice, establishment, research or laboratory practice referred to in the definition of “clinical waste” in section 2(1) of the Ordinance; and

(b) that are authorized, under a waste disposal licence or an authorization granted under section 10(3), to be used for the disposal of clinical waste that is produced elsewhere;

“reception point” (接收站) means any land or premises that are authorized, under a waste disposal licence or an authorization granted under section 10(3), to be used for the disposal of clinical waste;

“sharps container” (利器容器) means a container for clinical waste that consists of any substance, matter or thing belonging to Group 1 (Used or contaminated sharps) in Schedule 8 to the Ordinance;

“waste collection licence” (廢物收集牌照) means a licence granted under section 10 of the Ordinance in relation to clinical waste;

“waste disposal licence” (廢物處置牌照) means a licence granted under section 16 of the Ordinance in relation to clinical waste.

Schedule 4

[reg. 16]

Exemptions from the Ordinance

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 (<i>34 of 1995 s. 41</i>)	21(1)
3.	A student in the course of undergoing any course of training to be a medical laboratory technologist, in medicine or in dentistry at the University of Hong Kong, The Chinese University of Hong Kong or The Hong Kong Polytechnic University (<i>L.N. 640 of 1994</i>)	21(1)
4.	A veterinary surgeon registered under the Veterinary Surgeons Registration Ordinance (Cap. 529) in relation to any treatment by him of an animal (<i>L.N. 5 of 1999</i>)	21(1) and (2)

Item	Person Exempt	Exempt Section
5.	Chemists and Scientific Officers (Medical) employed by the Government of Hong Kong or the Hospital Authority within the meaning of the Hospital Authority Ordinance (Cap. 113), and persons holding an academic or scientific appointment at the University of Hong Kong, The Chinese University of Hong Kong or The Hong Kong Polytechnic University, while discharging their official duties (<i>L.N. 421 of 1991; L.N. 640 of 1994</i>)	21(1)
Part 2		
6.	A day procedure centre, or clinic, within the meaning of the Private Healthcare Facilities Ordinance (Cap. 633) and operated by an individual person licensed to operate it under that Ordinance (<i>34 of 2018 s. 176 and E.R. 5 of 2018</i>)	21(1)
7.	A private healthcare facility within the meaning of the Private Healthcare Facilities Ordinance (Cap. 633) and operated by a corporation licensed to operate it under that Ordinance (<i>34 of 2018 s. 176 and E.R. 5 of 2018</i>)	20 and 21(1)
8.	<i>(Repealed 34 of 2018 s. 176)</i>	
9.	<i>(Repealed 34 of 2018 s. 176)</i>	
10.	A medical clinic carried on by an individual person and registered under the Medical Clinics Ordinance (Cap. 343)	21(1)
11.	A medical clinic carried on by a corporation and registered under the Medical Clinics Ordinance (Cap. 343)	20 and 21(1)

Schedule 4

[s. 16]

Exemptions from the Ordinance

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 veterinary surgeon registered under the Veterinary Surgeons Registration Ordinance (Cap. 529) in relation to any treatment by him of an animal (<i>L.N. 6 of 1999</i>)	21(1) and (2)

Part 2

Item	Person Exempt	Exempt Section
5.	A day procedure centre, or clinic, within the meaning of the Private Healthcare Facilities Ordinance (Cap. 633) and operated by an individual person licensed to operate it under that Ordinance (<i>34 of 2018 s. 179 and E.R. 5 of 2018</i>)	21(1)
5A.	A scheduled nursing home within the meaning of the Private Healthcare Facilities Ordinance (Cap. 633) for which an exemption granted to an individual person under section 128 of that Ordinance is in force (<i>34 of 2018 s. 179 and E.R. 5 of 2018</i>)	21(1)
5B.	A nursing home within the meaning of the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) for which a licence issued or renewed to an individual person under that Ordinance is in force (<i>34 of 2018 s. 179</i>)	21(1)
6.	A private healthcare facility within the meaning of the Private Healthcare Facilities Ordinance (Cap. 633) and operated by a corporation licensed to operate it under that Ordinance (<i>34 of 2018 s. 179 and E.R. 5 of 2018</i>)	20 and 21(1)
6A.	A scheduled nursing home within the meaning of the Private Healthcare Facilities Ordinance (Cap. 633) for which an exemption granted to a corporation under section 128 of that Ordinance is in force (<i>34 of 2018 s. 179 and E.R. 5 of 2018</i>)	20 and 21(1)
6B.	A nursing home within the meaning of the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) for which a licence issued or renewed to a corporation under that Ordinance is in force (<i>34 of 2018 s. 179</i>)	20 and 21(1)
7-8.	<i>(Repealed 34 of 2018 s. 179)</i>	
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 3

[ss. 2 & 37]

Exempt Persons

(Schedule 3 added 25 of 2012 s. 23)

1. A certified public accountant as defined by section 2(1) of the Professional Accountants Ordinance (Cap. 50). *(Replaced L.N. 66 of 2022)*
- 1A. A corporate practice as defined by section 2(1) of the Accounting and Financial Reporting Council Ordinance (Cap. 588). *(Added L.N. 66 of 2022)*
2. A person who falls within paragraph (a) of the definition of **CPA firm** in section 2(1) of the Accounting and Financial Reporting Council Ordinance (Cap. 588). *(Replaced L.N. 66 of 2022)*
3. A person whose name is entered in the register of pharmacists under section 5 of the Pharmacy and Poisons Ordinance (Cap. 138).
4. A registered dentist as defined by section 2(1) of the Dentists Registration Ordinance (Cap. 156) or a person deemed by section 30 of that Ordinance to be a registered dentist for the purpose of section 3 of that Ordinance.
5. A person whose name is recorded in the roll maintained under regulation 4(2) of the Ancillary Dental Workers (Dental Hygienists) Regulations (Cap. 156 sub. leg. B).
6. A barrister, solicitor, foreign lawyer, foreign firm, Hong Kong firm or notary public, as defined by section 2(1) of the Legal Practitioners Ordinance (Cap. 159).

7. A pupil serving pupillage in accordance with the Barristers (Qualification) Rules (Cap. 159 sub. leg. E).
8. A trainee solicitor as defined by rule 2 of the Trainee Solicitors Rules (Cap. 159 sub. leg. J).
9. A registered medical practitioner as defined by section 2(1) of the Medical Registration Ordinance (Cap. 161) or a person who is provisionally registered in accordance with the provisions of section 12 of that Ordinance.
10. A registered midwife as defined by section 2(1) of the Midwives Registration Ordinance (Cap. 162) or a person deemed by section 25 of that Ordinance to be a registered midwife.
11. A registered nurse or an enrolled nurse, as defined by section 2(1) of the Nurses Registration Ordinance (Cap. 164), or a person deemed by section 26 of that Ordinance to be a registered nurse or an enrolled nurse.
12. A person whose name is entered in the register kept under section 10 of the Supplementary Medical Professions Ordinance (Cap. 359) for the profession of medical laboratory technologist, radiographer, physiotherapist, occupational therapist or optometrist or a person who is deemed by section 30(2) of that Ordinance to be so registered or is provisionally so registered in accordance with the provisions of section 15 of that Ordinance.
13. A person whose name is currently entered in the register of registered architects established and maintained under section 8 of the Architects Registration Ordinance (Cap. 408).
14. A registered professional engineer as defined by section 2(1) of the Engineers Registration Ordinance (Cap. 409).
15. A registered professional surveyor as defined by section 2(1) of the Surveyors Registration Ordinance (Cap. 417).

16. A registered professional planner as defined by section 2(1) of the Planners Registration Ordinance (Cap. 418).
17. A registered chiropractor as defined by section 2 of the Chiropractors Registration Ordinance (Cap. 428).
18. An authorized land surveyor as defined by section 2 of the Land Survey Ordinance (Cap. 473).
19. A registered social worker as defined by section 2(1) of the Social Workers Registration Ordinance (Cap. 505).
20. A licensed estate agent or a licensed salesperson, as defined by section 2(1) of the Estate Agents Ordinance (Cap. 511).
21. A person whose name is currently entered in the register of registered landscape architects established and maintained under section 7 of the Landscape Architects Registration Ordinance (Cap. 516).
22. A registered veterinary surgeon as defined by section 2 of the Veterinary Surgeons Registration Ordinance (Cap. 529).
23. A listed Chinese medicine practitioner or a registered Chinese medicine practitioner, as defined by section 2(1) of the Chinese Medicine Ordinance (Cap. 549).
24. A registered professional housing manager as defined by section 2(1) of the Housing Managers Registration Ordinance (Cap. 550).

201A. Composition of the medical and health services functional constituency

The medical and health services functional constituency is composed of—

- (a) medical practitioners registered or deemed to be registered under the Medical Registration Ordinance (Cap. 161); and
- (b) dentists registered, deemed to be registered or exempt from registration under the Dentists Registration Ordinance (Cap. 156); and
- (c) chiropractors registered under the Chiropractors Registration Ordinance (Cap. 428); and
- (d) nurses registered or enrolled or deemed to be registered or enrolled under the Nurses Registration Ordinance (Cap. 164); and
- (e) midwives registered or deemed to be registered under the Midwives Registration Ordinance (Cap. 162); and
- (f) pharmacists registered under the Pharmacy and Poisons Ordinance (Cap. 138); and
- (g) medical laboratory technologists registered under the Medical Laboratory Technologists (Registration and Disciplinary Procedure) Regulations (Cap. 359 sub. leg. A); and
- (h) radiographers registered under the Radiographers (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. H); and
- (i) physiotherapists registered under the Physiotherapists (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. J); and
- (j) occupational therapists registered under the Occupational Therapists (Registration and Disciplinary Procedure) Regulations (Cap. 359 sub. leg. B); and
- (k) optometrists registered under the Optometrists (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. F); and
- (l) dental hygienists enrolled under the Ancillary Dental Workers (Dental Hygienists) Regulations (Cap. 156 sub. leg. B); and

- (m) audiologists, audiology technicians, chiropodists (also known as “podiatrists”), dental surgery assistants, dental technicians, dental technologists, dental therapists, dietitians, dispensers, mould laboratory technicians, orthoptists, clinical psychologists, educational psychologists, prosthetists, speech therapists and scientific officers (medical) who are in the service under the Government, or are employed in Hong Kong, at the following institutions—
 - (i) public hospitals within the meaning of the Hospital Authority Ordinance (Cap. 113);
 - (ii) hospitals within the meaning of the Private Healthcare Facilities Ordinance (Cap. 633) for each of which a licence under that Ordinance is in force;
 - (iii) clinics maintained or controlled by the Government or The Chinese University of Hong Kong or by the University of Hong Kong;
 - (iv) services subvented by the Government; and
- (n) Chinese medicine practitioners who are members of any of the following bodies and entitled to vote at general meetings of the respective bodies—
 - (i) The Hong Kong Association of Traditional Chinese Medicine Limited;
 - (ii) International General Chinese Herbalists and Medicine Professionals Association Limited;
 - (iii) Sin-Hua Herbalists’ and Herb Dealers’ Promotion Society Limited;
 - (iv) Society of Practitioners of Chinese Herbal Medicine Limited;
 - (v) The Hong Kong T.C.M. Orthopaedic and Traumatic Association Limited;
 - (vi) The Hong Kong Federation of China of Traditional Chinese Medicine;
 - (vii) Hong Kong Acupuncturists Association;
 - (viii) Hong Kong Chinese Herbalists Association Limited;
 - (ix) Association of Hong Kong & Kowloon Practitioners of Chinese Medicine, Limited;
 - (x) Hong Kong Chinese Medicine Practitioners Association Limited; and

- (o) registered Chinese medicine practitioners registered under the Chinese Medicine Ordinance (Cap. 549).

(Added 14 of 2021 s. 281)

19. Application by healthcare providers for registration

- (1) A healthcare provider that provides healthcare at one service location in Hong Kong may apply to the Commissioner to be registered as a healthcare provider for the System for that location.
- (2) A healthcare provider that provides healthcare at more than one service location in Hong Kong may apply to the Commissioner to be registered as a healthcare provider for the System for those locations as provided in subsection (3).
- (3) For the purposes of subsection (2), a healthcare provider may apply for—
 - (a) a single registration for all of the locations; or
 - (b) a separate registration for each location that the healthcare provider chooses to register.
- (4) An application—
 - (a) must be made in the form and manner specified by the Commissioner; and
 - (b) must be accompanied by the information specified by the Commissioner.
- (5) For the purposes of this section, a healthcare provider provides healthcare at one service location if the healthcare provider—
 - (a) is licensed under the Private Healthcare Facilities Ordinance (Cap. 633) in respect of one private healthcare facility; (*Replaced 34 of 2018 s. 196 and E.R. 5 of 2018*)
 - (b) is registered under section 5(2) of the Medical Clinics Ordinance (Cap. 343) in respect of one clinic;
 - (c) carries on the business of dentistry under section 12 of the Dentists Registration Ordinance (Cap. 156) at one premises;
 - (d) holds a certificate of exemption issued under section 7(2), or a licence issued under section 8(2)(a), of the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) in respect of one residential care home, and engages a healthcare professional to perform healthcare at that home;

- (e) holds a licence issued under section 7(2)(a), or a certificate of exemption issued under section 11(2)(a), of the Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613) in respect of one residential care home for persons with disabilities, and engages a healthcare professional to perform healthcare at that home; or
 - (f) is a specified entity that engages a healthcare professional to perform healthcare at one premises.
- (6) In subsection (5)—
- specified entity*** (指明實體) means—
- (a) an individual;
 - (b) a company;
 - (c) a partnership;
 - (d) a statutory body;
 - (e) a body corporate other than a company; or
 - (f) a society, or a branch of a society, registered under section 5A(1), or exempted from registration under section 5A(2), of the Societies Ordinance (Cap. 151).

Schedule

[ss. 2 & 61]

Healthcare Professionals

1. A registered pharmacist within the meaning of the Pharmacy and Poisons Ordinance (Cap. 138).
2. A registered dentist within the meaning of the Dentists Registration Ordinance (Cap. 156).
3. An enrolled dental hygienist within the meaning of the Ancillary Dental Workers (Dental Hygienists) Regulations (Cap. 156 sub. leg. B).
4. A registered medical practitioner within the meaning of the Medical Registration Ordinance (Cap. 161).
5. A registered midwife within the meaning of the Midwives Registration Ordinance (Cap. 162).

6. A registered nurse or enrolled nurse within the meaning of the Nurses Registration Ordinance (Cap. 164).
7. A registered medical laboratory technologist within the meaning of the Medical Laboratory Technologists (Registration and Disciplinary Procedure) Regulations (Cap. 359 sub. leg. A).
8. A registered occupational therapist within the meaning of the Occupational Therapists (Registration and Disciplinary Procedure) Regulations (Cap. 359 sub. leg. B).
9. A registered optometrist within the meaning of the Optometrists (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. F) whose name has been entered in Part I of the register as defined by section 2 of that Regulation.
10. A registered radiographer within the meaning of the Radiographers (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. H).
11. A registered physiotherapist within the meaning of the Physiotherapists (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. J).
12. A registered chiropractor within the meaning of the Chiropractors Registration Ordinance (Cap. 428).
13. A listed or registered Chinese medicine practitioner within the meaning of the Chinese Medicine Ordinance (Cap. 549).

44. Notice of intended change or cessation

(Not yet in operation)

- (1) The operator of an exempted clinic must give the Director not less than 14 days' notice in writing of—
 - (a) any intended change of the clinic's operators;
 - (b) any intended change of the clinic's address;
 - (c) any intended cessation of the clinic's operation; or
 - (d) any intended cessation of the clinic's operating as a small practice clinic.
- (2) Despite subsection (1)(a), if the change occurs because of the death or deregistration of an operator, the notice may be given within 14 days after the date of the operator's death or deregistration.
- (3) A person who, without reasonable excuse, contravenes subsection (1)(a), (b) or (c) or (2) commits an offence and is liable on summary conviction to a fine at level 4.
- (4) A person who, without reasonable excuse, contravenes subsection (1)(d) commits an offence and is liable on summary conviction to a fine at level 4 and to imprisonment for 3 months.
- (5) A notice under subsection (1)—
 - (a) must be made in the form and way specified by the Director; and
 - (b) must be accompanied by the information and documents specified by the Director.
- (6) Despite any change of operators notified under subsection (1)
 - (a)—
 - (a) the exemption for the exempted clinic under section 43 continues to be in force (unless revoked under section 45); and
 - (b) the operators for the time being of the clinic may carry on the practice stated in the relevant letter of exemption in the clinic without a licence.
- (7) In this section—
deregistration (撤銷註冊) means—

- (a) in relation to an operator who is a registered medical practitioner—the removal of the name of the operator as a registered medical practitioner under section 19(1), 21(1) or 21A(1) of the Medical Registration Ordinance (Cap. 161) from the General Register kept under section 6(1) of that Ordinance; and
- (b) in relation to an operator who is a registered dentist—the removal of the name of the operator as a registered dentist under section 15(3) or 18(1) of the Dentists Registration Ordinance (Cap. 156) from the General Register kept under section 7(1) of that Ordinance.

116. Powers after entry

The powers specified for the purposes of sections 113, 114(1), 115(1) and 133 are—

- (a) to inspect and search the premises;
- (b) to examine, remove and detain any apparatus, appliance, equipment, instrument, substance, record or document used or found on the premises;
- (c) to examine, take samples of, remove, detain and demand any part or produce of a human body found on the premises;
- (d) to observe any procedure or test provided at the premises;
- (e) to take any photograph and video recording inside the premises;
- (f) to observe, with a patient's consent, the services provided to the patient in the facility;
- (g) to do anything necessary for ascertaining whether this Ordinance, a condition of the licence, a code of practice or a direction has been complied with;
- (h) to seize and detain anything which is, or which appears to be or to contain, or which is likely to be or to contain, evidence of the commission of a contravention, or to take such steps as appear to be necessary for preserving such thing or preventing interference with it; and
- (i) to require any person present on the premises to provide any assistance or information necessary to enable the Director or an authorized officer to perform their functions under this Ordinance.

Schedule 7

[ss. 2 & 123]

Healthcare Professionals

1. A registered pharmacist within the meaning of the Pharmacy and Poisons Ordinance (Cap. 138).
2. A registered dentist within the meaning of the Dentists Registration Ordinance (Cap. 156).
3. An enrolled dental hygienist within the meaning of the Ancillary Dental Workers (Dental Hygienists) Regulations (Cap. 156 sub. leg. B).
4. A registered medical practitioner within the meaning of the Medical Registration Ordinance (Cap. 161).
5. A registered midwife within the meaning of the Midwives Registration Ordinance (Cap. 162).
6. A registered nurse or enrolled nurse within the meaning of the Nurses Registration Ordinance (Cap. 164).
7. A registered medical laboratory technologist within the meaning of the Medical Laboratory Technologists (Registration and Disciplinary Procedure) Regulations (Cap. 359 sub. leg. A).
8. A registered occupational therapist within the meaning of the Occupational Therapists (Registration and Disciplinary Procedure) Regulations (Cap. 359 sub. leg. B).
9. A registered optometrist within the meaning of the Optometrists (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. F) whose name has been entered in Part I of the register as defined by section 2 of that Regulation.
10. A registered radiographer within the meaning of the Radiographers (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. H).
11. A registered physiotherapist within the meaning of the Physiotherapists (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. J).
12. A registered chiropractor within the meaning of the Chiropractors Registration Ordinance (Cap. 428).

13. A listed or registered Chinese medicine practitioner within the meaning of the Chinese Medicine Ordinance (Cap. 549).

4. Establishment and composition of Dental Council

- (1) There shall be established within Hong Kong a council to be called the “Dental Council of Hong Kong”. (*Amended 79 of 1984 s. 2; E.R. 7 of 2020*)
- (2) The Council shall consist of—
 - (a) the Registrar; (*Replaced 4 of 1988 s. 3*)
 - (b) a consultant dental surgeon of the Dental Service of the Department of Health appointed by the Chief Executive; (*Replaced 4 of 1988 s. 3. Amended L.N. 76 of 1989*)
 - (ba) a registered dentist, who is a full-time member of the teaching staff of the Faculty of Dentistry of the University of Hong Kong, nominated by the University of Hong Kong and appointed by the Chief Executive; (*Added 79 of 1984 s. 2*)
 - (c) 2 medical practitioners appointed by the Chief Executive; (*Amended 4 of 1988 s. 3*)
 - (d) 6 registered dentists qualified to be registered under section 8 and appointed by the Chief Executive— (*Amended 62 of 1987 s. 2; 4 of 1988 s. 3; 37 of 2000 s. 3; 9 of 2002 s. 2*)
 - (i) from a panel of not less than 12 such registered dentists nominated by the Hong Kong Dental Association; or
 - (ii) in the event of the Hong Kong Dental Association failing to nominate at least 12 such registered dentists, at the discretion of the Chief Executive; (*Replaced 49 of 1977 s. 3. Amended 79 of 1984 s. 2; 4 of 1988 s. 3*)
 - (e) one lay member who shall be appointed by the Chief Executive. (*Added 4 of 1988 s. 3. Amended 37 of 2000 s. 3*)
- (3) The term of a member of the Council appointed under subsection (2)(c), (d) or (e) is 3 years, or such lesser period as the Chief Executive may determine at the time of appointment, and the member is eligible for reappointment on the expiry of the term. (*Replaced 9 of 2002 s. 2*)

- (4) If the place of a member of the Council appointed under subsection (2)(c), (d) or (e) becomes vacant before the expiration of his term of office, the vacancy may be filled by appointment by the Chief Executive, and any person so appointed shall hold office so long only as the member in whose place he is appointed would have held office. *(Amended 4 of 1988 s. 3; 37 of 2000 s. 3)*
- (5) The Chairman of the Council shall—
- (a) be elected by the members from amongst themselves;
 - (b) subject to subsection (5D), hold office for 3 years or until he ceases to hold office as a member, whichever is the earlier; and
 - (c) be eligible for re-election. *(Replaced 4 of 1988 s. 3)*
- (5A) If the office of Chairman becomes vacant due to effluxion of time, or as a result of resignation or otherwise, the Secretary shall convene a meeting of the Council within 3 months of the occurrence of such vacancy for the purpose of electing a Chairman. *(Added 4 of 1988 s. 3)*
- (5B) The Secretary shall preside at a meeting held under subsection (5A) until the Chairman is elected and assumes office, but he shall not have an original or a casting vote. *(Added 4 of 1988 s. 3)*
- (5C) If the Chairman is unable to perform the functions of his office for any period due to absence from Hong Kong or any other reason, the members of the Council shall at a meeting of the Council elect one of themselves to act in his place for the duration of that period and notwithstanding any provision in this Ordinance the Secretary may, where necessary, convene a meeting for the purpose of such election. *(Added 4 of 1988 s. 3)*
- (5D) The Chairman may at any time resign his office by giving notice in writing to the Secretary. *(Added 4 of 1988 s. 3)*
- (6) There shall be a Secretary of the Council and a Legal Adviser to the Council who shall be appointed by the Chief Executive. *(Amended 37 of 2000 s. 3)*

5. Meetings of the Council

- (1) The Council shall meet at such times and such places as the Chairman may appoint, and the Council shall also meet at the request in writing of at least 4 members, addressed to the Chairman. *(Amended 4 of 1988 s. 4)*

- (2) At any meeting of the Council 4 members, including not less than 1 member appointed under section 4(2)(d), shall be a quorum.
- (3) The validity of any proceedings of the Council shall not be affected by any vacancy among the members thereof or by any defect in the appointment of a member thereof.
- (4) All questions coming or arising before a meeting of the Council shall be decided by a majority of the members of the Council present and voting thereon.
- (5) The Chairman at any meeting of the Council shall have an original vote and also, if upon any question the votes shall be equally divided, a casting vote except in an inquiry under section 9 or 18 at which he shall have only an original vote. (*Amended 4 of 1988 s. 4*)

5B. Establishment and composition of Education and Accreditation Committee

- (1) There shall be established a committee to be called the “Education and Accreditation Committee”. (*Amended E.R. 7 of 2020*)
- (2) The Education and Accreditation Committee shall consist of the following members appointed by the Council—
 - (a) a chairman who is a member of the Council;
 - (b) 1 registered dentist, not being a member of the Council, nominated by the University of Hong Kong;
 - (c) 1 registered dentist, not being a member of the Council, nominated by the Academy of Medicine;
 - (d) 1 registered dentist, not being a member of the Council, nominated by the Director of Health;
 - (e) 1 registered dentist, not being a member of the Council, nominated by the Hong Kong Dental Association;
 - (f) 2 other members who are members of the Council.
- (3) A registered dentist is not eligible for appointment under subsection (2) if the Council has made an order in respect of the dentist under section 18(1)(i), (ii), (iii) or (iv).
- (4) The term of a member appointed under subsection (2) is 3 years, and the member is eligible for reappointment on the expiry of the term.
- (5) If, during the period of his office—
 - (a) a member of the Education and Accreditation Committee under subsection (2)(a) or (f) ceases to be a member of the Council;

- (b) a member of the Education and Accreditation Committee under subsection (2)(b), (c), (d) or (e)—
 - (i) ceases to be a registered dentist; or
 - (ii) becomes a member of the Council; or
- (c) the Council has made an order in respect of a member of the Education and Accreditation Committee under section 18(1)(i), (ii), (iii) or (iv),
the member ceases to be a member of the Education and Accreditation Committee.

(Added 11 of 2006 s. 4)

5C. Functions of Education and Accreditation Committee

The Education and Accreditation Committee has the following functions—

- (a) to recommend to the Council the specialties under which the names of registered dentists may be included in the Specialist Register;
- (b) to recommend to the Council the qualifications, experience and other attributes that qualify a registered dentist to have his name included in the Specialist Register under a specialty recommended by the Committee under paragraph (a);
- (c) to recommend to the Council the procedures and documentations for an application to include the name of a registered dentist in the Specialist Register;
- (d) to make recommendations to the Council so that it may decide whether the name of a registered dentist should be included in, or removed from, the Specialist Register;
- (e) to review and recommend to the Council the standard and structure of undergraduate dental education and training in dentistry required for a person to become a registered dentist;
- (f) such other functions as are imposed on it under this Ordinance.

(Added 11 of 2006 s. 4)

5D. Meetings of Education and Accreditation Committee

- (1) At any meeting of the Education and Accreditation Committee, 4 members (including the chairman) shall form a quorum.

- (2) At any meeting of the Education and Accreditation Committee, the chairman of the Committee shall preside or, if he is absent, the members present shall elect one of them to preside.
- (3) A question for determination at any meeting of the Education and Accreditation Committee shall be decided by a majority of votes of the members present and voting on the question.
- (4) At any meeting of the Education and Accreditation Committee, the chairman of the Committee shall have an original vote and, if upon any question the votes are equally divided, a casting vote.

(Added 11 of 2006 s. 4)

5E. Transaction of business in Education and Accreditation Committee by circulation of papers

- (1) The Education and Accreditation Committee may transact any of its business by circulation of papers.
- (2) A resolution in writing which is signed by all the members of the Education and Accreditation Committee present in Hong Kong at the time the resolution was circulated is as valid and effectual as if it had been passed at a meeting of the Committee by the votes of the members so signing.

(Added 11 of 2006 s. 4)

5F. Proceedings of Education and Accreditation Committee

If a member of the Education and Accreditation Committee under section 5B(2)(a) or (f) has taken part in dealing with any complaint or information involving a suitability issue, the member shall not, as a member of the Council, take part in the determination of the complaint or information by the Council.

(Added 11 of 2006 s. 4)

5G. Dissolution of Education and Accreditation Committee

- (1) If, in the opinion of the Council, the Education and Accreditation Committee has acted in a manner that is prejudicial to the interest of the public or dental profession, the Council may, by a resolution passed by the votes of not less than three quarters of the members of the Council, dissolve the Committee.
- (2) Upon a dissolution of the Education and Accreditation Committee under subsection (1), the Council—
 - (a) may perform the functions of the Committee; and

- (b) shall make such appointments as are necessary to re-establish the Committee with new membership within 3 months of the dissolution.

(Added 11 of 2006 s. 4)

12A. Qualification for inclusion in Specialist Register

The Council may approve the qualifications, experience and other attributes recommended by the Education and Accreditation Committee that qualify a registered dentist to have his name included in the Specialist Register under a specialty.

(Added 11 of 2006 s. 10)

12B. Application for inclusion in Specialist Register

- (1) A registered dentist who wishes to have his name included in the Specialist Register under a specialty may apply to the Council, in such form and manner as may be specified by the Council, for the inclusion.
- (2) The Council shall not approve a registered dentist's application made under subsection (1) unless, in the Council's opinion, the dentist satisfies the conditions in subsection (3).
- (3) Those conditions are—
 - (a) the dentist—
 - (i) has been—
 - (A) awarded a Fellowship of the Academy of Medicine; and
 - (B) certified by the Academy that he has completed the postgraduate dental training, and has satisfied the continuing education requirements, determined by the Academy for the specialty; or
 - (ii) has been certified by the Academy of Medicine that—
 - (A) he has achieved a professional standard equivalent to that recognized by the Academy for the award of its fellowship; and
 - (B) he has completed the postgraduate dental training, and has satisfied the continuing education requirements, comparable to those determined by the Academy for the specialty; and
 - (b) the dentist is competent in the specialty.

- (4) On receiving a registered dentist's application made under subsection (1), the Council shall refer the application to the Education and Accreditation Committee for a recommendation as to whether the dentist satisfies the conditions in subsection (3).
- (5) As soon as practicable after having received a referral under subsection (4), the Education and Accreditation Committee shall—
 - (a) notify the Council of its recommendation and the reasons for it; and
 - (b) in the case where the Committee recommends to the Council that the registered dentist does not satisfy the conditions in subsection (3), notify the dentist in writing of its recommendation and the reasons for it.
- (6) In making the recommendation referred to in subsection (4), the Education and Accreditation Committee shall take into account any recommendation made by the Committee under section 12F(1)(d).
- (7) Within 14 days after having received a notice under subsection (5)(b), the registered dentist may submit to the Council representations in writing on the Education and Accreditation Committee's recommendation.
- (8) If the Education and Accreditation Committee recommends to the Council that a registered dentist does not satisfy the conditions in subsection (3), the Council shall not decide whether or not to approve the application until the later of—
 - (a) the expiry of the period within which the dentist may submit representations under subsection (7); or
 - (b) the expiry of the period within which the dentist may request the Committee to review its recommendation under section 12F(5).
- (9) In deciding whether or not to approve a registered dentist's application made under subsection (1), the Council shall have regard to—
 - (a) the Education and Accreditation Committee's recommendation referred to in subsection (4) and the reasons for it;
 - (b) if the dentist has submitted representations under subsection (7), those representations; and
 - (c) if the dentist has requested the Committee to review its recommendation under section 12F(5), the result of the review and the reasons for it.

- (10) If the Council approves the application of a registered dentist made under subsection (1), the Council shall, on receiving from the dentist the fee prescribed for the purpose, direct the Registrar—
 - (a) to include the dentist's name in the Specialist Register under the specialty; and
 - (b) to issue a certificate, in the form specified by the Council, to the effect that the dentist's name has been included in the Specialist Register under the specialty.
- (11) If the Council rejects the application of the registered dentist, the Council shall notify the dentist in writing of the rejection and the reasons for it.

(Added 11 of 2006 s. 10)

12C. Title of specialist, etc.

A registered dentist whose name is included in the Specialist Register under a specialty is entitled—

- (a) to be known in such specialist title in both the English language and Chinese language as may be determined by the Council for that specialty; and
- (b) to such other entitlements as may be determined by the Council.

(Added 11 of 2006 s. 10)

12E. Receipt of complaint or information on suitability issue

- (1) Where the Secretary receives a complaint or information involving a suitability issue, he shall submit the complaint or information to the Preliminary Investigation Committee.
- (2) As soon as practicable after a complaint or information has been submitted to the Preliminary Investigation Committee under subsection (1), the chairman of that Committee shall ascertain whether it also falls within regulation 13 of the Dentists (Registration and Disciplinary Procedure) Regulations (Cap. 156 sub. leg. A).
- (3) If the chairman of the Preliminary Investigation Committee is of the opinion that the complaint or information also falls within regulation 13 of the Dentists (Registration and Disciplinary Procedure) Regulations (Cap. 156 sub. leg. A), the complaint or information shall—
 - (a) be referred to the Secretary to be dealt with in accordance with those regulations; and

- (b) as soon as practicable after having been dealt with under those regulations, be referred to the Education and Accreditation Committee to be dealt with in accordance with section 12F.
- (4) Subject to subsection (3), the complaint or information shall be referred to the Education and Accreditation Committee to be dealt with in accordance with section 12F.

(Added 11 of 2006 s. 10)

12F. Complaints or information referred to Education and Accreditation Committee

- (1) Where a complaint or information in respect of a registered dentist is referred to the Education and Accreditation Committee, the Committee, after considering all the circumstances of the case, may, with or without inviting the dentist to make representations under subsection (3)—
 - (a) dismiss the matter;
 - (b) where the complaint or information also falls within regulation 13 of the Dentists (Registration and Disciplinary Procedure) Regulations (Cap. 156 sub. leg. A), refer it to the Secretary to be dealt with in accordance with those regulations;
 - (c) where the dentist's name is included in the Specialist Register, recommend to the Council that the name be removed from the Specialist Register, or be removed from the Register for such period or until the occurrence of such event as the Committee recommends; or
 - (d) where the dentist is applying for the inclusion of his name in the Specialist Register, recommend to the Council that the dentist does not satisfy the conditions in section 12B(3).
- (2) The Education and Accreditation Committee shall not deal with a complaint or information referred to it if the chairman of the Committee is of the opinion that the complaint or information is frivolous or groundless and should not proceed further.
- (3) In dealing with such a complaint or information in respect of a registered dentist, the Education and Accreditation Committee may invite the dentist to make representations in person before the Committee or submit to the Committee representations in writing.

- (4) If the Education and Accreditation Committee makes a recommendation under subsection (1)(c) or (d), the Committee shall notify the registered dentist concerned in writing of the recommendation and the reasons for it.
- (5) Within 14 days after having received a notice under subsection (4), the registered dentist may request, in writing and setting out the reasons relied upon, the Education and Accreditation Committee to review its recommendation.
- (6) As soon as practicable after having received a request under subsection (5), the Education and Accreditation Committee shall notify the registered dentist in writing of the result of the review and the reasons for it.
- (7) If a registered dentist has requested the Education and Accreditation Committee to review its recommendation under subsection (1)(c), the dentist may, within 14 days after having received a notice under subsection (6), submit to the Council representations in writing on the result of the review.

(Added 11 of 2006 s. 10)

15A. Removal of names from Specialist Register

- (1) If—
 - (a) the Council orders a removal of the name of a registered dentist from the General Register under section 15(3) or 18(1); and
 - (b) the dentist's name is also included in the Specialist Register,

the Registrar shall, at the same time when he removes the dentist's name from the General Register, also remove the dentist's name from the Specialist Register.
- (2) Subject to subsection (3), the Council may order that the name of a registered dentist be removed from the Specialist Register, or be removed from the Register for such period or until the occurrence of such event as the Council specifies.
- (3) In deciding whether or not to order the removal of the registered dentist's name from the Specialist Register, the Council shall have regard to—
 - (a) the Education and Accreditation Committee's recommendation under section 12F(1)(c) and the reasons for it;
 - (b) if the dentist has requested the Committee to review that recommendation under section 12F(5), the result of the review and the reasons for it; and

- (c) if the dentist has submitted representations under section 12F(7), those representations.

(Added 11 of 2006 s. 15)

16. Inspection of premises used for the practice of dentistry

- (1) It shall be lawful for any public officer thereunto authorized by the Council to enter and inspect any premises used or proposed to be used for the practice of dentistry. Such officer shall produce, on demand, a written authority, signed by the Chairman or the Secretary authorizing such entry and inspection. *(Amended 4 of 1988 s. 6; L.N. 126 of 1995)*
- (2) Any person wilfully obstructing or resisting an officer duly authorized by the Council in the inspection of premises used or proposed to be used for the practice of dentistry commits an offence and is liable on summary conviction to a fine at level 1. *(Amended 68 of 1986 s. 13; E.R. 7 of 2020)*

18. Disciplinary inquiries by the Council

- (1) If, after due inquiry into any case referred to it by the Preliminary Investigation Committee in accordance with regulations made under section 29, the Council is satisfied that any registered dentist— *(Amended 12 of 1968 s. 4)*
 - (a) has been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment; or *(Amended 79 of 1984 s. 7)*
 - (b) has been guilty of unprofessional conduct; or
 - (c) has obtained registration by fraud or misrepresentation; or
 - (ca) has procured his name to be included in the Specialist Register by fraud or misrepresentation; or *(Added 11 of 2006 s. 16)*
 - (d) was not at the time of his registration qualified to be registered; or
 - (e) has contravened the provisions of section 17,the Council may, in its discretion—
 - (i) order the name of the registered dentist to be removed from the General Register; or *(Amended 11 of 2006 s. 16)*
 - (ii) order the name of the registered dentist to be removed from the General Register for such period as it may think fit; or *(Amended 11 of 2006 s. 16)*
 - (iii) order the registered dentist to be reprimanded; or

- (iv) make any other order as it thinks fit, but no such order shall be of greater severity than those in paragraphs (i) to (iii), (*Replaced 16 of 1992 s. 2*)

and may, in any case, make such order as the Council thinks fit with regard to the payment of the costs of the Secretary, a complainant, a counsel or solicitor present at the inquiry and the registered dentist or any one or more of them, and any costs awarded may be recovered summarily as a civil debt in accordance with the Magistrates Ordinance (Cap. 227). (*Amended 49 of 1977 s. 8*)

- (1A) The Council may, in making any of the orders referred to in subsection (1)(i) to (iii), order that the operation of such order be suspended so that it shall not take effect unless, during a period or periods specified in the suspending order in aggregate not exceeding 2 years, a finding is made against the registered dentist under subsection (1)(a) to (e) or he is found by the Council to be in breach of any condition imposed by the Council at the time of making the suspending order. (*Added 16 of 1992 s. 2*)
- (2) For the purposes of subsection (1), ***unprofessional conduct*** (不專業行為) means an act or omission of a registered dentist which would be reasonably regarded as disgraceful or dishonourable by registered dentists of good repute and competency.
- (3) Nothing in this section shall be deemed to require the Council to inquire into the question whether the registered dentist was properly convicted but the Council may consider any record of the case in which such conviction was recorded and any other evidence which may be available and is relevant as showing the nature and gravity of the offence.
- (4) In any inquiry under this section as to whether a person has been guilty of unprofessional conduct, any finding of fact which is shown to have been made in any matrimonial proceedings in a court of the Commonwealth having unlimited jurisdiction in civil matters, or on appeal from a decision in such proceedings, shall be conclusive evidence of the fact found.

- (5) Within 1 month after the expiry of the time within which an appeal against an order made by the Council in accordance with the provisions of subsection (1) may be made to the Court of Appeal in accordance with the provisions of section 23, or if such appeal has been made, within 1 month after the appeal is finally determined, the Council shall, in the case of an order made under subsection (1)(i) to (iii), and may, in the case of an order made under subsection (1)(iv), cause the order or, if the order is varied on appeal, the order as so varied to be published in the Gazette. (*Amended 16 of 1992 s. 2; 10 of 2005 s. 55*)
- (6) Where any order is published in the Gazette pursuant to subsection (5), the Council—
- (a) shall publish with the order—
 - (i) sufficient particulars to acquaint the public with the nature of the matter to which the order relates; and
 - (ii) where an order has been made under subsection (1A) suspending the operation of the order, details of the suspending order; and
 - (b) may publish with the order an account of the proceedings at the inquiry at which the order was made. (*Added 16 of 1992 s. 2*)

19. Powers of Council with regard to obtaining evidence and the conduct of proceedings

- (1) For the purposes of an inquiry under section 9 or 18, the Council shall have the following powers—
- (a) to hear, receive and examine evidence on oath;
 - (b) to summon any person to attend the inquiry to give evidence or produce any document or other thing in his possession and to examine him as a witness or require him to produce any document or other thing in his possession, subject to all just exceptions;
 - (c) to admit or exclude the public or any member of the public from the inquiry;
 - (d) to admit or exclude the press from the inquiry;
 - (e) to award any person summoned to attend the inquiry such sum or sums as in the opinion of the Council may have been reasonably expended by him by reason of his attendance.
- (2) Summonses to witnesses may be in the prescribed form and shall be signed by the Chairman.

20. Penalty for failure to give evidence

Any person who being summoned to attend as a witness or produce a book, document or any other thing at any inquiry under section 9 or 18 refuses or neglects to do so or to answer any question put to him by or with the concurrence of the Council commits an offence and is liable on summary conviction to a fine at level 3 and to imprisonment for 6 months: (*Amended 68 of 1986 s. 14; 80 of 1997 s. 91*)

Provided that no person shall be bound to incriminate himself and every witness shall, in respect of any evidence given by him before the Council, be entitled to the same privileges to which he would be entitled if giving evidence before a court of justice.

22. Provisions relating to orders of the Council

- (1) The Registrar shall cause a copy of any order made under section 9(3), 15A(2) or 18(1) to be served forthwith upon the person concerned, either personally or by registered post addressed to his registered address.
- (2) The Registrar shall not remove the name of a registered dentist from the General Register before the expiry of 1 month after the date of service of an order of the Council made under section 18(1) on the person concerned or, in the case of an appeal made to the Court of Appeal against the order under section 23, before the appeal is finally determined. (*Amended 10 of 2005 s. 56*)
- (2A) The Registrar shall not remove the name of a registered dentist from the Specialist Register before the expiry of 1 month after the date of service of an order of the Council made under section 15A(2) on the dentist concerned or, in the case of an appeal made to the Court of Appeal against the order under section 23, before the appeal is finally determined. (*Added 11 of 2006 s. 17*)

- (3) Any person whose name has been removed from the General Register under the provisions of this Ordinance, or whose name prior to the commencement* of this Ordinance had been removed or erased under the provisions of the repealed Ordinance from the register kept in accordance with the provisions of that Ordinance may apply to the Council for the restoration of his name to the General Register, and the Council, in its absolute discretion and after such inquiry and subject to such conditions as it may consider desirable, may either allow or refuse the application, and, if it allows the same, shall order the Registrar to restore the name of the applicant to the General Register, and thereupon the Registrar shall restore the name accordingly.
- (4) Any order made by the Council as aforesaid shall be signed by the Registrar.

(Amended 11 of 2006 s. 17)

Editorial Note:

* Commencement date: 1 October 1959.

23. Appeals

- (1) The following person may appeal to the Court of Appeal—
 - (a) any person whose name has been ordered not to be entered in the General Register under section 9(3);
 - (b) any registered dentist whose application under section 12B(1) to have his name included in the Specialist Register is rejected by the Council;
 - (c) any registered dentist who is aggrieved by an order made in respect of him under section 15, 15A(2) or 18,and the Court of Appeal may affirm, reverse or vary the order or decision appealed against. *(Replaced 11 of 2006 s. 18)*
- (2) *(Repealed 10 of 2005 s. 53)*
- (3) The practice in relation to any such appeal shall be subject to any rules of court made under the High Court Ordinance (Cap. 4). *(Amended 25 of 1998 s. 2; 11 of 2006 s. 18)*
- (3A) Despite subsection (3), the Court of Appeal has no power to—
 - (a) hear any appeal against an order made under section 9, 15A(2) or 18 unless notice of the appeal was given within 1 month of the order being served in accordance with section 22(1);

- (b) hear any appeal against a decision made by the Council to reject an application under section 12B(1) unless notice of the appeal was given within 1 month of the notice of the rejection being given under section 12B(11). (*Added 11 of 2006 s. 18*)
- (4) In deciding any appeal under this section the Court of Appeal may make such order for costs as it considers reasonable. (*Added 49 of 1977 s. 9*)

29. Regulations

- (1) The Chief Executive in Council may by regulation provide for — (*Amended 37 of 2000 s. 3*)
 - (a) any fee required to be paid under this Ordinance; and
 - (b) the disposal of any fee paid or recovered under this Ordinance. (*Replaced 80 of 1997 s. 7*)
 - (c)-(m) (*Repealed 80 of 1997 s. 7*)
- (1A) The Secretary for Health may by regulation provide for — (*Amended L.N. 106 of 2002; L.N. 130 of 2007; L.N. 144 of 2022*)
 - (a) the duties of the Registrar;
 - (b) the duties of the Legal Adviser;
 - (c) the duties of the Secretary;
 - (d) the establishment of classes of ancillary dental workers to undertake dental work of kinds prescribed by the regulations, being dental work amounting to the practice of dentistry, within the meaning of section 2(2), and in particular—
 - (i) the qualifications for becoming a member of any such class;
 - (ii) the dental work which a member of any such class may undertake and the conditions, if any, under which he may do so;
 - (iii) the establishment of a roll or record of such classes; and
 - (iv) the title to be used by a member of any such class indicating his membership. (*Added 80 of 1997 s. 7*)
- (1B) The Registrar may by regulation provide for—
 - (a) the form of the General Register and the manner in which the General Register and Specialist Register are to be kept; and (*Replaced 11 of 2006 s. 22*)

- (b) the manner in which applications for registrations shall be made. (*Added 80 of 1997 s. 7*)
- (1C) Subject to the approval of the Secretary for Health, the Council may by regulation provide for— (*Amended L.N. 106 of 2002; L.N. 130 of 2007; L.N. 144 of 2022*)
- (a) the procedure to be followed at meetings of the Council;
 - (b) the receipt of complaints or information about any registered dentist or any applicant for registration and the establishment and functions of a committee to be known as the Preliminary Investigation Committee to make such preliminary investigation as it considers appropriate regarding any such complaint or information and to determine whether or not there shall be an inquiry under section 9 or 18;
 - (ba) the ascertainment by the chairman of the Preliminary Investigation Committee as to whether a complaint or information about any registered dentist involves a suitability issue and the referral of such a complaint or information involving a suitability issue to the Education and Accreditation Committee; (*Added 11 of 2006 s. 22*)
 - (c) the prohibition of a member of the Preliminary Investigation Committee who is also a member of the Council from attending any meeting of the Council while it is inquiring under section 9 or 18 into a complaint or information, in the preliminary investigation of which he took part;
 - (d) the procedure to be followed in relation to—
 - (i) the submission of complaints or information to the Preliminary Investigation Committee;
 - (ii) the preliminary investigation of any complaint or information by the Preliminary Investigation Committee;
 - (iii) the formulation of charges arising out of complaints or information;
 - (iv) the reference to the Council by the Preliminary Investigation Committee of cases arising out of complaints or information;
 - (v) inquiries held by the Council under this Ordinance;

- (e) the form of any certificate, form or other document which is a certificate, form or other document to be used for a purpose of this Ordinance and required to be prescribed. *(Added 80 of 1997 s. 7. Amended 11 of 2006 s. 22)*
- (1D) Without prejudice to the generality of subsections (1A), (1B) and (1C), regulations made under subsections (1A) and (1C) may—
- (a) require documents for a purpose of this Ordinance to be submitted and to be in such form as may be prescribed and require matters or documents for that purpose to be supported by statutory declarations or such other declarations as specified or approved by the Council;
 - (b) generally provide for the carrying into effect the provisions of this Ordinance. *(Added 80 of 1997 s. 7)*
- (2) Any regulations made under subsection (1)(a) may prescribe different fees to be payable by different categories of dentists. *(Added 49 of 1977 s. 11. Amended 80 of 1997 s. 7)*

29A. Power of Council to specify forms, etc.

- (1) The Council may specify—
- (a) the form and manner of the application by a registered dentist to have his name included in the Specialist Register; and
 - (b) the form of a certificate to the effect that a registered dentist's name has been included in the Specialist Register under a specialty.
- (2) The Council's power under subsection (1)(a) may be exercised in such a way as to include (whether by way of attachment or otherwise) in the specified form a statutory declaration—
- (a) to be made by the registered dentist completing the form; and
 - (b) as to whether the particulars contained in the form are true and correct to the best of the dentist's knowledge and belief.
- (3) A form specified under subsection (1)(a) shall be—
- (a) completed in accordance with such directions and instructions as are specified in the form; and
 - (b) accompanied by such statements, certificates or any other documents as are specified in the form.

(Added 11 of 2006 s. 23)

32. Transitional

- (1) If the Council has, before the commencement* of section 7(3), approved a registered dentist to use, or be known in, a specialist title for a specialty, and the approval is in effect immediately before that commencement, the Registrar shall, on that commencement, include the dentist's name in the Specialist Register under the specialty.
- (2) The Registrar shall, on receipt of payment of the prescribed fee, issue a certificate, in the form specified by the Council, to the effect that a registered dentist's name has been included in the Specialist Register under subsection (1) under a specialty.

(Added 11 of 2006 s. 24)

Editorial Note:

* Commencement date: 30 November 2006.

10. Qualifications

- (1) A registered dentist may apply to the Registrar to have inserted in the General Register or Specialist Register any degree or qualification recognized by the Council, in addition to any degree or qualification already entered on the Register.
- (2) On receipt of such application, the Registrar shall refer the application to the Council which, after such inquiry as it may consider desirable, shall direct the Registrar either to enter or to refuse to enter such degree or qualification on the Register.

(11 of 2006 s. 30)

PART III**PROCEEDINGS PREPARATORY TO HEARING BY
THE COUNCIL****12. Preliminary Investigation Committee**

- (1) For the purposes of performing the functions conferred upon it by these regulations, there shall be established a committee known as the Preliminary Investigation Committee consisting of—
 - (a) 1 member of the Council elected by the Council, who shall be the chairman of the Committee;
 - (b) 2 registered dentists qualified to be registered under section 8 of the Ordinance, ordinarily resident in Hong Kong, who are not members of the Council and who shall be appointed by the Chairman- *(34 of 1995 s. 9)*
 - (i) from a panel of not less than 12 such registered dentists nominated by the Hong Kong Dental Association; or
 - (ii) in the event of the Hong Kong Dental Association failing to nominate at least 12 such registered dentists, at the discretion of the Chairman.

- (2) Save as provided in paragraphs (3), (4) and (5) the members of the Committee shall hold office for 12 months but at the end of such period they may be re-elected or re-appointed, as the case may be.
- (3) If during the period of his office a member of the Committee appointed under paragraph (1)(b) becomes a member of the Council he shall cease to be a member of the Committee.
- (4)
 - (a) Where for any reason a person elected or appointed to the Committee under paragraph (1) is or will be unable temporarily to exercise his functions as such member, another person may be elected by the Council or, as the case may be, appointed by the Chairman, to be temporarily a member of the Committee.
 - (b) If the person so unable temporarily to exercise his function as a member of the Committee was elected to the Committee under paragraph (1)(a) the person elected to be temporarily a member of the Committee shall be another member of the Council, who shall, during the period of his membership of the Committee, be chairman of the Committee.
 - (c) If the person so unable temporarily to exercise his functions as a member of the Committee was appointed to the Committee under paragraph (1)(b) the person appointed to be temporarily a member of the Committee shall be a registered dentist qualified to be registered under section 8 of the Ordinance ordinarily resident in Hong Kong, who is not a member of the Council, nominated by the Hong Kong Dental Association. *(34 of 1995 s. 9)*
- (5) If—
 - (a) at the time the membership of any person elected or appointed to be a member of the Committee under paragraph (1) terminates by virtue of paragraph (2) or paragraph (3); or
 - (b) at the time the membership of any person elected or appointed to be temporarily a member of the Committee under paragraph (4) terminates,

the Committee is considering any complaint or information under these regulations, then if such person is not thereupon elected or re-elected or, as the case may be, appointed or re-appointed, to be member of the Committee, the membership of such person shall continue by virtue of this paragraph 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.

- (6) A person elected or appointed to be a member of the Committee may at any time resign his membership of the Committee by notice in writing addressed to the Secretary or, as the case may be, the Chairman, 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 Council or, as the case may be, the Chairman, continue to be a 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.
- (7) No member of the Committee shall attend any meeting of the Council as a member of the Council during the hearing or determination of any complaint or information against any person which is referred to the Council by the Committee for determination if such member has attended any meeting of the Committee at which such complaint or information was considered.
- (8) 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.

(L.N. 118 of 1968; L.N. 177 of 1977; L.N. 6 of 1985; 62 of 1987 s. 10; 4 of 1988 s. 7)

13. Submission or receipt of complaint or information

Where a complaint is made to or information is received by the Secretary, or a complaint or information is referred to the Secretary, that a registered dentist— *(11 of 2006 s. 31)*

- (a) has been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment; *(L.N. 6 of 1985)*
- (b) has been guilty of unprofessional conduct;
- (c) has obtained registration by fraud or misrepresentation;
- (ca) has procured his name to be included in the Specialist Register by fraud or misrepresentation; *(11 of 2006 s. 31)*
- (d) was not at the time of his registration entitled to be registered; or
- (e) is practising dentistry in premises or under conditions which are unsuitable for such practice,

or that an applicant for registration—

- (i) has been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment; (*L.N. 6 of 1985*)
- (ii) has been guilty of unprofessional conduct; or (*L.N. 162 of 1993*)
- (iii) is the subject of an existing order made under section 17(1)(i) or (ii) of the repealed Ordinance,

the Secretary shall submit the complaint or information to the Committee.

(L.N. 118 of 1968)

13A. Reference of complaint or information to Education and Accreditation Committee

- (1) As soon as practicable after a complaint or information has been submitted to the Committee under regulation 13, the chairman of the Committee shall ascertain whether it also involves a suitability issue.
- (2) If the chairman of the Committee is of the opinion that the complaint or information also involves a suitability issue, the complaint or information shall, as soon as practicable after having been dealt with under these regulations, be referred to the Education and Accreditation Committee to be dealt with in accordance with section 12F of the Ordinance.

(11 of 2006 s. 32)

14. Complaint or information touching conduct

- (1) Where, in a complaint or information submitted by the Secretary to the chairman of the Committee under regulation 13, any allegation is made which in the opinion of the chairman of the Committee gives rise to a question whether a registered dentist or an applicant for registration has been guilty of unprofessional conduct, the chairman of the Committee may require that the complaint or information be formulated in writing setting out the grounds thereof and, except where the complaint or information 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 paragraph (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 grounds for his belief in the truth of the facts; and

(c) *(Repealed 34 of 1995 s. 10)*

(L.N. 118 of 1968)

15. Reference of complaint or information to the Committee

- (1) Where a complaint or information is submitted to the chairman of the Committee by the Secretary, the chairman of the Committee shall, unless it appears to him that the complaint or information is frivolous or groundless and should not proceed further, direct that the complaint or information be referred to the Committee for its consideration and shall fix a date upon which it is proposed that the Committee shall meet to consider the complaint or information.
- (2) Where the chairman of the Committee directs that a complaint or information be referred to the Committee, he shall direct the Secretary to, and the Secretary when so directed shall—
 - (a) notify the defendant of the receipt of the complaint or information;
 - (b) inform him of the substance thereof;
 - (c) forward to him a copy of any statutory declaration furnished under regulation 14(1);
 - (d) inform him of the date upon which the Committee is due to meet for the purpose of considering the complaint or information; and
 - (e) invite him to submit to the Committee any explanation of his conduct or of any other matter alleged in the complaint or information which he may have to offer.

(L.N. 118 of 1968)

15A. Consideration of complaint or information by the Committee

- (1) At the meeting at which the complaint or information is considered by the Committee, the Secretary shall put before the Committee the complaint or information, any statutory declaration received therewith, any explanation submitted by the defendant and any other document or matter in the nature of evidence relevant to or in support of the complaint or information and which is available.
- (2) The Committee, having regard to any explanation or declaration made by the defendant, shall consider the complaint or information, any statutory declaration received therewith and any document or matter put before it by the Secretary under paragraph (1) and, subject to the provisions of this regulation, shall determine either—
 - (a) that no inquiry shall be held; or

- (b) that the complaint or information shall in whole or in part be referred to the Council for inquiry.
- (3) Before coming to a determination under paragraph (2), the Committee may cause to be made such further investigations and may obtain such additional advice or assistance as it considers necessary.

(L.N. 118 of 1968)

16. Determination of Committee that no inquiry be held

If the Committee determine that no inquiry shall be held, the chairman of the Committee shall direct the Secretary to, and the Secretary when so directed shall, inform any complainant and the defendant of the decision of the Committee and no inquiry shall be held.

(L.N. 118 of 1968)

17. Determination of Committee that inquiry be held

- (1) If the Committee determine that an inquiry shall be held it shall refer the case to the Council and the chairman of the Committee shall notify the Chairman of the Council of the matters into which inquiry is to be made.
- (2) Where a case has been referred to the Council under paragraph (1), the Chairman of the Council shall fix a date upon which it is proposed that the inquiry shall be held and shall direct the Secretary to, and the Secretary when so directed shall, within 1 month of the determination of the Committee, serve on the defendant a notice of inquiry in accordance with Form 6 in the First Schedule together with a copy of these regulations.
- (3) A notice of inquiry shall—
 - (a) specify in the form of a charge or charges the matters into which inquiry is to be made; and
 - (b) state the date, time and place at which the inquiry is proposed to be held.
- (4) Except with the consent in writing of the defendant, an inquiry shall not be held less than 28 days after the date of service of the notice of inquiry.
- (5) Service of a notice of inquiry on the defendant may be by registered post addressed to him at the address shown on the General Register or at his address last known to the Secretary if different. *(11 of 2006 s. 33)*
- (6) Within the time stipulated for service of the notice of inquiry, the Secretary shall send a copy of the notice of inquiry to any complainant.

18. Adjournment of inquiry

- (1) The Chairman of the Council may adjourn any inquiry to such date as he thinks fit.
- (2) Notice of any such adjournment shall be given to the defendant and to any complainant.

(L.N. 118 of 1968)

19. Reference back to Committee

- (1) Where, after a complaint or information has been referred to the Council for inquiry, further information is subsequently produced in writing which suggests that an inquiry should not be held, the Council may refer back the case to the Committee for further consideration.
- (2) As soon as may be after the giving of any such direction, the chairman of the Committee shall direct the Secretary to, and the Secretary when so directed shall, give notice thereof to any complainant and to the defendant.

(L.N. 118 of 1968)

20. Documents to be furnished to Council

The defendant 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 Council may determine, 2 copies of all documents upon which he intends to rely at the hearing of the said inquiry.

(L.N. 118 of 1968)

23. Amendment of notice

- (1) Where before the hearing or at any stage of the hearing it appears to the Council that a notice of inquiry is defective, the Chairman may give such directions for the amendment of the notice as may be thought 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 injustice to the defendant.
- (2) The Secretary as soon as is practicable, after the amendment of a notice of inquiry, shall give notice in writing thereof to the defendant and to any complainant. *(L.N. 118 of 1968)*

PART IV

PROCEEDINGS AT HEARING OF THE COUNCIL

24. Record of proceedings

- (1) A shorthand writer may be appointed by the Council 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, on application to him by any party and on payment to him of a fee \$43 for each folio of 72 words or part thereof, shall furnish such party with a copy of such record. (*L.N. 118 of 1968; L.N. 124 of 1992; L.N. 81 of 2006*)

25. Opening of inquiry

- (1) At the opening of an inquiry the Secretary shall read the notice of inquiry.
- (2) If the defendant is not present or represented by his solicitor or counsel at the opening of the inquiry, the Secretary shall furnish to the Council such evidence as the Council may require that the notice of inquiry was served on the defendant in accordance with the provisions of regulation 17 and, on being satisfied as to such evidence, the Council may proceed with the inquiry in the absence of the defendant.
- (3) If the defendant is present at the inquiry the Chairman, immediately after the charge has been read, shall inform him of his right to cross-examine witnesses, to give evidence and to call witnesses on his behalf.

26. Objections on point of law

- (1) After the reading of the notice of inquiry the defendant, or his solicitor or counsel, may object to any charge on a point of law and, upon such objection, any other party to the inquiry may reply thereto and, if any such party replies to such objection, the defendant, or his solicitor or counsel, shall be permitted to answer such reply.
- (2) If such objection is upheld by the Council the charge to which such objection relates shall be considered only subject to such objection.

27. Order of procedure

Subject to the provisions of regulations 25 and 26, the following order of procedure shall be observed—

- (a) the complainant, or his solicitor or counsel, or in their absence, or if there is no complainant, the Secretary, shall present the case against the defendant and adduce the evidence in support thereof and shall close the case against the defendant:

Provided that, on the application of the Chairman, the Secretary for Justice may appoint a legal officer within the meaning of the Legal Officers Ordinance (Cap. 87) to carry out the duties of the Secretary in respect of that inquiry in the absence of a complainant and his solicitor or counsel; (*4 of 1988 s. 7; L.N. 362 of 1997*)

- (b) at the conclusion of the presentation of the case against the defendant, he or his solicitor or counsel may make either or both of the following submissions in relation to any charge in respect of which evidence has been adduced—
- (i) that sufficient evidence has not been adduced upon which the Council can find that the facts alleged in that charge have been proved;
 - (ii) that the facts alleged in the charge are not such as to constitute the offence charged,

and where such submission is made, a reply thereto may be made by the complainant, or by his solicitor or counsel, or in their absence by the Secretary, and the defendant may answer such reply;

- (c) if a submission is made under paragraph (b), the Council shall consider and determine whether the submission shall be upheld and—
- (i) the Chairman shall announce the determination of the Council; and
 - (ii) if the Council upholds the submission in respect of any charge, the finding shall be recorded that the defendant is not guilty on that charge; and
 - (iii) if the Council rejects the submission, the Chairman shall call upon the defendant to state his case;
- (d) the defendant, or his solicitor or counsel, may then adduce evidence in support of his case and may address the Council:
- Provided that only one address may be made under this paragraph, and where evidence has been adduced by or on behalf of the defendant such address may be made either before or after such evidence has been adduced;

- (e) at the conclusion of the case of the defendant, the complainant, or his solicitor or counsel, or in their absence the Secretary, may address the Council in reply, only if evidence has been adduced by or on behalf of the defendant other than by his own evidence, or with the special leave of the Council.

28. Postponement of judgment

- (1) At the conclusion of the proceedings under regulation 27, the Council shall consider and determine whether to postpone judgment.
- (2) If the Council decides to postpone judgment, the judgment of the Council shall stand postponed until such future meeting of the Council as the Council may decide, and the Chairman shall announce the decision of the Council in such terms as the Council may approve.
- (3) If the Council decides not to postpone judgment, the Council shall consider and determine whether the facts alleged in any charge before the Council have been proved to its satisfaction and whether the defendant is guilty of the offence charged.
- (4) When the Council has come to its decision under paragraph (3), the Chairman shall announce the decision of the Council in such terms as the Council may approve.

29. Notice of determination of judgment

- (1) Where under the provisions of regulation 28(2), the judgment of the Council in respect of a charge stands postponed to a future meeting of the Council, the Secretary, not less than 1 week before the date fixed for such future meeting, shall serve on the defendant a notice specifying the date, time and place fixed for the meeting of the Council and inviting him to appear at such meeting; such notice shall be served in the manner provided by regulation 17 for the service of a notice of inquiry.
- (2) If there is a complainant in respect of the charge, a copy of the notice shall be sent to such complainant.
- (3) At such future meeting the Chairman may invite the Secretary to recall, for the information of the Council, the position in which the case stands and the Council may hear any other party to the proceedings.
- (4) The Council shall then consider and determine its judgment in accordance with the provisions of regulation 28 and shall announce its decision in the manner set forth in that regulation.

30. Postponement of sentence

- (1) After the announcement of the decision of the Council in respect of the charge, if such decision be a finding of guilty of the offence charged, the Council shall consider and determine whether or not to postpone sentence on the defendant.
- (2) If the Council decides to postpone sentence, the sentence of the Council shall stand postponed until such future meeting of the Council as the Council may decide, and the Chairman shall announce the decision of the Council in such terms as the Council may approve.

31. Address in mitigation

- (1) At any meeting of the Council at which sentence on a defendant is to be decided by the Council, before the Council shall decide such sentence an opportunity shall be given to the defendant, or his solicitor or counsel, to address the Council by way of mitigation and to adduce evidence as to the circumstances leading to the offence and as to the character and antecedents of the defendant.
- (1A) At any such meeting—
 - (a) the Secretary or other person presenting the case to the Council may produce to the Council the records of any meeting of the Council at which an order was made against the defendant pursuant to section 18 of the Ordinance; and
 - (b) the defendant, in person or by his solicitor or counsel, may address the Council by way of mitigation and may adduce evidence as to the circumstances leading to any such previous order. (*L.N. 177 of 1977*)
- (2) The Council shall then consider and determine the sentence on the defendant and the Chairman shall announce the decision of the Council in such terms as the Council may approve.

32. Notice of postponement of sentence

- (1) Where, in accordance with the provisions of regulation 30, the decision of the Council in regard to the sentence in respect of any charge stands postponed to a future meeting of the Council, the Secretary, not less than 1 week before the date fixed for such future meeting, shall serve on the defendant a notice specifying the date, time and place fixed for the meeting of the Council and inviting him to appear at such meeting; such notice shall be served in the manner provided by regulation 17 for the service of a notice of inquiry.

- (2) If there is a complainant in respect of the charge, a copy of the notice shall be sent to such complainant.

33. Evidence

- (1) Evidence may be taken by the Council by oral statement on oath or by written deposition or statement.
- (2) A summons to any person requiring him to attend an inquiry to give evidence or produce any document or other thing in his possession, in accordance with the provisions of section 19 of the Ordinance, may be in accordance with Form 7 in the First Schedule.
- (3) Every witness shall be examined by the party producing him and may then be cross-examined by the other party and only upon matters arising out of such cross-examination may be re-examined by the party producing him.
- (4) The Council may decline to admit the evidence of any deponent to a document who is not present for, or who declines to submit to, cross-examination.
- (5) The Chairman, and members of the Council through the Chairman, may put such questions to the parties or to any witness as they may think desirable.

34. Voting

- (1) In the taking of the votes of the Council on any question to be determined by them, the Chairman shall call upon the members to signify their votes by raising their right hands, and shall thereupon declare the determination of the Council in respect of such question.
- (2) Where the determination of the Council so declared by the Chairman is challenged by any member of the Council, the Chairman shall call upon each member severally to declare his vote, announce his own vote and announce the number of members of the Council who have voted each way, and the result of the vote.
- (3) Where on any question to be determined by the Council the votes are equal, the question shall be deemed to have been decided in favour of the defendant.
- (4) No person other than members of the Council and the Legal Adviser shall be present when the Council votes on any matter. (*L.N. 118 of 1968*)

35. Inquiry by the Council

The Legal Adviser shall be present at every inquiry held by the Council in accordance with the provisions of section 9 or section 18 of the Ordinance and no such inquiry shall commence if the Legal Adviser is not present.

36. Ordinary meetings of Council

The Chairman may give to the Legal Adviser prior notice that his advice may be required at any meeting of the Council, other than an inquiry under section 9 or section 18 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.

37. Advice by Legal Adviser

- (1) When the Legal Adviser advises the Council on any question of law as to evidence, procedure or any other matter in any inquiry under section 9 or section 18 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 Council 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 Council 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.

IMPLICATIONS OF THE PROPOSAL

Civil Service and Financial Implications

Compared with the option of training a dentist through the local University Grants Committee system, the proposal of allowing non-locally trained dentists to be registered in Hong Kong may be considered as a cost-effective and efficient alternative to increase the supply of dentists.

2. Currently, the Boards and Councils Office (“the Office”) of the Department of Health (“DH”) provides secretariat support to the Dental Council of Hong Kong (“DCHK”). The secretariat staff are mainly civil servants under the establishment of DH. Costs for the day-to-day administration of DCHK are also met from funds provided by DH.

3. With the implementation of the current proposal, the Office is expected to assist DCHK in vetting the individual applications from non-locally trained dentists, handle the administrative matters concerning DCHK’s role in internship and period of assessment, establish the statutory registration system for dental care professionals (“DenCPs”), as well as implement the mandatory continuing professional development for dentists and DenCPs.

4. The Health Bureau (“HHB”) and DH would consider the manpower requirements for the Office in detail after the passage of the relevant legislation and seek additional resources, if required, with justifications in accordance with the established resources allocation mechanism.

Economic Implications

5. The proposal would significantly broaden the pool of non-locally trained dentists eligible for applying to practise in Hong Kong, thereby helping to address the projected manpower shortage for dentist. The proposed one-year internship/period of assessment can enrich the clinical experience of local dental graduates/non-locally trained dentists, and improve the service quality. Together with the introduction of statutory registration system for DenCPs who can play an enhanced role mainly in preventive dental care, this can contribute to the sustainability of the healthcare system as a whole in the long run.

Family Implications

6. The proposal is expected to attract more qualified non-locally trained dentists to serve in the public sector, which would help relieve the manpower shortage in dental services and meet the demand of families for such services.

Sustainability Implications

7. The proposal would provide additional healthcare manpower, which could in turn improve the provision of dental services and be conducive to sustainable development.
