

LEGISLATIVE COUNCIL BRIEF

Supplementary Medical Professions Ordinance (Chapter 359)

SUPPLEMENTARY MEDICAL PROFESSIONS (AMENDMENT) BILL 2025

INTRODUCTION

At the meeting of the Executive Council on 17 March 2025, the Council ADVISED and the Chief Executive ORDERED that the Supplementary Medical Professions (Amendment) Bill 2025 (“the Bill”) at **Annex A** should be introduced into the Legislative Council (“LegCo) to -

- (a) rename “supplementary medical professions” (“SMP”) (輔助醫療業) as “allied health professions” (專職醫療業) to recognise their enhanced role in the healthcare system;
- (b) revamp the composition of the Supplementary Medical Professions Council (“the Council”) and the Boards of individual SMPs¹ (“the Boards”) and enhance the Council’s supervisory roles, in order to rationalise their relationship for the better performance of their respective roles and functions;
- (c) enable physiotherapists (“PTs”) and occupational therapists (“OTs”) to provide services directly to patients without a doctor’s referral under specified circumstances;
- (d) enable PTs, OTs, radiographers (“RGs”) and medical laboratory technologists (“MLTs”) to accept referrals from registered Chinese medicine practitioners (“CMPs”) under specified circumstances;

¹ SMPs governed by the Supplementary Medical Professions Ordinance (Cap. 359) (“the SMPO”) currently include medical laboratory technologists, occupational therapists, optometrists, physiotherapists and radiographers.

- (e) provide new pathways for admitting qualified non-locally trained supplementary medical professionals (“SMProfs”) to practise under limited registration (“LR”) in the Hospital Authority (“HA”), the Department of Health (“DH”), the Primary Healthcare Commission (“PHCC”), The Chinese Medicine Hospital of Hong Kong (“CMHHK”), institutes offering SMP training programmes, and institutions specified by the Secretary for Health (“S for Health”) etc.;
- (f) make continuing professional development (“CPD”) a mandatory requirement for all SMProfs upon renewal of their practising certificates; and
- (g) introduce other technical amendments.

JUSTIFICATIONS

Renaming of “Supplementary Medical Professions” to “Allied Health Professions”

2. Since the enactment of the SMPO in 1980 and the establishment of the Council in 1981, the term of “supplementary medical professions” (輔助醫療業) has been adopted for more than 40 years. Considering the five professions under the SMPO have been playing more important and specialised roles in our healthcare system, there have been views that the term “supplementary” are unable to reflect the professional status of SMPs in their own right. Instead, there has been general consensus among SMPs to adopt “allied health professions” (專職醫療業), a term which is commonly used in the healthcare sector including the HA, to reflect their important function and enhanced professional status within the healthcare system, particularly primary healthcare.

Revamping the Composition of the Council and the Boards

3. Under the SMPO, members of SMPs are regulated by a two-tiered authority, the Council on the top level and a Board representing each of the SMPs at the bottom level. The Council comprises mainly of lay persons tasked with the overall responsibility to promote adequate standards of professional practice and conduct among SMPs, and to co-ordinate and supervise the activities of the Boards. The Boards, comprised mainly of professional members, are tasked to handle registration and disciplinary matters concerning members of their profession.

4. Over the years there have been substantial changes in the way healthcare services are provided by SMPs that require the Council to play a stronger supervisory role. Principal among them are the development of primary healthcare where services are delivered by a multi-disciplinary team of healthcare professions within community settings rather than by a single profession in hospital settings, calling for more inter-disciplinary collaboration among practitioners of the SMPs and with other healthcare professions. Meanwhile, there is also the global trend of patient empowerment that calls for healthcare regulatory authorities to become more accountable to patients and the community as a whole.

5. At present, the composition of the Boards comprises mainly of members of the SMP, contributing to nine out of 11 members excluding the Chairman appointed from among members of the Council. The remaining two members are registered medical practitioners.² To bring the composition of the Board up to date and increase its public accountability, the following changes in the composition are proposed -

- (a) to replace the Board Chairman being appointed from members of the Council who are not members of SMP with a Chairman appointed from among Board members to strengthen the leading role of the Board Chairman over its members;
- (b) to replace Hong Kong Medical Association by Hong Kong Academy of Medicine (“HKAM”) as the nominating authority for a registered medical practitioner, given HKAM’s significant role in post-registration medical training across all medical specialities which have close collaboration with the SMPs. The nominee of HKAM must be a specialist doctor of a specialty relevant to the profession of the Board (e.g. pathologists to the MLT profession and ophthalmologists to the optometrists (“OpT”) profession);
- (c) to replace the Hong Kong Branch of the British Medical Association with HA as the nominating authority for a registered medical practitioner. The former has not been invited to

² According to section 5(1) of the SMPO, each Board comprises of –

- (a) a Chairman appointed from among the members of the Council, other than a member of SMP;
- (b) a registered medical practitioner on the nomination of the Hong Kong Medical Association;
- (c) a registered medical practitioner on the nomination of the Hong Kong Branch of the British Medical Association;
- (d) 1 person specially qualified to advise the board on professional education; and
- (e) not less than 5 and not more than 8 persons, being members of the relevant profession.

nominate any new candidates to fill the seat since 1997. The medical practitioner from HA serving in the Board can facilitate the collaboration between the profession with the providers of public healthcare services; and

- (d) to add two lay members appointed by the Chief Executive (“CE”) to increase public accountability of the Board.

A comparison between the existing and proposed composition of the Board is set out at **Annex B**.

6. The composition of the Council comprises of a Chairman, a Deputy Chairman, four public officers, three persons nominated by universities, five members of SMPs (one for each SMP) and four other persons. The following changes to the composition of the Council are proposed –

- (a) to specify that the Deputy Chairman of the Council should be assumed by a public officer, or a staff member of HA or PHCC, to better support the work of the Chairman in leading the Council;
- (b) to widen the scope of the members of the Council, being public officers that were appointed before amendment, to include staff of HA and PHCC given their essential role in providing public healthcare services;
- (c) to replace persons nominated by the University of Hong Kong, The Chinese University of Hong Kong and The Hong Kong Polytechnic University and appointed by CE with three persons specially qualified to advise the Council on professional education appointed by CE, so as to ensure better representation of the institutions providing SMP training;
- (d) to add one registered medical practitioner and one registered CMP appointed by CE to bring in views of other healthcare professions with whom SMPs have close working relationship; and
- (e) to institutionalise the role of Chairmen of the Boards as ex-officio members of the Council to facilitate communication and co-ordination between the Council and its Boards, by ensuring that the views of the Boards can be represented at the Council

and the steer of the Council can be conveyed to and followed up by the Boards in a more effective manner.

A comparison between the existing and proposed composition of the Board is set out at **Annex C**.

7. The existing relationship of the Council and the Boards under the SMPO is one of consultative and collaborative. For instance, revisions of the Codes of Practice (“CoPs”) by the Boards will come into operation six months after such revisions are served on the Council. With the growing need for inter-disciplinary collaboration among SMPs and between SMPs and other healthcare professions, the Council needs to be more proactive in facilitating professional discussions among different professions, maintaining consistency in professional standard and driving professional development across all five SMPs at a higher level. To better reflect the relationship between the Council and the Boards and for the former to better perform its supervisory role, we propose to articulate more clearly in the legislation the division of labour between the Council and the Boards, including empowering the Council to provide direction to the Boards in exercising their statutory functions and to subject any amendment to the CoP proposed by the Boards to the Council’s approval.

Enabling Direct Access to PTs and OTs’ Services

8. Hitherto, generally speaking, SMPs have been assuming a role supplementary to medicine, limiting their capacity to provide services directly to patients. At present, four SMPs, namely PTs, OTs, MLTs and RGs, are required, either by the subsidiary legislation under the SMPO (as in the case for RG) or the respective CoPs, to provide examination or treatment services to patients only on referral from other healthcare professions³ (hereafter referred to as “the referral rule”), except for emergency or other specified circumstances. Otherwise, the practitioners concerned will be subject to disciplinary actions taken by the Boards concerned for breaching the relevant subsidiary legislation or CoPs.

9. In pursuance of healthcare reform, we need to strive for a more efficient, integrated and collaborative healthcare system by better utilising the potential of SMPs in healthcare service provision, facilitating inter-disciplinary collaboration among SMPs and with other healthcare professions. To that end, it is vital to remove obsolete restrictions under the SMPO and lay down legal frameworks to facilitate cross-disciplinary

³ Referrals are mainly made by registered medical practitioners, and, in some cases, by dentists and chiropractors.

collaborations. It has all along been the Government's objective to strengthen the roles of SMPs and to promote multi-disciplinary collaboration in providing services in primary healthcare settings. This affords better protection to citizens with their health supported by a network of healthcare professionals within the community and enable regular healthcare monitoring and timely intervention where necessary. Enabling patients' direct access to PT and OT is one of the key components in primary healthcare development, allowing patients to seek help early within community for symptoms that are prevalent among citizens, preventing the situation from deteriorating into something more serious that require secondary and tertiary care.

10. The Council, PT Board and OT Board have been discussing the implementation proposals for allowing direct access to PT and OT services respectively without a registered medical practitioner's referral since 2022. There were also dialogues between PT and OT professions and the medical profession with whom the former work closely. There was general consensus among these professions on the merits of enabling patients to seek help from PTs and OTs directly, but diverse views on the potential risk to patient safety the direct access arrangement will entail. Provided that the risk can be contained, the direct access arrangement will help patients save medical cost and receive treatment earlier. Above all, direct access to PT and OT services will facilitate the development of primary healthcare and provide incentive for more healthcare professions to participate in the network ultimately to the benefit of citizens within the community.

11. Along the rationale above, namely to enable patients to access PTs and OTs' service directly without compromising patient safety, we propose to create the following three exceptions to the referral rule for the services sought by a patient –

- (a) for a condition stipulated by a clinical protocol endorsed and promulgated by authorised bodies (tentatively including HA, DH, PHCC and CMHHK), or by a patient enrolled in a cross-disciplinary collaboration arrangement of PHCC;
- (b) for a condition previously diagnosed by a registered medical practitioner or a registered CMP within the last 12 months; or
- (c) in emergencies or under other circumstances (including community services in the case of OT) specified by the Council and set out in the CoPs.

Situation 1: Under clinical protocol or cross-disciplinary collaboration arrangement

12. This allows citizens to seek direct services from PTs/OTs for the health conditions specified by clinical protocols. In general, these health conditions should generally fulfil certain criteria, such as being highly prevalent in the community; mostly degenerative with non-pharmaceutical, non-surgical treatment proven to be effective; and unlikely to develop into acute conditions that warrant specialist doctors' immediate attention etc. PTs/OTs should follow the clinical protocols at all times in their practice, including referring the case to a medical practitioner for handling when the patient exhibits red flag symptoms.

13. As for the cross-disciplinary collaboration arrangement, we propose enabling PTs/OTs registered in the future Primary Care Register⁴ ("PCR") to provide direct services to patients in accordance with the guidelines published by PHCC and quality assurance requirements set out in the PCR. They must also document the patient's conditions to refer back to his/her registered family doctor⁵ timely through the Electronic Health Record Sharing System for further care, if necessary. This can facilitate more timely treatment when the patient exhibits conditions that require intervention from doctors or other healthcare professionals through cross-disciplinary collaboration.

Situation 2: Condition previously diagnosed within the last 12 months

14. This serves to enable patients to directly seek PT or OT's services for a condition which has been previously diagnosed by a registered medical practitioner or a registered CMP without the need to

⁴ In line with the recommendations of the Primary Healthcare Blueprint, the Government will transform the existing Primary Care Directory into the PCR which will serve as a central register for all healthcare professionals in primary healthcare settings. In the long run, the Government will offer appropriate training and establish qualification requirements for healthcare professionals enlisted on the PCR with a view to continuously enhancing the quality of primary healthcare services

⁵ The Government is establishing a family doctor system based on the concept of "Family Doctor for All" as recommended in the Primary Healthcare Blueprint. Family doctors would act as patients' personal health managers to develop personalised care plans with the support and assistance of District Health Centres, and arrange various allied health services in accordance with patients' health needs and doctors' prescriptions. In the long run, we will consider gradually requiring patients to register with a family doctor as a pre-requisite for joining government-subsidised schemes in order to cultivate a long-term family doctor-patient relationship between the patient and his/her family doctor. The ultimate goal is that all citizens and their family members will each be paired with a family doctor of their own.

obtain a referral letter afresh from a registered medical practitioner or a registered CMP for each course of session. The patient must produce documentary proof of diagnosis of the condition from a registered medical practitioner or a registered CMP within the last 12 months, such as outpatient / follow-up consultation record or a discharge summary, though not necessarily in the form of a referral letter. The imposition of a 12-month timeframe can assure the timeliness of the diagnosis, while encouraging patients to seek timely treatment from PTs and OTs.

Situation 3: Emergencies or other circumstances as agreed by the Council

15. This aims to preserve the current exceptions to the referral rule where PTs and OTs could provide service to patients directly without a doctor's referral. These include emergencies or other circumstances for both PTs and OTs, and community services for OTs. It would be up to the Council to define these circumstances in greater detail in the CoP of the PT and OT professions.

16. Rather than imposing penalty in the form of fine or imprisonment, we intend to maintain the status quo whereby the relevant Boards should take disciplinary actions when registered PTs and OTs provide services to patients direct other than the above situations.

Enabling SMPs to Accept Referrals from CMPs

17. At present, some relevant legislative provisions and/or codes of practice do not allow RGs, MLTs, PTs and OTs to treat or examine patients referred by CMPs, which in turn prohibits the latter's access to a number of critical modern diagnostic technologies such as X-ray and laboratory tests and inter-professional collaboration on certain rehabilitation services.

18. Recognising the increasingly important role Chinese medicine ("CM") plays in Hong Kong's healthcare system, the Government's policy direction is to further strengthen the role of CM in primary healthcare settings, and support the development of CM and integrated Chinese-Western medicine services at secondary and tertiary healthcare settings. The CMHHK will be commissioned by phases starting from the end of 2025, where CMPs will assume the role of attending clinician in CMHHK, akin to the role of medical practitioners in HA or other Western medicine-based hospitals, in providing a wide range of clinical in-patient and out-patient services. Under this overarching policy direction, we need to accommodate the practical need of CMPs to use modern diagnostic technologies to enhance their professional practice, further encourage

stronger inter-professional collaboration, and more importantly improve quality of care.

19. In furtherance of Chinese Medicine as a constituent part of Hong Kong's healthcare system, we propose to put in place a legal framework for SMPs to accept referrals made by CMPs under suitable situations. Under the framework, the CM profession and the relevant SMPs are required to reach a consensus on the required standards of knowledge, skills, professional competence and conduct, etc. in order to iron out the operational details and safeguard patients' interests. The new provisions will take effect and the referral arrangement should be implemented in accordance with the details as stipulated in the CoPs of CMP and the relevant SMPs. The Boards and the Chinese Medicine Council of Hong Kong should deliberate on the specific procedures and mechanisms, and both parties should further promulgate or revise relevant codes or guidelines as appropriate, before implementing the specific referral arrangements.

20. Meanwhile, to cater for the practical clinical needs of CMHHK, new provisions will enable SMPs providing services authorized by CMHHK to patients in CMHHK to accept referrals from registered CMPs also providing services authorized by CMHHK to patients in CMHHK covering the full scope of treatment, examinations and tests, dovetailing the commencement of CMHHK's operation by phases in 2025. This interdisciplinary referral and collaboration model is required to ensure smooth collaboration between CMPs and other professionals within CMHHK, and will be strictly governed under CMHHK's clinical governance systems and protocols which will be in place by the time it starts operating.

New Pathways to Admit Non-Locally Trained SMPs

21. We also face a shortage of SMPs within the public healthcare system, which are crucial to meeting the increasing need for healthcare services. The existing pathway to admit non-locally trained SMProfs fall short of catering those with diverse training and practising background. We need to introduce a new pathway to admit qualified SMProfs with different training backgrounds to work in the public healthcare sector.

Limited Registration

22. Under the SMPO, the Council may recognise professionals with non-local qualifications for direct registration in Hong Kong⁶. While not being a statutory requirement, the Council and its Boards have all along adopted the principle of comparability to local curriculum in practice when considering applications from non-locally trained SMProfs. That means, whenever an application is received, the Council and its Boards will compare the qualification of the applicant against the prevailing local training curriculum, and only applicants with qualifications comparable to local training curriculum will be eligible for registration.

23. In recent years, it is observed that healthcare training programmes in SMPs throughout the world vary from places to places. MLTs and RGs are the prime examples with the Mainland of China and the United States adopting a very different training curriculum to Hong Kong⁷. The inflexible approach in adopting local curriculum as the sole benchmark risks alienating Hong Kong from non-locally trained SMProfs with specialised skills and knowledge accumulated over years of practice who potentially could be valuable contributor to the local healthcare system. To ensure that viable admission routes are available for suitable talents to join the local workforce for meeting local healthcare needs, there is a need to create a new pathway, i.e. LR, for non-locally trained SMProfs whose academic qualification may not be fully comparable in curriculum as local training programme but nonetheless possess qualified specialised professional skills, and allow them to practise their specialty area within specified settings.

24. Similar to the previous legislative amendments to provide new pathways to admit non-locally trained doctors, nurses and dentists, the overarching principle is not to compromise professional standard. The new pathway of LR is proposed under the same spirit to enable qualified non-locally trained SMProfs to practise their specialty area within specified

⁶ Section 12(1)(b) of the SMPO provides that “a person who holds such other degree, diploma or any other document of any examining body, which together with appropriate experience, may from time to time be recognized by the Council as qualifying the holder thereof to be registered; and in deciding whether or not to so recognize the Council may consult the relevant board”.

⁷ In the case of MLTs, apart from focusing primarily on basic medical laboratory science subjects relevant to Medical Microbiology, Haematology and Blood Group Serology, Clinical Biochemistry and Histopathology, other places have already moved on to emerging areas such as Immunology, Forensics or Genomics, etc. In the case of RGs, instead of requiring students to undergo foundational training in subjects like Anatomy, Physiology and Pathology etc., other jurisdictions have already adopted specialised training in Nuclear Medicine, Radiologic Technology or Magnetic Resonance Technology very early on in students’ study.

settings, namely DH, HA, PHCC and CMHHK, institutes offering SMP training programmes, and institutions specified by S for Health and institutions offering the types of employment which the Council considers appropriate for LR (collectively as “designated institutions”). To be eligible for LR, applicants must meet the following criteria –

- (a) obtained a qualification which the Council is satisfied to be sufficient for the applicant to perform the scope of work in his/her employment;
- (b) at least 1 year of full-time post-qualification experience relevant to the employment;
- (c) being a practising SMProfs recognised by a non-local certifying body;
- (d) selected for full-time employment as a person with LR with one of the designated institutions; and
- (e) satisfied the Council that the applicant is of good character and has good professional conduct.

25. The Council is to be the authority for considering individual applications from non-locally trained SMProfs. Instead of requiring SMProfs under LR to possess the full range of knowledge and skills as their counterpart under full registration, the key consideration for the Council is whether the qualification obtained by the applicant is sufficient to perform the specific scope of work in his/her employment. Each LR should be valid for no more than three years, during which the person may only practise their specialty area(s) with one of the designated institutions.

26. Considering the difference in the breadth and depth of professional skillset and knowledge between professionals under LR and full registration, the route of LR should be separated from the traditional route of full registration, i.e. professionals under LR will not be able to migrate to full registration regardless of their experience unless they can fulfill requirements under the existing pathway for recognizing non-local qualifications for full registration (i.e. with qualifications comparable to local training curriculum).

Temporary Registration

27. We also propose to create a new pathway of temporary registration (“TR”) to facilitate non-locally trained SMProfs to come to Hong Kong for conducting academic exchange and clinical demonstration, similar to the pathway available to non-locally trained doctors, nurses and dentists. The Council is to be the authority for considering individual applications, and the validity of the temporary registration must not exceed 14 days and is non-renewable.

Mandatory CPD

28. 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.

29. All five SMPs have already implemented, or planned to implement, CPD since July 2021⁸. Making reference to the recent legislative exercises for nurses and dentists, we propose to make fulfilment of CPD requirements as a pre-requisite for SMProfs to renew their practising certificates. Those who did not fulfil the CPD requirement will not be able to renew their practising certificate.

Other Technical Amendments

Enhancing the regulatory framework of SMPs

30. Reliable information on the general situation of the employment and practice of healthcare professionals are necessary for the formulation of policies on manpower planning, training and development of healthcare professions. These information is also crucial for the Council and the Boards to regulate the professions in tandem with the actual needs and development of the professions. However, under the existing practice, SMProfs are not required to provide such information to the Council or the

⁸ The OpT Board has mandated compliance with CPD requirement since July 2021 through amendments to its CoP, whereas the PT Board, OT Board and RG Board have also implemented mandatory CPD arrangements from 1 July 2023. The MLT Board will convert its voluntary CPD into mandatory starting from July 2025.

Boards⁹. This not only hinders the regulatory effort of the Council and the Boards, but also poses substantial difficulties for the Government to appraise the manpower situation of individual professions and make accurate planning on the future healthcare service provision.

31. Apart from the basic personal information such as name and contact details, we propose that all SMProfs should provide updated particulars, documents and information on the applicant's employment and practise through a form specified by the Council in renewing the practising certificates, in order to facilitate the Council and the Boards in regulating the professions. The information required to be provided in the form will be those relating to the subject SMProfs' employment or practice, including the types of healthcare institutes they work in (e.g. public hospital, private clinic or welfare service units of non-government organisations, etc.).

32. Furthermore, information about the practise of SMProfs, such as whether they practise in the private or public sector, are important for the Government to formulate healthcare policies, especially on manpower planning and training. We propose to expressly authorise the Council and the Boards to provide information in their possession that does not contain personal identifiers on the S for Health's request for the purpose of formulating healthcare policies.

Power of the S for Health to give direction

33. We also propose to institutionalise an official communication channel for S for Health to give written direction to the Council and the Boards in relation to their performance of functions if S for Health considers in the public interest to do so, similar to the provisions added to the Dentists Registration Ordinance (Cap. 156) and Nurses Registration Ordinance (Cap. 164) in their previous amendment exercises in 2024. This new channel of communication will enhance the accountability of the Council and the Board and improve public health outcome by ensuring they adhere to broader healthcare policy considerations when discharging their duties. This direct line of communication will also facilitate timely responses to urgent public healthcare issues, such as the COVID-19 pandemic.

⁹ The Health Manpower Survey conducted periodically is voluntary in nature, and the response rate have all along been on the low side.

OTHER OPTIONS

34. Access to PTs and OTs' services are currently governed by the CoP of the respective profession. While enabling direct access to PTs and OTs' services could also be achieved by inviting the Boards to amend the CoPs, we consider it important to set out in the legislation the rules and exceptions on referrals, under which the PT Board and OT Board may work out the details in the context of the CoPs. The other proposals could only be implemented through legislative means.

THE BILL

35. The main provisions are –

- (a) Clauses 5 and 6 seek to provide new definitions relating to the new types of registrations and the meaning of designated institution;
- (b) Clause 7 amends the name of the Council as “Allied Health Professions Council”;
- (c) Clauses 8 to 11 amend the compositions and the purposes of the Council and the Boards;
- (d) Clause 17 provides for the procedures and eligibility criteria of the new registration pathways, namely LR and TR;
- (e) Clause 21 introduces additional requirements for practising certificate renewal including requiring the application to be made in the specified form and fulfilment of the CPD requirement as determined by the Council;
- (f) Clause 25 stipulates that the practice of a SMProf will be subject to supervision and referral requirements;
- (g) Clause 33 provide for matters including –
 - (i) empowering the Council to specify the form for making applications and the certificate required or authorised to be issued under the SMPO; and

- (ii) empowering S for Health to give directions to the Council or the Boards if S for Health considers that it is in the public interest, to which the Council or the Board must comply;
 - (h) Clauses 36 to 183 amend the Medical Laboratory Technologists (Registration and Disciplinary Procedure) Regulations (Cap. 359 sub. leg. A), the Occupational Therapists (Registration and Disciplinary Procedure) Regulations (Cap. 359 sub. leg. B), the Optometrists (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. F), the Radiographers (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. H) and the Physiotherapists (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. J) in view of the changes made to the SMPO; and
 - (i) Clauses 184 to 206 contain consequential and related amendments.
36. The existing provisions being amended are at **Annex D**.

LEGISLATIVE TIMETABLE

37. The legislative timetable will be –

Publication in the Gazette	21 March 2025
First Reading and commencement of Second Reading debate	26 March 2025
Resumption of Second Reading debate, committee stage and Third Reading	To be notified

IMPLICATIONS OF THE PROPOSAL

38. 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 SMPO and its subsidiary legislation. The proposal has civil service, financial, productivity, economic, family and sustainability implications set out at **Annex E**. It has no environmental or gender implications.

PUBLIC CONSULTATION

39. The foregoing initiatives have been put on Government agenda for a while. For example, increasing participation of lay members in the regulatory authority of healthcare professions was recommended in the Report of the Strategic Review on Healthcare Manpower Planning and Professional Development published in 2017; enabling direct access of patients to PTs' and OTs' service and enabling CMPs to prescribe diagnostic imaging and laboratory tests for their patients were announced in the Policy Address 2021; and introducing new pathways to admit non-locally trained SMPs was announced in the Policy Address 2023.

40. Extensive consultation and engagement were carried out with the SMPs, the medical profession and CMPs since 2019, involving the Council and the Boards, professional associations of the PT and OT professions, the Hong Kong Academy of Medicine, and the CM profession. More recently starting from Q3 2024, another round of engagement was carried out to tap the views of stakeholders, including SMPs, the CM profession, the medical profession, healthcare professions in primary healthcare settings and patient organisations.

41. We briefed the Panel of Health Services of LegCo in September 2022 and December 2023 on the details and progress of the legislative amendment.

PUBLICITY

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

ENQUIRIES

43. Any enquiries on this brief can be addressed to Mr Derek LEE, Principal Assistant Secretary for Health 3 (Tel: 3509 8917).

Health Bureau
19 March 2025

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A BILL

To

Amend the Supplementary Medical Professions Ordinance and its subsidiary legislation to provide for limited registrations, and temporary registrations, of persons engaged in professions of allied health; to rename the Supplementary Medical Professions Council to Allied Health Professions Council to recognize the enhanced role of the professions in the healthcare system; to change the composition of the Council and boards of the professions; to empower the Council to specify the qualifications and experience required for full registration of the relevant professions; to authorize the Council and boards to provide information to the Secretary for Health; to empower the Secretary for Health to give directions to the Council and boards; to provide for the restriction of direct access to the services of the professions; to provide for certain changes in relation to preliminary investigation committees established under the Ordinance; to revise the fees payable under the Ordinance; and to provide for related matters.

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title and commencement

- (1) This Ordinance may be cited as the Supplementary Medical Professions (Amendment) Ordinance 2025.

- (2) Subject to subsections (3) and (4), this Ordinance comes into operation on the day on which it is published in the Gazette.
- (3) Sections 5(2), 7, 8(1), (2), (3), (4), (5), (6) and (8), 10(1), (2), (3), (4), (5), (6), (7), (8), (9), (10) and (11), 35 (in so far as it relates to Division 1 of Part 3 of the new Schedule 3), 36(1), 65(1), 94(1), 123(1), 155(1) and 200 come into operation on 1 January 2026.
- (4) Section 153(1) comes into operation on the day on which section 82 of the Dentists Registration (Amendment) Ordinance 2024 (22 of 2024) (in so far as it relates to the service specified in paragraph (c) in column 3 of Part 1 of Schedule 3 to the Dentists Registration Ordinance (Cap. 156) in respect of the dental hygienist and dental therapist respectively) comes into operation.

2. Enactments amended

The enactments specified in Parts 2 to 8 are amended as set out in those Parts.

Part 2

Amendments to Supplementary Medical Professions Ordinance (Cap. 359)

3. Long title amended

The long title—

Repeal

“supplementary to medicine”

Substitute

“of allied health”.

4. Section 1 amended (short title and application)

(1) Section 1(1)—

Repeal

“Supplementary Medical Professions Ordinance”

Substitute

“Allied Health Professions Ordinance”.

(2) Section 1(2)—

Repeal

everything after “included”

Substitute

“in Schedule 1.”.

5. Section 2 amended (interpretation)

(1) Section 2(1), definition of *certificate of registration*—

Repeal

“and a certificate of provisional registration issued under section 15”.

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

Repeal

“Supplementary Medical Professions Council established under section 3”

Substitute

“Allied Health Professions Council established under section 2C”.

(3) Section 2(1), definition of *profession*—

Repeal

“the Schedule”

Substitute

“Schedule 1”.

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

Repeal

“sections 13 and”

Substitute

“section 13, 13A, 13B or”.

(5) Section 2(1), English text, definition of *registered*—

Repeal

“10.”

Substitute

“10;”.

(6) Section 2(1)—

Add in alphabetical order

“*designated institution* (指定機構)—see section 2B;”

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

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

limited registration (有限度註冊)—see section 2A(b);

provisional registration (臨時註冊)—see section 2A(d);

registered medical practitioner (註冊醫生) has the meaning given by section 2(1) of the Medical Registration Ordinance (Cap. 161);

regulation (《規例》) means a regulation made under section 29;

specified form (指明格式) means a form specified by the Council under section 33;

temporary registration (暫時註冊)—see section 2A(c);

The Chinese Medicine Hospital of Hong Kong (香港中醫醫院) has the meaning given by section 2(5) of The Chinese Medicine Hospital of Hong Kong Ordinance (of 2025).”.

(7) Section 2(2)—

Repeal

“the Schedule shall mean”

Substitute

“Schedule 1 means”.

6. Sections 2A and 2B added

Part I, after section 2—

Add

“2A. Construction of references to full registration, limited registration, temporary registration and provisional registration

For the purposes of this Ordinance—

- (a) a person with full registration is a person whose name is entered in a register in accordance with section 13;
- (b) a person with limited registration is a person whose name is entered in a register in accordance with section 13A;
- (c) a person with temporary registration is a person whose name is entered in a register in accordance with section 13B; and
- (d) a person with provisional registration is a person whose name is entered in a register in accordance with section 15,

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

2B. Meaning of *designated institution*

- (1) For the purposes of this Ordinance, a designated institution is an institution—
 - (a) that is specified in Part 1 of Schedule 2;
 - (b) that falls within any of the categories of institution specified in Part 2 of Schedule 2; or
 - (c) that is designated as a designated institution by the Secretary for Health by notice published in the Gazette.
- (2) A notice published under subsection (1)(c) is not subsidiary legislation.”.

7. **Section 2C added**

Part II, before section 3—

Add**“2C. Allied Health Professions Council**

- (1) On and after the 2025 Ordinance commencement date, the authority established under the former section 3(1) and known as “Supplementary Medical Professions Council” in English and “輔助醫療業管理局” in Chinese immediately before that date is known as—
 - (a) “Allied Health Professions Council” in English; and
 - (b) “專職醫療業管理局” in Chinese.
- (2) Despite the amendments to the former section 3(1)—
 - (a) the authority established under that section continues in existence as the Allied Health Professions Council on and after the 2025 Ordinance commencement date;
 - (b) the jurisdiction, powers, functions and duties of that authority are not affected in any way by the change of name effected by subsection (1); and
 - (c) the validity of any committees appointed by the authority under section 9 is not affected in any way by the change of name effected by subsection (1).
- (3) To avoid doubt, the amendments to the former section 3(1) or the change of name effected by subsection (1) does not affect any power exercised, or function or duty performed, by that authority before the 2025 Ordinance commencement date.
- (4) In this section—

2025 Ordinance commencement date (《2025 年條例》生效日期) means the date on which section 7 of the Supplementary Medical Professions (Amendment) Ordinance 2025 (of 2025) comes into operation;

former section 3(1) (原有第 3(1)條) means section 3(1) as in force immediately before the 2025 Ordinance commencement date.”.

8. **Section 3 amended (establishment and composition of Council)**

- (1) Section 3, heading—

Repeal**“Establishment and composition”****Substitute****“Composition”.**

- (2) Section 3(1)—

Repeal

everything before “of the following”

Substitute**“(1) The Council is to consist”.**

- (3) Section 3(1)—

Repeal paragraphs (b), (c) and (d)**Substitute**

- “(b) a Deputy Chairman, being a specified officer, appointed by the Chief Executive;
- (c) not more than 4 specified officers appointed by the Chief Executive;
- (d) 3 persons, being specially qualified to advise the Council on professional education, appointed by the Chief Executive;

- (e) 1 person appointed by the Chief Executive from each profession;
 - (f) 4 persons, other than registered persons, appointed by the Chief Executive;
 - (g) 1 registered medical practitioner appointed by the Chief Executive;
 - (h) 1 registered Chinese medicine practitioner (as defined by section 2(1) of the Chinese Medicine Ordinance (Cap. 549)) appointed by the Chief Executive; and
 - (i) the chairman of the board for each profession.”.
- (4) After section 3(1)—
- Add**
- “(1A) A member appointed by the Chief Executive holds office for a period of 3 years, or such lesser period as the Chief Executive may specify in the appointment.”.
- (5) Section 3(2)—
- Repeal**
- “under subsection (1)(d)”
- Substitute**
- “under subsection (1)(a), (b), (c), (d), (e), (f), (g) or (h)”.
- (6) Section 3—
- Repeal subsection (3)**
- Substitute**
- “(3) Any member appointed under subsection (1)(b), (c), (d), (e), (f), (g) or (h) or reappointed under subsection (2) may at any time resign the office by written notice to the Chairman of the Council.
- (3A) The Chairman of the Council may at any time resign the office by written notice to the Chief Executive.

- (3B) The Chief Executive may remove from office any member appointed under subsection (1)(a), (b), (c), (d), (e), (f), (g) or (h), or reappointed under subsection (2), for permanent incapacity or other sufficient cause.
 - (3C) The Chief Executive has the final decision on whether a sufficient cause under subsection (3B) exists.
 - (3D) On the resignation or removal of a member under subsection (3), (3A) or (3B), the term for which the member was appointed or reappointed is regarded to have expired.”.
- (7) Section 3(4)(b)—
- Repeal**
- “a legal adviser”
- Substitute**
- “one or more legal advisers”.
- (8) After section 3(4)—
- Add**
- “(5) In this section—
- specified officer* (指明人員) means—
- (a) a public officer;
 - (b) a person who holds an appointment at the Hospital Authority; or
 - (c) a person who holds an appointment at the Primary Healthcare Commission.”.
9. **Section 4 amended (purposes of the Council)**
- (1) Section 4(2)(c)—
- Repeal**
- “; and”

Substitute a semicolon.

- (2) Section 4(2)(d)—

Repeal

“Ordinance.”

Substitute

“Ordinance; and”.

- (3) After section 4(2)(d)—

Add

“(e) by providing a board with steers or instructions for better carrying out the purposes of the Council mentioned in subsection (1).”.

10. Section 5 amended (establishment and composition of boards)

- (1) Section 5(1)—

Repeal

“not less than 9 and not more than 12 members comprising the following”

Substitute

“the following members”.

- (2) Section 5(1)—

Repeal paragraph (a).

- (3) Section 5(1)—

Repeal paragraphs (b) and (c)

Substitute

“(b) 1 registered medical practitioner—

- (i) whose name is included in the Specialist Register (as defined by section 2(1) of the Medical Registration

Ordinance (Cap. 161)) under a particular specialty that is relevant to the profession of the board;

- (ii) nominated by the Hong Kong Academy of Medicine established under section 3(1) of the Hong Kong Academy of Medicine Ordinance (Cap. 419); and

- (iii) appointed by the Chief Executive;

- (c) 1 registered medical practitioner nominated by the Hospital Authority and appointed by the Chief Executive;”.

- (4) Section 5(1)(d), English text—

Repeal

“person”

Substitute

“person, being”.

- (5) Section 5(1)(d), English text—

Repeal

“education”

Substitute

“education,”.

- (6) Section 5(1)(d)—

Repeal

“; and”

Substitute a semicolon.

- (7) Section 5(1)(e)—

Repeal

“Executive.”

Substitute

“Executive; and”.

- (8) After section 5(1)(e)—

Add

“(f) 2 persons, not being persons registered in the profession of that board, appointed by the Chief Executive.”.

- (9) After section 5(1)—

Add

“(1A) A member appointed by the Chief Executive holds office for a period of 3 years, or such lesser period as the Chief Executive may specify in the appointment.”.

- (10) Section 5(3)(a)—

Repeal

“Chief Executive”.

Substitute

“chairman of the board”.

- (11) After section 5(3)—

Add

“(3A) The chairman of a board—

- (a) is appointed by the Chief Executive from the members of the board;
- (b) subject to subsection (3B), holds office for 3 years or until the chairman ceases to hold office as a member of the board, whichever is the earlier; and
- (c) is eligible for reappointment.

(3B) The chairman of a board may at any time resign the chairman’s office by written notice to the Chief Executive.”.

- (12) Section 5(4)(b)—

Repeal

“a legal adviser”

Substitute

“one or more legal advisers”.

11. Section 6 amended (purposes of boards)

- (1) Section 6(a)—

Repeal

“; and”

Substitute a semicolon.

- (2) Section 6(b)—

Repeal

“Ordinance.”

Substitute

“Ordinance; and”.

- (3) After section 6(b)—

Add

“(c) to carry out any function assigned to it by the Council for better carrying out the purposes of the Council mentioned in section 4(1).”.

12. Section 7 amended (meetings of the Council and boards)

- (1) Section 7(2)—

Repeal

everything after “the”

Substitute

“Council, the quorum is 8 members.”.

- (2) After section 7(2)—

Add

“(2A) At any meeting of a board, the quorum is 4 members.”.

13. Section 9A added

Part II, after section 9—

Add

“9A. Council and boards may provide information to Secretary for Health

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

14. Section 10 amended (every profession to have a separate register)

(1) Section 10(1)—

Repeal

“form prescribed”

Substitute

“specified form”.

(2) Section 10(2)—

Repeal

“the name, addresses, or qualifications”

Substitute

“the particulars, as specified by the Council,”.

(3) Section 10(4)—

Repeal

“who”.

(4) Section 10(4)(a), before “requests”—

Add

“who”.

(5) Section 10(4)(b), before “is”—

Add

“who”.

(6) After section 10(4)(b)—

Add

“(ba) whose registration is no longer in force;”.

(7) Section 10(4)—

Repeal paragraph (c)

Substitute

“(c) who has failed to obtain a practising certificate within 6 months after the date of the person’s registration or after the expiry date of the last practising certificate issued to the person; or”.

(8) Section 10(4)—

Repeal paragraph (d).

(9) Section 10(4)(e), before “has”—

Add

“who”.

(10) Section 10(4)(e), proviso—

Repeal

“or telegram”.

(11) Section 10(5)—

Repeal

“A person whose name has been removed from a register under this section or section 22, may”

Substitute

"If the name of a person with full registration or provisional registration is subsequently removed from a register under this section or section 22, the person may".

- (12) Section 10(5), English text—

Repeal

"decline"

Substitute

"reject".

- (13) Section 10(6), after "register"—

Add

"(other than the part in relation to temporary registration)".

15. Section 12 amended (persons who are qualified to be registered)

- (1) Section 12, heading—

Repeal

"to be registered"

Substitute

"for full registration".

- (2) Section 12(1)—

Repeal

"qualified to be registered"

Substitute

"qualified for full registration".

- (3) Section 12(1)(a)—

Repeal subparagraphs (i) and (ii)**Substitute**

"(i) holds the qualification, and (as the case requires) has the experience, specified by the Council in accordance with the regulations; or

(ii) holds a certificate from the relevant board stating that the person has passed an examination conducted by the board under section 15A;"

- (4) Section 12(1A)(a)—

Repeal

"section 15(8)"

Substitute

"sections 13A(6), 13B(7) and 15(8)".

16. Section 13 amended (application for registration)

- (1) Section 13, heading—

Repeal

"registration"

Substitute

"full registration".

- (2) Section 13(1)—

Repeal

everything after "qualified"

Substitute

"for full registration may apply to the secretary of the relevant board for full registration."

- (3) After section 13(1)—

Add

"(1A) The 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 proceeding in Hong Kong or elsewhere.”.

(4) Section 13—

Repeal subsections (2) and (3)**Substitute**

- “(2) Subject to subsection (3), if an applicant is qualified for full registration in accordance with section 12 and has complied with subsection (1A), the applicant must be approved by the board for full registration.
- (3) If, after due inquiry into a case referred to it by a Preliminary Investigation Committee in accordance with the regulations, the board is satisfied 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,
 the board may, in its discretion, reject the application.
- (3A) The secretary of the board must notify an applicant in writing of—

- (a) the board’s decision; and
- (b) if the application is rejected, the reason for it.”.

(5) Section 13—

Repeal subsection (4)**Substitute**

- “(4) If an application is approved, the secretary of the board must—
 - (a) notify the applicant the requirement to pay the prescribed fee for registration and the time within which the prescribed fee is to be paid; and
 - (b) after the prescribed fee is paid, enter the applicant’s name in the part of the register in accordance with this Ordinance.
- (5) On the entry of the applicant’s name into the register, the applicant is entitled to—
 - (a) represent himself or herself in the capacity of the profession that the applicant is registered; and
 - (b) subject to section 16(1) and the regulations, practise the profession.”.

17. **Sections 13A and 13B added**

After section 13—

Add**“13A. Limited registration**

- (1) A person may apply to the Council for limited registration.
- (2) The 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 proceeding in Hong Kong or elsewhere.
- (3) On receiving an application made in accordance with subsection (2), the Council must approve the application if—
 - (a) the applicant has been selected for full-time employment as a person with limited registration in a designated institution;
 - (b) the applicant has obtained a qualification outside Hong Kong and the Council is satisfied that the qualification is sufficient for the applicant to perform the scope of work of the employment;
 - (c) unless the applicant is a person with limited registration when the application is made, or was such a person at any time before the application is made—the applicant possesses a valid certificate, issued by a certifying body recognized by the Council from time to time, to practise the relevant profession constituting sufficient evidence of the applicant's competency to practise the relevant profession;

- (d) the applicant has had at least 1 year of full-time post qualification experience that is relevant to the employment; and
- (e) the Council is satisfied that the applicant is of good character and has good professional conduct.
- (4) On approving an application, the Council—
 - (a) must specify a period of not more than 3 years during which the registration is to be in force; and
 - (b) may impose any condition that the Council considers appropriate.
- (5) The Council must notify an applicant in writing of—
 - (a) the Council's decision; and
 - (b) if the application is rejected, the reason for it.
- (6) If an application is approved, the Council must—
 - (a) notify the applicant the requirement to pay the prescribed fee for registration and the time within which the prescribed fee is to be paid; and
 - (b) after the prescribed fee is paid, direct the secretary of the relevant board to enter the applicant's name in the part of the register in accordance with the regulations.
- (7) On the entry of the applicant's name in the register, the applicant is entitled to—
 - (a) represent himself or herself in the capacity of the profession that the applicant is registered; and
 - (b) subject to section 16(1) and the regulations, practise the profession in the designated institution mentioned in subsection (3)(a).
- (8) 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 as a person with limited registration in the designated institution mentioned in subsection (3)(a);
- (c) the removal of the person's name from the register under a direction made under section 10(4);
- (d) the removal of the person's name from the register under an order made under section 22.

13B. Temporary registration

- (1) A relevant institution may apply to the Council for temporary registration of a person (*subject person*) exclusively for conducting clinical demonstration for, or academic exchanges with, the relevant institution.
- (2) The 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 proceeding in Hong Kong or elsewhere.
- (3) On receiving an application made in accordance with subsection (2), the Council may approve or reject it.

- (4) However, the Council must not approve an application unless the Council is satisfied that it is appropriate and necessary for the subject person to be granted temporary registration to enable the person to conduct the clinical demonstration or academic exchanges concerned.
- (5) On approving an application, the Council—
 - (a) must specify a period of not more than 14 days during which the registration is to be in force; and
 - (b) may impose any condition on the subject person that the Council considers appropriate.
- (6) The Council must notify the relevant institution in writing of—
 - (a) the Council's decision; and
 - (b) if the application is rejected, the reason for it.
- (7) If an application is approved, the Council must direct the secretary of the relevant board to enter the subject person's name in the part of the register in accordance with the regulations.
- (8) On the entry of the subject person's name in the register, the subject person is entitled to—
 - (a) represent himself or herself in the capacity of the profession that the subject person is registered; and
 - (b) subject to section 16(1) and the regulations, practise the profession for the purpose of conducting clinical demonstration for, or academic exchanges with, the relevant institution.
- (9) 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 the register under a direction made under section 10(4);
 - (c) the removal of the person's name from the register under an order made under section 22;
 - (d) the Council's receipt of the relevant institution's notice in writing for the termination of the registration.
- (10) For the purposes of this section, an institution is a relevant institution if it is specified as such by the Council by notice published in the Gazette.
- (11) A notice published under subsection (10) is not subsidiary legislation.”.

18. Section 14 amended (certificate of registration)

- (1) Section 14(1)—

Repeal

“registered”

Substitute

“registered (other than under section 13B)”.

- (2) Section 14(1)—

Repeal

“prescribed form”

Substitute

“specified form specifying the type of registration of the person”.

19. Section 15 amended (provisional registration)

- (1) Section 15(2)—

Repeal

everything after “fee”

Substitute

“(if any), to issue to the applicant a certificate of registration under section 14.”.

- (2) Section 15(5)—

Repeal

“provisional”.

- (3) Section 15(7)—

Repeal

“13 shall”

Substitute

“13 (other than subsections (1), (2) and (4))”.

- (4) Section 15(7), after “this section”—

Add

“as if the words “provisional registration” were substituted for the words “full registration” in those sections”.

- (5) Section 15(8)—

Repeal

“provisional”.

20. Section 15B amended (appeal)

- (1) Section 15B(1)(b)—

Repeal

“or”.

- (2) Section 15B(1)(c)—

Repeal the comma

Substitute a semicolon.

(3) After section 15B(1)(c)—

Add

“(d) a decision to reject an application for a practising certificate under section 16; or

(e) a decision to specify a condition in a practising certificate under section 16.”.

21. Section 16 amended (registered person not to practise without practising certificate)

(1) Section 16—

Repeal subsection (1)

Substitute

“(1) A registered person must not practise a profession in Hong Kong unless the person is the holder of a practising certificate of that profession that is in force.”.

(2) Section 16—

Repeal subsection (2)

Substitute

“(2) Subject to subsection (2A), a board must issue a practising certificate in the specified form to a registered person if—

(a) the person applies for a practising certificate to a board, that is the relevant board of the person’s profession;

(b) the application is made in the specified form and contains information on the person’s employment and practice as required by the specified form;

(c) for a person who is not applying for a practising certificate for the first time—the application is supported by a declaration by the person stating—

(i) whether, since the date of the person’s last application for a practising certificate, the person has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment; and

(ii) if the person has been so convicted—the details of the conviction; and

(d) the prescribed fee for the application has been paid.”.

(3) After section 16(2)—

Add

“(2A) If a person applying for a practising certificate—

(a) is a person with full registration, limited registration or provisional registration; and

(b) is not applying for a practising certificate for the first time,

the board must not issue a practising certificate to the person unless the board is satisfied that the person has complied with the requirement regarding continuing professional development determined by the Council as applicable to the person.

(2B) When issuing the practising certificate, the board may—

(a) if the person to whom the practising certificate is issued is a person with full registration or provisional registration—specify in the practising certificate any condition that the board considers appropriate; or

(b) if the person to whom the practising certificate is issued is a person with limited registration or temporary registration—specify in the practising

certificate any condition that the board considers appropriate, subject to the approval of the Council.”.

(4) Section 16—

Repeal subsection (3)

Substitute

“(3) If a board issues a practising certificate to a person with full registration or provisional registration, the certificate is in force, subject to subsection (5), beginning on the date specified in the certificate (*specified day*) and ending on the date immediately before the third anniversary of the first day of the processing cycle on which the specified day falls.

(3A) A practising certificate issued to a person with limited registration is in force, subject to subsection (5), for a period of not more than 3 years, as specified in the certificate, beginning on the date of issue of the certificate.

(3B) A practising certificate issued to a person with temporary registration is in force, subject to subsection (5), for a period of not more than 14 days, as specified in the certificate, beginning on the date of issue of the certificate.”.

(5) Section 16(6)—

Repeal

everything after “secretary”

Substitute

“of the board and has paid the prescribed fee mentioned in subsection (2)(d).”.

(6) After section 16(6)—

Add

“(6A) If—

(a) the board issues a practising certificate to a person; or

(b) the board rejects an application made under subsection (2) by a person,

subsection (6) ceases to have effect in relation to that person.”.

(7) After section 16(7)—

Add

“(8) In subsection (3)—

processing cycle (處理周期) means a period of 12 months beginning on 1 July of each year.”.

22. **Section 17 repealed (recovery of practising fees)**

Section 17—

Repeal the section.

23. **Section 18A amended (applicants under section 15 deemed to be registered)**

Section 18A(2)—

Repeal

“declining his”

Substitute

“rejecting the person’s”.

24. **Section 20 amended (companies may carry on professions by way of trade or business)**

(1) Section 20(2)(a)—

Repeal

“(in this section called *professionally qualified director*) is a person who”

Substitute

“(professionally qualified director) is a person”.

(2) Section 20(2)(a)(i)—

Repeal

“is registered”

Substitute

“who is with full registration or provisional registration”.

(3) Section 20(2)(a)(ii)—

Repeal

“satisfies”

Substitute

“who satisfies”.

(4) Section 20(3)—

Repeal

“prescribed form”

Substitute

“specified form”.

(5) Section 20(3)(c)—

Repeal

“prescribed”

Substitute

“specified by the Council”.

25. **Section 21A added**
Part IV, after section 21—

Add

“21A. Practice of profession subject to supervision or referral requirements

A registered person must not practise a profession in Hong Kong unless the person complies with the supervision or referral requirements (as the case requires) under the regulations.”.

26. **Section 22 amended (disciplinary powers of board)**

(1) After section 22(1)(b)—

Add

“(ba) has contravened any condition imposed under section 13A or 13B, or specified under section 16;”.

(2) Section 22—

Repeal subsection (5).

27. **Section 23 amended (powers of boards at inquiries)**

Section 23(2)—

Repeal

“prescribed form”

Substitute

“specified form”.

28. **Section 24 amended (provisions relating to decisions and orders of boards)**

Section 24(1)—

Repeal

“of any decision of the board under section 13(3) or”.

29. Section 25 amended (appeals to Court of Appeal)**(1) Section 25(1)—****Repeal**

everything before “to the Court”

Substitute

“(1) A person who is aggrieved by—

- (a) a board’s decision rejecting the person’s application for registration under section 13;
- (b) the Council’s decision rejecting the person’s application for registration under section 13A or 13B;
- (c) the Council’s decision imposing a condition under section 13A or 13B;
- (d) a board’s decision relating to admission to provisional registration under section 15;
- (e) a board’s decision rejecting the person’s application for a practising certificate under section 16;
- (f) a board’s decision specifying a condition under section 16; or
- (g) an order made in respect of the person under section 22(1),

may appeal”.

(2) Section 25(5)—**Repeal**

everything after “against”

Substitute

“the decision or order referred to in subsection (1) unless notice of the appeal was given within 1 month of the service of the decision or the order (whichever is applicable) on the person.”.

30. Section 26 amended (boards may prepare Codes of Practice)**Section 26(1B)—****Repeal**

everything after “operation”

Substitute

“unless it is approved by the Council.”.

31. Section 29 amended (regulations)**(1) Section 29(1B)—****Repeal paragraph (a)****Substitute**

“(a) the establishment and functions of one or more committees for each profession, each to be known as a Preliminary Investigation Committee, to make such preliminary investigation as it considers appropriate regarding any complaint or information that may be the subject of an inquiry by a board under this Ordinance and to determine whether or not there is to be an inquiry;”.

(2) Section 29(1B)—**Repeal paragraph (d).****(3) Section 29(1B)—****Repeal paragraph (e)****Substitute**

“(e) specifying the entry of the names of registered persons in different parts of the register according to the types of registration, qualifications and experience of the persons;”.

(4) Section 29(1B)—**Repeal paragraphs (g) and (h).**

- (5) Section 29(1B)(p)—

Repeal

“for registration”

Substitute

“for full registration or provisional registration”.

- (6) After section 29(1B)—

Add

“(1C) Regulations made under subsection (1B) may empower the Council to specify by notice published in the Gazette—

- (a) the qualification and (as the case requires) experience required for full registration in a profession for the purposes of section 12(1)(a)(i);
- (b) the qualification, training or experience required in a profession to practise that profession without supervision;
- (c) the qualification, training or experience required for a person with full registration to be entered in different parts of the register of a profession; and
- (d) the qualification, training or experience for the categorization of registered persons in a profession.”.

- (7) Section 29(3)(a), English text—

Repeal

“regulate, the practice”

Substitute

“regulate the practice.”.

- (8) Section 29(3)(a)—

Repeal

“prescribed under subsection (1B)(d)”

Substitute

“specified by the Council under the regulations made under subsection (1B)”.

- (9) Section 29(3)(c)—

Repeal

“section.”

Substitute

“section; and”.

- (10) After section 29(3)(c)—

Add

“(d) prohibit, restrict or otherwise regulate the practice, otherwise than on referral by a person specified in the regulations, by registered persons of their profession.”.

32. Section 30 amended (disapplication of certain provisions to certain classes of person)

- (1) Section 30(1)(c)—

Repeal

“or”.

- (2) Section 30(1)(d)—

Repeal

“within the meaning of the Hospital Authority Ordinance (Cap. 113),”

Substitute a semicolon.

- (3) After section 30(1)(d)—

Add

- “(e) holds an appointment at the Primary Healthcare Commission; or
- (f) holds an appointment at The Chinese Medicine Hospital of Hong Kong.”.

(4) Section 30(2), after “13,”—

Add

“13A, 13B,”.

33. Sections 33 to 36 added

After section 32—

Add

“33. Council may specify forms

- (1) The Council may specify—
 - (a) the form for 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) The Council’s power under subsection (1)(a) includes the power to specify in the specified form a statutory declaration (whether attached to the form or not)—
 - (a) to be made by the person completing the form; and
 - (b) as to whether the particulars contained in the form are true and correct to the best of the person’s knowledge and belief.
- (3) A form specified under subsection (1)(a) must—
 - (a) be completed in accordance with the directions and instructions as specified in the form; and

- (b) be accompanied by the statements, certificates or any other documents as specified in the form.

34. 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, or a board, in relation to the performance of its functions or the exercise of its powers.
- (2) The Council and the board must comply with any direction given under subsection (1).

35. Amendment of Schedule 2

The Secretary for Health may, by notice published in the Gazette, amend Schedule 2.

36. Savings and transitional provisions relating to Supplementary Medical Professions (Amendment) Ordinance 2025 (of 2025)

The savings and transitional provisions as set out in Schedule 3 have effect.”.

34. Schedule renumbered

The Schedule—

Renumber the Schedule as Schedule 1.

35. Schedules 2 and 3 added

After Schedule 1—

Add

“Schedule 2

[ss. 2B & 35]

Designated Institutions**Part 1****Institutions Specified for Section 2B(1)(a)**

1. Department of Health
2. Hospital Authority
3. Primary Healthcare Commission
4. The Chinese Medicine Hospital of Hong Kong

Part 2**Categories of Institution Specified for Section 2B(1)(b)**

1. A university, school or institution operating programmes for conferring or awarding qualifications for the purposes of section 12(1)(a)
2. An institution providing the types of employment for which limited registration is appropriate or necessary as determined and promulgated by the Council by notice published in the Gazette

Part 3**Supplementary Provision to Part 2 of this Schedule**

1. A notice published for the purposes of item 2 of Part 2 of this Schedule is not subsidiary legislation.

Schedule 3

[s. 36]

**Savings and Transitional Provisions relating to
Supplementary Medical Professions
(Amendment) Ordinance 2025****Part 1****Preliminary****1. Interpretation of Schedule 3**

In this Schedule—

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

Amendment Ordinance (《修訂條例》) means the Supplementary Medical Professions (Amendment) Ordinance 2025 (of 2025).

2. **Provisions not to derogate from section 23 of Interpretation and General Clauses Ordinance**

The provisions in this Schedule are in addition to and not in derogation of section 23 of the Interpretation and General Clauses Ordinance (Cap. 1).

Part 2

Matters relating to Change of Short Title

3. **Interpretation of Part 2 of Schedule 3**

In this Part—

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

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

4. **Pre-existing decisions etc. not affected**

Unless otherwise provided in this Schedule, the coming into operation of any provision of the Amendment Ordinance does not affect—

- (a) the validity of any decision, determination, order, direction, sanction or action, or any other act, that was made, given, imposed, taken or done under the pre-amended Ordinance before the commencement date; and

- (b) the taking effect of any such decision, determination, order, direction, sanction, action or act.

Part 3

Matters relating to Council and Boards

Division 1—Terms of Office of Members etc. and Hearing of Inquiries

5. **Interpretation of Division 1 of Part 3 of Schedule 3**

In this Division—

commencement date (生效日期) means the date on which sections 7 and 10(1), (2), (3), (6), (7) and (8) of the Amendment Ordinance come into operation;

former board (前委員會) means a board established under section 5(1) of the pre-amended Ordinance;

former Council (前管理局) means the Council established under section 3(1) of the pre-amended Ordinance;

PIC (初步調查小組) means—

- (a) a Preliminary Investigation Committee established under regulation 17 of the pre-amended Cap. 359A;
- (b) a Preliminary Investigation Committee established under regulation 17 of the pre-amended Cap. 359B;
- (c) a Preliminary Investigation Committee established under section 17 of the pre-amended Cap. 359F;
- (d) a Preliminary Investigation Committee established under section 20 of the pre-amended Cap. 359H; or

- (e) a Preliminary Investigation Committee established under section 17 of the pre-amended Cap. 359J;

pre-amended Cap. 359A (《原有第 359A 章》) means the Medical Laboratory Technologists (Registration and Disciplinary Procedure) Regulations (Cap. 359 sub. leg. A) as in force immediately before the commencement date;

pre-amended Cap. 359B (《原有第 359B 章》) means the Occupational Therapists (Registration and Disciplinary Procedure) Regulations (Cap. 359 sub. leg. B) as in force immediately before the commencement date;

pre-amended Cap. 359F (《原有第 359F 章》) means the Optometrists (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. F) as in force immediately before the commencement date;

pre-amended Cap. 359H (《原有第 359H 章》) means the Radiographers (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. H) as in force immediately before the commencement date;

pre-amended Cap. 359J (《原有第 359J 章》) means the Physiotherapists (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. J) as in force immediately before the commencement date;

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

6. 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 3(1) 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 3 of the pre-amended Ordinance, the term of office of the person is to be regarded as having expired when the commencement date begins.

7. Former members of boards

- (1) This section applies if—
- (a) before the commencement date, a person was appointed as a member of a former board described in section 5(1)(a), (b) or (c) 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 5 of the pre-amended Ordinance, the term of office of the person is, subject to section 9 of this Schedule, to be regarded as having expired when the commencement date begins.

8. Secretary of, and legal adviser to, Council

- (1) On and after the commencement date, the person who was appointed under section 3(4)(a) of the pre-amended Ordinance as the secretary of the former Council and was holding that office immediately before the commencement date continues to hold office as the secretary of the Council as if the person were appointed as the secretary of the Council under section 3(4)(a) of the amended Ordinance.

- (2) On and after the commencement date, the person who was appointed under section 3(4)(b) of the pre-amended Ordinance as a legal adviser to the former Council and was holding that office immediately before the commencement date continues to hold office as a legal adviser to the Council as if the person were appointed as a legal adviser of the Council under section 3(4)(b) of the amended Ordinance.

9. Cases referred to board

- (1) This section applies if, before the commencement date—
- (a) a PIC has determined to refer a case against a person (*person charged*) to a former board under any of the following provisions (whichever is applicable) for an inquiry to be held—
 - (i) regulation 21(2)(b) of the pre-amended Cap. 359A;
 - (ii) regulation 21(2)(b) of the pre-amended Cap. 359B;
 - (iii) section 21(2)(b) of the pre-amended Cap. 359F;
 - (iv) section 24(2)(b) of the pre-amended Cap. 359H;
 - (v) section 21(2)(b) of the pre-amended Cap. 359J;
 - (b) the secretary of the former board has read the notice of inquiry at the opening of an inquiry held for the case in accordance with any of the following provisions (whichever is applicable)—
 - (i) regulation 32(1) of the pre-amended Cap. 359A;

- (ii) regulation 32(1) of the pre-amended Cap. 359B;
 - (iii) section 32(1) of the pre-amended Cap. 359F;
 - (iv) section 35(1) of the pre-amended Cap. 359H;
 - (v) section 32(1) of the pre-amended Cap. 359J; and
 - (c) the case has not been disposed of by the former board.
- (2) For the purposes of subsection (1)(c), a case has been disposed of by a former board if—
- (a) the former board has announced, under any of the following provisions (whichever is applicable), that the person charged is not guilty—
 - (i) regulation 35 or 37 of the pre-amended Cap. 359A;
 - (ii) regulation 35 or 37 of the pre-amended Cap. 359B;
 - (iii) section 35 or 37 of the pre-amended Cap. 359F;
 - (iv) section 38 or 40 of the pre-amended Cap. 359H;
 - (v) section 35 or 37 of the pre-amended Cap. 359J; or
 - (b) the former board has announced under any of the provisions (whichever is applicable) referred to in paragraph (a) that the person charged is guilty and an order has been made or a decision has been announced by the former board under any of the following provisions (whichever is applicable)—

- (i) regulation 38 or 40 of the pre-amended Cap. 359A;
 - (ii) regulation 38 or 40 of the pre-amended Cap. 359B;
 - (iii) section 38 or 40 of the pre-amended Cap. 359F;
 - (iv) section 41 or 43 of the pre-amended Cap. 359H;
 - (v) section 38 or 40 of the pre-amended Cap. 359J.
- (3) On and after the commencement date, to the extent that it relates to the hearing of the inquiry, section 5 of the pre-amended Ordinance continues to apply in relation to the membership of the former board (including a vacancy in the membership).

Division 2—Complaints to Preliminary Investigation Committee

10. Interpretation of Division 2 of Part 3 of Schedule 3

In this Division—

commencement date (生效日期) means the date on which sections 108 and 168 of the Amendment Ordinance come into operation.

11. Complaint or information submitted to former PIC under pre-amended Cap. 359F

- (1) This section applies if, before the commencement date—
- (a) the secretary of the board has submitted a complaint (as defined by section 18(2) of the pre-amended Cap. 359F) to the former PIC under section 18 of the pre-amended Cap. 359F; and

- (b) the former PIC has not determined under section 21(2) of the pre-amended Cap. 359F as to whether the complaint is to be referred to the board for inquiry.
- (2) On and after the commencement date, sections 20 and 21 of the pre-amended Cap. 359F continue to apply in relation to the consideration of the complaint for the purpose of determining whether the complaint should be referred to the board for inquiry.
- (3) In this section—
- former PIC** (前初步調查小組) means the Preliminary Investigation Committee established under section 17 of the pre-amended Cap. 359F;
- pre-amended Cap. 359F** (《原有第 359F 章》) means the Optometrists (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. F) as in force immediately before the commencement date.

12. Complaint or information submitted to former PIC under pre-amended Cap. 359J

- (1) This section applies if, before the commencement date—
- (a) the secretary of the board has submitted a complaint (as defined by section 18(2) of the pre-amended Cap. 359J) to the former PIC under section 18 of the pre-amended Cap. 359J; and
 - (b) the former PIC has not determined under section 21(2) of the pre-amended Cap. 359J as to whether the complaint is to be referred to the board for inquiry.
- (2) On and after the commencement date, sections 20 and 21 of the pre-amended Cap. 359J continue to apply in relation to the consideration of the complaint for the

purpose of determining whether the complaint should be referred to the board for inquiry.

(3) In this section—

former PIC (前初步調查小組) means the Preliminary Investigation Committee established under section 17 of the pre-amended Cap. 359J;

pre-amended Cap. 359J (《原有第 359J 章》) means the Physiotherapists (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. J) as in force immediately before the commencement date.

Part 4

Matters relating to Registration

13. Interpretation of Part 4 of Schedule 3

In this Part—

commencement date (生效日期) means the date on which section 15 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 Ordinance;

existing register (原有註冊名冊), in relation to a profession, means the register for that profession kept under section 10(1) of the pre-amended Ordinance;

existing registrant (原有註冊人) means a person whose name was entered in an existing register immediately before the commencement date in accordance with section 13 of the pre-amended Ordinance;

new register (新註冊名冊) in relation to a profession, means the register for that profession kept under section 10(1) of the amended Ordinance;

pre-amended Cap. 359A (《原有第 359A 章》) means the Medical Laboratory Technologists (Registration and Disciplinary Procedure) Regulations (Cap. 359 sub. leg. A) as in force immediately before the commencement date;

pre-amended Cap. 359B (《原有第 359B 章》) means the Occupational Therapists (Registration and Disciplinary Procedure) Regulations (Cap. 359 sub. leg. B) as in force immediately before the commencement date;

pre-amended Cap. 359F (《原有第 359F 章》) means the Optometrists (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. F) as in force immediately before the commencement date;

pre-amended Cap. 359H (《原有第 359H 章》) means the Radiographers (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. H) as in force immediately before the commencement date;

pre-amended Cap. 359J (《原有第 359J 章》) means the Physiotherapists (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. J) as in force immediately before the commencement date;

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

qualification amendments (資格修訂) means the amendments to—

- (a) section 12(1)(a) of the pre-amended Ordinance by section 15(3) of the Amendment Ordinance;

- (b) regulation 4 of the pre-amended Cap. 359A by section 38 of the Amendment Ordinance;
- (c) regulation 4 of the pre-amended Cap. 359B by section 67 of the Amendment Ordinance;
- (d) section 4 of the pre-amended Cap. 359F by section 96 of the Amendment Ordinance;
- (e) section 6 of the pre-amended Cap. 359H by section 126 of the Amendment Ordinance; and
- (f) section 4 of the pre-amended Cap. 359J by section 157 of the Amendment Ordinance;

regulation (《規例》) means a regulation made under section 29 of the amended Ordinance.

14. Registration

The qualification amendments do not affect the validity of any registration approved under section 13 of the pre-amended Ordinance before the commencement date and that is subsisting on that date.

15. Registration and register

- (1) On the commencement date, an existing registrant is to be regarded as a person with full registration.
- (2) Accordingly, the secretary of the relevant board for a profession must, on the commencement date, transfer the name and particulars of each person whose name and particulars are contained in a part of the existing register to the corresponding part of the new register in accordance with the regulations.

16. Certificate of registration

- (1) On and after the commencement date, a certificate of registration issued to an existing registrant under section 14(1) of the pre-amended Ordinance that was in force immediately before the commencement date (*existing certificate of registration*) continues to be in force as if it were issued under section 14(1) of the amended Ordinance to a person with full registration.
- (2) Accordingly, a duplicate or certified copy of an existing certificate of registration is to be regarded as a duplicate or certified copy of a certificate of registration issued under section 14(1) of the amended Ordinance to a person with full registration.
- (3) On and after the commencement date, a certificate of provisional registration issued to a person with provisional registration under section 15(2) of the pre-amended Ordinance that was in force immediately before the commencement date (*existing certificate of provisional registration*) continues to be in force as if it were a certificate of registration issued under section 14(1) of the amended Ordinance to a person with provisional registration.
- (4) Accordingly, a duplicate or certified copy of an existing certificate of provisional registration is to be regarded as a duplicate or certified copy of a certificate of registration issued under section 14(1) of the amended Ordinance to a person with provisional registration.

17. Pending application for registration

- (1) An application made under section 13 of the pre-amended Ordinance that was pending immediately before the

commencement date is, subject to subsections (2) and (3), 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 secretary of the board for the profession must, after the existing prescribed fee is paid—
 - (a) enter the applicant's name in the corresponding part of the new register in accordance with the regulations; and
 - (b) issue to the applicant a certificate of registration under section 14(1) of the amended Ordinance.
- (3) If an application referred to in subsection (1) is rejected on or after the commencement date, the decision is to be regarded as a decision made by a board to reject an application under section 13(3) of the amended Ordinance and sections 13(3A) and (as the case requires) 25 of the amended Ordinance apply in relation to the decision accordingly.

18. Pending application for restoration of name to register

- (1) This section applies if—
 - (a) before the commencement date, a person's name was removed from a part of an existing register (*original part*);
 - (b) the person has, before the commencement date, applied to the relevant board for the restoration of the person's name to the original part under section 10(5) of the pre-amended Ordinance; and
 - (c) the application was pending the decision of the relevant board immediately before the commencement date.

- (2) The application is, subject to subsections (3) and (4), to continue to be processed under section 10(5) of the pre-amended Ordinance.
- (3) If the application is approved on or after the commencement date, the board for the profession must direct the secretary of the board to restore the person's name to the part of the new register that corresponds to the original part in accordance with the regulations.
- (4) The secretary of the board must, after the existing prescribed fee is paid, restore the person's name accordingly.
- (5) Subsections (6) and (7) apply if on the restoration of the person's name, the person is a person whose name was entered in an existing register in accordance with section 13 of the pre-amended Ordinance immediately before the removal.
- (6) The certificate of registration issued to the person under section 14(1) of the pre-amended Ordinance that was in force immediately before the removal (*original certificate of registration*) is to be regarded as being in force as if it were issued under section 14(1) of the amended Ordinance to a person with full registration.
- (7) Accordingly, a duplicate or certified copy of an original certificate of registration is to be regarded as a duplicate or certified copy of a certificate of registration issued under section 14(1) of the amended Ordinance to a person with full registration.
- (8) Subsections (9) and (10) apply if on the restoration of the person's name, the person is a person whose name was entered in an existing register in accordance with section 15 of the pre-amended Ordinance immediately before the removal.

- (9) The certificate of provisional registration issued to the person under section 15(2) of the pre-amended Ordinance that was in force immediately before the removal (*original certificate of provisional registration*) is to be regarded as being in force as if it were issued under section 14(1) of the amended Ordinance to a person with provisional registration.
 - (10) Accordingly, a duplicate or certified copy of an original certificate of provisional registration is to be regarded as a duplicate or certified copy of a certificate of registration issued under section 14(1) of the amended Ordinance to a person with provisional registration.
- 19. Restoration of name removed from register under pre-amended Ordinance (other than one removed for specified period)**
- (1) This section applies if—
 - (a) before the commencement date, a person's name was removed from a part of an existing register under section 22(1)(i) of the pre-amended Ordinance; and
 - (b) either—
 - (i) there was no pending application under section 10(5) of the pre-amended Ordinance for the restoration of the person's name to the existing register immediately before the commencement date; or
 - (ii) there was such an application immediately before the commencement date but the application was rejected.

- (2) Section 10 of the amended Ordinance applies in relation to the person as if the person's name were removed from a corresponding part of a new register in accordance with the provisions of the amended Ordinance.
- 20. Restoration of name removed under pre-amended Ordinance for specified period**
- (1) This section applies if—
 - (a) before the commencement date, a person's name was removed from a part of an existing register for a period under section 22(1)(ii) of the pre-amended Ordinance; and
 - (b) either—
 - (i) there was no pending application under section 10(5) of the pre-amended Ordinance for the restoration of the person's name to the existing register immediately before the commencement date; or
 - (ii) there was such an application immediately before the commencement date but the application was rejected.
 - (2) Section 10 of the amended Ordinance applies in relation to the person as if the person's name were removed from a part of a new register on an order made under section 22(1)(ii) of the amended Ordinance with a right to apply for restoration under section 10 of the amended Ordinance after the expiry of the period.
 - (3) Subsections (4) and (5) apply if on the restoration of the person's name, the person is a person whose name was entered in an existing register in accordance with section 13 of the pre-amended Ordinance immediately before the removal.

- (4) The certificate of registration issued to the person under section 14(1) of the pre-amended Ordinance that was in force immediately before the removal (*original certificate of registration*) is to be regarded as being in force as if it were issued under section 14(1) of the amended Ordinance to a person with full registration.
- (5) Accordingly, a duplicate or certified copy of an original certificate of registration is to be regarded as a duplicate or certified copy of a certificate of registration issued under section 14(1) of the amended Ordinance to a person with full registration.
- (6) Subsections (7) and (8) apply if on the restoration of the person's name, the person is a person whose name was entered in an existing register in accordance with section 15 of the pre-amended Ordinance immediately before the removal.
- (7) The certificate of provisional registration issued to the person under section 15(2) of the pre-amended Ordinance that was in force immediately before the removal (*original certificate of provisional registration*) is to be regarded as being in force as if it were issued under section 14(1) of the amended Ordinance to a person with provisional registration.
- (8) Accordingly, a duplicate or certified copy of an original certificate of provisional registration is to be regarded as a duplicate or certified copy of a certificate of registration issued under section 14(1) of the amended Ordinance to a person with provisional registration.

21. Existing practising certificate issued to registered person

- (1) On and after the commencement date, a practising certificate issued to a person under section 16(2) of the pre-amended Ordinance that was in force immediately before the commencement date (*existing certificate*) continues to be in force for the unexpired period.
- (2) If the person is an existing registrant, the existing certificate is regarded as a practising certificate issued to a person with full registration.

22. Pending application for practising certificate

- (1) Subject to subsections (2), (3) and (4), the pre-amended Ordinance applies in relation to an application for the issue of a practising certificate under section 16 of the pre-amended Ordinance made by a registered person that was pending immediately before the commencement date.
- (2) If an application referred to in subsection (1) is approved on or after the commencement date and the person is an existing registrant, the board must, after the existing prescribed fee is paid, issue a practising certificate under section 16 of the amended Ordinance to the person as if the application were made by a person with full registration.
- (3) If an application referred to in subsection (1) is approved on or after the commencement date and the person is a person with provisional registration, the board must, after the existing prescribed fee is paid, issue a practising certificate under section 16 of the amended Ordinance to the person as if the application were made by a person with provisional registration.

- (4) A practising certificate issued under subsection (2) or (3) is in force for a period in accordance with section 16(3) of the pre-amended Ordinance.”.

Part 3

Amendments to Medical Laboratory Technologists (Registration and Disciplinary Procedure) Regulations (Cap. 359 sub. leg. A)

36. Regulation 2 amended (interpretation)

- (1) Regulation 2—

Repeal the definition of *Chairman of the Board*

Substitute

“*Chairman of the Board* (委員會主席)—

- (a) means the chairman of the Board appointed under section 5(3A) of the Ordinance; and
- (b) includes any person appointed to act as chairman of the Board under section 7(4) of the Ordinance;”.

- (2) Regulation 2, English text, definition of *Committee*—

Repeal

“the”

Substitute

“a”.

- (3) Regulation 2, definition of *complainant*, paragraph (b), after “technologist”—

Add

“with full registration or provisional registration”.

- (4) Regulation 2, English text, definition of *Legal Adviser*—

Repeal

“the legal”

Substitute

“a legal”.

- (5) Regulation 2, definition of
- medical laboratory technologist*
-

Repeal

“the Schedule”

Substitute

“Schedule 1”.

- (6) Regulation 2, definition of
- respondent*
- , after “a medical laboratory technologist”—

Add

“with full registration or provisional registration”.

- (7) Regulation 2—

Repeal the definition of *Chairman of the Committee*.

- (8) Regulation 2—

Add in alphabetical order“*Code of Practice* (執業守則) means a Code of Practice prepared under section 26 of the Ordinance;”.**37. Regulation 3 substituted**

Regulation 3—

Repeal the regulation**Substitute****“3. Register**

- (1) The register is to be in the specified form.
- (2) The register is to be divided into 5 parts, namely, Part I, Part II, Part III, Part IV and Part V.”.

38. Regulation 4 substituted

Regulation 4—

Repeal the regulation**Substitute****“4. Council to specify qualifications and experience**

- (1) For the purposes of section 12(1)(a)(i) of the Ordinance, the Council may, by notice published in the Gazette, specify the qualification and (as the case requires) the experience required for registration as a medical laboratory technologist with full registration.
- (2) For the purposes of regulation 5(1)(a), the Council may, by notice published in the Gazette, specify the qualification and experience required for a medical laboratory technologist with full registration to be entered in Part I or Part II of the register.
- (3) The qualification specified in the notice under subregulation (1) or (2) must be a qualification conferred or awarded by a university, school or institution in Hong Kong.
- (4) The qualification specified in the notice under subregulation (2) must be the same qualification as that specified under subregulation (1).
- (5) A notice published under subregulation (1) or (2) is not subsidiary legislation.”.

39. Regulation 5 substituted

Regulation 5—

Repeal the regulation**Substitute**

“5. Entry in register

- (1) For the purposes of section 13(4) of the Ordinance, the Secretary must enter in Part I or Part II of the register the name of a medical laboratory technologist registered under section 13 of the Ordinance according to—
 - (a) the medical laboratory technologist’s qualification and experience, and the notice published under regulation 4(2); or
 - (b) the Council’s determination under section 12(1A) of the Ordinance.
- (2) For the purposes of section 13A(6) of the Ordinance, the Secretary must enter in Part IV of the register the name of a medical laboratory technologist registered under section 13A of the Ordinance.
- (3) For the purposes of section 13B(7) of the Ordinance, the Secretary must enter in Part V of the register the name of a medical laboratory technologist registered under section 13B of the Ordinance.
- (4) For the purposes of section 15(8) of the Ordinance, the Secretary must enter in Part III of the register the name of a medical laboratory technologist registered under section 15 of the Ordinance.”

40. Regulation 6 amended (restrictions on the practice of Part II and Part III medical laboratory technologists)

- (1) Regulation 6, heading—

Repeal**“the practice of Part II and Part III”****Substitute****“practice of”.**

- (2) Before regulation 6(1)—

Add

- “(1AA) A medical laboratory technologist must not perform any tests for the purpose of medical diagnosis or treatment unless the test is on referral by a registered medical practitioner.
- (1AB) Despite subregulation (1AA), a medical laboratory technologist may perform the test on referral by—
 - (a) if the technologist is a CMHHK technologist providing services that are authorized by The Chinese Medicine Hospital of Hong Kong to a CMHHK patient—a CMHHK Chinese medicine practitioner; or
 - (b) if the performance of the test falls within the circumstances specified in the Code of Practice for the purpose of referral—
 - (i) a registered Chinese medicine practitioner;
 - (ii) a registered dentist as defined by section 2(1) of the Dentists Registration Ordinance (Cap. 156); or
 - (iii) a registered veterinary surgeon as defined by section 2 of the Veterinary Surgeons Registration Ordinance (Cap. 529).”

- (3) Regulation 6(1), English text—

Repeal**“has been”****Substitute****“is”.**

- (4) Regulation 6(2), English text—

Repeal

“has been” (wherever appearing)

Substitute

“is”.

- (5) After regulation 6(2)—

Add

“(3) In this regulation—

CMHHK Chinese medicine practitioner (香港中醫醫院中醫) means a registered Chinese medicine practitioner who is authorized by The Chinese Medicine Hospital of Hong Kong to provide services to a CMHHK patient;

CMHHK patient (香港中醫醫院病人) means a patient of The Chinese Medicine Hospital of Hong Kong;

CMHHK technologist (香港中醫醫院化驗師) means a medical laboratory technologist who is authorized by The Chinese Medicine Hospital of Hong Kong to provide services to a CMHHK patient;

registered Chinese medicine practitioner (註冊中醫) has the meaning given by section 2(1) of the Chinese Medicine Ordinance (Cap. 549).”.

41. **Regulation 7 amended (application for registration or provisional registration)**

- (1) Regulation 7, heading, after “for”—

Add

“full”.

- (2) Regulation 7—

Repeal subregulations (1) and (2).

42. **Regulation 9 repealed (certificates of registration and provisional registration)**

Regulation 9—

Repeal the regulation.

43. **Regulation 10 amended (examinations)**

Regulation 10(2)—

Repeal

“determine”

Substitute

“determine, subject to the approval of the Council”.

44. **Regulation 12 repealed (application for, and issue of, practising certificates)**

Regulation 12—

Repeal the regulation.

45. **Regulation 14 repealed (statement by company)**

Regulation 14—

Repeal the regulation.

46. **Regulation 17 amended (Preliminary Investigation Committee)**

- (1) Regulation 17(1)—

Repeal

“there shall be a Preliminary Investigation Committee”

Substitute

“the Board may establish one or more Preliminary Investigation Committees, each”.

- (2) Regulation 17(2), English text—

Repeal

“the Committee shall hold”

Substitute

“a Committee hold”.

(3) **Regulation 17(3)—****Repeal**

“shall apply to the”

Substitute

“applies to a”.

47. Regulation 18 amended (submission of complaint or information)

Regulation 18—

Repeal subregulation (1)**Substitute**

“(1) If—

- (a) a complaint is made to the Secretary in respect of a registered medical laboratory technologist as to any one or more of the matters referred to in paragraphs (a), (b), (ba), (c), (d) and (e) of section 22(1) of the Ordinance; or
- (b) information is received by the Secretary in respect of an applicant for registration as a medical laboratory technologist with full registration or provisional registration as to any one or more of the matters referred to in paragraphs (a), (b) and (c) of section 13(3) of the Ordinance,

the Secretary must submit the complaint or that information to the chairman of a Committee.”.

48. Regulation 19 amended (complaint touching conduct)

Regulation 19(1)—

Repeal

everything before “require”

Substitute

“(1) If, in a complaint submitted by the Secretary to the chairman of a Committee under regulation 18, any allegation is made which, in the opinion of the chairman of the Committee, gives rise to a question whether—

- (a) a registered medical laboratory technologist falls within the description of any one or more of the matters referred to in paragraphs (a), (b), (ba), (c), (d) and (e) of section 22(1) of the Ordinance; or
- (b) an applicant for registration as a medical laboratory technologist with full registration or provisional registration falls within the description of any one or more of the matters referred to in paragraphs (a), (b) and (c) of section 13(3) of the Ordinance,

the chairman of the Committee may”.

49. Regulation 20 amended (reference of complaint to the Committee)

(1) Regulation 20, English text, heading—

Repeal

“the”.

(2) Regulation 20(1), English text—

Repeal

“Chairman”

Substitute

“chairman”.

50. Regulation 21 amended (consideration of complaint by the Committee)

(1) Regulation 21, English text, heading—

Repeal

“the”.

(2) Regulation 21(1)—

Repeal

“considered”

Substitute

“considered by a Committee”.

51. Regulation 22 amended (determination of Committee that no inquiry be held)

(1) Regulation 22(1), English text—

Repeal

“the Committee”

Substitute

“a Committee”.

(2) Regulation 22—

Repeal subregulation (2).

52. Regulation 23 amended (determination of Committee that inquiry be held)

(1) Before regulation 23(1)—

Add

“(1AA) If a Committee determines that an inquiry must be held, the Committee must refer the case to the Board and the

chairman of the Committee must notify the Chairman of the Board of the matters into which inquiry is to be made.”.

(2) Regulation 23(1)—

Repeal

“regulation 22(2)”

Substitute

“subregulation (1AA)”.

(3) Regulation 23(1)—

Repeal

“which shall be in accordance with Form 4 in Schedule 2”

Substitute

“in the specified form”.

53. Regulation 38 amended (making of an order or postponement to future meeting)

(1) Regulation 38(b)—

Repeal

“applicant for registration”

Substitute

“applicant for full registration or provisional registration”.

(2) Regulation 38(b), English text—

Repeal

“decline his”

Substitute

“reject the respondent’s”.

54. Regulation 40 amended (making of order at future meeting)**(1) Regulation 40(b)—****Repeal**

“applicant for registration”

Substitute

“applicant for full registration or provisional registration”.

(2) Regulation 40(b), English text—**Repeal**

“decline his”

Substitute

“reject the respondent’s”.

55. Regulation 41 amended (opportunity for mitigation)**Regulation 41(1), English text—****Repeal**

“decline his”

Substitute

“reject the respondent’s”.

56. Regulation 42 amended (evidence)**Regulation 42(2)—****Repeal**

“shall be in accordance with Form 5 in Schedule 2”

Substitute

“must be in the specified form”.

57. Regulation 43 amended (voting)**Regulation 43(4), English text—****Repeal**

“the Legal”

Substitute

“a Legal”.

58. Regulation 44 amended (inquiry by the Board)**(1) Regulation 44, English text—****Repeal**

“The Legal”

Substitute

“A Legal”.

(2) Regulation 44—**Repeal**

“the Legal Adviser is not”

Substitute

“no Legal Adviser is”.

59. Regulation 45 amended (ordinary meetings of Board)**(1) Regulation 45, English text—****Repeal**

“the Legal Adviser prior”

Substitute

“a Legal Adviser prior”.

(2) Regulation 45, English text—**Repeal**

“the Committee”

Substitute

“a Committee”.

60. Regulation 46 amended (advice by Legal Adviser)

Regulation 46(1), English text—

Repeal

“the Legal Adviser advises”

Substitute

“a Legal Adviser advises”.

61. Schedules 1 and 2 repealed

Schedules 1 and 2—

Repeal the Schedules.

62. Schedule 3 amended (fees)

(1) Schedule 3—

Repeal item 1.

(2) Schedule 3, item 2—

Repeal

“585”

Substitute

“1,450”.

(3) Schedule 3, item 3—

Repeal

“Registration”

Substitute

“Full registration”.

(4) Schedule 3, item 3—

Repeal

“1,330”

Substitute

“3,020”.

(5) Schedule 3, after item 3—

Add

“3A. Limited registration under section 13A 3,020”.

(6) Schedule 3, item 4—

Repeal

“310”

Substitute

“655”.

(7) Schedule 3, item 5—

Repeal

“360”

Substitute

“845”.

(8) Schedule 3, item 6—

Repeal

“720”

Substitute

“1,710”.

(9) Schedule 3, item 7—

Repeal

“545”

Substitute

“1,300”.

- (10) Schedule 3—

Repeal item 8.

- (11) Schedule 3, item 9—

Repeal

“1,750”

Substitute

“6,050”.

- (12) Schedule 3—

Repeal item 10

Substitute

“10. Application for a practising certificate 540”.

63. Schedule 4 amended (exemptions from the Ordinance)

- (1) Schedule 4, Part 1, item 3, column 2—

Repeal

everything after “any course”

Substitute

“in medicine at a university specified in Schedule 1 to the Medical Registration Ordinance (Cap. 161) or in dentistry at a university specified in Schedule 1 to the Dentists Registration Ordinance (Cap. 156)”.

- (2) Schedule 4, Part 1, after item 3—

Add

“3A. A student in the course of undergoing any 21(1)”.
course for the programme that is for the
conferment or award of—

- (a) any of the qualifications specified
under regulation 4(1); or

- (b) a qualification under consideration by
the Council for specification under
regulation 4(1),

at the university, school or institution
operating that programme

64. Schedule 5 amended (Preliminary Investigation Committee)

- (1) Schedule 5, English text, paragraph 1—

Repeal

“the Committee who”

Substitute

“a Committee who”.

- (2) Schedule 5, English text, paragraph 2—

Repeal

“the Chairman of the Committee is”

Substitute

“the chairman of a Committee is”.

- (3) Schedule 5, English text, paragraph 2—

Repeal

“as Chairman”

Substitute

“as chairman”.

- (4) Schedule 5, English text, paragraph 3—

Repeal

“the Committee is”

Substitute

“a Committee is”.

- (5) Schedule 5, English text, paragraph 4—

Repeal

“the Committee is”

Substitute

“a Committee is”.

- (6) Schedule 5, English text, paragraph 4—

Repeal

“Chairman” (wherever appearing)

Substitute

“chairman”.

- (7) Schedule 5, English text, paragraph 5, heading—

Repeal

“Chairman”

Substitute

“chairman”.

- (8) Schedule 5, English text, paragraph 5(1)—

Repeal

“The Chairman or a member of the”

Substitute

“The chairman or a member of a”.

- (9) Schedule 5, English text, paragraph 5(1)—

Repeal

“be Chairman”

Substitute

“be the chairman”.

- (10) Schedule 5, English text, paragraph 6—

Repeal

“The Chairman of the”

Substitute

“The chairman of a”.

- (11) Schedule 5, English text, paragraph 7(1)—

Repeal

“The Committee shall”

Substitute

“A Committee is to”.

- (12) Schedule 5, English text, paragraph 7(1)—

Repeal

“Chairman”

Substitute

“chairman”.

- (13) Schedule 5, English text, paragraph 7(2)—

Repeal

“the Chairman of the”

Substitute

“the chairman of a”.

Part 4

Amendments to Occupational Therapists (Registration and Disciplinary Procedure) Regulations (Cap. 359 sub. leg. B)

65. Regulation 2 amended (interpretation)

(1) Regulation 2—

Repeal the definition of *Chairman of the Board*

Substitute

“*Chairman of the Board* (委員會主席)—

- (a) means the chairman of the Board appointed under section 5(3A) of the Ordinance; and
- (b) includes any person appointed to act as chairman of the Board under section 7(4) of the Ordinance;”.

(2) Regulation 2, English text, definition of *Committee*—

Repeal

“the”

Substitute

“a”.

(3) Regulation 2, definition of *complainant*, paragraph (b), after “therapist”—

Add

“with full registration or provisional registration”.

(4) Regulation 2, English text, definition of *Legal Adviser*—

Repeal

“the legal”

Substitute

“a legal”.

(5) Regulation 2, definition of *occupational therapist*—

Repeal

“the Schedule”

Substitute

“Schedule 1”.

(6) Regulation 2, definition of *respondent*, after “an occupational therapist”—

Add

“with full registration or provisional registration”.

(7) Regulation 2—

Repeal the definition of *Chairman of the Committee*.

(8) Regulation 2—

Add in alphabetical order

“*Code of Practice* (執業守則) means a Code of Practice prepared under section 26 of the Ordinance;”.

66. Regulation 3 substituted

Regulation 3—

Repeal the regulation

Substitute

“3. Register

- (1) The register is to be in the specified form.
- (2) The register is to be divided into 5 parts, namely, Part I, Part II, Part III, Part IV and Part V.”.

67. Regulation 4 substituted

Regulation 4—

Repeal the regulation**Substitute****“4. Council to specify qualifications and experience**

- (1) For the purposes of section 12(1)(a)(i) of the Ordinance, the Council may, by notice published in the Gazette, specify the qualification and (as the case requires) the experience required for registration as an occupational therapist with full registration.
- (2) For the purposes of regulation 5(1)(a), the Council may, by notice published in the Gazette, specify the qualification and experience required for an occupational therapist with full registration to be entered in Part I or Part II of the register.
- (3) The qualification specified in the notice under subregulation (1) or (2) must be a qualification conferred or awarded by a university, school or institution in Hong Kong.
- (4) The qualification specified in the notice under subregulation (2) must be the same qualification as that specified under subregulation (1).
- (5) A notice published under subregulation (1) or (2) is not subsidiary legislation.”

68. Regulation 5 substituted

Regulation 5—

Repeal the regulation**Substitute****“5. Entry in register**

- (1) For the purposes of section 13(4) of the Ordinance, the Secretary must enter in Part I or Part II of the register the name of an occupational therapist registered under section 13 of the Ordinance according to—
 - (a) the occupational therapist’s qualification and experience, and the notice published under regulation 4(2); or
 - (b) the Council’s determination under section 12(1A) of the Ordinance.
- (2) For the purposes of section 13A(6) of the Ordinance, the Secretary must enter in Part IV of the register the name of an occupational therapist registered under section 13A of the Ordinance.
- (3) For the purposes of section 13B(7) of the Ordinance, the Secretary must enter in Part V of the register the name of an occupational therapist registered under section 13B of the Ordinance.
- (4) For the purposes of section 15(8) of the Ordinance, the Secretary must enter in Part III of the register the name of an occupational therapist registered under section 15 of the Ordinance.”

69. Regulation 6 amended (restrictions on the practice of Part II and Part III occupational therapists)

- (1) Regulation 6, heading—

Repeal**“the practice of Part II and Part III”****Substitute****“practice of”.**

- (2) Regulation 6(1), English text—

Repeal

“has been”

Substitute

“is”.

- (3) Regulation 6(2), English text—

Repeal

“has been” (wherever appearing)

Substitute

“is”.

- (4) After regulation 6(2)—

Add

- “(3) An occupational therapist must not provide any service of the therapist’s profession to a person unless the person is on referral by any of the following persons (each an *eligible referrer*)—

- (a) a registered medical practitioner;
- (b) a registered Chinese medicine practitioner.

- (4) However, subregulation (3) does not apply if—

- (a) the occupational therapist—
 - (i) has obtained, or has been provided with, a certificate (or other document in writing)—
 - (A) that was issued by an eligible referrer not more than 12 months earlier; and
 - (B) that sets out the diagnosis of the person’s condition (*diagnosed condition*); and
 - (ii) provides services only for the diagnosed condition;

- (b) the condition of the person is of a kind that is recognized by any clinical protocol as a kind for which the service of an occupational therapist may be provided without a referral;

- (c) the person is enrolled in a cross-disciplinary collaboration arrangement of the Primary Healthcare Commission under which an occupational therapist may provide the service of the therapist’s profession to an enrolled person without a referral; or

- (d) the situation falls within the circumstances set out in the Code of Practice in which the service of the occupational therapist is required without the need for a referral, including—

- (i) in an emergency situation; and

- (ii) for the purpose of community services.

- (5) If an occupational therapist provides any service of the therapist’s profession to a person in the circumstance mentioned in subregulation (4)(b), the occupational therapist must comply with the requirements set out in the clinical protocol.

- (6) If an occupational therapist provides any service of the therapist’s profession to a person in the circumstance mentioned in subregulation (4)(c), the occupational therapist must comply with the requirements set out in the guidelines published by the Primary Healthcare Commission for the cross-disciplinary collaboration arrangement.

- (7) In this regulation—

clinical protocol (臨床指引) means a clinical protocol for engaging the professional service of an occupational therapist that—

- (a) is published by a referencing authority on the website, the intranet or a similar electronic network, of the referencing authority; and
- (b) states that it is published for the purposes of subregulation (4)(b);

referencing authority (參考機關) means—

- (a) the Department of Health;
- (b) the Hospital Authority;
- (c) the Primary Healthcare Commission; or
- (d) The Chinese Medicine Hospital of Hong Kong;

registered Chinese medicine practitioner (註冊中醫) has the meaning given by section 2(1) of the Chinese Medicine Ordinance (Cap. 549).”.

70. Regulation 7 amended (application for registration or provisional registration)

- (1) Regulation 7, heading, after “for”—
Add
“full”.

- (2) Regulation 7—
Repeal subregulations (1) and (2).

71. Regulation 9 repealed (certificates of registration and provisional registration)

Regulation 9—

Repeal the regulation.

72. Regulation 10 amended (examinations)

Regulation 10(2)—

Repeal

“determine”

Substitute

“determine, subject to the approval of the Council”.

73. Regulation 12 repealed (application for, and issue of, practising certificates)

Regulation 12—

Repeal the regulation.

74. Regulation 14 repealed (statement by company)

Regulation 14—

Repeal the regulation.

75. Regulation 17 amended (Preliminary Investigation Committee)

- (1) Regulation 17(1)—

Repeal

“there shall be a Preliminary Investigation Committee”

Substitute

“the Board may establish one or more Preliminary Investigation Committees, each”.

- (2) Regulation 17(2), English text—

Repeal

“the Committee shall hold”

Substitute

“a Committee hold”.

(3) Regulation 17(3)—

Repeal

“shall apply to the”

Substitute

“applies to a”.

(4) Regulation 17—

Repeal subregulation (4).

76. **Regulation 18 amended (submission of complaint or information)**

Regulation 18—

Repeal subregulation (1)

Substitute

“(1) If—

(a) a complaint is made to the Secretary in respect of a registered occupational therapist as to any one or more of the matters referred to in paragraphs (a), (b), (ba), (c), (d) and (e) of section 22(1) of the Ordinance; or

(b) information is received by the Secretary in respect of an applicant for registration as an occupational therapist with full registration or provisional registration as to any one or more of the matters referred to in paragraphs (a), (b) and (c) of section 13(3) of the Ordinance,

the Secretary must submit the complaint or that information to the chairman of a Committee.”.

77. **Regulation 19 amended (complaint touching conduct)**

Regulation 19(1)—

Repeal

everything before “require”

Substitute

“(1) If, in a complaint submitted by the Secretary to the chairman of a Committee under regulation 18; any allegation is made which, in the opinion of the chairman of the Committee, gives rise to a question whether—

(a) a registered occupational therapist falls within the description of any one or more of the matters referred to in paragraphs (a), (b), (ba), (c), (d) and (e) of section 22(1) of the Ordinance; or

(b) an applicant for registration as an occupational therapist with full registration or provisional registration falls within the description of any one or more of the matters referred to in paragraphs (a), (b) and (c) of section 13(3) of the Ordinance,

the chairman of the Committee may”.

78. **Regulation 20 amended (reference of complaint to the Committee)**

(1) Regulation 20, English text, heading—

Repeal

“the”.

(2) Regulation 20(1), English text—

Repeal

“Chairman”

Substitute

“chairman”.

79. Regulation 21 amended (consideration of complaint by the Committee)**(1) Regulation 21, English text, heading—****Repeal**

“the”.

(2) Regulation 21(1)—**Repeal**

“considered”

Substitute

“considered by a Committee”.

80. Regulation 22 amended (determination of Committee that no inquiry be held)**(1) Regulation 22(1), English text—****Repeal**

“the Committee”

Substitute

“a Committee”.

(2) Regulation 22—**Repeal subregulation (2).****81. Regulation 23 amended (determination of Committee that inquiry be held)****(1) Before regulation 23(1)—****Add**

“(1AA) If a Committee determines that an inquiry must be held, the Committee must refer the case to the Board and the chairman of the Committee must notify the Chairman of

the Board of the matters into which inquiry is to be made.”.

(2) Regulation 23(1)—**Repeal**

“regulation 22(2)”

Substitute

“subregulation (1AA)”.

(3) Regulation 23(1)—**Repeal**

“which shall be in accordance with Form 4 in Schedule 2”

Substitute

“in the specified form”.

82. Regulation 38 amended (making of an order or postponement to future meeting)**(1) Regulation 38(b)—****Repeal**

“applicant for registration”

Substitute

“applicant for full registration or provisional registration”.

(2) Regulation 38(b), English text—**Repeal**

“decline his”

Substitute

“reject the respondent’s”.

83. Regulation 40 amended (making of order at future meeting)**(1) Regulation 40(b)—**

Repeal

“applicant for registration”

Substitute

“applicant for full registration or provisional registration”.

- (2) Regulation 40(b), English text—

Repeal

“decline his”

Substitute

“reject the respondent’s”.

84. Regulation 41 amended (opportunity for mitigation)

Regulation 41(1), English text—

Repeal

“decline his”

Substitute

“reject the respondent’s”.

85. Regulation 42 amended (evidence)

Regulation 42(2)—

Repeal

“shall be in accordance with Form 5 in Schedule 2”

Substitute

“must be in the specified form”.

86. Regulation 43 amended (voting)

Regulation 43(4), English text—

Repeal

“the Legal”

Substitute

“a Legal”.

87. Regulation 44 amended (inquiry by the Board)

- (1) Regulation 44, English text—

Repeal

“The Legal”

Substitute

“A Legal”.

- (2) Regulation 44—

Repeal

“the Legal Adviser is not”

Substitute

“no Legal Adviser is”.

88. Regulation 45 amended (ordinary meetings of Board)

- (1) Regulation 45, English text—

Repeal

“the Legal Adviser prior”

Substitute

“a Legal Adviser prior”.

- (2) Regulation 45, English text—

Repeal

“the Committee”

Substitute

“a Committee”.

89. Regulation 46 amended (advice by Legal Adviser)

Regulation 46(1), English text—

Repeal

“the Legal Adviser advises”

Substitute

“a Legal Adviser advises”.

90. Schedules 1 and 2 repealed

Schedules 1 and 2—

Repeal the Schedules.

91. Schedule 3 amended (fees)

(1) Schedule 3—

Repeal item 1.

(2) Schedule 3, item 2—

Repeal

“585”

Substitute

“1,450”.

(3) Schedule 3, item 3—

Repeal

“Registration”

Substitute

“Full registration”.

(4) Schedule 3, item 3—

Repeal

“1,330”

Substitute

“3,020”.

(5) Schedule 3, after item 3—

Add

“3A. Limited registration under section 13A..... 3,020”.

(6) Schedule 3, item 4—

Repeal

“310”

Substitute

“655”.

(7) Schedule 3, item 5—

Repeal

“360”

Substitute

“845”.

(8) Schedule 3, item 6—

Repeal

“720”

Substitute

“1,710”.

(9) Schedule 3, item 7—

Repeal

“545”

Substitute

“1,300”.

(10) Schedule 3—

Repeal item 8.

- (11) Schedule 3, item 9—

Repeal

“1,750”

Substitute

“6,050”.

- (12) Schedule 3—

Repeal item 10**Substitute**

“10. Application for a practising certificate..... 540”.

92. Schedule 4 amended (exemptions from the Ordinance)

- (1) Schedule 4, Part 1, item 2, column 2—

Repeal

everything after “any course”

Substitute

“in medicine at a university specified in Schedule 1 to the Medical Registration Ordinance (Cap. 161)”.

- (2) Schedule 4, Part 1, after item 2—

Add

“2A. A student in the course of undergoing any course for the programme that is for the conferment or award of— 21(1)”.

- (a) any of the qualifications specified under regulation 4(1); or

- (b) a qualification under consideration by the Council for specification under regulation 4(1),

at the university, school or institution operating that programme

93. Schedule 5 amended (Preliminary Investigation Committee)

- (1) Schedule 5, English text, paragraph 1—

Repeal

“the Committee who”

Substitute

“a Committee who”.

- (2) Schedule 5, English text, paragraph 2—

Repeal

“the Chairman of the Committee is”

Substitute

“the chairman of a Committee is”.

- (3) Schedule 5, English text, paragraph 2—

Repeal

“as Chairman”

Substitute

“as chairman”.

- (4) Schedule 5, English text, paragraph 3—

Repeal

“the Committee is”

Substitute

“a Committee is”.

- (5) Schedule 5, English text, paragraph 4—
Repeal
 “the Committee is”
Substitute
 “a Committee is”.
- (6) Schedule 5, English text, paragraph 4—
Repeal
 “Chairman” (wherever appearing)
Substitute
 “chairman”.
- (7) Schedule 5, English text, paragraph 5, heading—
Repeal
 “Chairman”
Substitute
 “chairman”.
- (8) Schedule 5, English text, paragraph 5(1)—
Repeal
 “The Chairman or a member of the”
Substitute
 “The chairman or a member of a”.
- (9) Schedule 5, English text, paragraph 5(1)—
Repeal
 “be Chairman”
Substitute
 “be the chairman”.
- (10) Schedule 5, English text, paragraph 6—

- Repeal**
 “The Chairman of the”
Substitute
 “The chairman of a”.
- (11) Schedule 5, English text, paragraph 7(1)—
Repeal
 “The Committee shall”
Substitute
 “A Committee is to”.
- (12) Schedule 5, English text, paragraph 7(1)—
Repeal
 “Chairman”
Substitute
 “chairman”.
- (13) Schedule 5, English text, paragraph 7(2)—
Repeal
 “the Chairman of the”
Substitute
 “the chairman of a”.
-

Part 5**Amendments to Optometrists (Registration and
Disciplinary Procedure) Regulation (Cap. 359 sub. leg.
F)****94. Section 2 amended (interpretation)****(1) Section 2—****Repeal the definition of *Chairman of the Board*****Substitute****“*Chairman of the Board* (委員會主席)—**

- (a) means the chairman of the Board appointed under section 5(3A) of the Ordinance; and
- (b) includes any person appointed to act as chairman of the Board under section 7(4) of the Ordinance;”.

(2) Section 2, English text, definition of *Committee*—**Repeal****“the”****Substitute****“a”.****(3) Section 2, definition of *complainant*, paragraph (b), after “optometrist”—****Add****“with full registration or provisional registration”.****(4) Section 2, English text, definition of *Legal Adviser*—****Repeal****“the legal”****Substitute****“a legal”.****(5) Section 2, definition of *optometrist*—****Repeal****“the Schedule”****Substitute****“Schedule 1”.****(6) Section 2, definition of *respondent*, after “an optometrist”—****Add****“with full registration or provisional registration”.****(7) Section 2—****Repeal the definition of *Chairman of the Committee*.****95. Section 3 substituted****Section 3—****Repeal the section****Substitute****“3. Register**

- (1) The register is to be in the specified form.
- (2) The register is to be divided into 6 parts, namely, Part I, Part II, Part III, Part IV, Part V and Part VI.”.

96. Section 4 substituted**Section 4—****Repeal the section****Substitute**

“4. Council to specify qualifications and experience

- (1) For the purposes of section 12(1)(a)(i) of the Ordinance, the Council may, by notice published in the Gazette, specify the qualification and (as the case requires) the experience required for registration as an optometrist with full registration.
- (2) For the purposes of section 5(1)(a), the Council may, by notice published in the Gazette, specify the qualification and experience required for an optometrist with full registration to be entered in Part I, Part II or Part III of the register.
- (3) For the purposes of section 5A(1), the Council may, by notice published in the Gazette, specify the qualification and experience referred to in that section.
- (4) The qualification specified in the notice under subsection (1), (2) or (3) must be a qualification conferred or awarded by a university, school or institution in Hong Kong.
- (5) The qualification specified in the notice under subsection (2) or (3) must be the same qualification as that specified under subsection (1).
- (6) A notice published under subsection (1), (2) or (3) is not subsidiary legislation.”.

97. Section 5 substituted

Section 5—

Repeal the section

Substitute

“5. Entry in register

- (1) For the purposes of section 13(4) of the Ordinance, the Secretary must enter in Part I, Part II or Part III of the

register the name of an optometrist registered under section 13 of the Ordinance according to—

- (a) the optometrist’s qualification and experience, and the notice published under section 4(2); or
- (b) the Council’s determination under section 12(1A) of the Ordinance.

- (2) For the purposes of section 13A(6) of the Ordinance, the Secretary must enter in Part V of the register the name of an optometrist registered under section 13A of the Ordinance.
- (3) For the purposes of section 13B(7) of the Ordinance, the Secretary must enter in Part VI of the register the name of an optometrist registered under section 13B of the Ordinance.
- (4) For the purposes of section 15(8) of the Ordinance, the Secretary must enter in Part IV of the register the name of an optometrist registered under section 15 of the Ordinance.”.

98. Section 5A amended (Part II optometrists may be registered as Part I optometrists)

- (1) Section 5A(1)—

Repeal

“section 5(a) and (e)”

Substitute

“section 5(1)”.

- (2) Section 5A(1)—

Repeal

everything after “that optometrist”

Substitute

“holds a qualification and experience specified under section 4(3).”.

- (3) Section 5A(2), English text—

Repeal

“has been”

Substitute

“is”.

99. Section 6 amended (restrictions on the practice of Part II, Part III and Part IV optometrists)

- (1) Section 6(1), English text—

Repeal

“has been”

Substitute

“is”.

- (2) Section 6(2), English text—

Repeal

“has been”

Substitute

“is”.

- (3) Section 6(3), English text—

Repeal

“has been”

Substitute

“is”.

100. Section 7 amended (application for registration or provisional registration)

- (1) Section 7, heading, after “for”—

Add

“full”.

- (2) Section 7—

Repeal subsections (1), (2) and (4).

101. Section 9 repealed (certificates of registration and provisional registration)

Section 9—

Repeal the section.

102. Section 10 amended (examinations)

Section 10(2)—

Repeal

“determine”

Substitute

“determine, subject to the approval of the Council”.

103. Section 12 repealed (application for, and issue of, practising certificates)

Section 12—

Repeal the section.

104. Section 14 repealed (statement by company)

Section 14—

Repeal the section.

105. Section 17 amended (Preliminary Investigation Committee)**(1) Section 17(1)—****Repeal**

“there shall be a Preliminary Investigation Committee”

Substitute

“the Board may establish one or more Preliminary Investigation Committees, each”.

(2) Section 17(2), English text—**Repeal**

“the Committee shall hold”

Substitute

“a Committee hold”.

(3) Section 17(3)—**Repeal**

“the”

Substitute

“a”.

106. Section 18 amended (submission of complaint or information)**Section 18—****Repeal subsection (1)****Substitute****“(1) If—**

- (a) a complaint is made to the Secretary in respect of a registered optometrist as to any one or more of the matters referred to in paragraphs (a), (b), (ba), (c), (d) and (e) of section 22(1) of the Ordinance; or

- (b) information is received by the Secretary in respect of an applicant for registration as an optometrist with full registration or provisional registration as to any one or more of the matters referred to in paragraphs (a), (b) and (c) of section 13(3) of the Ordinance,

the Secretary must submit the complaint or that information to the chairman of a Committee.”.

107. Section 19 amended (complaint touching conduct)**Section 19(1)—****Repeal**

everything before “require”

Substitute

“(1) If, in a complaint submitted by the Secretary to the chairman of a Committee under section 18, any allegation is made which, in the opinion of the chairman of the Committee, gives rise to a question whether—

- (a) a registered optometrist falls within the description of any one or more of the matters referred to in paragraphs (a), (b), (ba), (c), (d) and (e) of section 22(1) of the Ordinance; or
- (b) an applicant for registration as an optometrist with full registration or provisional registration falls within the description of any one or more of the matters referred to in paragraphs (a), (b) and (c) of section 13(3) of the Ordinance,

the chairman of the Committee may”.

108. Section 20 amended (reference of complaint to the Committee)**(1) Section 20, English text, heading—****Repeal**

“the”.

- (2) Section 20(1)—

Repeal

everything after “section 18,”

Substitute

“the chairman of the Committee must—

- (a) if satisfied that the complaint is frivolous or groundless and should not proceed further—dismiss the complaint; and

- (b) in any other case—

- (i) direct the Secretary that the complaint be referred to the Committee to consider whether it should be referred to the Board for inquiry; and

- (ii) fix a date for the meeting of the Committee to consider the complaint.”.

- (3) Section 20(2)—

Repeal

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

Substitute

“If the Secretary is directed to refer a complaint to the Committee under subsection (1)(b), the Secretary must”.

- (4) Before section 20(2)(a)—

Add

“(aa) refer the complaint to the Committee;”.

109. **Section 21 amended (consideration of complaint by the Committee)**

- (1) Section 21, English text, heading—

Repeal

“the”.

- (2) Section 21(1)—

Repeal

“considered”

Substitute

“considered by a Committee”.

110. **Section 22 amended (determination of Committee that no inquiry be held)**

- (1) Section 22(1), English text—

Repeal

“the Committee”

Substitute

“a Committee”.

- (2) Section 22—

Repeal subsection (2).

111. **Section 23 amended (determination of Committee that inquiry be held)**

- (1) Before section 23(1)—

Add

“(1AA) If a Committee determines that an inquiry must be held, the Committee must refer the case to the Board and the chairman of the Committee must notify the Chairman of

the Board of the matters into which inquiry is to be made.”.

(2) Section 23(1)—

Repeal

“section 22(2)”

Substitute

“subsection (1AA)”.

(3) Section 23(1)(a)—

Repeal

“which shall be in accordance with Form 4 in Schedule 2”

Substitute

“in the specified form”.

112. Section 38 amended (making of an order or postponement to future meeting)

Section 38(b)—

Repeal

“applicant for registration”

Substitute

“applicant for full registration or provisional registration”.

113. Section 40 amended (making of order at future meeting)

Section 40(b)—

Repeal

“applicant for registration”

Substitute

“applicant for full registration or provisional registration”.

114. Section 42 amended (evidence)

Section 42(2)—

Repeal

“shall be in accordance with Form 5 in Schedule 2”

Substitute

“must be in the specified form”.

115. Section 43 amended (voting)

Section 43(4), English text—

Repeal

“the Legal”

Substitute

“a Legal”.

116. Section 44 amended (inquiry by the Board)

(1) Section 44, English text—

Repeal

“The Legal”

Substitute

“A Legal”.

(2) Section 44—

Repeal

“the Legal Adviser is not”

Substitute

“no Legal Adviser is”.

117. Section 45 amended (ordinary meetings of Board)

(1) Section 45, English text—

Repeal

“the Legal Adviser prior”

Substitute

“a Legal Adviser prior”.

- (2) Section 45, English text—

Repeal

“the Committee”

Substitute

“a Committee”.

118. Section 46 amended (advice by Legal Adviser)

Section 46(1), English text—

Repeal

“the Legal Adviser advises”

Substitute

“a Legal Adviser advises”.

119. Schedules 1 and 2 repealed

Schedules 1 and 2—

Repeal the Schedules.**120. Schedule 3 amended (fees)**

- (1) Schedule 3, item 1—

Repeal

“Registration”

Substitute

“Full registration”.

- (2) Schedule 3, item 1—

Repeal

“1,330”

Substitute

“3,020”.

- (3) Schedule 3, after item 1—

Add

“1A. Limited registration under section 13A of
the Ordinance..... 3,020”.

- (4) Schedule 3—

Repeal item 2.

- (5) Schedule 3—

Repeal item 3**Substitute**

“3. Application for a practising certificate..... 540”.

- (6) Schedule 3, item 4—

Repeal

“310”

Substitute

“655”.

- (7) Schedule 3, item 5—

Repeal

“360”

Substitute

“845”.

- (8) Schedule 3, item 6—

Repeal

“585”

Substitute

“1,450”.

(9) Schedule 3, item 7—

Repeal

“720”

Substitute

“1,710”.

(10) Schedule 3—

Repeal item 8

Substitute

“8. Examination fee for an examination under
section 15A of the Ordinance..... 6,050”.

(11) Schedule 3—

Repeal item 9.

(12) Schedule 3, item 10—

Repeal

“545”

Substitute

“1,300”.

121. Schedule 4 amended (exemptions from the Ordinance)

(1) Schedule 4, item 2, column 2—

Repeal

everything after “course of”

Substitute

“undergoing any course in medicine at a university specified in
Schedule 1 to the Medical Registration Ordinance (Cap. 161)”.

(2) Schedule 4, after item 2—

Add

“2A. A student in the course of undergoing any 21(1)”
course for the programme that is for the
conferment or award of—

(a) any of the qualifications specified
under section 4(1); or

(b) a qualification under consideration by
the Council for specification under
section 4(1),

at the university, school or institution
operating that programme

122. Schedule 5 amended (Preliminary Investigation Committee)

(1) Schedule 5, English text, section 1—

Repeal

“the Committee who”

Substitute

“a Committee who”.

(2) Schedule 5, English text, section 2—

Repeal

“the Chairman of the Committee is”

Substitute

“the chairman of a Committee is”.

(3) Schedule 5, English text, section 2—

Repeal

“as Chairman”

Substitute

“as chairman”.

- (4) Schedule 5, English text, section 3—

Repeal

“the Committee is”

Substitute

“a Committee is”.

- (5) Schedule 5, English text, section 4—

Repeal

“the Committee is”

Substitute

“a Committee is”.

- (6) Schedule 5, English text, section 4—

Repeal

“Chairman” (wherever appearing)

Substitute

“chairman”.

- (7) Schedule 5, English text, section 5, heading—

Repeal

“Chairman”

Substitute

“chairman”.

- (8) Schedule 5, English text, section 5(1)—

Repeal

“The Chairman or a member of the”

Substitute

“The chairman or a member of a”.

- (9) Schedule 5, English text, section 5(1)—

Repeal

“be Chairman”

Substitute

“be the chairman”.

- (10) Schedule 5, English text, section 6—

Repeal

“The Chairman or any member of the Committee”

Substitute

“The chairman or any member of a Committee”.

- (11) Schedule 5, English text, section 7(1)—

Repeal

“The Committee shall”

Substitute

“A Committee is to”.

- (12) Schedule 5, English text, section 7(1)—

Repeal

“Chairman”

Substitute

“chairman”.

- (13) Schedule 5, English text, section 7(2)—

Repeal

“the Chairman of the”

Substitute

“the chairman of a”.

Part 6

Amendments to Radiographers (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. H)

123. Section 2 amended (interpretation)

(1) Section 2—

Repeal the definition of *Chairman of the Board*

Substitute

“*Chairman of the Board* (委員會主席)—

- (a) means the chairman of the Board appointed under section 5(3A) of the Ordinance; and
- (b) includes any person appointed to act as chairman of the Board under section 7(4) of the Ordinance;”.

(2) Section 2, English text, definition of *Committee*—

Repeal

“the”

Substitute

“a”.

(3) Section 2, definition of *complainant*, paragraph (b), after “a radiographer”—

Add

“with full registration or provisional registration”.

(4) Section 2, definition of *diagnostic radiographer*—

Repeal

“section 7(2)”

Substitute

“section 7”.

- (5) Section 2, English text, definition of *Legal Adviser*—

Repeal

“the legal”

Substitute

“a legal”.

- (6) Section 2, definition of *radiographer*—

Repeal

“the Schedule”

Substitute

“Schedule 1”.

- (7) Section 2, definition of *respondent*, after “a radiographer”—

Add

“with full registration or provisional registration”.

- (8) Section 2, definition of *therapeutic radiographer*—

Repeal

“section 7(3)”

Substitute

“section 7”.

- (9) Section 2—

(a) definition of *Chairman of the Committee*;

(b) definition of *chiropractor*—

Repeal the definitions.

- (10) Section 2—

Add in alphabetical order

“*Code of Practice* (執業守則) means a Code of Practice prepared under section 26 of the Ordinance;

registered Chinese medicine practitioner (註冊中醫) has the meaning given by section 2(1) of the Chinese Medicine Ordinance (Cap. 549);

registered chiropractor (註冊脊醫) has the meaning given by section 2 of the Chiropractors Registration Ordinance (Cap. 428);”.

124. Section 3 substituted

Section 3—

Repeal the section**Substitute****“3. Register**

(1) The register is to be in the specified form.

(2) The register is to be divided into 6 parts, namely, Part I, Part II, Part III, Part IV, Part V and Part VI.

(3) Part I, Part II, Part III, Part IV, Part V and Part VI referred to in subsection (2) are each subdivided so that the following may be entered as separate categories in each of the Parts—

(a) the names of diagnostic radiographers admitted to registration in that part (Category D); and

(b) the name of therapeutic radiographers admitted to registration in that part (Category T).”.

125. Section 4 amended (application for registration or provisional registration)

(1) Section 4, heading, after “for”—

Add

“full”.

(2) Section 4—

Repeal subsections (1) and (2).

126. Section 6 substituted

Section 6—

Repeal the section

Substitute

“6. Council to specify qualifications and experience

- (1) For the purposes of section 12(1)(a)(i) of the Ordinance, the Council may, by notice published in the Gazette, specify the qualification and (as the case requires) the experience required for registration as a radiographer with full registration.
- (2) For the purposes of section 8(1)(b)(i), the Council may, by notice published in the Gazette, specify the qualification and experience required for a radiographer with full registration to be entered in Part I, Part II or Part III of the register.
- (3) For the purposes of section 7(2)(a)(i) and (3)(a)(i), the Council may, by notice published in the Gazette, specify the qualification and experience required for a radiographer with full registration to be categorized as—
 - (a) a diagnostic radiographer; or
 - (b) a therapeutic radiographer.
- (4) The qualification specified in the notice under subsection (1), (2) or (3) must be a qualification conferred or awarded by a university, school or institution in Hong Kong.

(5) The qualification specified in the notice under subsection (2) or (3) must be the same qualification as that specified under subsection (1).

(6) A notice published under subsection (1), (2) or (3) is not subsidiary legislation.”.

127. Section 7 amended (categorization of radiographers)

(1) Section 7(1)—

Repeal

“subsections (2) and (3)”

Substitute

“subsections (2), (3) and (4)”.

(2) Section 7(2)(a)—

Repeal

“the Schedule”

Substitute

“Schedule 1”.

(3) Section 7(2)(a)(i)—

Repeal

everything after “qualifications”

Substitute

“specified under section 6(3)(a); or”.

(4) Section 7(2)(b)(i) and (3)(a)—

Repeal

“the Schedule”

Substitute

“Schedule 1”.

- (5) Section 7(3)(a)(i)—

Repeal

everything after “qualification”

Substitute

“specified under section 6(3)(b); or”.

- (6) Section 7(3)(b)(i)—

Repeal

“the Schedule”

Substitute

“Schedule 1”.

- (7) After section 7(3)—

Add

“(4) The Council is to determine on the categorization of a radiographer registered under section 13A or 13B of the Ordinance.”.

128. Section 8 substituted

Section 8—

Repeal the section

Substitute

“8. Entry in register

- (1) For the purposes of section 13(4) of the Ordinance, the Secretary must enter in Part I (Category D), Part I (Category T), Part II (Category D), Part II (Category T), Part III (Category D) or Part III (Category T) of the register the name of a radiographer registered under section 13 of the Ordinance according to—

- (a) the categorization of the radiographer under section 7; and

- (b) either of the following—

- (i) the radiographer’s qualification and experience, and the notice published under section 6(2); or

- (ii) the Council’s determination under section 12(1A) of the Ordinance.

- (2) For the purposes of section 13A(6) of the Ordinance, the Secretary must enter in Part V (Category D) or Part V (Category T) of the register the name of a radiographer registered under section 13A of the Ordinance according to the Council’s determination under section 7(4).

- (3) For the purposes of section 13B(7) of the Ordinance, the Secretary must enter in Part VI (Category D) or Part VI (Category T) of the register the name of a radiographer registered under section 13B of the Ordinance according to the Council’s determination under section 7(4).

- (4) For the purposes of section 15(8) of the Ordinance, the Secretary must enter in Part IV (Category D) or Part IV (Category T) of the register the name of a radiographer registered under section 15 of the Ordinance according to the categorization of the radiographer under section 7.”.

129. Section 9 repealed (certificates of registration and provisional registration)

Section 9—

Repeal the section.

130. Section 10 amended (examinations)

Section 10(2)—

Repeal

“determine”

Substitute

“determine, subject to the approval of the Council”.

131. **Section 12 repealed (application for, and issue of, practising certificates)**

Section 12—

Repeal the section.

132. **Section 13 repealed (statement by company)**

Section 13—

Repeal the section.

133. **Section 15 amended (restrictions on the practice of radiographers)**

(1) Before section 15(1)—

Add

“(1AA) A diagnostic radiographer must not perform any diagnostic imaging examination on a person, including operating an irradiating apparatus on the person unless the examination on the person is on referral by a registered medical practitioner.

(1AB) Despite subsection (1AA), a diagnostic radiographer may perform a diagnostic imaging examination on a person, including operating an irradiating apparatus on the person, on referral by—

- (a) if the radiographer is a CMHHK radiographer providing services that are authorized by The Chinese Medicine Hospital of Hong Kong to a

CMHHK patient—a CMHHK Chinese medicine practitioner; or

- (b) if the examination falls within the circumstances specified in the Code of Practice for the purpose of referral—

- (i) a registered Chinese medicine practitioner;
(ii) a registered dentist; or
(iii) a registered chiropractor.”.

- (2) Section 15(2)(b)—

Repeal

“condition”

Substitute

“condition relating to direction or supervision”.

- (3) Section 15(3)—

Repeal

everything after “practise”

Substitute

“unless—

- (a) it is on referral by, or in accordance with a prescription given by, a registered medical practitioner; and
(b) the condition relating to direction or supervision specified in column 4 of that Part opposite to the reference to the radiographer is fulfilled.”.

- (4) After section 15(3)—

Add

“(4) In this section—

CMHHK Chinese medicine practitioner (香港中醫醫院中醫) means a registered Chinese medicine practitioner who is authorized by The Chinese Medicine Hospital of Hong Kong to provide services to a CMHHK patient;

CMHHK patient (香港中醫醫院病人) means a patient of The Chinese Medicine Hospital of Hong Kong;

CMHHK radiographer (香港中醫醫院放射技師) means a radiographer who is authorized by The Chinese Medicine Hospital of Hong Kong to provide services to a CMHHK patient.”.

134. Section 19 amended (interpretation (Part III))

Section 19—

Repeal the definition of *complaint*

Substitute

“*complaint* (申訴) means—

- (a) a complaint in respect of a registered radiographer as to any one or more of the matters referred to in paragraphs (a), (b), (ba), (c), (d) and (e) of section 22(1) of the Ordinance; or
- (b) an information in respect of an applicant for registration as a radiographer with full registration or provisional registration as to any one or more of the matters referred to in paragraphs (a), (b) and (c) of section 13(3) of the Ordinance.”.

135. Section 20 amended (Preliminary Investigation Committee)

(1) Section 20(1)—

Repeal

“there shall be a Preliminary Investigation Committee which shall consist”

Substitute

“the Board may establish one or more Preliminary Investigation Committees, each consisting”.

(2) Section 20(2), English text—

Repeal

“the Committee shall hold”

Substitute

“a Committee hold”.

(3) Section 20(3)—

Repeal

“the”

Substitute

“a”.

(4) Section 20(4)(a)—

Repeal

“application for registration as a diagnostic radiographer, the”

Substitute

“an applicant for registration as a diagnostic radiographer, a”.

(5) Section 20(4)(a)(i), English text—

Repeal

“Chairman”

Substitute

“chairman”.

(6) Section 20(4)(b)—

Repeal

“application for registration as a therapeutic radiographer, the”

Substitute

“an applicant for registration as a therapeutic radiographer, a”.

(7) Section 20(4)(b)(i), English text—

Repeal

“Chairman”

Substitute

“chairman”.

136. **Section 21 amended (submission of complaint)**

Section 21, English text—

Repeal

“Chairman of the Committee”

Substitute

“chairman of a Committee”.

137. **Section 22 amended (complaint touching conduct)**

Section 22(1)—

Repeal

everything before “require”

Substitute

“(1) If, in a complaint submitted by the Secretary to the chairman of a Committee under section 21, any allegation is made which, in the opinion of the chairman of the Committee, gives rise to a question whether—

(a) a registered radiographer falls within the description of any one or more of the matters referred to in paragraphs (a), (b), (ba), (c), (d) and (e) of section 22(1) of the Ordinance; or

(b) an applicant for registration as a radiographer with full registration or provisional registration falls within the description of any one or more of the matters referred to in paragraphs (a), (b) and (c) of section 13(3) of the Ordinance,
the chairman of the Committee may”.

138. **Section 23 amended (reference of complaint to Committee)**

Section 23(1), English text—

Repeal

“Chairman”

Substitute

“chairman”.

139. **Section 24 amended (consideration of complaint by Committee)**

Section 24(1)—

Repeal

“considered”

Substitute

“considered by a Committee”.

140. **Section 25 amended (determination of Committee that no inquiry be held)**

Section 25, English text—

Repeal

“the Committee”

Substitute

“a Committee”.

141. Section 26 amended (determination of Committee that inquiry be held)

(1) Section 26(1), English text—

Repeal

“the Committee determines”

Substitute

“a Committee determines”.

(2) Section 26(1), English text—

Repeal

“and the Chairman”

Substitute

“and the chairman”.

(3) Section 26(2)(a)—

Repeal

“which shall be in accordance with Form 4 in Schedule 2”

Substitute

“in the specified form”.

142. Section 41 amended (making of an order or postponement to future meeting)

Section 41(b)—

Repeal

“applicant for registration”

Substitute

“applicant for full registration or provisional registration”.

143. Section 43 amended (making of order at future meeting)

Section 43(b)—

Repeal

“applicant for registration”

Substitute

“applicant for full registration or provisional registration”.

144. Section 44 amended (opportunity for mitigation)

Section 44(1), English text—

Repeal

“decline his”

Substitute

“reject the respondent’s”.

145. Section 45 amended (evidence)

Section 45(2)—

Repeal

“shall be in accordance with Form 5 in Schedule 2”

Substitute

“must be in the specified form”.

146. Section 46 amended (voting)

Section 46(4), English text—

Repeal

“the Legal”

Substitute

“a Legal”.

147. Section 47 amended (inquiry by Board)

(1) Section 47, English text—

Repeal

“The Legal”

Substitute

“A Legal”.

(2) Section 47—

Repeal

“the Legal Adviser is not”

Substitute

“no Legal Adviser is”.

148. Section 48 amended (ordinary meetings of Board)

(1) Section 48, English text—

Repeal

“the Legal Adviser prior”

Substitute

“a Legal Adviser prior”.

(2) Section 48, English text—

Repeal

“the Committee”

Substitute

“a Committee”.

149. Section 49 amended (advice by Legal Adviser)

Section 49(1), English text—

Repeal

“the Legal Adviser advises”

Substitute

“a Legal Adviser advises”.

150. Schedules 1 and 2 repealed

Schedules 1 and 2—

Repeal the Schedules.**151. Schedule 3 amended (fees)**

(1) Schedule 3, item 1—

Repeal

“Registration”

Substitute

“Full registration”.

(2) Schedule 3, item 1—

Repeal

“1,330”

Substitute

“3,020”.

(3) Schedule 3, after item 1—

Add

“1A. Limited registration under section 13A of
the Ordinance..... 3,020”.

(4) Schedule 3—

Repeal item 2.

(5) Schedule 3—

Repeal item 3**Substitute**

“3. Application for a practising certificate..... 540”.

- (6) Schedule 3, item 4—
Repeal
 “310”
Substitute
 “655”.
- (7) Schedule 3, item 5—
Repeal
 “360”
Substitute
 “845”.
- (8) Schedule 3, item 6—
Repeal
 “585”
Substitute
 “1,450”.
- (9) Schedule 3, item 7—
Repeal
 “720”
Substitute
 “1,710”.
- (10) Schedule 3, item 8—
Repeal
 “1,750”
Substitute
 “6,050”.

- (11) Schedule 3, item 9—
Repeal
 “545”
Substitute
 “1,300”.

152. Schedule 4 amended (restrictions on practice of radiographers)

- (1) Schedule 4, Part 1—
Repeal

“Item	Radiographer	Purpose	Condition”
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Substitute

“Item	Radiographer	Purpose	Condition relating to direction or supervision”.
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- (2) Schedule 4, Part 1—
Repeal item 3.
- (3) Schedule 4, Part 1, item 4, column 4—
Repeal paragraph (a).
- (4) Schedule 4, Part 1, item 5, column 4—
Repeal paragraph (a).
- (5) Schedule 4, Part 2—
Repeal

“Item	Radiographer	Procedure	Condition”
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Substitute

			Condition relating to direction or supervision".
"Item	Radiographer	Procedure	

153. Schedule 5 amended (exemption from the Ordinance)**(1) Schedule 5, Part 1, after item 2—****Add**

"2A. A registered dental hygienist or dental therapist within the meaning of the Dentists Registration Ordinance (Cap. 156) taking a radiograph intraorally or extraorally for the examination of the mouth, teeth or jaws of a person, or their associated structures in accordance with Schedule 3 of that Ordinance 21(1) and (2)".

(2) Schedule 5, Part 1, item 4, column 2—**Repeal**

"or dentistry at the University of Hong Kong or The Chinese University of Hong Kong"

Substitute

"at a university specified in Schedule 1 to the Medical Registration Ordinance (Cap. 161) or in dentistry at a university specified in Schedule 1 to the Dentists Registration Ordinance (Cap. 156)".

(3) Schedule 5, Part 1, item 5, column 2—**Repeal**

everything after "undergoing"

Substitute

"any course for the programme that is for the conferment or award of—

(a) any of the qualifications specified under section 6(1); or

(b) a qualification under consideration by the Council for specification under section 6(1),

at the university, school or institution operating that programme".

154. Schedule 6 amended (Preliminary Investigation Committee)**(1) Schedule 6, English text, section 1—****Repeal**

"the Committee other than the Chairman of the"

Substitute

"a Committee other than the chairman of a".

(2) Schedule 6, English text, section 2—**Repeal**

"the Chairman of the Committee is"

Substitute

"the chairman of a Committee is".

(3) Schedule 6, English text, section 2—**Repeal**

"as Chairman"

Substitute

"as chairman".

- (4) Schedule 6, English text, section 3—
Repeal
 “the Committee is”
Substitute
 “a Committee is”.
- (5) Schedule 6, English text, section 4—
Repeal
 “the Committee is”
Substitute
 “a Committee is”.
- (6) Schedule 6, English text, section 4—
Repeal
 “Chairman” (wherever appearing)
Substitute
 “chairman”.
- (7) Schedule 6, English text, section 5, heading—
Repeal
 “Chairman”
Substitute
 “chairman”.
- (8) Schedule 6, English text, section 5(1)—
Repeal
 “The Chairman or a member of the”
Substitute
 “The chairman or a member of a”.

- (9) Schedule 6, English text, section 5(1)—
Repeal
 “be Chairman”
Substitute
 “be the chairman”.
- (10) Schedule 6, English text, section 6—
Repeal
 “The Chairman of the”
Substitute
 “The chairman of a”.
- (11) Schedule 6, English text, section 7(1)—
Repeal
 “The Committee shall”
Substitute
 “A Committee is to”.
- (12) Schedule 6, English text, section 7(1)—
Repeal
 “Chairman”
Substitute
 “chairman”.
- (13) Schedule 6, English text, section 7(2)—
Repeal
 “the Chairman of the”
Substitute

“the chairman of a”.

Part 7

Amendments to Physiotherapists (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. J)

155. Section 2 amended (interpretation)

(1) Section 2—

Repeal the definition of *Chairman of the Board*

Substitute

“*Chairman of the Board* (委員會主席)—

- (a) means the chairman of the Board appointed under section 5(3A) of the Ordinance; and
- (b) includes any person appointed to act as chairman of the Board under section 7(4) of the Ordinance;”.

(2) Section 2, English text, definition of *Committee*—

Repeal

“the”

Substitute

“a”.

(3) Section 2, definition of *complainant*, paragraph (b), after “physiotherapist”—

Add

“with full registration or provisional registration”.

(4) Section 2, English text, definition of *Legal Adviser*—

Repeal

“the legal”

Substitute

“a legal”.

- (5) Section 2, English text, definition of *Part Ia physiotherapist*—

Repeal

“has been”

Substitute

“is”.

- (6) Section 2, definition of *physiotherapist*—

Repeal

“the Schedule”

Substitute

“Schedule 1”.

- (7) Section 2, definition of *respondent*, after “a physiotherapist”—

Add

“with full registration or provisional registration”.

- (8) Section 2—

Repeal the definition of *Chairman of the Committee*.

- (9) Section 2—

Add in alphabetical order

“*Code of Practice* (執業守則) means a Code of Practice prepared under section 26 of the Ordinance;”.

156. Section 3 substituted

Section 3—

Repeal the section

Substitute

“3. Register

- (1) The register is to be in the specified form.
- (2) The register is to be divided into 4 parts, namely, Part I, Part II, Part III and Part IV.
- (3) Part I referred to in subsection (2) is to be subdivided into 2 parts, namely, Part Ia and Part Ib.”.

157. Section 4 substituted

Section 4—

Repeal the section

Substitute

“4. Council to specify qualifications and experience

- (1) For the purposes of section 12(1)(a)(i) of the Ordinance, the Council may, by notice published in the Gazette, specify the qualification and (as the case requires) the experience required for registration as a physiotherapist with full registration.
- (2) For the purposes of section 5(1)(a), the Council may, by notice published in the Gazette, specify the qualification and experience required for a physiotherapist with full registration to be entered in Part Ia or Part Ib of the register.
- (3) The qualification specified in the notice under subsection (1) or (2) must be a qualification conferred or awarded by a university, school or institution in Hong Kong.
- (4) The qualification specified in the notice under subsection (2) must be the same qualification as that specified under subsection (1).
- (5) A notice published under subsection (1) or (2) is not subsidiary legislation.”.

158. Section 5 substituted

Section 5—

Repeal the section**Substitute****“5. Entry in register**

- (1) For the purposes of section 13(4) of the Ordinance, the Secretary must enter in Part Ia or Part Ib of the register the name of a physiotherapist registered under section 13 of the Ordinance according to—
 - (a) the physiotherapist’s qualification and experience, and the notice published under section 4(2); or
 - (b) the Council’s determination under section 12(1A) of the Ordinance.
- (2) For the purposes of section 13A(6) of the Ordinance, the Secretary must enter in Part III of the register the name of a physiotherapist registered under section 13A of the Ordinance.
- (3) For the purposes of section 13B(7) of the Ordinance, the Secretary must enter in Part IV of the register the name of a physiotherapist registered under section 13B of the Ordinance.
- (4) For the purposes of section 15(8) of the Ordinance, the Secretary must enter in Part II of the register the name of a physiotherapist registered under section 15 of the Ordinance.”.

159. Section 6 substituted

Section 6—

Repeal the section**Substitute****“6. Restrictions on practice of physiotherapists**

- (1) A physiotherapist must not provide any service of the physiotherapist’s profession to a person unless the person is on referral by any of the following persons (each an *eligible referrer*)—
 - (a) a registered medical practitioner;
 - (b) a registered Chinese medicine practitioner.
- (2) However, subsection (1) does not apply if—
 - (a) the physiotherapist—
 - (i) has obtained, or has been provided with, a certificate (or other document in writing)—
 - (A) that was issued by an eligible referrer not more than 12 months earlier; and
 - (B) that sets out the diagnosis of the person’s condition (*diagnosed condition*); and
 - (ii) provides services only for the diagnosed condition;
 - (b) the condition of the person is of a kind that is recognized by any clinical protocol as a kind for which the service of a physiotherapist may be provided without a referral;
 - (c) the person is enrolled in a cross-disciplinary collaboration arrangement of the Primary Healthcare Commission under which a physiotherapist may provide the service of the physiotherapist’s profession to an enrolled person without a referral; or

- (d) the situation falls within the circumstances set out in the Code of Practice in which the physiotherapist's service is required without the need for a referral, including in an emergency situation.
- (3) If a physiotherapist provides any service of the physiotherapist's profession to a person in the circumstance mentioned in subsection (2)(b), the physiotherapist must comply with the requirements set out in the clinical protocol.
- (4) If a physiotherapist provides any service of the physiotherapist's profession to a person in the circumstance mentioned in subsection (2)(c), the physiotherapist must comply with the requirements set out in the guidelines published by the Primary Healthcare Commission for the cross-disciplinary collaboration arrangement.
- (5) A Part II physiotherapist must not practise otherwise than under the supervision of a Part Ia physiotherapist.
- (6) In this section—
- clinical protocol* (臨床指引) means a clinical protocol for engaging the professional service of a physiotherapist that—
- is published by a referencing authority on the website, the intranet or a similar electronic network, of the referencing authority; and
 - states that it is published for the purposes of subsection (2)(b);

referencing authority (參考機關) means—

- the Department of Health;
- the Hospital Authority;

(c) the Primary Healthcare Commission; or

(d) The Chinese Medicine Hospital of Hong Kong;

registered Chinese medicine practitioner (註冊中醫) has the meaning given by section 2(1) of the Chinese Medicine Ordinance (Cap. 549).”.

160. Section 7 amended (application for registration or provisional registration)

(1) Section 7, heading, after “for”—

Add

“full”.

(2) Section 7—

Repeal subsections (1) and (2).

161. Section 9 repealed (certificates of registration and provisional registration)

Section 9—

Repeal the section.

162. Section 10 amended (examinations)

Section 10(2)—

Repeal

“determine”

Substitute

“determine, subject to the approval of the Council”.

163. Section 12 repealed (application for, and issue of, practising certificates)

Section 12—

Repeal the section.**164. Section 14 repealed (statement by company)**

Section 14—

Repeal the section.**165. Section 17 amended (Preliminary Investigation Committee)**

(1) Section 17(1)—

Repeal

“there shall be a Preliminary Investigation Committee”

Substitute

“the Board may establish one or more Preliminary Investigation Committees, each”.

(2) Section 17(2), English text—

Repeal

“the Committee shall hold”

Substitute

“a Committee hold”.

(3) Section 17(3)—

Repeal

“shall apply to the”

Substitute

“applies to a”.

166. Section 18 amended (submission of complaint or information)

Section 18—

Repeal subsection (1)**Substitute**

“(1) If—

- (a) a complaint is made to the Secretary in respect of a registered physiotherapist as to any one or more of the matters referred to in paragraphs (a), (b), (ba), (c), (d) and (e) of section 22(1) of the Ordinance; or
- (b) information is received by the Secretary in respect of an applicant for registration as a physiotherapist with full registration or provisional registration as to any one or more of the matters referred to in paragraphs (a), (b) and (c) of section 13(3) of the Ordinance,

the Secretary must submit the complaint or that information to the chairman of a Committee.”.

167. Section 19 amended (complaint touching conduct)

Section 19(1)—

Repeal

everything before “require”

Substitute

“(1) If, in a complaint submitted by the Secretary to the chairman of a Committee under section 18, any allegation is made which, in the opinion of the chairman of the Committee, gives rise to a question whether—

- (a) a registered physiotherapist falls within the description of any one or more of the matters referred to in paragraphs (a), (b), (ba), (c), (d) and (e) of section 22(1) of the Ordinance; or
- (b) an applicant for registration as a physiotherapist with full registration or provisional registration falls within the description of any one or more of the matters referred to in paragraphs (a), (b) and (c) of section 13(3) of the Ordinance,

the chairman of the Committee may”.

168. Section 20 amended (reference of complaint)

(1) Section 20(1)—

Repeal

everything after “section 18,”

Substitute

“the chairman of the Committee must—

(a) if satisfied that the complaint is frivolous or groundless and should not proceed further—dismiss the complaint; and

(b) in any other case—

(i) direct the Secretary that the complaint be referred to the Committee to consider whether it should be referred to the Board for inquiry; and

(ii) fix a date for the meeting of the Committee to consider the complaint.”.

(2) Section 20(2)—

Repeal

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

Substitute

“If the Secretary is directed to refer a complaint to the Committee under subsection (1)(b), the Secretary must”.

(3) Before section 20(2)(a)—

Add

“(aa) refer the complaint to the Committee;”.

169. Section 21 amended (consideration of complaint by Committee)

Section 21(1)—

Repeal

“considered”

Substitute

“considered by a Committee”.

170. Section 22 amended (determination of Committee that no inquiry be held)

Section 22, English text—

Repeal

“the Committee”

Substitute

“a Committee”.

171. Section 23 amended (determination of Committee that inquiry be held)

(1) Section 23(1), English text—

Repeal

“the Committee determines”

Substitute

“a Committee determines”.

(2) Section 23(1), English text—

Repeal

“and the Chairman”

Substitute

“and the chairman”.

(3) Section 23(2)(a)—

Repeal

“which shall be in accordance with Form 4 in Schedule 2”

Substitute

“in the specified form”.

172. Section 38 amended (making of an order or postponement to future meeting)

(1) Section 38(b)—

Repeal

“applicant for registration”

Substitute

“applicant for full registration or provisional registration”.

(2) Section 38(b), English text—

Repeal

“decline his”

Substitute

“reject the respondent’s”.

173. Section 40 amended (making of order at future meeting)

Section 40(b)—

Repeal

“applicant for registration”

Substitute

“applicant for full registration or provisional registration”.

174. Section 41 amended (opportunity for mitigation)

Section 41(1), English text—

Repeal

“decline his”

Substitute

“reject the respondent’s”.

175. Section 42 amended (evidence)

Section 42(2)—

Repeal

“shall be in accordance with Form 5 in Schedule 2”

Substitute

“must be in the specified form”.

176. Section 43 amended (voting)

Section 43(4), English text—

Repeal

“the Legal”

Substitute

“a Legal”.

177. Section 44 amended (inquiry by Board)

(1) Section 44, English text—

Repeal

“The Legal”

Substitute

“A Legal”.

(2) Section 44—

Repeal

“the Legal Adviser is not”

Substitute

“no Legal Adviser is”.

178. Section 45 amended (ordinary meetings of Board)

- (1) Section 45, English text—

Repeal

“the Legal Adviser prior”

Substitute

“a Legal Adviser prior”.

- (2) Section 45, English text—

Repeal

“the Committee”

Substitute

“a Committee”.

179. Section 46 amended (advice by Legal Adviser)

Section 46(1), English text—

Repeal

“the Legal Adviser advises”

Substitute

“a Legal Adviser advises”.

180. Schedules 1 and 2 repealed

Schedules 1 and 2—

Repeal the Schedules.

181. Schedule 3 amended (fees)

- (1) Schedule 3, item 1—

Repeal

“Registration”

Substitute

“Full registration”.

- (2) Schedule 3, item 1—

Repeal

“1,330”

Substitute

“3,020”.

- (3) Schedule 3, after item 1—

Add

“1A. Limited registration under section 13A of the Ordinance 3,020”.

- (4) Schedule 3—

Repeal item 2.

- (5) Schedule 3—

Repeal item 3

Substitute

“3. Application for a practising certificate 540”.

- (6) Schedule 3, item 4—

Repeal

“310”

Substitute

“655”.

- (7) Schedule 3, item 5—

Repeal

“360”

Substitute

“845”.

- (8) Schedule 3, item 6—

Repeal

“585”

Substitute

“1,450”.

- (9) Schedule 3, item 7—

Repeal

“720”

Substitute

“1,710”.

- (10) Schedule 3, item 8—

Repeal

“1,750”

Substitute

“6,050”.

- (11) Schedule 3, item 9—

Repeal

“545”

Substitute

“1,300”.

182. Schedule 4 amended (exemptions from the Ordinance)

- (1) Schedule 4, Part 1, item 3, column 2—

Repeal

everything after “course in”

Substitute

“medicine at a university specified in Schedule 1 to the Medical Registration Ordinance (Cap. 161) or in dentistry at a university specified in Schedule 1 to the Dentists Registration Ordinance (Cap. 156)”.

- (2) Schedule 4, Part 1, after item 3—

Add

“3A. A student in the course of undergoing any course for the programme that is for the conferment or award of— 21(1)”.

(a) any of the qualifications specified under section 4(1); or

(b) a qualification under consideration by the Council for specification under section 4(1),

at the university, school or institution operating that programme

183. Schedule 5 amended (Preliminary Investigation Committee)

- (1) Schedule 5, English text, section 1—

Repeal

“the Committee other than the Chairman of the”

Substitute

“a Committee other than the chairman of a”.

- (2) Schedule 5, English text, section 2—

Repeal

“the Chairman of the Committee is”

Substitute

“the chairman of a Committee is”.

- (3) Schedule 5, English text, section 2—

Repeal

“as Chairman”

Substitute

“as chairman”.

- (4) Schedule 5, English text, section 3—

Repeal

“the Committee is”

Substitute

“a Committee is”.

- (5) Schedule 5, English text, section 4—

Repeal

“the Committee is”

Substitute

“a Committee is”.

- (6) Schedule 5, English text, section 4—

Repeal

“Chairman” (wherever appearing)

Substitute

“chairman”.

- (7) Schedule 5, English text, section 5, heading—

Repeal

“Chairman”

Substitute**“chairman”.**

- (8) Schedule 5, English text, section 5(1)—

Repeal

“The Chairman or a member of the”

Substitute

“The chairman or a member of a”.

- (9) Schedule 5, English text, section 5(1)—

Repeal

“be Chairman”

Substitute

“be the chairman”.

- (10) Schedule 5, English text, section 6—

Repeal

“The Chairman of the”

Substitute

“The chairman of a”.

- (11) Schedule 5, English text, section 7(1)—

Repeal

“The Committee shall”

Substitute

“A Committee is to”.

- (12) Schedule 5, English text, section 7(1)—

Repeal

“Chairman”

Substitute

“chairman”.

- (13) Schedule 5, English text, section 7(2)—

Repeal

“the Chairman of the”

Substitute

“the chairman of a”.

Part 8

Consequential and Related Amendments

Division 1—Amendments to Inland Revenue Ordinance (Cap. 112)

184. Schedule 13 amended (institutions that may accredit or recognize training or development courses for the purpose of section 12(6)(c)(iii))
- (1) Schedule 13, item 23—
Repeal
 “Supplementary Medical”
Substitute
 “Allied Health”.
 - (2) Schedule 13, item 26—
Repeal
 “Supplementary Medical”
Substitute
 “Allied Health”.
 - (3) Schedule 13, item 27—
Repeal
 “Supplementary Medical”
Substitute
 “Allied Health”.
 - (4) Schedule 13, item 29—
Repeal

“Supplementary Medical”

Substitute

“Allied Health”.

(5) Schedule 13, item 31—

Repeal

“Supplementary Medical”

Substitute

“Allied Health”.

Division 2—Amendment to Medical Registration Ordinance (Cap. 161)

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

Section 28(3)(d)—

Repeal

“the Schedule to the Supplementary Medical”

Substitute

“Schedule 1 to the Allied Health”.

Division 3—Amendment to Massage Establishments Ordinance (Cap. 266)

186. Section 3 amended (application of Ordinance)

Section 3(d)—

Repeal

“Supplementary Medical”

Substitute

“Allied Health”.

Division 4—Amendments to Employees’ Compensation Ordinance (Cap. 282)

187. Section 3 amended (interpretation)

(1) Section 3(1), definition of *registered occupational therapist*—

Repeal

“Supplementary Medical”

Substitute

“Allied Health”.

(2) Section 3(1), definition of *registered physiotherapist*—

Repeal

“Supplementary Medical”

Substitute

“Allied Health”.

Division 5—Amendments to Radiation (Control of Irradiating Apparatus) Regulations (Cap. 303 sub. leg. B)

188. Regulation 14 amended (dose limit)

(1) Regulation 14(1)—

Repeal

“medical practitioner or dental practitioner”

Substitute

“registered medical practitioner, registered dentist, registered chiropractor or registered Chinese medicine practitioner”.

(2) After regulation 14(2)—

Add

“(3) In this regulation—

registered Chinese medicine practitioner (註冊中醫) has the meaning given by section 2(1) of the Chinese Medicine Ordinance (Cap. 549);

registered chiropractor (註冊脊醫) has the meaning given by section 2 of the Chiropractors Registration Ordinance (Cap. 428);

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

registered medical practitioner (註冊醫生) has the meaning given by section 2(1) of the Medical Registration Ordinance (Cap. 161).”.

**Division 6—Amendments to Medical Clinics Ordinance
(Cap. 343)**

189. Section 2 amended (interpretation)

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

Repeal

“Supplementary Medical”

Substitute

“Allied Health”.

(2) Section 2, definition of *clinic*, paragraph (ha)—

Repeal

“Supplementary Medical”

Substitute

“Allied Health”.

(3) Section 2, definition of *medical treatment*, paragraph (e)—

Repeal

“the Schedule to the Supplementary Medical”

Substitute

“Schedule 1 to the Allied Health”.

**Division 7—Repeal of Supplementary Medical Professions
Ordinance (Application of Part II) Order 1988 (Cap. 359
sub. leg. C)**

**190. Supplementary Medical Professions Ordinance (Application of
Part II) Order 1988 repealed**

Supplementary Medical Professions Ordinance (Application of Part
II) Order 1988—

Repeal the Order.

**Division 8—Repeal of Supplementary Medical Professions
Ordinance (Application of Section 29) Notice 1990 (Cap. 359
sub. leg. D)**

**191. Supplementary Medical Professions Ordinance (Application of
Section 29) Notice 1990 repealed**

Supplementary Medical Professions Ordinance (Application of
Section 29) Notice 1990—

Repeal the Notice.

Division 9—Repeal of Supplementary Medical Professions Ordinance (Application) Notice 1990 (Cap. 359 sub. leg. E)

192. **Supplementary Medical Professions Ordinance (Application) Notice 1990 repealed**
Supplementary Medical Professions Ordinance (Application) Notice 1990—
Repeal the Notice.

Division 10—Repeal of Supplementary Medical Professions Ordinance (Application to Optometrists) Order 1994 (Cap. 359 sub. leg. G)

193. **Supplementary Medical Professions Ordinance (Application to Optometrists) Order 1994 repealed**
Supplementary Medical Professions Ordinance (Application to Optometrists) Order 1994—
Repeal the Order.

Division 11—Repeal of Supplementary Medical Professions Ordinance (Application to Radiographers) Order 1995 (Cap. 359 sub. leg. I)

194. **Supplementary Medical Professions Ordinance (Application to Radiographers) Order 1995 repealed**
Supplementary Medical Professions Ordinance (Application to Radiographers) Order 1995—
Repeal the Order.

Division 12—Repeal of Supplementary Medical Professions Ordinance (Application to Physiotherapists) Order 1997 (Cap. 359 sub. leg. K)

195. **Supplementary Medical Professions Ordinance (Application to Physiotherapists) Order 1997 repealed**
Supplementary Medical Professions Ordinance (Application to Physiotherapists) Order 1997—
Repeal the Order.

Division 13—Repeal of Supplementary Medical Professions Ordinance (Application) Order 1999 (Cap. 359 sub. leg. L)

196. **Supplementary Medical Professions Ordinance (Application) Order 1999 repealed**
Supplementary Medical Professions Ordinance (Application) Order 1999—
Repeal the Order.

Division 14—Amendments to Trade Descriptions Ordinance (Cap. 362)

197. **Schedule 3 amended (exempt persons)**
(1) Schedule 3, item 12—
Repeal
“Supplementary Medical”
Substitute
“Allied Health”.
(2) Schedule 3, item 12—
Repeal

“or is provisionally so registered in accordance with the provisions of section 15 of that Ordinance”.

**Division 15—Amendment to Merchant Shipping (Seafarers)
(Medical Examination) Regulation (Cap. 478 sub. leg. O)**

198. Section 7 amended (certification on vision standards)

Section 7(2), definition of *registered optometrist*—

Repeal

“section 13 or 15 of the Supplementary Medical”

Substitute

“the Allied Health”.

**Division 16—Amendment to Chinese Medicine Ordinance
(Cap. 549)**

**199. Section 108 amended (unlawful use of title, etc. and practise
without registration)**

Section 108(3)(b)(iii)—

Repeal

“Supplementary Medical”

Substitute

“Allied Health”.

**Division 17—Amendments to Chief Executive Election
Ordinance (Cap. 569)**

200. Schedule amended (election committee)

(1) The Schedule, section 5E(h)—

Repeal

“Supplementary Medical”

Substitute

“Allied Health”.

(2) The Schedule, Annex 7, item 8—

Repeal

“Supplementary Medical”

Substitute

“Allied Health”.

**Division 18—Amendment to Race Discrimination
Ordinance (Cap. 602)**

**201. Schedule 3 amended (authorization or qualification specified for
the purposes of section 19(2) of this Ordinance)**

Schedule 3, paragraph (h)—

Repeal

“Supplementary Medical”

Substitute

“Allied Health”.

**Division 19—Amendments to Minimum Wage (Criteria for
Approved Assessors) Notice (Cap. 608 sub. leg. A)**

**202. Section 2 amended (kinds of persons who may become approved
assessors)**

(1) Section 2(1)(a)(i)—

Repeal

“Supplementary Medical”

Substitute

“Allied Health”.

- (2) Section 2(1)(a)(ii)—

Repeal

“Supplementary Medical”

Substitute

“Allied Health”.

- (3) Section 2(1)(b)(i)—

Repeal

“Supplementary Medical”

Substitute

“Allied Health”.

203. Section 3 amended (relevant working experience)

- (1) Section 3(1)(a)—

Repeal

“Supplementary Medical”

Substitute

“Allied Health”.

- (2) Section 3(1)(b)—

Repeal

“Supplementary Medical”

Substitute

“Allied Health”.

**Division 20—Amendment to Electronic Health Record
Sharing System Ordinance (Cap. 625)**

204. Schedule amended (healthcare professionals)

The Schedule, item 9—

Repeal

“whose name has been entered in Part I of the register as defined by section 2 of that Regulation”.

**Division 21—Amendments to Private Healthcare Facilities
Ordinance (Cap. 633)**

**205. Section 12 amended (prohibition on performing treatment or
procedure causing personal injury)**

Section 12(3), definition of *medical treatment*, paragraph (e)—

Repeal

“the Schedule to the Supplementary Medical”

Substitute

“Schedule 1 to the Allied Health”.

206. Schedule 7 amended (healthcare professionals)

Schedule 7, item 9—

Repeal

“whose name has been entered in Part I of the register as defined by section 2 of that Regulation”.

Explanatory Memorandum

The main object of this Bill is to amend the Supplementary Medical Professions Ordinance (Cap. 359) (*principal Ordinance*) and its subsidiary legislation—

- (a) to provide for limited registrations, and temporary registrations, of persons engaged in professions of allied health (*professions*);
- (b) to rename the Supplementary Medical Professions Council to Allied Health Professions Council (*Council*);
- (c) to change the composition of the Council, and boards of the professions (*boards*);
- (d) to empower the Council to specify the qualifications and experience required for full registration of the professions (*qualification amendments*); and
- (e) to provide for restriction of direct access to the services of the professions.

2. The Bill contains 8 Parts.

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.
- 5. Clause 4 amends section 1 of the principal Ordinance to change the current short title of the principal Ordinance to the Allied Health Professions Ordinance and to make technical amendments.
- 6. Clause 5 amends existing definitions and adds new definitions mainly relating to limited registration and temporary registration to the principal Ordinance.

- 7. Clause 6 adds new sections 2A and 2B to the principal Ordinance to provide for the references relating to the different types of registration, and the meaning of *designated institution*.
- 8. Clause 7 adds a new section 2C to the principal Ordinance and clause 8(1) and (2) amends section 3 of the principal Ordinance to change the name of the Supplementary Medical Professions Council to Allied Health Professions Council.
- 9. Clauses 8(3) to (8) and 12(1) amend sections 3 and 7 of the principal Ordinance to change the composition of the Council and deal with matters relating to the term of office of members of the Council, appointment of the secretary of, and legal advisers to, the Council and quorum of the meeting of the Council.
- 10. Clauses 9 and 11 amend sections 4 and 6 of the principal Ordinance respectively to better reflect the governance between the Council and the boards.
- 11. Clauses 10 and 12(2) amend sections 5 and 7 of the principal Ordinance to change the composition of the boards and deal with matters relating to the term of office of members of the boards, appointment of the secretary of, and legal advisers to, the boards and quorum of the meeting of a board.
- 12. Clause 13 adds a new section 9A to the principal Ordinance to authorize the Council and boards to provide information to the Secretary for Health (*Secretary*) on request for the formulation of health care policies.
- 13. Clause 14 amends section 10 of the principal Ordinance to revise the grounds for which the name of a person may be removed from the register of a profession and to make technical amendments.
- 14. Clause 15 amends section 12 of the principal Ordinance in view of the qualification amendments.

15. Clause 16 amends section 13 of the principal Ordinance to provide that the existing registration of professions is to be reclassified as full registration.
16. Clause 17 adds new sections 13A and 13B to the principal Ordinance to provide for the application criteria and procedures for, and the validity of, limited registration and temporary registration respectively.
17. Clauses 18, 19 and 20 make technical amendments.
18. Clause 21 amends section 16 of the principal Ordinance—
 - (a) to provide that applications for practising certificates for registered professions must be made in specified form;
 - (b) to provide that, for persons with full registration, limited registration or provisional registration, compliance with the continuing professional development requirements is a prerequisite for the issue of the second and subsequent practising certificates to those persons;
 - (c) to revise the validity of practising certificates issued to persons with full registration or provisional registration; and
 - (d) to provide for the validity of practising certificates issued to persons with limited registration or temporary registration.
19. Clause 22 repeals section 17 of the principal Ordinance on the recovery of practising fees from registered professions.
20. Clauses 23, 24 and 26 to 29 make technical and consequential amendments to sections 18A, 20 and 22 to 25 of the principal Ordinance respectively.
21. Clause 25 adds a new section 21A to the principal Ordinance to provide for the supervision or referral requirements on practising a profession.

22. Clause 30 amends section 26 of the principal Ordinance such that after amendment, the Codes of Practice prepared or revised are subject to the approval of the Council.
23. Clause 31 amends section 29 of the principal Ordinance—
 - (a) to empower the Secretary may by regulation provide for the establishment of one or more Preliminary Investigation Committees for each profession;
 - (b) to provide that the regulations made under subsection (1B) of that section may empower the Council to specify the following by way of a gazette notice, instead of prescribing them in the subsidiary legislation under the principal Ordinance—
 - (i) the qualifications and experience required for full registration in respect of a profession; and
 - (ii) the qualifications, training or experience required for classifying a registered person into different parts of the register and the categorization of the person;
 - (c) to empower the Secretary may by regulation provide for referral requirements on practising a profession; and
 - (d) to make amendments that are consequential to the introduction of the new types of registration.
24. Clause 32 amends section 30 of the principal Ordinance such that a person holding an appointment at the Primary Healthcare Commission or The Chinese Medicine Hospital of Hong Kong is exempted from certain requirements under the principal Ordinance.
25. Clause 33 adds new sections 33 to 36 to the principal Ordinance. The new section 33 empowers the Council to specify forms. The new section 34 empowers the Secretary to give directions to the Council and boards. The new section 36 and the new Schedule 3 provide for the savings and transitional provisions.

26. Clause 35 adds new Schedules 2 and 3 to the principal Ordinance. The new Schedule 2 sets out the scope of designated institutions at which persons with limited registration may work.

Part 3—Amendments to Medical Laboratory Technologists (Registration and Disciplinary Procedure) Regulations (Cap. 359 sub. leg. A) (*Cap. 359A*)

27. Clauses 36, 37, 41 to 62 and 64 make amendments to Cap. 359A that are consequential to the amendments made to the principal Ordinance. In particular—
- (a) the amendments that are consequential to the introduction of new types of registration;
 - (b) 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 board;
 - (c) references to the Legal Adviser are replaced by a Legal Adviser as more than one Legal Adviser may be appointed; and
 - (d) the prescribed forms are repealed as the forms will be specified by the Council under the new section 33 of the principal Ordinance.
28. Clauses 38 and 39 amend regulations 4 and 5 of Cap. 359A to empower the Council to specify the qualifications and experience as mentioned in paragraph 23(c) and deal with entry in different parts of the register.
29. Clause 40 amends regulation 6 of Cap. 359A to provide that a medical laboratory technologist must not perform any tests for the purpose of medical diagnosis or treatment unless the test is on referral by a registered medical practitioner etc.

30. Clause 63 amends Schedule 4 to Cap. 359A such that a student in the course of undergoing any course in certain programmes is exempted from registration.

Part 4—Amendments to Occupational Therapists (Registration and Disciplinary Procedure) Regulations (Cap. 359 sub. leg. B) (*Cap. 359B*)

31. Clauses 65, 66, 70 to 91 and 93 make amendments to Cap. 359B that are consequential to the amendments made to the principal Ordinance. In particular—
- (a) the amendments that are consequential to the introduction of new types of registration;
 - (b) 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 board;
 - (c) references to the Legal Adviser are replaced by a Legal Adviser as more than one Legal Adviser may be appointed; and
 - (d) the prescribed forms are repealed as the forms will be specified by the Council under the new section 33 of the principal Ordinance.
32. Clauses 67 and 68 amend regulations 4 and 5 of Cap. 359B to empower the Council to specify the qualifications and experience as mentioned in paragraph 23(c) and deal with entry in different parts of the register.
33. Clause 69 amends regulation 6 of Cap. 359B to provide that—
- (a) an occupational therapist must not provide any service of the therapist's profession to a person unless the person is on referral by a registered medical practitioner or a registered Chinese medicine practitioner; and

- (b) the above restriction does not apply under certain circumstances, such as the occupational therapist has obtained a certificate issued by a registered medical practitioner or registered Chinese medicine practitioner in relation to the condition of the person etc.

34. Clause 92 amends Schedule 4 to Cap. 359B such that a student in the course of undergoing any course in certain programmes is exempted from registration.

Part 5—Amendments to Optometrists (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. F) (*Cap. 359F*)

35. Clauses 94, 95, 99 to 120 and 122 make amendments to Cap. 359F that are consequential to the amendments made to the principal Ordinance. In particular—

- (a) the amendments that are consequential to the introduction of new types of registration;
- (b) 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 board;
- (c) references to the Legal Adviser are replaced by a Legal Adviser as more than one Legal Adviser may be appointed; and
- (d) the prescribed forms are repealed as the forms will be specified by the Council under the new section 33 of the principal Ordinance.

36. Clauses 96, 97 and 98 amend sections 4, 5 and 5A of Cap. 359F to empower the Council to specify the qualifications and experience as mentioned in paragraph 23(c) and deal with entry in different parts of the register.

37. Clause 121 amends Schedule 4 to Cap. 359F such that a student in the course of undergoing any course in certain programmes is exempted from registration.

Part 6—Amendments to Radiographers (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. H) (*Cap. 359H*)

38. Clauses 123, 124, 125, 129 to 132, 134 to 151 and 154 make amendments to Cap. 359H that are consequential to the amendments made to the principal Ordinance. In particular—

- (a) the amendments that are consequential to the introduction of new types of registration;
- (b) 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 board;
- (c) references to the Legal Adviser are replaced by a Legal Adviser as more than one Legal Adviser may be appointed; and
- (d) the prescribed forms are repealed as the forms will be specified by the Council under the new section 33 of the principal Ordinance.

39. Clauses 126, 127 and 128 amend sections 6, 7 and 8 of Cap. 359H to empower the Council to specify the qualifications and experience as mentioned in paragraph 23(c) and deal with the categorization of a radiographer and entry in different parts of the register.

40. Clause 133 amends section 15 of Cap. 359H and clause 152 amends Schedule 4 to Cap. 359H to provide that—

- (a) a diagnostic radiographer must not perform any diagnostic imaging examination on a person, including operating an irradiating apparatus, unless the examination is on referral by a registered medical practitioner etc.; and

- (b) a therapeutic radiographer must not practise unless on referral by, or in accordance with a prescription given by, a registered medical practitioner.

41. Clause 153 amends Schedule 5 to Cap. 359H such that—

- (a) a registered dental hygienist or dental therapist within the meaning of the Dentists Registration Ordinance (Cap. 156) may take a radiograph for the examination of the mouth, teeth or jaws of a person without being registered under the principal Ordinance and another person may employ such professional for that purpose; and
- (b) a student in the course of undergoing any course in certain programmes is exempted from registration.

Part 7—Amendments to Physiotherapists (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. J) (Cap. 359J)

42. Clauses 155, 156, 160 to 181 and 183 make amendments to Cap. 359J that are consequential to the amendments made to the principal Ordinance. In particular—
- (a) the amendments that are consequential to the introduction of new types of registration;
 - (b) 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 board;
 - (c) references to the Legal Adviser are replaced by a Legal Adviser as more than one Legal Adviser may be appointed; and
 - (d) the prescribed forms are repealed as the forms will be specified by the Council under the new section 33 of the principal Ordinance.

43. Clauses 157 and 158 amend sections 4 and 5 of Cap. 359J to empower the Council to specify the qualifications and experience as mentioned in paragraph 23(c) and deal with entry in different parts of the register.

44. Clause 159 amends section 6 of Cap. 359J to provide that—

- (a) a physiotherapist must not provide any service of the physiotherapist's profession to a person unless the person is on referral by a registered medical practitioner or a registered Chinese medicine practitioner; and
- (b) the above requirement does not apply under certain circumstances, such as in the case where the physiotherapist has obtained a certificate issued by a registered medical practitioner or registered Chinese medicine practitioner etc.

45. Clause 182 amends Schedule 4 to Cap. 359J such that a student in the course of undergoing any course in certain programmes is exempted from registration.

Part 8—Consequential and Related Amendments

46. Clauses 184 to 189 and 197 to 206 contain amendments to other enactments consequential to the change of the short title of the principal Ordinance etc.
47. Clauses 190 to 196 repeal the following subsidiary legislation in view of the amendment to section 3 of the principal Ordinance—
- (a) the Supplementary Medical Professions Ordinance (Application of Part II) Order 1988 (Cap. 359 sub. leg. C);
 - (b) the Supplementary Medical Professions Ordinance (Application of Section 29) Notice 1990 (Cap. 359 sub. leg. D);
 - (c) the Supplementary Medical Professions Ordinance (Application) Notice 1990 (Cap. 359 sub. leg. E);

- (d) the Supplementary Medical Professions Ordinance (Application to Optometrists) Order 1994 (Cap. 359 sub. leg. G);
- (e) the Supplementary Medical Professions Ordinance (Application to Radiographers) Order 1995 (Cap. 359 sub. leg. I);
- (f) the Supplementary Medical Professions Ordinance (Application to Physiotherapists) Order 1997 (Cap. 359 sub. leg. K); and
- (g) the Supplementary Medical Professions Ordinance (Application) Order 1999 (Cap. 359 sub. leg. L).

Enhancement to Boards Composition

Position	Existing composition of Board (Maximum number of Seats)		Proposed composition of Boards (Maximum number of Seats)	
Chairman	A Chairman appointed by CE from SMPC members, other than a member of SMP	(1)	A Chairman appointed by CE from among Board members	(0)
Medical profession	1 person, being a registered medical practitioner, appointed by CE, on the nomination of HK Medical Association;	(1)	1 person, being registered specialist under MRO with specialty relevant to the Board's profession, nominated by HK Academy of Medicine, appointed by CE	(1)
	1 person, being a registered medical practitioner, appointed by CE on the nomination of HK Branch of British Medical Association	(1)	1 person, being registered medical practitioner under MRO, nominated by HA and appointed by CE	(1)
Education field	1 person specially qualified to advise the board on professional education appointed by CE	(1)	To remain	(1)
SMP	not less than 5 and not more than 8 persons, being members of the relevant profession, appointed by CE	(8)	To remain	(8)
Lay members	NA	(0)	2 Lay members appointed by CE	(2)
Total		12		13

Enhancement to SMPC Composition

Position	Existing composition of SMPC (Maximum number of Seats)		Proposed composition of SMPC (Maximum number of Seats)	
Chairman	A Chairman appointed by CE	(1)	To remain	(1)
Deputy Chairman	A Deputy Chairman appointed by CE	(1)	A specified officer ^{Note} appointed by CE as Deputy Chairman	(1)
Public officers	Not more than 4 public officers appointed by CE	(4)	Not more than 4 specified officers ^{Note} appointed by CE	(4)
Education field	1 person each nominated by HKU, CUHK and PolyU, appointed by CE	(3)	3 persons specially qualified to advise SMPC on professional education appointed by CE	(3)
SMP	1 person appointed by CE from each profession	(5)	To remain	(5)
Lay members	4 other persons, not being public officers, appointed by CE	(4)	6 persons appointed by CE, including at least one registered medical practitioner, and at least one registered Chinese medicine practitioner	(6)
Board Chairman	N/A	(0)	Chairman of the Board from each profession	(5)
Total		18		25

Note: Specified officer shall include public officer and officers of HA and PHC

Cap. 359	Supplementary Medical Professions Ordinance	01/07/2022
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To provide for registration, discipline and the better control of persons engaged in occupations and professions supplementary to medicine.

[1 October 1980] *L.N. 274 of 1980*
(*Format changes—E.R. 5 of 2020*)

1. Short title and application

- (1) This Ordinance may be cited as the Supplementary Medical Professions Ordinance.
- *(2) This Ordinance shall apply to any profession included in the Schedule with effect from such date as the Chief Executive may appoint by order in the Gazette and orders made under this subsection may fix different dates for different provisions of this Ordinance. (*Amended 67 of 1985 s. 2; 37 of 2000 s. 3*)

Editorial Note:

* For application, see Caps. 359C, 359D, 359E, 359G, 359I, 359K and 359L.

2. Interpretation

- (1) In this Ordinance, unless the context otherwise requires—
- board** (委員會) means any board established under section 5;
- certificate of registration** (註冊證明書) means a certificate of registration or a duplicate certificate of registration issued under section 14 and a certificate of provisional registration issued under section 15;
- Council** (管理局) means the Supplementary Medical Professions Council established under section 3;
- optical appliances** (視光用具) includes lenses, spectacles, eye glasses, artificial eyes and contact lenses; (*Added 67 of 1985 s. 3*)
- practising certificate** (執業證明書) means a certificate issued under section 16;
- profession** (專業) means any profession specified in the second column in the Schedule;
- registered** (註冊) means entered in a register in accordance with sections 13 and 15 or restored to the register in accordance with section 10.

(*Amended 68 of 1995 s. 33*)

- (2) A profession specified in the second column in the Schedule shall mean the occupation of persons of the description specified opposite thereto in the third column. (*Amended L.N. 587 of 1995*)
- (3) For the purposes of this Ordinance, a person shall be deemed to practise a profession, who, for gain or otherwise, represents himself, whether directly or by implication from his conduct, as practising or being prepared or entitled to practise that profession.
- (4) For the purposes of sections 22(2) and 24(2), 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—
- when the appeal to the Court of Appeal is withdrawn or abandoned;
 - when the specified period expires without an application for leave to appeal having been made to the Court of Appeal;
 - if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Appeal—
 - when the application is withdrawn or abandoned;
 - 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
 - if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of; or
 - if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Final Appeal—
 - when the application is withdrawn, abandoned or refused; or
 - 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. 76*)
- (5) In subsection (4)—
- 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. 76*)

3. Establishment and composition of Council

- (1) There shall be a Council called the Supplementary Medical Professions Council and consisting of the following members—
 - (a) a Chairman to be appointed by the Chief Executive;
 - (b) a Deputy Chairman to be appointed by the Chief Executive;
 - (c) not more than 4 public officers appointed by the Chief Executive;
 - (d) the following persons, whose terms of office shall run for 3 consecutive years, from the respective dates of their appointment—
 - (i) 1 person appointed by the Chief Executive on the nomination of the University of Hong Kong;
 - (ii) 1 person appointed by the Chief Executive on the nomination of The Chinese University of Hong Kong;

- (iii) 1 person appointed by the Chief Executive on the nomination of The Hong Kong Polytechnic University; (*Amended 100 of 1994 s. 9*)

- (iv) 1 person appointed by the Chief Executive from each profession; and

- (v) 4 other persons, not being public officers, appointed by the Chief Executive.

- (2) Any member appointed under subsection (1)(d) may, upon the expiry of his term of office, be reappointed.

- (3) Any member appointed under subsection (1)(d) or reappointed under subsection (2) may before the expiry of his term of office—

- (a) resign his office by notice to the Chief Executive; or

- (b) be removed from office by the Chief Executive for permanent incapacity or other sufficient cause (as to the existence of which the decision of the Chief Executive shall be final),

and upon such resignation or removal the term for which he was appointed or reappointed shall be deemed to have expired.

- (4) There shall be—

- (a) a secretary; and

- (b) a legal adviser,

to the Council who shall be appointed by the Chief Executive.

(*Amended 37 of 2000 s. 3*)

4. Purposes of the Council

- (1) The purposes of the Council shall be—

- (a) to promote adequate standards of professional practice and of professional conduct in the professions;

- (b) to co-ordinate and supervise the activities of the boards established under section 5; and

- (c) to carry out any additional functions assigned to it by this Ordinance.

- (2) The Council shall perform its function of co-ordinating and supervising the activities of the boards—

- (a) by making to each board, or inviting the board to make to the Council, proposals as to the activities to be carried on by the board or other boards;

- (b) by recommending a board to carry on such activities, or to limit its activities in such manner, as the Council considers appropriate after consultation with the board on the proposals referred to in paragraph (a); (*Amended 68 of 1995 s. 2*)
- (c) by concerning itself with matters appearing to it to be of special interest to any 2 or more of the boards, and by giving to the boards such advice and assistance as it thinks fit with respect to such matters; and
- (d) by exercising its powers under this Ordinance in such manner as the Council considers most conducive to the satisfactory performance by each board of the board's functions under this Ordinance. (*Amended L.N. 587 of 1995*)

5. Establishment and composition of boards

- (1) For each profession there shall be a board consisting of not less than 9 and not more than 12 members comprising the following—
 - (a) a Chairman appointed by the Chief Executive from among the members of the Council, other than a member appointed under section 3(1)(d)(iv);
 - (b) 1 person, being a registered medical practitioner, appointed by the Chief Executive, on the nomination of the Hong Kong Medical Association;
 - (c) 1 person, being a registered medical practitioner, appointed by the Chief Executive on the nomination of the Hong Kong Branch of the British Medical Association;
 - (d) 1 person specially qualified to advise the board on professional education appointed by the Chief Executive; and
 - (e) not less than 5 and not more than 8 persons, being members of the relevant profession, appointed by the Chief Executive.
- (2) Any member of a board may, upon the expiry of his term of office, be reappointed.
- (3) Any member of a board appointed under subsection (1) or reappointed under subsection (2) may before the expiry of his term of office—
 - (a) resign his office by notice to the Chief Executive; or

- (b) be removed from office by the Chief Executive for permanent incapacity or other sufficient cause (as to the existence of which the decision of the Chief Executive shall be final),

and upon such resignation or removal the term for which he was appointed or reappointed shall be deemed to have expired.

- (4) There shall be—
 - (a) a secretary; and
 - (b) a legal adviser,
 to each board who shall be appointed by the Chief Executive.

(*Amended 37 of 2000 s. 3*)

6. Purposes of boards

The purposes of a board appointed under section 5 shall be—

- (a) to promote adequate standards of professional practice and professional conduct among members of the relevant profession; and
- (b) to carry out the functions assigned to it under this Ordinance.

7. Meetings of the Council and boards

- (1) The Council and each board shall meet at such times and places as their respective Chairmen may appoint.
- (2) At any meeting of the Council or a board 6 members shall form a quorum.
- (3) In the absence of the Chairman from any meeting of the Council, the Deputy Chairman shall act in his place and if the Deputy Chairman is also absent, those members present shall appoint one of their number to act as chairman. (*Amended 68 of 1995 s. 2; 80 of 1997 s. 102*)
- (4) In the absence of the Chairman from any meeting of a board, those members present shall appoint one of their number to act in his place. (*Amended 68 of 1995 s. 2; 80 of 1997 s. 102*)
- (5) Every item for consideration before any meeting of the Council or a board shall be determined by a majority of the votes of the members present and voting thereon and in the event of an equality of votes the Chairman or member presiding shall have a casting vote in addition to his original vote.
- (6) Subject to this Ordinance, the Council and a board may regulate its own procedure.

10. Every profession to have a separate register

- (1) Each board shall cause a register for the relevant profession to be kept in the form prescribed and the secretary of the board shall be responsible for the maintenance and custody of the register.
- (2) The secretary of the board shall from time to time insert in the register any alteration or addition which may come to his knowledge to the name, addresses, or qualifications of any person registered.
- (3) The secretary shall make such amendments to the register as are made necessary by any decision of the board.
- (4) The board may direct the removal from the register of the name of any person who—
 - (a) requests in writing that his name be so removed;
 - (b) is deceased;
 - (c) being a person required to be the holder of a practising certificate, has practised a profession in Hong Kong for a period exceeding 6 months without having obtained such a certificate;
 - (d) is not practising his profession in Hong Kong; or
 - (e) has not supplied the secretary of the board with an address in Hong Kong at which all notices from the board may be served on him:
Provided that any person failing to acknowledge within 6 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 secretary shall be deemed not to have supplied the secretary with an address under this paragraph.
- (5) A person whose name has been removed from a register under this section or section 22, may apply to the board for the restoration of his name to the register, and, subject to the submission by such person of a declaration stating whether or not he has been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment since the date of the last declaration made by him to the like effect for the purposes of his registration or his application for a practising certificate (as the case may be), the board may subject to any conditions it considers appropriate, approve or decline the application, and, if it approves the same, the secretary of the board shall, upon payment of the prescribed fee, restore the name accordingly. (*Amended 68 of 1995 s. 2; 80 of 1997 s. 96*)

- (6) A register may be inspected without payment of any fee, during usual business hours upon application to the secretary of the board.

12. Persons who are qualified to be registered

- (1) Subject to this Ordinance, the following persons are qualified to be registered—
 - (a) a person who—
 - (i) holds such degree, diploma or other document as may be prescribed, issued by any examining body as may be prescribed or by the board; or
 - (ii) holds any such degree, diploma or other document and has the prescribed experience; or (*Replaced 70 of 1989 s. 2*)
 - (b) a person who holds such other degree, diploma or any other document of any examining body, which together with appropriate experience, may from time to time be recognized by the Council as qualifying the holder thereof to be registered; and in deciding whether or not to so recognize the Council may consult the relevant board; or
 - (c) a person who, on the date on which this section commenced to apply to a profession, is practising that profession and who by reason of his education, training, professional experience and skill satisfies the Council, after consultation with the relevant board, that he is a fit person to be registered.
- (1A) Notwithstanding any other provision of this Ordinance, the Council shall—
 - (a) determine in which part of the register, not being a part referred to in section 15(8), the name of a person qualified to be registered by virtue of subsection (1)(b) or (c) shall be entered, subject to his application for registration being approved under section 13(2); and
 - (b) direct the secretary of the relevant board accordingly for the purposes of entry in the register under section 13(4). (*Added 70 of 1989 s. 2*)
- (2) A person who wilfully procures himself or any other person to be registered by making or producing or causing to be made or produced, any false or fraudulent representation or declaration, whether in writing or otherwise commits an offence.

13. Application for registration

- (1) A person claiming to be qualified to be registered may apply in the manner prescribed to the secretary of the relevant board for registration and such application shall be accompanied by such documents, photographs and particulars as may be prescribed.
- (2) The application of person qualified to be registered in accordance with section 12 who has complied with subsection (1) and with any regulations relating thereto, shall, subject to subsection (3), be approved by the board for registration. *(Replaced 67 of 1985 s. 5)*
- (3) After due inquiry into any case referred to it by a Preliminary Investigation Committee in accordance with regulations made under section 29, the board may decline to approve the application of a person applying under subsection (1) on any of the grounds mentioned in section 22(1)(a), (b), (c), (d) or (e). *(Added 67 of 1985 s. 5)*
- (4) Where an application for registration receives the approval of the board, the name of the applicant shall after payment of the prescribed fee be entered in the register by the secretary of the board in accordance with this Ordinance and regulations made thereunder, and upon such entry, the applicant shall be entitled to represent in connexion with his profession that he is registered and, subject to section 16(1), and any regulations made under section 29 shall be entitled to practise that profession. *(Amended 67 of 1985 s. 5; 70 of 1989 s. 3; 68 of 1995 s. 2; 80 of 1997 s. 20)*

14. Certificate of registration

- (1) When a person has been registered, the secretary of the relevant board shall issue to him a certificate of registration in the prescribed form.
- (2) The secretary of the board may amend any particulars contained in a certificate of registration.
- (3) A person registered who requires a certified copy of his certificate of registration in order to comply with section 18 shall apply in writing to the secretary of the relevant board stating the address of the premises at which he proposes to practise, and the secretary shall upon payment of the prescribed fee issue to the person registered a certified copy of his certificate of registration with the words “certified copy” and “核證副本” endorsed thereon. *(Amended 80 of 1997 s. 130)*
- (4) *(Repealed 68 of 1995 s. 34)*

- (5) Every person registered shall report to the secretary of the relevant board—
 - (a) every address at which he practises his profession; and
 - (b) any change in any address referred to in paragraph (a) within 2 months of such change. *(Replaced 68 of 1995 s. 34)*
- (6) Any person registered who fails without reasonable excuse to make a report in accordance with subsection (5)(a) or (b) commits an offence.
- (7) If a certificate of registration has been lost, destroyed or defaced, the person registered may apply in writing to the secretary of the relevant board to issue to him a duplicate certificate of registration and the secretary, upon being satisfied as to such loss, destruction or defacement, shall upon payment of the prescribed fee issue to the person registered a duplicate of such certificate with the word “duplicate” and the words “複本” endorsed thereon. *(Amended 80 of 1997 s. 130)*
- (8) If it appears to the secretary of a board that a certificate of registration is defaced or that the photograph thereon is not a reasonable likeness of the person registered to whom the certificate of registration relates the secretary by notice in writing may require the person registered to lodge his certificate of registration with the secretary and to apply for the issue of a duplicate certificate of registration or of another certified copy, as the case may be, and any person registered who on being so required fails without reasonable excuse to do so within 7 days of the service of such notice commits an offence.

15. Provisional registration

- (1) A person who is practising a profession on the date when this Part commenced to apply to that profession, but who, on that date, is not qualified under section 12 to be registered, may apply, within such period of time from such date as may be determined by the Council, to the secretary of the relevant board for provisional registration.
- (2) Subject to subsection (2A), if the board is satisfied that an applicant for provisional registration has acquired substantial knowledge, experience and skill in the practice of his profession the board may authorize its secretary, upon payment of the prescribed fee, to issue to such applicant a certificate of provisional registration with the word “provisional” and the words “臨時” endorsed thereon. *(Amended 70 of 1989 s. 5; 80 of 1997 s. 131)*

- (2A) The board may, in order to satisfy itself that an applicant for provisional registration has acquired substantial knowledge, experience and skill in the practice of his profession, require him to pass an examination held under section 15A for the purposes of this section. *(Added 70 of 1989 s. 5)*
- (3) The board may, in exercising the powers conferred by subsection (2), impose on an applicant for provisional registration such conditions as it thinks fit.
- (4) Where the board has imposed conditions under subsection (3) it may cancel, amend or add to those conditions.
- (5) Any conditions imposed under subsection (3), as the same may have been amended or added to under subsection (4), shall be included in the certificate of provisional registration issued to the person to whom the conditions apply.
- (6) Where any person to whom such conditions apply fails to comply with those conditions, the board may cancel that person's provisional registration and direct that his name and particulars be removed from the register.
- (7) Sections 12(2) and 13 shall apply to every application for provisional registration under this section. *(Amended E.R. 5 of 2020)*
- (8) The names and particulars of persons to whom certificates of provisional registration are issued under this section shall appear in a separate part of the register.

15B. Appeal

- (1) Any person aggrieved by a decision of the board, other than—
 - (a) a decision under section 13(3) or an order under section 22;
 - (b) a decision relating to admission to provisional registration under section 15; or
 - (c) a decision relating to an examination referred to in section 15A,
 may appeal against the decision to the Council in accordance with regulations made under this Ordinance.
- (2) Upon hearing the appeal, the Council may confirm, vary or revoke the decision of the board.
- (3) The decision of the Council under subsection (2) shall be final.

(Added 70 of 1989 s. 6)

16. Registered person not to practise without practising certificate

- (1) A person registered shall not practise a profession in Hong Kong unless he is the holder of a practising certificate which is then in force.
- (2) On application made by a person registered to the secretary of the relevant board for the purpose of the issue of a practising certificate, and subject to—
 - (a) the payment of the prescribed fee for the issue of a practising certificate; and
 - (b) the submission of a declaration stating whether or not the registered person has been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment since the date of the last declaration made by him to the like effect for the purposes of his registration or his application for a practising certificate (as the case may be),
 the secretary shall issue to him a certificate to the effect that he is, subject to any conditions and restrictions specified in the certificate, entitled to practise his profession. *(Replaced 80 of 1997 s. 97)*
- (3) Where a practising certificate is issued pursuant to an application made under subsection (2), the certificate shall, subject to subsection (5), be in force for any period not exceeding 12 months and ending on 30 June in any year as may be specified in the certificate. *(Amended 64 of 1991 s. 2)*
- (4) *(Repealed 64 of 1991 s. 2)*
- (5) If at any time during the currency of a practising certificate, the holder of the certificate ceases to be registered, the certificate shall thereupon be deemed cancelled.
- (6) A 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 of the board, paid the prescribed fee for the certificate and submitted the declaration referred to in subsection (2)(b). *(Amended 80 of 1997 s. 97)*
- (7) 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 relating to the practice of his profession unless he was, at the time when the cause of action arose, the holder of a valid practising certificate.

17. Recovery of practising fees

- (1) If any person registered contravenes section 16(1), the amount of the fee prescribed for the purposes of section 16(2) shall be recoverable as a civil debt by claim made in the name of the secretary of the relevant board.
- (2) In any proceedings under this section, a certificate purporting to be under the hand of the secretary of the board, that the person registered, has not paid the fee prescribed for the issue of a practising certificate shall, until the contrary is proved, be evidence of non-payment of the fee.
- (3) On recovery from a person of a prescribed fee under this section, the secretary of the relevant board shall, if the person is registered, issue a practising certificate to him.

(Amended E.R. 5 of 2020)

18A. Applicants under section 15 deemed to be registered

- (1) Subject to subsection (2), any person practising a profession on the date when sections 20 and 21 commenced to apply to that profession who applies for provisional registration under section 15 within the period of time determined by the Council under that section shall be deemed to be registered in respect of that profession for the purposes of those sections, until his application for provisional registration is disposed of by the board.
- (2) Subsection (1) shall not apply in respect of any person who has appealed to the Court of Appeal under section 25 from a decision of the board made under section 13(3) declining his application for registration. *(Amended 80 of 1997 s. 102)*

(Added 70 of 1989 s. 7)

20. Companies may carry on professions by way of trade or business

- (1) Except as provided by subsection (2) no corporation may carry on the business of practising a profession.
- (2) A company registered under the Companies Ordinance (Cap. 622) or under the Companies Ordinance (Cap. 32) as in force at the time of the registration may carry on the business of practising a profession if— *(Amended 28 of 2012 ss. 912 & 920)*
 - (a) at least one director thereof (in this section called **professionally qualified director**) is a person who—
 - (i) is registered in respect of that profession; and

- (ii) satisfies any requirements imposed by any regulations made under this Ordinance as to qualifications, experience or training necessary for a person registered in respect of that profession to practise without supervision; and *(Amended 70 of 1989 s. 12)*

- (b) all persons practising the profession who are employed by the company are registered in respect of that profession.

- (3) Within 14 days after 1 July in each year, a company carrying on the business of practising a profession shall transmit to the secretary of the relevant board a statement in the prescribed form containing—

- (a) the names and addresses of all persons who are professionally qualified directors, directors other than professionally qualified directors, and of all managers of the company;

- (b) the names, addresses, occupations and qualifications of all persons employed by the company who are practising the profession and the duties performed by such persons; and

- (c) such other particulars as may be prescribed.

- (4) A corporation which carries on the business of practising a profession other than in compliance with subsection (2) commits an offence and—

- (a) every—

- (i) director thereof other than a professionally qualified director; and

- (ii) manager thereof,

unless he proves that the offence was committed without his knowledge; and

- (b) every professionally qualified director, commits a like offence.

- (5) A company which fails to comply with subsection (3) commits an offence and every professionally qualified director commits a like offence.

(Replaced 67 of 1985 s. 6)

22. Disciplinary powers of board

- (1) If after due inquiry into any case referred to it by a Preliminary Investigation Committee in accordance with regulations made under section 29 a board is satisfied that a person registered by that board—
 - (a) has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment;
 - (b) has been guilty in Hong Kong or elsewhere of unprofessional conduct; (*Replaced 67 of 1985 s. 8*)
 - (c) was not at the time of his registration qualified to be registered;
 - (d) has obtained registration by fraud or misrepresentation; or
 - (e) has not complied with or is in breach of any condition of his registration (other than a condition under section 15) or has failed to comply with this Ordinance,
 the board may—
 - (i) order the name of the person registered to be removed from the register;
 - (ii) order the name of the person registered to be removed from the register for such period as it thinks fit;
 - (iii) order the person registered to be reprimanded; or
 - (iv) order that a warning letter in such terms as it considers appropriate be served on the person registered.
- (2) Within 1 month after the expiry of the time within which an appeal against an order made by a board under subsection (1) may be made to the Court of Appeal under section 25 or if such appeal has been made, within 1 month after the appeal is finally determined, the board— (*Amended 10 of 2005 s. 77*)
 - (a) shall, in the case of an order made under subsection (1) (i), (ii) or (iii), publish the order or, if the order is varied on appeal, the order as so varied in the Gazette together with an account of the particulars and the nature of the matter to which such order relates; and
 - (b) may, in the case of an order made under subsection (1) (iv), publish the order or, if the order is varied on appeal, the order as so varied in the Gazette together with an account of the particulars and the nature of the matter to which such order relates. (*Amended 10 of 2005 s. 77*)

- (3) In any inquiry held under this section, a board may make such order as it thinks fit for the payment of the costs of its secretary, a complainant, counsel or a solicitor present at the inquiry and the person registered or any one or more of them and any costs awarded may be recovered as a civil debt.
- (4) Nothing in this section shall require a board to inquire into the question whether the person registered was properly convicted but the board 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. (*Added 67 of 1985 s. 8*)
- (5) 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 in a common law jurisdiction which has unlimited jurisdiction in civil matters, or on appeal from a decision in such proceedings, shall be conclusive evidence of the fact found. (*Added 67 of 1985 s. 8. Amended 25 of 1998 s. 2*)

23. Powers of boards at inquiries

- (1) For the purposes of an inquiry under section 13 or 22 or when it otherwise appears desirable to a board that any matter relating to the relevant profession should be inquired into, the board shall subject to subsection (4) have power— (*Amended 67 of 1985 s. 9*)
 - (a) to hear, receive and examine evidence on oath;
 - (b) to summon a person to attend the inquiry to give evidence or produce a document or other thing in his possession and examine him as a witness or require him to produce a document or other thing in his possession; (*Amended 67 of 1985 s. 9*)
 - (c) to admit to the inquiry or to exclude therefrom the public or any member of the public; (*Added 67 of 1985 s. 9*)
 - (d) to admit to the inquiry or to exclude therefrom the press; and (*Added 67 of 1985 s. 9*)
 - (e) to award any person summoned to attend the inquiry such sum or sums as in the opinion of the board may have been reasonably expended by him by reason of his attendance. (*Added 67 of 1985 s. 9*)
- (2) A summons under subsection (1) shall be in the prescribed form and signed by the secretary of the board.
- (3) Subject to subsection (4), a person who—

- (a) being summoned under subsection (1) to attend an inquiry to give evidence or to produce a document or other thing in his possession, refuses or neglects to do so; or
 - (b) being examined under subsection (1) as a witness by or before a board, refuses or neglects to answer a question put to him by or with the concurrence of the board, or to produce a document or other thing in his possession when required to do so,
- commits an offence.
- (4) Notwithstanding subsection (3) a person who appears as a witness before a board shall be entitled to the same privileges in respect of the giving of evidence and the production of a document or other thing as he would be entitled to if appearing as a witness in civil proceedings before the Court of First Instance. *(Amended 25 of 1998 s. 2)*
 - (5) A person whose conduct is the subject of an inquiry, or who is implicated or concerned in the subject matter of the inquiry, shall be entitled to be represented by counsel or a solicitor at the inquiry.
 - (6) A person who—
 - (a) behaves in an insulting manner or uses any abusive, threatening or insulting expression to or in the presence of a board; or
 - (b) wilfully disrupts the proceedings of a board,
 commits an offence.

24. Provisions relating to decisions and orders of boards

- (1) The secretary of a board shall cause a copy of any decision of the board under section 13(3) or of any order made by the board under section 22 to be served forthwith upon the person concerned. *(Amended 67 of 1985 s. 10)*
- (2) No order of a board under section 22(1) shall take effect while the person to whom the order relates remains entitled to appeal to the Court of Appeal against the decision in accordance with section 25 or, if such an appeal has been made, before the appeal is finally determined. *(Amended 10 of 2005 s. 78)*

25. Appeals to Court of Appeal

- (1) Any person whose application for registration is declined under section 13(3) or a person registered who is aggrieved by an order made in respect of him under section 22(1) may appeal to the Court of Appeal and the Court of Appeal may thereupon affirm, reverse or vary the decision or order appealed against. *(Amended 67 of 1985 s. 11)*
- (2) *(Repealed 10 of 2005 s. 75)*
- (3) The Court of Appeal may make such order for the payment of costs as it considers reasonable.
- (4) Subject to subsection (5), the practice in relation to the appeal shall be subject to any rules of court made under the High Court Ordinance (Cap. 4). *(Amended 25 of 1998 s. 2)*
- (5) Notwithstanding subsection (4), the Court of Appeal shall not hear an appeal against a decision of a board under section 13(3) or an order made under section 22(1) unless notice of the appeal was given within 1 month of the service of a board's decision on the applicant or within 1 month of the service of the order under section 24, as the case may be. *(Amended 67 of 1985 s. 11)*

26. Boards may prepare Codes of Practice

- (1) A board may prepare and revise Codes of Practice which shall not be inconsistent with this Ordinance or any regulations made thereunder for the relevant profession for the purposes of this Ordinance— *(Amended 70 of 1989 s. 8)*
 - (a) prescribing standards of conduct and practice for persons practising that profession, for the employers of persons practising that profession and the directors of any company carrying on the business of practising that profession;
 - (b) regulating the activities of persons practising that profession including the activities of such persons in the supervision and control of unqualified persons assisting such persons in the practice of the profession; and
 - (c) regulating the activities of persons—
 - (i) who are required to be supervised in the practice of their profession by regulations made under this Ordinance, in the practice of the profession; and
 - (ii) in the supervision of persons referred to in subparagraph (i), *(Added 70 of 1989 s. 8)*
 and the Codes of Practice may prohibit specified activities. *(Amended 70 of 1989 s. 8)*

- (1A) Where, under subsection (1), a board—
 - (a) prepares a Code of Practice, it shall inform the Council in writing that such a Code of Practice has been prepared and serve a copy thereof on the Council; and
 - (b) revises a Code of Practice, it shall inform the Council in writing of any changes made thereto and serve a copy of the revision on the Council. *(Added 70 of 1989 s. 8)*
- (1B) Any Code of Practice prepared under subsection (1) or any revision of such a code shall not come into operation until the expiration of—
 - (a) the period of 6 months from the date the Council receives a copy of the Code of Practice or, as may be appropriate, any revision of such a code, served pursuant to subsection (1A); or
 - (b) such shorter period as may be agreed by the Council and the board concerned. *(Added 70 of 1989 s. 8)*
- (2) The secretary of the board shall cause a copy of a Code of Practice and each revision thereof to be served upon each person registered in respect of the profession to which the Code of Practice or revision applies.
- (3) A person, who contravenes any Code of Practice prepared or revised under subsection (1) and applicable to his profession, may be subject to inquiries held by a board; but the fact that any matters are not mentioned in a Code of Practice, shall not preclude the board from judging a person to be guilty of unprofessional conduct by reference to those matters. *(Amended 67 of 1985 s. 12; 68 of 1995 s. 35)*

29. Regulations

- (1) The Chief Executive in Council may by regulation provide for the fees to be paid in connection with matters within the scope of this Ordinance. *(Replaced 80 of 1997 s. 21. Amended 37 of 2000 s. 3)*
- (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 any—
 - (i) secretary of a board;
 - (ii) legal adviser to a board;
 - (b) the duties of the members and the officers of the Council or any board;
 - (c) anything referred to in this Ordinance as prescribed;

- (d) exempting or providing for the exemption of any specified class of persons from all or any of the provisions of this Ordinance;
- (e) empowering any board to exempt any person from all or any provisions of any regulation made under this section;
- (f) appeals to the Council from any decision of any board; and
- (g) enabling this Ordinance to have full effect. *(Added 80 of 1997 s. 21)*
- (1B) 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 establishment and functions of a committee, for each profession, to be known as the Preliminary Investigation Committee to make such preliminary investigation as it considers appropriate regarding any complaint or information about any registered person or any applicant for registration and to determine whether or not there shall be an inquiry under section 13 or 22;
 - (b) the prohibition of a member of any Preliminary Investigation Committee who is also a member of any board from attending any meeting of the board while it is inquiring under section 13 or 22 into a complaint or information, in the preliminary investigation of which he took part;
 - (c) 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;
 - (d) the qualifications, training and experience required in any profession to practise that profession without supervision;
 - (e) specifying for the purposes of section 12(1)(a) degrees, diplomas or other documents or experience, and the entry of the names of persons qualified under that section in different parts of the register according to their qualifications and experience;
 - (f) the categorization of registered persons in a profession according to their qualifications, training and experience;
 - (g) recognition by the board of the experience prescribed under this Ordinance;
 - (h) acceptance by the board of experience other than experience prescribed under this Ordinance;

- (i) the conduct of examinations held under this Ordinance;
- (j) the registration of premises used by persons to practise a profession;
- (k) the licensing of premises referred to in paragraph (j);
- (l) the furnishing of information;
- (m) regulating the conduct of persons other than registered persons while assisting registered persons in the practice of a profession;
- (n) for the purpose of section 10(1), the form and number of parts of every register to be kept and the particulars to be entered in such parts of the register;
- (o) the manner in which applications for registration shall be made;
- (p) the receipt of complaints or information about any registered person or any applicant for registration;
- (q) the procedure to be followed in relation to—
 - (i) the submission of complaints or information to any Preliminary Investigation Committee;
 - (ii) the preliminary investigation of any complaint or information by any Preliminary Investigation Committee;
 - (iii) the formulation of charges arising out of any complaint or information;
 - (iv) the reference of any matter by a Preliminary Investigation Committee to a board;
 - (v) inquiries held by a board under section 13 or 22;
- (r) the service of notices. (*Added 80 of 1997 s. 21*)
- (2) Regulations made under this section may provide—
 - (a) that the contravention of any particular regulation shall constitute an offence and may prescribe penalties for any such offence not exceeding a fine at level 2 or imprisonment for 1 year or both such fine and such imprisonment; and (*Amended 80 of 1997 s. 21; E.R. 5 of 2020*)
 - (b) for different fees to be paid by different categories of a profession. (*Amended 80 of 1997 s. 21*)
 - (c)-(d) (*Repealed 80 of 1997 s. 21*)
- (3) The Secretary for Health may by regulations— (*Amended 80 of 1997 s. 21; L.N. 106 of 2002; L.N. 130 of 2007; L.N. 144 of 2022*)

- (a) prohibit, restrict or otherwise regulate, the practice otherwise than under supervision, by registered persons of their profession where those persons have not the qualifications, training or experience prescribed under subsection (1B)(d) in relation to the profession;
- (b) prohibit, restrict or otherwise regulate the performance, or engagement in, in the course of practising their professions by registered persons, of any function or activity specified in the regulations;
- (c) prescribe particulars of any supervision required by regulations under this section. (*Added 70 of 1989 s. 9. Amended 80 of 1997 s. 21*)
- (4) Regulations under subsection (3) may—
 - (a) apply to registered persons generally;
 - (b) apply by reference to any qualification, training or experience specified in the regulations; or
 - (c) apply to registered persons who are of a class, category or other description specified in the regulations. (*Added 70 of 1989 s. 9*)
- (5) In this section—
supervision (監督) in relation to a profession means supervision prescribed under subsection (3)(c) and applicable to that profession. (*Added 70 of 1989 s. 9*)

30. Disapplication of certain provisions to certain classes of person

- (1) Any person who—
 - (a) holds a teaching appointment at a university, polytechnic, school or institution approved for the purposes of this section by the Chief Executive by notice in the Gazette; (*Amended 37 of 2000 s. 3*)
 - (b) holds an appointment as a public officer;
 - (c) holds an appointment in a subvented voluntary organization approved for the purposes of this section by the Council by notice in the Gazette; or
 - (d) holds an appointment at the Hospital Authority within the meaning of the Hospital Authority Ordinance (Cap. 113), (*Added 89 of 1991 s. 2*)
 and is practising a profession directly connected with and necessary for the discharge or performance of his duties while serving in such appointment, shall be exempt from sections 18 and 19. (*Replaced 70 of 1989 s. 10. Amended 89 of 1991 s. 2; 34 of 1995 s. 39*)

- (2) The following persons practising a profession directly connected with and necessary for the discharge or performance of their duties shall while serving in or holding the appointments or positions specified be deemed to be registered but sections 13, 14, 15, 16, 18 and 19 shall not apply to or in relation to them— (*Amended 2 of 2012 s. 3*)
- (a) a member of the Chinese People's Liberation Army; and (*Replaced 2 of 2012 s. 3*)
- (b) a person holding an appointment in a ship.
- (3) Subsections (1) and (2) shall not extend to any person specified therein who is practising a profession privately in Hong Kong.

Schedule

[ss. 1 & 2]
(*Format changes—E.R. 2 of 2012*)

Item	Profession	Interpretation
1.	Medical Laboratory Technologist (<i>Amended 70 of 1989 s. 11</i>)	A person trained in the practice of processing clinical, medical, legal, public health or veterinary specimens for the sole purpose of making and reporting on analysis or examination in vitro and the processing of all matters for human and animal consumption for the sole purpose of making and reporting on analysis or examination in vitro.
2.	Radiographer	A person trained to operate either— (a) radio-diagnostic, ultra sound and thermographic equipment for the purpose of radiological diagnosis; or (b) radiation therapy equipment for the treatment of diseases; and (<i>Amended 70 of 1989 s. 11</i>) (c) radionuclear equipment including isotopes.
3.	Physiotherapist	A person trained to assess and treat physical disabilities by means of remedial exercises, manual therapy and mechanical, thermal or electrical energy.

Item	Profession	Interpretation
4.	Occupational Therapist	A person trained to assess and treat disabilities caused by diseases or injuries using mental, physical or social activities to enable the disabled to achieve the maximum possible independence in daily life.
5.	Optometrist	A person trained in the practice of— (a) testing vision; (b) prescribing optical appliances; (c) fitting optical appliances; or (d) supplying optical appliances on prescription. (<i>Added 67 of 1985 s. 15</i>)

2. Interpretation

In these regulations, unless the context otherwise requires—

Board (委員會) means the Medical Laboratory Technologists Board established under section 5 of the Ordinance;

Chairman of the Board (委員會主席) means the Chairman of the Board appointed under section 5(1)(a) of the Ordinance;

Chairman of the Committee (小組主席) means the Chairman of the Committee appointed under regulation 17;

Committee (小組) means the Preliminary Investigation Committee constituted under regulation 17;

complainant (申訴人) means any person from whom a complaint against or information in respect of—

- (a) a registered medical laboratory technologist; or
- (b) an applicant for registration as a medical laboratory technologist,

has been received by the Secretary under regulation 18;

examination (考試) means an examination held in pursuance of section 15A of the Ordinance;

Legal Adviser (法律顧問) means the legal adviser to the Board appointed under section 5(4)(b) of the Ordinance;

medical laboratory technologist (醫務化驗師) means a person of the description referred to in item 1 of the Schedule to the Ordinance;

notice of inquiry (研訊通知書) means a notice served in accordance with regulation 23;

register (註冊名冊) means the register kept in pursuance of section 10 of the Ordinance for the profession of medical laboratory technologists;

respondent (答辯人) means a registered medical laboratory technologist or an applicant for registration as a medical laboratory technologist against or in respect of whom a complaint has been received by the Secretary under regulation 18;

Secretary (秘書) means the Secretary of the Board appointed under section 5(4)(a) of the Ordinance.

3. Form of register

- (1) The register shall be in the form specified in Schedule 1.
- (2) Without affecting the generality of subregulation (1) the register shall be divided into 3 parts, namely Part I, Part II and Part III.

4. Qualifications for registration

For the purposes of section 12(1)(a) of the Ordinance, a person shall be qualified for registration if he—

- (a) holds a Diploma in Medical Laboratory Science issued by the Hong Kong Polytechnic;
- (b) holds an Ordinary Certificate in Medical Laboratory Technology issued by the Department of Extra-mural Studies of the University of Hong Kong;
- (c) holds a Certificate of Competency in Medical Laboratory Technology issued by the Medical and Health Department of the Hong Kong Government prior to 1982;
- (d) holds a Higher Certificate in Medical Laboratory Technology issued by the Department of Extra-mural Studies of the University of Hong Kong;
- (e) holds a Higher Diploma in Medical Laboratory Science issued by the Hong Kong Polytechnic or The Hong Kong Polytechnic University; (*L.N. 640 of 1994*)
- (ea) holds a Bachelor of Science degree in Biomedical Science awarded by the Hong Kong Polytechnic or The Hong Kong Polytechnic University; (*L.N. 435 of 1996; L.N. 203 of 2007*)
- (eb) holds a Bachelor of Science degree in Medical Laboratory Science awarded by The Hong Kong Polytechnic University; or (*L.N. 203 of 2007*)
- (f)-(g) (*Repealed L.N. 435 of 1996*)
- (h) holds a certificate from the Board that he has passed an examination relating to the profession of a medical laboratory technologist conducted under section 15A of the Ordinance for the purposes of section 12(1)(a) of the Ordinance.

5. Qualifications and experience for entry in various parts of the register

For the purposes of section 13(4) of the Ordinance, the Secretary shall enter the name of a medical laboratory technologist—

- (a) who holds a qualification referred to in regulation 4(d), (e), (ea) or (eb) and who has— (*L.N. 435 of 1996; L.N. 203 of 2007*)
 - (i) experience of not less than 3 years—
 - (A) acquired after the medical laboratory technologist acquired such qualification; and
 - (B) recognized for the purposes of this regulation by the Board; or
 - (ii) such other experience, acquired before the medical laboratory technologist obtained such qualification, as may be accepted by the Board in a particular case subject to such conditions (if any) relating to the acquisition of post qualification experience as the Board may impose,in Part I of the register;
- (b) who holds a qualification referred to in—
 - (i) regulation 4(d), (e), (ea) or (eb) but does not have the experience referred to in paragraph (a)(i) or (ii); or (*L.N. 435 of 1996; L.N. 203 of 2007*)
 - (ii) regulation 4(a), (b), (c) or (h),in Part II of the register;
- (c) to whom a certificate of provisional registration has been issued under section 15 of the Ordinance, in Part III of the register; and
- (d) who is qualified to be registered under section 12(1)(b) or (c) of the Ordinance in that part of the register determined by the Council under section 12(1A) of the Ordinance.

6. Restrictions on the practice of Part II and Part III medical laboratory technologists

- (1) A medical laboratory technologist shall not practise without supervision unless his name has been entered in Part I of the register.
- (2) A medical laboratory technologist whose name has been entered in Part II or III of the register shall not practise otherwise than under the supervision of a medical laboratory technologist whose name has been registered in Part I.

7. Application for registration or provisional registration

- (1) An application for registration as a medical laboratory technologist under section 13 of the Ordinance or for provisional registration as a medical laboratory technologist under section 15 of the Ordinance shall be in accordance with Form 1 in Schedule 2.
- (2) A form of application for registration or provisional registration shall be signed in the presence of a barrister, commissioner for oaths, medical laboratory technologist registered in Part I of the register, registered medical practitioner or solicitor and shall be delivered to the Secretary together with 4 photographs of the applicant of such size as shall be specified by the Secretary. (*47 of 1997 s. 10*)
- (3) The Secretary shall refer the application of a person claiming to be qualified to be registered—
 - (a) under section 12(1)(a) or 15 of the Ordinance to the Board; and
 - (b) under section 12(1)(b) or (c) of the Ordinance to the Council,as soon as practicable after receiving the application.

9. Certificates of registration and provisional registration

- (1) A certificate of registration issued under section 14(1) of the Ordinance shall be in accordance with Form 2A in Schedule 2.
- (2) A certificate of provisional registration issued under section 15 of the Ordinance shall be in accordance with Form 2B in Schedule 2.

10. Examinations

- (1) A candidate for an examination shall pay the fee prescribed in Schedule 3 as a condition of entry for the examination.
- (2) An examination may be written, oral or practical and shall be based upon such syllabus as the Board may from time to time determine.
- (3) The Board shall cause a candidate for an examination to be informed of his results after the completion of the examination.

12. Application for, and issue of, practising certificates

- (1) An application for a practising certificate under section 16 of the Ordinance shall be in writing.
- (2) A practising certificate shall be in such form as may be determined by the Secretary.

14. Statement by company

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

17. Preliminary Investigation Committee

- (1) For the purposes of performing the functions conferred upon it by the Ordinance and these regulations, there shall be a Preliminary Investigation Committee consisting of—
 - (a) a chairman who shall be a member of the Board nominated by the Board and appointed by the Chairman of the Board;
 - (b) 2 medical laboratory technologists registered in Part I of the register and ordinarily resident in Hong Kong, not being members of the Board, nominated by an association of medical laboratory technologists in Hong Kong and appointed by the Chairman of the Board.
- (2) Save as provided in Schedule 5 the members of the Committee shall hold office for 12 months but at the end of such period they may be re-nominated and reappointed.
- (3) Schedule 5 shall apply to the Preliminary Investigation Committee.

18. Submission of complaint or information

- (1) Where—
 - (a) a complaint is made to the Secretary in respect of a registered medical laboratory technologist; or
 - (b) information is received by the Secretary in respect of an application for registration,as to any of the matters referred to in paragraph (a), (b), (c), (d) or (e) of section 22(1) of the Ordinance he shall submit the complaint or that information to the Chairman of the Committee.
- (2) In this Part **complaint** (申訴) includes information received by the Secretary under subregulation (1)(b) and submitted under that subregulation.

19. Complaint touching conduct

- (1) Where, in a complaint submitted by the Secretary to the Chairman of the Committee under regulation 18, any allegation is made which in the opinion of the Chairman of the Committee gives rise to a question whether a registered medical laboratory technologist or an applicant for registration—
 - (a) has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment;
 - (b) has been guilty in Hong Kong or elsewhere of unprofessional conduct; or
 - (c) may be guilty of any of the matters referred to in paragraph (c), (d) or (e) of section 22(1) of the Ordinance,the Chairman of the Committee may require that the complaint be formulated in writing setting out the grounds thereof and, except where the complaint is in writing under the hand of a public officer, supported by one or more statutory declarations as to the facts of the case.
- (2) Each statutory declaration referred to in subregulation (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.

20. Reference of complaint to the Committee

- (1) On receiving a complaint submitted under regulation 19, the Chairman of the Committee shall, if satisfied that the complaint is frivolous or groundless and should not proceed further, dismiss it, and in any other case—
 - (a) direct the Secretary that the complaint be referred to the Committee to consider whether it should be referred to the Board for inquiry; and
 - (b) fix a date for the meeting of the Committee to consider the complaint.
- (2) Where the Secretary is directed to refer a complaint to the Committee, he shall—
 - (a) refer the complaint to the Committee;
 - (b) notify the respondent of the receipt of the complaint;
 - (c) inform him of the substance thereof;

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

21. Consideration of complaint by the Committee

- (1) The Secretary shall, at the meeting at which the complaint is considered, put before the Committee the complaint, any statutory declaration received therewith, any explanation submitted by the respondent and any other available document or matter in the nature of evidence relevant to the complaint.
- (2) The Committee shall consider any documents or matter put before it under subregulation (1) and, subject to subregulation (3), shall determine either—
 - (a) that no inquiry shall be held; or
 - (b) that the complaint shall in whole or in part be referred to the Board for inquiry.
- (3) Before coming to a determination under subregulation (2), the Committee may cause to be made such further investigations and may obtain such additional advice or assistance as it considers necessary.

22. Determination of Committee that no inquiry be held

- (1) If the Committee determines that no inquiry shall be held, it shall direct that the complaint be dismissed and the Secretary shall inform the respondent and the complainant, if any, accordingly.
- (2) If the Committee determines that an inquiry shall be held, it shall refer the case to the Board and the Chairman of the Committee shall notify the Chairman of the Board of the matters into which inquiry is to be made.

23. Determination of Committee that inquiry be held

- (1) Where a matter is referred to the Board under regulation 22(2), the Chairman of the Board shall fix a date for holding an inquiry and the Secretary shall, within 1 month of the determination of the Committee to refer the complaint to the Board, serve on the respondent a notice of inquiry which shall be in accordance with Form 4 in Schedule 2 together with a copy of these regulations.

- (2) A notice of inquiry shall—
 - (a) in a case where the complaint is that the respondent has been guilty of misconduct, state in the form of a charge, which shall be formulated by the Secretary, the matters into which inquiry is to be held;
 - (b) in any other case, state the allegation contained in the complaint; and
 - (c) specify the date, time and place at which the inquiry is proposed to be held.
- (3) An inquiry shall not be held until 28 days after the date of service of the notice of inquiry unless the respondent consents in writing to holding it earlier.
- (4) Service of a notice of inquiry on the respondent shall be by registered post addressed to him at his registered address or at his address last known to the Secretary if different.
- (5) 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.

38. Making of an order or postponement to future meeting

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

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

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

40. Making of order at future meeting

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

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

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

41. Opportunity for mitigation

- (1) At any meeting of the Board at which the Board makes in respect of a respondent an order or a decision to decline his application for registration, before the order or decision is made, an opportunity shall be given to the respondent or his counsel or solicitor to make a statement in mitigation and to adduce evidence as to the circumstances leading to the commission of the offence or the conduct complained of and as to the character and antecedents of the respondent.
- (2) At any meeting referred to in subregulation (1), before the order or decision of the Board is made—
 - (a) the Secretary or any other person presenting the case against the respondent may, if the respondent has been the subject of a previous order, produce to the Board the records of the meeting at which that order was made; and
 - (b) the respondent, in person or by his counsel or solicitor, may make a statement by way of mitigation and adduce evidence as to the circumstances leading to the previous order.

42. Evidence

- (1) Evidence may be taken by the Board by oral statement on oath or by written deposition or statement.
- (2) A summons under section 23(1)(b) of the Ordinance to any person requiring him to attend an inquiry to give evidence or produce any document or other thing in his possession shall be in accordance with Form 5 in Schedule 2.
- (3) Every witness shall be examined by the party producing him, and may then be cross-examined by the other party and may be re-examined by the party producing that witness only upon matters arising out of the cross-examination.
- (4) The Board may 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 of the Board, and members of the Board through the Chairman of the Board, may put such questions to the parties or to any witness as they may think desirable, and the other parties may then re-examine such party or witness on matters arising out of such questioning.

43. Voting

- (1) In the taking of the votes of the Board on any question to be determined by it, the Chairman of the Board shall call upon the members to signify their votes and shall thereupon declare the determination of the Board in respect of such question.
- (2) Where the determination of the Board so declared by the Chairman of the Board is challenged by any member of the Board, the Chairman of the Board shall call upon each member severally to declare his vote, announce his own vote and announce the number of members of the Board who have voted each way, and the result of the vote.
- (3) Where on any question to be determined by the Board the votes are equal, the question shall be deemed to have been decided in favour of the respondent.
- (4) No person other than members of the Board and the Legal Adviser shall be present when the Board votes on any matter.

44. Inquiry by the Board

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

45. Ordinary meetings of Board

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

46. Advice by Legal Adviser

- (1) When the Legal Adviser advises the Board on any question of law as to evidence, procedure or any other matter in any inquiry under section 13 or 22 of the Ordinance he shall do so in the presence of every party to the proceedings or the person representing each party or, if the advice is tendered after the Board has commenced to deliberate as to its findings, every such party or person as aforesaid shall be informed of the advice that the Legal Adviser has tendered.
- (2) In any case where the Board does not accept the advice of the Legal Adviser on any such question as aforesaid, every such party or person shall be informed of this fact.

Schedule 1

[reg. 3]

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE (Chapter 359)

MEDICAL LABORATORY TECHNOLOGISTS (REGISTRATION AND DISCIPLINARY PROCEDURE) REGULATIONS

Register of Medical Laboratory Technologists

PART I

REGISTRATION NO. :

NAME : ()

ADDRESS :

BUSINESS ADDRESS :

QUALIFICATIONS AND DATE OBTAINED :

DETAILS OF WORKING EXPERIENCE :

CERTIFICATE OF REGISTRATION SERIAL NO. :

DATE OF REGISTRATION :

REMARKS :

Photograph



.....
Secretary,
Medical Laboratory
Technologists Board.

PART II

REGISTRATION NO. :

NAME : ()

ADDRESS :

BUSINESS ADDRESS :

QUALIFICATIONS AND DATE OBTAINED :

DETAILS OF WORKING EXPERIENCE :

CERTIFICATE OF REGISTRATION SERIAL NO. :

DATE OF REGISTRATION :

REMARKS :

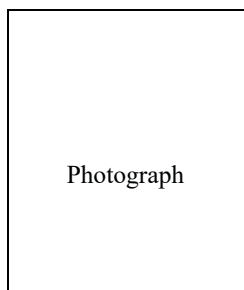
Photograph



Secretary,
Medical Laboratory
Technologists Board.

PART III

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



Secretary,
Medical Laboratory
Technologists Board.

Schedule 2

[regs. 7, 9, 14, 23 & 42]

Form 1

[reg. 7(1)]

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE (Chapter 359)

MEDICAL LABORATORY TECHNOLOGISTS (REGISTRATION AND DISCIPLINARY PROCEDURE) REGULATIONS

Application for Registration/Provisional Registration as a Medical Laboratory Technologist

I of
(name in both English and Chinese)
..... being
(correspondence or home address)
qualified for registration under section 12(1)*(a)/(b)/(c)/section 15 of the
Supplementary Medical Professions Ordinance apply for
*registration/provisional registration as a medical laboratory technologist
and request that my name be placed on Part of the Register.

2. I hold the following qualifications
3. I have the following professional experience
4. My business address(es) *is/are as follows:
(English)
(Chinese).....

5. My telephone numbers are:

(Home)

(Office)

6. I *†have/have not been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment. I *have/have not been found guilty in Hong Kong or elsewhere of unprofessional conduct. I *am/am not the subject of an existing order under section 22(1)(i) or (ii) of the Supplementary Medical Professions Ordinance.

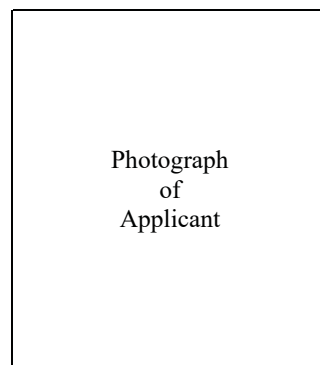
I declare that the information given in this application is correct to the best of my knowledge and belief.

Signed at }
the day of 19 } (Signature of Applicant)

Before me,

.....
(Name in block letters) (Signature)

* Barrister/Commissioner for Oaths/Medical laboratory technologist registered in Part I of the Register/Registered medical practitioner/Solicitor



† Please supply details of conviction.

* Delete as inappropriate.

(47 of 1997 s. 10)

Form 2A

[reg. 9(1)]

MEDICAL LABORATORY TECHNOLOGISTS BOARD
HONG KONG

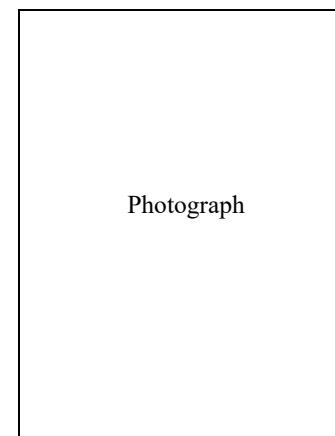
SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE
(Chapter 359)

Certificate of Registration

Number on Register:

This is to certify that
whose address is
.....
and whose photograph appears hereon was on the day of
19 admitted to Part of the Register of Medical Laboratory Technologists.

Dated this day of 19



.....

Secretary,
Medical Laboratory
Technologists Board.
(L.N. 86 of 2004)

Form 2B

[reg. 9(2)]
MEDICAL LABORATORY TECHNOLOGISTS BOARD
HONG KONG

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE
(Chapter 359)

Certificate of Provisional Registration

Number on Register:

This is to certify that
whose address is
.....
and whose photograph appears hereon was on the day of
19 admitted to Part III of the Register of Medical Laboratory
Technologists subject to the undermentioned conditions.

*Conditions imposed pursuant to section 15(3) of the Supplementary
Medical Professions Ordinance—*

Dated this day of 19

Photograph

Secretary,
Medical Laboratory
Technologists Board.

(L.N. 86 of 2004)

Form 3

[reg. 14]
SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE
(Chapter 359)

MEDICAL LABORATORY TECHNOLOGISTS (REGISTRATION AND
DISCIPLINARY PROCEDURE) REGULATIONS

Particulars of a Company carrying on the Business
of Medical Laboratory Technologist

Presented by

(Name of Company)

of

(Registered Business Address)

(Business Registration Certificate No.)

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

under the name of

Name in full	Position	Cert. of Reg. No. and Date of Reg. where Directors are registered under Part I of the Register	Residential Address

and of persons who practise the profession of medical laboratory technologist in connection with the business of the said company in the above.

Name in full	Residential address	Occupation	Qualifications	Cert. of Reg. No. and Date of Reg.	Duties performed

Dated this day of 19

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

Form 4

[reg. 23(1)]
SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE
(Chapter 359)

MEDICAL LABORATORY TECHNOLOGISTS (REGISTRATION AND
DISCIPLINARY PROCEDURE) REGULATIONS

Notice of Inquiry

[Date]

Sir/Madam,

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

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

or

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

or

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

or

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

.....
.....
.....
.....

(set out briefly the facts alleged).

or

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

.....
.....

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

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

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

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

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 Board.

A copy of the Medical Laboratory Technologists (Registration and Disciplinary Procedure) Regulations is sent herewith for your information.

.....

Secretary,
Medical Laboratory
Technologists Board.
(L.N. 53 of 1992)

Form 5

[reg. 42(2)]

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE
(Chapter 359)

MEDICAL LABORATORY TECHNOLOGISTS (REGISTRATION AND
DISCIPLINARY PROCEDURE) REGULATIONS

Summons to Witness

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

And in the matter of ⁽¹⁾
To ⁽²⁾

You are hereby summoned to appear before the Medical Laboratory Technologists Board at

.....
on the day of 19
..... 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 19

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 registered dentist as defined by section 2(1) of the Dentists Registration Ordinance (Cap. 156) while practising dentistry (22 of 2024 s. 130)	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 (L.N. 640 of 1994)	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 (L.N. 5 of 1999)	21(1) and (2)
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 (L.N. 421 of 1991; L.N. 640 of 1994)	21(1)

Part 2

Schedule 3

[regs. 10 & 15]

Fees

Item	Particular	Fee \$
1.	Any alteration to the register under section 10(2)	460
2.	Restoration to the register under section 10(5)	585
3.	Registration under section 13	1,330
4.	Certified copy of a certificate of registration under section 14(3)	310
5.	Duplicate certificate of registration under section 14(7)	360
6.	Certificate of standing under section 14A	720
7.	Certificate verifying registration under section 14A	545
8.	Provisional registration under section 15	1,085
9.	Examination fee for an examination under section 15A	1,750
10.	Practising certificate issued under section 16 (34 of 1995 s. 40)	435

Item	Person Exempt	Exempt Section
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 5

[reg. 17]

Preliminary Investigation Committee

- 1. Member ceasing to be member on becoming member of Board**
A member of the Committee who during the period of his office becomes a member of the Board shall cease to be a member of the Committee.
- 2. Appointment of acting Chairman**
If the Chairman of the Committee is or will be unable temporarily to exercise his functions another member of the Board may be nominated by the Board and appointed by the Chairman of the Board to act during the period of his appointment, as Chairman of the Committee.
- 3. Appointment of acting member**

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

4. Effect of lapse or termination of appointment

If at the time the Committee is considering any complaint or information under these regulations—

- (a) the appointment of any person to be the Chairman or a member of the Committee lapses by virtue of regulation 17 or terminates by operation of paragraph 1 of this Schedule; or
- (b) the appointment of any person under paragraph 2 or 3 of this Schedule lapses,

then if such person is not thereupon elected or re-elected or appointed or reappointed, as the case may be, to be the Chairman or a member of the Committee, the chairmanship or membership of such person shall continue by virtue of this 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.

5. Resignation by Chairman and member of Committee

- (1) The Chairman or a member of the Committee may at any time resign from the Committee by notice in writing addressed to the Secretary, save that, if at the time such notice is given the Committee is considering any complaint or information, the person so resigning shall, if so required by the Chairman of the Board, continue to be Chairman or member of the Committee for the purposes of the consideration of such complaint or information but for no other purpose, until the Committee has discharged its functions in respect of the complaint or information.
- (2) Regulation 17 shall apply to any vacancy arising from any resignation under this paragraph as if the vacancy had occurred by effluxion of time.

6. Chairman or member of Committee attending Board meeting

The Chairman of the Committee shall not and no member of the Committee shall attend any meeting of the Board as a member of the Board during the hearing or determination of any complaint or information against any person which is referred to the Board by the

Committee for determination if such member has attended any meeting of the Committee at which such complaint or information was considered.

7. Meetings of Committee

- (1) The Committee shall meet from time to time as directed by the Chairman of the Committee who may at any time adjourn any meeting of the Committee.
- (2) Save as otherwise provided in the Ordinance the Chairman of the Committee shall determine the procedure to be adopted at any meeting.

2. Interpretation

In these regulations, unless the context otherwise requires—

Board (委員會) means the Occupational Therapists Board established under section 5 of the Ordinance;

Chairman of the Board (委員會主席) means the Chairman of the Board appointed under section 5(1)(a) of the Ordinance;

Chairman of the Committee (小組主席) means the Chairman of the Committee appointed under regulation 17;

Committee (小組) means the Preliminary Investigation Committee constituted under regulation 17;

complainant (申訴人) means any person from whom a complaint against or information in respect of—

- (a) a registered occupational therapist; or
- (b) an applicant for registration as an occupational therapist, has been received by the Secretary under regulation 18;

examination (考試) means an examination held in pursuance of section 15A of the Ordinance;

Legal Adviser (法律顧問) means the legal adviser to the Board appointed under section 5(4)(b) of the Ordinance;

notice of inquiry (研訊通知書) means a notice served in accordance with regulation 23;

occupational therapist (職業治療師) means a person of the description referred to in item 4 of the Schedule to the Ordinance;

register (註冊名冊) means the register kept in pursuance of section 10 of the Ordinance for the profession of occupational therapists;

respondent (答辯人) means a registered occupational therapist or an applicant for registration as an occupational therapist against or in respect of whom a complaint has been received by the Secretary under regulation 18;

Secretary (秘書) means the Secretary of the Board appointed under section 5(4)(a) of the Ordinance.

3. Form of register

- (1) The register shall be in the form specified in Schedule 1.
- (2) Without affecting the generality of subregulation (1), the register shall be divided into 3 parts, namely Part I, Part II and Part III.

4. **Qualifications for registration**

For the purposes of section 12(1)(a) of the Ordinance, a person shall be qualified for registration if he holds—

- (a) a Professional Diploma in Occupational Therapy issued by the Hong Kong Polytechnic before 1 January 1994, or a Bachelor of Science Degree in Occupational Therapy issued by the Hong Kong Polytechnic or The Hong Kong Polytechnic University on or after 1 January 1994; or (*L.N. 517 of 1994; L.N. 643 of 1994; L.N. 436 of 1996*)
- (b) (*Repealed L.N. 436 of 1996*)
- (c) a certificate from the Board that he has passed an examination relating to occupational therapy conducted under section 15A of the Ordinance for the purposes of section 12(1)(a) of the Ordinance.

5. **Qualifications and experience for entry in various parts of the register**

For the purposes of section 13(4) of the Ordinance the Secretary shall enter the name of an occupational therapist—

- (a) who holds a qualification referred to in regulation 4 and who has—
 - (i) experience of not less than 1 year—
 - (A) acquired after the occupational therapist acquired such qualification; and
 - (B) recognized for the purposes of this regulation by the Board; or
 - (ii) such other experience, acquired before the occupational therapist obtained such qualification, as may be accepted by the Board in a particular case subject to such conditions (if any) relating to the acquisition of post qualification experience as the Board may impose,

in Part I of the register;
- (b) who holds a qualification referred to in regulation 4 but does not have the experience referred to in paragraph (a) (i) or (ii), in Part II of the register;

- (c) to whom a certificate of provisional registration has been issued under section 15 of the Ordinance, in Part III of the register; and
- (d) who is qualified to be registered under section 12(1)(b) or (c) of the Ordinance in that part of the register determined by the Council under section 12(1A) of the Ordinance.

6. **Restrictions on the practice of Part II and Part III occupational therapists**

- (1) An occupational therapist shall not practise without supervision unless his name has been entered in Part I of the register.
- (2) An occupational therapist whose name has been entered in Part II or III of the register shall not practise otherwise than under the supervision of an occupational therapist whose name has been registered in Part I.

7. **Application for registration or provisional registration**

- (1) An application for registration as an occupational therapist under section 13 of the Ordinance or for provisional registration as an occupational therapist under section 15 of the Ordinance shall be in accordance with Form 1 in Schedule 2.
- (2) A form of application for registration or provisional registration shall be signed in the presence of a barrister, commissioner for oaths, occupational therapist registered in Part I of the register, registered medical practitioner or solicitor and shall be delivered to the Secretary together with 4 photographs of the applicant of such size as shall be specified by the Secretary. (*47 of 1997 s. 10*)
- (3) The Secretary shall refer the application of a person claiming to be qualified to be registered—
 - (a) under section 12(1)(a) or 15 of the Ordinance to the Board; and
 - (b) under section 12(1)(b) or (c) of the Ordinance to the Council,

as soon as practicable after receiving the application.

9. **Certificates of registration and provisional registration**

- (1) A certificate of registration issued under section 14(1) of the Ordinance shall be in accordance with Form 2A in Schedule 2.

- (2) A certificate of provisional registration issued under section 15 of the Ordinance shall be in accordance with Form 2B in Schedule 2.

10. Examinations

- (1) A candidate for an examination shall pay the fee prescribed in Schedule 3 as a condition of entry for the examination.
- (2) An examination may be written, oral or practical and shall be based upon such syllabus as the Board may from time to time determine.
- (3) The Board shall cause a candidate for an examination to be informed of his results after the completion of the examination.

12. Application for, and issue of, practising certificates

- (1) An application for a practising certificate under section 16 of the Ordinance shall be in writing.
- (2) A practising certificate shall be in such form as may be determined by the Secretary.

14. Statement by company

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

17. Preliminary Investigation Committee

- (1) For the purposes of performing the functions conferred upon it by the Ordinance and these regulations, there shall be a Preliminary Investigation Committee consisting of—
 - (a) a chairman who shall be a member of the Board nominated by the Board and appointed by the Chairman of the Board;
 - (b) an occupational therapist registered in Part I of the register and ordinarily resident in Hong Kong, not being a member of the Board and who is practising as an occupational therapist in the employment of the Government or the Hospital Authority, nominated by the Hong Kong Occupational Therapy Association and appointed by the Chairman of the Board; (*L.N. 517 of 1994*)

- (c) an occupational therapist registered in Part I of the register and ordinarily resident in Hong Kong, not being a member of the Board, who is practising as an occupational therapist other than as an employee of the Government or the Hospital Authority, nominated by the Hong Kong Occupational Therapy Association and appointed by the Chairman of the Board. (*L.N. 517 of 1994; L.N. 87 of 2004*)

- (2) Save as provided in Schedule 5 the members of the Committee shall hold office for 12 months but at the end of such period they may be re-nominated and reappointed.
- (3) Schedule 5 shall apply to the Preliminary Investigation Committee.
- (4) In this regulation, **Hospital Authority** (醫院管理局) means the Hospital Authority established by section 3(1) of the Hospital Authority Ordinance (Cap. 113). (*L.N. 517 of 1994*)

18. Submission of complaint or information

- (1) Where—
 - (a) a complaint is made to the Secretary in respect of a registered occupational therapist; or
 - (b) information is received by the Secretary in respect of an application for registration,
 as to any of the matters referred to in paragraph (a), (b), (c), (d) or (e) of section 22(1) of the Ordinance he shall submit the complaint or that information to the Chairman of the Committee.
- (2) In this Part **complaint** (申訴) includes information received by the Secretary under subregulation (1)(b) and submitted under that subregulation.

19. Complaint touching conduct

- (1) Where, in a complaint submitted by the Secretary to the Chairman of the Committee under regulation 18, any allegation is made which in the opinion of the Chairman of the Committee gives rise to a question whether a registered occupational therapist or an applicant for registration—
 - (a) has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment;
 - (b) has been guilty in Hong Kong or elsewhere of unprofessional conduct; or

- (c) may be guilty of any of the matters referred to in paragraph (c), (d) or (e) of section 22(1) of the Ordinance,

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

- (2) Each statutory declaration referred to in subregulation (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.

20. Reference of complaint to the Committee

- (1) On receiving a complaint submitted under regulation 19, the Chairman of the Committee shall, if satisfied that the complaint is frivolous or groundless and should not proceed further, dismiss it, and in any other case—
 - (a) direct the Secretary that the complaint be referred to the Committee to consider whether it should be referred to the Board for inquiry; and
 - (b) fix a date for the meeting of the Committee to consider the complaint.
- (2) Where the Secretary is directed to refer a complaint to the Committee, he shall—
 - (a) refer the complaint to the Committee;
 - (b) notify the respondent of the receipt of the complaint;
 - (c) inform him of the substance thereof;
 - (d) forward to him a copy of any statutory declaration furnished under regulation 19(1);
 - (e) inform him of the date fixed for the meeting of the Committee to consider the complaint; and
 - (f) invite him to submit to the Committee any explanation he wishes to offer for his conduct or any other matter alleged in the complaint.

21. Consideration of complaint by the Committee

- (1) The Secretary shall, at the meeting at which the complaint is considered, put before the Committee the complaint, any statutory declaration received therewith, any explanation submitted by the respondent and any other available document or matter in the nature of evidence relevant to the complaint.
- (2) The Committee shall consider any documents or matter put before it under subregulation (1) and, subject to subregulation (3), shall determine either—
 - (a) that no inquiry shall be held; or
 - (b) that the complaint shall in whole or in part be referred to the Board for inquiry.
- (3) Before coming to a determination under subregulation (2), the Committee may cause to be made such further investigations and may obtain such additional advice or assistance as it considers necessary.

22. Determination of Committee that no inquiry be held

- (1) If the Committee determines that no inquiry shall be held, it shall direct that the complaint be dismissed and the Secretary shall inform the respondent and the complainant, if any, accordingly.
- (2) If the Committee determines that an inquiry shall be held, it shall refer the case to the Board and the Chairman of the Committee shall notify the Chairman of the Board of the matters into which inquiry is to be made.

23. Determination of Committee that inquiry be held

- (1) Where a matter is referred to the Board under regulation 22(2), the Chairman of the Board shall fix a date for holding an inquiry and the Secretary shall, within 1 month of the determination of the Committee to refer the complaint to the Board, serve on the respondent a notice of inquiry which shall be in accordance with Form 4 in Schedule 2 together with a copy of these regulations.
- (2) A notice of inquiry shall—
 - (a) in a case where the complaint is that the respondent has been guilty of misconduct, state in the form of a charge, which shall be formulated by the Secretary, the matters into which inquiry is to be held;
 - (b) in any other case, state the allegation contained in the complaint; and
 - (c) specify the date, time and place at which the inquiry is proposed to be held.

- (3) An inquiry shall not be held until 28 days after the date of service of the notice of inquiry unless the respondent consents in writing to holding it earlier.
- (4) Service of a notice of inquiry on the respondent shall be by registered post addressed to him at his registered address or at his address last known to the Secretary if different.
- (5) 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.

38. Making of an order or postponement to future meeting

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

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

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

40. Making of order at future meeting

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

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

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

41. Opportunity for mitigation

- (1) At any meeting of the Board at which the Board makes in respect of a respondent an order or a decision to decline his application for registration, before the order or decision is made, an opportunity shall be given to the respondent or his counsel or solicitor to make a statement in mitigation and to adduce evidence as to the circumstances leading to the commission of the offence or the conduct complained of and as to the character and antecedents of the respondent.
- (2) At any meeting referred to in subregulation (1), before the order or decision of the Board is made—
 - (a) the Secretary or any other person presenting the case against the respondent may, if the respondent has been the subject of a previous order, produce to the Board the records of the meeting at which that order was made; and
 - (b) the respondent, in person or by his counsel or solicitor, may make a statement by way of mitigation and adduce evidence as to the circumstances leading to the previous order.

42. Evidence

- (1) Evidence may be taken by the Board by oral statement on oath or by written deposition or statement.
- (2) A summons under section 23(1)(b) of the Ordinance to any person requiring him to attend an inquiry to give evidence or produce any document or other thing in his possession shall be in accordance with Form 5 in Schedule 2.
- (3) Every witness shall be examined by the party producing him and may then be cross-examined by the other party and may be re-examined by the party producing the witness only upon matters arising out of the cross-examination.
- (4) The Board 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 of the Board, and members of the Board through the Chairman of the Board, may put such questions to the parties or to any witness as they may think desirable, and the other parties may then re-examine such party or witness on matters arising out of such questioning.

43. Voting

- (1) In the taking of the votes of the Board on any question to be determined by it, the Chairman of the Board shall call upon the members to signify their votes and shall thereupon declare the determination of the Board in respect of such question.
- (2) Where the determination of the Board so declared by the Chairman of the Board is challenged by any member of the Board, the Chairman of the Board shall call upon each member severally to declare his vote, announce his own vote and announce the number of members of the Board who have voted each way, and the result of the vote.
- (3) Where on any question to be determined by the Board the votes are equal, the question shall be deemed to have been decided in favour of the respondent.
- (4) No person other than members of the Board and the Legal Adviser shall be present when the Board votes on any matter.

44. Inquiry by the Board

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

45. Ordinary meetings of Board

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

46. Advice by Legal Adviser

- (1) When the Legal Adviser advises the Board on any question of law as to evidence, procedure or any other matter in any inquiry under section 13 or 22 of the Ordinance he shall do so in the presence of every party to the proceedings or the person representing each party or, if the advice is tendered after the Board has commenced to deliberate as to its findings, every such party or person as aforesaid shall be informed of the advice that the Legal Adviser has tendered.
- (2) In any case where the Board does not accept the advice of the Legal Adviser on any such question as aforesaid, every such party or person shall be informed of this fact.

Schedule 1

[reg. 3]

**SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE
(Chapter 359)**

**OCCUPATIONAL THERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE)
REGULATIONS**

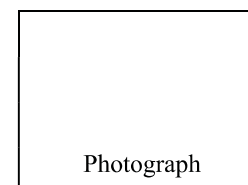
Register of Occupational Therapists

PART I

REGISTRATION NO. :
 NAME : ()
 ADDRESS :
 BUSINESS ADDRESS :
 QUALIFICATIONS
 AND DATE
 OBTAINED :

DETAILS OF
 WORKING
 EXPERIENCE :

CERTIFICATE OF
 REGISTRATION
 SERIAL NO. :
 DATE OF
 REGISTRATION :
 REMARKS :



Photograph



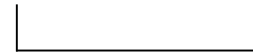
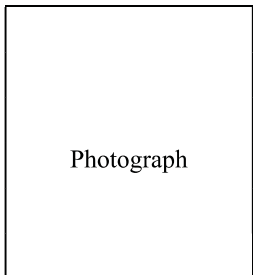
.....
Secretary,
Occupational Therapists Board.

PART II

REGISTRATION NO. :
NAME : ()
ADDRESS :
BUSINESS ADDRESS :
QUALIFICATIONS
AND DATE
OBTAINED :

DETAILS OF
WORKING
EXPERIENCE :
.....
.....

CERTIFICATE OF
REGISTRATION
SERIAL NO. :
DATE OF
REGISTRATION :
REMARKS :
.....



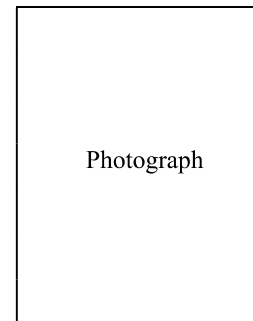
.....
Secretary,
Occupational Therapists Board.

PART III

REGISTRATION NO. :
NAME : ()
ADDRESS :
BUSINESS ADDRESS :
QUALIFICATIONS
AND DATE
OBTAINED :

DETAILS OF
WORKING
EXPERIENCE :
.....
.....

CERTIFICATE OF
REGISTRATION
SERIAL NO. :
DATE OF
REGISTRATION :
REMARKS :
.....



.....
Secretary,
Occupational Therapists Board.

Schedule 2

[regs. 7, 9, 14, 23 & 42]

Form 1

[reg. 7(1)]

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE (Chapter 359)

OCCUPATIONAL THERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE) REGULATIONS

Application for Registration/Provisional Registration as an Occupational Therapist

I
(name in both English and Chinese)

of
(correspondence or home address)

being qualified for registration under section 12(1)*(a)/(b)/(c)/section 15 of the Supplementary Medical Professions Ordinance apply for *registration/provisional registration as an occupational therapist and request that my name be placed on Part of the Register.

2. I hold the following qualifications

.....

3. I have the following professional experience

.....

4. My business address(es) *is/are as follows:

(English)

(Chinese)

.....

5. My telephone numbers are:

(Home)

(Office)

6. I *† have/have not been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment. I *have/have not been found guilty in Hong Kong or elsewhere of unprofessional conduct. I *am/am not the subject of an existing order under section 22(1)(i) or (ii) of the Supplementary Medical Professions Ordinance.

I declare that the information given in this application is correct to the best of my knowledge and belief.

Signed at
the day of 19

}

.....
(Signature of Applicant)

Before me,

.....
(Name in block letters)

.....
(Signature)

* Barrister/Commissioner for Oaths/Occupational therapist registered in Part I of the Register/Registered medical practitioner/Solicitor.

Photograph
of
Applicant



† Please supply details of conviction.

* Delete as inappropriate.

(47 of 1997 s. 10)

Form 2A

[reg. 9(1)]

OCCUPATIONAL THERAPISTS BOARD
HONG KONG

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE
(Chapter 359)

Certificate of Registration

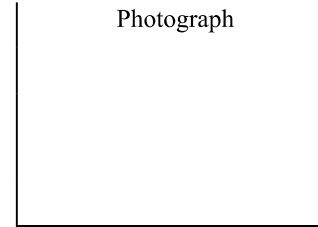
Number on Register

This is to certify that
whose address is
.....
and whose photograph appears hereon was on the day of
19..... admitted to Part of the Register of Occupational
Therapists.

Dated this day of 19



Photograph



.....
Secretary,
Occupational Therapists Board.
(L.N. 87 of 2004)

Form 2B

[reg. 9(2)]

OCCUPATIONAL THERAPISTS BOARD
HONG KONG

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE
(Chapter 359)

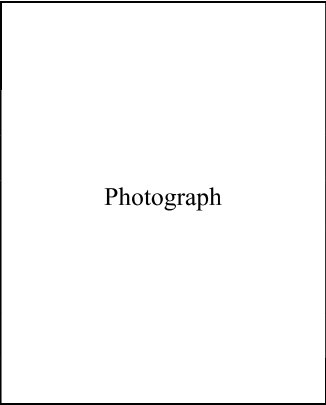
Certificate of Provisional Registration

Number on Register

This is to certify that
whose address is
.....
and whose photograph appears hereon was on the day of
19..... admitted to Part III of the Register of Occupational Therapists
subject to the undermentioned conditions.

*Conditions imposed pursuant to section 15(3) of the Supplementary
Medical Professions Ordinance—*

Dated this day of 19



Photograph

.....
 Secretary,
 Occupational Therapists Board.
(L.N. 87 of 2004)

Form 3

[reg. 14]
 SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE
 (Chapter 359)

OCCUPATIONAL THERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE)
 REGULATIONS

Particulars of a Company carrying on the Business of Practising
 Occupational Therapy

Presented by
 (Name of Company)

of
 (Registered Business Address)

.....
 (Business Registration Certificate No.)
 Particulars of the names and addresses of all persons who are
 professionally qualified directors, other directors or managers of the above
 company in respect of the business of occupational therapy carried on by it
 at

 under the name of

Name in full	Position	Cert. of Reg. No. and Date of Reg. where Directors are registered under Part I of the Register	Residential Address

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

Name in full	Residential address	Occupation	Qualifications	Cert. of Reg. No. and Date of Reg.	Duties performed

--	--	--	--	--	--

Dated this day of 19

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

Form 4

[reg. 23(1)]

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE (Chapter 359)

OCCUPATIONAL THERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE) REGULATIONS

Notice of Inquiry

[Date]

Sir/Madam,

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

(If the allegation relates to conviction) That you were on the day of 19 at
 *(specify court recording the conviction)* convicted of

(set out particulars of the conviction in sufficient detail to identify the case).

or

(If the charge relates to conduct) That you

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

or

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

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

or

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

.....
.....
.....

(set out briefly the facts alleged).

or

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

.....
.....
.....

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

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

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

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

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 Board.

A copy of the Occupational Therapists (Registration and Disciplinary Procedure) Regulations is sent herewith for your information.

.....
Secretary,
Occupational Therapists Board.

[reg. 42(2)]

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE
(Chapter 359)

OCCUPATIONAL THERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE)
REGULATIONS

Summons to Witness

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

And in the matter of ⁽¹⁾

To ⁽²⁾

You are hereby summoned to appear before the Occupational Therapists Board at

.....
on the day of 19, 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 19

.....
Chairman,
Occupational Therapists Board.

NOTE: (1) Insert name of registered occupational therapist.

(2) Insert name and address of witness.

(3) Delete if not required.

(4) Specify the books, documents or other things to be produced.

(L.N. 154 of 1996)

Schedule 3

Fees

Item	Particular	Fee \$
1.	Any alteration to the register under section 10(2)	460
2.	Restoration to the register under section 10(5)	585
3.	Registration under section 13	1,330
4.	Certified copy of a certificate of registration under section 14(3)	310
5.	Duplicate certificate of registration under section 14(7)	360
6.	Certificate of standing under section 14A	720
7.	Certificate verifying registration under section 14A	545
8.	Provisional registration under section 15	1,085
9.	Examination fee for an examination under section 15A	1,750
10.	Practising certificate issued under section 16 <i>(34 of 1995 s. 42)</i>	435
	<i>(L.N. 518 of 1994; L.N. 318 of 1996; L.N. 320 of 2000; L.N. 88 of 2006; L.N. 138 of 2015)</i>	

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 student in the course of undergoing any course in occupational therapy or medicine at the University of Hong Kong, The Chinese University of Hong Kong or The Hong Kong Polytechnic University <i>(L.N. 643 of 1994)</i>	21(1)

Part 2

Schedule 5

[reg. 17]

Item	Person Exempt	Exempt Section
3.	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. 177 and E.R. 5 of 2018</i>)	21(1)
3A.	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. 177 and E.R. 5 of 2018</i>)	21(1)
3B.	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. 177</i>)	21(1)
4.	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. 177 and E.R. 5 of 2018</i>)	20 and 21(1)
4A.	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. 177 and E.R. 5 of 2018</i>)	20 and 21(1)
4B.	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. 177</i>)	20 and 21(1)
5-6.	<i>(Repealed 34 of 2018 s. 177)</i>	
7.	A medical clinic carried on by an individual person and registered under the Medical Clinics Ordinance (Cap. 343)	21(1)
8.	A medical clinic carried on by a corporation and registered under the Medical Clinics Ordinance (Cap. 343)	20 and 21(1)

Preliminary Investigation Committee

1. Member ceasing to be member on becoming member of Board

A member of the Committee who during the period of his office becomes a member of the Board shall cease to be a member of the Committee.

2. Appointment of acting Chairman

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

3. Appointment of acting member

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

(L.N. 87 of 2004)

4. Effect of lapse or termination of appointment

If at the time the Committee is considering any complaint or information under these regulations—

- (a) the appointment of any person to be the Chairman or a member of the Committee lapses by virtue of regulation 17 or terminates by operation of paragraph 1 of this Schedule; or
- (b) the appointment of any person under paragraph 2 or 3 of this Schedule lapses,

then if such person is not thereupon elected or re-elected or appointed or reappointed, as the case may be, to be the Chairman or a member of the Committee, the chairmanship or membership of such person shall continue by virtue of this 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.

5. Resignation by Chairman and member of Committee

- (1) The Chairman or a member of the Committee may at any time resign from the Committee by notice in writing addressed to the Secretary, save that, if at the time such notice is given the Committee is considering any complaint or information, the person so resigning shall, if so required by the Chairman of the Board, continue to be Chairman or 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.
- (2) Regulation 17 shall apply to any vacancy arising from any resignation under this paragraph as if the vacancy had occurred by effluxion of time.

6. Chairman or member of Committee attending Board meeting

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

7. Meetings of Committee

- (1) The Committee shall meet from time to time as directed by the Chairman of the Committee who may at any time adjourn any meeting of the Committee.
- (2) Save as otherwise provided in the Ordinance the Chairman of the Committee shall determine the procedure to be adopted at any meeting.

Cap. 359F

Optometrists (Registration and
Disciplinary Procedure)
Regulation

25/04/2024

2. Interpretation

In this Regulation, unless the context otherwise requires—

Board (委員會) means the Optometrists Board established under section 5 of the Ordinance;

Chairman of the Board (委員會主席) means the Chairman of the Board appointed under section 5(1)(a) of the Ordinance;

Chairman of the Committee (小組主席) means the Chairman of the Committee appointed under section 17;

Committee (小組) means the Preliminary Investigation Committee constituted under section 17;

complainant (申訴人) means any person from whom a complaint against or information in respect of—

- (a) a registered optometrist; or
- (b) an applicant for registration as an optometrist, has been received by the Secretary under section 18;

examination (考試) means an examination held under section 15A of the Ordinance;

Legal Adviser (法律顧問) means the legal adviser to the Board appointed under section 5(4)(b) of the Ordinance;

notice of inquiry (研訊通知書) means a notice served in accordance with section 23;

optometrist (視光師) means a person of the description referred to in item 5 of the Schedule to the Ordinance;

register (註冊名冊) means the register kept in pursuance of section 10 of the Ordinance for the profession of optometrists;

respondent (答辯人) means a registered optometrist or an applicant for registration as an optometrist against or in respect of whom a complaint has been received by the Secretary under section 18;

Secretary (秘書) means the Secretary of the Board appointed under section 5(4)(a) of the Ordinance.

3. Form of register

- (1) The register shall be in the form specified in Schedule 1.

- (2) Without affecting the generality of subsection (1), the register shall be divided into 4 parts, namely, Part I, Part II, Part III and Part IV.

4. Qualifications for registration

For the purposes of section 12(1)(a) of the Ordinance, a person shall be qualified for registration if he holds—

- (a) a Bachelor of Science Degree in Optometry awarded by the Hong Kong Polytechnic or The Hong Kong Polytechnic University; (*L.N. 644 of 1994*)
- (b) a Professional Diploma in Optometry issued by the Hong Kong Polytechnic;
- (c) a Higher Certificate in Optometry issued by the Hong Kong Polytechnic;
- (ca) a Certificate of Attainment in Ocular Pharmacology issued by the Hong Kong Polytechnic University; (*L.N. 191 of 2000*)
- (d) a certification from the Board that he has passed an examination in optometry conducted under section 15A of the Ordinance; or
- (e) a certification from the Board that he has passed an examination in refraction conducted under section 15A of the Ordinance.

5. Entry in various parts of the register

For the purposes of section 13(4) of the Ordinance, the Secretary shall enter the name of an optometrist—

- (a) who holds a qualification referred to in section 4(a) or (b), in Part I of the register;
- (b) who holds a qualification referred to in section 4(c) or (d), in Part II of the register;
- (c) who holds a qualification referred to in section 4(e), in Part III of the register;
- (d) to whom a certificate of provisional registration has been issued under section 15 of the Ordinance, in Part IV of the register; and
- (e) who is qualified to be registered under section 12(1)(b) or (c) of the Ordinance, in that part of the register determined by the Council under section 12(1A) of the Ordinance.

5A. Part II optometrists may be registered as Part I optometrists

- (1) Without affecting section 5(a) and (e), the Secretary shall, for the purposes of section 13(4) of the Ordinance, enter the name of a Part II optometrist in Part I of the register if that optometrist—

- (a) holds a qualification referred to in section 4(ca); and
- (b) has practised for one year or more after having been registered as a Part II optometrist, or has other experience that is recognized by the Board for the purpose of this section.

- (2) In this section, **Part II optometrist** (第II部分視光師) means an optometrist whose name has been entered in Part II of the register.

(*L.N. 191 of 2000*)

6. Restrictions on the practice of Part II, Part III and Part IV optometrists

- (1) An optometrist whose name has been entered in Part II of the register shall not in the course of practising his profession use any diagnostic agent other than staining agents.
- (2) An optometrist whose name has been entered in Part III of the register shall not in the course of practising his profession perform any function or engage in any activity other than work relating to refraction.
- (3) An optometrist whose name has been entered in Part IV of the register shall not in the course of practising his profession perform any function or engage in any activity other than work relating to refraction or refraction and contact lenses, as appropriate.

7. Application for registration or provisional registration

- (1) An application for registration as an optometrist under section 13 of the Ordinance or for provisional registration as an optometrist under section 15 of the Ordinance shall be in accordance with Form 1 in Schedule 2.
- (2) A form of application for registration or provisional registration shall be signed in the presence of an optometrist registered in Part I of the register, barrister, solicitor, registered medical practitioner, registered dentist or commissioner for oaths and shall be delivered to the Secretary together with 4 photographs of the applicant of such size as shall be specified by the Secretary. (*47 of 1997 s. 10*)
- (3) The Secretary shall refer the application of a person claiming to be qualified to be registered—

- (a) under section 12(1)(a) or 15 of the Ordinance, to the Board; and
 - (b) under section 12(1)(b) or (c) of the Ordinance, to the Council,
- as soon as practicable after receiving the application.
- (4) In subsection (2) **registered dentist** (註冊牙醫) has the meaning assigned to it by section 2(1) of the Dentists Registration Ordinance (Cap. 156).

9. Certificates of registration and provisional registration

- (1) A certificate of registration issued under section 14(1) of the Ordinance shall be in accordance with Form 2A in Schedule 2.
- (2) A certificate of provisional registration issued under section 15 of the Ordinance shall be in accordance with Form 2B in Schedule 2.

10. Examinations

- (1) A candidate for an examination shall pay the fee prescribed in Schedule 3 as a condition of entry for the examination.
- (2) An examination may be written, oral or practical and shall be based upon such syllabus as the Board may from time to time determine.
- (3) The Board shall cause a candidate for an examination to be informed of his results after the completion of the examination.

12. Application for, and issue of, practising certificates

- (1) An application for a practising certificate under section 16 of the Ordinance shall be in writing.
- (2) A practising certificate shall be in such form as the Board may specify.

14. Statement by company

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

17. Preliminary Investigation Committee

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

- (a) a chairman who shall be a member of the Board nominated by the Board and appointed by the Chairman of the Board;
 - (b) 1 registered optometrist ordinarily resident in Hong Kong, not being a member of the Board, nominated by the Hong Kong Optometric Association and appointed by the Chairman of the Board;
 - (c) 1 registered optometrist ordinarily resident in Hong Kong, not being a member of the Board, nominated by the Hong Kong Society of Professional Optometrists and appointed by the Chairman of the Board.
- (2) Save as provided in Schedule 5 the members of the Committee shall hold office for 12 months but at the end of such period they may be reappointed.
- (3) Schedule 5 shall apply in relation to the Preliminary Investigation Committee.

18. Submission of complaint or information

- (1) Where—
 - (a) a complaint is made to the Secretary in respect of a registered optometrist; or
 - (b) information is received by the Secretary in respect of an application for registration,
 as to any of the matters referred to in paragraph (a), (b), (c), (d) or (e) of section 22(1) of the Ordinance he shall submit the complaint or that information to the Chairman of the Committee.
- (2) In this Part **complaint** (申訴) includes information received by the Secretary under subsection (1)(b) and submitted under that subsection.

19. Complaint touching conduct

- (1) Where, in a complaint submitted by the Secretary to the Chairman of the Committee under section 18, any allegation is made which in the opinion of the Chairman of the Committee gives rise to a question whether a registered optometrist or an applicant for registration—
 - (a) has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment;
 - (b) has been guilty in Hong Kong or elsewhere of unprofessional conduct; or

- (c) may be guilty of any of the matters referred to in paragraph (c), (d) or (e) of section 22(1) of the Ordinance,

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

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

20. Reference of complaint to the Committee

- (1) On receiving a complaint submitted under section 18, the Chairman of the Committee shall fix a date for the meeting of the Committee to consider the complaint for the purpose of determining whether it should be referred to the Board for inquiry.
- (2) Where a complaint is to be considered by the Committee for the purposes described in subsection (1) the Secretary shall—
 - (a) notify the respondent of the receipt of the complaint;
 - (b) inform him of the substance thereof;
 - (c) forward to him a copy of any statutory declaration furnished under section 19(1);
 - (d) inform him of the date fixed for the meeting of the Committee to consider the complaint; and
 - (e) invite him to submit to the Committee any explanation he wishes to offer for his conduct or any other matter alleged in the complaint.

21. Consideration of complaint by the Committee

- (1) The Secretary shall, at the meeting at which the complaint is considered, put before the Committee the complaint, any statutory declaration received therewith, any explanation submitted by the respondent and any other available document or matter in the nature of evidence relevant to the complaint.
- (2) The Committee shall consider any documents or matter put before it under subsection (1) and, subject to subsection (3), shall determine either—

- (a) that no inquiry shall be held; or
 - (b) that the complaint shall in whole or in part be referred to the Board for inquiry.
- (3) Before coming to a determination under subsection (2), the Committee may cause to be made such further investigation and may obtain such additional advice or assistance as it considers necessary.

22. Determination of Committee that no inquiry be held

- (1) If the Committee determines that no inquiry shall be held, it shall direct that the complaint be dismissed and the Secretary shall inform the complainant, if any, and the respondent accordingly.
- (2) If the Committee determines that an inquiry shall be held, it shall refer the case to the Board and the Chairman of the Committee shall notify the Chairman of the Board of the matters into which inquiry is to be made.

23. Determination of Committee that inquiry be held

- (1) Where a matter is referred to the Board under section 22(2), the Chairman of the Board shall fix a date for the holding of an inquiry and the Secretary shall, within 2 months of the determination of the Committee to refer the complaint to the Board, serve on the respondent—
 - (a) a notice of inquiry which shall be in accordance with Form 4 in Schedule 2; and
 - (b) a copy of this Regulation.
- (2) A notice of inquiry shall—
 - (a) in a case where the complaint is that the respondent has been guilty of unprofessional conduct, state in the form of a charge the matters into which inquiry is to be held;
 - (b) in any other case, state the allegation contained in the complaint; and
 - (c) specify the date, time and place at which the inquiry is proposed to be held.
- (3) An inquiry shall not be held until 28 days after the date of service of the notice of inquiry unless the respondent consents in writing to holding it earlier.
- (4) Service of a notice of inquiry on the respondent may be by registered post addressed to him at his registered address or at his address last known to the Secretary if different.

- (5) 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.

38. Making of an order or postponement to future meeting

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

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

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

40. Making of order at future meeting

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

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

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

42. Evidence

- (1) Evidence may be taken by the Board by oral statement on oath or by written deposition or statement.
- (2) A summons under section 23(1)(b) of the Ordinance to any person requiring him to attend an inquiry to give evidence or produce any document or other thing in his possession shall be in accordance with Form 5 in Schedule 2.
- (3) Every witness shall be examined by the party producing him and may then be cross-examined by the other party and may be re-examined by the party calling the witness only upon matters arising out of the cross-examination.

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

43. Voting

- (1) In the taking of the votes of the Board on any question to be determined by it, the Chairman of the Board shall call upon the members to signify their votes and shall then declare the determination of the Board in respect of such question.
- (2) Where a determination of the Board declared under subsection (1) is challenged by any member of the Board, the Chairman of the Board shall call upon each member severally to declare his vote, announce his own vote and announce the number of members of the Board who have voted each way, and the result of the vote.
- (3) Where on any question to be determined by the Board the votes are equal, the question shall be deemed to have been decided in favour of the respondent.
- (4) No person other than members of the Board and the Legal Adviser shall be present when the Board votes on any matter.

44. Inquiry by the Board

The Legal Adviser shall be present at every inquiry held by the Board in accordance with section 13 or 22 of the Ordinance and such an inquiry shall not commence if the Legal Adviser is not present.

45. Ordinary meetings of Board

The Chairman of the Board may give to the Legal Adviser prior notice that his advice may be required at any meeting of the Board, not being an inquiry under section 13 or 22 of the Ordinance, or at any meeting of the Committee and, where such notice is given, the Legal Adviser shall be present at such meeting.

46. Advice by Legal Adviser

- (1) When the Legal Adviser advises the Board on any question of law as to evidence, procedure or any other matter in any inquiry under section 13 or 22 of the Ordinance he shall do so in the presence of every party to the proceedings or the person representing each party or, if the advice is tendered after the Board has commenced to deliberate as to its findings, every such party or person shall be informed of the advice that the Legal Adviser has tendered.
- (2) In any case where the Board does not accept the advice of the Legal Adviser on any question described in subsection (1), every such party or person shall be informed of this fact.

Schedule 1

[s. 3]

Form of Register

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE

(Chapter 359)

OPTOMETRISTS (REGISTRATION AND DISCIPLINARY PROCEDURE) REGULATION

Register of Optometrists

PART I

REGISTRATION NO. :

NAME : ()

ADDRESS :

BUSINESS ADDRESS :

QUALIFICATIONS
AND DATE
OBTAINED :

.....

DETAILS OF
WORKING
EXPERIENCE :

.....

CERTIFICATE OF
REGISTRATION
SERIAL NO. :

DATE OF
REGISTRATION :

REMARKS :

.....

Photograph

.....
Secretary,
Optometrists Board.

PART II

REGISTRATION NO. :

NAME : ()

ADDRESS :

BUSINESS ADDRESS :

QUALIFICATIONS
AND DATE
OBTAINED :

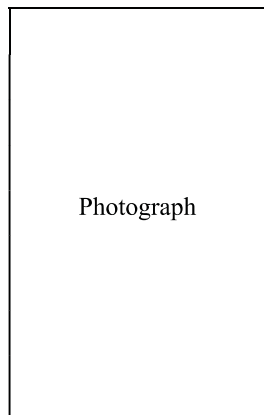
.....

DETAILS OF
WORKING
EXPERIENCE :

.....

CERTIFICATE OF
REGISTRATION
SERIAL NO. :

DATE OF
REGISTRATION :
REMARKS :
.....

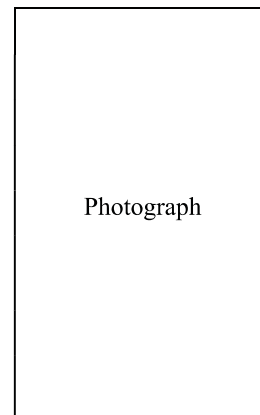


.....
Secretary,
Optometrists Board.

PART III

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

DATE OF
REGISTRATION :
REMARKS :
.....



.....
Secretary,
Optometrists Board.

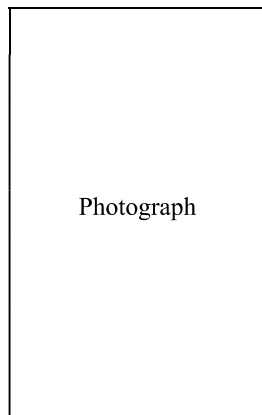
PART IV

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

DATE OF
REGISTRATION :

REMARKS :

.....



.....
Secretary,
Optometrists Board.

Schedule 2

[ss. 7, 9, 14, 23 & 42]

Form 1

[s. 7(1)]

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE

(Chapter 359)

OPTOMETRISTS (REGISTRATION AND DISCIPLINARY
PROCEDURE) REGULATION

Application for Registration/Provisional
Registration as an Optometrist

I of
(name in both English and Chinese)
..... being
(correspondence or home address)

qualified for registration under section 12(1)*(a)/(b)/(c)/section 15 of the
Supplementary Medical Professions Ordinance apply for
*registration/provisional registration as an optometrist and request that my
name be placed on Part of the Register.

2. I hold the following qualifications (please state qualifications obtained
in chronological order):

Qualification	Issuing Authority	Date Issued

3. I have the following professional experience (please state professional
experience obtained in chronological order):

Post Title	Name of Organization/Company	Period	
		From	To

4. My business address(es) *is/are as follows:

(English)

(Chinese)

.....

5. My telephone numbers are (Home)
..... (Office).

6. I *†have/have not been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment. I *have/have not been found guilty in Hong Kong or elsewhere of unprofessional conduct. I *am/am not the subject of an existing order under section 22(1)(i) or (ii) of the Supplementary Medical Professions Ordinance.

I declare that the information given in this application is correct to the best of my knowledge and belief.

Signed at
the day of 19 }
(Signature of Applicant)

Before me,

.....
(Name in block letters) (Signature)

* Optometrist registered in Part I of the Register/Barrister/Solicitor/Registered medical practitioner/Registered dentist/Commissioner for Oaths.

Photograph
of
Applicant



† Please supply details of conviction.

* Delete if inappropriate.

(47 of 1997 s. 10)

Form 2A

[s. 9(1)]

OPTOMETRISTS BOARD
HONG KONG
SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE
(Chapter 359)
Certificate of Registration

Number of Register:

This is to certify that
whose address is
and whose photograph appears hereon was on the day of
..... 19..... admitted to Part of the Register of
Optometrists.

Dated this day of 19.....

Photograph

.....

Secretary,
Optometrists Board.
(L.N. 88 of 2004)

Form 2B

[s. 9(2)]

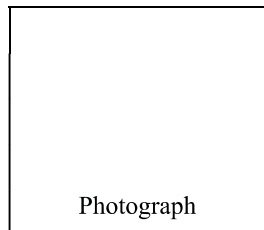
OPTOMETRISTS BOARD
HONG KONG
SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE
(Chapter 359)
Certificate of Provisional Registration

Number of Register:

This is to certify that
whose address is
and whose photograph appears hereon was on the day of
..... 19..... admitted to Part IV of the Register of
Optometrists subject to the undermentioned conditions.

*Conditions imposed pursuant to section 15(3) of the Supplementary
Medical Professions Ordinance—*

Dated this day of 19.....



.....

Secretary,
Optometrists Board.
(L.N. 88 of 2004)

Form 3

[s. 14]

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE
(Chapter 359)
OPTOMETRISTS (REGISTRATION AND DISCIPLINARY
PROCEDURE) REGULATION
Particulars of a Company carrying
on the Business of Practising Optometry

Presented by
(Name of Company)
of
(Registered Business Address)
.....
(Business Registration Certificate No.)

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

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

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

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

Dated this day of 19.....

(Signature)

(State whether director
or manager or secretary)

Form 4

[s. 23(1)]

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE

(Chapter 359)

OPTOMETRISTS (REGISTRATION AND DISCIPLINARY
PROCEDURE) REGULATION

Notice of Inquiry

[Date]

Sir/Madam,

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

(If the allegation relates to conviction) That you were on the day of 19..... at ...

(specify court recording the conviction) convicted of *(set out particulars of the conviction in sufficient detail to identify the case).*

or

(If the charge relates to conduct) That you

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

or

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

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

or

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

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

or

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

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

(Where there is more than one charge or allegation they 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 Board will be held at
....., at
a.m./p.m. to consider the above-mentioned charge(s)/allegation(s) in a
complaint against you, and to determine whether or not the Board should
take any action against you under section (*state whether section
13 or 22*) of the Supplementary Medical Professions Ordinance.

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

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

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 Board.

A copy of the Optometrists (Registration and Disciplinary Procedure)
Regulation is sent herewith for your information.

.....
Secretary,
Optometrists Board.

Form 5

[s. 42(2)]

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE

(Chapter 359)

OPTOMETRISTS (REGISTRATION AND DISCIPLINARY
PROCEDURE) REGULATION

Summons to Witness

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

And in the matter of ⁽¹⁾

To ⁽²⁾

You are hereby summoned to appear before the Optometrists Board at

.....
on 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 19

.....
Chairman,
Optometrists Board.

Note: (1) Insert name of registered optometrist.
(2) Insert name and address of witness.
(3) Delete if not required.
(4) Specify the books, documents or other things to be produced.
(L.N. 154 of 1996)

Schedule 3

[ss. 10 & 15]

Fees

Item	Particular	Fee \$
1.	Registration under section 13 of the Ordinance	1,330
2.	Provisional registration under section 15 of the Ordinance	1,085
3.	Practising certificate issued under section 16 of the Ordinance	435
4.	Certified copy of a certificate of registration under section 14(3) of the Ordinance	310
5.	Duplicate certificate of registration under section 14(7) of the Ordinance	360
6.	Restoration to the register under section 10(5) of the Ordinance	585

7.	Certificate of standing under section 14A of the Ordinance	720
8.	Examination fee for an examination for the purpose of section 12(1)(a) of the Ordinance	1,750
9.	Examination fee for an examination for the purpose of section 15(2) and (2A) of the Ordinance on refraction or contact lenses	610
10.	Certificate verifying registration under section 14A of the Ordinance	545
	<i>(L.N. 320 of 1996; L.N. 321 of 2000; L.N. 90 of 2006; L.N. 139 of 2015)</i>	

Schedule 4

[s. 16]

Exemptions from the Ordinance

Item	Person Exempt	Exempt Section
1.	A registered medical practitioner while practising medicine	21(1)
2.	A student in the course of following any course or undergoing any training in optometry or medicine at the University of Hong Kong, The Chinese University of Hong Kong or The Hong Kong Polytechnic University	21(1)
3.	Any person while—	21(1)
	(a) teaching or being engaged in research into optometry at the University of Hong Kong, The Chinese University of Hong Kong or The Hong Kong Polytechnic University; or	
	(b) being engaged in the clinical practice of optometry in connection with such teaching or research	
	<i>(L.N. 644 of 1994)</i>	

Schedule 5

[s. 17]

Preliminary Investigation Committee

1. Member ceasing to be member on becoming member of Board

A member of the Committee who during the period of his office becomes a member of the Board shall cease to be a member of the Committee.

2. Appointment of acting Chairman

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

3. Appointment of acting member

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

4. Effect of lapse or termination of appointment

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

- (a) the appointment of any person to be the Chairman or a member of the Committee lapses by virtue of section 17 of this Regulation or terminates by operation of section 1 of this Schedule; or
- (b) the appointment of any person under section 2 or 3 of this Schedule lapses,

then if such person is not thereupon elected or re-elected or appointed or reappointed, as the case may be, to be the Chairman or a member of the Committee, the chairmanship or membership of such person shall continue by virtue of this section for the purposes of the consideration of such complaint or information by the Committee, but for no other purpose, until the Committee has discharged its functions in respect of such complaint or information.

5. Resignation by Chairman and member of Committee

- (1) The Chairman or a member of the Committee may at any time resign from the Committee by notice in writing addressed to the Secretary and, subject to that, if at the time such notice is given the Committee is considering any complaint or information, the person so resigning shall, if so required by the Chairman of the Board, continue to be Chairman or member of the Committee for the purposes of the consideration of such complaint or information but for no other purpose, until the Committee has discharged its functions in respect of the complaint or information.
- (2) Section 17 of this Regulation shall apply to any vacancy arising from any resignation under this section as if the vacancy had occurred by effluxion of time.

6. Chairman or member of Committee attending Board meeting

The Chairman or any member of the Committee shall not participate as a member of the Board in any meeting relating to the hearing or determination of any complaint or information against any person which is referred to the Board by the Committee for determination if such member has attended any meeting of the Committee at which such complaint or information was considered.

7. Meetings of Committee

- (1) The Committee shall meet from time to time as directed by the Chairman of the Committee who may at any time adjourn any meeting of the Committee.
- (2) Except where otherwise provided in the Ordinance the Chairman of the Committee shall determine the procedure to be adopted at any meeting.

Cap. 359H

Radiographers (Registration and
Disciplinary Procedure)
Regulation

30/03/2023

2. Interpretation

In this Regulation, unless the context otherwise requires—

Board (委員會) means the Radiographers Board established under section 5 of the Ordinance;

Chairman of the Board (委員會主席) means the Chairman of the Board appointed under section 5(1)(a) of the Ordinance;

Chairman of the Committee (小組主席) means the Chairman of the Committee appointed under section 20;

chiropractor (脊醫) means a person who is trained and professionally qualified in the practice of chiropractic including the practice of the prevention, diagnosis and treatment of functional disorders of the human body through manipulation of the joints, particularly of the vertebral column and peripheral joints, including the pelvis;

Committee (小組) means the Preliminary Investigation Committee constituted under section 20;

complainant (申訴人) means any person from whom a complaint against or information in respect of—

- (a) a registered radiographer; or
- (b) an applicant for registration as a radiographer, has been received by the Secretary;

diagnostic radiographer (放射診斷技師) means a radiographer categorized as such in accordance with section 7(2);

irradiating apparatus (輻照儀器) has the meaning assigned to it by section 2 of the Radiation Ordinance (Cap. 303);

Legal Adviser (法律顧問) means the legal adviser to the Board appointed under section 5(4)(b) of the Ordinance;

medical exposure (醫療照射) means exposure of a person to ionizing radiation as defined in section 2 of the Radiation Ordinance (Cap. 303) for a diagnostic or therapeutic purpose;

notice of inquiry (研訊通知書) means a notice served in accordance with section 26;

Part I diagnostic radiographer (第I部分放射診斷技師) means a radiographer registered in Part I (Category D) of the register and **Part II diagnostic radiographer** (第II部分放射診斷技師)

師), *Part III diagnostic radiographer* (第III部分放射診斷技師) and *Part IV diagnostic radiographer* (第IV部分放射診斷技師) shall be similarly construed;

Part I therapeutic radiographer (第I部分放射治療技師) means a radiographer registered in Part I (Category T) of the register and *Part II therapeutic radiographer* (第II部分放射治療技師) and *Part IV therapeutic radiographer* (第IV部分放射治療技師) shall be similarly construed;

radiographer (放射技師) means a person of the description referred to in item 2 of the Schedule to the Ordinance;

register (註冊名冊) means the register, kept in pursuance of section 10 of the Ordinance, for the profession of radiographers;

registered dentist (註冊牙醫) has the meaning assigned to it by section 2(1) of the Dentists Registration Ordinance (Cap. 156);

respondent (答辯人) means a registered radiographer or an applicant for registration as a radiographer against or in respect of whom a complaint has been received by the Secretary under section 21;

Secretary (秘書) means the Secretary of the Board appointed under section 5(4)(a) of the Ordinance;

therapeutic radiographer (放射治療技師) means a radiographer categorized as such in accordance with section 7(3).

3. Form of register

- (1) The register shall be in the form specified in Schedule 1.
- (2) Without affecting the generality of subsection (1)—
 - (a) the register shall be divided into 4 parts, namely, Part I, Part II, Part III and Part IV respectively;
 - (b) each of the parts referred to in paragraph (a) shall be subdivided so that the following may be entered as separate categories—
 - (i) the names of diagnostic radiographers, if any, admitted to registration in that part (Category D); and
 - (ii) the names of therapeutic radiographers, if any, admitted to registration in that part (Category T).

4. Application for registration or provisional registration

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

- (2) A form of application for registration or provisional registration shall be signed in the presence of a barrister, solicitor, commissioner for oaths, radiographer registered in Part I of the register or registered medical practitioner and shall be delivered to the Secretary together with 4 photographs of the applicant of such size as shall be specified by the Secretary. (47 of 1997 s. 10)
- (3) The Secretary shall refer the application of a person claiming to be qualified to be registered—
 - (a) under section 12(1)(a) or 15 of the Ordinance to the Board; and
 - (b) under section 12(1)(b) or (c) of the Ordinance to the Council,as soon as practicable after receiving the application.

6. Qualifications for registration

For the purposes of section 12(1)(a) of the Ordinance, a person shall be qualified for registration as a radiographer if he holds—

- (a) a Bachelor of Science degree in Radiography awarded by the Hong Kong Polytechnic or The Hong Kong Polytechnic University;
- (b) a Professional Diploma in Diagnostic Radiography issued by the Hong Kong Polytechnic or The Hong Kong Polytechnic University before 1 January 1997;
- (c) a Higher Certificate in Diagnostic Radiography issued by the Hong Kong Polytechnic or The Hong Kong Polytechnic University before 1 January 1996;
- (d) a Certificate in Diagnostic Radiography issued by the Hong Kong Polytechnic before 1 January 1991;
- (e) a Diploma issued by the Hong Kong Radiological Technicians Association before 1 January 1982; or
- (f) a certificate from the Board that he has passed an examination conducted by it under section 15A of the Ordinance for the purposes of section 12(1)(a) of the Ordinance and relating to the profession of radiographers.

7. Categorization of radiographers

- (1) For the purposes of this Regulation registered radiographers shall be categorized as provided for by subsections (2) and (3).
- (2) A radiographer—

- (a) who has been trained to operate the equipment referred to in paragraphs (a) and (c) of item 2 of the Schedule to the Ordinance—
 - (i) in the course of obtaining one or more of the qualifications referred to in section 6; or
 - (ii) in the course of the experience acquired in his practice as a radiographer prior to his registration to whom a certificate of provisional registration is issued under section 15 of the Ordinance; or
- (b) who—
 - (i) has been trained to operate the equipment referred to in paragraphs (a) and (c) of item 2 of the Schedule to the Ordinance; and
 - (ii) is registered by virtue of section 12(1)(b) or (c) of the Ordinance,
 shall be categorized as a diagnostic radiographer.
- (3) A radiographer—
 - (a) who has been trained to operate the equipment referred to in paragraphs (b) and (c) of item 2 of the Schedule to the Ordinance—
 - (i) in the course of obtaining the qualification referred to in section 6(a); or
 - (ii) in the course of the experience acquired in his practice as a radiographer prior to his registration to whom a certificate of provisional registration is issued under section 15 of the Ordinance; or
 - (b) who—
 - (i) has been trained to operate the equipment referred to in paragraphs (b) and (c) of item 2 of the Schedule to the Ordinance; and
 - (ii) is registered by virtue of section 12(1)(b) or (c) of the Ordinance,
 shall be categorized as a therapeutic radiographer.

8. Entry in the register

- (1) The name of a diagnostic radiographer who holds—
 - (a) the qualification referred to in section 6(a) or (b) and, subject to subsection (2), has experience—
 - (i) of not less than 2 years;
 - (ii) acquired after obtaining the qualification referred to in section 6(a) or (b) as may be applicable; and

- (iii) recognized by the Board for the purposes of this section; or
- (b) the qualification referred to in section 6(c) and, subject to subsection (2), has experience—
 - (i) of not less than 10 years;
 - (ii) acquired after obtaining the qualification referred to in section 6(c), (d) or (e) and at least 3 years of which shall have been acquired after obtaining the Higher Certificate in Diagnostic Radiography issued by the Hong Kong Polytechnic or The Hong Kong Polytechnic University referred to in section 6(c); and
 - (iii) which is recognized by the Board for the purposes of this section,
 and whose application for registration has been approved by the Board under section 13(2) of the Ordinance shall be entered by the Secretary in Part I (Category D) of the register.
- (2) In any particular case the Board may, subject to such conditions relating to acquisition of post-qualification experience as it may impose, accept as satisfying the requirement of experience in subsection (1)(a) or (b) experience of such duration as it may determine acquired before the person becomes qualified for registration.
- (3) The name of a diagnostic radiographer who holds a qualification referred to in section 6(a) or (b) but does not have the experience referred to in subsection (1)(a) and whose application for registration has been approved by the Board under section 13(2) of the Ordinance shall be entered by the Secretary in Part II (Category D) of the register.
- (4) The name of a diagnostic radiographer who holds—
 - (a) the qualification referred to in section 6(c) but does not have the experience referred to in subsection (1)(b);
 - (b) a Certificate in Diagnostic Radiography issued by the Hong Kong Polytechnic referred to in section 6(d);
 - (c) a Diploma issued by the Hong Kong Radiological Technicians Association referred to in section 6(e); or
 - (d) the qualification referred to in section 6(f),
 and whose application for registration has been approved by the Board under section 13(2) of the Ordinance shall be entered by the Secretary in Part III (Category D) of the register.

- (5) The Secretary shall enter the names of radiographers, to whom certificates of provisional registration have been issued under section 15 of the Ordinance, and who have the experience for categorization as a diagnostic radiographer in accordance with section 7(2)(a)(ii), in Part IV (Category D) of the register.
- (6) The name of a therapeutic radiographer who—
 - (a) holds the qualification referred to in section 6(a); and
 - (b) has experience—
 - (i) of not less than 2 years;
 - (ii) acquired after obtaining the qualification referred to in section 6(a); and
 - (iii) recognized by the Board for the purposes of this section,
 shall be entered by the Secretary in Part I (Category T) of the register.
- (7) The name of a therapeutic radiographer who holds a qualification referred to in subsection (6)(a) but does not have the experience referred to in subsection (6)(b) shall be entered by the Secretary in Part II (Category T) of the register. (*80 of 1997 s. 102*)
- (8) The Secretary shall enter the names of radiographers, to whom certificates of provisional registration have been issued under section 15 of the Ordinance, and who have the experience for categorization as a therapeutic radiographer in accordance with section 7(3)(a)(ii), in Part IV (Category T) of the register.
- (9) The Secretary shall enter the name of a radiographer who is qualified to be registered by virtue of section 12(1)(b) or (c) of the Ordinance in such category and part of register as determined by the Council under section 12(1A) of the Ordinance.

9. Certificates of registration and provisional registration

- (1) A certificate of registration issued under section 14(1) of the Ordinance shall be in accordance with Form 2A in Schedule 2.
- (2) A certificate of provisional registration issued under section 15 of the Ordinance shall be in accordance with Form 2B in Schedule 2.

10. Examinations

- (1) A candidate for an examination shall pay the fee prescribed in Schedule 3 as a condition of entry for the examination.

- (2) An examination may be written, oral or practical and shall be based upon such syllabus as the Board may from time to time determine.
- (3) The Board shall cause a candidate for an examination to be informed of his results after the completion of the examination.
- (4) In this section **examination** (考試) means an examination held in pursuance of section 15A of the Ordinance.

12. Application for, and issue of, practising certificates

- (1) An application for a practising certificate under section 16 of the Ordinance shall be in writing.
- (2) A practising certificate shall be in such form as may be determined by the Secretary.

13. Statement by company

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

15. Restrictions on the practice of radiographers

- (1) Subject to subsection (2), no diagnostic radiographer may operate any irradiating apparatus.
- (2) A diagnostic radiographer specified in column 2 of Part 1 of Schedule 4 may operate an irradiating apparatus—
 - (a) for the purpose specified in column 3 of that Part opposite to the reference to him; and
 - (b) where the condition specified in column 4 of that Part opposite to the reference to him is fulfilled in relation to the operation.
- (3) A therapeutic radiographer specified in column 2 of Part 2 of Schedule 4 shall not, in relation to the procedure in therapeutic radiography specified in column 3 of that Part opposite to the reference to him, practise unless the condition specified in column 4 of that Part opposite to the reference to him is fulfilled.

19. Interpretation (Part III)

In this Part and Schedule 6—

complaint (申訴) means—

- (a) a complaint in respect of a registered radiographer; or

- (b) an information in respect of an application for registration as a radiographer,
- as to any of the matters referred to in section 22(1)(a), (b), (c), (d) or (e) of the Ordinance.

20. Preliminary Investigation Committee

- (1) For the purposes of performing the functions conferred upon it by the Ordinance and this Regulation, there shall be a Preliminary Investigation Committee which shall consist of—
 - (a) a chairman who shall be—
 - (i) a member of the Board; and
 - (ii) nominated by the Board and appointed by the Chairman of the Board;
 - (b) a Part I diagnostic radiographer ordinarily resident in Hong Kong, not being a member of the Board, nominated by the Hong Kong Radiographers' Association and appointed by the Chairman of the Board;
 - (c) a Part I diagnostic radiographer ordinarily resident in Hong Kong, not being a member of the Board, nominated by the Hong Kong Radiological Technicians Association and appointed by the Chairman of the Board;
 - (d) 2 Part I therapeutic radiographers, not being members of the Board, nominated by the Association of Therapeutic Radiographers and appointed by the Chairman of the Board.
- (2) Save as provided in Schedule 6 the members of the Committee shall hold office for 12 months but at the end of such period they may be renominated and reappointed.
- (3) Schedule 6 shall apply in relation to the Committee.
- (4) In discharging its functions in relation to a complaint in respect of—
 - (a) a diagnostic radiographer or application for registration as a diagnostic radiographer, the Committee shall be constituted by—
 - (i) the Chairman of the Committee; and
 - (ii) the members appointed under subsection (1)(b) and (c);
 - (b) a therapeutic radiographer or application for registration as a therapeutic radiographer, the Committee shall be constituted by—
 - (i) the Chairman of the Committee; and

- (ii) the members appointed under subsection (1)(d).

21. Submission of complaint

Where a complaint is received by the Secretary, he shall submit it to the Chairman of the Committee.

22. Complaint touching conduct

- (1) Where, in a complaint submitted by the Secretary to the Chairman of the Committee under section 21, any allegation is made which in the opinion of the Chairman of the Committee gives rise to a question whether a registered radiographer or an applicant for registration—
 - (a) has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment;
 - (b) has been guilty in Hong Kong or elsewhere of unprofessional conduct; or
 - (c) is guilty of any of the matters referred to in section 22(1)(c), (d) or (e) of the Ordinance,
 the Chairman of the Committee may require that the complaint be formulated in writing setting out the grounds thereof and, except where the complaint is in writing under the hand of a public officer, supported by one or more statutory declarations as to the facts of the case.
- (2) Each statutory declaration referred to in subsection (1) shall—
 - (a) state the address and description of the declarant; and
 - (b) if any fact declared is not within the personal knowledge of the declarant, state the source of the declarant's information and the ground for his belief in the truth of the fact.

23. Reference of complaint to Committee

- (1) On receiving a complaint submitted under section 21, the Chairman of the Committee shall, if satisfied that the complaint is frivolous or groundless and should not proceed further, dismiss it, and in any other case—
 - (a) direct the Secretary that the complaint be referred to the Committee to consider whether it should be referred to the Board for inquiry; and
 - (b) fix a date for the meeting of the Committee to consider the complaint.
- (2) Where the Secretary is directed to refer a complaint to the Committee under subsection (1)(a), he shall—

- (a) refer the complaint to the Committee;
- (b) notify the respondent of the receipt of the complaint;
- (c) inform him of the substance thereof;
- (d) forward to him a copy of any statutory declaration furnished under section 22(1);
- (e) inform him of the date fixed for the meeting of the Committee to consider the complaint; and
- (f) invite him to submit to the Committee any explanation he wishes to offer for his conduct or any other matter alleged in the complaint.

24. Consideration of complaint by Committee

- (1) The Secretary shall, at the meeting at which a complaint is considered, put before the Committee—
 - (a) the complaint;
 - (b) any statutory declaration;
 - (c) any explanation submitted by the respondent; and
 - (d) any other available document or matter in the nature of evidence relevant to the complaint.
- (2) The Committee shall consider any documents or matter put before it under subsection (1) and, subject to subsection (3), shall determine either—
 - (a) that no inquiry shall be held; or
 - (b) that the complaint or any part of it shall be referred to the Board for inquiry.
- (3) Before coming to a determination under subsection (2), the Committee may cause to be made such further investigation and may obtain such additional advice or assistance as it considers necessary.

25. Determination of Committee that no inquiry be held

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

26. Determination of Committee that inquiry be held

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

- (2) Where a matter is referred to the Board under subsection (1), the Chairman of the Board shall fix a date upon which it is proposed that the inquiry shall be held and the Secretary shall, within 1 month of the determination of the Committee to refer the complaint to the Board, serve on the respondent—
 - (a) a notice of inquiry which shall be in accordance with Form 4 in Schedule 2; and
 - (b) a copy of this Regulation.
- (3) An inquiry shall not be held until 28 days after the date of service of the notice of inquiry unless the respondent consents in writing to holding it earlier.
- (4) Service of a notice of inquiry on the respondent shall be by registered post addressed to him at his address last known to the Secretary.
- (5) 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.

41. Making of an order or postponement to future meeting

Where the Board makes a finding of guilt or that any allegation against the respondent has been proved under section 38(a) or 40, it shall—

- (a) if the respondent is a registered person, subject to section 44, make an order; and
- (b) if the respondent is an applicant for registration, subject to section 44, decide whether to reject his application for registration; or
- (c) postpone to a future meeting to be held on a date to be decided by the Board, the making of an order under paragraph (a) or a decision under paragraph (b),

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

43. Making of order at future meeting

At any future meeting referred to in section 41(c), the Board shall, subject to section 44—

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

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

44. Opportunity for mitigation

- (1) At any meeting of the Board at which the Board makes in respect of a respondent an order or a decision to decline his application for registration, before the order or decision is made, an opportunity shall be given to the respondent or his counsel or solicitor to make a statement in mitigation and to adduce evidence as to the circumstances leading to the commission of the offence or the conduct complained of and as to the character and antecedents of the respondent.
- (2) At any meeting referred to in subsection (1), before the order or decision of the Board is made—
 - (a) the Secretary or any other person presenting the case against the respondent may, if the respondent has been the subject of a previous order, produce to the Board the records of the meeting at which that order was made; and
 - (b) the respondent, in person or by his counsel or solicitor, may make a statement by way of mitigation and adduce evidence as to the circumstances leading to the previous order.

45. Evidence

- (1) Evidence may be taken by the Board by oral statement on oath or by written deposition or statement.
- (2) A summons under section 23(1)(b) of the Ordinance to any person requiring him to attend an inquiry to give evidence or produce any document or other thing in his possession shall be in accordance with Form 5 in Schedule 2.
- (3) Every witness shall be examined by the party producing him and may then be cross-examined by the other party and may be re-examined by the party calling the witness only upon matters arising out of the cross-examination.
- (4) The Board 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 of the Board, and members of the Board through the Chairman of the Board, may put such questions to the parties or to any witness as they may think desirable, and the other parties may then re-examine such party or witness on matters arising out of such questioning.

46. Voting

- (1) Every question before the Board shall be determined by the opinion of the majority of the members of the Board.
- (2) In the taking of the votes of the Board on any question to be determined by it, the Chairman of the Board shall call upon the members to signify their votes and shall thereupon declare the determination of the Board in respect of such question.
- (3) Where the determination of the Board so declared by the Chairman of the Board is challenged by any member of the Board, the Chairman of the Board shall call upon each member severally to declare his vote, announce his own vote and announce the number of members of the Board who have voted each way, and the result of the vote.
- (4) No person other than members of the Board and the Legal Adviser shall be present when the Board votes on any matter.

47. Inquiry by Board

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

48. Ordinary meetings of Board

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

49. Advice by Legal Adviser

- (1) When the Legal Adviser advises the Board on any question of law as to evidence, procedure or any other matter in any inquiry under section 13 or 22 of the Ordinance he shall do so in the presence of every party to the proceedings or the person representing each party or, if the advice is tendered after the Board has commenced to deliberate as to its findings, every such party or person as aforesaid shall be informed of the advice that the Legal Adviser has tendered.
- (2) In any case where the Board does not accept the advice of the Legal Adviser on any such question as aforesaid, every such party or person shall be informed of this fact.

Schedule 1

Form of Register

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE

(Chapter 359)

RADIOGRAPHERS (REGISTRATION AND DISCIPLINARY PROCEDURE) REGULATION

Register of Radiographers

PART I

(Category D)

REGISTRATION NO. :
 NAME : ()
 ADDRESS :
 BUSINESS ADDRESS :
 QUALIFICATIONS
 AND DATE
 OBTAINED :

 DETAILS OF
 WORKING
 EXPERIENCE :

 CERTIFICATE OF
 REGISTRATION
 SERIAL NO. :
 DATE OF
 REGISTRATION :
 REMARKS :

Photograph



.....
 Secretary,
 Radiographers Board.

PART I

(Category T)

REGISTRATION NO. :
 NAME : ()
 ADDRESS :
 BUSINESS ADDRESS :
 QUALIFICATIONS
 AND DATE
 OBTAINED :

 DETAILS OF
 WORKING
 EXPERIENCE :

 CERTIFICATE OF
 REGISTRATION
 SERIAL NO. :
 DATE OF
 REGISTRATION :
 REMARKS :

Photograph

Secretary,
Radiographers Board.

PART II

(Category D)

REGISTRATION NO. :
NAME : ()
ADDRESS :
BUSINESS ADDRESS :
QUALIFICATIONS
AND DATE
OBTAINED :

DETAILS OF
WORKING
EXPERIENCE :

CERTIFICATE OF
REGISTRATION
SERIAL NO. :
DATE OF
REGISTRATION :
REMARKS :
.....

Photograph

.....
Secretary,
Radiographers Board.

PART II

(Category T)

REGISTRATION NO. :
NAME : ()
ADDRESS :
BUSINESS ADDRESS :
QUALIFICATIONS
AND DATE
OBTAINED :

DETAILS OF
WORKING
EXPERIENCE :

CERTIFICATE OF
REGISTRATION
SERIAL NO. :
DATE OF
REGISTRATION :
REMARKS :
.....

Photograph

.....
Secretary,
Radiographers Board.

PART III

(Category D)

REGISTRATION NO. :
 NAME : ()
 ADDRESS :
 BUSINESS ADDRESS :
 QUALIFICATIONS
 AND DATE
 OBTAINED :

DETAILS OF
 WORKING
 EXPERIENCE :

CERTIFICATE OF
 REGISTRATION
 SERIAL NO. :
 DATE OF
 REGISTRATION :
 REMARKS :



Photograph

.....
 Secretary,
 Radiographers Board.

PART IV

(Category D)

REGISTRATION NO. :
 NAME : ()
 ADDRESS :
 BUSINESS ADDRESS :
 QUALIFICATIONS
 AND DATE
 OBTAINED :

DETAILS OF
 WORKING
 EXPERIENCE :

CERTIFICATE OF
 PROVISIONAL
 REGISTRATION
 SERIAL NO. :
 DATE OF
 REGISTRATION :
 REMARKS :



Photograph

.....
 Secretary,
 Radiographers Board.

PART IV

(Category T)

REGISTRATION NO. :
 NAME : ()
 ADDRESS :
 BUSINESS ADDRESS :
 QUALIFICATIONS AND DATE OBTAINED :

DETAILS OF WORKING EXPERIENCE :

CERTIFICATE OF PROVISIONAL REGISTRATION SERIAL NO. :
 DATE OF REGISTRATION :
 REMARKS :

Photograph

.....
 Secretary,
 Radiographers Board.

Schedule 2

[ss. 4(1), 9, 13, 26(2) & 45(2)]

Forms

Form 1

[s. 4(1)]

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE

(Chapter 359)

RADIOGRAPHERS (REGISTRATION AND DISCIPLINARY PROCEDURE) REGULATION

Application for Registration/Provisional Registration as a Radiographer

I.....of
 (name in both English and Chinese)

..... being
 (correspondence or home address)

qualified for registration under section 12(1)*(a)/(b)/(c)/section 15 of the Supplementary Medical Professions Ordinance apply for *registration/provisional registration as a radiographer and request that my name be placed on Part (Category) of the Register.

2. I hold the following qualifications (please state qualifications obtained in chronological order):

Qualification	Issuing Authority	Date Issued

3. I have the following professional experience (please state professional experience obtained in chronological order):

Post Title	Name of Organization/Company	Period	
		From	To

4. My business address(es) *is/are as follows:
 (English)

 (Chinese)

5. My telephone numbers are (Home)
 (Office).

6. I *[†]have/have not been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment. I *have/have not been found guilty in Hong Kong or elsewhere of unprofessional conduct. I *am/am not the subject of an existing order under section 22(1)(i) or (ii) of the Supplementary Medical Professions Ordinance.

I declare that the information given in this application is correct to the best of my knowledge and belief.

Signed at }
 }
 the day of 19 } (Signature of Applicant)

Before me,

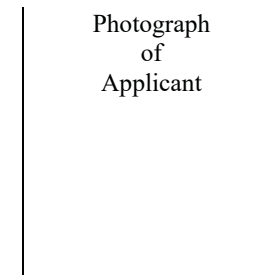
.....

 (Name in block letters) (Signature)

* Radiographer registered in Part I of the Register/Barrister/Solicitor/
 Registered Medical Practitioner/Commissioner for Oaths.



Photograph
 of
 Applicant



[†] Please supply details of conviction.

* Delete if inappropriate.

(47 of 1997 s. 10)

Form 2A

[s. 9(1)]

RADIOGRAPHERS BOARD
 HONG KONG
 SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE
 (Chapter 359)
 Certificate of Registration

Number of Register:

This is to certify that
 whose address is.....
 and whose photograph appears hereon was on the day of
 19 admitted to Part (Category) of the
 Register of Radiographers.

Dated this day of 19



Photograph

.....
Secretary,
Radiographers Board.

(L.N. 90 of 2004)

Form 2B

[s. 9(2)]

RADIOGRAPHERS BOARD
HONG KONG
SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE
(Chapter 359)
Certificate of Provisional Registration

Number of Register:

This is to certify that
whose address is.....
.....
and whose photograph appears hereon was on the day of
..... 19 admitted to Part IV (Category)
of the Register of Radiographers subject to the undermentioned conditions.

*Conditions imposed pursuant to section 15(3) of the Supplementary
Medical Professions Ordinance—*

Dated this day of 19

Photograph

.....
Secretary,
Radiographers Board.

(L.N. 90 of 2004)

Form 3

[s. 13]

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE
(Chapter 359)
RADIOGRAPHERS (REGISTRATION AND DISCIPLINARY
PROCEDURE) REGULATION
Particulars of a Company carrying on the
Business of Practising Radiography

Presented by.....
(Name of Company)
of.....
(Registered Business Address)
.....
(Business Registration Certificate No.)

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

.....
.....
under the name of

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

--	--	--	--	--

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

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

Dated this day of 19.....

(Signature).....

(State whether director or manager or secretary)

Form 4

[s. 26(2)]

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE

(Chapter 359)

RADIOGRAPHERS (REGISTRATION AND DISCIPLINARY
PROCEDURE) REGULATION

Notice of Inquiry

[Date]

Sir/Madam,

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

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

or

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

or

(If the allegation relates to obtaining registration by fraud or misrepresentation) That you
.....
.....(set out briefly the fact alleged); and that in relation to the facts alleged you obtained registration by fraud or misrepresentation.

or

(If the allegation is that the registered radiographer 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 allegation is that the registered radiographer has not complied with or is in breach of any condition of his registration or has failed to comply with the Ordinance) That you
.....
.....(set out briefly the facts alleged).

or

(If the charge or allegation is that an applicant for registration has been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment, has been guilty of unprofessional conduct, is not qualified to be registered in his application for registration, has been guilty of fraud or misrepresentation or has failed to comply with the Ordinance) That on the day of 19 you made application to the Secretary for registration in accordance with section 13 of the Supplementary Medical Professions Ordinance, whereas
.....
..... (set out briefly the facts alleged); and that in relation to the facts alleged your name should not be approved to be entered upon the Register.

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

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

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

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

A copy of the Radiographers (Registration and Disciplinary Procedure) Regulation is sent herewith for your information.

.....
Secretary,
Radiographers Board.

Form 5

[s. 45(2)]

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE
(Chapter 359)

RADIOGRAPHERS (REGISTRATION AND DISCIPLINARY
PROCEDURE) REGULATION

Summons to Witness

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

And in the matter of ⁽¹⁾

To ⁽²⁾

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

on 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 19

.....

Chairman,
Radiographers Board.

- Note: (1) Insert name of registered radiographer.
(2) Insert name and address of witness.
(3) Delete if not required.
(4) Specify the books, documents or other things to be produced.
(L.N. 154 of 1996)

Schedule 3

[ss. 10 & 18]

Fees

Item	Particular	Fee \$
1.	Registration under section 13 of the Ordinance	1,330
2.	Provisional registration under section 15 of the Ordinance....	1,085
3.	Practising certificate issued under section 16 of the Ordinance	435
4.	Certified copy of a certificate of registration under section 14(3) of the Ordinance	310
5.	Duplicate certificate of registration under section 14(7) of the Ordinance	360
6.	Restoration to the register under section 10(5) of the Ordinance	585
7.	Certificate of standing under section 14A of the Ordinance...	720
8.	Examination fee for an examination for the purpose of section 15A of the Ordinance	1,750

9. Certificate verifying registration under section 14A of the
Ordinance 545
(L.N. 319 of 1996; L.N. 323 of 2000; L.N. 89 of 2006; L.N. 140 of 2015)

Schedule 4

[s. 15]

Restrictions on Practice of Radiographers

Part 1

Item	Radiographer	Purpose	Condition	Part III diagnostic radiographer	radiograph for diagnostic purposes	
1.	Part I diagnostic radiographer	Medical exposure involving the use of a contrast	Under the personal supervision of a medical practitioner who must be present on the premises in which the examination is taking place at the time it takes place.			(ii) in the case of medical exposure of the teeth or jaw, either a medical practitioner or a registered dentist; or
	Part II diagnostic radiographer	medium or tomography for diagnostic purposes				(iii) in the case of medical exposure of the vertebral column and peripheral joints, including the pelvis, either a medical practitioner or a chiropractor; and (<i>L.N. 90 of 2004</i>)
2.	Part I diagnostic radiographer	Medical exposure involving localization fluoroscopy for positioning of a patient in radiodiagnostic examinations to be undertaken by a medical practitioner	Under the personal supervision of a medical practitioner who must be present on the premises in which the examination is taking place at the time it takes place.			(b) under the direction of— (i) a medical practitioner; or (ii) a Part I diagnostic radiographer.
3.	Part I diagnostic radiographer	Medical exposure involving the taking of plain radiograph for diagnostic purposes	On referral by— (a) a medical practitioner; (b) in the case of medical exposure of the teeth or jaw, either a medical practitioner or a registered dentist; or (c) in the case of medical exposure of the vertebral column and peripheral joints, including the pelvis, either a medical practitioner or a chiropractor. (<i>L.N. 90 of 2004</i>)	5. Part IV diagnostic radiographer	Medical exposure involving the taking of plain radiograph for diagnostic purposes	(a) On referral by— (i) a medical practitioner; (ii) in the case of medical exposure of the teeth or jaw, either a medical practitioner or a registered dentist; or (iii) in the case of medical exposure of the vertebral column and peripheral joints, including the pelvis, either a medical practitioner or a chiropractor; and (<i>L.N. 90 of 2004</i>)
4.	Part II diagnostic radiographer	Medical exposure involving the taking of plain	(a) On referral by— (i) a medical practitioner;			

- (b) under the personal supervision of any of the following persons who must be present on the premises in which the examination is taking place at the time it takes place—
- (i) a medical practitioner;
 - (ii) a Part I diagnostic radiographer; or
 - (iii) a Part II diagnostic radiographer or Part III diagnostic radiographer acting subject to the direction of a medical practitioner or a Part I diagnostic radiographer.

Part 2

Item	Radiographer	Procedure	Condition
1.	Part I therapeutic radiographer	All procedures in therapeutic radiography	Under the direction of a medical practitioner.
2.	Part II therapeutic radiographer	<p>(a) All procedures in therapeutic radiography without involving radioactive substances</p> <p>(b) All procedures in therapeutic radiography involving radioactive substances</p>	<p>Under the supervision of—</p> <p>(a) a medical practitioner; or</p> <p>(b) a Part I therapeutic radiographer acting subject to the direction of a medical practitioner.</p> <p>Under the personal supervision of any of the following persons who must be present on the premises in which the treatment is taking place at the time it takes place—</p> <p>(a) a medical practitioner; or</p> <p>(b) a Part I therapeutic radiographer acting subject to the direction of a medical practitioner.</p>
3.	Part IV therapeutic radiographer	All procedures in therapeutic radiography	<p>Under the personal supervision of any of the following persons who must be present on the premises in which the treatment is taking place at the time it takes place—</p> <p>(a) a medical practitioner; or</p> <p>(b) a Part I therapeutic radiographer acting subject to the direction of a medical practitioner.</p> <p><i>(E.R. 1 of 2023)</i></p>

Schedule 5

[s. 16]

Exemption from the Ordinance

Item	Person Exempt	Exempt Section
Part 1		
1.	A registered medical practitioner while practising medicine	21(1)
2.	A registered dentist while practising dentistry	21(1)
3.	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. 7 of 1999</i>)	21(1) and (2)
4.	A student in the course of undergoing any course in medicine or dentistry at the University of Hong Kong or The Chinese University of Hong Kong (except during a period between the end of an academic year of the relevant course and the beginning of the next academic year)	21(1)
5.	A student in the course of undergoing any course in radiography at The Hong Kong Polytechnic University while practising radiography at such institutions as the Board may specify	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. 178 and E.R. 5 of 2018</i>)	21(1)
6A.	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. 178 and E.R. 5 of 2018</i>)	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 an individual person under that Ordinance is in force (<i>34 of 2018 s. 178</i>)	21(1)

Item	Person Exempt	Exempt Section
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. 178 and E.R. 5 of 2018</i>)	20 and 21(1)
7A.	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. 178 and E.R. 5 of 2018</i>)	20 and 21(1)
7B.	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. 178</i>)	20 and 21(1)
8-9.	<i>(Repealed 34 of 2018 s. 178)</i>	
10.	A medical clinic carried on by an individual 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 6

[ss. 19 & 20]

Preliminary Investigation Committee

- Member ceasing to be member on becoming member of Board**
A member of the Committee other than the Chairman of the Committee who during the period of his office becomes a member of the Board shall cease to be a member of the Committee.
- Appointment of acting Chairman**
If the Chairman of the Committee is or will be unable temporarily to exercise his functions another member of the Board may be nominated by the Board and appointed by the Chairman of the Board to act during the period of his appointment, as Chairman of the Committee.

3. Appointment of acting member

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

4. Effect of lapse or termination of appointment

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

- (a) the appointment of any person to be the Chairman or a member of the Committee lapses by virtue of section 20 of this Regulation or terminates by operation of section 1 of this Schedule; or
- (b) the appointment of any person under section 2 or 3 of this Schedule lapses,

then if such person is not thereupon elected or re-elected or appointed or reappointed, as the case may be, to be the Chairman or a member of the Committee, the chairmanship or membership of such person shall continue by virtue of this section for the purposes of the consideration of such complaint by the Committee, but for no other purpose, until the Committee has discharged its functions in respect of such complaint.

5. Resignation by Chairman and member of Committee

- (1) The Chairman or a member of the Committee may at any time resign from the Committee by notice in writing addressed to the Secretary, save that, if at the time such notice is given the Committee is considering any complaint the person so resigning shall, if so required by the Chairman of the Board, continue to be Chairman or a member of the Committee for the purposes of the consideration of such complaint but for no other purpose, until the Committee has discharged its functions in respect of the complaint.
- (2) Section 20 of this Regulation shall apply to any vacancy arising from any resignation under this section as if the vacancy had occurred by effluxion of time.

6. Chairman or member of Committee attending Board meeting

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

7. Meetings of Committee

- (1) The Committee shall meet from time to time as directed by the Chairman of the Committee who may at any time adjourn any meeting of the Committee.
- (2) Save as otherwise provided in the Ordinance the Chairman of the Committee shall determine the procedure to be adopted at any meeting.

2. Interpretation

In this Regulation, unless the context otherwise requires—

Board (委員會) means the Physiotherapists Board established under section 5 of the Ordinance;

Chairman of the Board (委員會主席) means the Chairman of the Board appointed under section 5(1)(a) of the Ordinance;

Chairman of the Committee (小組主席) means the Chairman of the Committee appointed under section 17;

Committee (小組) means the Preliminary Investigation Committee constituted under section 17;

complainant (申訴人) means any person from whom a complaint against or information in respect of—

- (a) a registered physiotherapist; or
- (b) an applicant for registration as a physiotherapist, has been received by the Secretary under section 18;

examination (考試) means an examination held under section 15A of the Ordinance;

Legal Adviser (法律顧問) means the legal adviser to the Board appointed under section 5(4)(b) of the Ordinance;

notice of inquiry (研訊通知書) means a notice served in accordance with section 23;

Part Ia physiotherapist (名列第Ia部的物理治療師) means a physiotherapist whose name has been entered in Part Ia of the register and **Part Ib physiotherapist** (名列第Ib部的物理治療師) and **Part II physiotherapist** (名列第II部的物理治療師) shall be construed accordingly;

physiotherapist (物理治療師) means a person of the description referred to in item 3 of the Schedule to the Ordinance;

register (註冊名冊) means the register kept in pursuance of section 10 of the Ordinance for the profession of physiotherapists;

respondent (答辯人) means a registered physiotherapist or an applicant for registration as a physiotherapist against or in respect of whom a complaint or information has been received by the Secretary under section 18;

Secretary (秘書) means the Secretary of the Board appointed under section 5(4)(a) of the Ordinance.

3. Form of register

- (1) The register shall be in the form specified in Schedule 1.
- (2) Without affecting the generality of subsection (1)—
 - (a) the register shall be divided into 2 parts, namely Part I and Part II; and
 - (b) Part I of the register shall be subdivided into 2 parts, namely Part Ia and Part Ib.

4. Qualifications for registration

For the purposes of section 12(1)(a) of the Ordinance, a person shall be qualified for registration if he holds—

- (a) a Bachelor of Science Degree in Physiotherapy awarded by the Hong Kong Polytechnic or The Hong Kong Polytechnic University;
- (b) a Professional Diploma in Physiotherapy issued by the Hong Kong Polytechnic on or before 1 January 1995;
- (c) a certificate issued by the Hong Kong Government School of Physiotherapy of the Medical and Health Department on or before 1 January 1981; or
- (d) a certificate from the Board that he has passed an examination relating to physiotherapy conducted under section 15A of the Ordinance for the purposes of section 12(1)(a) of the Ordinance.

5. Entry in various parts of the register

- (1) For the purposes of section 13(4) of the Ordinance, the Secretary shall enter the name of a physiotherapist—
 - (a) who—
 - (i) holds a qualification referred to in section 4; and
 - (ii) has recognized experience of not less than 1 year acquired after the physiotherapist acquired such qualification,
 in Part Ia of the register;
 - (b) who holds a qualification referred to in section 4 but does not have the recognized experience referred to in paragraph (a)(ii), in Part Ib of the register;

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

6. Restrictions on the practice of Part II physiotherapists

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

7. Application for registration or provisional registration

- (1) An application for registration as a physiotherapist under section 13 of the Ordinance or for provisional registration as a physiotherapist under section 15 of the Ordinance, as the case may be, shall be in accordance with Form 1 in Schedule 2.
- (2) A form of application for registration or provisional registration shall be signed in the presence of a barrister, commissioner for oaths, Part Ia physiotherapist, registered medical practitioner or solicitor and shall be delivered to the Secretary together with 4 photographs of the applicant of such size as shall be specified by the Secretary. (47 of 1997 s. 10)
- (3) The Secretary shall refer the application of a person claiming to be qualified to be registered—
 - (a) under section 12(1)(a) or 15 of the Ordinance to the Board; and
 - (b) under section 12(1)(b) or (c) of the Ordinance to the Council,
 as soon as practicable after receiving the application.

9. Certificates of registration and provisional registration

- (1) A certificate of registration issued under section 14(1) of the Ordinance shall—
 - (a) in the case of a Part Ia physiotherapist, be in accordance with Form 2A in Schedule 2;
 - (b) in the case of a Part Ib physiotherapist, be in accordance with Form 2B in Schedule 2.
- (2) A certificate of provisional registration issued under section 15 of the Ordinance shall be in accordance with Form 2C in Schedule 2.

10. Examinations

- (1) An applicant to sit for an examination shall pay the fee prescribed in Schedule 3 as a condition of entry to the examination.
- (2) An examination may be written, oral or practical and shall be based upon such syllabus as the Board may from time to time determine.
- (3) The Board shall cause a candidate for an examination to be informed of his results after the completion of the examination.

12. Application for, and issue of, practising certificates

- (1) An application for a practising certificate under section 16 of the Ordinance shall be in writing.
- (2) A practising certificate shall be in such form as may be determined by the Secretary.

14. Statement by company

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

17. Preliminary Investigation Committee

- (1) For the purposes of performing the functions conferred upon it by the Ordinance and this Regulation, there shall be a Preliminary Investigation Committee consisting of—
 - (a) a Chairman who shall be a member of the Board nominated by the Board and appointed by the Chairman of the Board;

- (b) a Part Ia physiotherapist ordinarily resident in Hong Kong, not being a member of the Board, who is practising as a physiotherapist in the employment of the Government, the Hospital Authority or an institution in respect of which a grant is made directly or indirectly out of the general revenue, nominated by the Hong Kong Physiotherapy Association and appointed by the Chairman of the Board; and
 - (c) a Part Ia physiotherapist ordinarily resident in Hong Kong, not being a member of the Board, who is practising as a physiotherapist other than as an employee of the Government, the Hospital Authority or an institution in respect of which a grant is made directly or indirectly out of the general revenue, nominated by the Hong Kong Physiotherapy Association and appointed by the Chairman of the Board.
- (2) Save as provided in Schedule 5 the members of the Committee shall hold office for 12 months but at the end of such period they may be renominated and reappointed.
 - (3) Schedule 5 shall apply to the Committee.

18. Submission of complaint or information

- (1) Where—
 - (a) a complaint is made to the Secretary in respect of a registered physiotherapist; or
 - (b) information is received by the Secretary in respect of an application for registration,
 as to any of the matters referred to in paragraph (a), (b), (c), (d) or (e) of section 22(1) of the Ordinance he shall submit the complaint or that information to the Chairman of the Committee.
- (2) In this Part, **complaint** (申訴) includes information received by the Secretary under subsection (1)(b) and submitted under that subsection.

19. Complaint touching conduct

- (1) Where, in a complaint submitted by the Secretary to the Chairman of the Committee under section 18, any allegation is made which in the opinion of the Chairman of the Committee gives rise to a question whether a registered physiotherapist or an applicant for registration—
 - (a) has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment;

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

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

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

20. Reference of complaint

- (1) On receiving a complaint submitted under section 18, the Chairman of the Committee shall fix a date for a meeting of the Committee to consider the complaint for the purpose of determining whether it should be referred to the Board for inquiry.
- (2) Where a complaint is to be considered by the Committee for the purposes described in subsection (1) the Secretary shall—
 - (a) notify the respondent of the receipt of the complaint;
 - (b) inform him of the substance thereof;
 - (c) forward to him a copy of any statutory declaration furnished under section 19(1);
 - (d) inform him of the date fixed for the meeting of the Committee to consider the complaint; and
 - (e) invite him to submit to the Committee any explanation he wishes to offer for his conduct or any other matter alleged in the complaint.

21. Consideration of complaint by Committee

- (1) The Secretary shall, at the meeting at which a complaint is considered, put before the Committee the complaint, any statutory declaration received therewith, any explanation submitted by the respondent; and any other available document or matter in the nature of evidence relevant to the complaint.
- (2) The Committee shall consider any document or matter put before it under subsection (1) and, subject to subsection (3), shall determine either—
 - (a) that no inquiry shall be held; or
 - (b) that the complaint shall in whole or in part be referred to the Board for inquiry.
- (3) Before coming to a determination under subsection (2), the Committee may cause to be made such further investigation and may obtain such additional advice or assistance as it considers necessary.

22. Determination of Committee that no inquiry be held

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

23. Determination of Committee that inquiry be held

- (1) If the Committee determines that an inquiry shall be held it shall refer the case to the Board and the Chairman of the Committee shall notify the Chairman of the Board of the matters into which inquiry is to be held.
- (2) Where a matter is referred to the Board under subsection (1), the Chairman of the Board shall fix a date for holding an inquiry and the Secretary shall, within 1 month of the determination of the Committee to refer the complaint to the Board, serve on the respondent—
 - (a) a notice of inquiry which shall be in accordance with Form 4 in Schedule 2; and
 - (b) a copy of this Regulation.
- (3) A notice of inquiry shall—
 - (a) in a case where the complaint is that the respondent has been guilty of misconduct, state in the form of a charge, which shall be formulated by the Secretary, the matters into which inquiry is to be held;
 - (b) in any other case, state the allegation contained in the complaint; and

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

38. Making of an order or postponement to future meeting

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

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

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

40. Making of order at future meeting

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

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

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

41. Opportunity for mitigation

- (1) At any meeting of the Board at which the Board proposes to make in respect of a respondent an order or a decision to decline his application for registration, before the order or decision is made, an opportunity shall be given to the respondent or his counsel or solicitor to make a statement in mitigation and to adduce evidence as to the circumstances leading to the commission of the offence or the conduct complained of and as to the character and antecedents of the respondent.
- (2) At any meeting referred to in subsection (1), before the order or decision of the Board is made—
 - (a) the Secretary or any other person presenting the case against the respondent may, if the respondent has been the subject of a previous order, produce to the Board the records of the meeting at which that order was made; and
 - (b) the respondent, in person or by his counsel or solicitor, may make a statement by way of mitigation and adduce evidence as to the circumstances leading to the previous order.

42. Evidence

- (1) Evidence may be taken by the Board by oral statement on oath or by written deposition or statement.
- (2) A summons under section 23(1)(b) of the Ordinance to any person requiring him to attend an inquiry to give evidence or produce any document or other thing in his possession shall be in accordance with Form 5 in Schedule 2.
- (3) Every witness shall be examined by the party producing him and may then be cross-examined by the other party and may be re-examined by the party producing that witness only upon matters arising out of the cross-examination.
- (4) The Board may refuse to admit the evidence of any deponent to a document who is not present for, or who refuses to submit to, cross-examination.
- (5) The Chairman of the Board, and members of the Board through the Chairman of the Board, may put such questions to the parties or to any witness as they see fit, and the other parties may then re-examine such party or witness on matters arising out of such questioning.

43. Voting

- (1) In the taking of the votes of the Board on any question to be determined by it, the Chairman of the Board shall call upon the members to signify their votes and shall thereupon declare the determination of the Board in respect of such question.
- (2) Where a determination of the Board declared under subsection (1) is challenged by any member of the Board, the Chairman of the Board shall call upon each member severally to declare his vote, announce his own vote and announce the number of members of the Board who have voted each way, and the result of the vote.
- (3) Where on any question to be determined by the Board the votes are equal, the question shall be deemed to have been decided in favour of the respondent.
- (4) No person other than members of the Board and the Legal Adviser shall be present when the Board votes on any matter.

44. Inquiry by Board

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

45. Ordinary meetings of Board

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

46. Advice by Legal Adviser

- (1) When the Legal Adviser advises the Board on any question of law as to evidence, procedure or any other matter in any inquiry under section 13 or 22 of the Ordinance he shall do so in the presence of every party to the proceedings or the person representing each party or, if the advice is tendered after the Board has commenced to deliberate as to its findings, every such party or person as aforesaid shall be informed of the advice that the Legal Adviser has tendered.
- (2) In any case where the Board does not accept the advice of the Legal Adviser on any such question as aforesaid, every such party or person shall be informed of this fact.

Schedule 1

[s. 3]

Form of Register

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE
(Chapter 359)

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY
PROCEDURE) REGULATION

Register of Physiotherapists

PART Ia

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

Photograph

.....
Secretary,
Physiotherapists Board.

PART Ib

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

Photograph

Forms

Form 1

[s. 7(1)]

REGISTRATION NO. :

NAME : ()

ADDRESS :

BUSINESS ADDRESS :

QUALIFICATIONS AND DATE OBTAINED :

DETAILS OF WORKING EXPERIENCE :

CERTIFICATE OF PROVISIONAL REGISTRATION SERIAL NO. :

DATE OF REGISTRATION :

REMARKS :

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE (Chapter 359)

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE) REGULATION

Application for Registration/Provisional Registration as a Physiotherapist

I
(name in both English and Chinese)
of
(correspondence or home address)

being qualified for registration as a physiotherapist under section 12(1)* (a)/(b)/(c)/section 15 of the Supplementary Medical Professions Ordinance apply for *registration/provisional registration as a physiotherapist and request that my name be placed on Part *Ia/Ib/II of the Register.

2. I hold the following qualifications (please state qualifications obtained in chronological order):

Qualification	Issuing Authority	Date Issued

3. I have the following professional experience (please state professional experience obtained in chronological order):

Post Title	Name of Organization/Company	Period	
		From	To

Photograph

Secretary,
Physiotherapists Board.

Schedule 2

--	--	--	--

4. My business address(es) *is/are as follows:

(English)

(Chinese)

5. My telephone numbers are (Home)
..... (Office).

6. I *[†]have/have not been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment. I *have/have not been found guilty in Hong Kong or elsewhere of unprofessional conduct. I *am/am not the subject of an existing order under section 22(1)(i) or (ii) of the Supplementary Medical Professions Ordinance.

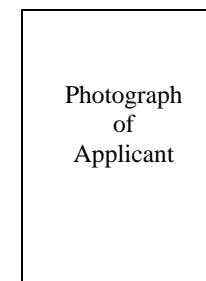
I declare that the information given in this application is correct to the best of my knowledge and belief.

Signed at..... }
the day of 19 }
(Signature of Applicant)

Before me,

.....
(Name in block letters) (Signature)

* Commissioner for Oaths/
Solicitor/Barrister/Part Ia Physiotherapist/
Registered Medical Practitioner.



[†] Please supply details of conviction.
* Delete if inappropriate.

(47 of 1997 s. 10)

Form 2A

[s. 9(1)]

PHYSIOTHERAPISTS BOARD
HONG KONG

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE
(Chapter 359)

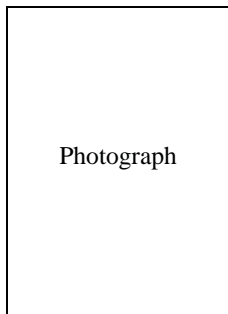
Certificate of Registration

Number of Register:

This is to certify that

whose photograph appears hereon was on the day of
..... 19 admitted to Part Ia of the Register of
Physiotherapists.

Dated this day of 19



Photograph

.....
Secretary,
Physiotherapists Board.
(L.N. 89 of 2004)

Form 2B

[s. 9(1)]

PHYSIOTHERAPISTS BOARD
HONG KONG

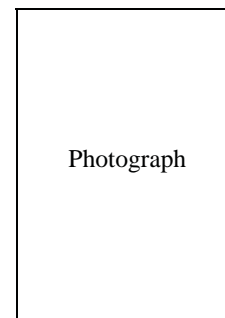
SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE
(Chapter 359)

Certificate of Registration

Number of Register:

This is to certify that
whose photograph appears hereon was on the day of
..... 19 admitted to Part Ib of the Register of
Physiotherapists.

Dated this day of 19



Photograph

.....
Secretary,
Physiotherapists Board.
(L.N. 89 of 2004)

Form 2C

[s. 9(2)]

PHYSIOTHERAPISTS BOARD
HONG KONG

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE
(Chapter 359)

Certificate of Provisional Registration

Number of Register:

This is to certify that

whose photograph appears hereon was on the day of 19 admitted to Part II of the Register of Physiotherapists subject to the under-mentioned conditions.

Conditions imposed pursuant to section 15(3) of the Supplementary Medical Professions Ordinance—

Dated this day of 19



.....
Secretary,
Physiotherapists Board.
(L.N. 89 of 2004)

Form 3

[s. 14]

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE
(Chapter 359)

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY
PROCEDURE) REGULATION

Particulars of a Company carrying on the
Business of Practising Physiotherapy

Presented by

(Name of Company)
of
(Registered Business Address)

.....
(Business Registration Certificate No.)
Particulars of the names and addresses of all persons who are professionally qualified directors, other directors or managers of the above company in respect of the business of physiotherapy carried on by it at....
.....
.....
under the name of

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

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

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

Dated this day of 19.....

(Signature)

(State whether director
or manager or secretary)

Form 4

[s. 23(2)]

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE
(Chapter 359)

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY
PROCEDURE) REGULATION

Notice of Inquiry

[Date]

Sir/Madam,

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

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

or

(If the charge relates to conduct) That you

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

or

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

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

or

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

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

(set out briefly the facts alleged).

or

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

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

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

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

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

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

A copy of the Physiotherapists (Registration and Disciplinary Procedure) Regulation is sent herewith for your information.

.....
Secretary,
Physiotherapists Board.

Form 5

[s. 42(2)]

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE
(Chapter 359)

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY
PROCEDURE) REGULATION

Summons to Witness

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

And in the matter of ⁽¹⁾
To ⁽²⁾

You are hereby summoned to appear before the Physiotherapists Board at on the day of 19, 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 19

.....
Chairman,
Physiotherapists Board.

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

Schedule 3

[ss. 10 & 15]

Fees

Item	Particulars	Fee
		\$
1.	Registration under section 13 of the Ordinance	1,330
2.	Provisional registration under section 15 of the Ordinance	1,085
3.	Practising certificate issued under section 16 of the Ordinance	435
4.	Certified copy of a certificate of registration under section 14(3) of the Ordinance	310
5.	Duplicate certificate of registration under section 14(7) of the Ordinance	360
6.	Restoration to the register under section 10(5) of the Ordinance	585
7.	Certificate of standing under section 14A of the Ordinance	720
8.	Examination fee for any examination conducted under section 15A of the Ordinance	1,750
9.	Certificate verifying registration under section 14A of the Ordinance	545
<i>(L.N. 322 of 2000; L.N. 91 of 2006; L.N. 141 of 2015)</i>		

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 registered dentist as defined by section 2(1) of the Dentists Registration Ordinance (Cap. 156) while practising dentistry <i>(22 of 2024 s. 131)</i>	21(1)

Item	Person Exempt	Exempt Section
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		
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)

Item	Person Exempt	Exempt Section
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 5

[s. 17]

Preliminary Investigation Committee

1. Member ceasing to be member on becoming member of Board

A member of the Committee other than the Chairman of the Committee who during the period of his office becomes a member of the Board shall cease to be a member of the Committee.

2. Appointment of acting Chairman

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

3. Appointment of acting member

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

4. Effect of lapse or termination of appointment

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

- (a) the appointment of any person to be the Chairman or a member of the Committee lapses by virtue of section 17 of this Regulation or terminates by operation of section 1 of this Schedule; or
- (b) the appointment of any person under section 2 or 3 of this Schedule lapses,

then if such person is not thereupon elected or re-elected or appointed or reappointed, as the case may be, to be the Chairman or a member of the Committee, the chairmanship or membership of such person shall continue by virtue of this section for the purposes of the consideration of such complaint or information by the Committee, but for no other purpose, until the Committee has discharged its functions in respect of such complaint or information.

5. Resignation by Chairman and member of Committee

- (1) The Chairman or a member of the Committee may at any time resign from the Committee by notice in writing addressed to the Secretary, save that, if at the time such notice is given the Committee is considering any complaint or information, the person so resigning shall, if so required by the Chairman of the Board, continue to be Chairman or member of the Committee for the purposes of the consideration of such complaint or information but for no other purpose, until the Committee has discharged its functions in respect of the complaint or information.
- (2) Section 17 of this Regulation shall apply to any vacancy arising from any resignation under this section as if the vacancy had occurred by effluxion of time.

6. Chairman or member of Committee attending Board meeting

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

7. Meetings of Committee

- (1) The Committee shall meet from time to time as directed by the Chairman of the Committee who may at any time adjourn any meeting of the Committee.
- (2) Save as otherwise provided in the Ordinance the Chairman of the Committee shall determine the procedure to be adopted at any meeting.

Cap. 112

Inland Revenue Ordinance

01/01/2025

Schedule 13

[s. 12]

***Institutions that may Accredite or Recognize Training or Development Courses for the Purpose of Section 12(6)(c)(iii)**

(Schedule 13 added 12 of 2004 s. 22)

Item	Institution
1.	The Architects Registration Board established by section 4 of the Architects Registration Ordinance (Cap. 408)
2.	The Chinese Medicine Council of Hong Kong established by section 3 of the Chinese Medicine Ordinance (Cap. 549)
3.	The Chiropractors Council established by section 3 of the Chiropractors Registration Ordinance (Cap. 428)
**3A.	The Construction Industry Council established by section 4 of the Construction Industry Council Ordinance (Cap. 587) <i>(Added 12 of 2006 s. 84)</i>
4.	The Construction Industry Training Authority established by section 4 of the Industrial Training (Construction Industry) Ordinance (Cap. 317) and in existence before the commencement# of section 71 of the Construction Industry Council Ordinance (Cap. 587) <i>(Amended 12 of 2006 s. 84)</i>
5.	The Dental Council of Hong Kong established by section 4 of the Dentists Registration Ordinance (Cap. 156)
6.	The Engineers Registration Board established by section 3 of the Engineers Registration Ordinance (Cap. 409)
7.	The Estate Agents Authority established by section 4 of the Estate Agents Ordinance (Cap. 511)
8.	The Hong Kong Academy of Medicine established by section 3 of the Hong Kong Academy of Medicine Ordinance (Cap. 419)
9.	The Hong Kong Bar Association referred to in section 2(1) of the Legal Practitioners Ordinance (Cap. 159)
10.	The Hong Kong Institute of Architects incorporated by section 3 of The Hong Kong Institute of Architects Incorporation Ordinance (Cap. 1147)

Item	Institution
11.	The Hong Kong Institution of Engineers incorporated by section 3 of The Hong Kong Institution of Engineers Ordinance (Cap. 1105)
12.	The Hong Kong Institute of Housing incorporated by section 3 of The Hong Kong Institute of Housing Ordinance (Cap. 507)
13.	The Hong Kong Institute of Landscape Architects incorporated by section 3 of The Hong Kong Institute of Landscape Architects Incorporation Ordinance (Cap. 1162)
14.	The Hong Kong Institute of Planners incorporated by section 3 of The Hong Kong Institute of Planners Incorporation Ordinance (Cap. 1153)
15.	The Hong Kong Institute of Surveyors incorporated by section 3 of The Hong Kong Institute of Surveyors Ordinance (Cap. 1148)
16.	The Hong Kong Institute of Certified Public Accountants incorporated by section 3 of the Professional Accountants Ordinance (Cap. 50) (<i>Amended 23 of 2004 s. 56</i>)
@17.	The Hong Kong Society of Notaries referred to in section 2(1) of the Legal Practitioners Ordinance (Cap. 159) as amended by section 5(1)(e) of the Legal Practitioners (Amendment) Ordinance 1998 (27 of 1998)
18.	The Housing Managers Registration Board established by section 3 of the Housing Managers Registration Ordinance (Cap. 550)
19.	The Land Surveyors Registration Committee appointed under section 6 of the Land Survey Ordinance (Cap. 473)
20.	The Landscape Architects Registration Board established by section 3 of the Landscape Architects Registration Ordinance (Cap. 516)
21.	The Law Society of Hong Kong referred to in section 2(1) of the Legal Practitioners Ordinance (Cap. 159)
22.	The Medical Council of Hong Kong established by section 3 of the Medical Registration Ordinance (Cap. 161)
23.	The Medical Laboratory Technologists Board established by section 5 of the Supplementary Medical Professions Ordinance (Cap. 359)
24.	The Midwives Council of Hong Kong established by section 3 of the Midwives Registration Ordinance (Cap. 162)
25.	The Nursing Council of Hong Kong established by section 3 of the Nurses Registration Ordinance (Cap. 164)
26.	The Occupational Therapists Board established by section 5 of the Supplementary Medical Professions Ordinance (Cap. 359)
27.	The Optometrists Board established by section 5 of the Supplementary Medical Professions Ordinance (Cap. 359)

Item	Institution
28.	The Pharmacy and Poisons Board established by section 3 of the Pharmacy and Poisons Ordinance (Cap. 138)
29.	The Physiotherapists Board established by section 5 of the Supplementary Medical Professions Ordinance (Cap. 359)
30.	The Planners Registration Board established by section 3 of the Planners Registration Ordinance (Cap. 418)
31.	The Radiographers Board established by section 5 of the Supplementary Medical Professions Ordinance (Cap. 359)
32.	The Security and Guarding Services Industry Authority established by section 4 of the Security and Guarding Services Ordinance (Cap. 460)
33.	The Social Workers Registration Board established by section 4 of the Social Workers Registration Ordinance (Cap. 505)
34.	The Surveyors Registration Board established by section 3 of the Surveyors Registration Ordinance (Cap. 417)
35.	(<i>Repealed 37 of 2018 s. 171</i>)
36.	The Veterinary Surgeons Board established by section 3 of the Veterinary Surgeons Registration Ordinance (Cap. 529)
37.	The Vocational Training Council established by section 4 of the Vocational Training Council Ordinance (Cap. 1130)
38.	The Hong Kong Council for Accreditation of Academic and Vocational Qualifications established by section 3(1) of the Hong Kong Council for Accreditation of Academic and Vocational Qualifications Ordinance (Cap. 1150) (<i>Added 6 of 2007 s. 49</i>)
39.	The Travel Industry Authority established by section 150 of the Travel Industry Ordinance (Cap. 634) (<i>Added 37 of 2018 s. 171 and E.R. 1 of 2019</i>)

Editorial Note:

* Schedule 13 (except items 3A and 17) applies in relation to the year of assessment 2004/05 and to all subsequent years of assessment. (Please see 12 of 2004 s. 2(5)(a) and 12 of 2006 s. 84)

** Item 3A applies in relation to the year of assessment in which section 3 of Schedule 6 to the Construction Industry Council Ordinance (Cap. 587) comes into operation[#] and to all subsequent years of assessment. (Please see 12 of 2006 s. 84)

Commencement date : 1 January 2008.

@ Item 17 applies in relation to the year of assessment in which section 5(1)(e) of the Legal Practitioners (Amendment) Ordinance 1998 (27 of 1998) comes into operation⁺ and to all subsequent years of assessment. (Please see 12 of 2004 s. 2(5)(b))

+ Commencement date: 30 June 2005.

28. Unlawful use of title etc. and practice without registration

(Note : Amendment made by the Dentists Registration (Amendment) Ordinance 2024 (22 of 2024) to this section is partially commenced—see L.N. 146 of 2024.)

- (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 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; *(Amended 22 of 2024 s. 126)*
 - (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. Application of Ordinance

This Ordinance shall not apply to—

- (a) a hospital or clinic managed or controlled by the Government or the Hospital Authority, or a private healthcare facility within the meaning of the Private Healthcare Facilities Ordinance (Cap. 633) operated by a person licensed to operate it under that Ordinance; *(Replaced 34 of 2018 s. 165 and E.R. 5 of 2018)*
- (aa) a military hospital or a maternity home of the Hong Kong Garrison; *(Added 2 of 2012 s. 3)*
- (ab) a 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; *(Added 34 of 2018 s. 165 and E.R. 5 of 2018)*
- (ac) a 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. 165)*
- (b) an establishment for medical treatment operated by a medical practitioner registered under the Medical Registration Ordinance (Cap. 161);
- (c) the premises of a hair salon, or of a beauty parlour, where massage is administered in the premises in full view of customers resorting thereto; *(Replaced 28 of 2001 s. 3)*
- (d) an establishment for physiotherapy operated by a physiotherapist registered under the Supplementary Medical Professions Ordinance (Cap. 359); *(Amended 28 of 2001 s. 3)*
- (e) *(Repealed 67 of 1985 s. 16)*
- (f) a massage establishment where—
 - (i) no massage other than face, scalp, neck, shoulder, hand, arm or foot (up to knee) massage is administered to customers; or
 - (ii) no full-body massage is administered to a customer by a person of the opposite sex; *(Added 28 of 2001 s. 3)*

- (g) the premises for practising Chinese medicine operated by a registered Chinese medicine practitioner or listed Chinese medicine practitioner as defined in section 2 of the Chinese Medicine Ordinance (Cap. 549); or (*Added 28 of 2001 s. 3*)
- (h) the premises for chiropractic operated by a chiropractor registered under the Chiropractors Registration Ordinance (Cap. 428). (*Added 28 of 2001 s. 3*)
- (*Amended 67 of 1985 s. 16*)

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) has the meaning given by section 2(1) of the Dentists Registration Ordinance (Cap. 156); (*Replaced 22 of 2024 s. 127*)

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*)

14. Dose limit

- (1) Except in the case of a patient who is required to be exposed to radiation in furtherance of medical treatment or investigation prescribed by a medical practitioner or dental practitioner, no person shall cause or permit any other person to be exposed to a dose of radiation to any part of the body in excess of—
- (a) in the case of a person employed in radiation work, the dose limit; or (*L.N. 225 of 1990; L.N. 154 of 1995*)
 - (b) in the case of any other person, 1 millisievert, (*L.N. 154 of 1995*)
- in any calendar year.
- (2) Any person who contravenes any of the provisions of subregulation (1) shall be guilty of an offence and be liable on conviction to a fine at level 4. (*L.N. 97 of 1970; L.N. 225 of 1990; E.R. 2 of 2024*)

2. Interpretation

(**Note** : Amendments made by the Dentists Registration (Amendment) Ordinance 2024 (22 of 2024) to this section are partially commenced—see L.N. 146 of 2024.)

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 registered dentists as defined by section 2(1) 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; 22 of 2024 s. 128*)
- (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 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; *(Replaced 68 of 1986 s. 7. Amended 22 of 2024 s. 128)*
- (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.

Cap. 359C

Supplementary Medical
Professions Ordinance
(Application of Part II) Order 1988

06/05/2021

**Supplementary Medical Professions Ordinance
(Application of Part II) Order 1988**

(Cap. 359, section 1(2))

(Enacting provision omitted—E.R. 2 of 2021)

(Format changes—E.R. 2 of 2021)

Under section 1(2) of the Supplementary Medical Professions Ordinance (Cap. 359), the Governor appoints 8 April 1988 as the date on which section 2 and Part II of that Ordinance shall apply to the professions specified in items 1, 2, 3, 4 and 5 of the Schedule to that Ordinance.

(E.R. 2 of 2021)

Cap. 359D

Supplementary Medical
Professions Ordinance
(Application of Section 29) Notice
1990

06/05/2021

**Supplementary Medical Professions Ordinance
(Application of Section 29) Notice 1990**

(Cap. 359, section 1(2))

(Enacting provision omitted—E.R. 2 of 2021)

(Format changes—E.R. 2 of 2021)

Under section 1(2) of the Supplementary Medical Professions Ordinance (Cap. 359), the Governor appoints 11 May 1990 as the day on which section 29 of the Ordinance shall apply to the professions specified in items 1, 2, 3, 4 and 5 of the Schedule to the Ordinance.

(E.R. 2 of 2021)

**Supplementary Medical Professions Ordinance
(Application) Notice 1990**

(Cap. 359, section 1(2))

*(Enacting provision omitted—E.R. 2 of 2021)**(Format changes—E.R. 2 of 2021)*

Under section 1(2) of the Supplementary Medical Professions Ordinance (Cap. 359), the Governor appoints— *(E.R. 2 of 2021)*

- (a) 1 October 1990 as the day on which section 26(1), (1A) and (1B) of the Ordinance shall apply to the professions specified in items 1, 2, 3, 4 and 5 of the Schedule to the Ordinance;
- (b) 1 October 1990 as the day on which sections 10(1), (2), (3), (4)(a) and (b), (5) and (6), 11(4), 12, 13(1), (2) and (4), 14, 14A, 15, 15A, 15B, 16(2), (3), (4) and (5), 26(2), 27(a) and (b), 28 and 30 of the Ordinance shall apply to the professions specified in items 1 and 4 of the Schedule to the Ordinance;
- (c) 1 August 1991 as the day on which sections 10(4)(c), (d) and (e), 13(3), 16(1), (6) and (7), 17, 18, 18A, 20(1), (2) and (4), 21, 22, 23, 24, 25, 26(3) and 27(c), (e), (f) and (g) of the Ordinance shall apply to the professions specified in items 1 and 4 of the Schedule to the Ordinance; and
- (d) 1 July 1992 as the day on which sections 11(1), (2) and (3), and 20(3) and (5) of the Ordinance shall apply to the professions specified in items 1 and 4 of the Schedule to the Ordinance.

*(E.R. 2 of 2021)***Supplementary Medical Professions Ordinance
(Application to Optometrists) Order 1994**

(Cap. 359, section 1(2))

(Enacting provision omitted—E.R. 4 of 2021)

[16 September 1994]

(Format changes—E.R. 4 of 2021)

Under section 1(2) of the Supplementary Medical Professions Ordinance (Cap. 359), the Governor has appointed— *(E.R. 4 of 2021)*

- (a) 1 December 1994 as the day on which sections 10(1), (2), (3), (4) (a) and (b), (5) and (6), 11(4), 12, 13(1), (2) and (4), 14, 14A, 15, 15A, 15B, 16(2), (3) and (5), 26(2), 27(a) and (b), 28 and 30 of the Ordinance;
- (b) 1 April 1996 as the day on which sections 10(4)(c), (d) and (e), 13(3), 16(1), (6) and (7), 17, 18, 18A, 20(1), (2) and (4), 21, 22, 23, 24, 25, 26(3) and 27(c), (e), (f) and (g) of the Ordinance; and
- (c) 1 July 1996 as the day on which sections 11(1), (2) and (3) and 20(3) and (5) of the Ordinance,

shall apply to the profession specified in item 5 of the Schedule to the Ordinance.

Cap. 359I Supplementary Medical
 Professions Ordinance
 (Application to Radiographers)
 Order 1995 23/09/2021

**Supplementary Medical Professions Ordinance
(Application to Radiographers) Order 1995**

(Cap. 359, section 1(2))

(Enacting provision omitted—E.R. 4 of 2021)

[24 March 1995]

(Format changes—E.R. 4 of 2021)

Under section 1(2) of the Supplementary Medical Professions Ordinance (Cap. 359), the Governor has appointed— *(E.R. 4 of 2021)*

- (a) 1 July 1995 as the day on which sections 10(1), (2), (3), (4)(a) and (b), (5) and (6), 11(4), 12, 13(1), (2) and (4), 14, 14A, 15, 15A, 15B, 16(2), (3) and (5), 26(2), 27(a) and (b), 28 and 30 of the Ordinance;
- (b) 1 November 1996 as the day on which sections 10(4)(c), (d) and (e), 13(3), 16(1), (6) and (7), 17, 18, 18A, 20(1), (2) and (4), 21, 22, 23, 24, 25, 26(3) and 27(c), (e), (f) and (g) of the Ordinance; and
- (c) 1 January 1997 as the day on which sections 11(1), (2) and (3) and 20(3) and (5) of the Ordinance,

shall apply to the profession specified in item 2 of the Schedule to the Ordinance.

Cap. 359K Supplementary Medical
 Professions Ordinance
 (Application to Physiotherapists)
 Order 1997 23/09/2021

**Supplementary Medical Professions Ordinance
(Application to Physiotherapists) Order 1997**

(Cap. 359, section 1(2))

(Enacting provision omitted—E.R. 4 of 2021)

[3 January 1997]

(Format changes—E.R. 4 of 2021)

Under section 1(2) of the Supplementary Medical Professions Ordinance (Cap. 359), the Governor appoint 1 April 1997 as the day on which sections 10(1), (2), (3), (4)(a) and (b), (5) and (6), 11(4), 12, 13(1), (2) and (4), 14, 14A, 15, 15A, 15B, 16(2), (3) and (5), 26(2), 27(a) and (b), 28 and 30 of the Ordinance shall apply to the profession specified in item 3 of the Schedule to the Ordinance.

(E.R. 4 of 2021)

**Supplementary Medical Professions Ordinance
(Application) Order 1999**

(Cap. 359, section 1(2))

(Enacting provision omitted—E.R. 4 of 2021)

[28 May 1999]

(Format changes—E.R. 4 of 2021)

Under section 1(2) of the Supplementary Medical Professions Ordinance (Cap. 359), the Chief Executive appoint 1 July 1999 as the day on which—
(E.R. 4 of 2021)

- (a) sections 10(4)(c), (d) and (e), 11(1), (2) and (3), 13(3), 16(1), (6) and (7), 17, 18, 18A, 20, 21, 22, 23, 24, 25, 26(3) and 27(c), (e), (f) and (g) of the Ordinance shall apply to the profession specified in item 3 of the Schedule to the Ordinance; and
- (b) sections 19 and 27(d) of the Ordinance shall apply to all professions specified in the Schedule to the Ordinance.

Schedule 3

[ss. 2 & 37]

Exempt Persons*(Schedule 3 added 25 of 2012 s. 23)*

(Note : Amendment made by the Dentists Registration (Amendment) Ordinance 2024 (22 of 2024) to this Schedule is partially commenced—see L.N. 146 of 2024.)

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, 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. *(Replaced 22 of 2024 s. 132)*
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).

7. Certification on vision standards

- (1) Despite section 6(1A), an approved medical practitioner may, instead of examining the vision of an applicant, accept the certification by a registered optometrist as proof of the applicant's vision if the medical practitioner is satisfied that the optometrist, when making the certification, has regard to the vision standards specified in Appendix A to the Guidelines.
- (2) In this section—
registered optometrist (註冊視光師) means an optometrist registered under section 13 or 15 of the Supplementary Medical Professions Ordinance (Cap. 359).

(L.N. 74 of 2016)

108. Unlawful use of title, etc. and practise without registration

- (1) Any person who—
- (a) wilfully or falsely pretends—
 - (i) to be qualified to practise Chinese medicine; or
 - (ii) to be a listed Chinese medicine practitioner; or
 - (iii) to be a registered Chinese medicine practitioner; or
 - (iv) that his name is included in the Register; or
 - (b) falsely takes or uses any name, title, addition or description implying that—
 - (i) he is qualified to practise Chinese medicine; or
 - (ii) he is a listed Chinese medicine practitioner; or
 - (iii) he is a registered Chinese medicine practitioner; or
 - (iv) his name is included in the Register; or
 - (c) not being a registered Chinese medicine practitioner or listed Chinese medicine practitioner, professes to practise or publishes his name as practising Chinese medicine, commits an offence and is liable to a fine at level 6 and to imprisonment for 3 years.
- (2) Subject to subsection (3), any person who not being a registered Chinese medicine practitioner or listed Chinese medicine practitioner—
- (a) practises Chinese medicine commits an offence and is liable—
 - (i) 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 Chinese medicine in relation to a person which results in personal injury to that person commits an offence and is liable—
 - (i) to a fine of \$200,000 and to imprisonment for 3 years; or
 - (ii) on conviction upon indictment to imprisonment for 7 years.
- (3) Subsection (2) shall not apply to—

- (a) the dispensing of Chinese herbal medicines by a dispenser or person nominated under section 114(2)(b)(i) or (ii) at the premises in respect of which a retailer licence is in force;
 - (b) the use of acupuncture, being of a type with distinguishable differences from acupuncture based on traditional Chinese medicine, in the course of the practice of—
 - (i) a registered medical practitioner registered under the Medical Registration Ordinance (Cap. 161);
 - (ii) a registered dentist registered under the Dentists Registration Ordinance (Cap. 156);
 - (iii) a physiotherapist registered under the Supplementary Medical Professions Ordinance (Cap. 359).
- (4) Any person with limited registration who—
- (a) wilfully or falsely pretends to be qualified to practise Chinese medicine; or
 - (b) wilfully or falsely takes or uses any name, title, addition or description implying that he is qualified to practise Chinese medicine,
- beyond the limits defined in the direction under sections 85 and 86 relating to that registration commits an offence and is liable to a fine at level 3 and to imprisonment for 6 months.
- (5) For the purposes of this section—
- (a) the suggestion of a well-established prescription of Chinese herbal medicines to a single individual without carrying out any diagnosis on the basis of traditional Chinese medicine by a dispenser or person nominated under section 114(2)(b)(i) or (ii) at the premises in respect of which a retailer licence is in force shall not be regarded as practising Chinese medicine for the purpose of subsection (2);
 - (b) a person who fraudulently procures himself to be registered as a registered Chinese medicine practitioner or listed as a listed Chinese medicine practitioner, by making or producing, or causing to be made or produced, any false or fraudulent representations or declaration, either oral or in writing, shall be deemed not to have been so registered or so listed, as the case may be.

Schedule

[ss. 2, 8, 9B, 16, 26, 43 & 47]
(Amended 14 of 2021 s. 405)

Election Committee

Part 1

Preliminary

1. Interpretation

(1) In this Schedule—

body (團體) means an incorporated or unincorporated body, and includes a firm or a group of persons (which may include incorporated or unincorporated bodies) who are associated with each other through a shared relevant interest;

corporate member (團體成員), in relation to a body included in a subsector, means a body that is a member of the body so included;

CPPCC member (全國政協委員) means a Hong Kong Special Administrative Region member of the National Committee of the Chinese People's Political Consultative Conference; (Added 14 of 2021 s. 406)

designated body (指定團體), in relation to a subsector, means a body designated for the subsector in Division 1 of Part 3 for the purposes of section 2(5)(b); (Added 14 of 2021 s. 406)

designated person (指定人士), in relation to a specified person, means a person designated by the specified person under section 5J(3); (Added 14 of 2021 s. 406)

elector (選民), in relation to a functional constituency or geographical constituency, has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap. 542);

Electoral Registration Officer (選舉登記主任) means the person holding office as Electoral Registration Officer under section 44, and includes any person appointed to act in place of the Officer when the Officer is absent or when the office is vacant;

ex-officio member (當然委員), in relation to the Election Committee, means a person who is registered as an ex-officio member of the Election Committee in, and whose name has not been removed from, the final register of members of the Election Committee; (*Added 14 of 2021 s. 406*)

functional constituency (功能界別) means a functional constituency specified in section 20(1) of the Legislative Council Ordinance (Cap. 542);

geographical constituency (地方選區) means an area declared to be a geographical constituency in accordance with Part 3 of the Legislative Council Ordinance (Cap. 542);

Hong Kong and Kowloon District Committees subsector (港九地區委員會界別分組) means the representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of Hong Kong and Kowloon subsector; (*Added 14 of 2021 s. 406*)

interim register of members of the Election Committee (選舉委員會暫行委員登記冊) means a register published under section 40(1); (*Added 10 of 2006 s. 21*)

Member (議員), in relation to the Legislative Council, has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap. 542);

New Territories District Committees subsector (新界地區委員會界別分組) means the representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of the New Territories subsector; (*Added 14 of 2021 s. 406*)

NPC and CPPCC subsector (人大政協界界別分組) means the Hong Kong Special Administrative Region deputies to the National People's Congress and Hong Kong Special Administrative Region members of the National Committee of the Chinese People's Political Consultative Conference subsector; (*Added 14 of 2021 s. 406*)

NPC deputy (全國人大代表) means a Hong Kong Special Administrative Region deputy to the National People's Congress; (*Added 14 of 2021 s. 406*)

officer (高級人員), in relation to a body corporate, includes a director or executive, or any other person concerned in the management, of the body;

registered (登記), in relation to a functional constituency or geographical constituency, means registered under the Legislative Council Ordinance (Cap. 542) as an elector for the constituency;

Returning Officer (選舉主任), in relation to a subsector, means the Returning Officer appointed for the subsector under section 47, and includes any person appointed to act in place of such an Officer when the Officer is absent or when an office of Returning Officer is vacant;

Revising Officer (審裁官) means a Revising Officer appointed under section 46, and includes any person appointed to act in place of the Officer when the Officer is absent or when the office of Revising Officer is vacant;

specified entity (指明實體), in relation to a subsector, means a person or body specified for the subsector in Division 5 of Part 4 for the purposes of section 2(5)(c); (*Added 14 of 2021 s. 406*)

specified office (指明職位), in relation to a subsector, means an office specified for the subsector in Division 1 of Part 2A for the purposes of section 2(5)(a); (*Added 14 of 2021 s. 406*)

specified person (指明人士), in relation to a subsector, means a person holding a specified office of the subsector; (*Added 14 of 2021 s. 406*)

subsector (界別分組) means, subject to section 11, a subsector represented on the Election Committee as provided by section 2(4);

subsector by-election (界別分組補選) means an election to elect a member of the Election Committee assigned to a subsector who, under section 2(7)(c), is to be elected by the relevant subsector, otherwise than at a subsector ordinary election; (*Amended 14 of 2021 s. 406*)

subsector election (界別分組選舉) means a subsector ordinary election or a subsector by-election;

subsector ordinary election (界別分組一般選舉) means an election to elect those members of the Election Committee assigned to a subsector who, under section 2(7)(c), are to be elected by the relevant subsector, for a new term of office of the Election Committee; (*Amended 14 of 2021 s. 406*)

the regulations (《規例》) means regulations made under section 46 of this Ordinance.

(*Amended 14 of 2021 s. 406*)

(2) (*Repealed 14 of 2021 s. 406*)

(3) For the purposes of this Schedule—

- (a) the circumstances in which a person has a substantial connection with a body include, but are not limited to, being a member, partner, officer or employee of the body; and
- (b) the circumstances in which a person has a substantial connection with a subsector include, but are not limited to, being a member, partner, officer or employee of—
 - (i) a body included in the subsector; or
 - (ii) a corporate member of a body referred to in subparagraph (i).
- (4) In this Schedule, unless otherwise stated, a reference to a Part or section is a reference to a Part or section of this Schedule. *(Replaced 14 of 2021 s. 406)*
- (5)-(6) *(Repealed 14 of 2021 s. 406)*

1A. Effect of inclement weather warning on date and period

(Amended 15 of 2016 s. 27)

- (1) In this section—

gale warning (烈風警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62);

inclement weather warning day (惡劣天氣警告日) means a working day on which a gale warning or a rainstorm warning is in force at any time during the ordinary business hours of the office of the Electoral Registration Officer;

rainstorm warning (暴雨警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62);

working day (工作日) means any Monday, Tuesday, Wednesday, Thursday or Friday other than a general holiday.
- (2) If—
 - (a) the Electoral Registration Officer is required by section 14 to do an act not later than a date; and
 - (b) the date falls on an inclement weather warning day,

that section has effect in relation to the act as if it requires the Officer to do the act not later than the next working day, which is not an inclement weather warning day, following the date.
- (3) If—
 - (a) the Electoral Registration Officer is required by section 40(3A)(b) to do an act on a date; and
 - (b) the date falls on an inclement weather warning day,

that section has effect as if it required the Officer to do the act on the next working day which is not an inclement weather warning day, following the date. *(Added 15 of 2016 s. 27)*

- (4) If—
 - (a) the Electoral Registration Officer is required by section 4(1) or 40 to do an act within a period; and
 - (b) the last day of the period falls on an inclement weather warning day,

the period is extended, in relation to the act, to end on the next working day which is not an inclement weather warning day, following the day mentioned in paragraph (b), and that section has effect accordingly. *(Added 15 of 2016 s. 27)*

(Added 12 of 2014 s. 23)

Part 2

Membership of Election Committee

2. How Election Committee is to be constituted

- (1) The Election Committee is to consist of 1 500 members, who must be Hong Kong permanent residents. *(Amended 1 of 2011 s. 9)*
- (2) The membership of the Election Committee is to be determined in accordance with the procedures specified in this Schedule.
- (3) The members of the Election Committee are to be representative of 5 sectors, with each sector being represented by 300 members. *(Amended 1 of 2011 s. 9)*
- (4) The sectors are to be composed of the subsectors specified in Tables 1, 2, 3, 4 and 5.
- (5) Each subsector is to be composed of—
 - (a) if the number specified in column 3 of the relevant Table opposite to that subsector is not 0—the specified persons of that subsector;
 - (b) if the number specified in column 4 of the relevant Table opposite to that subsector is not 0—the designated bodies of that subsector; and
 - (c) if the number specified in column 5 of the relevant Table opposite to that subsector is not 0—the specified entities of that subsector. *(Replaced 14 of 2021 s. 407)*

- (6) Subject to subsection (7), for the purpose of constituting the Election Committee, each subsector is allocated the number of members specified in columns 3, 4 and 5 of the relevant Table in respect of the subsector.
- (7) The Election Committee is constituted in the following manner—
- subject to subsection (8), in relation to a subsector specified in column 2 of a Table, the number specified in column 3 of the Table opposite to the subsector is the number of members to be filled by the persons registered in accordance with Part 2A as ex-officio members of the subsector;
 - in relation to a subsector specified in column 2 of a Table, the number specified in column 4 of the Table opposite to the subsector is the number of members to be nominated by the designated bodies of the subsector in accordance with Part 3;
 - subject to subsection (8), in relation to a subsector specified in column 2 of a Table, the number specified in column 5 of the Table opposite to the subsector is the number of members to be elected by the specified entities of the subsector in accordance with Part 4. *(Replaced 14 of 2021 s. 407)*
- (8) Despite subsection (7), for the purpose of constituting a new term of office of the Election Committee, if 1 NPC deputy or CPPCC member chooses, in accordance with section 5I(4), to be registered as a member of a subsector (**relevant subsector**) other than the NPC and CPPCC subsector, and the registration is determined as valid under section 5N—
- the number of members to be filled in relation to the relevant subsector under subsection (7)(a) is to be increased by 1 for that term of office; and
 - the number of members to be elected by the relevant subsector under subsection (7)(c) is to be decreased by 1 for that term of office. *(Replaced 14 of 2021 s. 407)*
- (9) For the purpose of constituting a new term of office of the Election Committee, the Chief Electoral Officer must publish a notice in the Gazette in accordance with the EAC Regulations declaring—
- the number of NPC deputies or CPPCC members whose registrations are determined as valid in each subsector for that term of office; and

- the number of members to be elected by each subsector in accordance with Part 4 for that term of office. *(Replaced 14 of 2021 s. 407)*
- (10) To avoid doubt, the numbers declared under subsection (9) must remain unchanged for that term of office of the Election Committee. *(Added 14 of 2021 s. 407)*
- (Amended 14 of 2021 s. 407)*

Table 1

First Sector

Column 1	Column 2	Column 3	Column 4	Column 5
		Number of ex-officio members	Number of members to be nominated	Number of members to be elected
Item	Subsector			
1.	Catering	0	0	16
2.	Commercial (first)	0	0	17
3.	Commercial (second)	0	0	17
4.	Commercial (third)	0	0	17
5.	Employers' Federation of Hong Kong	0	0	15
6.	Finance	0	0	17
7.	Financial services	0	0	17
8.	Hotel	0	0	16
9.	Import and export	0	0	17
10.	Industrial (first)	0	0	17
11.	Industrial (second)	0	0	17
12.	Insurance	0	0	17
13.	Real estate and construction	0	0	17
14.	Small and medium enterprises	0	0	15
15.	Textiles and garment	0	0	17
16.	Tourism	0	0	17
17.	Transport	0	0	17
18.	Wholesale and retail	0	0	17

(Replaced 14 of 2021 s. 407)

Table 2**Second Sector**

Column 1	Column 2	Column 3	Column 4	Column 5
Item	Subsector	Number of ex-officio members	Number of members to be nominated	Number of members to be elected
1.	Accountancy	0	15	15
2.	Architectural, surveying, planning and landscape	15	0	15
3.	Chinese medicine	0	15	15
4.	Education	16	0	14
5.	Engineering	15	0	15
6.	Legal	6	9	15
7.	Medical and health services	15	0	15
8.	Social welfare	15	0	15
9.	Sports, performing arts, culture and publication	0	15	15
10.	Technology and innovation	0	15	15

*(Replaced 14 of 2021 s. 407)***Table 3****Third Sector**

Column 1	Column 2	Column 3	Column 4	Column 5
Item	Subsector	Number of ex-officio members	Number of members to be nominated	Number of members to be elected
1.	Agriculture and fisheries	0	0	60
2.	Associations of Chinese fellow townsmen	0	0	60
3.	Grassroots associations	0	0	60
4.	Labour	0	0	60

Column 1	Column 2	Column 3	Column 4	Column 5
Item	Subsector	Number of ex-officio members	Number of members to be nominated	Number of members to be elected
5.	Religious	0	60	0

*(Replaced 14 of 2021 s. 407)***Table 4****Fourth Sector**

Column 1	Column 2	Column 3	Column 4	Column 5
Item	Subsector	Number of ex-officio members	Number of members to be nominated	Number of members to be elected
1.	Members of the Legislative Council	90	0	0
2.	Heung Yee Kuk	0	0	27
3.	Representatives of associations of Hong Kong residents in the Mainland	0	27	0
4.	Representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of Hong Kong and Kowloon	0	0	76

Column 1	Column 2	Column 3	Column 4	Column 5
Item	Subsector	Number of ex-officio members	Number of members to be nominated	Number of members to be elected
5.	Representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of the New Territories	0	0	80

(Replaced 14 of 2021 s. 407)

Table 5

Fifth Sector

Column 1	Column 2	Column 3	Column 4	Column 5
Item	Subsector	Number of ex-officio members	Number of members to be nominated	Number of members to be elected
1.	Hong Kong Special Administrative Region deputies to the National People's Congress and Hong Kong Special Administrative Region members of the National Committee of the Chinese People's Political Consultative Conference	190	0	0

Column 1	Column 2	Column 3	Column 4	Column 5
Item	Subsector	Number of ex-officio members	Number of members to be nominated	Number of members to be elected
2.	Representatives of Hong Kong members of relevant national organisations	0	0	110

(Replaced 14 of 2021 s. 407)

2A. *(Omitted as expired—E.R. 1 of 2013)*

3. Resignation of member of Election Committee

(1) If a person is registered as an ex-officio member of the Election Committee by virtue of holding a specified office, and the person ceases to hold the specified office, the person is regarded as having resigned from the membership of the Election Committee, unless—

- (a) the cessation is due to the expiry of the person's term of office as the holder of the specified office; and
- (b) the person holds the specified office immediately after the cessation. *(Replaced 14 of 2021 s. 408)*

(1AA) If a designated person of a specified person is registered as an ex-officio member of the Election Committee, and the specified person ceases to hold a specified office, the designated person is regarded as having resigned from the membership of the Election Committee, unless—

- (a) the cessation is due to the expiry of the specified person's term of office as the holder of the specified office; and
- (b) the specified person holds the specified office immediately after the cessation. *(Added 14 of 2021 s. 408)*

(1AAB) If a person (**registered member**) is registered as an ex-officio member of the Election Committee under section 5J(4) because a specified person is not eligible to be so registered, and the specified person ceases to hold the specified office concerned, the registered member is regarded as having resigned from the membership of the Election Committee, unless—

- (a) the cessation is due to the expiry of the specified person's term of office as the holder of the specified office; and

- (b) the specified person holds the specified office immediately after the cessation. *(Added 14 of 2021 s. 408)*
- (1AAC) If a person is registered as an ex-officio member of the Election Committee under section 5J(3) or (4), and the person ceases to hold an office in, or the office of Council Chairman or the office of Chairman of the Board of Governors (as the case may be) in, the relevant body (as defined by section 5J(6)) concerned, the person is regarded as having resigned from the membership of the Election Committee, unless—
 - (a) the cessation is due to the expiry of the person's term of office as the holder of the office concerned; and
 - (b) the person holds the office immediately after the cessation. *(Added 14 of 2021 s. 408)*
- (1AAD) If a person is nominated as a member of the Election Committee representing the accountancy subsector under section 7, and the person ceases to be a Hong Kong Accounting Advisor appointed by the Ministry of Finance of the People's Republic of China, the person is regarded as having resigned from the membership of the Election Committee, unless—
 - (a) the cessation is due to the expiry of the person's term of office as a Hong Kong Accounting Advisor; and
 - (b) the person is a Hong Kong Accounting Advisor immediately after the cessation. *(Added 14 of 2021 s. 408)*
- (1AAE) If a person is nominated as a member of the Election Committee representing the Chinese medicine subsector under section 7, and the person ceases to be a Hong Kong member of the Council of the World Federation of Chinese Medicine Societies, the person is regarded as having resigned from the membership of the Election Committee, unless—
 - (a) the cessation is due to the expiry of the person's term of office as the member of the Council of the Federation; and
 - (b) the person is a member of the Council of the Federation immediately after the cessation. *(Added 14 of 2021 s. 408)*

- (1AAF) If a person is nominated as a member of the Election Committee representing the legal subsector under section 7, and the person ceases to be a Hong Kong member of the Council of the China Law Society, the person is regarded as having resigned from the membership of the Election Committee, unless—
 - (a) the cessation is due to the expiry of the person's term of office as the member of the Council of the Society; and
 - (b) the person is a member of the Council of the Society immediately after the cessation. *(Added 14 of 2021 s. 408)*
- (1AAG) If a person is nominated as a member of the Election Committee representing the technology and innovation subsector under section 7, and the person ceases to be a Hong Kong academician of the Chinese Academy of Sciences or the Chinese Academy of Engineering, the person is regarded as having resigned from the membership of the Election Committee. *(Added 14 of 2021 s. 408)*
- (1A) If a member of the Election Committee representing the Heung Yee Kuk subsector ceases to be the Chairman or a Vice-Chairman of the Heung Yee Kuk or a Councillor of the Full Council of the Heung Yee Kuk, he is deemed to have resigned from the membership of the Election Committee unless— *(Amended 14 of 2021 s. 408)*
 - (a) the cessation is due to the expiry of his term of office as the Chairman or a Vice-Chairman of the Heung Yee Kuk or a Councillor of the Full Council of the Heung Yee Kuk (as the case may be); and
 - (b) he is the Chairman or a Vice-Chairman of the Heung Yee Kuk or a Councillor of the Full Council of the Heung Yee Kuk immediately after the cessation. *(Added 10 of 2006 s. 6)*
- (1B) If a member of the Election Committee representing the Hong Kong and Kowloon District Committees subsector ceases to be a member of an Area Committee, District Fight Crime Committee or District Fire Safety Committee in a District mentioned in section 39ZH (*specified Committee*), the member is regarded as having resigned from the membership of the Election Committee, unless—
 - (a) the cessation is due to the expiry of the member's term of office as a member of the specified Committee; and

- (b) the member is a member of the specified Committee immediately after the cessation. *(Replaced 14 of 2021 s. 408)*
- (1C) If a member of the Election Committee representing the New Territories District Committees subsector ceases to be a member of an Area Committee, District Fight Crime Committee or District Fire Safety Committee in a District mentioned in section 39ZI (*specified Committee*), the member is regarded as having resigned from the membership of the Election Committee, unless—
 - (a) the cessation is due to the expiry of the member's term of office as a member of the specified Committee; and
 - (b) the member is a member of the specified Committee immediately after the cessation. *(Replaced 14 of 2021 s. 408)*
- (2) If—
 - (a) a person is a member of the Election Committee (other than an ex-officio member); and
 - (b) the Electoral Registration Officer, by adding the person's name to the final register of members of the Election Committee, registers the person as an ex-officio member of the Committee under section 41(3),

the person is deemed to have resigned, on the date on which the person's name is so added, from the membership referred to in paragraph (a). *(Amended 14 of 2021 s. 408)*
- (2A) If—
 - (a) after a designated person is registered as an ex-officio member of the Election Committee, the person becomes a holder of a specified office; and
 - (b) the Electoral Registration Officer, by adding the person's name to the final register of members of the Election Committee, registers the person as an ex-officio member of the Committee under section 41(3) by reason of the person being the holder of the specified office,

the person is regarded as having resigned, on the date on which the person's name is so added, from the membership referred to in paragraph (a). *(Added 14 of 2021 s. 408)*
- (3) A member of the Election Committee (other than an ex-officio member) may resign from the membership by giving written notice of resignation to the Electoral Registration Officer.
- (4) A notice of resignation is not effective unless it is signed by the member concerned.

- (5) A notice of resignation takes effect—
 - (a) on the date on which the notice is received by the Electoral Registration Officer; or
 - (b) if a later date is specified in the notice, on that later date.

4. **Electoral Registration Officer to compile and publish provisional register**

- (1) The Electoral Registration Officer must compile and publish in accordance with the EAC Regulations a provisional register of members of the Election Committee—
 - (a) during the period beginning on the date of the making of a vacancy declaration and ending on 14 days after that date; or
 - (b) during the period beginning on the date falling 210 days before the specified date and ending on the date falling 165 days before the specified date. *(Replaced 14 of 2021 s. 409)*
- (2) The Electoral Registration Officer is not required to compile and publish a provisional register of members of the Election Committee under subsection (1) if— *(Amended 10 of 2006 s. 31)*
 - (a) a provisional register of members of the Election Committee was published within 12 months before the first day of the period referred to in subsection (1)(a) or (b); *(Replaced 14 of 2021 s. 409)*
 - (ab) the Election Committee was constituted within 12 months before the first day of the period referred to in subsection (1)(a) or (b); *(Added 14 of 2021 s. 409)*
 - (ac) the Legislative Council is dissolved during its current term of office by the Chief Executive in accordance with the Basic Law; or *(Added 14 of 2021 s. 409)*
 - (b) the election to fill the vacancy referred to in the vacancy declaration is to be held on a date that falls outside the term of office of the Election Committee.
- (3) A provisional register of members of the Election Committee is to be based on the existing final register of members of the Election Committee.
- (4) In compiling a provisional register of members of the Election Committee, the Electoral Registration Officer shall—

- (a) after scrutinizing the existing final register of members of the Election Committee, strike out the names and other relevant particulars of those persons (other than ex-officio members) whom the Electoral Registration Officer is satisfied on reasonable grounds as, on the date of the making of the relevant vacancy declaration — (*Amended 10 of 2006 s. 31*)
 - (i) being dead;
 - (ii) having resigned, or being deemed to have resigned, from the Election Committee under section 3; or
 - (iii) having ceased to be registered or eligible to be registered, or having been disqualified from being registered, under the Legislative Council Ordinance (Cap. 542) as an elector for a geographical constituency; and
 - (b) enter the names and other relevant particulars of those persons on an omissions list.
- (5) As soon as practicable after complying with subsection (4), the Electoral Registration Officer shall publish—
- (a) in the Gazette; and
 - (b) in such other publications (if any) as are prescribed by the EAC Regulations,
- a notice to the effect that the names and other relevant particulars of persons who are no longer eligible to have their names included in the final register of members of the Election Committee have been entered on an omissions list and specifying the times and the place at which a copy of the omissions list may be inspected. (*Amended 14 of 2021 s. 409*)
- (6) The Electoral Registration Officer shall, for the period prescribed for the purposes of this subsection by the EAC Regulations—
- (a) keep a copy of the omissions list at that Officer's office; and
 - (b) during the ordinary business hours of that office, make that copy available for inspection in accordance with the EAC Regulations. (*Amended 14 of 2021 s. 409*)
- (7) In this section—
- existing final register of members of the Election Committee** (現有選舉委員會正式委員登記冊) means the final register of members of the Election Committee that is in effect under section 43 on the first day of the period referred to in

subsection (1)(a) or (b) (as the case may be); (*Replaced 10 of 2006 s. 31. Amended 14 of 2021 s. 409*)

specified date (指明日期) means the date on which the current term of office of the Legislative Council is to end; (*Added 14 of 2021 s. 409*)

vacancy declaration (空缺宣布) means a declaration under section 5 of this Ordinance. (*Replaced 25 of 2003 s. 56*)

(*Amended 10 of 2006 s. 31*)

5. **Supplementary nomination or subsector by-election to be held to fill vacancy in membership of Election Committee**

- (1) As soon as practicable after the Electoral Registration Officer has published a provisional register of members of the Election Committee, the Electoral Affairs Commission—
 - (a) must ascertain the number of members nominated in accordance with Part 3 or elected in accordance with Part 4 for each subsector on the Election Committee; and (*Replaced 14 of 2021 s. 410*)
 - (b) if the number of members so ascertained as representing a subsector is less than the number of members allocated to the subsector in accordance with section 2(7)(b) or (c), must, in accordance with the EAC Regulations, arrange for a supplementary nomination or a subsector by-election (as the case may be) to be held to fill the vacancy among the members representing the subsector on the Election Committee. (*Replaced 14 of 2021 s. 410*)
- (2) When making an ascertainment under subsection (1)(a), the Electoral Affairs Commission shall have regard to—
 - (a) the provisional register of members of the Election Committee; and
 - (b) the determinations of the Revising Officer on the appeals, if any, made under section 48 in relation to the register. (*Amended 14 of 2021 s. 410*)

Part 2A

Ex-Officio Members

(*Part 2A added 14 of 2021 s. 411*)

Division 1—Specified Offices

5A. Specified offices of the architectural, surveying, planning and landscape subsector

The specified offices of the architectural, surveying, planning and landscape subsector are—

- (a) the President of The Hong Kong Institute of Architects;
- (b) the President of The Hong Kong Institute of Surveyors;
- (c) the President of The Hong Kong Institute of Planners;
- (d) the President of The Hong Kong Institute of Landscape Architects;
- (e) the Chairman of the Hong Kong Housing Authority;
- (f) the Chairman of the Town Planning Board;
- (g) the Chairman of the Board of the Urban Renewal Authority;
- (h) the Chairman of the Hong Kong Housing Society;
- (i) the Chairman of the Antiquities Advisory Board;
- (j) the Chairperson of the Property Management Services Authority;
- (k) the Chairman of the Community Involvement Committee on Greening;
- (l) the Chairman of the Advisory Committee for the Fire Safety (Buildings) Ordinance and the Fire Safety (Commercial Premises) Ordinance;
- (m) the Chairman of the Harbourfront Commission;
- (n) the Chairman of the Land and Development Advisory Committee; and
- (o) the Chairman of the Lantau Development Advisory Committee.

5B. Specified offices of the education subsector

The specified offices of the education subsector are—

- (a) the Vice-Chancellor of The University of Hong Kong;
- (b) the Vice-Chancellor of The Chinese University of Hong Kong;
- (c) the President of The Hong Kong University of Science and Technology;
- (d) the President of the City University of Hong Kong;
- (e) the President of The Hong Kong Polytechnic University;

- (f) the President of The Education University of Hong Kong;
- (g) the President and Vice-Chancellor of the Hong Kong Baptist University;
- (h) the President of Lingnan University;
- (i) the President of the Hong Kong Metropolitan University; (*Amended 22 of 2021 s. 2*)
- (j) the President of the Hong Kong Shue Yan University;
- (k) the President of The Hang Seng University of Hong Kong;
- (l) the office specified by Roman Catholic Diocese of Hong Kong;
- (m) the office specified by the Po Leung Kuk;
- (n) the office specified by the Hong Kong Sheng Kung Hui;
- (o) the office specified by the Tung Wah Group of Hospitals; and
- (p) the office specified by The Hong Kong Council of the Church of Christ in China.

5C. Specified offices of the engineering subsector

The specified offices of the engineering subsector are—

- (a) the President of The Hong Kong Institution of Engineers;
- (b) the Chairman of the Board of the Airport Authority;
- (c) the Chairman of the Consulting Engineers' Committee;
- (d) the Chairperson of the Construction Industry Council;
- (e) the Chairman of the Building Contractors Committee;
- (f) the Chairman of the Advisory Committee on Water Supplies;
- (g) the Chairman of the Transport Advisory Committee;
- (h) the Chairman of the Advisory Council on the Environment;
- (i) the Chairman of the Electrical Safety Advisory Committee;
- (j) the Chairman of the Gas Safety Advisory Committee;
- (k) the Chairman of the Energy Advisory Committee;
- (l) the Chairman of the Advisory Committee on the Appearance of Bridges and Associated Structures;
- (m) the Chairman of the Lift and Escalator Safety Advisory Committee;

- (n) the Chairman of the Board of MTR Corporation Limited; and
- (o) the Chairperson of the Drinking Water Safety Advisory Committee.

5D. Specified offices of the legal subsector

The specified offices of the legal subsector are the Hong Kong members of the Committee for the Basic Law of the Hong Kong Special Administrative Region under the Standing Committee of the National People's Congress.

5E. Specified offices of the medical and health services subsector

The specified offices of the medical and health services subsector are—

- (a) the Chairman of the Hospital Authority;
- (b) the Chairman of the Board of Governors of The Prince Philip Dental Hospital;
- (c) the Chairman of the Medical Council of Hong Kong;
- (d) the Chairman of the Dental Council of Hong Kong;
- (e) the President of the Hong Kong Academy of Medicine;
- (f) the Chairman of the Nursing Council of Hong Kong;
- (g) the Chairman of the Midwives Council of Hong Kong;
- (h) the Chairman of the Supplementary Medical Professions Council;
- (i) the Chairman of the Pharmacy and Poisons Board;
- (j) the Chairman of the Chiropractors Council;
- (k) the Dean of Li Ka Shing Faculty of Medicine of The University of Hong Kong;
- (l) the Dean of Faculty of Medicine of The Chinese University of Hong Kong;
- (m) the Chairman of the Human Organ Transplant Board;
- (n) the Council Chairman of the Hong Kong St. John Ambulance; and
- (o) the Commissioner of the Auxiliary Medical Service.

5F. Specified offices of the social welfare subsector

The specified offices of the social welfare subsector are—

- (a) the Chairperson of the Executive Committee of the Hong Kong Council of Social Service;

- (b) the Chairperson of the Social Workers Registration Board;
- (c) the Chairman of the Council of the Institute of Social Service Development;
- (d) the Chairman of the Board of Directors of the Tung Wah Group of Hospitals;
- (e) the Chairman of the Board of Directors of the Po Leung Kuk;
- (f) the Chairman of the Board of Directors of the Yan Chai Hospital;
- (g) the Chairman of the Board of Directors of Pok Oi Hospital;
- (h) the Chairperson of the Board of Directors of Yan Oi Tong Limited;
- (i) the Chairman of the Executive Committee of The Lok Sin Tong Benevolent Society Kowloon;
- (j) the Chairman of the Board of Directors of New Home Association Limited;
- (k) the Chairperson of the Board of Directors of Social Workers Across Borders Limited;
- (l) the Chairperson of the Board of Directors of The Hong Kong Volunteers Federation Company Limited;
- (m) the Chairperson of the Council of The Hong Kong Federation of Trade Unions Hong Ling Society;
- (n) the Chairperson of the Executive Committee of The United Labour Chi Hong Association Limited; and
- (o) the Chairman of the Board of Directors of The Hong Kong Island Social Services Charitable Foundation Limited.

5G. Specified offices of the Members of the Legislative Council subsector

The specified offices of the Members of the Legislative Council subsector are Members of the Legislative Council.

5H. Specified offices of the NPC and CPPCC subsector

The specified offices of the NPC and CPPCC subsector are—

- (a) NPC deputies; and
- (b) CPPCC members.

Division 2—Procedural Matters

5I. Registration of NPC deputies and CPPCC members as ex-officio members

- (1) An NPC deputy or a CPPCC member may be registered as an ex-officio member, but only if the deputy or member is registered in accordance with this section and the EAC Regulations.
- (2) If an NPC deputy or a CPPCC member is holding a specified office of a subsector (*specified subsector*) other than the NPC and CPPCC subsector, the deputy or member may only be registered as an ex-officio member of the specified subsector.
- (3) To avoid doubt, if the NPC deputy or CPPCC member holds 2 or more specified offices of one or more specified subsectors —
 - (a) the deputy or member may only choose to be registered as an ex-officio member as the holder of one of the specified offices; and
 - (b) section 5J(3) or (4) (as appropriate) applies in relation to the other specified office or offices for the purpose of making a designation or registration.
- (4) Subject to subsection (2), an NPC deputy or a CPPCC member may choose to be registered as an ex-officio member of a subsector as defined by section 11(1) (*relevant subsector*) if—
 - (a) the total number of NPC deputies and CPPCC members who—
 - (i) are eligible to be registered as ex-officio members under section 5L; and
 - (ii) are not disqualified from being registered as ex-officio members under section 5M; and
 - (iii) do not fall within subsection (2), exceeds the specified number; and
 - (b) the deputy or member has substantial connection with the relevant subsector.
- (5) For subsection (4)—
 - (a) the number of NPC deputy or CPPCC member who chooses to be registered as an ex-officio member of a relevant subsector must not exceed the number specified in column 5 of the Table concerned in section 2 opposite to the relevant subsector; and

- (b) the total number of NPC deputies and CPPCC members who choose to be registered as ex-officio members of the relevant subsectors must not exceed the difference between the specified number and the total number referred to in subsection (4)(a).

- (6) If, after the publication of the final register of members of the Election Committee for a term of office of the Election Committee under section 40(3A), an NPC deputy or a CPPCC member registered as an ex-officio member of a subsector resigns or is regarded as having resigned under section 3, a subsequently appointed NPC deputy or CPPCC member may only be registered as an ex-officio member of that subsector for that term of office of the Election Committee.
- (7) An NPC deputy or a CPPCC member may only be registered as an ex-officio member of a subsector under subsection (6) if the deputy or member has substantial connection with the subsector.
- (8) In this section—

specified number (指明數目) means the number specified in column 3 of Table 5 in section 2 opposite to the NPC and CPPCC subsector.

5J. Registration of other specified persons and designated persons as ex-officio members

- (1) Subject to section 5I, a specified person or a designated person of the specified person may be registered as an ex-officio member, but only if the specified person submits a registration form to the Electoral Registration Officer in accordance with this section and the EAC Regulations.
- (2) If a specified person holds more than one specified office, the person may only choose to be registered as an ex-officio member as the holder of one of the specified offices.
- (3) A specified person holding a specified office of an applicable subsector may designate another person who is holding an office in a relevant body in relation to the specified office to be registered as an ex-officio member if—
 - (a) the specified person is not eligible to be registered as an ex-officio member under section 5L; or
 - (b) the specified person is a holder of more than one specified office (excluding the office of NPC deputy or CPPCC member).

- (4) If a holder of a specified office set out in section 5B(a), (b), (c), (d), (e), (f), (g), (h), (i), (j) or (k) is not eligible to be registered as an ex-officio member under section 5L—
- in relation to a specified office set out in section 5B(a)—the Council Chairman of the relevant body in relation to the specified office;
 - in relation to a specified office set out in section 5B(b), (c), (d), (e), (f), (g), (h) or (i)—the Council Chairman of a relevant body in relation to the specified office; or
 - in relation to a specified office set out in section 5B(j) or (k)—the Chairman of the Board of Governors of a relevant body in relation to the specified office,
- is to be regarded as a specified office of the relevant body.
- (5) To avoid doubt, for the purposes of subsection (3)—
- if the specified person holds more than 2 specified offices of one or more applicable subsectors, the person may designate different persons to be registered as ex-officio members for different specified offices; and
 - a designated person may only be registered as an ex-officio member for 1 specified office.

(6) In this section—

applicable subsector (適用界別分組) means—

- the architectural, surveying, planning and landscape subsector;
- the engineering subsector;
- the medical and health services subsector; or
- the social welfare subsector;

relevant body (相關團體), in relation to a specified office set out in a paragraph of a section in Division 1, means the body described in the paragraph.

5K. Validity of registration contingent on declaration

A registration of a person as an ex-officio member under section 5I or 5J is not valid unless—

- the registration form contains a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the Hong Kong Special Administrative Region of the People's Republic of China; and
- the declaration is signed by the person.

5L. Who is eligible to be registered as an ex-officio member

- Subject to subsection (2), a person is eligible to be registered as an ex-officio member of a subsector under section 5I or 5J if the person—
 - is eligible to be registered as an elector under Part 5 of the Legislative Council Ordinance (Cap. 542) for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register (as defined by section 11(1)) and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency; and
 - is holding a specified office of the subsector.
- Subsection (1)(b) does not apply to a person to be registered as an ex-officio member under section 5J(3).
- However, a person is not eligible to be registered as an ex-officio member if the person—
 - is a principal official appointed pursuant to a nomination under Article 48(5) of the Basic Law;
 - is a directorate officer of the Government;
 - is an Administrative Officer of the Government;
 - is an Information Officer of the Government;
 - is a police officer; or
 - is any other civil servant who is holding an office specified in Division 1 in his or her official capacity.

5M. When a person is disqualified from being registered as an ex-officio member

- A person is disqualified from being registered as an ex-officio member if the person—
 - has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - received a free pardon;
 - has been convicted of an offence endangering national security; (*Added 6 of 2024 s. 187*)
 - on the date of submission of the registration form, is serving a sentence of imprisonment;

- (c) without limiting paragraph (a), where the registration form is submitted within 5 years after the date of the person's conviction, is or has been convicted—
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap. 201); or
 - (iii) of any offence prescribed by section 7 of Schedule 4A to the District Councils Ordinance (Cap. 547) or the EAC Regulations; (*Amended 19 of 2023 s. 188*)
 - (d) is found for the time being under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs; or
 - (e) is a member of the armed forces of the People's Republic of China or any other country or territory.
- (2) Without prejudice to section 13(1)(c) of the Electoral Affairs Commission Ordinance (Cap. 541), a person is also disqualified from being registered as an ex-officio member if, within the 5 years before the date of submission of the registration form—
- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath; or
 - (b) the person has been declared or decided in accordance with any law—
 - (i) to be in breach of a specified oath; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.
- (3) In this section—
- specified oath*** (指明誓言) means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.

5N. Determination of validity of registration

The Candidate Eligibility Review Committee must, as soon as practicable after a registration form that complies with this Part and

the EAC Regulations is submitted in accordance with those Regulations, determine whether or not the proposed registration is valid in accordance with Annex I to the Basic Law and this Ordinance.

5O. Application of the Elections (Corrupt and Illegal Conduct) Ordinance

The Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) applies, with any necessary modifications, to and in relation to the registration and designation of persons to be ex-officio members of the Election Committee under section 5I or 5J in the same way as it applies to and in relation to a subsector election and so applies as if the persons to be registered were candidates at a subsector election.

Part 3

Nomination

(*Amended 14 of 2021 s. 412*)

Division 1—Designated Bodies

(*Division 1 added 14 of 2021 s. 413*)

5P. Designated body of the accountancy subsector

The designated body of the accountancy subsector is Association of Hong Kong Accounting Advisors Limited.

5Q. Designated body of the Chinese medicine subsector

The designated body of the Chinese medicine subsector is WFCMS (Hong Kong) Council Members Association Limited.

5R. Designated body of the legal subsector

The designated body of the legal subsector is China Law Society's HK Council Members Association.

5S. Designated bodies of the sports, performing arts, culture and publication subsector

The designated bodies of the sports, performing arts, culture and publication subsector are—

- (a) Sports Federation & Olympic Committee of Hong Kong, China;
- (b) China Federation of Literary and Art Circles Hong Kong Member Association Limited; and

- (c) Hong Kong Publishing Federation Limited.

5T. Designated body of the technology and innovation subsector

The designated body of the technology and innovation subsector is The Greater Bay Area Association of Academicians.

6. Designated bodies of the religious subsector

The designated bodies of the religious subsector are—

- (a) Catholic Diocese of Hong Kong;
- (b) Chinese Muslim Cultural and Fraternal Association;
- (c) Hong Kong Christian Council;
- (d) The Hong Kong Taoist Association;
- (e) The Confucian Academy; and
- (f) The Hong Kong Buddhist Association.

(Replaced 14 of 2021 s. 414)

6A. Designated bodies of the representatives of associations of Hong Kong residents in the Mainland subsector

The designated bodies of the representatives of associations of Hong Kong residents in the Mainland subsector are—

- (a) Mainland China (Shenzhen) Consultant Services Centre, The Hong Kong Federation of Trade Unions;
- (b) Mainland China (Guangzhou) Consultant Services Centre, The Hong Kong Federation of Trade Unions;
- (c) Mainland China (Dongguan) Consultant Services Centre, The Hong Kong Federation of Trade Unions;
- (d) Mainland China (Zhongshan) Consultant Services Centre, The Hong Kong Federation of Trade Unions;
- (e) Mainland China (Huizhou) Consultant Services Centre, The Hong Kong Federation of Trade Unions;
- (f) Mainland China (Fujian, Xiamen) Consultant Services Centre, The Hong Kong Federation of Trade Unions;
- (g) Hong Kong Chamber of Commerce in China;
- (h) Hong Kong Chamber of Commerce in China—Tianjin;
- (i) Hong Kong Chamber of Commerce in China—Shanghai;
- (j) Hong Kong Chamber of Commerce in China—Zhejiang;
- (k) Hong Kong Chamber of Commerce in China—Guangdong;
- (l) Hong Kong Chamber of Commerce in China—Fujian;

- (m) Hong Kong Chamber of Commerce in China—Guangxi;
- (n) Hong Kong Chamber of Commerce in China—Sichuan;
- (o) Hong Kong Chamber of Commerce in China—Wuhan;
- (p) Hong Kong Chamber of Commerce in China—Liaoning;
- (q) Hong Kong Chamber of Commerce in China—Shandong;
- (r) Hong Kong Professionals (Beijing) Association;
- (s) Shanghai Hong Kong Association;
- (t) Guangzhou Tianhe Hong Kong and Macau Youth Association;
- (u) Hong Kong Association of China Business;
- (v) Hong Kong Chamber of Commerce, Qianhai, Shenzhen;
- (w) Hong Kong and Macau Entrepreneurs Branch, Chongqing Overseas Association;
- (x) Fujian Federation of Overseas Chinese Entrepreneurs;
- (y) Hong Kong and Macao Youth Innovation and Entrepreneurship Federation in Zhongkai Huizhou;
- (z) The Hong Kong Fellowship in Huadu Guangzhou; and
- (za) The Hong Kong Fellowship in Chancheng Foshan.

(Added 14 of 2021 s. 415)

Division 2—Procedural Matters

(Added 14 of 2021 s. 416)

7. Nomination of members

(Amended 14 of 2021 s. 417)

- (1) Subject to subsection (7), each designated body of a subsector may nominate a number of persons selected by it as members representing the subsector on the Election Committee for a new term of office of the Committee. *(Amended 14 of 2021 s. 417)*
- (2) If—
 - (a) the Electoral Affairs Commission is required to arrange for a supplementary nomination to fill a vacancy among the members representing a subsector on the Election Committee; and
 - (b) the vacancy is due to the number of members from a designated body representing the subsector on the Election Committee being less than the assigned number for the body,

the designated body may nominate a number of persons selected by it to fill the vacancy. *(Amended 14 of 2021 s. 417)*

- (3) The process of nomination under subsection (1) or (2) (other than the selection of nominees) shall be carried out in accordance with the EAC Regulations.

- (4) If—

- (a) the number of persons nominated by a designated body under subsection (1) exceeds the assigned number for the body; or
- (b) the number of persons nominated by a designated body under subsection (2) exceeds the number of vacancies to be filled,

subject to subsection (6), the body shall—

- (c) indicate which of the nominees are to be given preference in making up the assigned number or in filling the vacancy; and
- (d) then rank the excess nominees, if more than one, in order of priority.

- (4A) Subject to subsections (6) and (6A), the Candidate Eligibility Review Committee must, as soon as practicable after a nomination form that complies with the EAC Regulations is submitted in accordance with those Regulations, determine whether or not the nominees are validly nominated in accordance with Annex I to the Basic Law, this Ordinance and those Regulations. *(Added 14 of 2021 s. 417)*

- (5) If the Candidate Eligibility Review Committee determines that any of the nominees to be given preference under subsection (4) is not validly nominated, the assigned number is to be made up or the vacancy is to be filled from the excess nominees (subject to their being validly nominated) in their order of priority. *(Amended 14 of 2021 s. 417)*

- (6) If—

- (a) the number of persons nominated by a designated body under subsection (1) exceeds the assigned number for the body; or
- (b) the number of persons nominated by a designated body under subsection (2) exceeds the number of vacancies to be filled,

but the body does not indicate preference under subsection (4) or the number of nominees to whom preference is given is less than the assigned number for that body or the number of vacancies to be filled, the Returning Officer must determine,

by drawing lots, the order of priority in which the nominees of that body are to make up the assigned number or to fill the vacancy. *(Amended 14 of 2021 s. 417)*

- (6A) The Candidate Eligibility Review Committee must, as soon as practicable after the order of priority is determined under subsection (6), determine in that order of priority whether or not a nominee to whom that subsection applies is validly nominated in accordance with Annex I to the Basic Law, this Ordinance and the EAC Regulations, until the number of validly nominated nominees is equal to the assigned number for the designated body concerned or the number of vacancies to be filled. *(Added 14 of 2021 s. 417)*
- (7) The number of nominees to become members of the Election Committee from each designated body cannot exceed the assigned number for that body.
- (8) The Candidate Eligibility Review Committee must declare the nominees who are validly nominated as members of the Election Committee in accordance with the EAC Regulations. *(Replaced 14 of 2021 s. 417)*
- (9) In this section—

assigned number (獲配席位數目)—

- (a) in relation to the designated body mentioned in section 5S(a) or (c)—means 3;
- (b) in relation to the designated body mentioned in section 5S(b)—means 9;
- (c) in relation to a designated body of the religious subsector—means 10;
- (d) in relation to a designated body of the representatives of associations of Hong Kong residents in the Mainland subsector—means 1; or
- (e) in relation to the designated body of any other subsector—means the number specified in column 4 of the relevant Table in section 2 opposite to the subsector. *(Replaced 14 of 2021 s. 417)*

7A. Validity of nomination contingent on declaration

A nomination of a person under section 7(1) or (2) is not valid unless—

- (a) the nomination form contains a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the Hong Kong Special Administrative Region of the People's Republic of China; and

- (b) the declaration is signed by the person.

(Added 14 of 2021 s. 418)

8. Who is eligible for selection as a nominee

(Amended 14 of 2021 s. 419)

- (1) A person is eligible to be selected as a nominee for a subsector under section 7 if the person— *(Amended 14 of 2021 s. 419)*
 - (a) is both registered and eligible to be registered under the Legislative Council Ordinance (Cap. 542) as an elector for a geographical constituency, and is not disqualified from being so registered; and
 - (b) has a substantial connection with the subsector. *(Amended 14 of 2021 s. 419)*
- (2) A person is not eligible to be selected as a nominee under section 7(1) if the person—
 - (a) is a specified person (whether or not the person is an ex-officio member of the Election Committee); *(Replaced 14 of 2021 s. 419)*
 - (ab) is a designated person (whether or not the person is an ex-officio member of the Election Committee); or *(Added 14 of 2021 s. 419)*
 - (b) is a candidate at a subsector ordinary election.
- (3) A person is not eligible to be selected as a nominee under section 7(2) if the person—
 - (a) is a member of the Election Committee; or
 - (b) is a candidate at a subsector by-election, the nomination period for which coincides or partly coincides with the period during which the nomination under that section is to be made.
- (4) A person who is selected as a nominee by a designated body as a member of the Election Committee is not eligible to be selected by another designated body as such a member if the period during which the nominations are to be made coincides or partly coincides. *(Amended 14 of 2021 s. 419)*

9. When a person is disqualified from being a nominee

- (1) A person is disqualified from being a nominee under section 7 if the person— *(Amended 14 of 2021 s. 420)*
 - (a) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—

- (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or

- (ii) received a free pardon;

- (ab) has been convicted of an offence endangering national security; *(Added 6 of 2024 s. 187)*

- (b) on the date of nomination, is serving a sentence of imprisonment;

- (c) without limiting paragraph (a), where the nomination is made within 5 years after the date of the person's conviction, is or has been convicted— *(Amended 14 of 2021 s. 420)*

- (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554);

- (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap. 201); or

- (iii) of any offence prescribed by section 7 of Schedule 4A to the District Councils Ordinance (Cap. 547) or the EAC Regulations; *(Amended 19 of 2023 s. 189)*

- (d) is found for the time being under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his property and affairs; or

- (e) is a member of the armed forces of the People's Republic of China or any other country or territory.

- (2) Without prejudice to section 13(1)(c) of the Electoral Affairs Commission Ordinance (Cap. 541), a person is also disqualified from being a nominee if, within the 5 years before the date of nomination—

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath; or

- (b) the person has been declared or decided in accordance with any law—

- (i) to be in breach of a specified oath; or

- (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region of the People's Republic of China. *(Added 14 of 2021 s. 420)*

(3) In this section—

specified oath (指明誓言) means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China. (*Added 14 of 2021 s. 420*)

9A. When a person is disqualified from being a nominee for certain subsectors

- (1) This section is without prejudice to section 9.
- (2) A person is disqualified from being a nominee for the accountancy subsector if the person is not a Hong Kong Accounting Advisor appointed by the Ministry of Finance of the People's Republic of China.
- (3) A person is disqualified from being a nominee for the Chinese medicine subsector if the person is not a Hong Kong member of the Council of the World Federation of Chinese Medicine Societies.
- (4) A person is disqualified from being a nominee for the legal subsector if the person is not a Hong Kong member of the Council of the China Law Society.
- (5) A person is disqualified from being a nominee for the technology and innovation subsector if the person is not a Hong Kong academician of the Chinese Academy of Sciences or the Chinese Academy of Engineering.

(Added 14 of 2021 s. 421)

10. Application of the Elections (Corrupt and Illegal Conduct) Ordinance

The Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) applies, with any necessary modifications, to and in relation to the selection and nomination of persons to be members of the Election Committee under section 7 in the same way as it applies to and in relation to a subsector election and so applies as if the persons selected or nominated were candidates at a subsector election.

Part 4

Subsector Election

Division 1—Preliminary

11. Interpretation

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

authorized representative (獲授權代表), in relation to a corporate voter, means the person authorized by the corporate voter to cast its vote at a subsector election;

corporate voter (團體投票人) means a body that is a voter for a subsector;

existing functional constituencies final register (現有功能界別正式選民登記冊) means the final register of electors for functional constituencies compiled under section 32(1) or (1A) of the Legislative Council Ordinance (Cap. 542) that is in effect on the date of registration of voters for the subsectors; (*Amended 33 of 2002 s. 11*)

existing geographical constituencies final register (現有地方選區正式選民登記冊) means the final register of electors for geographical constituencies compiled under section 32(1) or (1A) of the Legislative Council Ordinance (Cap. 542) that is in effect on the date of registration of voters for the subsectors; (*Amended 33 of 2002 s. 11*)

existing subsector final register (現有界別分組正式投票人登記冊), in relation to the compilation of a subsector provisional register, means the subsector final register that is in effect under section 15 at the time the subsector provisional register is compiled; (*Added 14 of 2021 s. 423*)

subsector (界別分組) means a subsector other than—

- (a) the religious subsector;
- (b) the Members of the Legislative Council subsector;
- (c) the representatives of associations of Hong Kong residents in the Mainland subsector; and
- (d) the NPC and CPPCC subsector; (*Added 14 of 2021 s. 423*)

subsector final register (界別分組正式投票人登記冊) means the final register to be compiled and published under section 14(1) (b) or (1A)(b); (*Amended 33 of 2002 s. 11*)

subsector provisional register (界別分組臨時投票人登記冊) means the provisional register to be compiled and published under section 14(1)(a) or (1A)(a); (*Amended 33 of 2002 s. 11*)

voter (投票人) means a person whose name is registered in a subsector final register and who is eligible to be so registered and is not disqualified from being so registered or from voting at a subsector election.

(Amended 14 of 2021 s. 423)

- (2) The results of subsector ordinary elections that are declared on different dates are, for the purposes of this Schedule, taken to have been declared on the later or latest of those dates.
- (3) In this Part, the number of members allocated to a subsector is the number of members declared in a notice published under section 2(9) to be elected by the subsector in accordance with this Part for the term of office of the Election Committee concerned. (*Added 14 of 2021 s. 423*)

11A. References to entitlement to vote at general meeting of or specified authority within body

- (1) For the purposes of this Part—
 - (a) a reference to an entitlement to vote at a general meeting of a body is a reference to an entitlement to vote at the general meeting as provided by the body's constitution; and
 - (b) a reference to an entitlement to vote at the specified authority within a body is a reference to an entitlement to vote at that authority as provided by the body's constitution.
- (2) In subsection (1), the reference to the constitution of a body is a reference to the constitution either—
 - (a) as in force at the commencement for any purpose of the provision (including a former provision) in this Ordinance or the Legislative Council Ordinance (Cap. 542) that first specifies the body for the purpose of the composition of any subsector or functional constituency (including a subsector or functional constituency provided under a former provision in this Ordinance or the Legislative Council Ordinance (Cap. 542)); or
 - (b) as subsequently amended or substituted, but only if the amendment or substitution, in so far as it relates to any of the following matters, has been approved in writing by the Secretary for Constitutional and Mainland Affairs—
 - (i) the objects of the body;
 - (ii) the criteria and conditions of—
 - (A) membership of the body; or
 - (B) membership of the specified authority within the body;
 - (iii) the eligibility of—
 - (A) members of the body to vote at a general meeting of the body; or

- (B) members of the specified authority within the body to vote at that authority;
- (iv) the limit on—
 - (A) the number of members of the body; or
 - (B) the number of members of the specified authority within the body.

- (3) For the purposes of subsection (1)(b)—
 - (a) a body (***first-mentioned body***) is also regarded as being entitled to vote at the specified authority within another body if a natural person who is entitled to vote at that authority—
 - (i) specifies in writing to the Electoral Registration Officer that the natural person represents the first-mentioned body at that authority; and
 - (ii) has substantial connection with the first-mentioned body; and
 - (b) if more than one body is specified by the same natural person under paragraph (a)(i) in respect of the specified authority within any other body, only the body last so specified is regarded as being entitled to vote at that authority.
- (4) To avoid doubt, nothing in subsection (2) is to be construed as —
 - (a) creating any restriction on a body regarding any amendment to, or substitution of, the constitution of the body; or
 - (b) conferring on the Secretary for Constitutional and Mainland Affairs a power to approve such an amendment or substitution,

for a purpose other than to define the specified entities of the relevant subsector.

- (5) In this section—

constitution (章程), in relation to a body, includes any articles of association or rules of the body;

former provision (原有條文) means a provision that is no longer in force;

specified authority (指明單位), in relation to a body, means any authority within the body (other than a general meeting) the entitlement to vote at which is mentioned in a provision in Division 5 that provides for the specified entities of a subsector.

Division 2—Registration of voters

12. Who is eligible to be registered as a voter

(1) Subject to this section—

- (a) *(Repealed 14 of 2021 s. 425)*
- (b) a person is eligible to be registered as a voter for a subsector if— *(Amended 14 of 2021 s. 425)*
 - (i) the person—
 - (A) is a specified entity of that subsector; and *(Replaced 14 of 2021 s. 425)*
 - (B) where the person is a natural person, is eligible to be registered as an elector under Part 5 of the Legislative Council Ordinance (Cap. 542) for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency; or
 - (ii) the person—
 - (A) is registered for that subsector in the existing subsector final register; and
 - (B) is eligible to be, and is not disqualified from being, registered as a voter for that subsector.

(2)-(10) *(Repealed 14 of 2021 s. 425)*

(11) Subject to this section—

- (a) a person who—
 - (i) is eligible to be registered as a voter for the Heung Yee Kuk subsector; and
 - (ii) would, but for this paragraph, be eligible to be registered as a voter for any other subsector, may be registered only as a voter for the Heung Yee Kuk subsector;
- (b) a person who—
 - (i) is eligible to be registered as a voter for the representatives of Hong Kong members of relevant national organisations subsector; and

- (ii) would, but for this paragraph, be eligible to be registered as a voter for any subsector other than the Heung Yee Kuk subsector,

may be registered only as a voter for the representatives of Hong Kong members of relevant national organisations subsector; and

(c) a person who—

- (i) is eligible to be registered as a voter for the Hong Kong and Kowloon District Committees subsector or the New Territories District Committees subsector; and
- (ii) would, but for this paragraph, be eligible to be registered as a voter for any subsector other than the 2 subsectors referred to in paragraph (a)(i) and (b)(i),

may be registered only as a voter for the Hong Kong and Kowloon District Committees subsector or the New Territories District Committees subsector, as the case may be. *(Replaced 14 of 2021 s. 425)*

- (12) A person who would, but for this subsection, be eligible to be registered as a voter for 2 or more subsectors (other than the Heung Yee Kuk subsector, the representatives of Hong Kong members of relevant national organisations subsector, the Hong Kong and Kowloon District Committees subsector and the New Territories District Committees subsector) may be registered as a voter for only one of those subsectors of the person's choice. *(Amended 1 of 2011 s. 11; 14 of 2021 s. 425)*

(13)-(19) *(Repealed 14 of 2021 s. 425)*

- (19A) A body specified in section 39A, 39F, 39G, 39L, 39V(b), (h) or (i), 39Y(a) or (b), 39Z(a), 39ZD(b) or 39ZF as the specified entity of the subsector concerned is eligible to be registered as a corporate voter for that subsector only if it has been operating as such a specified entity for the 3 years immediately before making its application for registration as a voter. *(Added 14 of 2021 s. 425)*

- (19B) A body specified in section 39S as the specified entity of the accountancy subsector is eligible to be registered as a corporate voter for that subsector only if—

- (a) it has been operating as such a specified entity for the 3 years immediately before making its application for registration as a voter; and

- (b) it has undertaken or carried out PIE engagement (as defined by section 3A(1) of the Accounting and Financial Reporting Council Ordinance (Cap. 588)) in the 3 years immediately before making the application for registration. *(Added 14 of 2021 s. 425. Amended L.N. 66 of 2022)*
- (19C) However, for the purposes of subsection (19B), if the body is a registered PIE auditor as defined by section 3A(1) of the Financial Reporting Council Ordinance (Cap. 588) immediately before the day* on which the Improving Electoral System (Consolidated Amendments) Ordinance 2021 (14 of 2021) is published in the Gazette, the body is not required to have been operating, as such a registered PIE auditor, for the 3 years immediately before making the application for registration. *(Added 14 of 2021 s. 425)*
- (20) A corporate member of a body specified in section 39B, 39C, 39D, 39E, 39H, 39I, 39J, 39K, 39M, 39N, 39O, 39P, 39U(b), 39ZA(a) or (c), 39ZC(a) or 39ZE(d) is eligible to be registered as a voter for the subsector concerned only if it has been a corporate member of that body and has been operating for the 3 years immediately before making its application for registration as a voter. *(Replaced 14 of 2021 s. 425)*
- (21) A consular post to which any privilege or immunity is accorded under the Consular Relations Ordinance (Cap. 557) is not eligible to be registered as a voter for any subsector. *(Added 1 of 2011 s. 11)*
- (22) An organization to which section 2 of the International Organizations and Diplomatic Privileges Ordinance (Cap. 190) applies or an international organization defined in section 2 of the International Organizations (Privileges and Immunities) Ordinance (Cap. 558) is not eligible to be registered as a voter for any subsector. *(Added 1 of 2011 s. 11)*
- (23) In computing the period for which a body to which subsection (19A), (19B) or (20) applies has been operating—
 - (a) it does not matter whether the period has begun before the day* on which the Improving Electoral System (Consolidated Amendments) Ordinance 2021 (14 of 2021) is published in the Gazette;
 - (b) any period for which the body has been operating before it becomes a specified entity of the subsector concerned is not to be taken into account; and
 - (c) if the relevant section mentioned in subsection (19A), (19B) or (20) refers to any entitlement to vote—

- (i) the body is not required to be so entitled to vote in order to be regarded as having become a specified entity of the subsector concerned; and
- (ii) it does not matter whether the body is so entitled to vote throughout the period. *(Added 14 of 2021 s. 425)*

- (24) For the purposes of the subsector provisional register and subsector final register to be compiled for 2021, subsection (19A) or (20) (as the case may be) applies to a body registered in the subsector final register published for 2020 as if the reference to “making its application for registration as a voter” in that subsection were a reference to “5 July 2021”. *(Added 14 of 2021 s. 425)*

Editorial Note:

* Gazettal date: 31 May 2021.

13. Corporate voter to have authorized representative

- (1) A corporate voter is required to appoint one eligible person to be its authorized representative for the purpose of casting its vote at a subsector election. *(Amended 14 of 2021 s. 426)*
- (2) A person is eligible to be an authorized representative of a corporate voter for a subsector only if the person—
 - (a) is—
 - (i) registered as an elector for a geographical constituency; or
 - (ii) eligible to be registered as an elector for a geographical constituency and has applied to be so registered;
 - (b) has a substantial connection with the corporate voter; and *(Amended 14 of 2021 s. 426)*
 - (c) *(Repealed 14 of 2021 s. 426)*
 - (d) is not disqualified from registration or voting under section 31 or 53 of the Legislative Council Ordinance (Cap. 542).
- (3) A person who is an authorized representative of a corporate voter is not eligible to be appointed as the authorized representative of another corporate voter. *(Amended 14 of 2021 s. 426)*
- (4) A person cannot act as an authorized representative of a corporate voter unless the person is registered as such a representative by the Electoral Registration Officer.

- (5) A corporate voter may from time to time replace its authorized representative, but only in the circumstances and manner prescribed by the EAC Regulations. The replacement does not have effect until it is registered by the Electoral Registration Officer.
- (6) An application may be made to the Electoral Registration Officer for the purposes of subsection (1) or (5) in accordance with the EAC Regulations by the corporate voter concerned. The application shall be in writing and be in a form specified under section 45.
- (7) The Electoral Registration Officer may refuse an application made under subsection (6) only on the ground that the authorized representative specified in the application is ineligible to be, or is disqualified from being, such a representative.
- (8) A decision to appoint or replace an authorized representative of a corporate voter under subsection (1) or (5) may only be made by the governing authority, by whatever name called, of the corporate voter. *(Added 14 of 2021 s. 426)*

14. Electoral Registration Officer to compile and publish a register of voters

- (1) The Electoral Registration Officer must compile and publish in accordance with the EAC Regulations—
 - (a) not later than 1 August in each year, a provisional register of voters for subsectors; and
 - (b) not later than 25 September in each year, a final register of voters for subsectors. *(Replaced 14 of 2021 s. 427)*

(1A) Despite subsection (1)—

- (a) a provisional register required to be compiled and published under subsection (1)(a) for 2021 must be compiled and published not later than 18 July 2021; and
- (b) a final register required to be compiled and published under subsection (1)(b) for 2021 must be compiled and published not later than 5 August 2021. *(Replaced 14 of 2021 s. 427)*

(1B)-(1C) *(Repealed 14 of 2021 s. 427)*

- (2) The Electoral Registration Officer may amend a subsector provisional register or subsector final register so as to rectify any clerical or printing error or any incorrect name or address of a person who is recorded in the register.

- (3) A subsector provisional register is to be based on the existing subsector final register. *(Amended 10 of 2006 s. 31)*
- (4) In compiling a subsector provisional register, the Electoral Registration Officer shall—
 - (a) after scrutinizing the register on which the subsector provisional register is to be based, strike out the names and other relevant particulars of those persons whom the Electoral Registration Officer is satisfied on reasonable grounds as being no longer eligible to have their names included in the subsector final register;
 - (b) enter the names and other relevant particulars of those persons on an omissions list; and
 - (c) add to the register the names and other relevant particulars of those persons who have made applications for registration since the date prescribed for the purposes of this paragraph by the EAC Regulations and who are eligible to have their names included in the subsector final register.

- (5) As soon as practicable after complying with subsection (4), the Electoral Registration Officer shall publish—

- (a) in the Gazette; and
- (b) in such other publications (if any) as are prescribed by the EAC Regulations,

a notice to the effect that the names and other relevant particulars of persons who are no longer eligible to have their names included in the subsector final register have been entered on an omissions list and specifying the times and the place at which a copy of the omissions list may be inspected. *(Amended 14 of 2021 s. 427)*

- (5A) Despite subsections (4) and (5), in compiling the subsector provisional register for 2021, the Electoral Registration Officer is not required to comply with those subsections in relation to the names and other relevant particulars of persons registered in the subsector final register published for 2020. *(Added 14 of 2021 s. 427)*

- (6) The Electoral Registration Officer shall, for the period prescribed for the purposes of this subsection by the EAC Regulations—

- (a) keep a copy of the omissions list at that Officer's office; and

- (b) during the ordinary business hours of that office, make that copy available for inspection in accordance with those Regulations. *(Amended 14 of 2021 s. 427)*

15. When subsector final register is to take effect

A subsector final register takes effect on the date of its publication and continues to have effect until the publication of the next subsector final register.

Division 3—Conduct of subsector elections

16. When a subsector ordinary election is to be held

- (1) A subsector ordinary election is to be held on the date specified by the Chief Executive. The Chief Executive shall give notice of that date in the Gazette.
- (2) The Chief Executive may specify different dates to hold different subsector ordinary elections.

17. Who is eligible to be nominated as a candidate at a subsector election

- (1) A person is eligible to be nominated as a candidate at a subsector election for a subsector only if the person—
 - (a) has reached 18 years of age;
 - (b) is both registered and eligible to be registered for a geographical constituency; and
 - (c) either—
 - (i) is both registered and eligible to be registered as a voter for that subsector; or
 - (ii) satisfies the Returning Officer for the subsector that the person has a substantial connection with the subsector.
- (2) A person is not eligible to be nominated as a candidate at a subsector ordinary election if the person is—
 - (a) a nominee of a designated body under section 7(1); *(Amended 14 of 2021 s. 428)*
 - (b) a specified person (whether or not the person is an ex-officio member of the Election Committee); or *(Replaced 14 of 2021 s. 428)*
 - (c) a designated person (whether or not the person is an ex-officio member of the Election Committee). *(Added 14 of 2021 s. 428)*

- (3) A person is not eligible to be nominated as a candidate at a subsector by-election if—

- (a) the person is a nominee of a designated body under section 7(2) and the period during which the nomination under that section is to be made and the nomination period for the by-election coincide or partly coincide; or
- (b) the person is a member of the Election Committee.

17A. Validity of nomination contingent on declaration

A nomination of a person as a candidate at a subsector election under section 17 is not valid unless—

- (a) the nomination form contains a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the Hong Kong Special Administrative Region of the People's Republic of China; and
- (b) the declaration is signed by the person.

(Added 14 of 2021 s. 429)

18. When a person is disqualified from being a subsector candidate

- (1) A person is disqualified from being nominated as a candidate at a subsector election and from being elected as a member of the Election Committee if the person— *(Amended 14 of 2021 s. 430)*
 - (a) has ceased to have a substantial connection with the subsector concerned;
 - (b) has ceased to be registered or eligible to be registered as an elector for a geographical constituency;
 - (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
 - (ca) has been convicted of an offence endangering national security; *(Added 6 of 2024 s. 187)*
 - (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;

- (e) without limiting paragraph (c), where the subsector election is to be held or is held within 5 years after the date of the person's conviction, is or has been convicted — (*Amended 14 of 2021 s. 430*)
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap. 201); or
 - (iii) of any offence prescribed by section 7 of Schedule 4A to the District Councils Ordinance (Cap. 547) or the EAC Regulations; (*Amended 19 of 2023 s. 190*)
 - (f) is found for the time being under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his property and affairs; or
 - (g) is a member of the armed forces of the People's Republic of China or any other country or territory.
- (2) Without prejudice to section 13(1)(c) of the Electoral Affairs Commission Ordinance (Cap. 541), a person is also disqualified from being nominated as a candidate at a subsector election and from being elected as a member of the Election Committee if, within the 5 years before the date of nomination—
- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath; or
 - (b) the person has been declared or decided in accordance with any law—
 - (i) to be in breach of a specified oath; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region of the People's Republic of China. (*Added 14 of 2021 s. 430*)
- (3) In this section—
- specified oath** (指明誓言) means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China. (*Added 14 of 2021 s. 430*)

18A. When a person is disqualified from being a candidate for certain subsectors

(*Amended 14 of 2021 s. 431*)

- (1) This section is without prejudice to section 18.
- (1A) This section applies to the following subsectors—
 - (a) the Heung Yee Kuk subsector;
 - (b) the Hong Kong and Kowloon District Committees subsector; and
 - (c) the New Territories District Committees subsector. (*Added 14 of 2021 s. 431*)
- (2) A person is disqualified from—
 - (a) being nominated as a candidate at a subsector election for a subsector; or
 - (b) being elected as a member of the Election Committee representing the subsector,
 if the person is not a specified entity of the subsector. (*Replaced 14 of 2021 s. 431*)
- (3)-(5) (*Repealed 14 of 2021 s. 431*)

(*Added 10 of 2006 s. 6*)

18B- (*Repealed 14 of 2021 s. 432*)

18C.

19. Candidate to lodge deposit

- (1) A person is validly nominated as a candidate for a subsector at a subsector election only if a deposit has, in the manner prescribed by the EAC Regulations, been lodged with the Returning Officer for the subsector concerned by or on behalf of the person.
- (2) The deposit is to be of such an amount as prescribed by the regulations for the purposes of this section and is to be disposed of as provided by the regulations.

20. Person not to be nominated for more than one subsector

A person who is nominated as a candidate for a subsector at a subsector election is not eligible to be nominated as a candidate at another subsector election that is to be held on the same day or if the nomination periods for the elections coincide or partly coincide.

21. Withdrawal of candidature

- (1) A candidate for a subsector election may withdraw the candidate's candidature at any time before the close of nominations.
- (2) The withdrawal of such a candidate's candidature has effect only if it is in writing signed by the candidate and complies with the EAC Regulations.

22. Who are validly nominated candidates for subsector election

- (1) The Candidate Eligibility Review Committee must, as soon as practicable after a nomination form that complies with the EAC Regulations is submitted in accordance with those Regulations, decide in accordance with Annex I to the Basic Law and those Regulations whether or not a person is validly nominated as a candidate at a subsector election. *(Replaced 14 of 2021 s. 433)*
- (2) The Candidate Eligibility Review Committee must, in accordance with the EAC Regulations, publish a notice stating which persons are validly nominated as candidates at the subsector election. *(Amended 14 of 2021 s. 433)*

23. Death or disqualification of a validly nominated candidate before date of subsector election

- (1) If, after the Candidate Eligibility Review Committee has made a decision under section 22(1) that a candidate is validly nominated for a subsector election, but before the date of the subsector election, proof is given to the satisfaction of the Returning Officer that the candidate has died, that Officer shall, in accordance with the EAC Regulations, give notice of the death. *(Amended 14 of 2021 s. 434)*
- (2) If a notice under section 22(2) has been published, the Returning Officer shall also, in accordance with the EAC Regulations—
 - (a) publicly declare that the candidate under subsection (1) has died; and
 - (b) further declare which candidates are validly nominated for the subsector election.
- (3) Subsections (1) and (2) do not apply if the Returning Officer has publicly declared under section 25(1) that the candidate was duly elected as a member of the Election Committee.

- (4) If, after the Candidate Eligibility Review Committee has made a decision under section 22(1) that a candidate is validly nominated for a subsector election, but before the date of the subsector election, proof is given to the satisfaction of the Committee that the candidate is disqualified from being nominated as a candidate for a subsector election—
 - (a) the Committee must, in accordance with Annex I to the Basic Law and the EAC Regulations, vary the decision to the effect that the candidate is not validly nominated; and
 - (b) if the Committee so varies the decision, the Returning Officer must, in accordance with those Regulations, give notice of the variation of the decision. *(Replaced 14 of 2021 s. 434)*
- (5) If a notice under section 22(2) has been published, the Candidate Eligibility Review Committee must also, in accordance with the EAC Regulations— *(Amended 14 of 2021 s. 434)*
 - (a) publicly declare that the decision has been varied; and
 - (b) further declare which candidates are validly nominated for the subsector election.
- (6) Subsections (4) and (5) do not apply if the Returning Officer has publicly declared under section 25(1) that the candidate was duly elected as a member of the Election Committee.

24. When holding of a subsector election can be postponed or adjourned

- (1) The Electoral Affairs Commission may by order direct the postponement of a subsector election if, before that election is held, the Commission is of the opinion that the election is likely to be obstructed, disrupted, undermined or seriously affected by riot or open violence or any danger to public health or safety.
- (2) The Electoral Affairs Commission may by order direct the adjournment of the polling or counting of votes for a subsector election if, during the polling or counting of votes in respect of that election, the Commission is of the opinion that the polling or counting is likely to be or is being obstructed, disrupted, undermined or seriously affected by riot or open violence or any danger to public health or safety.
- (3) The Returning Officer or Returning Officers concerned shall give effect to a direction under this section as soon as practicable after being notified of it.

- (4) If the subsector election, or polling or counting of votes at the subsector election, is directed to be postponed or adjourned under this section, the Electoral Affairs Commission shall specify a date for the holding of the subsector election, or the polling or counting, in place of the postponed subsector election or the adjourned polling or counting. The Electoral Affairs Commission shall give notice of that date in the Gazette. That date is to be not later than 14 days after the date on which the election, polling or counting of votes would have taken place but for the direction.

(Amended 15 of 2016 s. 56)

25. What is to happen if insufficient number of candidates is nominated for a subsector

(1) If—

- (a) after the close of nominations of candidates for a subsector ordinary election, no more candidates have been validly nominated than the number of members allocated to the subsector; or
- (b) after the close of nominations of candidates for a subsector by-election, no more candidates have been validly nominated than the number of members to be returned at the by-election,

the Returning Officer concerned shall, in accordance with the EAC Regulations, publicly declare the candidates for the subsector to be duly elected as members of the Election Committee representing the subsector.

- (2) Subject to subsection (2A), if, after the close of nominations of candidates for a subsector election, no candidate was validly nominated, the Candidate Eligibility Review Committee must, by notice published in the Gazette, declare that no candidate was validly nominated for the subsector election. *(Amended 14 of 2021 s. 435)*

- (2A) If, after the close of nominations of candidates for a subsector election, a notice has been given under section 23(1) or (4) and no candidate remains validly nominated, the Returning Officer concerned must, by notice published in the Gazette, declare that no candidate was validly nominated for the subsector election. *(Added 14 of 2021 s. 435)*

(3) If—

- (a) after the close of nominations of candidates for a subsector ordinary election, the number of candidates validly nominated was less than the number of members allocated to the subsector; or
- (b) after the close of nominations of candidates for a subsector by-election, the number of candidates validly nominated was less than the number of members to be returned at the by-election,

the Returning Officer concerned shall, by notice published in the Gazette, declare that the number of members of the Election Committee returned at the subsector election for the subsector is less than the number of members to be returned at the election.

26. Death or disqualification of a validly nominated candidate before declaration of election result

- (1) If, on or after the date of a subsector election but before declaring the result of the subsector election—

- (a) proof is given to the satisfaction of the Returning Officer concerned that a validly nominated candidate for the subsector election has died; or
- (b) proof is given to the satisfaction of the Candidate Eligibility Review Committee that a validly nominated candidate for the subsector election is disqualified from being elected,

the proceedings for the subsector election are to begin (if they have not begun) or to continue (if they have begun) as if the death or disqualification had not occurred. *(Replaced 14 of 2021 s. 436)*

(2) If—

- (a) after the counting of votes is finished, the candidate referred to in subsection (1) is found to be successful at the subsector election; and
- (b) there is no other candidate at the subsector election who can be returned under section 29(9) for the subsector in place of that candidate,

the Returning Officer concerned shall, in accordance with the EAC Regulations, declare that—

- (c) no candidate is returned at the subsector election; or

- (d) (where more than one member of the Election Committee are to be returned at the subsector election and there are other candidates returned at the subsector election) the number of members of the Election Committee returned at the subsector election for the subsector is less than the number of members to be returned at the election.

27. How subsector election is to be conducted

- (1) At every contested subsector election—
 - (a) a poll is to be taken for the subsector; and
 - (b) voting at the poll is to be by secret ballot.
- (2) The poll is to be conducted in accordance with the EAC Regulations.
- (3) The Returning Officer appointed for a subsector is responsible for supervising a subsector election for the subsector in accordance with this Schedule, the Electoral Affairs Commission Ordinance (Cap. 541) and the EAC Regulations.

28. Who is entitled to vote at a subsector election

- (1) A person is entitled to vote at a subsector election only if the person is registered as a voter for the subsector concerned.
- (2) A person registered as a voter for a subsector may not be prevented from voting at a subsector election only because the person's name should not have been included in the subsector final register prepared for the subsector.
- (3) A corporate voter may vote at a subsector election only by its authorized representative.

29. System of voting and counting of votes

- (1) Voting and counting of votes at a poll referred to in section 27 is to be conducted in accordance with the simple or relative majority system of election (otherwise known as the “first past the post” system of voting).
- (2) At a subsector ordinary election, a voter may vote for as many candidates as the number of members allocated to the subsector concerned and no more.
- (3) At a subsector by-election, a voter may vote for as many candidates as the number of members to be returned at the by-election and no more.

- (4) If a subsector ordinary election is contested by more candidates than the number of members allocated to the subsector, the candidates to be elected for the subsector are those who obtain the greatest number of votes at the election and then the next greatest and so on until the required number of members is elected.
- (5) If a subsector by-election is contested by more candidates than the number of members to be returned at the by-election—
 - (a) in the case of a single vacancy, the candidate to be elected for the subsector is the one who obtains the greatest number of votes at the by-election; and
 - (b) in the case of more than one vacancy, the candidates to be elected for the subsector are those who obtain the greatest number of votes at the by-election and then the next greatest and so on until the required number of members is elected.
- (6) If, after the counting is finished at a subsector election, a member is still to be returned for the subsector and the most successful candidates remaining have an equal number of votes, the Returning Officer shall determine the result of the election by drawing lots. The candidate on whom the lot falls is to be returned at the subsector election.
- (7) As soon as practicable after determining the result of a subsector election, the Returning Officer concerned shall, in accordance with the EAC Regulations, publicly declare as elected the candidates who were successful at the subsector election.
- (8) Despite subsection (7), if, before declaring the result of a subsector election, proof is given to the satisfaction of the Returning Officer that the candidate or a candidate who was successful at the subsector election has died or is disqualified from being elected, that Officer shall not declare that candidate as elected.
- (9) If there is another candidate or there are other candidates at the subsector election who has not or have not been returned for the subsector, the candidate is to be returned or the candidate who obtains the greatest number of votes is to be returned (subject to that candidate's being not disqualified from being elected) in place of the deceased or disqualified candidate. In that case, the Returning Officer concerned shall publicly declare the candidate so returned to be elected.

30. When a voter is disqualified from voting at subsector election

- (1) A person registered as a voter for a subsector is disqualified from voting at a subsector election for that subsector, if the person—
 - (a) has ceased to be eligible to be registered as a voter for that subsector;
 - (b)-(d) *(Repealed 7 of 2009 s. 4)*
 - (e) is found for the time being under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his property and affairs; or
 - (f) is a member of the armed forces of the People's Republic of China or any other country or territory.
- (2) This section applies to an authorized representative of a corporate voter in the same way as it applies to a voter who is a natural person.

31. Consequences of non-compliance with requirements of this Schedule

In any proceedings brought to question the validity of a subsector election, the Revising Officer shall not declare the election to be invalid only because of—

- (a) a failure to comply with the regulations or with the EAC Regulations; or
- (b) a mistake in the use of a form specified under this Schedule or under the Electoral Affairs Commission Ordinance (Cap. 541),

if the Revising Officer is satisfied on reasonable grounds that the conduct of the election was in accordance with the principles laid down in this Schedule and the Electoral Affairs Commission Ordinance (Cap. 541) and that the failure to comply or mistake did not affect the result of the election.

32. Misnomer or inaccuracy not to affect operation of election document

- (1) A misnomer or inaccurate description of a person, a person's identity document or place specified in a document to which this section applies does not limit the full operation of the document with respect to that person, identity document or place if the description of the person, identity document or place is such as to be commonly understood.

- (2) This section applies to a subsector provisional register, a subsector final register, a nomination paper, ballot paper, notice or other document prepared for the purposes of a subsector election.
- (3) In this section—
identity document (身分證明文件) means—
 - (a) an identity card issued to a person under the Registration of Persons Ordinance (Cap. 177);
 - (b) a document issued by the Commissioner (within the meaning of section 1A(1) of the Registration of Persons Ordinance (Cap. 177)) to a person certifying that the person is exempt, under regulation 25 of the Registration of Persons Regulations (Cap. 177 sub. leg. A), from being required to register under that Ordinance; or *(Replaced 1 of 2019 s. 76)*
 - (c) any other document issued to a person that is acceptable to the Electoral Registration Officer as proof of the person's identity.

33. Subsector election to be presumed valid

Every subsector election is presumed to be valid, unless it is questioned by means of an appeal lodged with a Revising Officer within the period during which an appeal can be made to a Revising Officer under section 39 and the Officer, on the hearing of an appeal, determines that the election is invalid.

34. Subsector election not to be questioned only because of defect in appointment of electoral officer

A subsector election is not to be questioned only because of a defect in the appointment of an electoral officer who is responsible for conducting the subsector election.

35. Returning Officer to publish result of subsector election

- (1) The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the Election Committee at a subsector election.
- (2) The publication of a notice shall be in accordance with the EAC Regulations.

36. Offences by Returning Officers and others with respect to conduct of subsector election

- (1) Any person holding office as a Returning Officer or an Assistant Returning Officer at a subsector election who neglects or refuses to perform the functions of that office in relation to such an election commits an offence and is liable on conviction to a fine at level 2.
- (2) A prosecution for an offence under this section may be brought only with the consent of the Secretary for Justice.
- (3) A person is not to be liable to conviction under this section unless the complaint or information alleging the offence is laid within 3 months after the date of the alleged commission of the offence.

37. Voter not to be required to disclose how vote was cast

- (1) A voter who is asked to disclose the name of, or any particulars relating to, the subsector candidate for whom the voter voted at a subsector election is not required to answer the question.
- (2) A person shall not, without lawful authority, require or purport to require a voter at a subsector election to disclose the name of, or any particulars relating to, a subsector candidate for whom the voter voted at the subsector election.
- (3) A person who contravenes subsection (2) commits an offence and is liable on conviction to a fine at level 2.
- (4) In this section, **voter** (投票人) includes an authorized representative of a corporate voter.

Division 4—Miscellaneous

38. Subsector candidates entitled to send letters to voters free of postage

- (1) A validly nominated candidate at a subsector election is entitled to send free of postage one letter addressed to each voter whose name appears in the subsector final register for the subsector for which the candidate is nominated.
- (2) Each such letter is to relate to the election concerned and is to comply with all requirements and limitations (if any) prescribed by the EAC Regulations.
- (2A) A letter sent under subsection (1) by a candidate who is validly nominated at a subsector election—
 - (a) may contain information on any other candidate who is also validly nominated at that election; and

- (b) is, if it contains any information mentioned in paragraph (a), not to be regarded, for the purposes of subsection (1), as being sent by that other candidate. (*Added 18 of 2011 s. 35*)

- (3) The cost to the Postmaster General of enabling subsector candidates to exercise their entitlements under this section is a charge on, and is to be met from, the general revenue.

39. Subsector election may be questioned only by appeal to Revising Officer

- (1) A person claiming to be a candidate at a subsector election may appeal against the result (including the decision of the Candidate Eligibility Review Committee) to a Revising Officer in accordance with the regulations. (*Amended 14 of 2021 s. 437*)
- (2) An appeal under subsection (1) may be lodged only during the period of 7 days following the date on which the Returning Officer has published in the Gazette the result being appealed against.
- (3) Any person whose election is questioned by an appeal under this section, the Returning Officer in respect of the subsector election concerned and the Candidate Eligibility Review Committee may be made a respondent to the appeal. (*Amended 14 of 2021 s. 437*)
- (4) At the hearing of the appeal, the appellant is entitled to appear in person and, whether or not the appellant appears in person, to be represented by a legal practitioner or any other person.
- (5) At the end of a hearing, the Revising Officer shall determine whether the person whose election is questioned was or was not duly elected.
- (6) The determination of the Revising Officer on such an appeal is final.

Division 5—Specified Entities

(*Division 5 added 14 of 2021 s. 438*)

Subdivision 1—First Sector

39A. Specified entities of the catering subsector

The specified entities of the catering subsector are any body that is a holder of a food business licence under the Public Health and Municipal Services Ordinance (Cap. 132) and—

- (a) is entitled to vote at the Board of The Association for Hong Kong Catering Services Management Limited;
- (b) is entitled to vote at the Board of The Association of Restaurant Managers Limited; or
- (c) is entitled to vote at the Board of Hong Kong Catering Industry Association Limited.

39B. Specified entities of the commercial (first) subsector

The specified entities of the commercial (first) subsector are any body that—

- (a) is a corporate member of The Hong Kong General Chamber of Commerce; and
- (b) is entitled to vote at the General Committee of the Chamber.

39C. Specified entities of the commercial (second) subsector

The specified entities of the commercial (second) subsector are any body that—

- (a) is a corporate member of The Chinese General Chamber of Commerce; and
- (b) is entitled to vote at the Committee of the Chamber.

39D. Specified entities of the commercial (third) subsector

The specified entities of the commercial (third) subsector are any body that—

- (a) is a corporate member of the Hong Kong Chinese Enterprises Association; and
- (b) is entitled to vote at the Board of the Association.

39E. Specified entities of the Employers' Federation of Hong Kong subsector

The specified entities of the Employers' Federation of Hong Kong subsector are any body that—

- (a) is a corporate member of the Employers' Federation of Hong Kong; and
- (b) is entitled to vote at the Council or the General Committee of the Federation.

39F. Specified entities of the finance subsector

The specified entities of the finance subsector are—

- (a) banks within the meaning of the Banking Ordinance (Cap. 155);
- (b) restricted licence banks within the meaning of the Banking Ordinance (Cap. 155); and
- (c) deposit-taking companies within the meaning of the Banking Ordinance (Cap. 155).

39G. Specified entities of the financial services subsector

(1) The specified entities of the financial services subsector are—

- (a) any body that is licensed under the Securities and Futures Ordinance (Cap. 571), and—
 - (i) is entitled to vote at the specified authority of The Chinese Securities Association of Hong Kong Company Limited;
 - (ii) is entitled to vote at the Board of Hong Kong Securities Professionals Association Limited;
 - (iii) is entitled to vote at the Committee of The Institute of Securities Dealers Limited;
 - (iv) is entitled to vote at the Board of Hong Kong Securities Association Limited;
 - (v) is entitled to vote at the Executive Committee of The Hong Kong Association of Online Brokers Limited;
 - (vi) is entitled to vote at the Executive Committee of The Hong Kong Institute of Financial Analysts and Professional Commentators Limited;
 - (vii) is entitled to vote at the Council of Hong Kong Securities and Futures Professional Association; or
 - (viii) is entitled to vote at the Board of Chinese Futures Association of Hong Kong Company Limited; and
- (b) any body that is entitled to vote at the Executive and Supervisory Committee of the Chinese Gold and Silver Exchange.

(2) In subsection (1)(a)(i)—

specified authority (指明單位) means either the Council or Board of Directors as specified by the President of the company mentioned in subsection (1)(a)(i).

39H. Specified entities of the hotel subsector

The specified entities of the hotel subsector are any body that—

- (a) is a corporate member of the Federation of Hong Kong Hotel Owners Limited; and
- (b) is entitled to vote at general meetings of the company.

39I. Specified entities of the import and export subsector

The specified entities of the import and export subsector are any body that—

- (a) is a corporate member of The Hong Kong Chinese Importers' and Exporters' Association; and
- (b) is entitled to vote at the Council of the Association.

39J. Specified entities of the industrial (first) subsector

The specified entities of the industrial (first) subsector are any body that—

- (a) is a corporate member of the Federation of Hong Kong Industries; and
- (b) is entitled to vote at the General Committee of the Federation.

39K. Specified entities of the industrial (second) subsector

The specified entities of the industrial (second) subsector are any body that—

- (a) is a corporate member of The Chinese Manufacturers' Association of Hong Kong; and
- (b) is entitled to vote at the General Committee of the Association.

39L. Specified entities of the insurance subsector

The specified entities of the insurance subsector are insurers authorized or deemed to be authorized under the Insurance Ordinance (Cap. 41).

39M. Specified entities of the real estate and construction subsector

The specified entities of the real estate and construction subsector are—

- (a) any body that—
 - (i) is a corporate member of The Real Estate Developers Association of Hong Kong; and
 - (ii) is entitled to vote at the Board of Directors or executive committee of the Association;
- (b) any body that—

- (i) is a corporate member of The Hong Kong Construction Association, Limited; and
- (ii) is entitled to vote at the Council of the company; and
- (c) any body that—
 - (i) is a corporate member of The Hong Kong E&M Contractors' Association Limited; and
 - (ii) is entitled to vote at the Council of the company.

39N. Specified entities of the small and medium enterprises subsector

The specified entities of the small and medium enterprises subsector are—

- (a) any body that—
 - (i) is a corporate member of Hong Kong Commerce and Industry Associations Limited; and
 - (ii) is entitled to vote at the Board of the company;
- (b) any body that—
 - (i) is a corporate member of The Hong Kong General Chamber of Small and Medium Business Limited; and
 - (ii) is entitled to vote at the General Committee of the company; and
- (c) any body that—
 - (i) is a corporate member of Hong Kong Small and Medium Enterprises Association Limited; and
 - (ii) is entitled to vote at the Council of the company.

39O. Specified entities of the textiles and garment subsector

The specified entities of the textiles and garment subsector are—

- (a) any body that—
 - (i) is a corporate member of the Textile Council of Hong Kong Limited; and
 - (ii) is entitled to vote at the General Committee of the company; and
- (b) any body that—
 - (i) is a corporate member of The Hong Kong General Chamber of Textiles Limited; and
 - (ii) is entitled to vote at the Board of Directors of the company.

39P. Specified entities of the tourism subsector

The specified entities of the tourism subsector are—

- (a) any body that—
 - (i) is a licensed travel agent as defined by section 2(1) of the Travel Industry Ordinance (Cap. 634); and (*Replaced 37 of 2018 s. 171 and 14 of 2021 s. 475*)
 - (ii) is—
 - (A) a corporate member of the Travel Industry Council of Hong Kong entitled to vote at the Board of Directors of the Council;
 - (B) a corporate member of Hong Kong Association of China Travel Organisers Limited entitled to vote at the Executive Committee of the company;
 - (C) a corporate member of International Chinese Tourist Association Limited entitled to vote at the Executive Committee of the company;
 - (D) a corporate member of The Federation of Hong Kong Chinese Travel Agents Limited entitled to vote at the Executive Committee of the company;
 - (E) a corporate member of Hong Kong Outbound Tour Operators' Association Limited entitled to vote at the Executive Committee of the company;
 - (F) a corporate member of Hong Kong Association of Travel Agents Limited entitled to vote at the Executive Committee of the company;
 - (G) a corporate member of Hongkong Taiwan Tourist Operators Association entitled to vote at the Executive Committee of the Association;
 - (H) a corporate member of Hongkong Japanese Tour Operators Association Limited entitled to vote at the Executive Committee of the company; or
 - (I) a corporate member of Society of IATA Passenger Agents Limited entitled to vote at the Executive Committee of the company; and

(b) any body that—

- (i) is a corporate member of The Board of Airline Representatives in Hong Kong; and
- (ii) is entitled to vote at the Executive Committee of the Board.

39Q. Specified entities of the transport subsector

The specified entities of the transport subsector are the bodies set out in Annex 1 to this Schedule.

39R. Specified entities of the wholesale and retail subsector

The specified entities of the wholesale and retail subsector are the bodies set out in Annex 2 to this Schedule.

Subdivision 2—Second Sector

39S. Specified entities of the accountancy subsector

The specified entities of the accountancy subsector are any practice unit (as defined by section 2(1) of the Accounting and Financial Reporting Council Ordinance (Cap. 588)) that is a registered PIE auditor as defined by section 3A(1) of that Ordinance.

(Amended L.N. 66 of 2022)

39T. Specified entities of the architectural, surveying, planning and landscape subsector

The specified entities of the architectural, surveying, planning and landscape subsector are the bodies set out in Annex 3 to this Schedule.

39U. Specified entities of the Chinese medicine subsector

The specified entities of the Chinese medicine subsector are—

- (a) Federation of the Hong Kong Chinese Medicine Practitioners and Chinese Medicines Traders Association Limited;
- (b) the corporate members of the Federation; and
- (c) the bodies set out in Annex 4 to this Schedule.

39V. Specified entities of the education subsector

The specified entities of the education subsector are—

- (a) institutions of higher education funded through the University Grants Committee;

- (b) post secondary colleges registered under the Post Secondary Colleges Ordinance (Cap. 320);
- (c) the Hong Kong Metropolitan University; (*Amended 22 of 2021 s. 2*)
- (d) The Hong Kong Academy for Performing Arts;
- (e) the Vocational Training Council;
- (f) The Hong Kong Examinations and Assessment Authority;
- (g) the Hong Kong Council for Accreditation of Academic and Vocational Qualifications;
- (h) schools registered under section 13 of the Education Ordinance (Cap. 279) or under either of the repealed Ordinances (as defined by section 3(1) of that Ordinance), other than an exempted school (as defined by section 2 of the Education (Exemption) (Private Schools Offering Non-Formal Curriculum) Order (Cap. 279 sub. leg. F)); and
- (i) schools entirely maintained and controlled by the Government.

39W. Specified entities of the engineering subsector

The specified entities of the engineering subsector are the bodies set out in Annex 5 to this Schedule.

39X. Specified entities of the legal subsector

The specified entities of the legal subsector are the bodies set out in Annex 6 to this Schedule.

39Y. Specified entities of the medical and health services subsector

The specified entities of the medical and health services subsector are—

- (a) any prescribed hospital (as defined by section 2(1) of the Hospital Authority Ordinance (Cap. 113));
- (b) any hospital licensed under the Private Healthcare Facilities Ordinance (Cap. 633); and
- (c) the bodies set out in Annex 7 to this Schedule.

39Z. Specified entities of the social welfare subsector

The specified entities of the social welfare subsector are—

- (a) any social welfare organizations receiving regular subsidies from the Social Welfare Department; and

- (b) the bodies set out in Annex 8 to this Schedule.

39ZA. Specified entities of the sports, performing arts, culture and publication subsector

The specified entities of the sports, performing arts, culture and publication subsector are—

- (a) the corporate members of the Sports Federation & Olympic Committee of Hong Kong, China;
- (b) Hong Kong Sports Institute Limited;
- (c) any body that—
 - (i) is a corporate member of the Hong Kong Publishing Federation Limited; and
 - (ii) is entitled to vote at general meetings of the company; and
- (d) the bodies set out in Annex 9 to this Schedule.

39ZB. Specified entities of the technology and innovation subsector

The specified entities of the technology and innovation subsector are the bodies set out in Annex 10 to this Schedule.

Subdivision 3—Third Sector

39ZC. Specified entities of the agriculture and fisheries subsector

The specified entities of the agriculture and fisheries subsector are —

- (a) the corporate members of each of the following bodies—
 - (i) The Federation of Vegetable Marketing Co-operative Societies, Limited;
 - (ii) The Federation of Pig Raising Co-operative Societies of Hong Kong, Kowloon and New Territories, Limited;
 - (iii) The Joint Association of Hong Kong Fishermen;
 - (iv) Federation of Hong Kong Aquaculture Associations;
 - (v) The Federation of Fishermen's Co-operative Societies of Shau Kei Wan District, Limited;
 - (vi) The Federation of Fishermen's Co-operative Societies of Tai Po District, N.T., Limited;
 - (vii) The Federation of Fishermen's Co-operative Societies of Sai Kung District, Limited;

- (viii) The Federation of Fishermen's Co-operative Societies of Southern District, Limited;
- (ix) Hong Kong Fishermen Consortium;
- (x) Federation of Hong Kong Agricultural Associations; and

(b) the bodies set out in Annex 11 to this Schedule.

39ZD. Specified entities of the associations of Chinese fellow townsmen subsector

The specified entities of the associations of Chinese fellow townsmen subsector are—

- (a) the bodies set out in Annex 12 to this Schedule; and
- (b) the associations of Chinese fellow townsmen that are recognized by those bodies and at county level or above.

39ZE. Specified entities of the grassroots associations subsector

The specified entities of the grassroots associations subsector are—

- (a) Hong Kong Island Federation;
- (b) Kowloon Federation of Associations;
- (c) New Territories Association of Societies; and
- (d) any body that—
 - (i) is a corporate member of any of the federation or association mentioned in paragraph (a), (b) or (c); and
 - (ii) is entitled to vote at general meetings of the federation or association.

39ZF. Specified entities of the labour subsector

The specified entities of the labour subsector are the trade unions registered under the Trade Unions Ordinance (Cap. 332) of which all the voting members are employees.

Subdivision 4—Fourth Sector

39ZG. Specified entities of the Heung Yee Kuk subsector

The specified entities of the Heung Yee Kuk subsector are the Chairman and Vice-Chairmen of the Heung Yee Kuk and the Ex Officio, Special and Co-opted Councillors of the Full Council of the Kuk.

39ZH. Specified entities of the Hong Kong and Kowloon District Committees subsector

The specified entities of the Hong Kong and Kowloon District Committees subsector are the members of the Area Committees, District Fight Crime Committees and District Fire Safety Committees established in any of the following Districts—

- (a) Central & Western District;
- (b) Eastern District;
- (c) Southern District;
- (d) Wan Chai District;
- (e) Kowloon City District;
- (f) Kwun Tong District;
- (g) Sham Shui Po District;
- (h) Wong Tai Sin District;
- (i) Yau Tsim Mong District.

39ZI. Specified entities of the New Territories District Committees subsector

The specified entities of the New Territories District Committees subsector are the members of the Area Committees, District Fight Crime Committees and District Fire Safety Committees established in any of the following Districts—

- (a) Islands District;
- (b) Kwai Tsing District;
- (c) Sai Kung District;
- (d) Sha Tin District;
- (e) Tsuen Wan District;
- (f) Tuen Mun District;
- (g) Yuen Long District;
- (h) North District;
- (i) Tai Po District.

Subdivision 5—Fifth Sector

39ZJ. Specified entities of the representatives of Hong Kong members of relevant national organisations subsector

The specified entities of the representatives of Hong Kong members of relevant national organisations subsector are—

- (a) Hong Kong Special Administrative Region delegates of the All-China Women's Federation;
- (b) Hong Kong Special Administrative Region executive members of the All-China Federation of Industry and Commerce;
- (c) Hong Kong Special Administrative Region committee members of the All-China Federation of Returned Overseas Chinese;
- (d) Hong Kong Special Administrative Region committee members of the All-China Youth Federation; and
- (e) Hong Kong Special Administrative Region directors of the China Overseas Friendship Association.

Part 5

Interim Register and Final Register of Members of Election Committee

(Amended 10 of 2006 s. 21)

40. Electoral Registration Officer to compile and publish interim register and final register

(Amended 10 of 2006 s. 21)

- (1) The Electoral Registration Officer shall compile and publish in accordance with the EAC Regulations— *(Amended 10 of 2006 s. 21; 1 of 2011 s. 15)*
 - (a) if the polling for the subsector ordinary elections for all subsectors is held on the same day, an interim register of members of the Election Committee within 7 days after the results of the elections are published under section 35; or
 - (b) if the polling for the subsector ordinary elections for different subsectors is held on different days, the relevant parts of an interim register of members of the Election Committee within 7 days after the results of the relevant elections are published under section 35. *(Amended 1 of 2011 s. 15)*

- (1A) Subject to section 41, in compiling an interim register of members of the Election Committee under subsection (1) after the publication of results of the subsector ordinary elections, the Electoral Registration Officer must register the persons whose registrations are determined under section 5N as valid on the date of those subsector ordinary elections (or the last of those dates, if different dates are specified for those subsector ordinary elections) as ex-officio members of the Election Committee, in accordance with the EAC Regulations. *(Added 14 of 2021 s. 439)*
- (2) The Electoral Registration Officer shall compile and publish in accordance with the EAC Regulations a final register of members of the Election Committee within 7 days after the result of a subsector by-election is published under section 35. *(Amended 10 of 2006 s. 21)*
- (3) The Electoral Registration Officer shall also compile and publish in accordance with the EAC Regulations a final register of members of the Election Committee within 7 days after a nominee under section 7(2) is declared as a member of the Election Committee under section 7, unless the period during which the nomination under section 7(2) is to be made and the nomination period for a subsector by-election coincide or partly coincide.
- (3A) The Electoral Registration Officer shall—
 - (a) compile in accordance with the EAC Regulations a final register of members of the Election Committee on the basis of the interim register of members of the Election Committee, incorporating any amendment made under section 41 or 42; and
 - (b) publish the final register in accordance with the EAC Regulations on the date on which the Election Committee is constituted. *(Added 10 of 2006 s. 21)*
- (4) If—
 - (a) the Electoral Registration Officer has compiled and published a provisional register of members of the Election Committee under section 4;
 - (b) the Electoral Affairs Commission has ascertained under section 5(1)(a) the number of members nominated in accordance with Part 3 or elected in accordance with Part 4 for each subsector on the Election Committee; and *(Replaced 14 of 2021 s. 439)*

- (c) the number of members representing each subsector on the Election Committee so ascertained is equal to the number of members allocated to the subsector in accordance with section 2(7)(b) or (c) (as the case may be), *(Amended 14 of 2021 s. 439)*

the Electoral Registration Officer shall, as soon as practicable after the Electoral Affairs Commission's ascertainment, publish in accordance with the EAC Regulations the provisional register as a final register of members of the Election Committee.

41. Electoral Registration Officer to amend interim register or final register to give effect to change in ex-officio membership

(Amended 10 of 2006 s. 21)

- (1) The Electoral Registration Officer may from time to time amend the interim register of members of the Election Committee or final register of members of the Election Committee in accordance with this section and the EAC Regulations to give effect to any change in the ex-officio membership of the Election Committee.
- (2) If an ex-officio member of the Election Committee resigns from the membership of the Election Committee or is regarded as having resigned from such membership under section 3, the Electoral Registration Officer must remove the member's name from the interim register of members of the Election Committee or final register of members of the Election Committee. *(Replaced 14 of 2021 s. 440)*
- (3) Subject to section 2, the Electoral Registration Officer must register persons whose registrations are determined under section 5N as valid as ex-officio members of the Election Committee from time to time in accordance with the EAC Regulations. *(Replaced 14 of 2021 s. 440)*
- (4) If the Electoral Registration Officer adds names to or removes names from the interim register or final register of members of the Election Committee under this section, that Officer shall, as soon as practicable after the addition or removal, publish, in accordance with the EAC Regulations, a notice to the effect that names have been so added or removed.

(Amended 10 of 2006 s. 21)

42. Electoral Registration Officer may amend register

- (1) The Electoral Registration Officer may amend a provisional register, interim register or final register of members of the Election Committee so as to rectify any clerical or printing error or any incorrect name or address of a person who is recorded in the register.
- (2) If a Revising Officer directs the Electoral Registration Officer to incorporate into the interim register of members of the Election Committee or final register of members of the Election Committee the Revising Officer's determination on an appeal under section 39 or 48, the Electoral Registration Officer shall also amend the register to effect the direction.
- (3) If the Electoral Registration Officer amends the interim register of members of the Election Committee or final register of members of the Election Committee under subsection (2), that Officer shall, as soon as practicable after the amendment, publish, in accordance with the EAC Regulations, a notice of the amendment.

(Amended 10 of 2006 s. 21)

42A. Written oath of members of the Election Committee

- (1) Despite sections 40, 41 and 42, the Electoral Registration Officer must not include the name of a member-elect of a term of office in the final register of members of the Election Committee for that term of office unless the Officer has received the written Election Committee Oath signed by the member-elect under subsection (2).
- (2) A member-elect of a term of office must sign the written Election Committee Oath in the form prescribed in Annex 13 to this Schedule—
 - (a) if the member-elect falls within paragraph (a) of the definition of **member-elect** in subsection (3)—within the period between—
 - (i) the date of publication of the interim register of members of the Election Committee under section 40(1) for that term of office; and
 - (ii) 7 days before the date of publication of the final register of members of the Election Committee under section 40(3A)(b) for that term of office;
 - (b) if the member-elect falls within paragraph (b) of the definition of **member-elect** in subsection (3)—as soon as practicable after the member-elect's registration is determined as valid for that term of office under section 5N;

- (c) if the member-elect falls within paragraph (c) of the definition of **member-elect** in subsection (3)—within 3 days after the member-elect is declared as a member of the Election Committee for that term of office under section 7(8); or
- (d) if the member-elect falls within paragraph (d) of the definition of **member-elect** in subsection (3)—within 3 days after the day on which the subsector by-election concerned is held for that term of office.

(3) In this section—

member-elect (候任委員), in relation to a term of office, means a person—

- (a) whose name appears in the interim register of members of the Election Committee published under section 40(1) for that term of office;
- (b) whose registration is determined as valid under section 5N after the publication of the final register of members of the Election Committee under section 40(3A)(b) for that term of office;
- (c) who is declared as a member of the Election Committee under section 7(8) after the publication of the final register of members of the Election Committee under section 40(3A)(b) for that term of office; or
- (d) whose name appears in a notice published under section 35 in respect of a subsector by-election for that term of office;

term of office (任期) means a term of office of the Election Committee.

(Added 14 of 2021 s. 441)

43. When final register is to take effect

- (1) During the term of office of the Election Committee, a final register of members of the Election Committee is to—
 - (a) have effect as amended from time to time in accordance with sections 41 and 42 and the EAC Regulations after its publication; and
 - (b) cease to have effect on the publication of the next final register of members of the Election Committee.

- (2) If names have been removed from or added to the final register of members of the Election Committee under section 41(2) or (3), or the register has been amended under section 42(2), the register as amended is to take effect on the date of the publication of the notice under section 41(4) or 42(3).

Part 6

Miscellaneous

43A. Proceedings against persons on grounds of disqualification

- (1) The Secretary for Justice may bring proceedings in the Court against any member of the Election Committee or any person who claims to be entitled to be a member of the Election Committee on the ground that the member or person is disqualified from being a member of the Election Committee.
- (2) Immediately after proceedings are brought by the Secretary for Justice under this section against a person on the ground that the person is disqualified from being a member of the Election Committee—

- (a) for breach of an oath taken under section 42A; or
- (b) for failure to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region of the People's Republic of China,

the person's functions as a member of the Election Committee are suspended until the decision of the Court in the proceedings becomes final.

- (3) If a person's functions as a member of the Election Committee are suspended under subsection (2)—
 - (a) before the publication of the final register of members of the Election Committee for the term of office of the Election Committee concerned—the Electoral Registration Officer must not include the person's name in the final register of members of the Election Committee; or
 - (b) after the publication of the final register of members of the Election Committee for the term of office of the Election Committee concerned—the Electoral Registration Officer must, as soon as practicable after the suspension, remove the person's name from the final register of members of the Election Committee.

- (4) For the purposes of this section, a decision of the Court becomes final—
 - (a) if no motion for the purpose of an application for leave to appeal to the Court of Final Appeal under section 22(1)(f) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is filed by the end of the period specified under subsection (9)—when that period expires; or
 - (b) if, before the end of that period, motion for the purpose of such an application is filed—
 - (i) when the application is abandoned or otherwise ceases to have effect;
 - (ii) when the application is refused; or
 - (iii) if the application is granted—
 - (A) when the appeal is abandoned or otherwise ceases to have effect; or
 - (B) when the appeal is determined.
- (5) If a person's functions as a member of the Election Committee are suspended under subsection (2), the person—
 - (a) must not exercise any function of a member of the Election Committee; and
 - (b) must not act as a member of the Election Committee.
- (6) The Court may, on the application of a person whose functions as a member of the Election Committee are suspended under subsection (2), lift the suspension.
- (7) If, in proceedings brought under this section, it is proved that the defendant acted as a member of the Election Committee while disqualified from so acting, the Court may—
 - (a) make a declaration to that effect;
 - (b) grant an injunction restraining the defendant from so acting; and
 - (c) order the defendant to pay to the Government such sum as the Court thinks appropriate, not exceeding \$5,000 for each occasion on which the person so acted while disqualified.
- (8) If, in proceedings brought under this section, it is proved that the defendant claimed to be entitled to act as a member of the Election Committee while disqualified from so acting, the Court may—
 - (a) make a declaration to that effect; and

- (b) grant an injunction restraining the defendant from so acting.
- (9) Despite section 24 of the Hong Kong Court of Final Appeal Ordinance (Cap. 484), notice of a motion for the purpose of an application for leave to appeal to the Court of Final Appeal under section 22(1)(f) of that Ordinance must be filed within 14 working days after the date on which the written judgment of the Court to be appealed from is handed down, and the applicant must give the opposite party 3 days' notice of his or her intended application at any time during the period of 14 working days.
- (10) Proceedings against a person on the ground that the person has, while disqualified from so acting, acted or claimed to have been entitled to act, as a member of the Election Committee may be brought only in accordance with this section.
- (11) For the purposes of this section, a person is disqualified from acting as a member of the Election Committee if the person is not qualified to be, or is disqualified from being, a member of the Election Committee.
- (12) The Electoral Registration Officer must add a person's name to the final register of members of the Election Committee as soon as practicable after—
 - (a) the Court has lifted the suspension of the person's functions as a member of the Election Committee under subsection (6); or
 - (b) the Court has decided that the person is not disqualified from acting as a member of the Election Committee and the decision of the Court becomes final.
- (13) If the Electoral Registration Officer adds or removes a name from the final register of members of the Election Committee under this section, that Officer must, as soon as practicable after adding or removing the name, publish, in accordance with the EAC Regulations, a notice to the effect that the name has been so added or removed.
- (14) In subsection (9)—

working day (工作日) means any day other than—

 - (a) a general holiday;
 - (b) a black rainstorm warning day as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1); or
 - (b) a gale warning day as defined by that section.

44. Appointment of Electoral Registration Officer and assistants

- (1) The Chief Executive shall appoint an Electoral Registration Officer and such number of Assistant Electoral Registration Officers as appears to the Chief Executive to be necessary for the purposes of registering persons as members of the Election Committee and as voters at subsector elections.
- (2) The Electoral Registration Officer has such functions as are conferred or imposed on that Officer by or under this Schedule.
- (3) An Assistant Electoral Registration Officer may, with the authority of the Electoral Registration Officer, perform the functions of Electoral Registration Officer.
- (4) The Secretary for Constitutional and Mainland Affairs shall publish in the Gazette a notice of the appointment of a person as Electoral Registration Officer and the Officer's address. *(Amended L.N. 130 of 2007)*
- (5) The executive authorities of the Government shall ensure that the Electoral Registration Officer is provided with such staff as that Officer requires in order to perform that Officer's functions under this Schedule.
- (6) Expenses properly incurred by the Electoral Registration Officer in the performance of that Officer's functions under this Schedule or the Electoral Affairs Commission Ordinance (Cap. 541) are a charge on, and are payable from, the general revenue.

45. Electoral Registration Officer may specify forms

The Electoral Registration Officer may specify the form of any application, notice, return, record or other document required for the purposes of this Schedule.

46. Appointment of Revising Officer

- (1) The Chief Justice may appoint an eligible person to be a Revising Officer for the purposes of this Schedule. *(Amended 1 of 2019 s. 72)*
- (2) If no appointment is made under subsection (1), the Registrar of the High Court is taken to be a Revising Officer.
- (3) A Revising Officer has such functions as are conferred or imposed on the Officer by or under this Schedule.

- (4) A Revising Officer has, when performing the Officer's functions, the powers and immunities of a magistrate under sections 21, 22, 99, 125 and 126 of the Magistrates Ordinance (Cap. 227).

- (5) In subsection (1)—

eligible person (合資格人士) means—

- (a) a magistrate;
- (b) a former magistrate;
- (c) a retired magistrate; or
- (d) a legal officer as defined by section 2 of the Legal Officers Ordinance (Cap. 87). *(Added 1 of 2019 s. 72)*

47. Appointment of Returning Officers and assistants

- (1) The Electoral Affairs Commission shall appoint for each subsector a Returning Officer and such number of Assistant Returning Officers as appears to the Commission to be necessary to enable members of the Election Committee (other than ex-officio members) to be returned for the subsector.
- (2) A Returning Officer has such functions as are conferred or imposed on that Officer by or under this Schedule.
- (3) An Assistant Returning Officer may, with the authority of the Returning Officer concerned, perform the functions of Returning Officer.
- (4) The Electoral Affairs Commission shall publish in the Gazette a notice of the appointment of a Returning Officer and that Officer's address.
- (5) The executive authorities of the Government shall ensure that each Returning Officer is provided with such staff as that Officer requires in order to perform that Officer's functions under this Schedule.
- (6) Expenses properly incurred by—
 - (a) a Returning Officer in the performance of that Officer's functions under this Schedule or the Electoral Affairs Commission Ordinance (Cap. 541); or
 - (b) the Candidate Eligibility Review Committee in the performance of its functions under this Schedule or that Ordinance,are a charge on, and are payable from, the general revenue. *(Replaced 14 of 2021 s. 443)*

48. Right of appeal to Revising Officer

(Amended 14 of 2021 s. 444)

- (1) A person who is dissatisfied with a decision of the Electoral Registration Officer made for the purposes of this Schedule may appeal against the decision to a Revising Officer.
- (1A) Subject to section 9B of the Ordinance, a person who is dissatisfied with a decision of the Candidate Eligibility Review Committee made for the purposes of this Schedule may appeal against the decision to a Revising Officer. *(Added 14 of 2021 s. 444)*
- (2) The determination of a Revising Officer on such an appeal is final.
- (2A) A Revising Officer may determine an appeal without a hearing on the basis of written submissions only. *(Added 1 of 2019 s. 8)*
- (2B) *(Repealed 14 of 2021 s. 444)*
- (3) The Electoral Registration Officer or the Returning Officer for the relevant subsector may be made a respondent to the appeal. *(Replaced 14 of 2021 s. 444)*
- (3A) The Candidate Eligibility Review Committee may also be made a respondent to the appeal if the appeal is made under subsection (1A). *(Added 14 of 2021 s. 444)*
- (4) If a hearing is held for an appeal, the appellant or any other person concerned in the appeal is entitled to appear in person and, whether or not the appellant appears in person, to be represented by a legal practitioner or any other person. *(Amended 14 of 2021 s. 444)*

49. *(Repealed 10 of 2006 s. 31)*

Annex 1

Bodies Specified for the Transport Subsector

Item	Body
1.	Parking Management and Consultancy Services Limited
2.	Airport Authority
3.	Hong Kong Driver's Training Association
4.	The Association of N.T. Radio Taxicabs Ltd.
5.	Autotoll Limited

Item	Body
6.	The Chartered Institute of Logistics and Transport in Hong Kong
7.	China Merchants Shipping & Enterprises Co. Ltd.
8.	Chu Kong Shipping Enterprises (Holdings) Co. Ltd.
9.	Chuen Kee Ferry Limited
10.	Chuen Lee Radio Taxis Association Ltd.
11.	Citybus Ltd.
12.	Coral Sea Ferry Service Co., Ltd.
13.	COSCO-HIT Terminals (Hong Kong) Limited
14.	CTOD Association Company Ltd.
15.	Turbojet Ferry Services (Guangzhou) Limited
16.	Discovery Bay Transportation Services Ltd.
17.	Driving Instructors Merchants Association, Limited
18.	Eastern Ferry Company Limited
19.	Expert Fortune Ltd.
20.	Far East Hydrofoil Co. Ltd.
21.	Fat Kee Stevedores Ltd.
22.	The Fraternity Association of N.T. Taxi Merchants
23.	Fraternity Taxi Owners Association
24.	G.M.B. Maxicab Operators General Association Ltd.
25.	The Goods Vehicle Fleet Owners Association Ltd.
26.	Happy Taxi Operator's Association Ltd.
27.	Hoi Kong Container Services Co. Ltd.
28.	Hon Wah Public Light Bus Association Ltd.

Item	Body
29.	Hong Kong Air Cargo Terminals Limited
30.	Hong Kong & Kowloon Ferry Ltd.
31.	Hong Kong Kowloon Goods Vehicles, Omnibuses and Minibuses Instructors Association Limited
32.	Hong Kong & Kowloon Motor Boats & Tug Boats Association Limited
33.	Hong Kong & Kowloon Radio Car Owners Association Ltd.
34.	Hong Kong and Kowloon Rich Radio Car Service Centre Association Ltd.
35.	HongKong Association of Freight Forwarding and Logistics Limited
36.	Hong Kong Automobile Association
37.	The Hong Kong Cargo-Vessel Traders' Association Ltd.
38.	Hong Kong Commercial Vehicle Driving Instructors Association
39.	Hong Kong CFS and Logistics Association Limited
40.	Hong Kong Container Tractor Owner Association Ltd.
41.	Hong Kong Driving Instructors' Association
42.	Hong Kong Guangdong Transportation Association Ltd.
43.	The Hong Kong Institute of Marine Technology
44.	Hong Kong, Kowloon & NT Public & Maxicab Light Bus Merchants' United Association
45.	Hong Kong Taxi Owners' Association Limited
46.	The Hong Kong Liner Shipping Association
47.	H.K. Motor Car Driving Instructors' Association Limited
48.	Hong Kong Pilots Association Ltd.
49.	Hong Kong Public & Maxicab Light Bus United Associations

Item	Body
50.	Hong Kong Public Cargo Working Areas Traders Association Ltd.
51.	Hong Kong Scheduled (GMB) Licensee Association
52.	The Hong Kong School of Motoring Ltd.
53.	Hong Kong Sea Transport and Logistics Association Limited
54.	The Hong Kong Shipowners Association Ltd.
55.	Hong Kong Shipping Circles Association Ltd.
56.	Hong Kong Shipping Industry Institute
57.	Hong Kong Logistics Management Staff Association
58.	The Hong Kong Stevedores Employers' Association
59.	Hong Kong Tele-call Taxi Association
60.	Hong Kong Tramways, Limited
61.	Hong Kong Transportation Warehouse Wharf Club
62.	The Hongkong & Yaumati Ferry Co., Ltd.
63.	Hongkong International Terminals Ltd.
64.	Institute of Advanced Motorists (Hong Kong) Limited
65.	Institute of Seatransport
66.	Institute of Transport Administration (Hong Kong, China)
67.	Kowloon Fung Wong Public Light Bus Merchants & Workers' Association Ltd.
68.	The Kowloon Motor Bus Company (1933) Limited
69.	Kowloon Motor Driving Instructors' Association Ltd.
70.	The Kowloon PLB Chiu Chow Traders & Workers Friendly Association
71.	The Kowloon Taxi Owners Association Ltd.

Item	Body
72.	Kowloon Truck Merchants Association Ltd.
73.	Kwik Park Limited
74.	Lam Tin Wai Hoi Public Light Bus Association
75.	Lantau Taxi Association
76.	Lei Yue Mun Ko Chiu Road Public Light Bus Merchants Association Ltd.
77.	Lok Ma Chau China—Hong Kong Freight Association
78.	Long Win Bus Company Limited
79.	Mack & Co. Carpark Management Limited
80.	Marine Excursion Association Limited
81.	Maritime Affairs Research Association Ltd.
82.	MTR Corporation Limited
83.	Merchant Navy Officers' Guild—Hong Kong
84.	Metropark Limited
85.	Mid-stream Holdings (HK) Limited
86.	Mixer Truck Drivers Association
87.	Modern Terminals Ltd.
88.	N.T. San Tin PLB (17) Owners Association
89.	N.T. Taxi Merchants Association Ltd.
90.	N.T. Taxi Owners & Drivers Fraternal Association
91.	N.W. Area Taxi Drivers & Operators Association
92.	New Lantau Bus Co., (1973) Ltd.
93.	New Territories Cargo Transport Association Ltd.
94.	New World First Bus Services Limited

Item	Body
95.	North District Taxi Merchants Association
96.	Organisation of Hong Kong Drivers
97.	Public and Private Light Buses Driving Instructors' Society
98.	The Public Cargo Area Trade Association
99.	Public Light Bus General Association
100.	The Public Omnibus Operators Association Ltd.
101.	Public Vehicle Merchants Fraternity Association
102.	River Trade Terminal Co. Ltd.
103.	Route 3 (CPS) Company Limited
104.	Sai Kung Taxi Operators Association Ltd.
105.	CSX World Terminals Hong Kong Limited
106.	Serco Group (HK) Limited
107.	The "Star" Ferry Co., Ltd.
108.	Sun Hing Taxi Radio Association
109.	Taxi Association Limited
110.	Taxi Dealers & Owners Association Ltd.
111.	The Taxi Operators Association Ltd.
112.	Transport Infrastructure Management Limited
113.	Tuen Mun Public Light Bus Association
114.	Tung Yee Shipbuilding and Repairing Merchants General Association Limited
115.	United Friendship Taxi Owners & Drivers Association Ltd.
116.	Wai Fat Taxi Owners Association Ltd.

Item	Body
117.	Wai Yik Hong Kong & Kowloon & NT Taxi Owners Association
118.	West Coast International (Parking) Limited
119.	<i>(Repealed 18 of 2023 s. 28)</i>
120.	Wilson Parking (Hong Kong) Limited
121.	Wing Lee Radio Car Traders Association Ltd.
122.	Wing Tai Car Owners & Drivers Association Ltd.
123.	Wu Gang Shipping Co. Ltd.
124.	Xiamen United Enterprises (H.K.) Ltd.
125.	School Buses Operators Association Limited
126.	Sun Ferry Services Company Limited
127.	Shun Tak-China Travel Macau Ferries Limited
128.	Hong Kong Container Drayage Services Association Limited
129.	Hong Kong Kowloon & N.T. Grab-Mounted Lorries Association Limited
130.	Hong Kong Waste Disposal Industry Association
131.	HK Public-light Bus Owner & Driver Association
132.	Logistics Industry & Container Truck Drivers Union
133.	The Concrete Producers Association of Hong Kong Limited
134.	Hongkong Guangdong Boundary Crossing Bus Association Limited
135.	Tsui Wah Ferry Service Company Limited
136.	Quality Driver Training Centre Limited
137.	Public and Private Commercial Driving Instructors' Society
138.	Shun Tak-China Travel Ship Management Limited

Item	Body
139.	Cruise Ferries (HK) Limited
140.	Asia Airfreight Terminal Company Limited
141.	The Hong Kong Joint Branch of The Royal Institution of Naval Architects and The Institute of Marine Engineering, Science and Technology
142.	The Hongkong Salvage & Towage Company Limited
143.	The Institute of Chartered Shipbrokers, Hong Kong Branch
144.	Hongkong United Dockyards Limited
145.	Guangdong and Hong Kong Feeder Association Limited
146.	Hong Kong Right Hand Drive Motors Association Limited
147.	The Institute of the Motor Industry Hong Kong
148.	Hong Kong Vehicle Repair Merchants Association Limited
149.	Environmental Vehicle Repairers Association Limited
150.	The Hong Kong Taxi and Public Light Bus Association Limited
151.	Park Island Transport Company Limited
152.	Discovery Bay Road Tunnel Company Limited
153.	International Association of Transport Officers
154.	Hong Kong Express Airways Limited
155.	Hong Kong (Cross Border) Transportation Drivers' Association
156.	Hong Kong Logistics Association Limited
157.	Hong Kong Container Depot and Repairer Association Limited
158.	New World Parking Management Limited
159.	The Nautical Institute—Hong Kong Branch
160.	Worldwide Flight Services, Inc.

Item	Body
161.	NT Taxi Operations Union
162.	Sun Star Taxi Operators Association
163.	Taxi & P.L.B. Concern Group
164.	Tai Wo Motors Limited
165.	Tuen Mun District Tourists and Passengers Omnibus Operators Association Limited
166.	Tsuen Wan District Tourists and Passengers Omnibus Operators Association Limited
167.	Yuen Long District Tourists and Passengers Omnibus Operators Association Limited
168.	Kowloon District Tourists and Passengers Omnibus Operators Association Limited
169.	Hong Kong District Tourists and Passengers Omnibus Operators Association Limited
170.	Sino Parking Services Limited
171.	Urban Parking Limited
172.	Greater Lucky (HK) Company Limited
173.	China Hongkong and Macau Boundary Crossing Bus Association Limited
174.	Ground Support Engineering Limited
175.	Cathay Pacific Services Limited
176.	Cathay Pacific Catering Services (H.K.) Limited
177.	LSG Lufthansa Service Hong Kong Limited
178.	Gate Gourmet Hong Kong, Limited
179.	ECO Aviation Fuel Services Limited
180.	Hong Kong Aircraft Engineering Company Limited

Item	Body
181.	China Aircraft Services Limited
182.	Dah Chong Hong – Dragonair Airport GSE Service Limited
183.	Jardine Air Terminal Services Limited
184.	Service Managers Association
185.	Driving Instructors Association
186.	The Chamber of Hong Kong Logistics Industry Limited
187.	New Horizon School of Motoring Limited
188.	Leinam School of Motoring Limited
189.	TIML MOM Limited
190.	Hong Kong Taxi Association
191.	Chung Shing Taxi Limited
192.	Hong Kong Air Cargo Carrier Limited
193.	Hong Kong Dumper Truck Drivers Association
194.	Shun Fung Motors Investment Management Company Limited
195.	Taxi Drivers and Operators Association
196.	Yiu Lian Dockyards Limited
197.	China Merchants Port Holdings Company Limited
198.	China Merchants Container Services Limited
199.	China Merchants Logistics Holding Hong Kong Company Limited
200.	China Merchants Energy Shipping (Hong Kong) Company Limited
201.	COSCO SHIPPING (Hong Kong) Co., Limited
202.	COSCO (H.K.) SHIPPING CO., LIMITED

Item	Body
203.	COSCO SHIPPING Container Line Agencies Limited
204.	COSCO SHIPPING International (Hong Kong) Co., Ltd.
205.	China Travel Tours Transportation Services Hong Kong Limited
206.	Sky Shuttle Helicopters Limited
207.	Hong Kong-Zhuhai-Macao Bridge Shuttle Bus Company Limited
208.	Hong Kong & Macao International Airport Transportation Service Co. Limited
209.	Hong Kong International Airport Ferry Terminal Services Limited
210.	Ocean Shipbuilding & Engineering Limited
211.	China Ferry Terminal Services Limited
212.	Turbojet Shipyard Limited
213.	Hong Kong Association of Aircargo Truckers Limited
214.	Hong Kong Auto (Parts & Machinery) Association Limited
215.	China Aviation Express (Hong Kong) Limited
216.	Chu Kong Godown Wharf & Transportation Company Limited
217.	Chu Kong Transhipment & Logistics Company Limited
218.	Chu Kong Transportation (H.K.) Limited
219.	Chu Kong Agency Company Limited
220.	Cotai Chu Kong Shipping Management Services Company Limited
221.	Yuet Hing Marine Supplies Company Limited
222.	Chu Kong Group Shipyard Company Limited
223.	Dong An Marine Safety Equipment Trading Limited

Item	Body
224.	Fortune Ferry Company Limited
225.	Hong Kong Wing Hing Marine Engineering Company Limited
226.	China National Aviation Leasing Limited
227.	Yuantong Marine Service Co. Limited
228.	Wang Tak Engineering & Shipbuilding Company Limited
229.	The Motor Transport Company of Guangdong and Hong Kong Limited
230.	Weisheng Transportation & Enterprises Company Limited

(Annex 1 added 14 of 2021 s. 445)

Annex 2

Bodies Specified for the Wholesale and Retail Subsector

Item	Body
1.	Association of Better Business & Tourism Services
2.	Chinese Medicine Merchants Association Ltd.
3.	Chinese Merchants (H.K.) Association Limited
4.	Chinese Paper Merchants Association Limited
5.	The Cosmetic & Perfumery Association of Hong Kong Ltd.
6.	Eastern District Fresh Fish Merchants' Society
7.	Federation of Hong Kong Kowloon New Territories Hawker Associations
8.	The Federation of Hong Kong Watch Trades and Industries Ltd.
9.	HK Vegetable Wholesaler Community
10.	Hong Kong and Kowloon Bamboo Goods Merchants Association Limited
11.	Hong Kong and Kowloon Electrical Appliances Merchants Association Ltd.

Item	Body
12.	Hong Kong Electro-Plating Merchants Association Limited
13.	Hong Kong & Kowloon Fruit & Vegetable Employees & Employers Guild
14.	Hong Kong & Kowloon General Association of Liquor Dealers and Distillers
15.	Hong Kong and Kowloon Machinery and Instrument Merchants Association Ltd.
16.	Hong Kong & Kowloon Marine Products Merchants Association Ltd.
17.	Hong Kong & Kowloon Plastic Products Merchants United Association Limited
18.	The Hong Kong & Kowloon Provisions, Wine & Spirit Dealers' Association Limited
19.	Hong Kong and Kowloon Rattan Ware Merchants Association (Wing-Hing-Tong)
20.	Hong Kong & Kowloon Sauce & Preserved-Fruit Amalgamated Employers Association
21.	Hong Kong & Kowloon Tea Trade Merchants Association Ltd.
22.	Hong Kong & Kowloon Timber Merchants Association Limited
23.	Hong Kong & Kowloon Vermicelli & Noodle Manufacturing Industry Merchants' General Association Limited
24.	Hong Kong Art Craft Merchants Association, Ltd.
25.	Hong Kong Dried Seafood and Grocery Merchants Association Limited
26.	Hong Kong Egg Merchants Association (Fung-Kwai-Tong)
27.	Hong Kong Embroidery Merchants Association Limited
28.	Hong Kong Flower Retailers Association
29.	The Hong Kong Food Council Limited
30.	Hong Kong Fresh Fish Merchants Association

Item	Body
31.	Hong Kong Fur Federation
32.	Hong Kong Furniture & Decoration Trade Association Limited
33.	Hong Kong General Chamber of Pharmacy Limited
34.	Hong Kong Glass and Mirror Merchants and Manufacturers Association Company Limited
35.	Hong Kong Jewellers' & Goldsmiths' Association Limited
36.	The Federation of Hong Kong Footwear Limited
37.	The Hong Kong Medicine Dealers' Guild
38.	Hong Kong Metal Merchants Association
39.	Hong Kong Petroleum, Chemicals and Pharmaceutical Materials Merchants Association Ltd.
40.	Hong Kong Photo Marketing Association Limited
41.	Hong Kong Piece Goods Merchants' Association
42.	Hong Kong Plastic Material Suppliers Association Ltd.
43.	Hong Kong Plumbing and Sanitary Ware Trade Association Ltd.
44.	Hong Kong Provision & Grocery General Commercial Chamber
45.	Hong Kong Record Merchants Association Ltd.
46.	Hong Kong Rice Suppliers' Association Limited
47.	Hong Kong Retail Management Association Limited
48.	Hong Kong Yee Yee Tong Chinese Medicine Merchants Association Ltd.
49.	The Hong Kong & Kowloon General Merchandise Merchants' Association Limited
50.	Kowloon Cheung Sha Wan Wholesale Vegetable Market (Importers) Recreation Club Limited
51.	Kowloon Fresh Fish Merchants Association Limited

Item	Body
52.	The Kowloon Pearls, Precious Stones, Jade, Gold & Silver Ornament Merchants Association
53.	The Merchants Association of First Wholesalers/Jobbery of Imported Fresh Fruits & Vegetables Limited
54.	Mongkok Vegetable Wholesale Merchants Association Company Limited
55.	The Motor Traders Association of Hong Kong
56.	Nam Pak Hong Association
57.	Po Sau Tong Ginseng & Antler Association Hong Kong Ltd.
58.	The Rice Merchants' Association of Hong Kong Limited
59.	Kowloon Fruit & Vegetable Merchants Association Limited
60.	The Hong Kong And Kowloon Electric Trade Association
61.	Hong Kong Poultry Wholesalers Association
62.	Diamond Federation of Hong Kong, China Limited
63.	Tobacco Association of Hong Kong Limited
64.	Hong Kong Chinese Prepared Medicine Traders Association Limited
65.	Hong Kong Chinese Medicine Industry Association Limited
66.	Hong Kong Chinese Patent Medicine Manufacturers' Association Ltd.

(Annex 2 added 14 of 2021 s. 445)

Annex 3

Bodies Specified for the Architectural, Surveying, Planning and Landscape Subsector

Item	Body
1.	The Hong Kong Institute of Architects
2.	The Hong Kong Institute of Surveyors
3.	The Hong Kong Institute of Planners

Item	Body
4.	The Hong Kong Institute of Landscape Architects
5.	Hong Kong Housing Authority
6.	Hong Kong Housing Society
7.	Urban Renewal Authority
8.	Authorized Persons Registration Committee
9.	Inspectors Registration Committee
10.	Property Management Services Authority
11.	Hong Kong Green Building Council Limited
12.	BEAM Society Limited
13.	The Lands Department Estate Surveyors Association
14.	Housing Department Quantity Surveyors' Association
15.	Hong Kong Housing Department Architects Association
16.	Housing Department Estate Surveyors Association
17.	Planners Association of Hong Kong Housing Department
18.	Housing Department Landscape Architects Association
19.	Buildings Department Local Building Surveyors' Association
20.	Architectural Services Department Quantity Surveyors' Association
21.	Architectural Services Department Maintenance Surveyors' Association
22.	Architectural Services Department Architects' Association
23.	Association of Government Local Land Surveyors
24.	The Hong Kong Housing Department Maintenance Surveyors Association
25.	Hong Kong Government Local Town Planners Association
26.	Hong Kong Government Landscape Architects Association
27.	Aedas Limited

Item	Body
28.	AGC Design Limited
29.	Andrew Lee King Fun & Associates Architects Limited
30.	DLN Architects Limited
31.	Leigh & Orange Limited
32.	LWK & Partners (HK) Limited
33.	P&T Architects and Engineers Limited
34.	Ronald Lu & Partners (Hong Kong) Limited
35.	Wong & Ouyang (HK) Limited
36.	Wong Tung & Partners Limited
37.	Ho & Partners Architects Engineers & Development Consultants Limited
38.	Rocco Design Architects Limited
39.	Simon Kwan & Associates Limited
40.	TFP Farrells Limited
41.	Freevision Limited
42.	Fruit Design & Build Limited
43.	Prudential Surveyors International Limited
44.	Knight Frank Petty Limited
45.	Vigers Building Consultancy Limited
46.	KC Surveyors Limited
47.	Savills Project Consultancy Limited
48.	CBRE Limited
49.	Rider Levett Bucknall Limited
50.	Arcadis Hong Kong Limited
51.	Currie & Brown (China) Limited
52.	Urbis Limited

Item	Body
53.	Townland Consultants Limited
54.	Llewelyn-Davies Hong Kong Limited
55.	Earthasia Limited
56.	ACLA Limited
<i>(Annex 3 added 14 of 2021 s. 445)</i>	

Annex 4

Bodies Specified for the Chinese Medicine Subsector

Part 1—Statutory Regulatory and Consultative Bodies

Item	Body
1.	Chinese Medicine Council of Hong Kong
2.	Chinese Medicine Development Committee

Part 2—Administrative and Training Institutions

Item	Body
1.	Hong Kong Registered Chinese Medicine Practitioners Association Limited
2.	China Society of Practitioners of Chinese Medicine Limited
3.	The Kowloon Chinese Herbalists Association Limited
4.	Buddhist Vassar Chinese Medical College Limited
5.	Hong Kong Wah Ha Medicine Association
6.	School of Chinese Medicine, The University of Hong Kong
7.	Hong Kong Acupuncture and Moxibustion Association
8.	School of Chinese Medicine, The Chinese University of Hong Kong
9.	Society for Research on Traditional Chinese Medicine Limited
10.	Wahhar College Hong Kong Limited

Item	Body
11.	School of Continuing and Professional Studies, The Chinese University of Hong Kong
12.	School of Chinese Medicine, Hong Kong Baptist University
13.	Hong Kong & Kowloon Chinese Medicine Merchants Association Limited
14.	Hong Kong Academy of Chinese Medicine Company Limited
15.	Hong Kong Association for Integration of Chinese-Western Medicine
16.	HKU School of Professional and Continuing Education
17.	Hospital Authority
18.	Tung Wah Group of Hospitals
19.	Modern Institute of Chinese Medicine
20.	College of Traditional Medicine
21.	The Hong Kong Association of Traditional Chinese Medicine Limited
22.	International General Chinese Herbalists and Medicine Professionals Association Limited
23.	Sin-Hua Herbalists' and Herb Dealers' Promotion Society Limited
24.	Society of Practitioners of Chinese Herbal Medicine Limited
25.	The Hong Kong T.C.M. Orthopaedic & Traumatic Association Limited
26.	Hong Kong Chinese Herbalists Association Limited
27.	Association of Hong Kong & Kowloon Practitioners of Chinese Medicine, Limited
28.	Hong Kong Chinese Medicine Practitioners Association Limited

Part 3—Other Relevant Bodies

Item	Body
1.	The Hong Kong Federation of China of Traditional Chinese Medicine
2.	Hong Kong Acupuncturists Association Limited
3.	Society for the Promotion of Chinese Traditional Medical Science Limited
4.	The Society of Hong Kong Professional Registered Chinese Medicine Practitioners Limited
5.	Hong Kong College of Traditional Chinese Medicine Limited
6.	Hong Kong Listed Chinese Medicine Practitioners Association
7.	International General Chinese Medicated Meal of Self Recovery Association Limited
8.	International Chinese Medicine and Integrative Manual Therapy Association Limited
9.	香港中華經筋醫學研究會%
10.	HK Scalp Acupuncture Association
11.	Hong Kong Chinese Medicine Practitioners' Rights General Union
12.	Hong Kong Chinese Spinal Orthopaedic Medicine Association Limited
13.	國際自然療能研究學會&
14.	Hong Kong Jingluo Medical Association
15.	The Hong Kong Professional Institute of Chinese Medicine Medicated Meal and Food Limited
16.	International Association of Medicinal Food Therapy Limited
17.	Modernized Chinese Medicine International Association Limited
18.	Association of Ancient & Contemporary Chinese Medicine Limited
19.	Hong Kong Shanwei Chinese Medicine Association
20.	中華國際傳統醫藥學會§

Item	Body
21.	Hong Kong Chinese Medicine and Herbs Association Limited
22.	Meridian Activation System Therapy-Chinese Medicine Association Limited
23.	International Chinese Medical Acupuncture & Anatomy Association Limited
24.	Hong Kong Medicinal Herbs Society
25.	Chinese (H.K.) East-West Medicine Integrate Association
	<i>(Annex 4 added 14 of 2021 s. 445)</i>

Editorial Note:

% The English translation of “香港中華經筋醫學研究會” is “Hong Kong Chinese Meridian Ligamentous Chinese Medical Research Institute”.

& The English translation of “國際自然療能研究學會” is “International Self-healing Research Institution”.

§ The English translation of “中華國際傳統醫藥學會” is “Zhong Hua International Association of Traditional Medicine”.

Annex 5

Bodies Specified for the Engineering Subsector

Item	Body
1.	The Hong Kong Institution of Engineers
2.	CLP Power Hong Kong Limited
3.	The Hong Kong and China Gas Company Limited
4.	The Hongkong Electric Company, Limited
5.	MTR Corporation Limited
6.	Airport Authority
7.	Kowloon-Canton Railway Corporation
8.	Structural Engineers Registration Committee
9.	Contractors Registration Committee
10.	Geotechnical Engineers Registration Committee
11.	Construction Industry Council

Item	Body
12.	Construction Industry Training Board
13.	Minor Works Contractors Registration Committee
14.	HKSAR Government Civil Engineers Association
15.	Buildings Department Structural Engineers' Association
16.	Hong Kong Housing Department Structural Engineers Association
17.	Association of Building Services Engineers of Housing Department
18.	Civil Engineering and Development Department Geotechnical Engineers' Association
19.	Association of Professional Engineers of Electrical & Mechanical Services Department
20.	Architectural Services Department Structural Engineers' Association
21.	Government Waterworks Professionals Association
22.	Hong Kong Housing Department Civil Engineers Association
23.	Hong Kong Institute of Environmental Protection Officers
24.	AECOM Asia Company Limited
25.	Arcadis Design & Engineering Limited
26.	Ove Arup & Partners Hong Kong Limited
27.	Atkins China Limited
28.	Meinhardt Infrastructure and Environment Limited
29.	Mott MacDonald Hong Kong Limited
30.	Mannings (Asia) Consultants Limited
31.	WSP (Asia) Limited
32.	Binnies Hong Kong Limited
33.	C. M. Wong & Associates Limited
34.	David S. K. Au and Associates Limited

Item	Body
35.	MVA Hong Kong Limited
36.	Aurecon Hong Kong Limited
37.	Fugro (Hong Kong) Limited
38.	Halcrow China Limited
39.	J. Roger Preston Limited
40.	Jacobs China Limited
41.	SMEC Asia Limited
42.	Golder Associates (HK) Limited
43.	Siu Yin Wai & Associates Limited
44.	Gammon Construction Limited
45.	Chun Wo Construction and Engineering Company Limited
46.	China State Construction Engineering (Hong Kong) Limited
47.	China Road and Bridge Corporation
48.	Hip Hing Engineering Company Limited
49.	China Harbour Engineering Company Limited
50.	Dragages Hong Kong Limited
51.	Yau Lee Construction Company Limited
52.	Leighton Contractors (Asia) Limited
53.	The Jardine Engineering Corporation, Limited
54.	Kum Shing (K.F.) Construction Company Limited
55.	Paul Y. Construction Company, Limited
56.	ATAL Engineering Limited
57.	CPC Construction Hong Kong Limited
58.	Sun Fook Kong (Civil) Limited
59.	Build King Construction Limited
60.	Penta-Ocean Construction Co., Ltd.

Item	Body
61.	Shui On Building Contractors Limited
62.	China Geo-Engineering Corporation
63.	China International Water & Electric Corporation
<i>(Annex 5 added 14 of 2021 s. 445)</i>	

Annex 6

Bodies Specified for the Legal Subsector

Item	Body
1.	The Law Society of Hong Kong
2.	Hong Kong Bar Association
3.	Hong Kong Society of Notaries
4.	Association of China-Appointed Attesting Officers Limited
5.	Hong Kong International Arbitration Centre
6.	The Small and Medium Law Firms Association of Hong Kong
7.	Hong Kong Federation of Women Lawyers Limited
8.	Hong Kong Young Legal Professionals Association Limited
9.	Hong Kong Legal Exchange Foundation Limited
10.	International Youth Legal Exchange Federation Limited
11.	Global Chinese Speaking Lawyers' Association Limited
12.	China International Economic and Trade Arbitration Commission Hong Kong Arbitration Center
13.	China Maritime Arbitration Commission Hong Kong Arbitration Center
14.	Hong Kong Maritime Arbitration Group
15.	eBRAM International Online Dispute Resolution Centre Limited
16.	Financial Dispute Resolution Centre
17.	Hong Kong Institute of Arbitrators

Item	Body
18.	Hong Kong Mediation Accreditation Association Limited
19.	Hong Kong Mediation Centre Limited
20.	Asian Academy of International Law Limited
21.	Legal Affairs Steering Committee of the Hong Kong Chinese Enterprises Association
22.	The Legal Education Fund Limited
23.	Basic Law Institute Limited
24.	Asia Pacific Law Association Limited
25.	Hong Kong Basic Law Education Association
26.	Basic Law Foundation Limited
27.	South China International Arbitration Center (HK) Limited
28.	Legal Profession Advancement Association Limited
29.	The Hong Kong and Mainland Legal Profession Association Limited
30.	International Probono Legal Services Association Limited
	<i>(Annex 6 added 14 of 2021 s. 445)</i>

Annex 7

Bodies Specified for the Medical and Health Services Subsector

Item	Body
1.	Hospital Authority
2.	Board of Governors of The Prince Philip Dental Hospital
3.	Medical Council of Hong Kong
4.	Dental Council of Hong Kong
5.	Hong Kong Academy of Medicine
6.	Nursing Council of Hong Kong
7.	Midwives Council of Hong Kong

Item	Body
8.	Supplementary Medical Professions Council
9.	Pharmacy and Poisons Board
10.	Chiropractors Council
11.	Li Ka Shing Faculty of Medicine of The University of Hong Kong
12.	Faculty of Medicine of The Chinese University of Hong Kong
13.	Hong Kong St. John Ambulance
14.	Auxiliary Medical Service
15.	Medical Laboratory Technologists Board
16.	Occupational Therapists Board
17.	Optometrists Board
18.	Physiotherapists Board
19.	Radiographers Board
20.	Hong Kong Association of Speech Therapists
21.	Hong Kong Institute of Audiologists
22.	The Hong Kong Academy of Accredited Dietitians
23.	The Hong Kong Association of Educational Psychologists
24.	Hong Kong Institute of Clinical Psychologists
25.	The Hong Kong Medical Association
26.	Hong Kong Dental Association Limited
27.	The Association of Licentiates of Medical Council of Hong Kong (A.L.M.C.H.K.)
28.	Association of Hong Kong Nursing Staff
29.	The College of Nursing, Hong Kong
30.	The Hong Kong Academy of Nursing Limited
31.	Hong Kong Women Doctors Association Limited
32.	Hong Kong Doctors Union

(Annex 7 added 14 of 2021 s. 445)

Annex 8

Bodies Specified for the Social Welfare Subsector

Item	Body
1.	Hong Kong Council of Social Service
2.	Social Workers Registration Board
3.	Institute of Social Service Development
4.	Tung Wah Group of Hospitals
5.	Po Leung Kuk
6.	Yan Chai Hospital
7.	Pok Oi Hospital
8.	Yan Oi Tong Limited
9.	The Lok Sin Tong Benevolent Society Kowloon
10.	New Home Association Limited
11.	Social Workers Across Borders Limited
12.	The Hong Kong Volunteers Federation Company Limited
13.	The Hong Kong Federation of Trade Unions Hong Ling Society
14.	The United Labour Chi Hong Association Limited
15.	The Hong Kong Island Social Services Charitable Foundation Limited

(Annex 8 added 14 of 2021 s. 445)

Annex 9

Bodies Specified for the Sports, Performing Arts, Culture and Publication Subsector

Part 1—Performing Arts Industry Associations and Local Licensed Broadcasting Institutions

Item	Body
1.	Hong Kong Motion Picture Industry Association Limited
2.	Hong Kong Film Awards Association Ltd.
3.	Association for Betterment of Hong Kong's Entertainment Industry in Mainland China Limited
4.	Federation of Hong Kong Filmmakers Limited
5.	Movie Producers and Distributors Association of Hong Kong Ltd.
6.	Hong Kong Chamber of Films Limited
7.	Hong Kong Theatres Association Ltd.
8.	華南電影工作者聯合會 ^{##}
9.	International Federation of the Phonographic Industry (Hong Kong Group) Limited
10.	Music Publishers Association of Hong Kong Limited
11.	Hong Kong Recording Industry Alliance Limited
12.	Television Broadcasts Limited
13.	HK Television Entertainment Company Limited
14.	Fantastic Television Limited
15.	Hong Kong Commercial Broadcasting Company Limited
16.	Metro Broadcast Corporation Limited
17.	The Hong Kong Film Development Council
18.	The Hong Kong International Film Festival Society Limited
19.	Hong Kong Film & Television Association Limited

Part 2—Cultural Public Institutions, Associations and Bodies

Item	Body
1.	Hong Kong Arts Development Council
2.	The Hong Kong Academy for Performing Arts
3.	West Kowloon Cultural District Authority
4.	The Hong Kong Philharmonic Society Limited
5.	Hong Kong Chinese Orchestra Limited
6.	Hong Kong Repertory Theatre Limited
7.	Chung Ying Theatre Company (HK) Limited
8.	Hong Kong Dance Company Limited
9.	The Hong Kong Ballet Limited
10.	Hong Kong Sinfonietta Limited
11.	City Contemporary Dance Company Limited
12.	Zuni Icosahedron
13.	Hong Kong Arts Festival Society Limited
14.	China Federation of Literary and Art Circles Hong Kong Member Association Limited
15.	China Theatre Association Hong Kong Member Branch
16.	China Film Hong Kong Association Limited
17.	Chinese Musicians Association—Hong Kong Members Branch
18.	China Artists Association Hong Kong Chapter
19.	China Opera Performing Artists Hong Kong Association
20.	Chinese Dancers Association Hong Kong Member Branch
21.	China Photographers Association Hong Kong Member Branch
22.	China Calligraphers Association Hong Kong Member Branch
23.	China Literature and Art Critics Association Hong Kong Member Branch
24.	The Association of Chinese Culture of Hong Kong
25.	Hong Kong Culture Association Limited

Item	Body
26.	The Chinese Artists Association of Hong Kong
27.	Hong Kong Chinese Opera Promotion Association Limited
28.	Cantonese Opera Musician and Vocalist Association Limited
29.	HK Chinese Opera and Performing Arts Group Association
30.	Hong Kong Cantonese Opera Artists Club Limited
31.	Hong Kong Association of Cantonese Opera Scholars Limited
32.	Hong Kong Federation of Drama Societies
33.	Actors' Family Limited
34.	The Nonsensemakers Limited
35.	Tang Shu-Wing Theatre Studio Limited
36.	Shakespeare4All Company Limited
37.	Spring-Time Experimental Theatre Limited
38.	Perry Chiu Experimental Theatre Limited
39.	Performing Arts Asia Limited
40.	Composers and Authors Society of Hong Kong Limited
41.	Hong Kong Composers' Guild Limited
42.	Hong Kong Chinese Instrumental Music Association
43.	Hong Kong Association of Choral Societies
44.	Hong Kong Music Tutors Union
45.	Opera Hong Kong Limited
46.	Hong Kong String Orchestra Limited
47.	Global Symphony Orchestra Society Limited
48.	The Hong Kong Children's Choir
49.	Yip's Children's Choir Limited
50.	Allegro Singers
51.	Hong Kong City Chinese Orchestra

Item	Body
52.	Hong Kong Dance Federation Limited
53.	Association of Hong Kong Dance Organizations
54.	Hong Kong Dance Alliance Limited
55.	The Hong Kong Ballet Group Limited
56.	Hong Kong Dance Sector Joint Conference
57.	The Association of Hong Kong Youth Dancers
58.	Miranda Chin Dance (Mirandance) Company Limited
59.	Budlet Folk Dance Club
60.	Starwave Production
61.	Xiang Gang Mei Xie
62.	Chinese Ink Painting Institute Hong Kong
63.	Hong Kong Water Colour Research Society
64.	Hong Kong Lan Ting Society
65.	Hong Kong Culture and Art Promotion Association
66.	Hong Kong Art Researching Association
67.	Hong Kong Modern Ink Painting Society Co. Limited
68.	Hong Kong Oil Painting Research Society
69.	Hong Kong Artists Society
70.	The Hong Kong Art Club
71.	Chung Fung Art Club
72.	To-day's Chinese Art Association
73.	Ling Ngai Art Association
74.	Hong Kong Graphics Society
75.	中國書協香港分會 ⁺⁺
76.	Hong Kong Chinese Calligraphy and Art Association
77.	China Hong Kong Institute of Calligraphy

Item	Body
78.	Calligraphy and Painting Study Association of Hong Kong Fukienese
79.	Hong Kong Association of Amateur Calligraphers
80.	Hong Kong Calligraphers' Association
81.	Hong Kong International Calligraphy and Seal Cutting Society
82.	Hong Kong Hard Pen Calligraphists' Association
83.	Friends of Shizhai
84.	The Jiazi Society of Calligraphy
85.	The Photographic Society of Hong Kong
86.	The Chinese Photographic Association of Hong Kong
87.	Sea Gull Photographic Association Limited
88.	The Photographic Salon Exhibitors Association
89.	Grace Photographic Club
90.	Hong Kong Camera Club, Limited
91.	United Artist Photographic Association Limited
92.	The Society of Worldwide Ethnic Chinese Photographers Limited
93.	The Hong Kong 35mm Photography Society, Limited
94.	The Hong Kong Miniature Cameras Photography Society
95.	Hong Kong CreArt Photographic Association Limited
96.	Overseas Chinese Photographers Association of Hong Kong
97.	The Art of Photography Association Limited
98.	The Federation of Hong Kong Writers
99.	The House of Hong Kong Literature Limited
100.	Hong Kong Writers Association Company Limited
101.	Hong Kong Society for Study of Poetry, Calligraphy and Couplet

Item	Body
102.	Hong Kong Literature Promoted Association
103.	國際華文詩人協會@@
104.	Magicians' Association of Hong Kong
105.	Hong Kong & Macau Intangible Cultural Heritage Research Centre Limited
106.	Wing Lung Art
107.	Hong Kong Book Reviewers Association
108.	Hong Kong Film Critics Association Limited
109.	Hong Kong Literary Criticism Society Company Limited
110.	Oriental Education Alliance Limited
111.	Hong Kong International Music Festival Limited
112.	The Association of Zhuangzi Culture & Research of Hong Kong
113.	Hong Kong Cantonese Opera Chamber of Commerce Limited
114.	Jingkun Theatre Limited
<i>(Annex 9 added 14 of 2021 s. 445)</i>	

Editorial Note:

The English translation of “華南電影工作者聯合會” is “South China Film Industry Workers Union”.

++ The English translation of “中國書協香港分會” is “China Calligraphers Association – Hong Kong Branch”.

@@ The English translation of “國際華文詩人協會” is “World Club of Chinese Poets”.

Annex 10

Bodies Specified for the Technology and Innovation Subsector

Part 1—National Level Research Platforms

Item	Body
1.	State Key Laboratory of Emerging Infectious Diseases (The University of Hong Kong)

Item	Body
2.	State Key Laboratory of Brain and Cognitive Science (The University of Hong Kong)
3.	State Key Laboratory of Translational Oncology (The Chinese University of Hong Kong)
4.	State Key Laboratory of Terahertz and Millimeter Waves (City University of Hong Kong)
5.	State Key Laboratory of Agrobiotechnology (The Chinese University of Hong Kong)
6.	State Key Laboratory of Ultraprecision Machining Technology (The Hong Kong Polytechnic University)
7.	State Key Laboratory of Molecular Neuroscience (The Hong Kong University of Science and Technology)
8.	State Key Laboratory of Marine Pollution (City University of Hong Kong)
9.	State Key Laboratory of Research on Bioactivities and Clinical Applications of Medicinal Plants (The Chinese University of Hong Kong)
10.	State Key Laboratory of Liver Research (The University of Hong Kong)
11.	State Key Laboratory of Synthetic Chemistry (The University of Hong Kong)
12.	State Key Laboratory of Chemical Biology and Drug Discovery (The Hong Kong Polytechnic University)
13.	State Key Laboratory of Environmental and Biological Analysis (Hong Kong Baptist University)
14.	State Key Laboratory of Pharmaceutical Biotechnology (The University of Hong Kong)
15.	State Key Laboratory of Digestive Disease (The Chinese University of Hong Kong)
16.	State Key Laboratory of Advanced Displays and Optoelectronics Technologies (The Hong Kong University of Science and Technology)

Item	Body
17.	Hong Kong Branch of National Engineering Research Center for Application Specific Integrated Circuit System
18.	Hong Kong Branch of National Engineering Research Center for Steel Construction
19.	Hong Kong Branch of National Rail Transit Electrification and Automation Engineering Technology Research Center
20.	Hong Kong Branch of National Precious Metals Material Engineering Research Center
21.	Hong Kong Branch of National Engineering Research Center for Tissue Restoration & Reconstruction
22.	Hong Kong Branch of Chinese National Engineering Research Center for Control & Treatment of Heavy Metal Pollution
23.	Hong Kong Institute of Science & Innovation, Chinese Academy of Sciences Limited
24.	Centre for Regenerative Medicine and Health, Hong Kong Institute of Science & Innovation, Chinese Academy of Sciences Limited
25.	Centre for Artificial Intelligence and Robotics, Hong Kong Institute of Science & Innovation, Chinese Academy of Sciences Limited

Part 2—Public Organizations Highly Relevant to Development of Innovation and Technology

Item	Body
1.	Hong Kong Applied Science And Technology Research Institute Company Limited
2.	Logistics and Supply Chain MultiTech R&D Centre Limited
3.	The Hong Kong Research Institute of Textiles and Apparel Limited
4.	Nano and Advanced Materials Institute Limited
5.	Hong Kong Cyberport Management Company Limited
6.	Hong Kong Science and Technology Parks Corporation

Item	Body
7.	The Hong Kong Institute of Biotechnology Limited
8.	Hong Kong Productivity Council
9.	Hong Kong Internet Registration Corporation Limited
10.	Hong Kong-Shenzhen Innovation and Technology Park Limited
11.	Automotive Platforms and Application Systems R&D Centre

Part 3—Academic Organizations and Professional Bodies Participating in Government's Consultation related to Development of Innovation and Technology

Item	Body
1.	The Hong Kong Academy of Sciences
2.	Hong Kong Academy of Engineering Sciences
3.	The Hong Kong Young Academy of Sciences
4.	The Society of Hong Kong Scholars
5.	Internet Professional Association Limited
6.	Hong Kong Information Technology Joint Council Limited
7.	Hong Kong Computer Society
8.	Hong Kong Software Industry Association Limited
9.	Communications Association of Hong Kong Limited
10.	Hong Kong Society of Artificial Intelligence and Robotics Limited
11.	Hong Kong Biotechnology Organization
12.	HK Bio-Med Innotech Association Limited
13.	Hong Kong Data Centre Association Limited
14.	Hong Kong Federation of Innovative Technologies and Manufacturing Industries Limited
15.	Smart City Consortium Limited
16.	E-Commerce Association of Hong Kong Limited

Item	Body
17.	Esports Association of Hong Kong Limited
18.	The Hong Kong Electronic Industries Association Limited
<i>(Annex 10 added 14 of 2021 s. 445)</i>	

Annex 11

Bodies Specified for the Agriculture and Fisheries Subsector

Item	Body
1.	Aberdeen Fishermen Friendship Association
2.	The Ap Lei Chau Fishermen's Credit Co-operative Society, Unlimited
3.	The Castle Peak Fishermen's Credit Co-operative Society, Unlimited
4.	The Castle Peak Mechanized Trawler Fishermen's Credit Co-operative Society, Unlimited
5.	Cheung Chau Fisheries Joint Association
6.	Cheung Chau Fishermen's Welfare Promotion Association
7.	The Fanling Kwun Ti Village Farmers' Irrigation Co-operative Society, Ltd.
8.	Fish Farming and Stuff Association
9.	Fisherman's Association of Po Toi Island
10.	Fishery Development Association (Hong Kong) Limited
11.	Fraternal Association of The Floating Population of Hong Kong
12.	The Guild of Graziers
13.	Hang Hau Grazier Association
14.	Hong Kong and Kowloon Fishermen Association Ltd.
15.	Hong Kong & Kowloon Floating Fishermen Welfare Promotion Association
16.	Hong Kong Fisheries Development Association

Item	Body
17.	Hong Kong Fishermen's Association
18.	Hong Kong Fishing Vessel Owners Association, Ltd.
19.	Hong Kong Florists Association
20.	Hong Kong Graziers Union
21.	Hong Kong Liner & Gill Netting Fisherman Association
22.	Hong Kong Livestock Industry Association
23.	Hong Kong N.T. Fish Culture Association
24.	Hong Kong N.T. Poultry (Geese & Ducks) Mutual Association
25.	Hong Kong Netting, Cultivation and Fisherman Association
26.	Hong Kong Off-shore Fishermen's Association
27.	The Lam Ti Agricultural Credit Co-operative Society, Limited
28.	Lamma Island Lo Dik Wan Aquaculture Association
29.	Lau Fau Shan Oyster Industry Association, New Territories
30.	Ma Wan Fisheries Rights Association Ltd.
31.	The Mui Wo Agricultural Products Marketing & Credit Co-operative Society, Ltd.
32.	Mui Wo Fishermen Fraternity Society
33.	N.T. Oyster and Aquatic Products United Association
34.	The New Territories Chicken Breeders Association, Ltd.
35.	The New Territories Fishermen Fraternity Association Ltd.
36.	New Territories Florist Association, Ltd.
37.	North District Florists Association
38.	Outlying Islands Mariculture Association (Cheung Chau)
39.	Peng Chau Fishermen Association Ltd.
40.	Quality Broiler Development Association
41.	Sai Kung (North) Sham Wan Marine Fish Culture Business Association

Item	Body
42.	Sai Kung Po Toi O Fish Culture Business Association
43.	Sai Kung Tai Tau Chau Fish Culture Business Association
44.	Sai Kung Tai Wu Kok Fishermen's Association
45.	The Sha Tau Kok Marine Fish Culture Association
46.	The Sha Tau Kok Small Long Liner and Gill Net Fishermen's Credit Co-operative Society, Unlimited
47.	The Shan Tong Vegetable Marketing Co-operative Society, Ltd.
48.	Shatin Ah Kung Kok Fishermen Welfare Association
49.	Shatin Florists Association
50.	Shau Kei Wan Deep Sea Capture Fishermen's Credit Co-operative Society, Unlimited
51.	Shau Kei Wan Fishermen Friendship Association
52.	Shau Kei Wan Pair Trawler Fishermen's Credit Co-operative Society, Unlimited
53.	The Shau Kei Wan Trawler Fishermen's Credit Co-operative Society, Unlimited
54.	Tai O Fishermen (Coastal Fishery) Association
55.	The Tai O Sha Chai Min Fishermen's Credit Co-operative Society, Unlimited
56.	The Tai Po Fishermen's Credit Co-operative Society, Unlimited
57.	Tai Po Florists and Horticulturists Association
58.	The Tai Po Purse Seiner and Small Long Liner Fishermen's Credit Co-operative Society, Unlimited
59.	The Tsuen Wan Fishermen's Credit Co-operative Society, Unlimited
60.	The Tuen Mun Mechanized Fishing Boat Fishermen's Credit Co-operative Society, Unlimited
61.	Tuen Mun Agricultural Association
62.	Tung Lung Chau Mariculture Association

Item	Body
63.	The Hong Kong Branch of the World's Poultry Science Association
64.	Yuen Long Agriculture Productivity Association
65.	Yung Shue Au Marine Fish Culture Business Association
66.	Tsing Yi Residents Association
67.	荃灣葵青居民聯會(漁民組) ^{^^}
68.	荃灣葵青漁民會 ^{\$\$}
69.	The Shau Kei Wan Stern Trawler Fishermen's Credit Co-operative Society, Unlimited
70.	Sustainable Ecological Ethical Development Foundation Limited
71.	N.T. North District Fishermen's Association
72.	Tai Po Off Shore Fishermen's Association
73.	Aberdeen Fisherwomen Association
74.	香港新界本地農協會 ^{%%}
75.	The Hong Kong Veterinary Association Limited

(Annex 11 added 14 of 2021 s. 445)

Editorial Note:

^{^^} The English translation of “荃灣葵青居民聯會(漁民組)” is “Tsuen Wan Kwai Tsing Residents Assn (Fishermen Group)”.

^{\$\$} The English translation of “荃灣葵青漁民會” is “Tsuen Wan & Kwai Ching Fishermen Association”.

^{%%} The English translation of “香港新界本地農協會” is “Hong Kong New Territories Local Farmers Association”.

Annex 12

Bodies Specified for the Associations of Chinese Fellow Townsmen Subsector

Item	Body
1.	Federation of Hong Kong Guangdong Community Organisations Limited

Item	Body
2.	Hong Kong Federation of Fujian Associations Limited
3.	Federation of HK Guangxi Community Organisations Limited
4.	Hong Kong Federation of Hainan Community Organisations Limited
5.	The United Zhejiang Residents Associations (Hong Kong) Limited
6.	Federation of HK Jiangsu Community Organisations Limited
7.	Hong Kong Beijing Association Limited
8.	Hong Kong-Shanghai Economic Development Association Limited
9.	Federation of Hong Kong Hubei Associations Limited
10.	Hunan Fraternal Association of Hong Kong Limited
11.	Hong Kong Federation of Jiang Xi Associations Limited
12.	Federation of HK Shandong Community Organisations Limited
13.	Federation of HK Sichuan Community Organisations Limited
14.	The Hong Kong Tianjin Friendship Association Limited
15.	Hong Kong Chongqing Friendship Federation Limited
16.	Hong Kong Federation of Gan Su Limited
17.	Hong Kong Shaanxi Friendship Association Limited
18.	Hong Kong Hebei Friendship Association Limited
19.	The Anhui Fraternity Association (Hong Kong) Limited
20.	Hong Kong Shanxi Chamber of Commerce Limited
21.	Hong Kong Ningxia Federation of Associations Limited
22.	The Association of Hong Kong Yunnan Fellow Provincials Limited
23.	The Hong Kong Friendship Association of Guizhou Province
24.	Qinghai Hong Kong & Macau Association Limited

(Annex 12 added 14 of 2021 s. 445)

Annex 13

Election Committee Oath

I, *,
of *
**affirm/swear that—

- (a) I will duly and faithfully fulfill the duties of the Election Committee according to the best of my ability;
- (b) I will uphold the Basic Law;
- (c) my allegiance is to the Hong Kong Special Administrative Region of the People's Republic of China; and
- (d) to the best of my knowledge and belief I am not disqualified from being a member of the Election Committee by virtue of—
 - ** (i) for persons to be registered as ex-officio members in accordance with Part 2A of the Schedule to the Chief Executive Election Ordinance (Cap. 569)—section 5M of that Schedule/
 - ** (ii) for persons nominated in accordance with Part 3 of the Schedule to the Chief Executive Election Ordinance (Cap. 569)—section 9 or 9A of that Schedule/
 - ** (iii) for persons elected in accordance with Part 4 of the Schedule to the Chief Executive Election Ordinance (Cap. 569)—section 18 or 18A of that Schedule.

**Affirmed/sworn this * day of *

(Signature)

This acceptance was **affirmed/sworn and signed before me, a
**Magistrate/Commissioner for Oaths.

(Signature)

* Complete as appropriate.

** Delete whichever is inapplicable.

(Annex 13 added 14 of 2021 s. 445)
(Amended E.R. 2 of 2012)
(Format changes—E.R. 1 of 2012)

Schedule 3

[ss. 19(2) & 84]

Authorization or Qualification Specified for the Purposes of Section 19(2) of this Ordinance

(Format changes—E.R. 5 of 2018)

Any authorization or qualification conferred for the purposes of—

- (a) the Professional Accountants Ordinance (Cap. 50);
- (b) the Pharmacy and Poisons Ordinance (Cap. 138);
- (c) the Dentists Registration Ordinance (Cap. 156);
- (d) the Legal Practitioners Ordinance (Cap. 159);
- (e) the Medical Registration Ordinance (Cap. 161);
- (f) the Midwives Registration Ordinance (Cap. 162);
- (g) the Nurses Registration Ordinance (Cap. 164);
- (h) the Supplementary Medical Professions Ordinance (Cap. 359);
- (i) the Chiropractors Registration Ordinance (Cap. 428);
- (j) the Civil Aviation Ordinance (Cap. 448); *(Amended L.N. 66 of 2022)*
- (k) the Chinese Medicine Ordinance (Cap. 549);
or *(Amended L.N. 66 of 2022)*
- (l) Part 2A of the Accounting and Financial Reporting Council Ordinance (Cap. 588). *(Added L.N. 66 of 2022)*

2. Kinds of persons who may become approved assessors

- (1) The following kinds of persons are specified for the purposes of paragraph (a) of the definition of *approved assessor* in section 1(1) of Schedule 2 to the Ordinance—
 - (a) an occupational therapist—
 - (i) whose name is entered in Part I of the register kept under section 10 of the Supplementary Medical Professions Ordinance (Cap. 359) for the profession of occupational therapist;
 - (ii) who holds a valid practising certificate as an occupational therapist issued under section 16 of the Supplementary Medical Professions Ordinance (Cap. 359);
 - (iii) who has experience of a type described in section 3 of not less than 3 years in the aggregate gained during the 7 years immediately before the relevant date; and
 - (iv) who has completed the arranged training to the satisfaction of the Commissioner;
 - (b) a Part Ia physiotherapist or Part Ib physiotherapist as defined by section 2 of the Physiotherapists (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. J)—
 - (i) who holds a valid practising certificate as a physiotherapist issued under section 16 of the Supplementary Medical Professions Ordinance (Cap. 359);
 - (ii) who has experience of a type described in section 3 of not less than 3 years in the aggregate gained during the 7 years immediately before the relevant date; and
 - (iii) who has completed the arranged training to the satisfaction of the Commissioner;
 - (c) a registered social worker as defined by section 2(1) of the Social Workers Registration Ordinance (Cap. 505)—

- (i) who has experience of a type described in section 3 of not less than 3 years in the aggregate gained during the 7 years immediately before the relevant date; and
- (ii) who has completed the arranged training to the satisfaction of the Commissioner;
- (d) a person—
 - (i) who has worked for any recognized person in providing vocational rehabilitation or other services in relation to the employment of persons with a disability for not less than 5 years in the aggregate during the 10 years immediately before the relevant date;
 - (ii) who is recommended to be an approved assessor by any recognized person for whom the person has worked in providing the services mentioned in subparagraph (i) during the 10 years immediately before the relevant date; and
 - (iii) who has completed the arranged training to the satisfaction of the Commissioner.
- (2) The Commissioner may, in the manner that the Commissioner thinks fit, recognize any person as a recognized person for the purposes of subsection (1)(d).
- (3) In this section—

arranged training (經安排培訓) means the training arranged by the Commissioner for the purpose of making assessments under Schedule 2 to the Ordinance;

recognized person (認可人士) means any person recognized under subsection (2);

relevant date (有關日期), in relation to a person, means the date on which the person seeks the Commissioner's approval as an approved assessor;

work (工作) means work, whether or not under a contract of employment and whether or not in a paid capacity.

3. Relevant working experience

- (1) The experience referred to in section 2(1)(a), (b) and (c) is the experience in providing vocational rehabilitation or other services in relation to the employment of persons with a disability gained in any one or more of the following sets of circumstances—

- (a) while practising as an occupational therapist whose name is entered in Part I, II or III of the register kept under section 10 of the Supplementary Medical Professions Ordinance (Cap. 359) for the profession of occupational therapist and while holding a valid practising certificate as an occupational therapist issued under section 16 of that Ordinance;
 - (b) while practising as a Part Ia physiotherapist, Part Ib physiotherapist or Part II physiotherapist as defined by section 2 of the Physiotherapists (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. J) and while holding a valid practising certificate as a physiotherapist issued under section 16 of the Supplementary Medical Professions Ordinance (Cap. 359);
 - (c) while practising as a registered social worker as defined by section 2(1) of the Social Workers Registration Ordinance (Cap. 505).
- (2) If a person gains experience in more than one set of circumstances described in subsection (1) concurrently in a period of time, that period of time is only to be counted once in calculating the person's length of experience for the purposes of section 2(1)(a)(iii), (b)(ii) or (c)(i).

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).

12. Prohibition on performing treatment or procedure causing personal injury

(Not yet in operation)

- (1) A person who is not a healthcare professional must not on any premises (other than an excepted premises)—
- (a) purportedly perform a medical treatment or medical procedure for another person who is, or may be, suffering from a disease, injury or disability of mind or body; and
 - (b) cause personal injury to the other person during the treatment or procedure.
- (2) A person who contravenes subsection (1) commits an offence and is liable—
- (a) on summary conviction—to a fine of \$200,000 and to imprisonment for 3 years; or
 - (b) on conviction on indictment—to imprisonment for 7 years.

(3) In this section—

excepted premises (例外處所) means any of the following—

- (a) a permitted facility;
- (b) any premises specified in Schedule 2;
- (c) any premises exempted under section 128;
- (d) any premises managed or controlled by a specified authority;
- (e) a day procedure centre, clinic or health services establishment primarily used for teaching or research relating to medicine or dentistry and that is managed or controlled by a scheduled university;
- (f) any premises that are not normally used for medical purposes but are temporarily used for emergency or rescue purposes;

medical treatment (醫學治療), in relation to an individual, means a treatment (including any diagnosis and prescription for giving the treatment) of any description performed on the individual for treating of disease, injury or disability of mind or body other than the following—

- (a) dispensation of medicine or poison by a pharmacist registered under the Pharmacy and Poisons Ordinance (Cap. 138);
- (b) dispensation of poison by a seller of poisons listed under the Pharmacy and Poisons Ordinance (Cap. 138);
- (c) dispensation of Chinese herbal medicines under the Chinese Medicine Ordinance (Cap. 549);
- (d) treatment given by a Chinese medicine practitioner registered or listed under the Chinese Medicine Ordinance (Cap. 549);
- (e) treatment given in the practice of a profession 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;
- (f) treatment given by a chiropractor registered under the Chiropractors Registration Ordinance (Cap. 428);
- (g) treatment given without payment by a family member or personal friend because of the family or personal relationship;
- (h) treatment given by way of first aid.

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).

Implications of the Proposal

Civil Service and Financial Implications

Compared to the option of training a supplementary medical professional through the local University Grants Committee system or through self-financing programme subsidised by government schemes, the proposal of allowing non-locally trained supplementary medical professionals (“SMPs”) to be registered in Hong Kong may be considered as the only viable and cost-effective measure to immediately increase the supply of SMP manpower.

2. Currently, the Boards and Councils Office (“the Office”) of the Department of Health (“DH”) provides secretariat support to the Supplementary Medical Professions Council (“the Council”) and the Boards of individual SMPs. The secretariat staff are mainly civil servants under the establishment of DH, and the costs for the day-to-day administration of Councils and the Boards are met from funds provided by DH.

3. With the implementation of the current proposal, the Office is expected to oversee the transition of the Council and the Boards to their new compositions, assist the Council in vetting applications from non-locally trained SMPs under the new admission pathways, facilitate discussion between the Council and the Boards of SMP and the Chinese medicine profession on the detailed implementation plan for accepting referrals from Chinese Medicine Practitioners, and implement the mandatory continuing professional development for SMPs.

4. The Health Bureau 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 mechanism.

5. As for the adjustments to the fee items, new items are proposed to be created arising from the new registration pathways for SMPs. Obsolete fee items under the subsidiary legislation for respective SMPs are also proposed to be deleted. Taking the opportunity, the existing fee levels have also been reviewed so as to achieve cost recovery. The estimated net increase in revenue is about \$7.1 million per annum upon implementation. All the fees should have relatively little impact on the daily life of the general public or business activities, especially when SMPs who have been registered under the pre-amended Supplementary Medical Professions Ordinance (Cap. 359)

do not need to register afresh. DH will continue to enhance efficiency and streamline procedures so as to contain the costs of providing the services.

Economic Implications

6. The proposed legislative amendments are conducive to the sustainability of the healthcare system as a whole in the long run. In particular, the proposed limited registration pathway would broaden the pool of non-locally trained SMPs eligible for applying to practise in Hong Kong, thereby helping to address the projected manpower shortage of SMPs¹. Meanwhile, allowing patients to seek PTs and OTs' services under a direct access arrangement will enable some medical cost savings and time savings as referral from other healthcare professions will no longer be required under specified circumstances for patients with degenerative and / or non-acute health conditions.

Family Implications

7. The proposal is expected to attract more qualified non-locally trained SMPs to serve in Hong Kong and facilitate inter-disciplinary collaboration in providing healthcare services under primary care settings. These initiatives will make community healthcare services more accessible and comprehensive to the benefit of patients and their family members.

Sustainability Implications

8. The proposal would provide additional healthcare manpower and strengthen the primary healthcare sector with more inter-disciplinary collaboration in providing healthcare services, which are conducive to sustainable development.

¹ The Hospital Authority, DH, Primary Healthcare Commission and The Chinese Medicine Hospital of Hong Kong are required to accord priority to employing locally trained SMPs, and to the extent possible offer non-locally trained SMPs similar remuneration packages as their local counterparts.