

Supplementary Medical Professions (Amendment) Bill 2025

Committee Stage

Amendments to be moved by the Secretary for Health

<u>Clause</u>	<u>Amendment Proposed</u>
1(4)	By deleting “Section 153(1) comes” and substituting “Sections 153(1) and 188A(3) and (7) come”.
5(6)	By deleting the proposed definition of <i>registered medical practitioner</i> and substituting— “ <i>registered medical practitioner</i> (註冊醫生) means— (a) a registered medical practitioner as defined by section 2(1) of the Medical Registration Ordinance (Cap. 161); or (b) a person who is provisionally registered in accordance with section 12(1) or (1A) of that Ordinance and is deemed to be registered as a medical practitioner under section 12(2) of that Ordinance;”.
5(6)	In the proposed definition of <i>The Chinese Medicine Hospital of Hong Kong</i> , by deleting “(of 2025)” and substituting “(Cap. 655)”.
12	By adding— “(3) Section 7(5)— Repeal “his original vote” Substitute “the original vote, except in the case of an inquiry in which case the Chairman or member presiding has only an original vote”.”.
New	By adding—

“12A. Section 8 amended (transaction of business by circulation of papers)

(1) Section 8—

Renumber the section as section 8(1).

(2) Section 8(1)—

Repeal

everything after “circulation of papers”

Substitute

“without a meeting.”.

(3) After section 8(1)—

Add

“(2) Subject to subsection (5), a written resolution that is approved by a majority of the members is as valid and effectual as if it had been passed at a meeting of the Council or a board by the votes of the members so approving.

(3) A member of the Council may, by giving a written notice to the Chairman of the Council within the period as may be specified in the paper being circulated, request the Chairman to refer any item of business in the paper to the next meeting of the Council for determination.

(4) A member of the board may, by giving a written notice to the Chairman of the board within the period as may be specified in the paper being circulated, request the Chairman to refer any item of business in the paper to the next meeting of the board for determination.

(5) If a member gives a notice under subsection (3) or (4) in relation to an item of business, a written resolution that relates to the item of business approved in accordance with subsection (2) is invalid to the extent that it so relates.”.

14

By deleting subclauses (11) and (12) and substituting—

“(11) After section 10(4)—

Add

- “(4A) If the name of a person with full registration or provisional registration is removed from a register under this section or section 22, the person may apply to the board for the restoration of the person’s name to the register.
- (4B) The application must be supported by a declaration by the applicant stating whether, since the date of the last declaration made by the applicant for the purpose of registration or application for a practising certificate (as the case may be) or for similar purposes, the applicant has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment.
- (4C) The board may approve or reject an application made under subsection (4A) and may, for the purpose of determining the application, conduct an inquiry as it considers appropriate.
- (4D) On approving an application, the board may impose any condition on the applicant that the board considers appropriate.
- (4E) 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.”.

(12) Section 10—

Repeal subsection (5)

Substitute

- “(5) If an application under subsection (4A) is approved, the secretary of the board must—
- (a) notify the applicant of the requirement to pay the prescribed fee for restoration of the applicant’s name and the time within which the prescribed fee is to be paid; and
 - (b) after the prescribed fee is paid, restore the name of the applicant to the register.”.

15

By adding—

- “(5) Section 12—

Repeal subsection (2).”.

- 16(4) In the proposed section 13(2), by deleting everything after “subsection (3),” and substituting “the board must approve an application if the applicant is qualified for full registration under section 12 and the application has complied with subsection (1A).”.
- 16(4) In the proposed section 13(3), in the Chinese text, by deleting “管理局可” and substituting “委員會可”.
- 16(5) In the proposed section 13(4)(a), in the English text, by adding “of” after “applicant”.
- 17 In the proposed section 13A(6)(a), in the English text, by adding “of” after “applicant”.
- 17 In the proposed section 13B(9), by deleting “earlier” and substituting “earliest”.
- 19 By adding—
“(2A) Section 15—
Repeal subsection (6).”.
- 19 By deleting subclause (3) and substituting—
“(3) Section 15(7)—
Repeal
“Sections 12(2) and 13 shall apply”
Substitute
“Section 13 (other than section 13(1), (2) and (4)) applies”. ”.
- 19(4) By deleting “those sections” and substituting “that section”.
- New By adding—
“**19A. Section 15AB added**
After section 15A—
Add

“15AB. Registration by false or fraudulent representation or declaration

A person who wilfully procures himself or herself 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.”.”.

20

By adding before subclause (1)—

“(1AA) Section 15B, heading, after “**Appeal**”—

Add

“to Council”.

(1AAB) Before section 15B(1)(a)—

Add

“(aa) a decision to reject an application for restoration of the person’s name to a register under section 10;

(aab) a decision to impose a condition under section 10;”.”.

21(2)

In the proposed section 16(2), in the Chinese text, by deleting “符合指明” (wherever appearing) and substituting “採用指明”.

21(2)

In the proposed section 16(2)(c), in the Chinese text, by deleting “述明以下事項作出的聲明作支持的” and substituting “作出的聲明作支持，而該聲明述明以下事項”.

21(3)

In the proposed section 16(2A), in the Chinese text, by deleting “委員會所” and substituting “管理局所”.

26(1)

In the proposed section 22(1)(ba), by deleting “section 13A or 13B” and substituting “section 10, 13A, 13B or 15”.

26

By adding—

“(1A) Section 22(1)(e)—

Repeal

“has not complied with or is in breach of any condition of his registration (other than a condition under section 15) or”.”.

- 27 (a) By renumbering the clause as clause 27(2).
 (b) By adding—
 “(1) Section 23(1)—
 Repeal
 “section 13”
 Substitute
 “section 10, 13”.”.
- 29(1) In the proposed section 25(1), by adding—
 “(aa) a board’s decision rejecting the person’s application for restoration of the person’s name to a register under section 10;
 (aab) a board’s decision imposing a condition under section 10;”.
- 30 (a) By renumbering the clause as clause 30(4).
 (b) By adding—
 “(1) Section 26(1)(b)—
 Repeal
 “; and”
 Substitute a semicolon.
 (2) Section 26(1)(c)(ii)—
 Repeal
 “subparagraph (i),”
 Substitute
 “subparagraph (i); and”.
 (3) After section 26(1)(c)—
 Add
 “(d) for occupational therapists and physiotherapists—specifying the circumstances that are considered an emergency situation, or that are considered to involve the provision of community services, in which the service of an occupational therapist or a physiotherapist may be provided without a referral,”.”.
- New By adding—

“30A. Section 27 amended (penalties)

(1) Section 27—

Repeal paragraph (a).

(2) After section 27(b)—

Add

“(ba) section 15AB, is liable on conviction to a fine at level 2 and to imprisonment for 2 years;”.’”.

31 By adding before subclause (1)—

“(1AA) Section 29(1A)(f)—

Repeal

“board;”

Substitute

“board under section 15B;”.’”.

32 By adding—

“(5) Section 30(2)—

Repeal

“and 19”

Substitute

“, 19 and 21A”.’”.

33 In the proposed section 33(2), in the Chinese text, by deleting “該格式” and substituting “該表格”.

35 In the proposed Schedule 3, in the Chinese text, in section 18(6), by deleting “該人被” and substituting “上述的人被”.

35 In the proposed Schedule 3, in the Chinese text, in section 18(9), by deleting “該人被” and substituting “上述的人被”.

35 In the proposed Schedule 3, in section 20(2), by adding “corresponding” before “part”.

- 35 In the proposed Schedule 3, in the Chinese text, in section 20(4), by deleting “該人被” and substituting “上述的人被”.
- 35 In the proposed Schedule 3, in the Chinese text, in section 20(7), by deleting “該人被” and substituting “上述的人被”.
- 36(8) In the proposed definition of *Code of Practice*, by adding “for medical laboratory technologists” after “Ordinance”.
- 40 By deleting subclause (3) and substituting—
“(3) Regulation 6—
Repeal subregulation (1).”.
- 47 By deleting the clause and substituting—
“47. Regulation 18 amended (submission of complaint or information)
(1) Regulation 18—
Repeal subregulation (1)
Substitute
“(1) If—
(a) a complaint is made to, or an information is received by, 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) an 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.”.
(2) Regulation 18(2)—
Repeal

“information received by the Secretary under subregulation (1)(b)”

Substitute

“an information received by the Secretary under subregulation (1)(a) or (b)”.’”.

63 By adding—

“(3) Schedule 4, Part 2, item 12, column 2—

Repeal

“(as defined by section 2(5) of The Chinese Medicine Hospital of Hong Kong Ordinance (15 of 2025))”.’”.

65(8) In the proposed definition of *Code of Practice*, by adding “for occupational therapists” after “Ordinance”.

69 By deleting subclause (2) and substituting—

“(2) Regulation 6—

Repeal subregulation (1).’”.

69(4) In the proposed regulation 6(4)(b), by deleting everything after “clinical” and substituting “guideline as a kind for which the service of an occupational therapist’s profession may be provided without a referral;”.

69(4) In the proposed regulation 6(4)(c), by deleting “therapist’s” and substituting “occupational therapist’s”.

69(4) By deleting the proposed regulation 6(4)(d) and substituting—

“(d) the circumstances of the case fall within any of the specified circumstances in the Code of Practice that are considered an emergency situation, or that are considered to involve the provision of community services, in which, under the Code of Practice, the service of the occupational therapist’s profession may be provided without a referral.”.

69(4) In the proposed regulation 6(5), in the English text, by deleting “protocol” and substituting “guideline”.

69(4) In the proposed regulation 6(7), by deleting the proposed definition of *clinical protocol*.

69(4) In the proposed regulation 6(7), by adding in alphabetical order to the proposed definitions—

“*clinical guideline* (臨牀指引) means a clinical guideline 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);”.

76 By deleting the clause and substituting—

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

(1) Regulation 18—

Repeal subregulation (1)

Substitute

“(1) If—

- (a) a complaint is made to, or an information is received by, 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) an 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.”.

(2) Regulation 18(2)—

Repeal

“information received by the Secretary under subregulation (1)(b)”

Substitute

“an information received by the Secretary under subregulation (1)(a) or (b)”.’”.

92 By adding—

“(3) Schedule 4, Part 2, item 9, column 2—

Repeal

“(as defined by section 2(5) of The Chinese Medicine Hospital of Hong Kong Ordinance (15 of 2025))”.’”.

96 In the proposed section 4(5), by deleting “or (3)”.

96 In the proposed section 4, by adding—

“(5A) The qualification specified in the notice under subsection (3) must be a qualification specified under subsection (1).’”.

106 By deleting the clause and substituting—

“106. Section 18 amended (submission of complaint or information)

(1) Section 18—

Repeal subsection (1)

Substitute

“(1) If—

(a) a complaint is made to, or an information is received by, 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) an 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.”.

(2) Section 18(2)—

Repeal

“information received by the Secretary under subsection (1)(b)”

Substitute

“an information received by the Secretary under subsection (1)(a) or (b)”.”.

123

By adding—

“(5A) Section 2, definition of *Part I diagnostic radiographer*—

Repeal

“and *Part IV*”

Substitute

“, *Part IV*”.

(5B) Section 2, definition of *Part I diagnostic radiographer*—

Repeal

“shall”

Substitute

“, *Part V diagnostic radiographer* (第 V 部分放射診斷技師) and *Part VI diagnostic radiographer* (第 VI 部分放射診斷技師) are to”.

(5C) Section 2, definition of *Part I therapeutic radiographer*—

Repeal

“and *Part IV*”

Substitute

“, *Part IV*”.

(5D) Section 2, definition of *Part I therapeutic radiographer*—

Repeal

“shall”

Substitute

“, *Part V therapeutic radiographer* (第 V 部分放射治療技師) and *Part VI therapeutic radiographer* (第 VI 部分放射治療技師) are to”.’.

- 123(10) In the proposed definition of *Code of Practice*, by adding “for radiographers” after “Ordinance”.
- 134 In the proposed definition of *complaint*, in paragraph (a), by adding “or an information” after “complaint”.
- 134 In the Chinese text, in the proposed definition of 申訴, in paragraph (b), by deleting “而就” and substituting “而對”.
- 146 (a) By renumbering the clause as clause 146(3).
 (b) By adding—
 “(1) Section 46—
 Repeal subsection (1).
 (2) After section 46(3)—
 Add
 “(3A) If on any question to be determined by the Board the votes are equal, the question is taken to have been decided in favour of the respondent.”.’.
- 152 By adding—
 “(1A) Schedule 4, Part 1, item 1, column 4—
 Repeal
 “medical practitioner”
 Substitute
 “registered medical practitioner”.
 (1B) Schedule 4, Part 1, after item 1—
 Add
 “1A. Part V Medical (a) Under the
 diagnostic exposure
 radiographer involving the personal
 Part VI use of a supervision of a
 diagnostic contrast registered
 radiographer medium or medical
 practitioner who

tomography for diagnostic purposes	must be present on the premises in which the examination is taking place at the time it takes place; and
--	--

(b) subject to any condition relating to direction or supervision imposed by the Council for registration.”.

(1C) Schedule 4, Part 1, item 2—

Repeal

“medical practitioner” (wherever appearing)

Substitute

“registered medical practitioner”.

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

Add

“2A.	Part V diagnostic radiographer Part VI diagnostic radiographer	Medical exposure involving localization fluoroscopy for positioning of a patient in radiodiagnostic examinations to be undertaken by a registered medical practitioner	(a) Under the personal supervision of a registered medical practitioner who must be present on the premises in which the examination is taking place at the time it takes place; and (b) subject to any condition relating to direction or
------	---	---	---

supervision
imposed by the
Council for
registration.”.”.

152

By adding—

“(3A) Schedule 4, English text, Part 1, item 4, column 4, paragraph (b)—

Repeal

“under”

Substitute

“Under”.

(3B) Schedule 4, Part 1, item 4, column 4, paragraph (b)(i)—

Repeal

“medical practitioner”

Substitute

“registered medical practitioner”.”.

152

By adding—

“(4A) Schedule 4, English text, Part 1, item 5, column 4, paragraph (b)—

Repeal

“under”

Substitute

“Under”.

(4B) Schedule 4, Part 1, item 5, column 4, paragraph (b)(i) and (iii)—

Repeal

“medical practitioner”

Substitute

“registered medical practitioner”.

(4C) Schedule 4, Part 1, after item 5—

Add

“6.	Part V diagnostic radiographer	Medical exposure involving the taking of	Subject to any condition relating to direction or supervision
	Part VI diagnostic radiographer	plain radiograph for diagnostic purposes	imposed by the Council for registration.”.”.

152

By adding—

“(6) Schedule 4, Part 2, items 1, 2 and 3—

Repeal

“medical practitioner” (wherever appearing)

Substitute

“registered medical practitioner”.

(7) Schedule 4, Part 2, after item 3—

Add

“4.	Part V therapeutic radiographer	All procedures in therapeutic radiography	(a) Under the direction of a registered medical practitioner; and
	Part VI therapeutic radiographer		(b) subject to any condition relating to direction or supervision imposed by the Council for registration.”.”.

153(1)

In the proposed item 2A, by deleting “a person, or their associated structures in accordance with Schedule 3 of” and substituting “another person, or their associated structures in accordance with Schedule 3 to”.

153

By adding—

“(1A) Schedule 5, Part 1, before item 3—

Add

“2B. A dental surgery assistant as defined by Schedule 3 to the Radiation (Control of Irradiating Apparatus) Regulations (Cap. 303 sub. leg. B) taking a radiograph intraorally or extraorally for the examination of the mouth, teeth or jaws of another person, or their associated structures in accordance with Schedule 3 to those Regulations 21(1) and (2)”.’”.

153 By adding—

“(4) Schedule 5, Part 2, item 12, column 2—

Repeal

“(as defined by section 2(5) of The Chinese Medicine Hospital of Hong Kong Ordinance (15 of 2025))”.’”.

155(9) In the proposed definition of *Code of Practice*, by adding “for physiotherapists” after “Ordinance”.

159 In the proposed section 6(2)(b), by deleting everything after “clinical” and substituting “guideline as a kind for which the service of a physiotherapist’s profession may be provided without a referral;”.

159 In the proposed section 6(2)(c), in the Chinese text, by deleting “該物理” and substituting “物理”.

159 By deleting the proposed section 6(2)(d) and substituting—

“(d) the circumstances of the case fall within any of the specified circumstances in the Code of Practice that are considered an emergency situation, or that are considered to involve the provision of community services, in which, under the Code of Practice, the service of the physiotherapist’s profession may be provided without a referral.”.

159 In the proposed section 6(3), in the English text, by deleting “protocol” and substituting “guideline”.

159 In the proposed section 6(6), by deleting the proposed definition of *clinical protocol*.

159 In the proposed section 6(6), by adding in alphabetical order to the proposed definitions—

“*clinical guideline* (臨牀指引) means a clinical guideline for engaging the professional service of a physiotherapist 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 subsection (2)(b);”.

166 By deleting the clause and substituting—

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

(1) Section 18—

Repeal subsection (1)

Substitute

“(1) If—

- (a) a complaint is made to, or an information is received by, 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) an 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.”.

(2) Section 18(2)—

Repeal

“information received by the Secretary under subsection (1)(b)”

Substitute

“an information received by the Secretary under subsection (1)(a) or (b)”.”.

182 By adding—

“(3) Schedule 4, Part 2, item 11, column 2—

Repeal

“(as defined by section 2(5) of The Chinese Medicine Hospital of Hong Kong Ordinance (15 of 2025))”.”.

New In Part 8, in Division 5, by adding—

“187A. Regulation 2 amended (interpretation)

Regulation 2, definition of *dental practitioner*—

Repeal

everything after “means”

Substitute

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

188 By deleting subclause (1) and substituting—

“(1) Regulation 14(1)—

Repeal

“or dental practitioner”

Substitute

“, dental practitioner, registered chiropractor or registered Chinese medicine practitioner”.”.

188(2) In the proposed definition of *registered chiropractor*, by deleting the semicolon and substituting a full stop.

188(2) By deleting the proposed definitions of *registered dentist* and *registered medical practitioner*.

New In Part 8, in Division 5, by adding—

“188A. Schedule 3 amended

(1) Schedule 3—

Repeal the entry relating to Registered dentist.

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

Add

“Dental practitioner	The taking of a radiograph intraorally or extraorally for the examination of the mouth, teeth or jaws of another person, or their associated structures	Nil.”.
----------------------	---	--------

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

Add

“Dental hygienist	The taking of a radiograph intraorally or extraorally for the examination of the mouth, teeth or jaws of another person, or their associated structures	Before the operation of the irradiating apparatus, a dental practitioner— (a) has assessed the medical history of, and examined, that another person; and (b) has, based on the assessment and examination, prescribed that
-------------------	---	---

- | | | |
|------------------|---|---|
| | | the irradiating apparatus is to be operated for that purpose. |
| Dental therapist | The taking of a radiograph intraorally or extraorally for the examination of the mouth, teeth or jaws of another person, or their associated structures | Before the operation of the irradiating apparatus, a dental practitioner—
(a) has assessed the medical history of, and examined, that another person; and
(b) has, based on the assessment and examination, prescribed that the irradiating apparatus is to be operated for that purpose.”. |
- (4) Schedule 3, the entry relating to Dental surgery assistant—
- Repeal column 2**
- Substitute**
- “The taking of a radiograph intraorally or extraorally for the examination of the mouth, teeth or jaws of another person, or their associated structures”.
- (5) Schedule 3, the entry relating to Dental surgery assistant, column 3—
- Repeal**
- “registered dentist”
- Substitute**

“dental practitioner”.

- (6) Schedule 3, list of definitions, definition of *dental surgery assistant*—

Repeal

everything after “employed”

Substitute

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

- (7) Schedule 3, list of definitions—

Add in alphabetical order

“*dental hygienist* (牙科衛生員) means a person whose name is contained in the part of the dental hygienist in the register kept under section 15C of the Dentists Registration Ordinance (Cap. 156);

dental therapist (牙科治療師) means a person whose name is contained in the part of the dental therapist in the register kept under section 15C of the Dentists Registration Ordinance (Cap. 156);”.