

**For information  
on 10 March 2000**

**Legislative Council  
Panel on Health Services  
Meeting on 10 March 2000**

**Use of Acupuncture and Herbal Medicines  
by other Health Care Professionals**

**Purpose**

This paper outlines the statutory control under the Chinese Medicine Ordinance in respect of the practice of Chinese medicine and the use of Chinese herbal medicines.

**Control of practice of Chinese medicine**

2. Practising Chinese medicine means any of the following act or activities-

- (a) the diagnosis, treatment, prevention or alleviation of any disease or any symptom of a disease;
- (b) the prescription of Chinese herbal medicines or proprietary Chinese medicines;
- (c) the regulation of the functional states of the human body,

on the **basis of traditional Chinese medicine** in general practice, acupuncture or bone-setting.

3. Any act or activities practised by health care professionals which are not based on the theory of traditional Chinese medicine are outside the ambit of the Chinese Medicine Ordinance. Specifically, there are express provisions in the Chinese Medicine Ordinance (section 108(3)(b)) to provide that certain registered health care professionals (namely, medical practitioners, dentists and physiotherapists) using, in the course of practice, acupuncture, being of a type with distinguishable differences from acupuncture based on traditional Chinese medicine, do not

contravene the Chinese Medicine Ordinance. Other health care professionals practising acupuncture also fall outside the ambit of the Chinese Medicine Ordinance as long as their practice is not based on the theory of traditional Chinese medicine.

4. Although they may not be regulated under the Chinese Medicine Ordinance, health care professionals should be aware that their act or activities are subject to regulatory control by their own professions as well as criminal or civil liabilities.

### **Control of Chinese herbal medicines**

5. All retailers and wholesalers of Chinese herbal medicines listed in Schedules 1 and 2 of the Chinese Medicine Ordinance are required to be licensed. Retailing or dispensing of Schedule 1 Chinese herbal medicines is not allowed except in accordance with a prescription issued by a registered Chinese medicine practitioner. There is no such prescription restriction for Schedule 2 Chinese herbal medicines.

### **Administration's responses to submissions received by LegCo Panel on Health Service**

6. The LegCo Secretariat has just forwarded to us copies of some submissions received by the Panel on Health Services. We would like to offer the following comments on these submissions for Members' consideration -

(a) Submission by Mr Graeme Stuart-Bradshaw (Stuart-Bradshaw Health Consultancy) dated 2 July 1999 –  
Purchase of Schedule 2 Chinese herbal medicines is not subject to prescription by registered Chinese medicine practitioners.

(b) Submissions by the Hong Kong Prosthetists and Orthotists Association dated 28 August 1999 and 6 March 2000 and the Hong Kong Chiropractors' Association dated 1 September 1999 –

As long as the practice of the members of Hong Kong Prosthesis and Orthotists Association or the Hong Kong Chiropractors' Association is not based on the principles of traditional Chinese medicine, they fall outside the ambit of the Chinese Medicine Ordinance.

(c) Submission by the Hong Kong Occupational Therapy Association dated 3 September 1999 –

Setting up a centralised acupuncture regulatory committee may not be feasible given that the use of acupuncture in the course of practice by different health care professions is based on different theories. The issue requires further study and consideration.

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Health and Welfare Bureau