

**For Discussion
on 13 December 1999**

LegCo Panel on Health Services

**Proposed Amendments to Radiation
(Control of Irradiating Apparatus) Regulations**

Purpose

This paper reports on the latest developments regarding the Radiation Board's proposed amendments to Regulation 26(1) of the Radiation (Control of Irradiating Apparatus) Regulations.

Background

2. The Radiation Ordinance (Cap. 303) controls the import, export, possession and use of radioactive substances and irradiating apparatus and the prospecting and mining for radioactive minerals. We have set up the Radiation Board as the authority to implement the licensing system under the Ordinance and to exercise any power vested in the Board under this Ordinance.

Licensing requirement for users of irradiating apparatus

3. The Radiation Ordinance prohibits, amongst others, the use of radioactive substance or irradiating apparatus except by those who hold a licence issued by the Radiation Board. This licensing requirement is intended for safeguarding the health of the public and the operators of irradiating apparatus. Details of the licensing system are set out in the Radiation (Control of Irradiating Apparatus) Regulations. Inspectors of the Radiation Board conduct regular inspections to ensure that the general public and occupationally exposed individuals are protected against the detrimental health effects of radiation. The principles of radiological protection adopted by the Radiation Board are in line with those promulgated by international authorities, such as the International Commission on Radiological Protection and the World Health Organisation.

Restriction on use of irradiating apparatus

4. According to recommendations of the International Commission on Radiological Protection, the application of radiation to a human body must be justified by a medical practitioner (or for dental uses, a dentist) on clinical indications. In exposing a person to radiation for medical purposes, the

responsibility and liability of protecting the well-being of the affected person rest with the referring and attending medical practitioners. In relation to the use of irradiating apparatus, Regulation 26(1) of the Radiation (Control of Irradiating Apparatus) Regulations (“Regulation 26(1)”) provides that a person acting under the personal supervision of a medical practitioner may operate an irradiating apparatus for a purpose affecting the human body. The question at issue is under what conditions should this person be allowed to operate the apparatus. On the one hand, a certain degree of flexibility is desirable to ensure efficiency of clinical treatments and diagnosis. On the other hand, appropriate measures are necessary to protect the public from dangerous operations of irradiating apparatus undertaken by unsuitable personnel.

Proposed Amendments to Regulation 26(1)

5. The Hong Kong Radiographers’ Association maintains the view that a person even under the supervision of a medical practitioner should not be allowed to operate irradiating apparatus unless he/she is expressly empowered under the Regulations. It therefore proposes to amend Regulation 26(1) to this effect. Having considered the views of the Association, the Radiation Board came to the conclusion that some flexibility should be retained to cater for certain clinical practices.

6. Nevertheless, to enhance public safety, the Radiation Board considered it appropriate to tighten the control of the operation of irradiating apparatus by specifying clearly in the Regulations how “personal supervision” should be exercised by a medical practitioner. The Board proposed that Regulation 26(1) be amended to the effect that “No person other than a registered medical practitioner or a person acting under the personal supervision of a registered medical practitioner who is present on the premises in which the examination is taking place at the time it takes place shall operate an irradiating apparatus for any purpose affecting the human body.”

7. We have received from the Radiation Board the drafting instructions to amend Regulation 26(1) as described in paragraph 6. However, while the intention of the Radiation Board is to tighten up the level of supervision required, our legal adviser has advised that the proposed wording may lead to an interpretation of Regulation 26(1) which may not reflect the Board’s original intention.

Way Forward

8. We shall request the Radiation Board to reconsider its proposed amendment to Regulation 26(1) in the light of the legal opinion. Members are invited to give their advice to the Administration on this matter.

Health and Welfare Bureau
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