

Supplementary Medical Professions (Amendment) Bill 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.

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- (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.”
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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 21(1)”.
any 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 21(1).
any 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

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 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

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”

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*** (臨牀指引) means a clinical protocol 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);

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).”.

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 3,020”.
the Ordinance

(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 21(1)”.

any 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

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.

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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).