

Dentists Registration (Amendment) Bill 2024

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A BILL

To

Amend the Dentists Registration Ordinance and its subsidiary legislation to revise the regulatory framework in respect of the practice of dentistry; and to make consequential amendments.

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title and commencement

- (1) This Ordinance may be cited as the Dentists Registration (Amendment) Ordinance 2024.
- (2) This Ordinance comes into operation on a day to be appointed by the Secretary for Health by notice published in the Gazette.

2. Enactments amended

- (1) The enactments specified in Parts 2 to 5 are amended as set out in those Parts.

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- (2) The Chinese text of the provisions of the Dentists Registration Ordinance (Cap. 156) set out in column 2 of Part 1 of the Schedule are amended by repealing the expressions set out in column 3 of that Part and substituting the expressions set out in column 4 of that Part.
 - (3) The Chinese text of the provisions of the Dentists (Registration and Disciplinary Procedure) Regulations (Cap. 156 sub. leg. A) set out in column 2 of Part 2 of the Schedule are amended by repealing the expressions set out in column 3 of that Part and substituting the expressions set out in column 4 of that Part.
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Part 2

Amendments to Dentists Registration Ordinance (Cap. 156)

3. **Long title amended**

The long title—

Repeal

everything after “To”

Substitute

“provide for a regulatory framework in respect of the practice of dentistry.”.

4. **Part 1 heading added**

Before section 1—

Add

“Part 1

Preliminary”.

5. **Section 2 amended (interpretation)**

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

Repeal

“against, or information in respect of a registered dentist or an applicant for registration has been received by the Secretary”

Substitute

“or information has been received”.

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

Repeal

“委員會”

Substitute

“牙管會”.

- (3) Section 2(1), definition of *Education and Accreditation Committee*—

Repeal

“小組”

Substitute

“委員會”.

- (4) Section 2(1), definition of *Education and Accreditation Committee*—

Repeal

“5B”

Substitute

“5AC(2)(a)”.

- (5) Section 2(1)—

Repeal the definition of *Legal Adviser*

Substitute

“*Legal Adviser* (法律顧問) means a Legal Adviser to the Council appointed under section 4AAF(1)(b);”.

- (6) Section 2(1), definition of *Licensing Examination*—

Repeal

“by the Council under section 4A”

Substitute

“under section 7A”.

- (7) Section 2(1), definition of *Preliminary Investigation Committee*—

Repeal

“小組”

Substitute

“委員會”.

- (8) Section 2(1)—

Repeal the definition of *Preliminary Investigation Committee*

Substitute

“*Preliminary Investigation Committee* (初步調查委員會) means a committee established under section 5AC(2)(e);”.

- (9) Section 2(1)—

Repeal the definition of *registered address*

Substitute

“*registered address* (註冊地址)—

- (a) in relation to a registered dentist or a person with provisional registration, means—
 - (i) subject to subparagraph (ii), an address provided by him or her under section 12G(1); or
 - (ii) if a change of the address is reported under section 12G(4)—the address as changed; and
- (b) in relation to a registered dental care professional, means—

- (i) subject to subparagraph (ii), an address provided by him or her under section 15I(1); or
- (ii) if a change of the address is reported under section 15I(2)—the address as changed;”.

(10) Section 2(1)—

Repeal the definition of *registered dentist*

Substitute

“*registered dentist* (註冊牙醫) means—

- (a) a person with full registration;
- (b) a person with limited registration;
- (c) a person with temporary registration; or
- (d) a person with special registration;”.

(11) Section 2(1), definition of *Secretary*—

Repeal

“4”

Substitute

“4AAF(1)(a)”.

(12) Section 2(1), English text, definition of *Specialist Register*—

Repeal

“7(3).”

Substitute

“7(3);”.

(13) Section 2(1), Chinese text, definition of *主席*—

Repeal

“委員會”

Substitute

“牙管會”.

- (14) Section 2(1), Chinese text, definition of *法律顧問*—

Repeal

“委員會”

Substitute

“牙管會”.

- (15) Section 2(1), Chinese text, definition of *秘書*—

Repeal

“委員會”

Substitute

“牙管會”.

- (16) Section 2(1), Chinese text, definition of *適當的研訊*—

Repeal

“委員會”

Substitute

“牙管會”.

- (17) Section 2(1)—

(a) definition of *certificate of registration*;

(b) definition of *Chairman*;

(c) definition of *practising certificate*;

(d) definition of *repealed Ordinance*—

Repeal the definitions.

- (18) Section 2(1)—

Add in alphabetical order

“*Chairperson* (牙管會主席) means the Chairperson of the Council elected under section 4AAE(1) and includes a person elected under section 4AAE(5)(b) to act in the place of the Chairperson;

Continuing Professional Development Committee (持續專業發展委員會) means the committee established under section 5AC(2)(c);

dental care professional (牙科護理專業人員)—see section 2C;

Dentists Election Regulation (《牙醫選舉規例》) means regulations made under section 29(1C)(da);

Examination Committee (考試委員會) means the committee established under section 5AC(2)(b);

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

function (職能) means a duty or a power;

Health Committee (健康事務委員會) means the committee established under section 5AC(2)(d);

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

lay person (業外人士) means a person who is not any of the following—

- (a) a registered dentist;
- (b) a person deemed to be a registered dentist under this Ordinance;
- (c) a person with provisional registration;

limited registration (有限度註冊)—see section 2B(c);

mental hospital (精神病院) has the meaning given by section 2(1) of the Mental Health Ordinance (Cap. 136);

non-practising list (非執業名單) means the list mentioned in section 7(1B)(b);

Organization Representatives Election Regulation (《組織代表選舉規例》) means regulations made under section 29(1AB);

practice address (執業地址), in relation to a registered dentist, means—

- (a) subject to paragraph (b), an address provided by the dentist under section 12G(2); or
- (b) if a change of the address is reported under section 12G(4)—the address as changed;

practising dentistry (從事牙科執業)—see section 2A;

practising list (執業名單) means the list mentioned in section 7(1B)(a);

prescribed fee (訂明費用), in relation to a matter, means the fee prescribed for the matter;

provisional registration (臨時註冊)—see section 2B(b);

qualifying degree in dentistry (合資格牙醫學位) means a bachelor degree in dentistry awarded by a university in Hong Kong specified in Schedule 1;

Register of Dental Care Professionals (牙科護理專業人員名冊) means the register kept under section 15C(1);

registered dental care professional (註冊牙科護理專業人員) means a person whose name is contained in the Register of Dental Care Professionals;

registered specialist dentist (註冊專科牙醫) means a person whose name is contained in the Specialist Register;

registrant (註冊人) means—

- (a) a registered dentist;
- (b) a person with provisional registration; or
- (c) a registered dental care professional;

registration (註冊)—see section 2D;

retention certificate (保留證明書) means a certificate issued under section 12I(3);

Schedule 4 institution (附表4機構) means an institution specified in Schedule 4;

Schedule 5 institution (附表5機構) means an institution specified in Schedule 5;

Schedule 6 institution (附表6機構) means an institution specified in Schedule 6;

Schedule 7 institution (附表7機構) means an institution specified in Schedule 7;

special registration (特別註冊)—see section 2B(e);

specified form (指明格式) means a form specified under section 29A;

temporary registration (暫時註冊)—see section 2B(d);

unprofessional conduct (不專業行為), in relation to a person, means an act or omission of the person that would reasonably be regarded as disgraceful or dishonourable by registrants of good repute and competency.”.

(19) Section 2—

Repeal subsection (2).

(20) Section 2(3)—

Repeal

“18(5) and 22(2) and (2A), an appeal to the Court of Appeal shall be”

Substitute

“15(7)(b), 15A(7)(b), 15K(8)(b), 18(5), 18A(3)(a) and 22(3)(b), an appeal to the Court of Appeal is”.

(21) Section 2—

Repeal subsection (5).

6. Sections 2A to 2D added

After section 2—

Add

“2A. Meaning of *practising dentistry* etc.

For the purposes of this Ordinance—

- (a) a person practises dentistry if, for the purpose of gain or otherwise—
 - (i) the person provides, or attempts to provide, any one or more of the services specified in Schedule 2; or
 - (ii) the person provides, or attempts to provide, any one or more of the services specified in column 3 of Part 1 of Schedule 3; and
- (b) references to dentist, dentistry and the carrying on of the practice of dentistry are to be construed accordingly.

2B. References relating to registration of dentists

For the purposes of this Ordinance—

- (a) a person with full registration is a person whose name is contained in Part 1 of the General Register;
- (b) a person with provisional registration is a person whose name is contained in Part 2 of the General Register;
- (c) a person with limited registration is a person whose name is contained in Part 3 of the General Register;
- (d) a person with temporary registration is a person whose name is contained in Part 4 of the General Register; and
- (e) a person with special registration is a person whose name is contained in Part 5 of the General Register,

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

2C. References relating to dental care professionals

For the purposes of this Ordinance—

- (a) a class of dental care professionals is a class of dental care professionals specified in column 1 of Part 1 of Schedule 3;
- (b) a registered dental care professional of a class specified in that column is a person whose name is contained in the part of the Register of Dental Care Professionals for that class; and
- (c) a class of dental care professionals specified in that column is in a category specified in column 2 of that Part opposite the class.

2D. References relating to registration and related expressions

For the purposes of this Ordinance—

- (a) a person is registered if the person is—
 - (i) a person with full registration, a person with provisional registration, a person with limited registration, a person with temporary registration or a person with special registration; or
 - (ii) a registered dental care professional; and
- (b) references to registration are references to registration under this Ordinance.”.

7. Part 2 heading added

Before section 3—

Add

“Part 2

Restrictions on Practising Dentistry”.

8. Section 3 amended (dentists to be registered)

- (1) Section 3, heading—

Repeal

“Dentists to be registered”

Substitute

“Restrictions on practising dentistry”.

- (2) Section 3(1)—

Repeal

“the provisions of any regulations made under section 29(1A)(d)”

Substitute

“subsection (1A)”.

- (3) Section 3(1)—

Repeal

“any person, not being a registered dentist”

Substitute

“a person, not being a registered dentist or a person with provisional registration”.

- (4) Section 3(1)(a), after “dentistry”—

Add

“, or holds himself or herself out (whether directly or by implication) as being qualified to practise dentistry,”.

- (5) Section 3(1)(b), Chinese text—

Repeal

“以牙醫身分”

Substitute

“從事牙科”.

- (6) After section 3(1)—

Add

“(1A) Subsection (1) does not apply to the following act of a registered dental care professional of a class specified in column 1 of Part 1 of Schedule 3—

- (a) providing, or attempting to provide, any service specified in column 3 of that Part opposite the class; or

- (b) holding himself or herself out (whether directly or by implication) as being qualified to provide the service.
- (1B) If a person commits an offence under subsection (1) while acting as an employee of another person (*employer*), the employer also commits an offence and is liable on summary conviction to a fine at level 6 and to imprisonment for 3 years.
- (1C) If an employer is charged with an offence under subsection (1B) because of an offence under subsection (1) (*specified offence*), it is a defence for the employer to establish that—
 - (a) the specified offence was committed without the employer’s knowledge; and
 - (b) the employer exercised all due diligence to prevent the commission of the specified offence.
- (1D) An employer may commit an offence under subsection (1B) whether or not the employee has been prosecuted for, or convicted of, the specified offence.
- (1E) An employer charged with an offence under subsection (1B) is taken to have established a matter that needs to be established for a defence under subsection (1C) if—
 - (a) there is sufficient evidence to raise an issue with respect to the matter; and
 - (b) the contrary is not proved by the prosecution beyond reasonable doubt.”.

9. Part 3 heading added

Before section 4—

Add

“Part 3

Dental Council of Hong Kong”.

10. Section 4 amended (establishment and composition of Dental Council)

(1) Section 4(2)(b)—

Repeal

“a consultant”

Substitute

“1 consultant”.

(2) Section 4(2)(b), English text—

Repeal

“Service”

Substitute

“Services”.

(3) Section 4(2)(ba)—

Repeal

“a registered”

Substitute

“1 registered”.

(4) Section 4(2)—

Repeal paragraphs (c), (d) and (e)

Substitute

-
- “(c) 1 registered dentist nominated by the Board of Governors of The Prince Philip Dental Hospital and appointed by the Chief Executive;
- (d) 1 registered specialist dentist nominated by the Council of the Academy of Medicine and appointed by the Chief Executive;
- (e) 2 registered dentists nominated by the Council of the Hong Kong Dental Association and appointed by the Chief Executive;
- (f) 1 registered dentist, who satisfies the condition specified in subsection (3), nominated by the Council of the Hong Kong Dental Association and appointed by the Chief Executive;
- (g) 3 persons with full registration whose names are contained in the practising list—
- (i) appointed by the Chief Executive from a list of not less than 9 such persons elected in an election held in accordance with the Dentists Election Regulation; or
 - (ii) if less than 9 such persons are elected in such an election—appointed at the discretion of the Chief Executive, whether or not the persons appointed are persons elected in the election;
- (h) 4 registered dentists appointed by the Chief Executive;
- (i) 2 registered medical practitioners appointed by the Chief Executive;
- (j) 2 lay persons—

- (i) appointed by the Chief Executive from a list of not less than 6 lay persons elected in an election held in accordance with the Organization Representatives Election Regulation; or
 - (ii) if less than 6 lay persons are elected in such an election—appointed at the discretion of the Chief Executive, whether or not the persons appointed are persons elected in the election; and
- (k) 5 lay persons appointed by the Chief Executive.”.
- (5) Section 4—

Repeal subsection (3)

Substitute

- “(3) The condition for subsection (2)(f) is that—
- (a) the person has been a person with full registration whose name is contained in the practising list for at least 10 years in aggregate as at the date of nomination; or
 - (b) the person—
 - (i) is or was a member of the Council of the Hong Kong Dental Association elected in accordance with the articles of association of the Hong Kong Dental Association; and
 - (ii) as at the date of nomination, has served as such a member for at least one full term.”.
- (6) Section 4—
- Repeal subsections (4), (5), (5A), (5B), (5C), (5D) and (6).**

11. Sections 4AA to 4AAF added

After section 4—

Add**“4AA. Term of office**

- (1) Subject to subsection (2) and section 4AAB, a member of the Council described in section 4(2)(ba), (c), (d), (e), (f), (g), (h), (i), (j) or (k)—
 - (a) holds office for 3 years beginning on the date of appointment, or a shorter period that the Chief Executive may determine at the time of appointment; and
 - (b) is eligible for reappointment.
- (2) A member of the Council described in section 4(2)(b), (ba), (c), (d), (e), (f), (g), (h), (i), (j) or (k) may at any time resign by giving written notice to the Chairperson or the Secretary.

4AAB. Vacation of office

The Chief Executive may declare the office of a member of the Council to be vacant if the member—

- (a) is subject to a sentence of imprisonment for an offence;
- (b) is the subject of an order made under section 18 or 18A;
- (c) becomes bankrupt, or enters into a composition or arrangement with his or her creditors without paying them in full;
- (d) is detained in a mental hospital;

- (e) for a member described in section 4(2)(ba), (c), (e), (f), (g) or (h)—is no longer a registered dentist or no longer holds a valid practising certificate issued under section 11A;
- (f) for a member described in section 4(2)(d)—is no longer a registered specialist dentist or no longer holds a valid practising certificate issued under section 11A;
- (g) for a member described in section 4(2)(i)—is no longer a registered medical practitioner; or
- (h) is, in the opinion of the Chief Executive, unable or unfit to perform the functions of the office.

4AAC. Appointment when vacancy arises during term of office

- (1) If, during the term of office (*original term*) of a member of the Council described in section 4(2)(g), the office becomes vacant—
 - (a) if the remainder of the original term is not less than one year, the Chief Executive may—
 - (i) appoint a qualified person from a list of not less than 9 qualified persons elected in an election held in accordance with the Dentists Election Regulation to fill the vacancy; or
 - (ii) if less than 9 qualified persons are elected in such an election—appoint a qualified person to fill the vacancy at the discretion of the Chief Executive, whether or not the person appointed is a person elected in the election; or

- (b) if the remainder of the original term is less than one year, the Chief Executive may appoint a qualified person to fill the vacancy at the discretion of the Chief Executive.
- (2) If, during the term of office (*original term*) of a member of the Council described in section 4(2)(j), the office becomes vacant—
 - (a) if the remainder of the original term is not less than one year, the Chief Executive may—
 - (i) appoint a lay person from a list of not less than 6 lay persons elected in an election held in accordance with the Organization Representatives Election Regulation to fill the vacancy; or
 - (ii) if less than 6 lay persons are elected in such an election—appoint a lay person to fill the vacancy at the discretion of the Chief Executive, whether or not the person appointed is a person elected in the election; or
 - (b) if the remainder of the original term is less than one year, the Chief Executive may appoint a lay person to fill the vacancy at the discretion of the Chief Executive.
- (3) If, during the term of office (*original term*) of a member of the Council described in section 4(2)(b), (ba), (c), (d), (e), (f), (h), (i) or (k), the office becomes vacant, the Chief Executive may make an appointment under that section to fill the vacancy.
- (4) A person appointed under subsection (1), (2) or (3) holds office until the end of the original term mentioned in that subsection.

(5) In this section—

qualified person (合資格人士) means a person with full registration whose name is contained in the practising list.

4AAD. Persons not eligible for appointment etc.

Despite anything in sections 4 and 4AAC, a person is not eligible for appointment or reappointment as a member of the Council if the person—

- (a) is subject to a sentence of imprisonment for an offence;
- (b) is the subject of an order made under section 18 or 18A;
- (c) is an undischarged bankrupt;
- (d) is detained in a mental hospital; or
- (e) for a member described in section 4(2)(ba), (c), (d), (e), (f), (g) or (h)—does not hold a valid practising certificate issued under section 11A.

4AAE. Chairperson of Council

- (1) The members of the Council must elect one of them to be the Chairperson of the Council.
- (2) Subject to subsection (3), the Chairperson—
 - (a) holds office—
 - (i) for 3 years beginning on the date of election; or
 - (ii) if he or she ceases to be a member of the Council within that 3 years—until the cessation; and
 - (b) is eligible for re-election.

- (3) The Chairperson may at any time resign his or her office by giving written notice to the Secretary.
- (4) If the office of Chairperson becomes vacant, the Secretary must convene a meeting of the Council within 3 months of the occurrence of the vacancy for the purpose of electing a Chairperson.
- (5) If the Chairperson is temporarily unable to perform the functions of his or her office during a period—
 - (a) the Secretary must convene a meeting of the Council for the purposes of paragraph (b); and
 - (b) the members of the Council must elect one of them at the meeting to act in the place of the Chairperson during the period.
- (6) The Secretary—
 - (a) must preside at a meeting held under subsection (5) until a person is elected as the Chairperson and assumes office; and
 - (b) must not vote at the meeting.

4AAF. Secretary and Legal Adviser

- (1) The Chief Executive may—
 - (a) appoint a person to be the Secretary of the Council; and
 - (b) appoint one or more than one person to be a Legal Adviser to the Council.
- (2) A member of the Council may not be appointed to be a Legal Adviser.”.

12. Section 4A repealed (Council to set Licensing Examination)

Section 4A—

Repeal the section.

13. Section 5 amended (meetings of the Council)

(1) Section 5—

Repeal subsections (1) and (2)

Substitute

“(1) Except for holding an inquiry mentioned in section 18, the Council—

(a) must meet at the time and in the way specified by the Chairperson; and

(b) must meet at a written request of at least 8 members of the Council addressed to the Chairperson.

(2) Subject to subsection (2A), at a meeting of the Council, 8 members of the Council, including not less than 4 members who are registered dentists, form a quorum.

(2A) At a meeting of the Council for holding an inquiry mentioned in section 18, 4 members of the Council, including not less than 3 members who are registered dentists, form a quorum.”.

(2) Section 5(4)—

Repeal

“All questions coming or arising before a meeting of the Council shall”

Substitute

“Except as otherwise provided in this Ordinance, all questions before the Council must”.

- (3) Section 5(5)—

Repeal

“Chairman”

Substitute

“Chairperson”.

- (4) Section 5(5)—

Repeal

“under section 9 or 18”

Substitute

“mentioned in section 9A, 15E, 18 or 27A”.

14. Section 5A substituted

Section 5A—

Repeal the section

Substitute

“5A. Transaction of business by circulation of papers

- (1) The Council may transact any of its business, other than an inquiry mentioned in section 9A, 15E, 18 or 27A, by circulation of papers without meeting.
- (2) On the circulation of papers, a written resolution—
 - (a) in respect of which all members of the Council indicate their votes in writing; and
 - (b) passed by the number of members required for passing the resolution at a meeting of the Council,

is as valid as if it had been passed at a meeting of the Council by the members who vote on the resolution.

- (3) For the purposes of subsections (1) and (2), a reference to the circulation of papers includes the circulation of information by electronic means.”.

15. Section 5AB added

After section 5A—

Add

“5AB. Council may provide information to Secretary for Health

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

16. Part 4 added

After section 5AB—

Add

“Part 4

Committees and Subcommittees

5AC. Council may establish committees

- (1) The Council may establish any committee for the better performance of its functions.
- (2) Without limiting subsection (1), the Council may—
 - (a) establish the Education and Accreditation Committee in accordance with Part 5;
 - (b) establish the Examination Committee in accordance with Part 6;

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- (c) establish the Continuing Professional Development Committee in accordance with Part 7;
 - (d) establish the Health Committee in accordance with Part 8; and
 - (e) establish one or more than one Preliminary Investigation Committee in accordance with Part 9.
- (3) The functions of a committee established under subsection (2) are those prescribed by this Ordinance.
 - (4) Subject to subsection (5) and Parts 5, 6, 7, 8 and 9, the Council may appoint a member of the Council, or a person who is not a member of the Council, to be a member of a committee established under subsection (1) or (2).
 - (5) The Council must not appoint under subsection (4) a person who is the subject of an order made under section 18 or 18A.
 - (6) The Council may dissolve a committee established under subsection (1) or (2) if—
 - (a) the committee has, in the opinion of the Council, acted in a way that is prejudicial to the interest of the public or the dental profession; and
 - (b) not less than 18 members of the Council resolve that the committee should be dissolved.
 - (7) On the dissolution of a committee under subsection (6), the Council may perform the functions of the committee.

5AD. Committees may establish subcommittees

- (1) A committee established under section 5AC may establish a subcommittee to perform any function of the committee.
- (2) Subject to subsection (3), the committee may appoint a member of the committee, or a person who is not a member of the committee, to be a member of a subcommittee established by the committee under subsection (1).
- (3) The committee must not appoint under subsection (2) a person who is the subject of an order made under section 18 or 18A.
- (4) The committee must not appoint a person who is not a member of the committee to be the chairperson of a subcommittee established by the committee under subsection (1).

5AE. Further provisions for committees and subcommittees

- (1) Schedule 9 has effect in relation to committees established under section 5AC and subcommittees established under section 5AD.
- (2) If a provision in this Part or Part 5, 6, 7, 8 or 9 or in regulations made under section 29(1C) concerning a committee or subcommittee (*former provision*) is inconsistent with a provision in Schedule 9 (*latter provision*), the former provision prevails over the latter provision with regard to the committee or subcommittee.

5AF. Application of provisions in Interpretation and General Clauses Ordinance

To the extent that it is consistent with this Ordinance, Part VII of the Interpretation and General Clauses Ordinance (Cap. 1) applies to—

- (a) committees established under section 5AC;
- (b) subcommittees established under section 5AD; and
- (c) appointments of members of such committees or subcommittees.”.

17. Part 5 heading added

Before section 5B—

Add

“Part 5

Education and Accreditation Committee”.

18. Section 5B substituted

Section 5B—

Repeal the section

Substitute

“5B. Composition of Education and Accreditation Committee

- (1) If the Council decides to establish the Education and Accreditation Committee under section 5AC(2)(a), it must appoint the following persons to be the members of the Committee—

- (a) 3 members of the Council;

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- (b) 1 registered dentist, who is a full-time member of the teaching staff of the Faculty of Dentistry of the University of Hong Kong and is not a member of the Council, nominated by the University of Hong Kong;
 - (c) 1 registered specialist dentist, who is not a member of the Council, nominated by the Council of the Academy of Medicine;
 - (d) 1 registered dentist, who is a public officer and is not a member of the Council, nominated by the Director of Health; and
 - (e) 1 registered dentist, who is not a member of the Council, nominated by the Council of the Hong Kong Dental Association.
- (2) The Council must appoint a member described in subsection (1)(a) as the chairperson of the Committee.
 - (3) A member of the Committee holds office for 3 years and is eligible for reappointment.
 - (4) A person ceases to be a member of the Committee if, during the term of the person's office—
 - (a) for a member described in subsection (1)(a)—the person ceases to be a member of the Council;
 - (b) for a member described in subsection (1)(b)—
 - (i) the person ceases to be a registered dentist or ceases to be a full-time member of the teaching staff of the Faculty of Dentistry of the University of Hong Kong; or
 - (ii) the person becomes a member of the Council;

- (c) for a member described in subsection (1)(c)—
 - (i) the person ceases to be a registered specialist dentist; or
 - (ii) the person becomes a member of the Council;
- (d) for a member described in subsection (1)(d)—
 - (i) the person ceases to be a registered dentist or ceases to be a public officer; or
 - (ii) the person becomes a member of the Council; or
- (e) for a member described in subsection (1)(e)—
 - (i) the person ceases to be a registered dentist; or
 - (ii) the person becomes a member of the Council.”.

19. Section 5C amended (functions of Education and Accreditation Committee)

- (1) Section 5C—

Repeal

“Committee has”

Substitute

“Committee may perform”.

- (2) Section 5C(e)—

Repeal

everything after “structure of”

Substitute

“dental education and training in dentistry required for registration or practising dentistry; and”.

(3) Section 5C—

Repeal paragraph (f)

Substitute

“(f) to accredit a training programme and recommend to the Council as to whether the programme should be recognized for the purpose of registration or practising dentistry.”.

20. Section 5D substituted

Section 5D—

Repeal the section

Substitute

“5D. Quorum of Education and Accreditation Committee’s meeting

At a meeting of the Education and Accreditation Committee, 4 members of the Committee (including the chairperson of the Committee) form a quorum.”.

21. Section 5E amended (transaction of business in Education and Accreditation Committee by circulation of papers)

Section 5E—

Repeal subsection (2)

Substitute

“(2) On the circulation of papers, a written resolution—

(a) in respect of which all members of the Education and Accreditation Committee indicate their votes in writing; and

(b) passed by the number of members required for passing the resolution at a meeting of the Committee,

is as valid as if it had been passed at a meeting of the Committee by the members who vote on the resolution.

(3) For the purposes of subsections (1) and (2), a reference to the circulation of papers includes the circulation of information by electronic means.”.

22. Section 5E repealed (transaction of business in Education and Accreditation Committee by circulation of papers)

Section 5E—

Repeal the section.

23. Section 5F amended (proceedings of Education and Accreditation Committee)

Section 5F—

Repeal

“under section 5B(2)(a) or (f)”

Substitute

“described in section 5B(1)(a)”.

24. Section 5G repealed (dissolution of Education and Accreditation Committee)

Section 5G—

Repeal the section.

25. Parts 6 to 9 added

Before Part 10—

Add

“Part 6

Examination Committee

5H. Composition of Examination Committee

- (1) If the Council decides to establish the Examination Committee under section 5AC(2)(b), it must appoint the following persons to be the members of the Committee—
 - (a) 3 members of the Council;
 - (b) 2 registered dentists, who are full-time members of the teaching staff of the Faculty of Dentistry of the University of Hong Kong, nominated by the University of Hong Kong;
 - (c) 2 registered specialist dentists nominated by the Council of the Academy of Medicine;
 - (d) 2 registered dentists, who are public officers, nominated by the Director of Health;
 - (e) 2 registered dentists nominated by the Council of the Hong Kong Dental Association; and
 - (f) 1 registered dentist appointed by the Council to be responsible for conducting the Licensing Examination.
- (2) The Council must appoint a member described in subsection (1)(a) as the chairperson of the Committee.

- (3) A member of the Committee holds office for 3 years and is eligible for reappointment.
- (4) A person ceases to be a member of the Committee if, during the term of the person's office—
 - (a) for a member described in subsection (1)(a)—the person ceases to be a member of the Council;
 - (b) for a member described in subsection (1)(b)—the person ceases to be a registered dentist or ceases to be a full-time member of the teaching staff of the Faculty of Dentistry of the University of Hong Kong;
 - (c) for a member described in subsection (1)(c)—the person ceases to be a registered specialist dentist;
 - (d) for a member described in subsection (1)(d)—the person ceases to be a registered dentist or ceases to be a public officer;
 - (e) for a member described in subsection (1)(e)—the person ceases to be a registered dentist; or
 - (f) for a member described in subsection (1)(f)—the person ceases to be a registered dentist or ceases to be responsible for conducting the Licensing Examination.

5I. Functions of Examination Committee

The Examination Committee may perform the following functions—

- (a) to determine the eligibility of applicants for the Licensing Examination;

- (b) to oversee matters relating to the setting of standards for the Licensing Examination and the management of question bank;
- (c) to design the Licensing Examination; and
- (d) to make recommendations to the Council on the policies regarding—
 - (i) the Licensing Examination;
 - (ii) the criteria for exemption from the Licensing Examination or any part of the Licensing Examination;
 - (iii) the extension of an internship period under section 8A(4)(a);
 - (iv) the shortening or extension of a period of assessment under section 8B(4)(a);
 - (v) the termination of an internship under section 8A(5); and
 - (vi) the termination of a period of assessment under section 8B(5).

5J. Quorum of Examination Committee's meeting

At a meeting of the Examination Committee, 4 members of the Committee (including the chairperson of the Committee) form a quorum.

Part 7

Continuing Professional Development Committee

5K. Composition of Continuing Professional Development Committee

- (1) If the Council decides to establish the Continuing Professional Development Committee under section 5AC(2)(c), it must appoint the following persons to be the members of the Committee—
 - (a) 3 members of the Council;
 - (b) 1 registered dentist, who is a full-time member of the teaching staff of the Faculty of Dentistry of the University of Hong Kong, nominated by the University of Hong Kong;
 - (c) 1 registered specialist dentist nominated by the Council of the Academy of Medicine;
 - (d) 1 registered dentist, who is a public officer, nominated by the Director of Health; and
 - (e) 1 registered dentist nominated by the Council of the Hong Kong Dental Association.
- (2) The Council must appoint a member described in subsection (1)(a) as the chairperson of the Committee.
- (3) A member of the Committee holds office for 3 years and is eligible for reappointment.
- (4) A person ceases to be a member of the Committee if, during the term of the person's office—
 - (a) for a member described in subsection (1)(a)—the person ceases to be a member of the Council;

- (b) for a member described in subsection (1)(b)—the person ceases to be a registered dentist or ceases to be a full-time member of the teaching staff of the Faculty of Dentistry of the University of Hong Kong;
- (c) for a member described in subsection (1)(c)—the person ceases to be a registered specialist dentist;
- (d) for a member described in subsection (1)(d)—the person ceases to be a registered dentist or ceases to be a public officer; or
- (e) for a member described in subsection (1)(e)—the person ceases to be a registered dentist.

5L. Functions of Continuing Professional Development Committee

The Continuing Professional Development Committee may perform the following functions—

- (a) to make recommendations to the Council on the policies regarding continuing professional development activities; and
- (b) to make recommendations to the Council on the requirement regarding continuing professional development that a person must comply with for the purposes of section 11A(2A) or 15H(3).

5M. Quorum of Continuing Professional Development Committee's meeting

At a meeting of the Continuing Professional Development Committee, 4 members of the Committee (including the chairperson of the Committee) form a quorum.

Part 8

Health Committee

5N. Composition of Health Committee

- (1) If the Council decides to establish the Health Committee under section 5AC(2)(d), it must appoint the following persons to be the members of the Committee—
- (a) 3 members of the Council who are registered dentists;
 - (b) 1 registered specialist dentist nominated by the Council of the Academy of Medicine;
 - (c) 1 registered dentist, who is a public officer, nominated by the Director of Health;
 - (d) 1 registered dentist nominated by the Council of the Hong Kong Dental Association;
 - (e) 1 to 3 persons, who are not members of the Council, whom the Council considers appropriate; and
 - (f) 2 members of the Council who are lay persons.

- (2) The Council must appoint a member described in subsection (1)(a) as the chairperson of the Committee.
- (3) A member of the Committee holds office for a period not exceeding 3 years as specified by the Council in the member's letter of appointment and is eligible for reappointment.
- (4) A person ceases to be a member of the Committee if, during the term of the person's office—
 - (a) for a member described in subsection (1)(a)—the person ceases to be a member of the Council or ceases to be a registered dentist;
 - (b) for a member described in subsection (1)(b)—the person ceases to be a registered specialist dentist;
 - (c) for a member described in subsection (1)(c)—the person ceases to be a registered dentist or ceases to be a public officer;
 - (d) for a member described in subsection (1)(d)—the person ceases to be a registered dentist;
 - (e) for a member described in subsection (1)(e)—the person becomes a member of the Council; or
 - (f) for a member described in subsection (1)(f)—the person ceases to be a member of the Council or ceases to be a lay person.

50. Functions of Health Committee

- (1) The Health Committee may perform the following functions—

- (a) to conduct a hearing on any matter concerning the health of a registrant or the physical or mental fitness of a registrant to practise dentistry;
 - (b) to make a recommendation to the Council, after a hearing conducted under paragraph (a) that the name of the registrant be removed from the General Register or Register of Dental Care Professionals permanently or with a right to apply for restoration under section 27A after the expiry of a period;
 - (c) if a name is removed under paragraph (b) with a right to apply for restoration under section 27A after the expiry of a period, to recommend—
 - (i) the duration of the period, which must not exceed 12 months; and
 - (ii) the extension of the period mentioned in subparagraph (i) or as extended under this subparagraph for a period not exceeding 12 months; and
 - (d) to recommend, where appropriate, that the removal of a name under paragraph (b) be suspended subject to the condition (if any) recommended by the Committee.
- (2) The Health Committee must act in accordance with regulations made under section 29(1C).

5P. Quorum of Health Committee's meeting

At a meeting of the Health Committee, 4 members of the Committee (including the chairperson of the Committee) form a quorum.

5Q. Appeal to Council against recommendations of Health Committee

- (1) On making a recommendation under section 5O(1) in respect of a registrant, the Health Committee must notify the registrant in writing of the recommendation.
- (2) Within 14 days after receiving a notification given under subsection (1), the registrant may appeal to the Council against the Committee's recommendation.
- (3) In determining an appeal made under subsection (2), the Council—
 - (a) may invite the appellant to appear before it to give further submission; and
 - (b) may allow a solicitor or counsel to appear on behalf of the appellant.
- (4) The Council may affirm, vary or reverse the recommendation of the Committee appealed against.
- (5) The decision of the Council under this section is final.

Part 9**Preliminary Investigation Committee****5R. Composition of Preliminary Investigation Committee**

- (1) If the Council decides to establish a Preliminary Investigation Committee under section 5AC(2)(e), it must appoint the following persons to be the members of the Committee—

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- (a) 1 member of the Council who is a registered dentist;
 - (b) 2 registered dentists, who are not members of the Council, nominated by the Chairperson; and
 - (c) 2 members of the Council who are lay persons.
- (2) The Council—
- (a) must appoint the member described in subsection (1)(a) as the chairperson of the Committee; and
 - (b) must appoint a member described in subsection (1)(b) as the deputy chairperson of the Committee.
- (3) A member of a Preliminary Investigation Committee holds office for a period not exceeding 3 years as specified by the Council in the member's letter of appointment and is eligible for reappointment.
- (4) A person ceases to be a member of a Preliminary Investigation Committee if, during the term of the person's office—
- (a) for a member described in subsection (1)(a)—the person ceases to be a member of the Council or ceases to be a registered dentist;
 - (b) for a member described in subsection (1)(b)—
 - (i) the person ceases to be a registered dentist; or
 - (ii) the person becomes a member of the Council; or
 - (c) for a member described in subsection (1)(c)—the person ceases to be a member of the Council or ceases to be a lay person.

5S. Functions of Preliminary Investigation Committee

- (1) A Preliminary Investigation Committee or any of its members may perform the following functions—
 - (a) to—
 - (i) make preliminary investigations into complaints or information concerning any matter that may be inquired into by the Council or any matter that the Health Committee may conduct a hearing on; and
 - (ii) give advice on the matter to any registrant concerned;
 - (b) to refer a matter to the Council for an inquiry mentioned in section 18;
 - (c) to refer a matter to the Health Committee for conducting a hearing; and
 - (d) to refer a matter to the Education and Accreditation Committee to be dealt with in accordance with section 12F.
- (2) A Preliminary Investigation Committee and its members must act in accordance with regulations made under section 29(1C).

5T. Quorum of Preliminary Investigation Committee's meeting

- (1) At a meeting of a Preliminary Investigation Committee, 3 members of the Committee form a quorum.
- (2) At a meeting of a Preliminary Investigation Committee—
 - (a) at least one member must be a member described in section 5R(1)(c);

- (b) at least 2 members must be registered dentists; and
 - (c) subject to subsections (3) and (4), the chairperson of the Committee, or in the absence of the chairperson, the deputy chairperson of the Committee is to preside.
- (3) Subsection (4) applies if—
- (a) the chairperson and the deputy chairperson (if present at a meeting) declare their interest in accordance with regulations made under section 29(1C) in respect of a matter that is to be decided at the meeting; and
 - (b) under the regulations, neither of them may preside at the meeting because of the interest.
- (4) The other members present at the meeting must elect one of them to preside at the meeting.”.

26. Part 10 heading added

Before section 6—

Add

“Part 10

Registrar”.

27. Section 6 amended (Registrar of Dentists)

(1) Section 6(1)—

Repeal

“duties in connection with the General Register as may be prescribed, and with the Specialist Register as may be provided for,”

Substitute

“functions in connection with the General Register, Specialist Register and Register of Dental Care Professionals as may be provided for”.

- (2) Section 6(2), English text—

Repeal

“Service”

Substitute

“Services”.

28. Part 11 heading and Part 11, Division 1 heading added

Before section 7—

Add

“Part 11

Registration of Dentists

Division 1—Keeping of Registers”.

29. Section 7 amended (keeping of General Register and Specialist Register)

- (1) Section 7—

Repeal subsection (1)

Substitute

“(1) The Registrar must cause a register of dentists, called the General Register, to be kept in a form that the Registrar thinks fit.”.

- (2) After section 7(1)—

Add

- “(1A) The General Register must be divided into 5 parts and contain the name, practice address (if any), registered address, qualification and any other particulars that the Registrar thinks necessary, of—
- (a) in Part 1—every person whose name is required to be entered in this Part under section 9B;
 - (b) in Part 2—every person whose name is required to be entered in this Part under section 7F;
 - (c) in Part 3—every person whose name is required to be entered in this Part under section 9F;
 - (d) in Part 4—every person whose name is required to be entered in this Part under section 9I; and
 - (e) in Part 5—every person whose name is required to be entered in this Part under section 9L.
- (1B) Part 1 of the General Register must be further divided into—
- (a) the practising list; and
 - (b) the non-practising list.”.

(3) Section 7—

Repeal subsection (2).

(4) Section 7(4)—

Repeal

“shall contain the names,”

Substitute

“must contain the names, practice addresses (if any),”.

(5) Section 7—

Repeal subsection (5)

Substitute

“(5) The Registrar is responsible for the maintenance and custody of the General Register and Specialist Register.”.

30. Part 11, Divisions 2 and 3 added

After section 7—

Add

“Division 2—Licensing Examination

7A. Council to set Licensing Examination

- (1) The Council must set an examination called the Licensing Examination.
- (2) The Council may impose any condition relevant to the assessment or improvement of a person’s professional knowledge in dentistry that a person must satisfy before the Council allows the person to take the Licensing Examination or any part of the Licensing Examination.
- (3) The Council may refuse to allow a person to take the Licensing Examination if the person has taken any part of the Licensing Examination 5 times and has failed each time.

7B. Eligibility for taking Licensing Examination

- (1) A person who wishes to take the Licensing Examination or any part of the Licensing Examination may make an application to the Council.
- (2) An application must be made in the specified form.

- (3) The Council may, on application, allow a person to take the Licensing Examination or the part of the Licensing Examination if—
 - (a) the prescribed fee has been paid;
 - (b) the Council is satisfied that the person is of good character; and
 - (c) the condition imposed under section 7A(2) is satisfied.

7C. Exemption from Licensing Examination

- (1) The Council may, on application made in the specified form, exempt a person from the Licensing Examination or any part of the Licensing Examination if it considers it appropriate to do so.
- (2) Subsection (3) applies if—
 - (a) an application is made for the purpose of seeking an exemption to satisfy a condition specified in Schedule 10 (as required under section 8(1)(c)(iii)); and
 - (b) the applicant is a person who has worked under full-time employment as a person with special registration in one or more Schedule 5 institutions (whether or not the person has also worked under full-time employment as a person with limited registration in one or more Schedule 4 institutions) (*specified employment*).
- (3) The Council must grant the exemption unless, having considered the nature and scope of the work undertaken by the person under the specified employment, the Council has reasonable doubts on the person's professional knowledge on a matter that is the subject matter to be assessed by the Licensing

Examination, or the part of the Licensing Examination for which the exemption is applied.

Division 3—Provisional Registration

7D. Application for provisional registration

- (1) A person may apply to the Registrar for provisional registration.
- (2) An application must be made in the specified form.

7E. Determination of application for provisional registration

- (1) On receiving an application made in accordance with section 7D, the Registrar must approve it if—
 - (a) the applicant—
 - (i) has been awarded a qualifying degree in dentistry; and
 - (ii) has been engaged to work under full-time employment as a dentist in a Schedule 6 institution for the purpose of completing an internship mentioned in section 8A; or
 - (b) the applicant—
 - (i) has passed the Licensing Examination; and
 - (ii) has been engaged to work under full-time employment as a dentist in a Schedule 7 institution for the purpose of completing a period of assessment mentioned in section 8B.
- (2) The Registrar must notify the applicant in writing of—
 - (a) the Registrar’s decision; and

- (b) if the application is rejected—the reason for it.
- (3) For the purposes of subsection (1)(b)(i), a person who is exempted under section 7C from the Licensing Examination, or any part of the Licensing Examination, is to be regarded as having passed the Licensing Examination or the part of the Licensing Examination.

7F. Provisional registration

- (1) This section applies if the Registrar approves an application under section 7E.
- (2) The Registrar must, after the prescribed fee has been paid, enter the applicant's name in Part 2 of the General Register.
- (3) The registration of a person under this section is in force until the earlier of the following—
 - (a) the termination of the person's employment mentioned in section 7E(1)(a)(ii) or (b)(ii);
 - (b) the removal of the person's name from Part 2 of the General Register under an order made under section 15, 18 or 18A.

7G. Effect of provisional registration

A person with provisional registration is to be treated as a registered dentist—

- (a) for a person applying for provisional registration for the purpose of completing an internship mentioned in section 8A—while the person is undergoing the internship;

- (b) for a person applying for provisional registration for the purpose of completing a period of assessment mentioned in section 8B—while the person is undergoing the period of assessment; and
- (c) for any other purpose as may be directed by the Chief Executive in Council.”.

31. Part 11, Division 4 heading added

Before section 8—

Add

“Division 4—Full Registration”.

32. Section 8 substituted

Section 8—

Repeal the section

Substitute

“8. Eligibility for full registration

- (1) A person is eligible for full registration if—
 - (a) the person has been awarded—
 - (i) a qualifying degree in dentistry; and
 - (ii) a certificate of experience under section 8C;
 - (b) the person—
 - (i) has passed the Licensing Examination; and
 - (ii) has been awarded a certificate of experience under section 8D; or

- (c) the person—
 - (i) has worked under full-time employment as a person with limited registration in one or more Schedule 4 institutions or as a person with special registration in one or more Schedule 5 institutions for at least 5 years in aggregate;
 - (ii) is certified by the institution, or by all the institutions, to have satisfactorily served as a dentist during the employment period by reference to the criteria specified by the Council; and
 - (iii) satisfies the condition specified in Schedule 10.
- (2) For the purposes of subsection (1)(b)(i), a person who is exempted under section 7C from the Licensing Examination, or any part of the Licensing Examination, is to be regarded as having passed the Licensing Examination or the part of the Licensing Examination.”.

33. Sections 8A to 8E added

After section 8—

Add

“8A. Internship

- (1) This section applies in relation to a person who—
 - (a) has been awarded a qualifying degree in dentistry; and
 - (b) wishes to be awarded a certificate of experience under section 8C.

- (2) The Council must specify—
 - (a) the first day and the last day of a period (*internship period*) during which the person is required to undergo an internship in a Schedule 6 institution for the purpose of being awarded a certificate of experience under section 8C; and
 - (b) the scope of work that the person must undertake during the internship period for that purpose.
- (3) The duration of the internship period must be the same as that specified in Part 1 of Schedule 8.
- (4) The Council—
 - (a) despite subsection (3), may extend the internship period specified for the person if the Council considers it appropriate to do so; and
 - (b) may defer the dates specified under subsection (2)(a).
- (5) If the Council reasonably determines that a person undergoing an internship is unlikely to attain the professional standards required of a registered dentist at the end of the internship, the Council may terminate the internship.

8B. Period of assessment

- (1) This section applies in relation to a person who—
 - (a) has not been awarded a qualifying degree in dentistry;
 - (b) has passed the Licensing Examination; and
 - (c) wishes to be awarded a certificate of experience under section 8D.

-
- (2) The Council must specify—
 - (a) the first day and the last day of a period (*period of assessment*) during which the person is required to undergo assessment in a Schedule 7 institution for the purpose of being awarded a certificate of experience under section 8D; and
 - (b) the scope of work that the person must undertake during the period of assessment for that purpose.
 - (3) The duration of the period of assessment must not exceed that specified in Part 2 of Schedule 8.
 - (4) The Council—
 - (a) despite subsection (3), may shorten or extend the period of assessment specified for the person if the Council considers it appropriate to do so; and
 - (b) may defer the dates specified under subsection (2)(a).
 - (5) If the Council reasonably determines that a person undergoing a period of assessment is unlikely to attain the professional standards required of a registered dentist at the end of the period of assessment, the Council may terminate the period of assessment.
 - (6) For the purposes of subsection (1)(b), a person who is exempted under section 7C from the Licensing Examination, or any part of the Licensing Examination, is to be regarded as having passed the Licensing Examination or the part of the Licensing Examination.

8C. Certificate of experience on completion of internship

- (1) This section applies in relation to a person who has completed an internship mentioned in section 8A.
- (2) The person may apply to the specified authority for a certificate of experience.
- (3) The specified authority may award the certificate to the person if it is satisfied that—
 - (a) during the internship, the person undertook work within the scope of work specified under section 8A(2)(b); and
 - (b) the work of the person was satisfactory.
- (4) The certificate must be in the specified form.
- (5) In this section—

specified authority (當局) means—

 - (a) if the Council has not delegated its functions under section 8E(1)—the Council; or
 - (b) if the Council has delegated its functions under section 8E(1) to an institution—the institution.

8D. Certificate of experience on completion of period of assessment

- (1) This section applies in relation to a person who has completed a period of assessment mentioned in section 8B.
- (2) The person may apply to the specified authority for a certificate of experience.
- (3) The specified authority may award the certificate to the person if it is satisfied that—

- (a) during the period of assessment, the person undertook work within the scope of work specified under section 8B(2)(b); and
 - (b) the work of the person was satisfactory.
- (4) The certificate must be in the specified form.
- (5) In this section—
- specified authority* (當局) means—
- (a) if the Council has not delegated its functions under section 8E(2)—the Council; or
 - (b) if the Council has delegated its functions under section 8E(2) to an institution—the institution.

8E. Council may delegate its functions under sections 8C and 8D

- (1) The Council may, by notice published in the Gazette, delegate its functions under section 8C in respect of a person who has been awarded a qualifying degree in dentistry by a university to any of the following institutions—
- (a) the university; or
 - (b) a Schedule 6 institution.
- (2) The Council may, by notice published in the Gazette, delegate its functions under section 8D in respect of a person to a Schedule 7 institution.
- (3) A notice published under subsection (1) or (2) is not subsidiary legislation.”.

34. Section 9 substituted

Section 9—

Repeal the section**Substitute****“9. Application for full registration**

- (1) A person may apply to the Registrar for full registration.
- (2) An application must—
 - (a) be made in the specified form;
 - (b) indicate the applicant’s wish, if the application is approved, to have the applicant’s name contained in the practising list or the non-practising list; and
 - (c) 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 proceedings in Hong Kong or elsewhere.”.

35. Sections 9A and 9B and Part 11, Divisions 5, 6 and 7 added

After section 9—

Add**“9A. Determination of application for full registration**

- (1) On receiving an application made in accordance with section 9, the Registrar must refer the application to the Council.
- (2) Subject to subsection (3), the Council must approve the application if the applicant is eligible for full registration in accordance with section 8.
- (3) The Council may reject the application if it is satisfied, after due inquiry, 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.
- (4) The Council must notify the Registrar of—
 - (a) the Council’s decision; and
 - (b) if the application is rejected—the reason for it.
- (5) On receiving a notification under subsection (4), the Registrar must notify the applicant in writing of—
 - (a) the Council’s decision; and
 - (b) if the application is rejected—the reason for it.

9B. Full registration

- (1) This section applies if the Council approves an application under section 9A.
- (2) The Registrar must, after the prescribed fee has been paid, enter the applicant’s name in Part 1 of the General Register.

- (3) The Registrar must enter the applicant's name in the practising list or the non-practising list according to the wish indicated under section 9(2)(b).

Division 5—Limited Registration

9C. Application for limited registration

- (1) A person may apply to the Registrar for limited registration.
- (2) An 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 proceedings in Hong Kong or elsewhere.

9D. Determination of application for limited registration

- (1) On receiving an application made in accordance with section 9C, the Registrar must refer the application to the Council.
- (2) The Council must approve the application if it is satisfied that—
 - (a) the applicant has been selected for—

-
- (i) full-time employment as a person with limited registration in a Schedule 4 institution; or
 - (ii) an employment or an employment of a type determined under section 9E;
 - (b) the applicant has obtained a recognized non-Hong Kong qualification;
 - (c) the applicant has had adequate and relevant full-time post-qualification clinical experience;
 - (d) the applicant is registered as a dentist under the law of a place outside Hong Kong;
 - (e) the applicant has not been refused, under section 7A(3), to take the Licensing Examination; and
 - (f) the applicant is of good character.
- (3) In approving an application, the Council—
- (a) must specify a period not exceeding 3 years during which the registration is to be in force; and
 - (b) may impose any condition that the Council considers appropriate.
- (4) The Council must notify the Registrar of—
- (a) the Council's decision; and
 - (b) if the application is rejected—the reason for it.
- (5) On receiving a notification under subsection (4), the Registrar must notify the applicant in writing of—
- (a) the Council's decision; and
 - (b) if the application is rejected—the reason for it.

(6) In this section—

recognized non-Hong Kong qualification (認可境外資格) means a qualification obtained outside Hong Kong that is recognized by the Council for the purposes of this section as being sufficient evidence of the possession of the requisite knowledge and skill for the effective practice of dentistry.

9E. Promulgation of employment for section 9D(2)(a)(ii)

- (1) The Council may, having regard to any representations made to it, determine for the purposes of section 9D(2)(a)(ii) an employment or a type of employment in respect of which limited registration is appropriate or necessary.
- (2) The Council must promulgate the determination by notice published in the Gazette.
- (3) A notice published under subsection (2) is not subsidiary legislation.

9F. Limited registration

- (1) This section applies if the Council approves an application under section 9D.
- (2) The Registrar must, after the prescribed fee has been paid, enter the applicant's name in Part 3 of the General Register.
- (3) 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 mentioned in section 9D(2)(a);

- (c) the removal of the person's name from Part 3 of the General Register under an order made under section 15, 18 or 18A.

Division 6—Temporary Registration

9G. Application for temporary registration

- (1) A person (*applicant*) may apply to the Council for the temporary registration of another person (*subject person*) exclusively for conducting clinical teaching or research for the applicant.
- (2) An 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 proceedings in Hong Kong or elsewhere.

9H. Determination of application for temporary registration

- (1) On receiving an application made in accordance with section 9G for the temporary registration of a person, the Council may approve or reject it.

- (2) However, the Council must not approve an application unless the Council is satisfied that it is appropriate and necessary for the person to be granted temporary registration to enable the person to conduct clinical teaching or research for the applicant.
- (3) In approving an application, the Council—
 - (a) must specify a period not exceeding 14 days during which the registration is to be in force; and
 - (b) may impose any condition that the Council considers appropriate.
- (4) The Council must notify the applicant in writing of—
 - (a) the Council's decision; and
 - (b) if the application is rejected—the reason for it.
- (5) If the Council approves an application, the Council must also notify the Registrar of the decision.

9I. Temporary registration

- (1) This section applies if the Council approves, under section 9H, an application for the temporary registration of a person.
- (2) The Registrar must enter the name of the person in Part 4 of the General Register.
- (3) 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 Part 4 of the General Register under an order made under section 15, 18 or 18A.

Division 7—Special Registration

9J. Application for special registration

- (1) A person may apply to the Registrar for special registration.
- (2) An 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 proceedings in Hong Kong or elsewhere.

9K. Determination of application for special registration

- (1) On receiving an application made in accordance with section 9J, the Registrar must refer the application to the Council.
- (2) The Council must approve the application if it is satisfied that—

-
- (a) the applicant has been selected for full-time employment as a person with special registration in a Schedule 5 institution;
 - (b) the applicant has obtained a recognized non-Hong Kong qualification;
 - (c) either—
 - (i) the applicant has been awarded a Fellowship of the Academy of Medicine in the specialty of dental surgery; or
 - (ii) the Academy of Medicine has certified that the applicant has attained a professional standard equivalent to that recognized by the Academy for the award of a Fellowship of the Academy in the specialty of dental surgery;
 - (d) the applicant has had adequate and relevant full-time post-qualification clinical experience;
 - (e) the applicant is registered as a dentist under the law of a place outside Hong Kong;
 - (f) the applicant has not been refused, under section 7A(3), to take the Licensing Examination; and
 - (g) the applicant is of good character.
- (3) In approving an application, the Council—
- (a) must specify a period not exceeding 3 years during which the registration is to be in force; and
 - (b) may impose any condition that the Council considers appropriate.

- (4) The Council must notify the Registrar of—
 - (a) the Council’s decision; and
 - (b) if the application is rejected—the reason for it.
- (5) On receiving a notification under subsection (4), the Registrar must notify the applicant in writing of—
 - (a) the Council’s decision; and
 - (b) if the application is rejected—the reason for it.
- (6) In this section—

recognized non-Hong Kong qualification (認可境外資格) means a qualification obtained outside Hong Kong that is recognized by the Council for the purposes of this section as being sufficient evidence of the possession of the requisite knowledge and skill for the effective practice of dentistry.

9L. Special registration

- (1) This section applies if the Council approves an application under section 9K.
- (2) The Registrar must, after the prescribed fee has been paid, enter the applicant’s name in Part 5 of the General Register.
- (3) 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 mentioned in section 9K(2)(a);
 - (c) the removal of the person’s name from Part 5 of the General Register under an order made under section 15, 18 or 18A.”.

36. Part 11, Division 8 heading added

Before section 10—

Add

“Division 8—Certificate of Registration and Practising Certificate”.

37. Section 10 substituted

Section 10—

Repeal the section

Substitute

“10. Certificate of registration

If the name of a person is entered in Part 1, 3 or 5 of the General Register under section 9B, 9F or 9L, the Registrar must issue to the person a certificate of registration in the specified form.”.

38. Section 11A amended (person not to practise without practising certificate)

(1) Section 11A, heading—

Repeal

“Person not to practise without practising certificate”

Substitute

“Practising certificate required for practice”.

(2) Section 11A—

Repeal subsection (1)

Substitute

“(1) A registered dentist must not practise as a dentist in Hong Kong unless the registered dentist holds a valid practising certificate.”.

(3) Section 11A—

Repeal subsection (2)**Substitute**

“(2) The Council may issue a practising certificate in the specified form to a registered dentist (*applicant*) if—

- (a) the applicant applies to the Council for a practising certificate;
- (b) the application is made in the specified form and contains information on the applicant’s employment and practice of dentistry as required by the specified form;
- (c) the application is supported by a declaration by the applicant as to whether the applicant has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment, and if the applicant has been so convicted, giving details of the conviction; and
- (d) the prescribed fee has been paid.

(2A) If the applicant for a practising certificate is a person with full registration, a person with limited registration or a person with special registration, the Council must not issue a practising certificate to the applicant unless the Council is satisfied that the applicant has complied with the requirement regarding continuing professional development determined by the Council as applicable to the applicant.

(2B) If the applicant for a practising certificate (*new certificate*) holds a valid practising certificate issued under section 15H (*existing certificate*), the Council must cancel the existing certificate before issuing the new certificate.

(2C) The Council may specify in a practising certificate any condition that the Council considers appropriate.”.

(4) Section 11A—

Repeal subsection (3)

Substitute

“(3) If a practising certificate is issued on an application made during a year in respect of that year, the certificate is, subject to subsections (4A) and (5), to be in force from the time of issue to the end of that year.”.

(5) Section 11A—

Repeal subsection (4)

Substitute

“(4) If a practising certificate is issued on an application made during a year in respect of the following year, the certificate is, subject to subsections (4A) and (5), to be in force during that following year.”.

(6) After section 11A(4)—

Add

“(4A) A practising certificate issued to a person with temporary registration is, subject to subsection (5), to be in force during a period not exceeding 14 days, as specified in the certificate.”.

(7) Section 11A—

Repeal subsection (5)

Substitute

“(5) A practising certificate issued under this section ceases to be in force if, during the currency of the certificate, its holder ceases to be—

- (a) a person with full registration whose name is contained in the practising list;
- (b) a person with limited registration;
- (c) a person with temporary registration; or
- (d) a person with special registration.”.

(8) Section 11A—

Repeal subsections (6) and (8).

39. Section 11B repealed (recovery of practising fees)

Section 11B—

Repeal the section.

40. Section 12 repealed (dental companies)

Section 12—

Repeal the section.

41. Part 11, Division 9 heading added

Before section 12A—

Add

“Division 9—Specialist Register”.

42. Section 12B amended (application for inclusion in Specialist Register)

(1) Section 12B(1)—

Repeal

“, in such form and manner as may be specified by the Council, for the inclusion”

Substitute

“for the inclusion in the specified form”.

(2) Section 12B(3)(a)(i)(A), after “Medicine”—

Add

“in the specialty of dental surgery”.

(3) Section 12B(10)—

Repeal

“shall, on receiving from the dentist the fee prescribed for the purpose”

Substitute

“must, after the prescribed fee has been paid”.

(4) Section 12B(10)(b)—

Repeal

“form specified by the Council”

Substitute

“specified form”.

43. Section 12E amended (receipt of complaint or information on suitability issue)

(1) Section 12E(1), English text—

Repeal

“to the”

Substitute

“to a”.

(2) Section 12E(2), English text—

Repeal

“the Preliminary Investigation Committee under subsection (1), the chairman of that Committee shall”

Substitute

“a Preliminary Investigation Committee under subsection (1), the chairperson of the Committee must”.

(3) Section 12E(2), Chinese text—

Repeal

“小組後，該小組的主席須在切實可行範圍內”

Substitute

“委員會後，該委員會的主席須在切實可行範圍內，”。

(4) Section 12E(3), English text—

Repeal

“chairman of the”

Substitute

“chairperson of a”.

44. Section 12F amended (complaints or information referred to Education and Accreditation Committee)

(1) Section 12F(2), English text—

Repeal

“chairman”

Substitute

“chairperson”.

(2) Section 12F(2), Chinese text—

Repeal

everything before “不得”

Substitute

“(2) 如教育及評審委員會的主席認為，轉介該委員會的某申訴或告發屬瑣屑無聊或沒有根據，而不應着手作進一步處理，則該委員會”。

45. Part 11, Division 10 heading added

After section 12F—

Add

“Division 10—Miscellaneous”.

46. Sections 12G to 12J added

Before section 13—

Add

“12G. Registered dentists and persons with provisional registration must provide address

(1) A registered dentist or a person with provisional registration must provide to the Registrar an address in Hong Kong at which he or she may be contacted.

- (2) Subject to subsection (3), a registered dentist (other than a registered dentist whose name is contained in the non-practising list) must provide the address of all premises in Hong Kong on which he or she carries on the practice of dentistry.
- (3) Subsection (2) does not require a person to provide an address of—
 - (a) any premises on which the person provides an outreach medical service (within the meaning of section 9 of the Private Healthcare Facilities Ordinance (Cap. 633)); or
 - (b) any premises on which the person carries on the practice of dentistry not for gain.
- (4) A person who has provided an address under subsection (1) or (2) must report to the Registrar any change of the address (including the address as changed and reported under this subsection) within 2 months after the date on which the change occurs.
- (5) A person who fails to comply with subsection (1), (2) or (4) commits an offence and is liable on summary conviction to a fine at level 1.
- (6) If a person is charged with an offence under subsection (5), it is a defence for the person to establish that the person had a reasonable excuse for the failure to comply with subsection (1), (2) or (4).
- (7) A person charged with an offence under subsection (5) is taken to have established a matter that needs to be established for a defence under subsection (6) if—
 - (a) there is sufficient evidence to raise an issue with respect to the matter; and

- (b) the contrary is not proved by the prosecution beyond reasonable doubt.

12H. Transfer from practising list to non-practising list

- (1) This section applies to a person—
 - (a) whose name is contained in the practising list; and
 - (b) who wishes to have the person's name contained in the non-practising list.
- (2) The person may apply to the Registrar in the specified form for the transfer of the person's name from the practising list to the non-practising list.
- (3) On receiving an application made in accordance with subsection (2), the Registrar must, after the prescribed fee has been paid, alter the General Register by transferring the person's name from the practising list to the non-practising list.

12I. Issue of retention certificate to person whose name is contained in non-practising list

- (1) This section applies to a person whose name is contained in the non-practising list.
- (2) The person may apply to the Registrar in the specified form for a retention certificate.
- (3) On receiving an application made in accordance with subsection (2), the Registrar must, after the prescribed fee has been paid, issue to the person a retention certificate to the effect that the person is, subject to any condition specified in the certificate, entitled to have the person's name contained in the non-practising list while the certificate is in force.

- (4) If a retention certificate is issued on an application made during a year in respect of that year, the certificate is, subject to subsection (6), to be in force from the time of issue to the end of that year.
- (5) If a retention certificate is issued on an application made during a year in respect of the following year, the certificate is, subject to subsection (6), to be in force during that following year.
- (6) A retention certificate ceases to be in force if, during the currency of the certificate—
 - (a) its holder ceases to be a person with full registration; or
 - (b) the Registrar cancels the certificate under section 12J(5).

12J. Transfer from non-practising list to practising list

- (1) This section applies to a person—
 - (a) whose name is contained in the non-practising list; and
 - (b) who wishes to have the person's name contained in the practising list.
- (2) The person may apply to the Registrar for the transfer of the person's name from the non-practising list to the practising list.
- (3) An application must—
 - (a) be made in the specified form; and
 - (b) be made at the same time an application for a practising certificate mentioned in section 11A(2) is made.

- (4) On receiving an application made in accordance with subsection (3), the Registrar must alter the General Register by transferring the person's name from the non-practising list to the practising list if—
 - (a) the prescribed fee has been paid;
 - (b) the Registrar is satisfied that the condition (if any) specified under section 12I(3) has not been contravened; and
 - (c) a practising certificate has been issued to the person under section 11A(2).
- (5) On the transfer of the person's name, the Registrar must cancel the retention certificate issued to the person that is still in force.”.

47. Section 13 substituted

Section 13—

Repeal the section

Substitute

“13. Publication of information in General Register and evidence of registration

- (1) As soon as practicable after 1 January of every year, the Registrar must prepare and publish in the Gazette a list of the name, practice address (if any), qualification, date of qualification, and other particulars that the Registrar considers appropriate, of every person who is a person with full registration, a person with limited registration or a person with special registration on 1 January of the year.
- (2) As soon as practicable after 1 July of every year, the Registrar must prepare and publish in the Gazette a

list of the name, practice address (if any), qualification, date of qualification, and other particulars that the Registrar considers appropriate, of every person—

- (a) who is a person with full registration, a person with limited registration or a person with special registration on 1 July of the year; and
 - (b) whose name was entered in Part 1, 3 or 5 of the General Register between 1 January and 1 July (both dates inclusive) of the year.
- (3) A person's name being contained in a list published under subsection (1) or (2) is prima facie evidence that the person is a person with full registration, a person with limited registration or a person with special registration (as the case requires).
- (4) The absence of a person's name from the list last published under subsection (1) and from any list subsequently published under subsection (2) is prima facie evidence that the person is not a person with full registration, a person with limited registration or a person with special registration (as the case requires).
- (5) A certificate issued by the Registrar stating that a person's name is or is not, or was or was not, contained in the General Register on a date is conclusive evidence of that fact.”.

48. Section 13A substituted

Section 13A—

Repeal the section

Substitute**“13A. Publication of information in Specialist Register and evidence of inclusion**

- (1) As soon as practicable after 1 January of every year, the Registrar must prepare and publish in the Gazette a list of the name, practice address (if any), qualification, date of qualification, and other particulars that the Registrar considers appropriate, of every person who is a registered specialist dentist on 1 January of the year.
- (2) As soon as practicable after 1 July of every year, the Registrar must prepare and publish in the Gazette a list of the name, practice address (if any), qualification, date of qualification, and other particulars that the Registrar considers appropriate, of every person—
 - (a) who is a registered specialist dentist on 1 July of the year; and
 - (b) whose name was included in the Specialist Register between 1 January and 1 July (both dates inclusive) of the year.
- (3) A person’s name being contained in a list published under subsection (1) or (2) is prima facie evidence that the person is a registered specialist dentist.
- (4) The absence of a person’s name from the list last published under subsection (1) and from any list subsequently published under subsection (2) is prima facie evidence that the person is not a registered specialist dentist.

- (5) A certificate issued by the Registrar stating that a person's name is or is not, or was or was not, contained in the Specialist Register on a date is conclusive evidence of that fact.”.

49. Section 14 repealed (exhibition of certificate of registration)

Section 14—

Repeal the section.

50. Section 15 amended (correction of General Register or Specialist Register)

- (1) Section 15, heading—

Repeal

“Correction of General Register or”

Substitute

“Alterations to General Register and”.

- (2) Section 15—

Repeal subsections (1) and (1A)

Substitute

- “(1) If a change of or an addition to the practice address, or a change of the registered address, of a person whose name is contained in the General Register has come to the Registrar's knowledge, the Registrar must alter the General Register to reflect the change or addition.

- (1A) If a change of or an addition to the practice address, or a change of the registered address, of a person whose name is contained in the Specialist Register has come to the Registrar’s knowledge, the Registrar must alter the Specialist Register to reflect the change or addition.
- (1B) The Registrar may, after the prescribed fee has been paid by a person whose name is contained in the General Register or Specialist Register, alter the entry in the Register relating to the person (other than an alteration relating to the practice address or registered address of the person).”
- (3) Section 15(2)—

Repeal

“shall make such amendments to the General Register or Specialist Register as are”

Substitute

“must make an alteration to the General Register or Specialist Register that is”.

- (4) Section 15—

Repeal subsection (3)**Substitute**

- “(3) The Council may order the removal from the General Register of the name of a person—
- (a) who is deceased;
 - (b) who, being a person with full registration, a person with limited registration or a person with special registration, has failed to obtain a practising certificate under section 11A or a retention certificate (*relevant certificate*) within

- 6 months after the last of the following dates (if applicable)—
- (i) the date of the person's registration;
 - (ii) the expiry date of the last relevant certificate issued to the person;
 - (iii) the date on which the person's name is restored to the General Register under section 27A; or
- (c) who has not provided to the Registrar an address at which the person may be contacted.
- (4) An order made under subsection (3) must be signed by the Registrar.
- (5) Subject to subsections (6) and (7), the Registrar may remove from the General Register the name of a person—
- (a) whose name is ordered to be removed under subsection (3); or
 - (b) whose registration under this Part is no longer in force.
- (6) The Registrar must, if practicable, cause a copy of an order made under subsection (3)(b) or (c) in respect of a person to be served on the person as soon as practicable after it is made.
- (7) The Registrar must not remove the name of a person from the General Register in accordance with an order made under subsection (3) before—
- (a) if the order is made under subsection (3)(b) or (c) and a copy of the order is served under subsection (6)—subject to paragraph (b), the expiry of 1 month after the date on which a copy of the order is served; or

- (b) if an appeal is made against the order under section 23—the appeal is finally determined.
- (8) For the purposes of subsection (3)(c), a person is to be regarded as not having provided an address to the Registrar if—
 - (a) a registered letter is sent to the person at the last registered address provided by the person to the Registrar; and
 - (b) the person fails to acknowledge receipt of the letter within 12 months after the date on which the letter is sent.”.

51. Section 15A amended (removal of names from Specialist Register)

- (1) Section 15A(1)(a)—

Repeal

“or 18(1)”

Substitute

“, 18 or 18A”.

- (2) After section 15A(3)—

Add

- “(4) An order made under subsection (2) must be signed by the Registrar.
- (5) Subject to subsections (6) and (7), the Registrar may remove from the Specialist Register the name of a registered dentist whose name is ordered to be removed under subsection (2).

- (6) The Registrar must cause a copy of an order made under subsection (2) in respect of a registered dentist to be served on the registered dentist as soon as practicable after it is made.
- (7) The Registrar must not remove the name of a registered dentist from the Specialist Register in accordance with an order made under subsection (2) before—
 - (a) subject to paragraph (b), the expiry of 1 month after the date on which a copy of the order is served under subsection (6); or
 - (b) if an appeal is made against the order under section 23—the appeal is finally determined.”.

52. Section 15B repealed (service of notice)

Section 15B—

Repeal the section.

53. Part 12 added

Before Part 13—

Add

“Part 12

Dental Care Professionals

15C. Register of Dental Care Professionals

- (1) The Registrar must cause a register of dental care professionals, called the Register of Dental Care Professionals, to be kept in a form that the Registrar thinks fit.

- (2) The Register of Dental Care Professionals must be divided into different parts for different classes of dental care professionals.
- (3) Each part of the Register of Dental Care Professionals must contain—
 - (a) the name of every person whose name is required to be entered in the part under section 15F(2)(a);
 - (b) the registered address and qualification of the person; and
 - (c) any other particulars of the person that the Registrar thinks necessary.
- (4) The Registrar is responsible for the maintenance and custody of the Register of Dental Care Professionals.

15D. Application for registration as dental care professional

- (1) A person may apply to the Registrar for registration as a registered dental care professional of a class specified in column 1 of Part 1 of Schedule 3.
- (2) An 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 proceedings in Hong Kong or elsewhere.
- (3) To avoid doubt—
 - (a) a person may apply for registration as a registered dental care professional for more than one class specified in column 1 of Part 1 of Schedule 3; and
 - (b) a person registered as a registered dental care professional of a class specified in that column may apply for registration as a registered dental care professional for another class or classes specified in that column.
- (4) If a person applies for registration as a registered dental care professional for more than one class specified in column 1 of Part 1 of Schedule 3, the application for each class is to be processed separately as if separate applications were made.

15E. Determination of application for registration as dental care professional

- (1) On receiving an application for registration as a registered dental care professional of a class specified in column 1 of Part 1 of Schedule 3 made in accordance with section 15D, the Registrar must refer the application to the Council.
- (2) Subject to subsection (3), the Council must approve the application if the applicant is a person specified for that class in Part 3 of Schedule 3.
- (3) The Council may reject the application if it is satisfied, after due inquiry, 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.
- (4) In approving the application, the Council may impose any condition that the Council considers appropriate.
- (5) The Council must notify the Registrar of—
- (a) the Council's decision; and
 - (b) if the application is rejected—the reason for it.
- (6) On receiving a notification under subsection (5), the Registrar must notify the applicant in writing of—
- (a) the Council's decision; and
 - (b) if the application is rejected—the reason for it.

15F. Registration as dental care professional

- (1) This section applies if the Council approves, under section 15E, an application for registration as a registered dental care professional for a class specified in column 1 of Part 1 of Schedule 3.
- (2) The Registrar must, after the prescribed fee has been paid—
- (a) enter the applicant's name in the part of the Register of Dental Care Professionals for that class; and
 - (b) issue to the applicant a certificate of registration for that class.
- (3) A certificate of registration must be in the specified form.

15G. Scope of practice

- (1) A registered dental care professional of a class specified in column 1 of Part 1 of Schedule 3 may practise dentistry but only to the extent that the service provided in the practice is one specified in column 3 of that Part opposite the class (*specified service*).
- (2) Despite subsection (1), a registered dental care professional of any class must not provide a specified service unless—
 - (a) the person is engaged to provide the service by—
 - (i) a registered dentist;
 - (ii) a partnership of which at least one partner is a registered dentist; or
 - (iii) an organization or establishment, or a body corporate, that has engaged at least one registered dentist; and
 - (b) the condition specified in column 4 of Part 1 of Schedule 3 opposite the service is satisfied.

15H. Practising certificate required for practice

- (1) A registered dental care professional of a class specified in column 1 of Part 1 of Schedule 3 must not practise as a dental care professional of the class in Hong Kong, unless he or she holds a valid practising certificate for that class.
- (2) The Council may issue a practising certificate for a class of dental care professionals in the specified form to a registered dental care professional of the class (*applicant*) if—

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- (a) the applicant applies to the Council for a practising certificate for the class;
 - (b) the application is made in the specified form and contains information on the applicant's employment and practice of dentistry as required by the specified form;
 - (c) the application is supported by a declaration by the applicant as to whether the applicant has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment, and if the applicant has been so convicted, giving details of the conviction; and
 - (d) the prescribed fee has been paid.
- (3) The Council must not issue a practising certificate to an applicant unless the Council is satisfied that the applicant has complied with the requirement regarding continuing professional development determined by the Council as applicable to the applicant.
 - (4) The Council must not issue practising certificates for more than one class of dental care professionals in a category to a person at the same time.
 - (5) If an applicant for a practising certificate for a class of dental care professionals in a category (*new certificate*) holds a valid practising certificate for another class in the same category (*existing certificate*), the Council must cancel the existing certificate before issuing the new certificate.
 - (6) The Council must not issue a practising certificate to a person who holds a valid practising certificate issued under section 11A(2).

- (7) The Council may specify in a practising certificate any condition that the Council considers appropriate.
- (8) If a practising certificate is issued on an application made during a year in respect of that year, the certificate is, subject to subsection (10), to be in force from the time of issue to the end of that year.
- (9) If a practising certificate is issued on an application made during a year in respect of the following year, the certificate is, subject to subsection (10), to be in force during that following year.
- (10) A practising certificate issued for a class under this section ceases to be in force if, during the currency of the certificate—
 - (a) its holder ceases to be a registered dental care professional of the class; or
 - (b) the Council cancels the certificate under subsection (5) or section 11A(2B).

15I. Registered dental care professionals must provide address

- (1) A registered dental care professional must provide to the Registrar an address in Hong Kong at which he or she may be contacted.
- (2) A person who has provided an address under subsection (1) must report to the Registrar any change of the address (including the address as changed and reported under this subsection) within 2 months after the date on which the change occurs.
- (3) A person who fails to comply with subsection (1) or (2) commits an offence and is liable on summary conviction to a fine at level 1.

- (4) If a person is charged with an offence under subsection (3), it is a defence for the person to establish that the person had a reasonable excuse for the failure to comply with subsection (1) or (2).
- (5) A person charged with an offence under subsection (3) is taken to have established a matter that needs to be established for a defence under subsection (4) if—
 - (a) there is sufficient evidence to raise an issue with respect to the matter; and
 - (b) the contrary is not proved by the prosecution beyond reasonable doubt.

15J. Publication of information in Register of Dental Care Professionals and evidence of registration

- (1) As soon as practicable after 1 January of every year, the Registrar must prepare and publish in the Gazette a list of the name, and other particulars that the Registrar considers appropriate, of every person who is a registered dental care professional on 1 January of the year.
- (2) As soon as practicable after 1 July of every year, the Registrar must prepare and publish in the Gazette a list of the name, and other particulars that the Registrar considers appropriate, of every person—
 - (a) who is a registered dental care professional on 1 July of the year; and
 - (b) whose name was entered in the Register of Dental Care Professionals between 1 January and 1 July (both dates inclusive) of the year.

- (3) A person's name being contained in a list published under subsection (1) or (2) is prima facie evidence that the person is a registered dental care professional.
- (4) The absence of a person's name from the list last published under subsection (1) and from any list subsequently published under subsection (2) is prima facie evidence that the person is not a registered dental care professional.
- (5) A certificate issued by the Registrar stating that a person's name is or is not, or was or was not, contained in the Register of Dental Care Professionals on a date is conclusive evidence of that fact.

15K. Alterations to Register of Dental Care Professionals

- (1) If a change of the registered address of a person whose name is contained in the Register of Dental Care Professionals has come to the Registrar's knowledge, the Registrar must alter the Register to reflect the change.
- (2) The Registrar may, after the prescribed fee has been paid by a person whose name is contained in the Register of Dental Care Professionals, alter the entry in the Register relating to the person (other than an alteration relating to the registered address of the person).
- (3) The Registrar must make an alteration to the Register of Dental Care Professionals that is made necessary by any decision of the Council.

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- (4) The Council may order the removal from the Register of Dental Care Professionals of the name of a person—
- (a) who is deceased;
 - (b) who has failed to obtain a practising certificate for any class under section 15H within 6 months after the last of the following dates (if applicable)—
 - (i) the date of the person’s registration;
 - (ii) the expiry date of the last practising certificate issued to the person under that section;
 - (iii) the date on which the person’s name is restored to the Register of Dental Care Professionals under section 27A; or
 - (c) who has not provided to the Registrar an address at which the person may be contacted.
- (5) An order made under subsection (4) must be signed by the Registrar.
- (6) Subject to subsections (7) and (8), the Registrar may remove from the Register of Dental Care Professionals the name of a person whose name is ordered to be removed under subsection (4).
- (7) The Registrar must, if practicable, cause a copy of an order made under subsection (4)(b) or (c) in respect of a person to be served on the person as soon as practicable after it is made.
- (8) The Registrar must not remove the name of a person from the Register of Dental Care Professionals in accordance with an order made under subsection (4) before—

- (a) if the order is made under subsection (4)(b) or (c) and a copy of the order is served under subsection (7)—subject to paragraph (b), the expiry of 1 month after the date on which a copy of the order is served; or
 - (b) if an appeal is made against the order under section 23—the appeal is finally determined.
- (9) For the purposes of subsection (4)(c), a person is to be regarded as not having provided an address to the Registrar if—
- (a) a registered letter is sent to the person at the last registered address provided by the person to the Registrar; and
 - (b) the person fails to acknowledge receipt of the letter within 12 months after the date on which the letter is sent.”.

54. Part 13 heading added

Before section 16—

Add

“Part 13

Practice Premises”.

55. Section 16 amended (inspection of premises used for the practice of dentistry)

- (1) Section 16, Chinese text, heading—

Repeal

“牙醫”

Substitute

“牙科”.

(2) Section 16—

Repeal subsection (1)**Substitute**

“(1) A public officer may, with the written authorization of the Council, exercise any or all of the powers specified in subsection (1A), for the purpose of conducting an investigation as to whether a person has done, is doing or is about to do an act that may render the person liable to an inquiry mentioned in section 18.

(1A) The powers are—

- (a) to enter any premises used or proposed to be used for the practice of dentistry;
- (b) after entering the premises—
 - (i) to inspect the premises;
 - (ii) to observe any procedure or test carried out on the premises;
 - (iii) to take any photograph and video recording on the premises;
 - (iv) to do anything necessary for ascertaining whether a person has done, is doing or is about to do an act that may render the person liable to an inquiry mentioned in section 18.

(1B) The public officer must, if requested, produce the Council’s authorization for inspection.”.

(3) Section 16(2)—

Repeal

“inspection of premises used or proposed to be used for the practice of dentistry”

Substitute

“exercise of a power specified in subsection (1A)”.

- (4) After section 16(2)—

Add

“(3) For the purposes of subsections (1) and (1A), a reference to an act includes an omission.”.

56. Section 17 amended (premises unsuitable for the practice of dentistry)

- (1) Section 17, Chinese text, heading—

Repeal

“牙醫”

Substitute

“牙科”.

- (2) Section 17—

Repeal

“No registered dentist shall practise dentistry in”

Substitute

“A registrant must not practise dentistry on”.

57. Part 14 heading added

Before section 18—

Add

“Part 14

**Matters relating to Inquiry or Hearing by
Council or Health Committee”.**

58. Section 18 amended (disciplinary inquiries by the Council)

(1) Section 18(1)—

Repeal

“If, after due inquiry into any”

Substitute

“This section applies if, after due inquiry into a”.

(2) Section 18(1), English text—

Repeal

“the Preliminary”

Substitute

“a Preliminary”.

(3) Section 18(1)—

Repeal

“any registered dentist”

Substitute

“a registrant”.

(4) Section 18(1)(a)—

Repeal

“; or”

Substitute a semicolon.

- (5) Section 18(1)(b)—

Repeal

“guilty of unprofessional conduct; or”

Substitute

“found guilty in Hong Kong or elsewhere of unprofessional conduct;”.

- (6) Section 18(1)(c) and (ca)—

Repeal

“; or”

Substitute a semicolon.

- (7) Section 18(1)(d)—

Repeal

“his registration qualified to be registered; or”

Substitute

“registration eligible to be registered;”.

- (8) Section 18(1)(e)—

Repeal

“the provisions of section 17,”

Substitute

“section 17;”.

- (9) Section 18(1)—

Repeal everything after paragraph (e)

Substitute

“(f) has contravened section 15G(2);

(g) has contravened any condition imposed under section 9D, 9H, 9K or 15E, or specified under section 11A or 15H; or

- (h) has contravened any provision in a code of practice issued under section 27B.”.

(10) After section 18(1)—

Add

“(1AA) The Council may—

- (a) if the registrant is a registered dentist or a person with provisional registration—
 - (i) order the name of the registrant to be removed from the General Register permanently; or
 - (ii) order the name of the registrant to be removed from the General Register with a right to apply for restoration under section 27A after the expiry of a period that it considers appropriate;
- (b) if the registrant is a registered dental care professional—
 - (i) order the name of the registrant to be removed from the Register of Dental Care Professionals permanently;
 - (ii) order the name of the registrant to be removed from the Register of Dental Care Professionals with a right to apply for restoration under section 27A after the expiry of a period that it considers appropriate; or
 - (iii) if the registrant is a registered dental care professional for more than one class—

- (A) order the name of the registrant to be removed from any one or more parts of the Register of Dental Care Professionals permanently; or
 - (B) order the name of the registrant to be removed from any one or more parts of the Register of Dental Care Professionals with a right to apply for restoration under section 27A after the expiry of a period that it considers appropriate;
 - (c) order the registrant to be reprimanded; or
 - (d) make any other order that it considers appropriate, but no such order may be of greater severity than that mentioned in paragraph (a), (b) or (c).
- (1AAB) To avoid doubt, if the registrant is both a registered dentist or a person with provisional registration and a registered dental care professional, the Council may make any one or more of the orders under subsection (1AA)(a) and (b) against the registrant.
- (1AAC) The Council may also make any order that the Council considers appropriate with regard to the payment of the costs of any one or more of the following persons—
- (a) the Secretary;
 - (b) the complainant;
 - (c) a solicitor or counsel present at the inquiry;
 - (d) the registrant.

(1AAD) Any costs awarded under subsection (1AAC) may be recovered summarily as a civil debt in accordance with the Magistrates Ordinance (Cap. 227).”

(11) Section 18(1A)—

Repeal

“(1)(i) to (iii)”

Substitute

“(1AA)(a), (b) and (c)”.

(12) Section 18(1A)—

Repeal

“registered dentist under subsection (1)(a) to (e) or he”

Substitute

“registrant under subsection (1) or the registrant”.

(13) Section 18—

Repeal subsection (2).

(14) Section 18(3)—

Repeal

“registered dentist”

Substitute

“registrant”.

(15) Section 18—

Repeal subsection (4).

(16) Section 18(5)—

Repeal

“in accordance with the provisions of subsection (1) may be made to the Court of Appeal in accordance with the provisions of”

Substitute

“under subsection (1AA) or (1AAC) may be made to the Court of Appeal under”.

(17) Section 18(5)—

Repeal

“shall, in the case of an order made under subsection (1)(i) to (iii), and may, in the case of an order made under subsection (1)(iv)”

Substitute

“must, in the case of an order made under subsection (1AA)(a), (b) or (c), and may, in the case of an order made under subsection (1AA)(d)”.

59. Section 18A added

After section 18—

Add

“18A. Powers of Council in relation to registrant’s fitness to practise

(1) This section applies if—

- (a) the Health Committee makes a recommendation in respect of a registrant under section 5O(1); and
- (b) either—

-
- (i) the time for appeal against the recommendation under section 5Q has expired and there is no appeal; or
 - (ii) the Council has, on an appeal by the registrant, affirmed the recommendation under section 5Q.
 - (2) If the Council is satisfied that the registrant is physically or mentally unfit to practise dentistry, the Council may exercise any one or more of the following powers—
 - (a) order the name of the registrant to be removed from the General Register or Register of Dental Care Professionals permanently;
 - (b) order the name of the registrant to be removed from the General Register or Register of Dental Care Professionals with a right to apply for restoration under section 27A after the expiry of a period that it considers appropriate;
 - (c) where an order mentioned in paragraph (a) or (b) (*removal order*) is made—order that the operation of the removal order be suspended so that, subject to the condition (*relevant condition*) that the Council considers appropriate, the removal order does not take effect unless, during a period, or periods in aggregate, not exceeding 3 years, the registrant is found by the Council to be in contravention of the relevant condition;
 - (d) where a removal order is made—order that the removal order takes effect on its publication in the Gazette if the Council is satisfied that it is necessary to do so for the protection of the public or in the best interest of the registrant.

-
- (3) If a removal order is made without an order mentioned in subsection (2)(d) being made at the same time—
- (a) if an appeal against the order is made under section 23, the Council must, within 1 month after the appeal is finally determined, publish in the Gazette—
 - (i) if the order is not varied on appeal—the order; or
 - (ii) if the order is varied on appeal—the order as varied; or
 - (b) if no appeal against the order is made under section 23 on the expiry of the period within which such an appeal may be made—the Council must publish the order in the Gazette within 1 month after the expiry of the period.
- (4) If an order mentioned in subsection (2)(d) is made at the same time as a removal order is made, the Council must, as soon as practicable after the orders are made, publish the orders in the Gazette.
- (5) If an order is published in the Gazette under subsection (3) or (4), the Council—
- (a) must publish with the order sufficient particulars to inform the public of the nature of the matter to which the order relates; and
 - (b) may publish with the order an account of the proceedings at the hearing at which the order was made.”.

60. Section 19 amended (powers of Council with regard to obtaining evidence and the conduct of proceedings)

(1) Section 19, heading—

Repeal

“with regard to obtaining evidence and the conduct of”

Substitute

“and Health Committee as regards”.

(2) Section 19(1)—

Repeal

“under section 9 or 18, the Council shall have”

Substitute

“mentioned in section 9A, 15E or 18, the Council has”.

(3) Section 19(1)(e), Chinese text, after “而”—

Add

“可能”.

(4) After section 19(1)—

Add

“(1A) For the purposes of a hearing conducted under section 5O(1)(a), the Health Committee has the following powers—

- (a) to hear, receive and examine evidence on oath;
- (b) to summon a person to attend the hearing or to give evidence or produce any document or other thing in the person’s possession and to examine the person as a witness or require the person to produce any document or other thing in the person’s possession, subject to all just exceptions;

- (c) to award a person summoned to attend the hearing any sum or sums that, in the opinion of the Health Committee, may have been reasonably expended by the person because of the person's attendance.
- (1B) A hearing by the Health Committee must be held in private.”.
- (5) Section 19—
- Repeal subsection (2)**
- Substitute**
- “(2) Summonses to witnesses must be signed by—
- (a) for an inquiry by the Council—the Chairperson; or
- (b) for a hearing by the Health Committee—the chairperson of the Committee.
- (3) If it appears to the Council or Health Committee that it is necessary to do so in the interest of the complainant, the registrant concerned or any witness concerned, the Council or Health Committee may order that all or any information relating to the hearing must not be disclosed.
- (4) A person who fails to comply with an order made under subsection (3) commits an offence and is liable on summary conviction to a fine at level 3 and to imprisonment for 6 months.”.

61. Section 20 amended (penalty for failure to give evidence)

- (1) Section 20—
- Repeal**
- “under section 9 or 18”

Substitute

“mentioned in section 9A, 15E or 18”.

- (2) Section 20, before “refuses”—

Add

“or a hearing conducted under section 5O(1)(a)”.

- (3) Section 20, before “commits”—

Add

“or Health Committee”.

- (4) Section 20, proviso—

Repeal

“before the Council”

Substitute

“in the inquiry or hearing”.

62. Section 21 amended (appearance of counsel, etc.)

- (1) Section 21—

Renumber the section as section 21(1).

- (2) Section 21(1)—

Repeal

“under section 9”

Substitute

“mentioned in section 9A, 15E”.

- (3) After section 21(1)—

Add

“(2) The person whose fitness to practise is the subject of a hearing by the Health Committee is entitled to be assisted by a solicitor or counsel at the hearing.”.

63. Section 22 amended (provisions relating to orders of the Council)

(1) Section 22, heading—

Repeal

“relating to orders of the Council”

Substitute

“for Council’s orders under sections 18 and 18A”.

(2) Section 22—

Repeal subsections (1) and (2)

Substitute

“(1) Subject to subsections (2) and (3), the Registrar may remove from the General Register or Register of Dental Care Professionals the name of a registrant whose name is ordered to be removed under section 18 or 18A.

(2) The Registrar must cause a copy of an order made under section 18 or 18A in respect a registrant to be served on the registrant as soon as practicable after it is made.”.

(3) Section 22—

Repeal subsection (2A).

(4) Section 22—

Repeal subsection (3)

Substitute

“(3) The Registrar must not remove the name of a registrant from the General Register or Register of Dental Care Professionals in accordance with an order made under section 18 or 18A before—

(a) subject to paragraph (b), the expiry of 1 month after the date on which a copy of the order is served under subsection (2); or

(b) if an appeal is made against the order under section 23—the appeal is finally determined.”.

(5) Section 22(4)—

Repeal

“as aforesaid shall”

Substitute

“under section 18 or 18A must”.

64. Part 15 heading added

Before section 23—

Add

“Part 15

Appeal”.

65. Section 23 amended (appeals)

(1) Section 23(1)—

Repeal paragraph (a)

Substitute

- “(a) a person whose application for registration is rejected by the Registrar under section 7E;
- (ab) a person whose application for registration is rejected by the Council under section 9A, 9D, 9H or 9K;
- (ac) a person whose application for registration is rejected by the Council under section 15E;”.
- (2) Section 23(1)(c)—
- Repeal**
- “any registered dentist”
- Substitute**
- “a person”.
- (3) Section 23(1)(c)—
- Repeal**
- “under section 15, 15A(2) or 18,”
- Substitute**
- “or her under section 15, 15A(2), 15K, 18 or 18A;”.
- (4) After section 23(1)(c)—
- Add**
- “(d) a person whose application for a practising certificate is rejected under section 11A or 15H;
- (e) a person who is aggrieved by the Council’s decision to impose a condition under section 9D, 9H, 9K or 15E;
- (f) a person whose application for restoration is rejected by the Council under section 27A;”.
- (5) Section 23(1)—
- Repeal**
- “against.”

Substitute

“against and (if applicable) may exercise any power that the Council may exercise.”.

- (6) Section 23(3A)(a)—

Repeal

“9, 15A(2) or 18”

Substitute

“15, 15A(2), 15K, 18 or 18A”.

- (7) Section 23(3A)(a)—

Repeal

“22(1)”

Substitute

“15(6), 15A(6), 15K(7) or 22(2) (if service of a copy of the order is required under that section)”.

- (8) After section 23(3A)(a)—

Add

- “(ab) hear an appeal against a decision made under section 7E, 9A, 9D, 9H, 9K, 15E or 27A to reject an application unless notice of the appeal was given within 1 month after the notice of the decision was given under that section;
- (ac) hear an appeal against a decision to impose a condition under section 9D, 9H, 9K or 15E unless notice of the appeal was given within 1 month after the notice of the decision was given under that section; and”.

66. Part 16 heading added

Before section 24—

Add

**“Part 16
Offences”.**

67. Section 25 amended (penalty for falsely pretending to be or taking or using the name or title of a dentist)

(1) Section 25(1)—

Repeal

“A”

Substitute

“Subject to subsection (1A), a”.

(2) Section 25(1)—

Repeal paragraph (a)

Substitute

“(a) the person is not any of the following—

(i) a registered dentist;

(ii) a person deemed to be a registered dentist under this Ordinance;

(iii) a person with provisional registration; and”.

(3) Section 25(1)(b), English text—

Repeal

“he wilfully”

Substitute

“the person wilfully”.

(4) Section 25(1)(b)(iii), English text—

Repeal

“he”

Substitute

“the person”.

- (5) Section 25(1)(b)(iii)—

Repeal sub-subparagraph (B)

Substitute

“(B) is qualified to practise dentistry.”.

- (6) Section 25(1), Chinese text, before “即屬犯罪”—

Add

“該人”.

- (7) After section 25(1)—

Add

“(1A) An enrolled dental hygienist (within the meaning of the Ancillary Dental Workers (Dental Hygienists) Regulations (Cap. 156 sub. leg. B)) does not commit an offence under subsection (1) because he or she takes or uses any name, title, addition or description implying (whether in itself or in the circumstances in which it is used) that he or she is qualified to undertake the kinds of dental work prescribed in regulation 6(1) of those Regulations.”.

- (8) Section 25—

Repeal subsection (1A)

Substitute

“(1A) A registered dental care professional of a class specified in column 1 of Part 1 of Schedule 3 does not commit an offence under subsection (1) because he or she takes or uses any name, title, addition or

description implying (whether in itself or in the circumstances in which it is used) that he or she is qualified to provide any service specified in column 3 of that Part opposite the class.”.

68. Section 25B added

After section 25A—

Add

“25B. Penalty for falsely pretending to be or taking or using name or title of dental care professional

- (1) Subject to subsection (2), a person commits an offence if—
 - (a) the person is not a registered dental care professional of a class specified in column 1 of Part 1 of Schedule 3 (*specified class*); and
 - (b) the person wilfully or falsely—
 - (i) pretends to be a dental care professional of the specified class;
 - (ii) takes or uses the name or title of a dental care professional of the specified class; or
 - (iii) takes or uses any name, title, addition or description implying (whether in itself or in the circumstances in which it is used) that the person—
 - (A) is a dental care professional of the specified class; or
 - (B) is qualified to provide any service specified in column 3 of that Part opposite the specified class.

- (2) A registered dentist, a person deemed to be a registered dentist under this Ordinance or a person with provisional registration does not commit an offence under subsection (1) because he or she takes or uses any name, title, addition or description implying (whether in itself or in the circumstances in which it is used) that he or she is qualified to provide any service specified in column 3 of Part 1 of Schedule 3.
- (3) A person who commits an offence under subsection (1) is liable on summary conviction to a fine at level 6 and to imprisonment for 3 years.”.

69. Section 26 repealed (penalty for registered dentist falsely describing his vocation)

Section 26—

Repeal the section.

70. Section 27 substituted

Section 27—

Repeal the section

Substitute

“27. Liability of registrants for allowing another to contravene certain requirements of this Ordinance

- (1) A registrant who allows another person who is not a registrant to practise dentistry on any premises used by or under the control of the registrant commits an offence.

-
- (2) A registrant who, by his or her presence, countenance, advice, assistance or cooperation, knowingly enables a person who is not a registrant to practise dentistry commits an offence.
 - (3) If—
 - (a) a registrant knows or has reason to believe that another person—
 - (i) is not a registrant; but
 - (ii) practises dentistry on any premises; and
 - (b) the registrant practises dentistry on the premises,
the registrant commits an offence.
 - (4) A person who commits an offence under subsection (1), (2) or (3) is liable on summary conviction to a fine at level 3 and to imprisonment for 6 months.
 - (5) If a person is charged with an offence under subsection (1) or (2), it is a defence to establish that—
 - (a) the commission of the offence was due to a mistake on the person's part, or due to reliance on information supplied to the person, or due to the act of another person or any other cause beyond the person's control; and
 - (b) the person exercised all due diligence to avoid committing the offence.
 - (6) A person charged with an offence under subsection (1) or (2) is taken to have established a matter that needs to be established for a defence under subsection (5) if—

- (a) there is sufficient evidence to raise an issue with respect to the matter; and
 - (b) the contrary is not proved by the prosecution beyond reasonable doubt.
- (7) For the purposes of this Ordinance, a person is to be regarded as not being a registrant if the person—
- (a) is a registered dental care professional of a class specified in column 1 of Part 1 of Schedule 3; and
 - (b) practises dentistry by providing a service that is not one specified in column 3 of that Part opposite the class.”.

71. Part 17 heading added

After section 27—

Add**“Part 17****Miscellaneous”.****72. Sections 27A to 27D added**

Before section 28—

Add**“27A. Restoration of persons whose names have been removed from registers**

- (1) This section applies if—
 - (a) the name of a person was removed from a part of the General Register or Register of Dental Care Professionals (*original part*); and

-
- (b) either—
 - (i) the name was so removed on an order made under section 18 or 18A with a right to apply for restoration under this section after the expiry of a period; or
 - (ii) the name was so removed on an order made under section 15(3) or 15K(4).
 - (2) The person may apply to the Council for the restoration of the person's name to the original part.
 - (3) The application must—
 - (a) for subsection (1)(b)(i)—be made after the expiry of the period mentioned in that subsection;
 - (b) be made in the specified form; and
 - (c) if the original part is Part 1 of the General Register—indicate the applicant's wish, if the application is approved, to have the applicant's name contained in the practising list or the non-practising list.
 - (4) The Council may, after any inquiry and subject to any condition that it considers appropriate, approve or reject the application.
 - (5) The Council must notify the Registrar of—
 - (a) the Council's decision; and
 - (b) if the application is rejected—the reason for it.
 - (6) On receiving a notification under subsection (5), the Registrar must—
 - (a) if the application is approved—
 - (i) notify the applicant in writing of the Council's decision; and

- (ii) after the prescribed fee has been paid, restore the applicant's name to the original part; or
 - (b) if the application is rejected, notify the applicant in writing of the Council's decision and the reason for it.
- (7) If, before the name was removed, the person was a person with limited registration or a person with special registration, the registration of the person effected by the restoration of the person's name under this section is to be in force until the earliest of the following—
 - (a) the expiry of the period specified under section 9D(3)(a) or 9K(3)(a) in respect of the limited registration or special registration;
 - (b) the termination of the person's employment mentioned in section 9D(2)(a) or 9K(2)(a);
 - (c) the removal of the person's name from Part 3 or 5 of the General Register under an order made under section 15, 18 or 18A.
- (8) If the original part is Part 1 of the General Register, the Register must enter the applicant's name in the practising list or the non-practising list according to the wish indicated under subsection (3)(c).

27B. Council may issue code of practice

- (1) The Council may issue a code of practice for any or all of the following purposes—
 - (a) setting the standards of conduct and practice for registrants in relation to the practice of dentistry;

- (b) providing guidelines regarding the activities of registrants in relation to the practice of dentistry.
- (2) The Council—
 - (a) may issue different codes of practice for different classes of registrants; and
 - (b) may issue different codes of practice for different purposes.
- (3) The Council may from time to time revise or revoke the whole, or any part, of a code of practice.
- (4) The Secretary must, as soon as practicable after the registration of a person, cause a copy of a code of practice that applies to the person to be sent to the person.
- (5) If any part of a code of practice that applies to a person is revised under subsection (3), the Secretary must, as soon as practicable after the revision, cause a copy of the revised part of the code of practice to be sent to the person.
- (6) If a code of practice issued or revised under this section (or any part of the code of practice) (*former provision*) is inconsistent with this Ordinance or regulations made under section 29 (*latter provision*), the latter provision prevails over the former provision.

27C. Registrar may request provision of means of contact

The Registrar may request a person to provide to the Registrar a means of contact (other than an address) for the purposes of section 27D(2)(c).

27D. Means of service etc.

- (1) This section applies in relation to the following documents—
 - (a) a notice required to be given to a person under section 5Q(1), 7E(2), 9A(5), 9D(5), 9H(4), 9K(5), 12B(5)(b) or (11), 12F(4) or (6), 15E(6) or 27A(6);
 - (b) a copy of an order required to be served on a person under section 15(6), 15A(6), 15K(7) or 22(2);
 - (c) a copy of a code of practice, or the revised part of a code of practice, required to be sent to a person under section 27B(4) or (5); and
 - (d) a summons mentioned in section 19(2).
- (2) The document is to be regarded as having been given or sent to, or served on, a person if—
 - (a) it is delivered personally;
 - (b) it is sent by post—
 - (i) if the person is a registrant—to the last registered address provided by the person to the Registrar; or
 - (ii) if the person is not a registrant—to the person's address last known to the Registrar; or
 - (c) it is sent by using a means of contact provided under section 27C.
- (3) The document is, in the absence of evidence to the contrary, to be regarded as having been given or sent to, or served on, a person—

- (a) if it is delivered personally—on the day on which it is delivered;
- (b) if it is sent by post—on the day after the day on which it is sent; or
- (c) if it is sent by using a means of contact provided under section 27C—on the day on which it is sent.”.

73. Section 28 amended (forfeiture)

Section 28(1), after “3(1)”—

Add

“or (1B)”.

74. Section 29 amended (regulations)

(1) Section 29(1A)(a)—

Repeal

“duties”

Substitute

“functions”.

(2) Section 29(1A)(b)—

Repeal

“duties”

Substitute

“functions”.

(3) Section 29(1A)(b)—

Repeal

“the Legal Adviser;”

Substitute

“a Legal Adviser; and”.

- (4) Section 29(1A)(c)—

Repeal

“duties”

Substitute

“functions”.

- (5) Section 29(1A)(c)—

Repeal

“Secretary;”

Substitute

“Secretary.”.

- (6) Section 29(1A)—

Repeal paragraph (d).

- (7) After section 29(1A)—

Add

“(1AB) The Permanent Secretary for Health may by regulation provide for the procedure and other matters relating to an election for appointment to the Council under section 4, including the qualifications of candidates, the eligibility requirements for electors and subscribers for a nomination form, the particulars of any system of voting and counting, the determination of election results and questioning of the results.”.

- (8) Section 29(1B)(a)—

Repeal

“the form of the General Register and”.

- (9) Section 29(1C)(a), after “Council”—

Add

“, a committee established under section 5AC or a subcommittee established under section 5AD, and the procedure to be followed by the members of the Council, committee or subcommittee”.

- (10) Section 29(1C)(b)—

Repeal

“registered dentist”

Substitute

“registrant”.

- (11) Section 29(1C)(b)—

Repeal

“under section 9 or 18”.

- (12) Section 29(1C)(b)—

Repeal

everything after “information about”

Substitute

“a registrant or an applicant for registration;”.

- (13) Section 29(1C)(ba), English text—

Repeal

“chairman of the”

Substitute

“chairperson of a”.

- (14) Section 29(1C)(c), English text—

Repeal

“the Preliminary”

Substitute

“a Preliminary”.

- (15) Section 29(1C)(c)—

Repeal

“under section 9 or 18”.

- (16) Section 29(1C)(d)(i), (ii) and (iv), English text—

Repeal

“the Preliminary”

Substitute

“a Preliminary”.

- (17) Section 29(1C)(d)(v)—

Repeal

“Ordinance;”

Substitute

“Ordinance; and”.

- (18) After section 29(1C)(d)(v)—

Add

“(vi) reviews and appeals under this Ordinance;”.

- (19) After section 29(1C)(d)—

Add

- “(da) the procedure and other matters relating to an election for appointment to the Council under section 4, including the qualifications of candidates, the eligibility requirements for electors and subscribers for a nomination form, the particulars of any system of voting and counting, the determination of election results and questioning of the results;
- (db) the regulation of the activities of registrants in relation to the practice of dentistry; and”.

- (20) Section 29(1D), after “(1A)” (wherever appearing)—

Add

“, (1AB)”.

- (21) After section 29(1D)(a)—

Add

- “(ab) provide for any incidental, supplemental, evidential, consequential, savings and transitional provisions that are necessary and expedient in consequence of the regulations; and”.

- (22) Section 29(2)—

Repeal

“dentists”

Substitute

“persons”.

75. Section 29A amended (power of Council to specify forms, etc.)

- (1) Section 29A(1)—

Repeal paragraphs (a) and (b)

Substitute

- “(a) the form and manner of 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) Section 29A(2)(a)—

Repeal

“the registered dentist”

Substitute

“a person”.

- (3) Section 29A(2)(b)—

Repeal

“dentist’s”

Substitute

“person’s”.

76. Sections 29B and 29C added

After section 29A—

Add

“29B. 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 in relation to the performance of its functions.
- (2) The Council must comply with any direction given under subsection (1).

29C. Amendment of Schedules

- (1) The Council may, subject to the approval of the Legislative Council, amend Schedule 1 by notice published in the Gazette.
- (2) Subject to the approval of the Secretary for Health, the Council may, by notice published in the Gazette, amend Schedule 2.
- (3) The Secretary for Health may, by notice published in the Gazette, amend Schedule 3, 4, 5, 6, 7, 8, 10 or 11.
- (4) The Council may, by notice published in the Gazette, amend Schedule 9.”.

77. Section 30 amended (exemptions from sections 9, 10 and 14)

- (1) Section 30, heading—

Repeal

“sections 9, 10 and 14”

Substitute

“requirements relating to provision of address and registration etc.”.

- (2) Section 30(1)—

Repeal

“dentists”

Substitute

“registrants”.

- (3) Section 30(1)—

Repeal

“10(3) and (5) and 14”

Substitute

“12G and 15I”.

- (4) Section 30(2)—

Repeal

“sections 9, 10 and 14 shall”

Substitute

“Divisions 3, 4, 5, 6 and 7 of Part 11, and sections 11A and 12G do”.

- (5) Section 30(3)(a)—

Repeal

“3; and”

Substitute

“3,”.

- (6) Section 30(3)—

Repeal paragraph (b).

- (7) Section 30—

Repeal subsection (3).

- (8) Section 30(4)—

Repeal

everything before “, unless”

Substitute

- “(4) All registrants in the full-time service of the Hospital Authority are exempt from sections 12G and 15I”.

78. Section 31 amended (exemptions)

(1) Section 31(2)—

Repeal

“, dental therapists”.

(2) Section 31(2)—

Repeal

“dental hygienists”

Substitute

“dental care professionals”.

(3) Section 31(3)—

Repeal

“dental therapists”

Substitute

“dental care professionals”.

(4) After section 31(3)—

Add

“(4) This Ordinance does not prevent the operation of an irradiating apparatus by a person authorized to operate the apparatus under regulation 26 of the Radiation (Control of Irradiating Apparatus) Regulations (Cap. 303 sub. leg. B).”.

79. Sections 33 and 34 added

After section 32—

Add

“33. Savings and transitional provisions for Dentists Registration (Amendment) Ordinance 2024 (of 2024)

The savings and transitional provisions in Schedule 11 have effect.

34. Regulations for consequential amendments consequent on enactment of Dentists Registration (Amendment) Ordinance 2024 (of 2024)

- (1) The Secretary for Health may by regulation make consequential or related amendments to any enactment as are necessary consequent on the enactment of the Amendment Ordinance.
- (2) For the purposes of subsection (1), regulations made under that subsection may include savings and transitional provisions relating to the consequential or related amendments.
- (3) Regulations made under subsection (1) may provide for any provision of the regulations to take effect on a date earlier than the date of publication of the regulations (*publication date*) but not earlier than the day on which section 79 of the Amendment Ordinance comes into operation.
- (4) To the extent to which a provision of regulations made under subsection (1) takes effect on a date earlier than the publication date, the provision does not operate so as—
 - (a) to affect, in a way prejudicial to any person (other than the Government or a public body), the rights of that person before the publication date; or

(b) to impose liabilities on a person (other than the Government or a public body) in respect of anything done, or omitted to be done, before the publication date.

(5) In this section—

Amendment Ordinance (《修訂條例》) means the Dentists Registration (Amendment) Ordinance 2024 (of 2024).”.

80. Schedule amended (universities in Hong Kong specified for purposes of section 8 of this Ordinance)

(1) The Schedule—

Renumber the Schedule as Schedule 1.

(2) Schedule 1, heading—

Repeal

“Section 8 of this Ordinance”

Substitute

“Definition of *Qualifying Degree in Dentistry* in Section 2(1)”.

(3) Schedule 1—

Repeal

“[s. 8]”

Substitute

“[ss. 2 & 29C]”.

81. Schedules 2 to 11 added

After Schedule 1—

Add

“Schedule 2

[ss. 2A & 29C]

Services Specified for Meaning of *Practising Dentistry*

1. Examine the condition of the mouth, teeth or jaws of another person, or their associated structures, to facilitate the diagnosis or treatment of any disease, pain, disorder, deficiency, deformity, discolouration, lesion or injury of the mouth, teeth, jaws or structures, including, without limiting the provision above, the taking of a digital impression with an intra-oral scanner
2. Diagnose or treat any disease, pain, disorder, deficiency, deformity, discolouration, lesion or injury of the mouth, teeth or jaws of another person, or their associated structures
3. Perform any procedure or operation on another person that is adjunctive to a service mentioned in item 1 or 2
4. Prescribe, apply or insert any substance, artificial tooth, filling, device, appliance or prosthesis for the alteration, restoration, regulation or improvement of the mouth, teeth or jaws of another person, or their associated structures, including, without limiting the provision above—
 - (a) the carrying out of dental bleaching or teeth whitening procedure;
 - (b) the prescription of clear aligner; and

(c) the carrying out of teeth veneering procedure

Schedule 3

[ss. 2A, 2C, 3, 15D,
15E, 15F, 15G, 15H,
25, 25B, 27 & 29C]

Matters relating to Dental Care Professionals

Part 1

Classes of Dental Care Professionals and Scope of Practice

Column 1	Column 2	Column 3	Column 4
Class	Category	Service	Conditions
Dental hygienist	1	(a) The cleaning and polishing of those parts of the surface of the teeth of another person that are not covered by the gums	Nil

Column 1	Column 2	Column 3	Column 4
Class	Category	Service	Conditions
	(b)	The application to the teeth of another person of any topical fluoride, fissure sealant, or other similar preventive agent	Nil
	(c)	The taking of a radiograph intra-orally or extra-orally for the examination of the mouth, teeth or jaws of another person, or their associated structures	The condition set out in section 1 of Part 2 of this Schedule
	(d)	The scaling of the teeth of another person (that is to say the removal of calculus deposits and stains from those parts of the surface of the teeth that are exposed or that are beneath the free margins of the gums, including the application of medicaments)	The conditions set out in sections 1 and 2 of Part 2 of this Schedule

Dentists Registration (Amendment) Bill 2024

Part 2
 Clause 81

C1021

Column 1	Column 2	Column 3	Column 4
Class	Category	Service	Conditions
Dental therapist	1	(a) The cleaning and polishing of those parts of the surface of the teeth of another person that are not covered by the gums	Nil
		(b) The application to the teeth of another person of any topical fluoride, fissure sealant, or other similar preventive agent	Nil
		(c) The taking of a radiograph intra-orally or extra-orally for the examination of the mouth, teeth or jaws of another person, or their associated structures	The condition set out in section 1 of Part 2 of this Schedule

Column 1	Column 2	Column 3	Column 4
Class	Category	Service	Conditions
		(d) The scaling of the teeth of another person (that is to say the removal of calculus deposits and stains from those parts of the surface of the teeth that are exposed or that are beneath the free margins of the gums, including the application of medicaments)	The conditions set out in sections 1 and 2 of Part 2 of this Schedule
		(e) The filling of a tooth set out below of another person (that is to say the carrying out of cavity preparation and the subsequent insertion of any lining, base, dressing or permanent filling)—	The conditions set out in sections 1, 2 and 3 of Part 2 of this Schedule
		(i) a decayed tooth; or	
		(ii) a tooth with a dental anomaly	

Dentists Registration (Amendment) Bill 2024

Part 2
Clause 81

C1025

Column 1	Column 2	Column 3	Column 4
Class	Category	Service	Conditions
		(f) The carrying out of an indirect pulp capping on a tooth of another person	The conditions set out in sections 1, 2 and 3 of Part 2 of this Schedule
		(g) The direct restoration of an incisor of another person that is fractured due to a trauma	The conditions set out in sections 1, 2 and 3 of Part 2 of this Schedule
		(h) The carrying out of primary tooth pulpotomy on another person	The conditions set out in sections 1 and 2 of Part 2 of this Schedule

Column 1	Column 2	Column 3	Column 4
Class	Category	Service	Conditions
		(i) The extraction of a tooth set out below of another person using dental forceps (that is to say the extraction of a tooth without incision)—	The conditions set out in sections 1, 2 and 3 of Part 2 of this Schedule
		(i) a primary tooth;	
		(ii) a decayed tooth; or	
		(iii) a mobile permanent tooth	
		(j) The extraction of an erupted permanent tooth of another person using dental forceps (that is to say the extraction of a tooth without incision)—	The conditions set out in sections 1, 2 and 3 of Part 2 of this Schedule
		(i) for orthodontic purpose; or	

Column 1	Column 2	Column 3	Column 4
Class	Category	Service	Conditions

(ii) for
management of
a dental
anomaly

Part 2

Conditions

1. Before the service is provided by the registered dental care professional concerned to another person (*patient*), a registered dentist or a person with provisional registration—
 - (a) has assessed the medical history of, and examined, the patient; and
 - (b) has, based on the assessment and examination, prescribed that the service is to be provided to the patient.
2. The service is provided on any premises by the registered dental care professional concerned in accordance with the directions of a registered dentist or a person with provisional registration who is present on the premises at all times when the service is provided.
3. Either—
 - (a) the patient is under the age of 18 years; or
 - (b) if the patient has attained the age of 18 years—

- (i) the registered dental care professional concerned has completed a training programme recognized by the Council for the purposes of this section; or
- (ii) a consultant dental surgeon appointed by the Director of Health for this purpose has certified that the registered dental care professional concerned is capable of providing the service on the ground that the registered dental care professional has acquired adequate relevant knowledge and experience, and is competent, in the provision of dental services.

Part 3

Qualifications

1. Persons specified for class of dental hygienist

The person specified for the purposes of the class of dental hygienist is—

- (a) a person who holds a Higher Diploma in Dental Hygiene awarded by The Prince Philip Dental Hospital and the School of Professional and Continuing Education of the University of Hong Kong;
- (b) a person who has completed a training programme in dental hygiene that is recognized by the Council for registration as a registered dental care professional in the class of dental hygienist;

- (c) a person who has completed a training programme in dental hygiene solely or jointly organized by the Department of Health that is recognized by the Director of Health for registration as a registered dental care professional in the class of dental hygienist; or
- (d) a person whose named is recorded, immediately before the commencement date of this paragraph, on a roll maintained under regulation 4(2) of the Ancillary Dental Workers (Dental Hygienists) Regulations (Cap. 156 sub. leg. B) as in force immediately before that date.

2. Persons specified for class of dental therapist

The person specified for the purposes of the class of dental therapist is—

- (a) a person who holds an Advanced Diploma in Dental Therapy awarded by the School of Professional and Continuing Education of the University of Hong Kong;
- (b) a person who has completed a training programme in dental therapy that is recognized by the Council for registration as a registered dental care professional in the class of dental therapist;
- (c) a person who has completed a training programme in dental therapy solely or jointly organized by the Department of Health that is recognized by the Director of Health for registration as a registered dental care professional in the class of dental therapist; or

-
- (d) a person who has at any time served in the grade of dental therapist in the Government, other than a person who has only served at the rank of student dental therapist.

Schedule 4

[ss. 2 & 29C]

Schedule 4 Institutions (Limited Registration)

1. Department of Health
2. Hospital Authority
3. The University of Hong Kong
4. The Prince Philip Dental Hospital

Schedule 5

[ss. 2 & 29C]

Schedule 5 Institutions (Special Registration)

1. Department of Health
2. Hospital Authority

3. The University of Hong Kong
 4. The Prince Philip Dental Hospital
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Schedule 6

[ss. 2 & 29C]

Schedule 6 Institutions (Internship)

1. Department of Health
 2. Hospital Authority
-

Schedule 7

[ss. 2 & 29C]

Schedule 7 Institutions (Period of Assessment)

1. Department of Health
 2. Hospital Authority
-

Schedule 8

[ss. 8A, 8B & 29C]

Specified Period

Part 1

Internship

12 months

Part 2

Period of Assessment

12 months

Schedule 9

[ss. 5AE & 29C]

Provisions with respect to Committee Established under Section 5AC and Subcommittee Established under Section 5AD

1. Interpretation

In this Schedule—

committee (委員會) means a committee established under section 5AC;

subcommittee (委員會小組) means a subcommittee established under section 5AD.

2. Terms of members

- (1) Subject to subsection (3) and section 3 of this Schedule, a member of a committee (other than one established under section 5AC(2))—
 - (a) holds office for the period specified in the member's letter of appointment; and
 - (b) is eligible for reappointment.
- (2) Subject to subsection (3) and section 3 of this Schedule, a member of a subcommittee—
 - (a) holds office for the period specified in the member's letter of appointment; and
 - (b) is eligible for reappointment.
- (3) A member of a committee or subcommittee may at any time resign by giving written notice to the Chairperson or Secretary.

3. Vacation of office

If an order is made under section 18 or 18A in respect of a member of a committee or subcommittee, the member ceases to be such a member.

4. Temporary members

- (1) If a member of a committee is temporarily unable to perform the functions as a member of the committee during a period, another person who is eligible for appointment as such a member may be appointed by

the Chairperson to be temporarily a member of the committee during the period.

- (2) If a member of a subcommittee established by a committee is temporarily unable to perform the functions as a member of the subcommittee during a period, another person who is eligible for appointment as such a member may be appointed by the Chairperson, or the chairperson of the committee, to be temporarily a member of the subcommittee during the period.

5. Outgoing member to continue transacting business

- (1) This section applies if a committee or subcommittee is considering a complaint or an information, or conducting a hearing or review, at the time when—
 - (a) a notice of resignation is given by a person under section 2(3) of this Schedule; or
 - (b) the membership or temporary membership of the committee or subcommittee of a person terminates otherwise than by resignation.
- (2) The person must—
 - (a) for a person that is a member of a committee—if requested by the Council or the Chairperson, continue to be a member of the committee for the purpose of completing the performance of the person's function in respect of that complaint, information, hearing or review and for no other purpose; or
 - (b) for a person that is a member of a subcommittee—if requested by the Council, the Chairperson, the committee that established the subcommittee or the chairperson of the

committee, continue to be a member of the subcommittee for the purpose of completing the performance of the person's function in respect of that complaint, information, hearing or review and for no other purpose.

6. Meetings

- (1) At a meeting of a committee or subcommittee—
 - (a) except for a committee established under section 5AC(2)(e), the chairperson of the committee or subcommittee must preside at the meeting; and
 - (b) except for a committee established under section 5AC(2), if the chairperson is absent, the members present must elect one of them to preside at the meeting.
- (2) A question for determination at any meeting of a committee or subcommittee must be decided by a majority of the members present and voting on the question.
- (3) At any meeting of a committee or subcommittee, the chairperson of the committee or subcommittee has an original vote and, if on any question the votes are equally divided, a casting vote.
- (4) Subject to subsection (5), a committee or subcommittee may transact any of its business by circulation of papers.
- (5) Subsection (4) does not apply to a committee established under section 5AC(2)(d) or (e) or a subcommittee established by such a committee.
- (6) On the circulation of papers, a written resolution—

(a) in respect of which all members of the committee or subcommittee indicate their votes in writing; and

(b) passed by the number of members required for passing the resolution at a meeting of the committee or subcommittee,

is as valid as if it had been passed at a meeting of the committee or subcommittee by the members who vote on the resolution.

(7) For the purposes of subsections (4) and (6), a reference to the circulation of papers includes the circulation of information by electronic means.

7. Secretary

(1) The Council may appoint a person to be a secretary to a committee.

(2) A committee establishing a subcommittee may appoint a person to be a secretary to the subcommittee.

8. Procedure

Except where express provision about the procedure of a committee or subcommittee is made in this Ordinance or regulations made under section 29, a committee or subcommittee may regulate its own procedure.

Schedule 10

[ss. 7C, 8 & 29C]

Conditions for Full Registration

1. For a person who has not worked under full-time employment as a person with special registration in any Schedule 5 institution at any time during the period mentioned in section 8(1)(c)(i)—the person has passed the clinical part of the Licensing Examination.
 2. For a person who has worked under full-time employment as a person with special registration in one or more Schedule 5 institutions at any time during the period mentioned in section 8(1)(c)(i)—the person has passed, or been exempted under section 7C from, the clinical part of the Licensing Examination.
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Schedule 11

[ss. 29C & 33]

Savings and Transitional Provisions for Dentists Registration (Amendment) Ordinance 2024

Part 1

Matters relating to Registration

1. Interpretation of Part 1 of Schedule 11

(1) In this Part—

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

Amendment Ordinance (《修訂條例》) means the Dentists Registration (Amendment) Ordinance 2024 (of 2024);

commencement date (生效日期) means the date on which section 34 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 Regulation;

existing register (原有名冊) means the General Register kept under section 7(1) of the pre-amended Ordinance;

existing registrant (原有註冊人) means a person whose name is contained in the existing register immediately before the commencement date;

new register (新名冊) means the General Register kept under section 7(1) of the amended Ordinance;

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

pre-amended Regulation (《原有規例》) means the Dentists (Registration and Disciplinary Procedure) Regulations (Cap. 156 sub. leg. A) as in force immediately before the commencement date.

(2) For the purposes of this Part—

- (a) a person is on the resident list of the existing register if the name of the person is contained in the form prepared in accordance with regulation 3(a) of the pre-amended Regulation; and
- (b) a person is on the non-resident list of the existing register if the name of the person is contained in the form prepared in accordance with regulation 3(b) of the pre-amended Regulation,

and references to the resident list and the non-resident list are to be construed accordingly.

2. Registration and register

- (1) On the commencement date, an existing registrant is to be regarded as a person with full registration.
- (2) Accordingly, the Registrar must, on the commencement date—

- (a) transfer the name and particulars of each existing registrant on the resident list of the existing register to the practising list of Part 1 of the new register; and
 - (b) transfer the name and particulars of each existing registrant on the non-resident list of the existing register to the non-practising list of Part 1 of the new register.
- (3) On the transfer of a person's name and particulars under subsection (2)(b), the person is to be regarded as having been issued a retention certificate under section 12I(3) of the amended Ordinance that is, subject to section 12I(6) of the amended Ordinance, to be in force until—
- (a) if the commencement date falls on a date not later than 30 June of a year—the end of that year; or
 - (b) if the commencement date falls on a date later than 30 June of a year—the end of the following year.

3. Addresses

- (1) This section applies to a person whose name and particulars are transferred to the new register under section 2(2) of this Schedule.
- (2) If the name and particulars of the person are transferred under section 2(2)(a) of this Schedule—
 - (a) if only one address is transferred—that address is to be regarded as an address provided on the commencement date by the person under section 12G(1) and (2) of the amended Ordinance; or

- (b) if more than one address is so transferred—
 - (i) all those addresses are to be regarded as addresses provided on the commencement date by the person under section 12G(2) of the amended Ordinance; and
 - (ii) the latest address indicated by the person to the Registrar before the commencement date as the correspondence address is to be regarded as an address provided on the commencement date by the person under section 12G(1) of the amended Ordinance.
- (3) If the name and particulars of the person are transferred under section 2(2)(b) of this Schedule, the address in Hong Kong so transferred is to be regarded as an address provided on the commencement date by the person under section 12G(1) of the amended Ordinance.

4. Existing certification of registration

- (1) On and after the commencement date, a certificate of registration issued under section 10(1) of the pre-amended Ordinance that was in force immediately before the commencement date continues to be in force as if it were issued under section 10 of the amended Ordinance to a person with full registration.
- (2) Accordingly, a duplicate or certified copy of such a certificate is to be regarded as a duplicate or certified copy of a certificate of registration issued under section 10 of the amended Ordinance to a person with full registration.

5. Pending application for registration

- (1) An application made under section 9 of the pre-amended Ordinance that was pending immediately before the commencement date is, subject to subsection (2), 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 Registrar must, after the existing prescribed fee has been paid—
 - (a) enter the applicant's name in—
 - (i) if the applicant indicated that the applicant wished, if the application was approved, to have the applicant's name contained in the resident list of the existing register—the practising list of Part 1 of the new register; or
 - (ii) if the applicant indicated that the applicant wished, if the application was approved, to have the applicant's name contained in the non-resident list of the existing register—the non-practising list of Part 1 of the new register; and
 - (b) issue to the applicant a certificate of registration under section 10 of the amended Ordinance.

6. Restoration of name to register on application

- (1) This section applies if—
 - (a) before the commencement date, a person's name was removed from the existing register; and

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- (b) the person has, before the commencement date, applied to the Council for the restoration of the person's name to the existing register under section 22(3) of the pre-amended Ordinance; and
 - (c) the application was pending immediately before the commencement date.
- (2) The application is, subject to subsection (3), to continue to be processed under section 22(3) of the pre-amended Ordinance.
 - (3) If the application is allowed on or after the commencement date, the Registrar must, after the existing prescribed fee has been paid, enter the applicant's name in—
 - (a) if the applicant indicated that the applicant wished, if the application was allowed, to have the applicant's name contained in the resident list of the existing register—the practising list of Part 1 of the new register; or
 - (b) if the applicant indicated that the applicant wished, if the application was allowed, to have the applicant's name contained in the non-resident list of the existing register—the non-practising list of Part 1 of the new register.
 - (4) On entering the person's name in the non-practising list of Part 1 of the new register under this section, the person is to be regarded as having been issued a retention certificate under section 12I(3) of the amended Ordinance that is, subject to section 12I(6) of the amended Ordinance, to be in force until—

- (a) if the commencement date falls on a date not later than 30 June of a year—the end of that year; or
 - (b) if the commencement date falls on a date later than 30 June of a year—the end of the following year.
- (5) On entering the person's name under this section, the certificate of registration issued to the person under section 10(1) of the pre-amended Ordinance that was in force immediately before the removal is to be regarded as being in force as if it were issued under section 10 of the amended Ordinance to a person with full registration.
- (6) Accordingly, a duplicate or certified copy of such a certificate is to be regarded as a duplicate or certified copy of a certificate of registration issued under section 10 of the amended Ordinance to a person with full registration.

7. Existing practising certificate

On and after the commencement date, a practising certificate issued to a person under section 11A(2) of the pre-amended Ordinance that was in force immediately before the commencement date continues to be in force for the unexpired period as if it were a practising certificate issued under section 11A(2) of the amended Ordinance to—

- (a) if the person is a person mentioned in section 11A(8)(a) of the pre-amended Ordinance—a person with full registration; or

- (b) if the person is a person mentioned in section 11A(8)(b) of the pre-amended Ordinance—a person with limited registration.

8. Pending application for practising certificate

- (1) An application made by a person under section 11A of the pre-amended Ordinance that was pending immediately before the commencement date is, subject to subsection (2), 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 Council must, after the existing prescribed fee has been paid, issue a practising certificate under section 11A of the amended Ordinance to the person as if the application were made by—
 - (a) if the person is a person mentioned in section 11A(8)(a) of the pre-amended Ordinance—a person with full registration; or
 - (b) if the person is a person mentioned in section 11A(8)(b) of the pre-amended Ordinance—a person with limited registration.

Part 2

Matters relating to Council and Committees

9. Interpretation of Part 2 of Schedule 11

In this Part—

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

Amendment Ordinance (《修訂條例》) means the Dentists Registration (Amendment) Ordinance 2024 (of 2024);

commencement date (生效日期) means the date on which section 10(4) of the Amendment Ordinance comes into operation;

former Council (前牙管會) means the Council established under section 4 of the pre-amended Ordinance;

former EAC (前教評委) means the Education and Accreditation Committee established under section 5B of the pre-amended Ordinance;

former PIC (前初調委) means the Preliminary Investigation Committee established under regulation 12 of the pre-amended Regulation;

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

pre-amended Regulation (《原有規例》) means the Dentists (Registration and Disciplinary Procedure) Regulations (Cap. 156 sub. leg. A) as in force immediately before the commencement date.

10. 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 4(2)(ba), (c), (d) or (e) 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 4 of the pre-amended Ordinance, the term of office of the person is, subject to section 15(3) of this Schedule, to be regarded as having expired when the commencement date begins.

11. Secretary of, and Legal Adviser to, Council

- (1) On and after the commencement date, the person appointed under section 4(6) of the pre-amended Ordinance as the Secretary of the former Council and was holding office immediately before that date continues to hold office as the Secretary of the Council as if the person were appointed under section 4AAF(1)(a) of the amended Ordinance.
- (2) On and after the commencement date, the person appointed under section 4(6) of the pre-amended Ordinance as the Legal Adviser to the former Council and was holding office immediately before that date continues to hold office as a Legal Adviser to the Council as if the person were appointed under section 4AAF(1)(b) of the amended Ordinance.

12. Former members of Education and Accreditation Committee

- (1) This section applies if—
 - (a) before the commencement date, a person was appointed as a member of the former EAC; and
 - (b) immediately before the commencement date, the term of office of the member has not yet expired.
- (2) Despite section 5B of the pre-amended Ordinance, the term of office of the person is to be regarded as having expired when the commencement date begins.

13. Former members of Preliminary Investigation Committee

- (1) This section applies if—
 - (a) before the commencement date, a person was appointed or elected as a member of the former PIC; and
 - (b) immediately before the commencement date, the term of office of the member has not yet expired.
- (2) Despite regulation 12 of the pre-amended Regulation, the term of office of the person is, subject to section 14(3) of this Schedule, to be regarded as having expired when the commencement date begins.

14. Complaint or information submitted to former PIC

- (1) This section applies if, before the commencement date—
 - (a) either—
 - (i) the Secretary has submitted a complaint or an information to the former PIC under regulation 13 of the pre-amended Regulation; or
 - (ii) a complaint or an information has been referred back to the former PIC under regulation 19(1) of the pre-amended Regulation; and
 - (b) the complaint or information has not been disposed of by the former PIC.
- (2) For the purposes of subsection (1)(b), a complaint or an information has been disposed of by the former PIC if—

-
- (a) the chairman of the former PIC has directed under regulation 15(1) of the pre-amended Regulation that the complaint or information should not proceed further on ground that it is frivolous or groundless; or
 - (b) the former PIC has determined under regulation 15A(2) of the pre-amended Regulation as to whether the complaint or information is to be referred to the Council for inquiry.
 - (3) On and after the commencement date—
 - (a) regulations 14, 15, 15A, 16 and 17 of the pre-amended Regulation continue to apply in relation to the consideration of the complaint or information; and
 - (b) to the extent that it relates to the consideration of the complaint or information, regulation 12 of the pre-amended Regulation continues to apply in relation to the membership of the former PIC (including a vacancy in the membership).
 - (4) If the former PIC makes a determination under regulation 15A(2)(b) of the pre-amended Regulation to refer the complaint or information to the Council, the determination is, for the purposes of this Ordinance (other than regulation 19 of the pre-amended Regulation), to be regarded as being made by a Preliminary Investigation Committee under regulation 15A(2)(b) of the Dentists (Registration and Disciplinary Procedure) Regulations (Cap. 156 sub. leg. A) as in force at the time of the determination.

15. Cases referred to Council

- (1) This section applies if, before the commencement date—
 - (a) the former PIC determined under regulation 15A(2)(b) of the pre-amended Regulation to refer a case against a person (*person charged*) to the former Council for an inquiry to be held;
 - (b) the Secretary has read the notice of inquiry at the opening of an inquiry held for the case in accordance with regulation 25(1) of the pre-amended Regulation; and
 - (c) the case has not been disposed of by the former Council.
- (2) For the purposes of subsection (1)(c), a case has been disposed of by the former Council if—
 - (a) the former Council has announced under regulation 28(4) or 29(4) of the pre-amended Regulation that the person charged is not guilty; or
 - (b) the former Council has announced under regulation 28(4) or 29(4) of the pre-amended Regulation that the person charged is guilty and a sentence has been announced under regulation 31(2) of the pre-amended Regulation.
- (3) On and after the commencement date—
 - (a) sections 18, 19, 20 and 21 of the pre-amended Ordinance, and regulation 23 and Part IV of the pre-amended Regulation, continue to apply in relation to the hearing of the inquiry; and

- (b) to the extent that it relates to the hearing of the inquiry, section 4 of the pre-amended Ordinance continues to apply in relation to the membership of the former Council (including a vacancy in the membership).

16. Complaint or information referred back to former PIC

- (1) This section applies if—
 - (a) before the commencement date, a complaint or an information has been referred by the former PIC to the former Council under regulation 17(1) of the pre-amended Regulation; or
 - (b) on or after the commencement date, a complaint or an information is referred by the former PIC to the Council under regulation 17(1) of the pre-amended Regulation because of the operation of section 14 of this Schedule.
- (2) On and after the commencement date, the Council may continue to exercise the power to refer the complaint or information back to the former PIC under regulation 19(1) of the pre-amended Regulation.
- (3) If the Council refers a complaint or an information back to the former PIC under subsection (2), section 14 of this Schedule applies in relation to the complaint or information as if it were a complaint or information referred back to the former PIC under regulation 19(1) of the pre-amended Regulation before the commencement date.

Part 3

Matters relating to Fees

17. Interpretation of Part 3 of Schedule 11

In this Part—

Amendment Ordinance (《修訂條例》) means the Dentists Registration (Amendment) Ordinance 2024 (of 2024);

commencement date (生效日期) means the date on which section 118 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 Regulation;

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

pre-amended Regulation (《原有規例》) means the Dentists (Registration and Disciplinary Procedure) Regulations (Cap. 156 sub. leg. A) as in force immediately before the commencement date.

18. Fee for inclusion in Specialist Register

(1) This section applies if—

- (a) an application for the inclusion of a person's name in the Specialist Register under section 12B of the pre-amended Ordinance was made before the commencement date; and
- (b) the application is approved on or after the commencement date.

- (2) The fee payable for the inclusion of the person's name in the Specialist Register is the existing prescribed fee.

19. Fee for certificate of standing

- (1) This section applies if—
 - (a) an application for the issue of a certificate of standing mentioned in regulation 8B(b)(i) of the pre-amended Regulation was made before the commencement date; and
 - (b) the certificate is issued on or after the commencement date.
- (2) The fee payable for the issue of the certificate is the existing prescribed fee.

20. Fee for certificate verifying registration or inclusion of name in Specialist Register

- (1) This section applies if—
 - (a) an application for the issue of a certificate verifying registration or the inclusion of name in the Specialist Register mentioned in regulation 8B(b)(ii) of the pre-amended Regulation was made before the commencement date; and
 - (b) the certificate is issued on or after the commencement date.
- (2) The fee payable for the issue of the certificate is the existing prescribed fee.

21. Fee for certified copy of entry in General Register or Specialist Register

- (1) This section applies if—
 - (a) an application for the issue of a certified copy of an entry in the General Register or Specialist Register mentioned in regulation 8B(a)(i) of the pre-amended Regulation was made before the commencement date; and
 - (b) the certified copy is issued on or after the commencement date.
- (2) The fee payable for the issue of the certified copy is the existing prescribed fee.

22. Fee for certificate for inclusion of name in Specialist Register under section 32 of pre-amended Ordinance

- (1) This section applies if—
 - (a) an application for the issue of a certificate mentioned in section 32 of the pre-amended Ordinance was made before the commencement date; and
 - (b) the certificate is issued on or after the commencement date.
- (2) The fee payable for the issue of the certificate is the existing prescribed fee.

23. Fee for duplicate certificate of registration or duplicate certificate for inclusion of name in Specialist Register

- (1) This section applies if—

- (a) an application for the issue of a duplicate certificate of registration or a duplicate certificate for the inclusion of name in the Specialist Register mentioned in regulation 8B(a)(ii) of the pre-amended Regulation was made before the commencement date; and
 - (b) the duplicate certificate is issued on or after the commencement date.
- (2) The fee payable for the issue of the duplicate certificate is the existing prescribed fee.

24. Fee for certified copy of certificate of registration or certificate for inclusion of name in Specialist Register

- (1) This section applies if—
- (a) an application for the issue of a certified copy of a certificate of registration or a certificate for the inclusion of name in the Specialist Register mentioned in regulation 8B(a)(iii) of the pre-amended Regulation was made before the commencement date; and
 - (b) the certified copy is issued on or after the commencement date.
- (2) The fee payable for the issue of the certified copy is the existing prescribed fee.”.

82. Schedule 3 amended (matters relating to dental care professionals)

Schedule 3, Part 3—

Repeal sections 1(a) and 2(a).

Part 3

Amendments to Dentists (Registration and Disciplinary Procedure) Regulations (Cap. 156 sub. leg. A)

83. Regulation 2 amended (interpretation)

- (1) Regulation 2, definition of *Committee*—

Repeal

“小組”

Substitute

“初調委”.

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

Repeal

everything after “means”

Substitute

“a Preliminary Investigation Committee established under section 5AC(2)(e) of the Ordinance;”.

- (3) Regulation 2, definition of *defendant*—

Repeal

“registered dentist”

Substitute

“registrant”.

84. Regulation 3 repealed (form of General Register)

Regulation 3—

Repeal the regulation.

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- 85. Regulation 4 repealed (fees)**
Regulation 4—
Repeal the regulation.
- 86. Regulation 5 repealed (application for registration)**
Regulation 5—
Repeal the regulation.
- 87. Regulation 7 repealed (certificate of registration)**
Regulation 7—
Repeal the regulation.
- 88. Regulation 8 repealed (practising certificate)**
Regulation 8—
Repeal the regulation.
- 89. Regulation 8A amended (certificate of standing)**
Regulation 8A—
Repeal
everything after “standing”
Substitute
“must be in the specified form.”.
- 90. Regulation 8B amended (copies of entries and certificates)**
(1) Regulation 8B—
Repeal
“appropriate fee prescribed in the Second Schedule”
Substitute
“prescribed fee”.

(2) Regulation 8B(a)(i)—

Repeal

“or Specialist Register”

Substitute

“, Specialist Register or Register of Dental Care Professionals”.

91. Regulation 9 repealed (alteration of General Register or Specialist Register)

Regulation 9—

Repeal the regulation.

92. Regulation 10 amended (qualifications)

Regulation 10(1), after “dentist”—

Add

“or a person with provisional registration”.

93. Regulation 11 repealed (statement by body corporate)

Regulation 11—

Repeal the regulation.

94. Regulation 12 amended (Preliminary Investigation Committee)

(1) Regulation 12, heading, before “Preliminary”—

Add

“Meeting of”.

(2) Regulation 12—

Repeal paragraphs (1), (2), (3), (4), (5) and (6).

- (3) Regulation 12(7), English text—

Repeal

“No member of the Committee shall”

Substitute

“A member of a Committee must not”.

- (4) Regulation 12(8), English text—

Repeal

“The Committee shall meet from time to time as directed by the chairman”

Substitute

“A Committee must meet from time to time as directed by the chairperson”.

95. Regulation 13 amended (submission or receipt of complaint or information)

- (1) Regulation 13—

Repeal

“registered dentist”

Substitute

“registrant”.

- (2) Regulation 13(b)—

Repeal

“guilty”

Substitute

“found guilty in Hong Kong or elsewhere”.

- (3) Regulation 13(d)—

Repeal

“his registration entitled to be registered; or”

Substitute

“registration eligible to be registered;”.

- (4) Regulation 13—

Repeal paragraph (e)

Substitute

“(e) has contravened section 17 of the Ordinance;”.

- (5) After regulation 13(e)—

Add

“(f) has contravened section 15G(2) of the Ordinance;

(g) has contravened any condition imposed under section 9D, 9H, 9K or 15E, or specified under section 11A or 15H, of the Ordinance; or

(h) has contravened any provision in a code of practice issued under section 27B of the Ordinance;”.

- (6) Regulation 13—

Repeal paragraphs (ii) and (iii)

Substitute

“(ii) has been found guilty in Hong Kong or elsewhere of unprofessional conduct; or

(iii) is not of good character;”.

- (7) Regulation 13, English text—

Repeal

“the Committee”

Substitute

“a Committee”.

96. Regulation 13A amended (reference of complaint or information to Education and Accreditation Committee)

(1) Regulation 13A(1), English text—

Repeal

“to the Committee under regulation 13, the chairman”

Substitute

“to a Committee under regulation 13, the chairperson”.

(2) Regulation 13A(2), English text—

Repeal

“chairman of the”

Substitute

“chairperson of a”.

97. Regulation 14 amended (complaint or information touching conduct)

(1) Regulation 14(1), English text—

Repeal

“to the chairman of the”

Substitute

“to the chairperson of a”.

(2) Regulation 14(1), English text—

Repeal

“of the chairman of the Committee”

Substitute

“of the chairperson”.

(3) Regulation 14(1)—

Repeal

“registered dentist or an applicant for registration has been guilty of unprofessional conduct”

Substitute

“registrant or an applicant for registration has been found guilty of unprofessional conduct in Hong Kong or elsewhere”.

- (4) Regulation 14(1), English text—

Repeal

“, the chairman of the Committee”

Substitute

“, the chairperson”.

- (5) Regulation 14(1), Chinese text—

Repeal

“而初調委”

Substitute

“而該”.

- (6) Regulation 14(1), Chinese text—

Repeal

“則初調委主席可要求”

Substitute

“則該主席可要求”.

- (7) Regulation 14(1), Chinese text—

Repeal

“則初調委主席並”

Substitute

“則該主席並”.

(8) Regulation 14(2)(b)—

Repeal

“his belief in the truth of the facts; and”

Substitute

“the declarant’s belief in the truth of the facts.”.

98. Regulation 15 amended (reference of complaint or information to the Committee)

(1) Regulation 15, English text, heading—

Repeal

“the”.

(2) Regulation 15(1), English text—

Repeal

“to the chairman of the”

Substitute

“to the chairperson of a”.

(3) Regulation 15(1), English text—

Repeal

“, the chairman of the Committee”

Substitute

“, the chairperson”.

(4) Regulation 15(1), Chinese text—

Repeal

“除非初調委”

Substitute

“除非該”.

(5) Regulation 15(2), English text—

Repeal

“chairman”

Substitute

“chairperson”.

99. Regulation 15A amended (consideration of complaint or information by the Committee)

(1) Regulation 15A, English text, heading—

Repeal

“the”.

(2) Regulation 15A(1), English text—

Repeal

“by the Committee”

Substitute

“by a Committee”.

100. Regulation 16 amended (determination of Committee that no inquiry be held)

(1) Regulation 16, English text—

Repeal

“the Committee determine”

Substitute

“a Committee determines”.

(2) Regulation 16, English text—

Repeal

“chairman”

Substitute

“chairperson”.

- (3) Regulation 16, Chinese text—

Repeal

“秘書告知任何申訴人及被告人關於小組的決定”

Substitute

“秘書，將該決定告知任何申訴人及被告人”。

101. Regulation 17 amended (determination of Committee that inquiry be held)

- (1) Regulation 17(1), English text—

Repeal

“the Committee determine”

Substitute

“a Committee determines”.

- (2) Regulation 17(1), English text—

Repeal

“and the chairman”

Substitute

“and the chairperson”.

- (3) Regulation 17(1), English text—

Repeal

“Chairman of the Council”

Substitute

“Chairperson”.

- (4) Regulation 17(1), Chinese text—

Repeal

“通知委員會主席須予研訊的事項”

Substitute

“將須予研訊的事項，通知牙管會主席”。

- (5) Regulation 17(2), English text—

Repeal

“Chairman of the Council”

Substitute

“Chairperson”。

- (6) Regulation 17(2)—

Repeal

“in accordance with Form 6 in the First Schedule”。

- (7) Regulation 17(5)—

Repeal

“him at the address shown on the General Register or at his”

Substitute

“the defendant at the defendant’s registered address or at the defendant’s”。

102. Regulation 18 amended (adjournment of inquiry)

Regulation 18(1), English text—

Repeal

“Chairman of the Council”

Substitute

“Chairperson”。

103. Regulation 19 amended (reference back to Committee)

(1) Regulation 19(1), after “referred”—

Add

“by a Committee”.

(2) Regulation 19(2), English text—

Repeal

“chairman”

Substitute

“chairperson”.

104. Regulation 23 amended (amendment of notice)

Regulation 23(1)—

Repeal

“Chairman”

Substitute

“Chairperson”.

105. Regulation 24 amended (record of proceedings)

(1) Regulation 24(2)—

Repeal

“the Chairman”

Substitute

“, the Chairperson”.

(2) Regulation 24(2)—

Repeal

“any party and on payment to him of a fee \$43 for each folio of 72 words or part thereof, shall”

Substitute

“a party and after the prescribed fee has been paid, must”.

106. Regulation 25 amended (opening of inquiry)

Regulation 25(3)—

Repeal

“Chairman”

Substitute

“Chairperson”.

107. Regulation 27 amended (order of procedure)

(1) Regulation 27(a), proviso—

Repeal

“Chairman”

Substitute

“Chairperson”.

(2) Regulation 27(c)(i) and (iii)—

Repeal

“Chairman”

Substitute

“Chairperson”.

108. Regulation 28 amended (postponement of judgment)

Regulation 28(2) and (4)—

Repeal

“Chairman”

Substitute

“Chairperson”.

109. Regulation 29 amended (notice of determination of judgment)

Regulation 29(3)—

Repeal

“Chairman”

Substitute

“Chairperson”.

110. Regulation 30 amended (postponement of sentence)

Regulation 30(2)—

Repeal

“Chairman shall”

Substitute

“Chairperson must”.

111. Regulation 31 amended (address in mitigation)

Regulation 31(2)—

Repeal

“Chairman shall”

Substitute

“Chairperson must”.

112. Regulation 33 amended (evidence)

(1) Regulation 33—

Repeal paragraph (2).

(2) Regulation 33(5)—

Repeal

“Chairman” (wherever appearing)

Substitute

“Chairperson”.

113. Regulation 34 amended (voting)

- (1) Regulation 34(1) and (2)—

Repeal

“Chairman” (wherever appearing)

Substitute

“Chairperson”.

- (2) Regulation 34(4), English text—

Repeal

“the Legal Adviser shall”

Substitute

“a Legal Adviser may”.

114. Regulation 35 amended (inquiry by the Council)

- (1) Regulation 35, English text—

Repeal

“The”

Substitute

“A”.

- (2) Regulation 35—

Repeal

“in accordance with the provisions of section 9 or section”

Substitute

“for the purposes of section 9A, 15E or”.

- (3) Regulation 35—

Repeal

“the Legal Adviser is not”

Substitute

“no Legal Adviser is”.

115. Regulation 36 amended (ordinary meeting of Council)

- (1) Regulation 36—

Repeal

“Chairman may give to the”

Substitute

“Chairperson may give to a”.

- (2) Regulation 36—

Repeal

“under section 9 or section”

Substitute

“mentioned in section 9A, 15E or”.

116. Regulation 37 amended (advice by Legal Adviser)

- (1) Regulation 37(1), English text—

Repeal

“When the”

Substitute

“When a”.

- (2) Regulation 37(1)—

Repeal

“under section 9 or section”

Substitute

“mentioned in section 9A, 15E or”.

117. First Schedule repealed (forms)

First Schedule—

Repeal the Schedule.

118. Second Schedule repealed (fees)

Second Schedule—

Repeal the Schedule.

Part 4

Repeal of Ancillary Dental Workers (Dental Hygienists) Regulations (Cap. 156 sub. leg. B)

119. Ancillary Dental Workers (Dental Hygienists) Regulations repealed

Ancillary Dental Workers (Dental Hygienists) Regulations—
Repeal the Regulations.

Part 5

Consequential Amendments

Division 1—Amendment to Jury Ordinance (Cap. 3)

120. Section 5 amended (exemptions from service)

Section 5(1)(e)—

Repeal

“persons duly registered as dentists under”

Substitute

“persons who are registered dentists or persons with provisional registration within the meaning of”.

Division 2—Amendment to Dangerous Drugs Ordinance (Cap. 134)

121. Section 2 amended (interpretation)

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

Repeal paragraph (a)

Substitute

“(a) a registered dentist as defined by section 2(1) of the Dentists Registration Ordinance (Cap. 156); or”.

(2) Section 2(1), definition of *registered dentist*, paragraph (b)—

Repeal

“the Dentists Registration Ordinance (Cap. 156)”

Substitute

“that Ordinance”.

Division 3—Amendment to Antibiotics Ordinance (Cap. 137)

122. Section 2 amended (interpretation)

Section 2—

Repeal the definition of *registered dentist*

Substitute

“*registered dentist* (註冊牙醫) means—

- (a) a registered dentist as defined by section 2(1) of the Dentists Registration Ordinance (Cap. 156);
or
- (b) a person deemed to be a registered dentist under that Ordinance;”.

Division 4—Amendment to Pharmacy and Poisons Ordinance (Cap. 138)

123. Section 2 amended (interpretation)

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

Repeal

everything after “dentist,”

Substitute

“a registered dentist as defined by section 2(1) of, or a person deemed to be a registered dentist under, the Dentists Registration Ordinance (Cap. 156);”.

Division 5—Amendment to Public Health (Animals and Birds) (Chemical Residues) Regulation (Cap. 139 sub. leg. N)

124. Section 2 amended (interpretation)

Section 2—

Repeal the definition of *registered dentist*

Substitute

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

Division 6—Amendment to Medical Registration Ordinance (Cap. 161)

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

Section 28(3)(a)—

Repeal

everything after “performed by”

Substitute

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

Division 7—Amendment to Employees’ Compensation Ordinance (Cap. 282)

126. Section 3 amended (interpretation)

Section 3(1)—

Repeal the definition of *registered dentist*

Substitute

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

Division 8—Amendments to Radiation (Control of Irradiating Apparatus) Regulations (Cap. 303 sub. leg. B)

127. Section 2 amended (interpretation)

Section 2, definition of *dental practitioner*—

Repeal

everything after “means”

Substitute

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

128. Schedule 3 amended

(1) Schedule 3—

Repeal the entry relating to Registered dentist.

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

Add

“Dental practitioner	The taking of a radiograph intra-orally or extra-orally for the examination of the mouth, teeth or jaws of another person, or their associated structures	Nil.
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Dental hygienist	The taking of a radiograph intra-orally or extra-orally for the examination of the mouth, teeth or jaws of another person, or their associated structures	Before the operation of the irradiating apparatus— (a) a dental practitioner has assessed the medical history of, and examined, that another person; and (b) the dental practitioner has, based on the assessment and examination, prescribed that the irradiating apparatus is to be operated for that purpose.
Dental therapist	The taking of a radiograph intra-orally or extra-orally for the examination of the mouth, teeth or jaws of another person, or their associated structures	Before the operation of the irradiating apparatus— (a) a dental practitioner has assessed the medical history of, and examined, that another person; and (b) the dental practitioner has, based on the assessment and examination, prescribed that the irradiating apparatus is to be operated for that purpose.”.

(3) Schedule 3—

Repeal the entry relating to Dental surgery assistant

Substitute

“Dental
surgery
assistant

The taking of
a radiograph
intra-orally or
extra-orally
for the
examination
of the mouth,
teeth or jaws
of another
person, or
their
associated
structures

Before the operation of the
irradiating apparatus—

- (a) a dental practitioner
has assessed the
medical history of,
and examined, that
another person; and
- (b) the dental practitioner
has, based on the
assessment and
examination,
prescribed that the
irradiating apparatus
is to be operated for
that purpose.”.

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

Repeal

everything after “employed”

Substitute

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

Division 9—Amendments to Medical Clinics Ordinance (Cap. 343)

129. Section 2 amended (interpretation)

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

Repeal

“dentists duly registered in accordance with the provisions”

Substitute

“registered dentists as defined by section 2(1)”.

- (2) Section 2, definition of *medical treatment*, paragraph (a)—

Repeal

everything after “given by”

Substitute

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

Division 10—Amendments to Waste Disposal (Clinical Waste) (General) Regulation (Cap. 354 sub. leg. O)

130. Section 2 amended (interpretation)

- (1) Section 2, definition of *healthcare professional*, paragraph (d)—

Repeal

“or”.

- (2) Section 2, definition of *healthcare professional*, paragraph (e)—

Repeal

“(Cap. 549);”

Substitute

“(Cap. 549); or”.

- (3) Section 2, definition of *healthcare professional*, after paragraph (e)—

Add

- “(f) a registered dental care professional as defined by section 2(1) of the Dentists Registration Ordinance (Cap. 156);”.

Division 11—Amendment to Medical Laboratory Technologists (Registration and Disciplinary Procedure) Regulations (Cap. 359 sub. leg. A)

131. Schedule 4 amended (exemptions from the Ordinance)

Schedule 4, item 2—

Repeal everything in column 2

Substitute

“A registered dentist as defined by section 2(1) of the Dentists Registration Ordinance (Cap. 156) while practising dentistry”.

Division 12—Amendment to Physiotherapists (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. J)

132. Schedule 4 amended (exemptions from the Ordinance)

Schedule 4, item 2—

Repeal everything in column 2

Substitute

“A registered dentist as defined by section 2(1) of the Dentists Registration Ordinance (Cap. 156) while practising dentistry”.

Division 13—Amendments to Trade Descriptions Ordinance (Cap. 362)

133. Schedule 3 amended (exempt persons)

(1) Schedule 3—

Repeal item 4

Substitute

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

(2) Schedule 3—

Repeal item 5

Substitute

“5. A registered dental care professional as defined by section 2(1) of the Dentists Registration Ordinance (Cap. 156).”.

Division 14—Amendments to Legislative Council Ordinance (Cap. 542)

134. Section 20IA amended (composition of the medical and health services functional constituency)

(1) Section 20IA—

Repeal paragraph (b)

Substitute

“(b) registered dentists as defined by section 2(1) of, or persons deemed to be registered dentists under, the Dentists Registration Ordinance (Cap. 156); and”.

(2) Section 20IA—

Repeal paragraph (l)

Substitute

“(l) registered dental care professionals as defined by section 2(1) of the Dentists Registration Ordinance (Cap. 156); and”.

Division 15—Amendments to Electronic Health Record Sharing System Ordinance (Cap. 625)

135. Section 19 amended (application by healthcare providers for registration)

Section 19(5)—

Repeal paragraph (c).

136. Schedule amended (healthcare professionals)

The Schedule—

Repeal item 3

Substitute

“3. A registered dental care professional as defined by section 2(1) of the Dentists Registration Ordinance (Cap. 156).”.

Division 16—Amendments to Private Healthcare Facilities Ordinance (Cap. 633)

137. Section 44 amended (notice of intended change or cessation)

Section 44(7), definition of *deregistration*, paragraph (b)—

Repeal

“15(3) or 18(1)”

Substitute

“15, 18 or 18A”.

138. Section 116 amended (powers after entry)

(1) Section 116(d), English text—

Repeal

“at”

Substitute

“on”.

(2) Section 116(e)—

Repeal

“inside”

Substitute

“on”.

139. Schedule 7 amended (healthcare professionals)

Schedule 7—

Repeal item 3

Substitute

“3. A registered dental care professional as defined by section 2(1) of the Dentists Registration Ordinance (Cap. 156).”.

Schedule

[s. 2]

Amendments relating to Certain Expressions in Chinese Text

Part 1

Amendments to Dentists Registration Ordinance (Cap. 156)

Column 1	Column 2	Column 3	Column 4
Item	Provision	Repeal	Substitute
1.	Section 4(2), (3), (4), (5), (5A), (5C) and (6)	“委員會” (wherever appearing)	“牙管會”
2.	Section 5, heading	“委員會”	“牙管會”
3.	Section 5(1), (2), (3), (4) and (5)	“委員會”	“牙管會”
4.	Section 5B, heading	“小組”	“委員會”
5.	Section 5B(1), (2) and (5)	“小組” (wherever appearing)	“委員會”

Dentists Registration (Amendment) Bill 2024

Schedule—Part 1

C1149

Column 1	Column 2	Column 3	Column 4
Item	Provision	Repeal	Substitute
6.	Section 5B(2), (3) and (5)	“委員會” (wherever appearing)	“牙管會”
7.	Section 5B(2), (4) and (5)	“成員” (wherever appearing)	“委員”
8.	Section 5C, heading	“小組”	“委員會”
9.	Section 5C	“小組” (wherever appearing)	“委員會”
10.	Section 5C(a), (b), (c), (d) and (e)	“委員會” (wherever appearing)	“牙管會”
11.	Section 5D, heading	“小組”	“委員會”
12.	Section 5D(1), (2), (3) and (4)	“小組” (wherever appearing)	“委員會”
13.	Section 5D(1), (2) and (3)	“成員” (wherever appearing)	“委員”
14.	Section 5E, heading	“小組”	“委員會”

Dentists Registration (Amendment) Bill 2024

Schedule—Part 1

C1151

Column 1	Column 2	Column 3	Column 4
Item	Provision	Repeal	Substitute
15.	Section 5E(1)	“小組”	“委員會”
16.	Section 5F, heading	“小組”	“委員會”
17.	Section 5F	“小組”	“委員會”
18.	Section 5F	“成員” (wherever appearing)	“委員”
19.	Section 5F	“委員會” (wherever appearing)	“牙管會”
20.	Section 5G, heading	“小組”	“委員會”
21.	Section 5G(1) and (2)	“委員會” (wherever appearing)	“牙管會”
22.	Section 5G(1) and (2)	“小組” (wherever appearing)	“委員會”
23.	Section 5G(2)(b)	“成員”	“委員”
24.	Section 12A	“小組”	“委員會”
25.	Section 12A	“委員會”	“牙管會”

Column 1	Column 2	Column 3	Column 4
Item	Provision	Repeal	Substitute
26.	Section 12B(2), (4), (5), (7), (8), (9) and (11)	“委員會” (wherever appearing)	“牙管會”
27.	Section 12B(4), (5), (6), (7), (8) and (9)(a) and (c)	“小組” (wherever appearing)	“委員會”
28.	Section 12C(a) and (b)	“委員會”	“牙管會”
29.	Section 12E(1), (3) and (4)	“小組” (wherever appearing)	“委員會”
30.	Section 12F, heading	“小組”	“委員會”
31.	Section 12F(1), (3), (4), (5), (6) and (7)	“小組” (wherever appearing)	“委員會”
32.	Section 12F(1)(c) and (d) and (7)	“委員會”	“牙管會”
33.	Section 15A(2) and (3)	“委員會” (wherever appearing)	“牙管會”

Dentists Registration (Amendment) Bill 2024

Schedule—Part 1

C1155

Column 1	Column 2	Column 3	Column 4
Item	Provision	Repeal	Substitute
34.	Section 15A(3)(a) and (b)	“小組”	“委員會”
35.	Section 16(2)	“委員會”	“牙管會”
36.	Section 18, heading	“委員會”	“牙管會”
37.	Section 18(1) and (6)	“委員會”	“牙管會”
38.	Section 18(1)	“小組”	“委員會”
39.	Section 19, heading	“委員會”	“牙管會”
40.	Section 19(1)(e)	“委員會”	“牙管會”
41.	Section 20	“委員會” (wherever appearing)	“牙管會”
42.	Section 22, heading	“委員會”	“牙管會”
43.	Section 23(1)(b) and (3A)(b)	“委員會”	“牙管會”

Dentists Registration (Amendment) Bill 2024

Schedule—Part 1

C1157

Column 1	Column 2	Column 3	Column 4
Item	Provision	Repeal	Substitute
44.	Section 29(1C) and (1D)(a)	“委員會” (wherever appearing)	“牙管會”
45.	Section 29(1C)(ba) and (d)(i), (ii) and (iv)	“小組” (wherever appearing)	“委員會”
46.	Section 29(1A)(d)(i), (ii) and (iv)	“成員” (wherever appearing)	“委員”
47.	Section 29A, heading	“委員會”	“牙管會”
48.	Section 29A(1) and (2)	“委員會”	“牙管會”
49.	Section 32(1) and (2)	“委員會”	“牙管會”

Part 2

Amendments to Dentists (Registration and Disciplinary Procedure) Regulations (Cap. 156 sub. leg. A)

Column 1	Column 2	Column 3	Column 4
Item	Provision	Repeal	Substitute
1.	Regulation 10(1) and (2)	“委員會” (wherever appearing)	“牙管會”
2.	Part III, heading	“委員會”	“牙管會”
3.	Regulation 12, heading	“小組”	“委員會”
4.	Regulation 12(1)	“初步調查小組的小組”	“初步調查委員會的委員會”
5.	Regulation 12(1)(a), (2), (3), (4), (5), (6), (7) and (8)	“小組” (wherever appearing)	“初調委”
6.	Regulation 12(1), (2), (3), (4), (5), (6) and (7)	“成員” (wherever appearing)	“委員”

Dentists Registration (Amendment) Bill 2024

Schedule—Part 2

C1161

Column 1	Column 2	Column 3	Column 4
Item	Provision	Repeal	Substitute
7.	Regulation 12(1)(a) and (b), (3), (4), (6) and (7)	“委員會” (wherever appearing)	“牙管會”
8.	Regulation 13	“小組”	“初調委”
9.	Regulation 13A, heading	“小組”	“委員會”
10.	Regulation 13A(1)	“小組” (wherever appearing)	“初調委”
11.	Regulation 13A(2)	“小組的”	“初調委的”
12.	Regulation 13A(2)	“教育及評審小組”	“教育及評審委員會”
13.	Regulation 14(1)	“小組” (wherever appearing)	“初調委”
14.	Regulation 15, heading	“小組”	“初調委”
15.	Regulation 15(1) and (2)	“小組” (wherever appearing)	“初調委”

Dentists Registration (Amendment) Bill 2024

Schedule—Part 2

C1163

Column 1	Column 2	Column 3	Column 4
Item	Provision	Repeal	Substitute
16.	Regulation 15A, heading	“由小組”	“初調委”
17.	Regulation 15A(1), (2) and (3)	“小組” (wherever appearing)	“初調委”
18.	Regulation 15A(2)(b)	“委員會”	“牙管會”
19.	Regulation 16, heading	“小組”	“初調委”
20.	Regulation 16	“如小組”	“如初調委”
21.	Regulation 16	“則小組”	“則初調委”
22.	Regulation 17, heading	“小組”	“初調委”
23.	Regulation 17(1) and (2)	“小組” (wherever appearing)	“初調委”
24.	Regulation 17(1)	“予委員會”	“予牙管會”
25.	Regulation 17(2)	“委員會” (wherever appearing)	“牙管會”

Dentists Registration (Amendment) Bill 2024

Schedule—Part 2

C1165

Column 1	Column 2	Column 3	Column 4
Item	Provision	Repeal	Substitute
26.	Regulation 18(1)	“委員會”	“牙管會”
27.	Regulation 19, heading	“小組”	“初調委”
28.	Regulation 19(1)	“委員會” (wherever appearing)	“牙管會”
29.	Regulation 19(1) and (2)	“小組”	“初調委”
30.	Regulation 20, heading	“委員會”	“牙管會”
31.	Regulation 20	“委員會”	“牙管會”
32.	Regulation 23(1)	“委員會”	“牙管會”
33.	Part IV, heading	“委員會”	“牙管會”
34.	Regulation 24(1)	“委員會”	“牙管會”
35.	Regulation 25(2)	“委員會” (wherever appearing)	“牙管會”
36.	Regulation 26(2)	“委員會”	“牙管會”

Dentists Registration (Amendment) Bill 2024

Schedule—Part 2

C1167

Column 1	Column 2	Column 3	Column 4
Item	Provision	Repeal	Substitute
37.	Regulation 27(b)(i), (c), (d) and (e)	“委員會” (wherever appearing)	“牙管會”
38.	Regulation 28(1), (2), (3) and (4)	“委員會” (wherever appearing)	“牙管會”
39.	Regulation 29(1), (3) and (4)	“委員會” (wherever appearing)	“牙管會”
40.	Regulation 30(1) and (2)	“委員會” (wherever appearing)	“牙管會”
41.	Regulation 31(1), (1A)(a) and (b) and (2)	“委員會” (wherever appearing)	“牙管會”
42.	Regulation 32(1)	“委員會” (wherever appearing)	“牙管會”
43.	Regulation 33(1), (4) and (5)	“委員會”	“牙管會”

Dentists Registration (Amendment) Bill 2024

Schedule—Part 2

C1169

Column 1	Column 2	Column 3	Column 4
Item	Provision	Repeal	Substitute
44.	Regulation 34(1), (2), (3) and (4)	“委員會” (wherever appearing)	“牙管會”
45.	Regulation 35, heading	“委員會”	“牙管會”
46.	Regulation 35	“委員會”	“牙管會”
47.	Regulation 36, heading	“委員會”	“牙管會”
48.	Regulation 36	“委員會”	“牙管會”
49.	Regulation 36	“小組”	“初調委”
50.	Regulation 37(1) and (2)	“委員會” (wherever appearing)	“牙管會”

Explanatory Memorandum

The main object of this Bill is to amend the Dentists Registration Ordinance (Cap. 156) (*principal Ordinance*) and its subsidiary legislation to—

- (a) provide for new types of registration for dentists known as provisional registration, limited registration, temporary registration and special registration;
- (b) provide for the registration of 2 classes of dental care professionals known as dental hygienists and dental therapists;
- (c) reform the composition and structure of the Dental Council of Hong Kong (*Council*) and its committees; and
- (d) modernize the regulatory framework in respect of the practice of dentistry.

2. The Bill contains 5 Parts and a Schedule.

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 to better reflect the scope of the principal Ordinance.

5. Clauses 5 and 6 amend existing definitions and add new definitions for the interpretation of the principal Ordinance. The new section 2A provides for the meaning of *practising dentistry* and the new section 2B provides for the references relating to different types of registration.
6. Clause 8 amends section 3 of the principal Ordinance in view of the amendment to the definition of *practising dentistry* and the introduction of the registration of dental care professionals. The amended section 3 also provides for the liability of a person who employs another person to practise dentistry in contravention of that section.
7. Clause 10 amends section 4 of the principal Ordinance to reform the composition of the Council.
8. Clause 11 adds new sections 4AA to 4AAF to the principal Ordinance to deal with matters relating to the term of office of members of the Council, vacation of office, handling of vacancy, election of the Chairperson of the Council and appointment of the Secretary of, and Legal Advisers to, the Council.
9. Clauses 13 and 14 amend sections 5 and 5A of the principal Ordinance respectively. The main purpose is to modernize the operation of the Council to enable the transaction of business by modern technology.
10. Clause 15 adds a new section 5AB to the principal Ordinance to authorize the Council to provide information to the Secretary for Health on request for the formulation of health care policies.

11. Clause 16 adds a new Part 4 to the principal Ordinance to empower the establishment of committees and subcommittees for the better performance of the functions of the Council. In particular, the Council may establish the Education and Accreditation Committee, the Examination Committee, the Continuing Professional Development Committee, the Health Committee and one or more than one Preliminary Investigation Committee.
12. Clause 18 amends section 5B of the principal Ordinance to specify the composition of the Education and Accreditation Committee. Clause 19 amends section 5C of the principal Ordinance to amend the functions of the Committee in view of the new functions of the Council under the new regime. Clause 20 amends section 5D of the principal Ordinance to amend the number of members required for a quorum in view of the change in membership of the Committee.
13. Clause 25 adds new Parts 6 to 9 to the principal Ordinance to deal with the composition, functions and quorum of the Examination Committee, the Continuing Professional Development Committee, the Health Committee and the Preliminary Investigation Committee.
14. Clause 27 amends section 6 of the principal Ordinance to extend the functions of the Registrar of Dentists (*Registrar*) to the Register of Dental Care Professionals.
15. Clause 29 amends section 7 of the principal Ordinance. After the amendment, the General Register will be divided into 5 parts and each part will contain the names and particulars of persons with full registration, provisional registration, limited registration, temporary registration and special registration respectively. The amended section 7 further provides that Part 1

of the General Register is to be divided into the practising list and the non-practising list.

16. Clause 30 adds new provisions to the principal Ordinance. New sections 7A, 7B and 7C added by that clause provide for the setting of the Licensing Examination by the Council and the Council's power to grant exemption from the Licensing Examination. New sections 7D to 7G provide for the procedure for making an application for provisional registration, the procedures for determining such an application and the validity and effect of provisional registration.
17. Clause 32 amends section 8 of the principal Ordinance to set out the eligibility for full registration. In particular, the new section 8(1)(a) and (b) has the effect of requiring a person with provisional registration to undergo an internship or a period of assessment before the person is eligible to make an application for full registration.
18. Clause 33 adds new sections 8A to 8E to the principal Ordinance. Those sections set out the arrangements regarding the internship or period of assessment required for obtaining full registration, and the award of a certificate of experience on the completion of the internship or period of assessment.
19. Clause 34 amends section 9 of the principal Ordinance to set out the application criteria for full registration.
20. Clause 35 adds new sections 9A to 9L to the principal Ordinance. The new sections 9A and 9B provide for the procedures for determining an application for full registration. The new sections 9C to 9L provide for the application criteria and procedures for, and the validity of, limited registration, temporary registration and special registration.

21. Clause 37 amends section 10 of the principal Ordinance to repeal provisions relating to the issue of a certified copy of a certificate of registration for the purpose of complying with the requirement to exhibit such a certificate as the requirement to exhibit such a certificate is repealed. The requirements relating to the registered address and the photo appearing on a certificate of registration are also repealed.
22. Clause 38 amends section 11A of the principal Ordinance to—
 - (a) provide that applications for practising certificates for registered dentist must be made in the specified form;
 - (b) provide that compliance with the continuing professional development requirements is a prerequisite for the issue of practising certificates; and
 - (c) provide for the validity of practising certificates issue to persons with temporary registration.
23. Clause 39 repeals section 11B of the principal Ordinance on the recovery of practising fees from registered dentists.
24. Clause 40 repeals section 12 of the principal Ordinance on dental companies.
25. Clauses 42 to 45 make technical amendments to provisions relating to the Specialist Register.
26. Clause 46 adds new sections 12G to 12J to the principal Ordinance. The new section 12G requires a registered dentist or a person with provisional registration to provide the Registrar an address in Hong Kong at which he or she may be contacted. The new section 12H deals with the transfer of a person's name from the practising list to the non-practising list. The new

section 12I deals with the issue of retention certificate to a person whose name is contained in the non-practising list. The new section 12J deals with the transfer of a person's name from the non-practising list to the practising list.

27. Clauses 47 and 48 amend the publication requirements set out in sections 13 and 13A of the principal Ordinance respectively to reflect the introduction of the new types of registration for dentists.
28. Clause 50 amends section 15 of the principal Ordinance to clarify the requirements for making alteration to the General Register and Specialist Register, and the circumstances under which a name may be removed from the Registers.
29. Clause 51 amends section 15A of the principal Ordinance to include provisions relating to orders made by the Council that, before the amendments, was included in section 22 of the principal Ordinance for better readability.
30. Clause 52 repeals section 15B of the principal Ordinance on the service of notice. The requirement will be reinstated in the new section 27D.
31. Clause 53 adds a new Part 12 to the principal Ordinance. The new Part 12 deals with matters relating to registered dental care professionals including—
 - (a) the keeping of the Register of Dental Care Professionals;
 - (b) the application criteria and procedures for registration;
 - (c) the scope of practice of registered dental care professionals;

- (d) the issue of practising certificate to registered dental care professionals;
 - (e) the provision of an address in Hong Kong at which a registered dental care professional may be contacted;
 - (f) the publication of a list of registered dental care professionals in the Gazette; and
 - (g) the alteration to the Register of Dental Care Professionals.
32. Clause 55 amends section 16 of the principal Ordinance to clarify that the power is exercised for the purpose of disciplinary proceedings under the principal Ordinance and to revise the powers that may be exercised by an authorized officer.
33. Clause 56 amends section 17 of the principal Ordinance to bring registered dental care professionals under that section.
34. Clause 58 amends section 18 of the principal Ordinance mainly to deal with disciplinary proceedings against registered dental care professionals.
35. Clause 59 adds a new section 18A to the principal Ordinance to provide for the power of the Council to deal with a person that is subject to a recommendation of the Health Committee.
36. Clause 60 amends section 19 of the principal Ordinance to provide for the powers of the Health Committee in a hearing.
37. Clauses 61 and 62 make technical amendments to sections 20 and 21 of the principal Ordinance respectively consequent on the adding of provisions regarding the Health Committee.

38. Clause 63 amends section 22 of the principal Ordinance to repeal provisions relating to an order made under section 15A of the principal Ordinance. The provisions are reinstated in section 15A of the principal Ordinance for better readability.
39. Clause 65 amends section 23 of the principal Ordinance to add the Council's or Registrar's rejection of applications for new types of registration, for practising certificates and restoration of registration, and the imposition of conditions, as matters in relation to which appeals may be made to the Court of Appeal.
40. Clause 67 amends section 25 of the principal Ordinance so that a person must not wilfully or falsely pretend to be, or take or use the name or title, of a dentist or registered dental care professional.
41. Clause 68 adds a new section 25B to the principal Ordinance so that a registered dental care professional must not wilfully or falsely pretend to be, or take or use the name or title, of a dentist or registered dental care professional of that class that he or she does not belong.
42. Clause 69 repeals section 26 of the principal Ordinance that deals with registered dentists qualified to be registered by virtue only of having been registered under the Dentists Registration Ordinance 1940 (1 of 1940).
43. Clause 70 amends section 27 of the principal Ordinance to provide for the liability of a registrant to allow another person who is not a registrant to practise dentistry on any premises used by or under the control of the registrant.
44. Clause 72 adds new sections 27A to 27D to the principal Ordinance. The new section 27A provides for the procedures

for restoration. The new section 27B empowers the Council to issue codes of practice. The new section 27C empowers the Registrar to request a person to provide a means of contact. The new section 27D provides for the giving, service or sending of documents.

45. Clause 73 amends section 28 of the principal Ordinance to make a technical amendment.
46. Clause 74 amends section 29 of the principal Ordinance to revise the power to make regulation in view of the expanded scope of the principal Ordinance.
47. Clause 75 amends section 29A of the principal Ordinance so that the power of the Council to specify forms will cover all documents under the principal Ordinance.
48. Clause 76 adds a new section 29B to the principal Ordinance to empower the Secretary for Health to give written directions to the Council and adds a new section 29C to the principal Ordinance to provide for the amendments of the Schedules to the principal Ordinance.
49. Clause 77 makes technical amendments to section 30 of the principal Ordinance.
50. Clause 78 amends section 31 of the principal Ordinance to exempt a person authorized to operate an irradiating apparatus under the Radiation (Control of Irradiating Apparatus) Regulations (Cap. 303 sub. leg. B) from the operation of the principal Ordinance.
51. Clause 79 adds new sections 33 and 34 to the principal Ordinance. The new section 33 together with the new Schedule

11 provide for the savings and transitional provisions. The new section 34 empowers the Secretary for Health to make, by regulations, consequential or related amendments to any enactment as are necessary consequent of the enactment of the Bill.

52. Clause 80 makes technical amendments to the existing Schedule to the principal Ordinance.
53. Clause 81 adds new Schedules 2 to 11 to the principal Ordinance. The new Schedule 2 provides for the services that fall within the scope of the definition of *practising dentistry*. The new Schedule 3 specifies the class of dental care professionals, their scope of practice and the qualifications required for registration as registered dental care professionals. The new Schedules 4, 5, 6 and 7 specify the institutions for the operation of the provisions relating to the limited registration, the special registration, an internship and a period of assessment. The new Schedule 8 specifies the length of the period for an internship or a period of assessment. The new Schedule 9 provides for matters relating to the terms of appointment, membership and procedures of committees and subcommittees established under the new sections 5AC and 5AD. The new Schedule 10 sets out the conditions for the purposes of section 8(1)(c)(iii) of the principal Ordinance.

Part 3—Amendments to Dentists (Registration and Disciplinary Procedure) Regulations (Cap. 156 sub. leg. A) (Cap. 156A)

54. Part 3 makes amendments to Cap. 156A that are consequent on the amendments made to the principal Ordinance. In particular—
- (a) 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 Council;

- (b) references to the Legal Adviser are replaced by a Legal Adviser as more than one Legal Adviser may be appointed;
- (c) references to registered dentist are replaced by registrant to cover a person with provisional registration and a registered dental care professional; and
- (d) the prescribed forms are repealed as the forms will be specified by the Council under the amended section 29A of the principal Ordinance.

- 55. Clauses 85 and 118 repeal the requirement to pay fee in regulation 4 of, and the schedule of fee in the Second Schedule to, Cap. 156A as the fee items no longer correspond to the provisions that require the payment of fees in the amended principal Ordinance.
- 56. Clause 91 repeals regulation 9 of Cap. 156A to remove the requirement to keep old entry in the General Register or Specialist Register.
- 57. Part 3 also makes textual amendments to Cap. 156A to bring the provisions in line with the principal Ordinance.

Part 4—Repeal of Ancillary Dental Workers (Dental Hygienists) Regulations (Cap. 156 sub. leg. B) (*Cap. 156B*)

- 58. Part 4 repeals Cap. 156B. The requirement relating to dental hygienists will be set out in the new Part 12 of the principal Ordinance.

Part 5—Consequential Amendments

59. Part 5 contains amendments to other enactments consequential to the introduction of the new types of registration.

Schedule—Amendments relating to Certain Expressions in Chinese Text

60. The Schedule contains textual amendments to certain Chinese expressions used in the principal Ordinance and Cap. 156A.