

Chinese Medicine Council of Hong Kong

**Code of Conduct for
Listed Chinese Medicine Practitioners**

1st July 2015

Code of Conduct for Listed Chinese Medicine Practitioners

Listed Chinese medicine practitioners are advised to study this Code of Conduct and to acquaint themselves with its contents carefully, in order to avoid the risk of inadvertently transgressing this Code which may lead to disciplinary action by the Chinese Medicine Practitioners Board of the Chinese Medicine Council of Hong Kong.

Chinese Medicine Practitioners Board
Chinese Medicine Council of Hong Kong

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Part 1

Introduction

The Chinese Medicine Council of Hong Kong (the Council) is established under the Chinese Medicine Ordinance (Cap. 549). To ensure high standards of professional practice and conduct of Chinese medicine practitioners, the Chinese Medicine Practitioners Board (the Practitioners Board) of the Council has compiled this Code of Conduct (the Code).

2. The objective of this Code is to provide guidelines to listed Chinese medicine practitioners, so that they can conform to the professional standards and requirements in carrying out their professional responsibilities. A listed Chinese medicine practitioner should always maintain good personal conduct and integrity and avoid causing damage to the reputation of the profession. He should discharge his duties and responsibilities to the patients, the profession, the members of other healthcare professionals and the public in general with dedication and integrity. He should maintain a high standard of practice by exercising competent professional judgment and by continually striving to improve his knowledge and profession skills.

3. According to section 90(3)(a) of the Chinese Medicine Ordinance, the Practitioners Board requires that a listed Chinese medicine practitioner should comply with this Code as a condition for practice. The Practitioners Board has the power to remove from the list maintained by it, the name of a listed Chinese medicine practitioner who has failed to comply with this Code according to section 91 of the Chinese Medicine Ordinance.

4. All listed Chinese medicine practitioners should acquaint themselves with the meaning of “Misconduct in a Professional Respect” stated in Part 2 and the conduct as set out in Part 3 of this Code.

5. A listed Chinese medicine practitioner who is suspected to have contravened the Code may be subject to inquiries held by the Practitioners Board. The fact that some matters are not mentioned in the Code shall not preclude the Practitioners Board from judging whether a listed Chinese medicine practitioner has been guilty of professional misconduct by reference to those matters.

6. Listed Chinese medicine practitioners, who require advice on questions of professional conduct arising from particular circumstances, are advised to consult their professional associations, their own legal advisers or senior colleagues for advice on such matters. The Practitioners Board being a quasi-judicial body will

not advise in individual cases.

7. A copy of this Code will be served upon each person whose name has been entered into the Register of Chinese Medicine Practitioners. The Practitioners Board will make suitable amendments to this Code from time to time having regard to changing circumstances in society.

8. All listed Chinese medicine practitioners should acquaint themselves with the provisions of the Chinese Medicine Ordinance and the procedure for handling non-compliance of the “Code of Conduct for Listed Chinese Medicine Practitioners” by listed Chinese medicine practitioners. Full copies of the Ordinance may be purchased from the Government Publications Centre, or downloaded from the internet website (www.legislation.gov.hk). The procedure for handling non-compliance of the “Code of Conduct for Listed Chinese Medicine Practitioners” by listed Chinese medicine practitioners is at Appendix IV.

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Part 2

The Meaning of “Misconduct in a Professional Respect”

“Misconduct in a professional respect” is defined as “If a listed Chinese medicine practitioner has breached the Code, or in the course of conduct of his profession, has conducted himself in a way which has fallen short of the reasonable standards of conduct expected among his professional colleagues, or which will be regarded as disgraceful, unethical or dishonourable by his professional colleagues who are of good repute and competency, the Chinese Medicine Practitioners Board of the Chinese Medicine Council after being satisfied of the existence above conduct, will find that he is guilty of professional misconduct.”

2. Part 3 sets out the Code of Conduct for listed Chinese medicine practitioners with which the Practitioners Board considers listed Chinese medicine practitioners should comply. If a listed Chinese medicine practitioner contravenes any part of the said conduct, he will be considered to have committed professional misconduct. The fact that matters are not mentioned in Part 3 shall not preclude the Board from finding that a listed Chinese medicine practitioner has been guilty of professional misconduct by reason of those matters.

3. The Practitioners Board will determine the seriousness of misconduct by reference to written or unwritten practices in the profession of Chinese medicine practitioners.

Part 3

The Code of Conduct for listed Chinese medicine practitioners

This part sets out the Code of Conduct for listed Chinese medicine practitioners. If a listed Chinese medicine practitioner is found to be in breach of the Code, the Practitioners Board may remove his name from the list of listed Chinese medicine practitioners according to section 91 of the Chinese Medicine Ordinance. This Code of Conduct does not set out all the circumstances of misconduct which may lead to disciplinary proceedings. Listed Chinese medicine practitioners should be cautious in their conduct, so as to maintain the professional standard and integrity of listed Chinese medicine practitioners.

1. Discipline

- (1) A listed Chinese medicine practitioner shall abide by the law;
- (2) If a listed Chinese medicine practitioner has been convicted of an offence punishable with imprisonment (irrespective of whether a prison term is imposed or not), or found guilty of misconduct in practice of Chinese medicine or any other professional respect in Hong Kong or elsewhere, he must report the matter to the Practitioners Board within 28 days

from the date of the conviction or the professional misconduct finding, even if the matter is under appeal; and

- (3) A particularly serious view will be taken by the Practitioners Board if a listed Chinese medicine practitioner is convicted of criminal deception (e.g. obtaining money or property by deception), forgery, fraud, theft, indecent assault or behaviour or assault etc.

2. Professional Responsibility

- (1) A listed Chinese medicine practitioner shall be professionally responsible to his patients;
- (2) A listed Chinese medicine practitioner shall explain patiently to patients their medical conditions, methods of treatment and the precautions in taking drugs, etc. and the practitioner shall not perform his duties in a perfunctory manner;
- (3) A listed Chinese medicine practitioner shall diligently improve his professional knowledge and skills, and pursue continuing education as required by the Practitioners Board, so as to maintain high professional standards in providing medical service to patients;
- (4) When discharging his professional duties, a listed Chinese medicine practitioner shall ensure that his professional capability is not affected (such as under the influence of alcohol or drugs); and

- (5) A listed Chinese medicine practitioner shall make medical referrals when necessary, and the listed medical professionals to whom a patient is referred should be able to provide the required treatment according to the diagnosis.

3. Professional Ethics

- (1) A listed Chinese medicine practitioner shall not abuse his professional position in order to develop any improper or unethical relationship with a person with whom he stands in a professional relationship;
- (2) A listed Chinese medicine practitioner shall not misuse or disclose information obtained from his patients. The requirements of the Personal Data (Privacy) Ordinance shall be complied with when releasing information of patients;
- (3) A listed Chinese medicine practitioner shall not take advantage of his position to obtain benefits other than the specified fees for professional service;
- (4) A listed Chinese medicine practitioner shall not receive payment by way of commission, rebate or otherwise for patients' referrals. He shall not offer or pay any commission, rebate or other payment to any person or organization that accepts a patient's referral;
- (5) A listed Chinese medicine practitioner shall choose the medicines or apparatus that best serve the medical interest of

a patient according to his independent professional judgment;
and

- (6) A listed Chinese medicine practitioner shall not disparage other listed Chinese medicine practitioners or other medical and healthcare professionals and shall not flaunt himself.

4. Practising Rules

- (1) The Notification of Listing of a Listed Chinese Medicine Practitioner shall be displayed at a conspicuous place in the clinic;
- (2) A listed Chinese medicine practitioner shall establish and maintain personal medical records for his patients. Medical records must include the following information:
 - (a) Name of patients;
 - (b) Gender of patients;
 - (c) Consultation dates;
 - (d) Contact details of patients;
 - (e) Symptoms;
 - (f) Diagnosis; and
 - (g) Treatments applied.
- (3) A listed Chinese medicine practitioner shall issue prescriptions which conform with professional standards and shall not prescribe excessive or inappropriate medicines;
- (4) A listed Chinese medicine practitioner shall not prescribe any

Chinese herbal medicines specified in Schedule 1 of the Chinese Medicine Ordinance (remarks: according to section 109 of the Chinese Medicine Ordinance, only registered Chinese medicine practitioners can Schedule 1 Chinese herbal medicines specified in Schedule 1);

- (5) A listed Chinese medicine practitioner shall give the prescriptions to patients;
- (6) A listed Chinese medicine practitioner shall ensure that the contents of the issued prescriptions are clear and legible;
- (7) Issued prescriptions must include the following information:
 - (a) Name, address, contact telephone number and signature of the listed Chinese medicine practitioner;
 - (b) Name of patient;
 - (c) Names of all Chinese medicines. The names of Chinese herbal medicines should be based on the names in the Schedules of the Chinese Medicine Ordinance. Names of Chinese herbal medicines not listed in the Schedules should be based on the names in the “Pharmacopoeia of the People’s Republic of China”(《中華人民共和國藥典》), the “Chinese Materia Medica”, (written by XU Guojun etc.)(《中國藥材學》(徐國鈞等著)), the “Dictionary of Chinese Herbal Medicines”(《中藥大辭典》) or the “Chinese Herbal Medicines”(《中華本草》);
 - (d) Dosages of all Chinese medicines;

- (e) Preparation and administration method for that prescription of Chinese herbal medicines;
 - (f) Method of use of any proprietary Chinese medicines;
 - (g) Number of times for re-dispensing, if applicable; and
 - (h) Issuing date of the prescription.
- (8) A listed Chinese medicine practitioner shall not issue professional documents or certificate which are untruthful or misleading.

5. Medical Practice

A listed Chinese medicine practitioner shall be professionally responsible to his patients, abide by the medical related ordinances and law and shall serve the medical interests of patients as his foremost consideration. He shall master relevant medical knowledge and skills in order to perform his professional duties. When necessary, he should make appropriate medical referrals.

(1) Diagnostic techniques

A listed Chinese medicine practitioners can only use the relevant diagnostic techniques, (including modern diagnostic techniques), after he has passed the relevant professional assessment, and when he is equipped with the appropriate medical apparatuses and is acting in accordance with the requirements of the relevant medical legislation.

(2) Methods of treatment

- (a) A listed Chinese medicine practitioner should adopt treatment methods on the basis of principles of the Traditional Chinese Medicine in prescribing Chinese herbal medicines or proprietary Chinese medicines, and in using traditional therapeutic apparatuses or other innovative therapeutic apparatuses developed with the incorporation of Chinese medicine theory; and
- (b) A listed Chinese medicine practitioner shall not use other professional treatment methods as regulated by laws concerning those other medical and healthcare professions.

6. Practice Advertising

(1) Definition and Principles

(a) Definition

Practice advertising refers to the adoption of various promotion measures to enhance the popularity of a listed Chinese medicine practitioner so as to gain benefits from his business, including the promotion of a listed Chinese medicine practitioner, his work or his practice, by himself or others. The measures may include the provision of information to, and

soliciting business from the public, his patients or any persons involved in his Chinese medicine practice.

(b) Principles

Other than the restrictions listed in clauses 6(2) to 6(6) below, a listed Chinese medicine practitioner providing information to the public, his patients or any persons involved in his Chinese medicine practice must comply with the principles set out below:

(i) Any information provided by a listed Chinese medicine practitioner to the public, his patients or any persons involved in his Chinese medicine practice must be:-

- ◆ accurate,
- ◆ true,
- ◆ based on objective facts,
- ◆ presented in a balanced manner (e.g. when referring to the efficacy of a particular treatment, both the advantages and disadvantages should be set out).

(ii) Such information must not:-

- ◆ be exaggerated or misleading,
- ◆ make comparison with or claim superiority over other listed Chinese medicine practitioners or registered

Chinese medicine practitioners, or disparage other listed Chinese medicine practitioners or registered Chinese medicine practitioners (reasonable and fair comments excepted),

- ◆ claim uniqueness of treatment method or skills in the absence of proper justifications for such claim,
- ◆ aim to solicit patients or canvass business,
- ◆ be used for commercial promotion of medical and health related products and services (for the avoidance of doubt, recommendations in clinical consultations will not be regarded as commercial promotion of relevant products and services),
- ◆ be sensational or unduly inducing,
- ◆ arouse unjustifiable and undue public concern or anxiety,
- ◆ cause to generate unrealistic expectations.

(2) Dissemination of information to the public

(a) Signs and Signboards at clinics

‘Signs and Signboards’ mean any composite notice(s) exhibited by a listed Chinese medicine practitioner to the public to signify his practice:

(i) General criteria: Signs and Signboards may only be exhibited by a listed Chinese medicine practitioner at the premises at which his practice is conducted. They should not be ornate. Except at night or where they are situated in a dark place, no illumination is allowed. Any illumination should be limited to what is necessary for the contents to be read. Flash signs and signboards are not allowed.

(ii) Signs and signboards may only contain the following information:

- ◆ Name of the listed Chinese medicine practitioner or the name by which his practice is known, in Chinese and English;
- ◆ Gender of the listed Chinese medicine practitioner;
- ◆ Language(s) / dialect(s) spoken by the

Chinese medicine practitioner;

- ◆ Chinese title of “中醫” or “中醫師” or English title of “Chinese medicine practitioner”;
- ◆ Academic titles and practising qualifications allowed by the Practitioners Board; Academic titles and practising qualifications that could be exhibited must follow the restrictions set out in Appendix I;
- ◆ Emergency service and emergency contact telephone number of the Chinese medicine practitioner;
- ◆ An indication of the location of the Chinese medicine practitioner’s clinic in the building; and
- ◆ Consultation hours.

(iii) The size, number and location of signs and signboards are subject to the regulations set out in Appendix II.

(b) Service information notices at clinics

A listed Chinese medicine practitioner may display at the exterior of his clinic a service information notice bearing the fees and the medical services provided by

him. The service information notice must comply with the restrictions set out in Appendix III.

(c) Stationery

Stationery means visiting cards, letterheads, envelopes, prescription forms, notices, etc. in connection with the practice. Stationery may only contain the following information:

- (i) Name of the listed Chinese medicine practitioner, and (where appropriate) the names of partners, assistants or associates in the practice;
- (ii) Gender of the listed Chinese medicine practitioner;
- (iii) Language(s) / dialect(s) spoken by the listed Chinese medicine practitioner;
- (iv) Chinese title of “中醫” or “中醫師” or English title of “Chinese medicine practitioner”;
- (v) Academic titles and practising qualifications allowed by the Practitioners Board; Academic titles and practising qualifications that could be exhibited must follow the restrictions set out in Appendix I;
- (vi) Emergency service and emergency contact

telephone number of the Chinese medicine practitioner;

- (vii) Address(es) of the clinic(s);
- (viii) Consultation hours; and
- (ix) Telephone and facsimile numbers, e-mail address and information, etc.

(d) Newspaper announcements

Only announcements of commencement of practice or alteration of conditions of practice (e.g. change of address, partners of partnership, etc.) are permissible in local newspapers. The publication of the announcements shall be completed within two weeks of the commencement / alteration and shall comply with the regulations stipulated in this Code. The size of the announcement shall not exceed 300cm². A listed Chinese medicine practitioner shall not make announcements by other means (including promotion materials either distributed by mail, radio, TV or e-mail, etc.). Newspaper announcements may contain only the following information :

- (i) Name of the listed Chinese medicine practitioner, and (where appropriate) the names of his partners, assistants or associates in the practice;

- (ii) Chinese title of “中醫” or “中醫師” or English title of “Chinese medicine practitioner”;
- (iii) Academic titles and practising qualifications allowed by the Practitioners Board; Academic titles and practising qualifications that could be exhibited must follow the restrictions set out in Appendix I;
- (iv) Address(es) of the clinic(s);
- (v) Consultation hours; and
- (vi) Telephone and facsimile numbers, e-mail address and information, etc.

(e) Telephone directories

A listed Chinese medicine practitioner may publish in a telephone directory under the appropriate descriptive title (e.g. Chinese medicine practitioner) only the following information:

- (i) Name of the listed Chinese medicine practitioner, and (where appropriate) the names of his partners, assistants or associates in the practice;
- (ii) Gender of the listed Chinese medicine practitioner;
- (iii) Language(s) / dialect(s) spoken by the listed

- Chinese medicine practitioner;
- (iv) Chinese title of “中醫” or “中醫師” or English title of “Chinese medicine practitioner”;
 - (v) Academic titles and practising qualifications allowed by the Practitioners Board; Academic titles and practising qualifications that could be exhibited must follow the restrictions set out in Appendix I;
 - (vi) Emergency service and emergency contact telephone number of the listed Chinese medicine practitioner;
 - (vii) Address(es) of the clinic(s); and
 - (viii) Telephone number.
- (f) Internet website

Only the following information may be published on an internet website :

- (i) Name of the listed Chinese medicine practitioner, and (where appropriate) the names of his partners, assistants or associates in the practice;
- (ii) Gender of the listed Chinese medicine practitioner;
- (iii) Language(s) / dialect(s) spoken by the listed

- Chinese medicine practitioner;
- (iv) Chinese title of “中醫” or “中醫師” or English title of “Chinese medicine practitioner”;
 - (v) Academic titles and practising qualifications allowed by the Practitioners Board; Academic titles and practising qualifications that could be exhibited must follow the restrictions set out in Appendix I;
 - (vi) Emergency service and emergency contact telephone number by the listed Chinese medicine practitioner;
 - (vii) Address(es) of the clinic(s);
 - (viii) Consultation hours;
 - (ix) Telephone and facsimile numbers, e-mail address and information, etc; and
 - (x) Passport type recent photo.
- (g) Newspapers, magazines, journals and periodicals

A listed Chinese medicine practitioner may publish his service information in the following newspapers, magazines, journals and periodicals for the purpose of enabling the public to make an informed choice of Chinese medicine practitioners.

The predominant objective of the newspapers,

magazines, journals or periodicals must not be for the promotion of products or services of listed Chinese medicine practitioners or other persons.

A listed Chinese medicine practitioner who publishes his service information in these publications must ensure that:-

- (i) the published information includes only the information which is permitted for Service Information Notices;
- (ii) the same rules as to terminology, procedures and operations for Service Information Notices are complied with, and no questionable terminology is adopted;
- (iii) a written undertaking is secured from the publisher that his service information will not be published in a manner which may reasonably be regarded as suggesting his endorsement of other medical or health related products/services, such as publication of the service information in close proximity to advertisements for those products/services;
- (iv) the published information does not exceed the size limit of 300cm², and not more than one notice is published in the same issue of

the publication; and

- (v) a proper record of the published information and the arrangement for its publication is kept for two years.

(3) Relationship with organizations of health care and health products

- (a) Medical and health products and services are offered by a variety of organizations over which the Practitioners Board does not have statutory power of supervision. However, disciplinary action will be taken against a listed Chinese medicine practitioner by the Practitioners Board according to paragraph (b) below where an advertisement published in the name of the above organization has the effect of promotion of the listed Chinese medicine practitioner's practice. In considering whether to act, the Practitioners Board will base on the important factor of the actual effect of the advertisement.
- (b) A listed Chinese medicine practitioner who has any kind of financial or professional relationship with such organizations, including using their facilities, or accepting patients referred by them, must exercise due diligence (not merely nominal efforts) to ensure

that the organizations do not advertise in contravention of the principles and rules applicable to listed Chinese medicine practitioners. Due diligence shall include using his best endeavours to understand the nature and contents of the organizations' advertisement, and to discontinue the relationship with the organizations when it is found that the advertisements are in contravention of the relevant principles and rules.

- (c) Under no circumstances can a listed Chinese medicine practitioner permit his professional fees or contact information to be published in the above organizations' promotional materials.

(4) Health education activities

- (a) A listed Chinese medicine practitioner may take part in health education activities, such as seminars and publications. However, he must not misuse such activities for the purpose of promotion of his practice or to solicit patients. Any information provided by the listed Chinese medicine practitioners should be based on objective facts and presented in a balanced manner, without exaggeration of the positive aspects or omission of the significant negative aspects.

- (b) A listed Chinese medicine practitioner should take reasonable steps to ensure that the published or broadcasted materials (whether by their contents or the manner they are referred to) do not give the public an impression that the audience is encouraged to seek consultation or treatment from him or organizations with which he is associated. He should also take reasonable steps to ensure that such materials are not used directly or indirectly for the commercial promotion of any medical and health related products or services.
- (c) Information given to the public by a listed Chinese medicine practitioner should be on the basis of principles and theories of traditional Chinese medicine, appropriate and in accordance with general experience. It should be true, lucid and expressed in simple terms. It should not arouse unnecessary public concerns or personal anxiety, or generate unrealistic expectations. (Any unjustified claim of treatment effects or any exaggerated emphasis of adverse effects of medical procedures may cause psychological stress on patients and their relatives.) Listed Chinese medicine practitioners must not cause a false impression that they, or the institutions with which

they are associated, have unique or special skills or solutions to health problems. Information should not be presented in such a way that it furthers the professional benefits of the listed Chinese medicine practitioners concerned, or solicits patients.

(5) In disseminating information to patients, a listed Chinese medicine practitioner:

- (a) shall conform to the principles and rules of this Code;
- (b) shall not be involved in unsolicited visits or telephone calls by himself or by people acting on his behalf;
- (c) shall not abuse patients' trust;
- (d) shall not put patients under undue pressure; and
- (e) shall not offer guarantees to cure particular diseases.

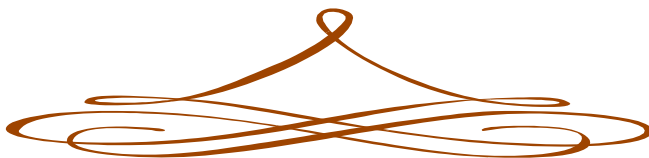
(6) Canvassing

A listed Chinese medicine practitioner shall not promote his practice by himself or people acting on his behalf, by means of unsolicited visits or telephone calls, or advertisement through media such as television, radio and posters.

7. Conclusion

The types of misconduct described in this Code cannot be

regarded as exhaustive. New forms of professional misconduct may emerge from time to time with changing circumstances. Any abuse by a listed Chinese medicine practitioner of any of the privileges and opportunities afforded to him, and any breach of the Code may result in removal of his name from the list of listed Chinese medicine practitioners maintained by the Practitioners Board.



**Academic titles and practicing qualifications allowed
by the Practitioners Board to be published**

1. A listed Chinese medicine practitioner may exhibit his academic title(s) and / or practising qualification(s) on signs and signboards at his clinics, service information notices at clinics, stationery, newspaper announcements, telephone directories, as well as internet website. However, the contents that could be exhibited must follow the restrictions set out in paragraphs 2 and 3 below.

2. The academic title(s) that could be exhibited should comply with the following principles:

- (a) degrees of those undergraduate degree courses that are approved for taking Hong Kong Chinese Medicine Practitioners Licensing Examination (the Examination) and stated in the Candidates Handbook, or its equivalent as is approved by the Practitioners Board; and all Chinese medicine degrees of undergraduate degree courses or Chinese medicine degree of postgraduate degree courses or above that are organized by local or foreign universities;
- (b) any academic title(s) exhibited must be directly related to the practice of Chinese medicine; and

- (c) all academic titles and certificates must be obtained by completion of the relevant courses and passing relevant assessments, not honorary degrees.

3. The practising qualification(s) that could be exhibited should comply with the following principles:

- (a) those Chinese medicine practitioners who gained their knowledge and experience of Chinese medicine from their masters could exhibit the wording of “heir”, “apprentice” and “direct disciple”, as well as the names of their masters, but not any other information concerning their masters. The interpretation of “heir”, “apprentice” and “direct disciple” is limited to direct passing and teaching of knowledge and experience of Chinese medicine through traditional means by the masters. Such masters should not be teachers or professors who deliver lectures or training in courses of undergraduate degrees or above.
- (b) the qualification of “traditional Chinese medicine expert”; “traditional Chinese medicine expert” is strictly defined as the qualification that is evidenced by certificates presented by authorities of national level, provincial level or municipality level of the People’s Republic of China. Other qualifications of

“traditional Chinese medicine expert”, such as those awarded by private organizations in the community, are not allowed to be exhibited.

4. The academic title(s) and / or practising qualification(s) that could be exhibited by the listed Chinese medicine practitioner should not be ornate, and should follow the written format listed below:

(a) Academic title:

Bachelor / Master / Doctor of (degree) of (university)
in (country / region)

(b) Heir to / apprentice to / direct disciple to:

Heir / apprentice / direct disciple of (name of
master)

(c) Qualification of traditional Chinese medicine expert:

Traditional Chinese medicine expert of the People’s
Republic of China; or

Traditional Chinese medicine expert of (province),
People’s Republic of China; or

Traditional Chinese medicine expert of
(municipalities), People’s Republic of China

5. When a listed Chinese medicine practitioner exhibits his academic title(s) and / or practising qualification(s), he must also

ensure compliance with the provisions of section 6(1)(b) of the Code, and the restrictions on information presently permitted under sections 6(2)(a), 6(2)(b), 6(2)(c), 6(2)(d), 6(2)(e) and 6(2)(f).

6. No other academic title(s) and / or practising qualification(s) should be exhibited to the public except those listed in paragraphs 2 and 3 above. Any other academic title(s) and / or qualification(s) possessed by a listed Chinese medicine practitioner could be exhibited within his clinic of practice / private premises. They must also comply with the provisions of section 6(1)(b) of the Code.

7. In case of complaint or disciplinary procedure against a listed Chinese medicine practitioner, the listed Chinese medicine practitioner shall bear the burden to prove the truthfulness and accuracy of the relevant academic title(s) and / or qualification(s) exhibited.

Size, Number and Location of Signs and Signboards

I. Signboards (Signboards stated in this Appendix include any sign and signboard)

1. The size of a signboard is the length multiplied by the width of its face, including all borders.

2. The total size of a signboard consisting of any number of visible faces (i.e. which can be seen from different directions) on the signboard must not in aggregate exceed the permitted maximum size of a signboard installed in that precise location. (Please refer to paragraph 4 and 6)

3. The maximum number of signboards a listed Chinese medicine practitioner is permitted to exhibit is the number of “Generally permitted signboards” plus the number permitted under “Additional signboards permitted”.

Generally permitted signboards

4. Every listed Chinese medicine practitioner is permitted to exhibit not more than two signboards on or beside the door which gives immediate and direct access to his clinic. The size of the signboard beside the door must not exceed 0.93m^2 (10ft²).

Additional signboards permitted

5. A listed Chinese medicine practitioner may exhibit additional signboards under the following conditions:

- (a) For Ground Floor clinics with direct access from the pavement

One signboard: could be seen from the street, exhibited below first floor level.

- (b) For clinics situated within a building having one public entrance

One signboard: could be seen from the street, exhibited at the floor level where the clinic is situated.

One signboard: could be seen from the street, exhibited close to the public entrance to the building.

- (c) For clinics situated within a building having more than one public entrance

One signboard: could be seen from the street, exhibited at the floor level where the clinic is situated.

Two signboards: could be seen from the street, exhibited close to a maximum of two public entrances to the building.

6. Regulation of size of additional signboards is as follows:
 - (a) Additional signboard(s) exhibited below First Floor level must not exceed 0.93 m^2 (10ft^2).
 - (b) Additional signboard(s) exhibited at Mezzanine Floor or First Floor level must not exceed 1.21m^2 (13ft^2).
 - (c) Additional signboard(s) exhibited at a level above First Floor level must not exceed 1.86m^2 (20ft^2).

II. Directory Boards

7. Where directory boards are provided in buildings having a number of entrances and lobbies, listed Chinese medicine practitioners can use those directory boards (without limit to number) to exhibit information which may appear on signboards. The information and size of the listed Chinese medicine practitioners on each directory board must also be consistent with the way the other users use the directory board.

III. Directional Notices

8. Directional notices may only contain the name of the listed

Chinese medicine practitioner, his permitted title and the location of his clinic. They can be exhibited only inside a building. The number of directional notices to be exhibited may be decided by listed Chinese medicine practitioner. But the rules in section 6(2)(a) of Part III of this Code must be complied with.

9. The size of each directional notice must not exceed 0.1m^2 (1ft^2) with all borders to be included in the calculation.

IV. Notices of Consulting Hours

10. Every listed Chinese medicine practitioner is permitted to exhibit one separate notice containing his name and details of his consultation hours provided that such information has not already been shown on some other sign. A listed Chinese medicine practitioner may decide whether to put up such notice of consultation hours. However, only one such notice is permitted to be put up at the clinic and its maximum size, including borders, is limited to 0.2m^2 (2ft^2).

Guidelines on Service Information Notices

1. A listed Chinese medicine practitioner may display a Service Information Notice bearing his fees and the medical services provided by him at the exterior wall of his clinic. He must ensure that the displayed fees truly reflect his normal charges. He must also ensure compliance with the provisions of section 6(1)(b) of the Code.

2. The Service Information Notice must comply with the following guidelines:-

(a) Location of Notices

- ◆ At the exterior wall of the clinic or immediately next to the entrance for patients

(b) Number of Notices

- ◆ Maximum number of notices allowed is 2

(c) Size of Each Notice

- ◆ A3 paper size

(d) Format of Notice

- ◆ Single color print
- ◆ Uniform font size
- ◆ Plain text only without graphic illustrations
- ◆ The notice should not be ornate

(e) Permitted Contents of Notice

- ◆ All information permitted for stationery under sections 6(2)(c) of the Code

- ◆ Medical services provided by the listed Chinese medicine practitioner and range of fees
 - Only those medical services for which the listed Chinese medicine practitioner has received adequate training and which are within his area of competency may be quoted
- ◆ Range of consultation fees, or composite fees including consultation and basic medicine
- ◆ Affiliated medical organizations (if applicable)

Procedures for handling non-compliance of the “Code of Conduct for Listed Chinese Medicine Practitioners” by listed Chinese medicine practitioners

PART I

PRELIMINARY

1. Code of Conduct for Listed Chinese medicine practitioners

According to section 90(3) of the Chinese Medicine Ordinance, the Practitioners Board requires all Listed Chinese Medicine Practitioners to comply with the “Code of Conduct for Listed Chinese Medicine Practitioners”. This procedure sets out the steps to be taken by the Practitioners Board and the Disciplinary Committee in the course of handling non-compliance of the Code of Conduct by listed Chinese medicine practitioners.

2. Interpretation

In this procedure, unless the context otherwise requires –
“Board” (中醫組) means the Chinese Medicine Practitioners Board established by section 12(a) of the Chinese Medicine Ordinance;
“Board chairman” (中醫組主席) means the chairman of the Board mentioned in section 13(a) of the Chinese Medicine Ordinance;
“Board secretary” (中醫組秘書) means the secretary of the Board appointed under section 23(2) of the Chinese Medicine

Ordinance;

“Committee” (小組) means the Disciplinary Committee of Chinese Medicine Practitioners established under section 25(1)(a)(iii) of the Chinese Medicine Ordinance;

“Committee chairman” (小組主席) means the chairman of the Committee mentioned in section 28(a) of the Chinese Medicine Ordinance;

“Committee secretary” (小組秘書) means the secretary of the Committee;

“complainant” (申訴人) means a person who makes a complaint mentioned in section 3, and where the context permits, includes an informant;

“defendant” (被告人), in relation to a complaint or information, means a listed Chinese medicine practitioner in respect of whom a complaint or information has been made, and includes a person who has ceased to be a listed Chinese medicine practitioner after a complaint or information has been made in respect of him;

“legal representative” (法律代表) means –

- (a) a solicitor or counsel who holds a current practising certificate or a legal officer within the meaning of the Legal Officers Ordinance (Cap. 87) representing the Board secretary; or
- (b) a solicitor or counsel who holds a current practising

certificate representing the defendant or complainant, at an inquiry under this set of procedures.

PART II
PROCEEDINGS PREPARATORY TO HOLDING OF A
DISCIPLINARY INQUIRY BY THE BOARD

3. Receipt and submission of complaint or information

If the Committee receives a complaint or information alleging or showing any conduct of a listed Chinese medicine practitioner that is in breach of the Code of Conduct for listed Chinese medicine practitioners, the Board shall deal with the complaint or information in accordance with this set of procedures.

4. Clarification and support for complaint or information

- (1) The Committee chairman may –
 - (a) require the complainant to set out the specific allegations in writing and the grounds for the allegation;
 - (b) require the complainant to make clarifications or furnish evidence about the complaint or information;
 - (c) direct the Committee secretary to seek any legal advice or any necessary assistance or advice from any relevant authorities with regard to the evidence about

the complaint or information;

- (d) require that any matter alleged in the complaint or information be supported by one or more statutory declarations, unless the complaint or information is in writing and made by a public officer in the discharge of his duties.

(2) A statutory declaration referred to in subsection (1) must –

- (a) state the name, address and the Hong Kong Identity Card number or details of another document of identification of the declarant; and
- (b) state all the facts of the complaint or information to the best of the declarant's knowledge, or if any fact declared is not within his personal knowledge, state the source of the declarant's information and the grounds for his belief in the truth of those facts.

5. Reference of case to Committee

(1) Where the Committee chairman considers that –

- (a) all further clarifications, evidence and statutory declarations that are necessary to enable the Committee to consider the complaint or information have been furnished; or
- (b) it is impracticable to seek further clarifications, evidence or statutory declarations,

he shall –

- (i) if it appears to him that the complaint or information may be disposed of by the Committee making a decision referred to in section 6(6)(a) by resolution upon circulation of papers under section 48 of the Chinese Medicine Ordinance, arrange for such circulation of papers; or
- (ii) if he thinks that it is not appropriate to arrange for circulation of papers in the particular case or that a resolution mentioned in paragraph (i) is unlikely to be made, he shall fix a date for the Committee to consider the complaint or information.

(2) When the Committee chairman has fixed a date under subsection (1), he shall arrange to notify the defendant in writing –

- (a) of any matters or allegations which may constitute a breach of the Code of Conduct for listed Chinese medicine practitioners at least 1 month before the date fixed; and
- (b) of the date on which the Committee will meet to consider the complaint or information.

(3) A notification under subsection (2) shall be accompanied by -

- (a) a copy of the complaint or information;

- (b) a copy of any statutory declaration furnished under section 4(1); and
- (c) an invitation to the defendant to submit to the Committee in writing any explanation of his conduct or of any matter alleged or shown in the complaint or information.

(4) If the Committee chairman considers that in the particular circumstances of a case it is desirable that any personal particulars of any person contained in any documents mentioned in subsection (3)(a) or (b) should not be disclosed to the defendant, he may arrange for such necessary obliteration or other editorial modification of the copies of those documents to be supplied to the defendant so that those personal particulars are not disclosed.

6. Consideration of complaint, etc. by Committee

(1) A meeting of the Committee to consider a complaint or information shall be held in private.

(2) Within a reasonable period before any meeting of the Committee to consider a complaint or information, the Committee secretary shall provide all members of the Committee who will consider the complaint or information with copies of all the documents relating to the complaint or information that he has received.

(3) The Committee may postpone its consideration or decision of a

complaint or information, in whole or in part, to such date or adjourn a meeting from time to time as it thinks fit.

(4) Where the Committee considers that any matter or allegation notified to the defendant under section 5(2) should be amended, the Committee may direct the Committee secretary to –

- (a) make the amendment;
- (b) advise the defendant of the amendment; and
- (c) invite him to submit any further explanation.

(5) Before coming to a decision regarding a reference to the Board under subsection (6), the Committee may cause to be made such further investigations or further clarification from the defendant with regard to the case being considered by the Committee and with regard to his written explanation, and may seek such additional advice or assistance as it considers desirable.

(6) The Committee shall, having regard to any written explanation submitted by the defendant and all the materials before it, consider the case, and subject to subsections (4) and (5) –

- (a) if the Committee is of the opinion that –
 - (i) the complaint or information is frivolous or groundless;
 - (ii) the defendant has ceased to be a listed Chinese medicine practitioner;
 - (iii) the complaint or information has previously been considered and disposed of by the

- Committee and no additional information has been provided,
- it shall notify the defendant and the complainant that it decides not to refer the case to the Board; or
- (b) may by written notification refer the case to the Board.

7. Referral of case to the Board for inquiry

(1) The Committee chairman shall send a written notification mentioned in section 6(6)(b) to the Board chairman specifying the matters as identified by the Committee to be referred into which an inquiry is to be held.

(2) On receipt of a notification under subsection (1), if the Board decides that an inquiry –

- (a) should be held, the Board chairman shall fix the date of inquiry; or
- (b) should not be held, the Board secretary shall notify the Committee secretary of the decision, who shall inform the defendant and the complainant accordingly.

(3) Unless the Board directs a shorter period of notice to which the defendant has consented in writing, the Board secretary shall, within 2 months of the receipt of the notification under subsection (1) and at least 1 month before the date fixed for the inquiry, serve on the

defendant a notice of inquiry together with a copy of this set of procedures and shall inform the complainant of the date fixed.

- (4) A notice of inquiry served under subsection (3) must –
 - (a) specify the matters into which the inquiry is to be held in the form of charge; and
 - (b) state the date, time and place at which the inquiry is to be held.

8. Consolidation of charges and amendment of notice of inquiry

(1) Where the Board secretary receives any further complaint or information that he thinks is similar in nature to a complaint or information before the Board against the same defendant, he shall refer it to the Committee as soon as practicable.

(2) Upon the recommendation of the Committee to hold an inquiry into any further complaint or information against the same defendant, the Board may direct that –

- (a) the further complaint or information or any part thereof be inquired into at the same inquiry against the defendant, and where the Board makes that direction, evidence relating to the further complaint or information may be introduced at the inquiry; and
- (b) the notice of inquiry be amended accordingly and served on the defendant within such period of time as

may be specified in the direction.

(3) Where before the opening of the inquiry and in the course of the inquiry, it appears to the Board chairman that a notice of inquiry is defective, the Board chairman may give such directions for its amendment as he thinks necessary to remedy the defect unless, having regard to the merits of the case, he thinks that to make the required amendment will be unjust to the defendant.

(4) The Board secretary shall, as soon as it is practicable after an amendment of a notice of inquiry has been made under subsection (3), give notice of the amendment to the defendant and to the complainant.

9. Documents to be available to other party

(1) A party to an inquiry shall furnish to the other party, not less than 10 days before the date of an inquiry or such lesser period as both parties may agree, copies of all documents upon which he intends to rely on at the hearing of the inquiry.

(2) If any document mentioned in subsection (1) has not been furnished in accordance with that subsection, the Board may adjourn the inquiry.

10. Notice to produce

The Board chairman may at any time before the hearing of an inquiry, upon application by either party to the inquiry, order the

other party to produce any material, record (in whatever form) or document which is relevant to any charge and alleged to be in the possession of that other party and, on failure to produce the material, record or document, the party who applied for the production may, with the permission of the Board chairman, prove it or the content of it by any alternative method.

PART III

PROCEEDINGS FOR A DISCIPLINARY INQUIRY BY THE BOARD

11. Adjournment of inquiry

- (1) The Board chairman may adjourn an inquiry to such date as he thinks fit.
- (2) The Board secretary shall, when he is so directed by the Board chairman, give notice of an adjournment to the defendant and the complainant as directed.

12. Record of proceedings

- (1) The Board may direct the Board secretary to cause the proceedings to be recorded on tape or electronically and may arrange for the transcription of the tape recording or electronic record into a verbatim record in writing.

(2) If a verbatim record of the proceedings or any part of it has been prepared, the Board chairman shall, on application to him by any party to the proceedings who has paid the appropriate prescribed fee, furnish the party with a copy of the record or any part of it as requested.

13. Opening of inquiry

(1) At the opening of an inquiry, the Board secretary shall read the notice of inquiry to the Board.

(2) If the defendant is neither present nor represented by his legal representative at the opening of the inquiry, the Board secretary shall furnish to the Board such evidence as the Board may require to prove that the notice of inquiry was served on the defendant and, on the Board being satisfied as to such evidence, the inquiry may be proceeded with to its conclusion notwithstanding the absence of the defendant.

(3) If the defendant is present at the inquiry, the Board chairman shall, immediately after the notice has been read, inform him of his right to cross-examine witnesses, to give evidence and to call witnesses on his behalf.

(4) After an inquiry has been opened under this section, it may be proceeded with to its conclusion notwithstanding the absence of the defendant.

14. Objections on point of law

(1) After the reading of the notice of inquiry, the defendant or his legal representative may object to any charge on a point of law, and upon such objection the other party may reply to the objection, and the defendant or his legal representative may answer the reply.

(2) If the Board upholds the objection, it shall consider the charge only as it is modified by the objection so upheld.

15. Defendant may admit any charge

(1) After the opening of an inquiry under section 13 and objections on point of law under section 14 (if any), the defendant or his legal representative may admit any charge in the notice of inquiry.

(2) If the defendant or his legal representative admits any charge, the Board secretary shall read out to the Board such facts in support of the charge as agreed by the other party.

(3) If the Board secretary and the defendant or his legal representative fail to agree on the facts under subsection (2) or the Board considers that the agreed facts do not support the charge, the Board shall proceed to conduct the inquiry as provided in section 16.

(4) If the Board accepts the agreed facts and the defendant's admission to the charge, it may proceed to decide whether or not to postpone its determination under section 17; and where the Board decides not to postpone determination, the Board chairman shall announce the determination of the Board in the manner set out in

section 17(3).

16. Order of procedures

(1) Subject to subsection (2) and sections 13, 14 and 15, the following order of proceedings must be observed at an inquiry –

- (a) the Board secretary or his legal representative shall present his case against the defendant and adduce evidence in support of it and shall close his case against the defendant;
- (b) after the case of the Board secretary has been closed, the other party may make either or both of the following submissions in relation to any charge in respect of which evidence has been adduced –
 - (i) that the evidence adduced is not sufficient for the Board to find that the facts alleged in that charge have been proved;
 - (ii) that the facts alleged in the charge are not such as to constitute the charge,and where such submission is made, the Board secretary or his legal representative may make a reply to it, and the other party may answer such reply;
- (c) if a submission is made under paragraph (b), the Board shall consider and determine whether the submission shall be upheld, if the Board –

- (i) upholds the submission in respect of any charge, the Board shall record a finding that the charge is not proved and the Board chairman shall announce the determination of the Board; or
 - (ii) rejects the submission, the Board chairman shall announce the determination of the Board and shall call upon the defendant to state his case;
- (d) the defendant or his legal representative may then adduce evidence in support of the defendant's case and may make one and only one address to the Board, and where evidence has been adduced by or on behalf of the defendant the address may be made either before or after the evidence has been adduced;
- (e) at the conclusion of the defendant's case, the Board secretary or his legal representative may address the Board in reply, and if the Board secretary or his legal representative makes such reply, the other party may make one and only one address to the Board in reply to such address.

(2) At the request of the complainant or his legal representative, the Board may permit the complainant or his legal representative to present the case against the defendant if the Board thinks it appropriate in the circumstances of the case and in that event, a reference to the Board secretary in subsection (1) is to be read as a

reference to the complainant.

17. Postponement of determination

(1) At the conclusion of the proceedings held in accordance with section 16, the Board shall consider and decide whether to postpone determination on any charge.

(2) If the Board decides to postpone its determination, the determination of the Board shall stand postponed until such future meeting of the Board as the Board may decide, and the Board chairman shall announce the decision of the Board in such terms as the Board may approve.

(3) If the Board decides not to postpone determination, the Board chairman shall announce the determination of the Board in such terms as the Board may approve.

18. Notice of determination

(1) When, under section 17(2), the determination of the Board in respect of a charge stands postponed to a future meeting of the Board, the Board secretary shall serve on the defendant a notice specifying the date, time and place decided for the meeting of the Board and inviting him to appear at the meeting.

(2) The Board secretary shall send the complainant a copy of the notice served under subsection (1).

(3) At the adjourned meeting the Board chairman may invite the

Board secretary to recall, for the information of the Board, the position in which the determination in respect of any charge was postponed and the Board may hear the other party to the proceedings for this purpose.

(4) The Board shall then consider and make its determination and the Board chairman shall announce the determination of the Board in such terms as the Board may approve.

19. Postponement of making a disciplinary order

(1) After the announcement of the determination of the Board in respect of the charge, if the determination is that any of the charges is proved, the Board shall consider and decide whether or not to postpone the consideration of removing from the list maintained by it the name of the defendant.

(2) If the Board decides to postpone the consideration under subsection (1), the consideration shall stand postponed until such future meeting of the Board as the Board may decide, and the Board chairman shall announce the decision of the Board in such terms as the Board may approve.

20. Address before making a disciplinary order

(1) Before the Board decides whether to remove from the list maintained by it the name of the defendant, the Board chairman shall ask the defendant whether he wishes to address the Board, and the

defendant or his legal representative may address the Board; and he may adduce evidence as to the circumstances leading to the charge, as to the character and antecedents of the defendant.

(2) The Board shall then consider and decide whether to remove from the list maintained by it the name of the defendant and the chairman shall announce the decision of the Board in such terms as the Board may approve.

21. Notice of postponement of disciplinary order

(1) Where, in accordance with section 19, the decision of the Board (in regard to removing the name of the defendant from the list maintained by the Board) stands postponed to a future meeting of the Board, the Board secretary shall serve on the defendant a notice specifying the date, time and place decided for the meeting of the Board and inviting him to appear at the meeting.

(2) The Board secretary shall send the complainant a copy of the notice served under subsection (1).

22. Evidence

(1) The rules of evidence do not apply to the proceedings of an inquiry.

(2) Evidence may be taken by the Board by oral statement on oath or by written deposition or statement and the Board chairman may administer an oath for this purpose.

(3) Every witness shall be examined by the party calling him and may then be cross-examined by the other party and only upon matters arising out of the cross-examination may be re-examined by the party calling him.

(4) The Board may decline to admit the evidence of any deponent to a document who is not present for, or who declines to submit to, cross-examination.

(5) The Board chairman and any member of the Board at an inquiry may put such questions to the parties or to any witness as he thinks desirable.

(6) The Board may at the hearing of an inquiry admit or take into account any statement, document, information or matter whether or not it would be admissible in a court of law.

23. Deliberation of the Board

(1) In the taking of the votes of the Board on any matter to be decided by it, the Board chairman shall call upon the members to signify their votes and shall thereupon declare the decision of the Board in respect of such matter.

(2) Where the decision of the Board so declared by the Board chairman is challenged by any member of the Board, the Board chairman shall call upon each member severally to declare his vote, declare his own vote and announce the number of members of the Board who have voted each way, and the result of the vote.

(3) No person other than members of the Board and the legal adviser to the Board may be present when the Board votes on any matter.

PART IV
MISCELLANEOUS

24. Proof of service of documents

Service of a notice or other communication on any person under this set of procedures may be proved by means of a sworn statement made by the Board secretary or the person responsible for effecting the service.