

**Complaint against Chinese Medicine Practitioners of**  
**Misconduct in a Professional Respect and**  
**Handling Procedures of Chinese Medicine Practitioners Board of**  
**Chinese Medicine Council of Hong Kong**

**Introduction**

As medical personnel, Chinese medicine practitioners (CMPs) should always maintain high standards of professional practice and conduct for the best interest of patients when providing consultation and treatment to patients.

2. If members of the public are not satisfied with the practice or conduct of any CMPs, they may file a complaint to the Chinese Medicine Practitioners Board (CMPB) under the Chinese Medicine Council of Hong Kong (CMCHK). This leaflet outlines the way to file a complaint and how the CMPB will handle complaints received.

3. This leaflet is for reference only. It is not a legal document. For more information on the complaint procedures and the statutory power and duty of CMPB to order disciplinary sanctions, please refer to the Chinese Medicine Practitioners (Discipline) Regulation or the CMCHK website ([www.cmchk.org.hk](http://www.cmchk.org.hk)).

**Legal Power**

4. CMCHK is a statutory body established under the Chinese Medicine Ordinance (Cap. 549). It is responsible for implementing regulatory measures for CMPs and Chinese medicines. Its CMPB oversees the registration, examination and discipline of CMPs. CMPB has a Disciplinary Committee (DC) which helps to manage issues related to the discipline of CMPs.

5. The Chinese Medicine Ordinance empowers the CMPB to handle any complaints or charges against the professional misconduct of CMPs. All CMPs are abided by the Code of Professional Conduct for Registered Chinese Medicine Practitioners in Hong Kong or Code of Conduct for Listed Chinese Medicine Practitioners. If the Code of Conduct is violated, an inquiry will be conducted and CMPB may take disciplinary actions against the CMP according to Sections 91 or 98 of the Chinese Medicine Ordinance.

6. For criminal offences, members of the public should report to enforcement agencies (e.g. Police or ICAC) as soon as possible.

7. Members of the public may take civil actions regarding refund or compensation issues which are beyond the purview of CMPB.

### **Lodging a Complaint**

8. Members of the public may lodge a complaint about the professional misconduct of CMPs at any time. However, it will be difficult for CMPB to handle complaint which happened before the CMP is listed or registered. If complainants wish CMPB to handle their complaints, they should notify CMPB as soon as possible. This will reduce the difficulties in investigation and allow CMPB to conduct investigation against the CMPs as soon as possible.

9. Even if the complaint has been made to another organisation or civil actions have been taken, members of the public may also file it to CMPB.

10. To complain against a CMP, members of the public should provide the following information:

- (i) Full name, address and contact number of the complainant;
- (ii) Full name, registered or listing number, practice premises and address of the CMP;
- (iii) Details of the alleged offence including the date and particulars;
- (iv) Evidence like documents, photographs and medical records related to the complaint; and
- (v) Name, address and contact number of witnesses or anyone who supports with his/her knowledge the complaint filed by the complainant.

11. The complaint letter may be written in Chinese or English. The processing time will be shortened if the letter is written in Chinese. The complaint letter and relevant documents should be sent to CMCHK's Secretariat which will acknowledge receipt of the complaint within ten working days.

### **Handling Procedures of Complaint**

12. CMPB will refer the complaint to DC for initial investigation.

13. DC may contact the complainant for clarification or further information about the complaint, and request him/her to make a statutory declaration. CMCHK's Secretariat may administer an oath free of charge. Upon the receipt of information and documents, DC will decide whether to further process the complaint.

14. DC will consider all the information and evidence available. If the complaint is not to be further processed, the complainant will be notified of such decision and reasons in writing. If it is to be further processed, the information, evidence and documents provided by the complainant to DC will be passed to the CMP in question for seeking explanation. If the complainant is not willing to disclose his/her identity or other personal particulars to the CMP, or not willing to be testified in the inquiry, he/she should state it clearly in the complaint letter. However refusal to disclose identity or personal particulars or to be testified in the inquiry may stop the complaint from being further processed. DC may also conduct investigations through seeking opinion from independent experts. During investigation, DC may need to contact the complainant from time to time for clarification or further information. DC's meetings are private session which the complainants and the CMP in question are not required to attend.

15. DC will decide whether to process a complaint further. The following cases are not likely to be further processed:

- The person being complained is not a registered or listed CMP or his/her status as a CMP cannot be confirmed.
- The subject matter of the complaint happened before the CMP in question became listed or registered.
- The complaint has been considered and disposed of by DC and no additional information is being provided.
- The complainant is not willing to make statutory declaration and state that the allegation is true or no further information or explanation is provided.
- No sufficient evidence to prove the subject matter in the complaint.
- The complaint is frivolous or groundless.
- The alleged conduct does not constitute any misconduct in a professional respect as a CMP.

16. If DC refers the complaint to CMPB for inquiry, CMPB will make necessary arrangements and notify the complainant the date, time and venue of the inquiry. During the inquiry, the CMPB secretary or his/her legal representative will submit the complaint. The complainant may also choose to provide submission by himself/herself or appoint his/her own lawyer to do so and bear his/her legal fee. If the CMPB secretary invites the complainant to be a witness, an adequate notice will be served. The complainant will give evidence under oath during the inquiry. CMPB members attending inquiry and the CMP's defence lawyer may cross-examine the complainant.

The CMP under complaint will also attend the inquiry and may enquire of the complainant about the complaint in person or through his/her legal representative and may provide evidence or submission.

17. Disciplinary inquiries are usually conducted in open sessions which the public and journalists can attend and may be covered in the mass media. Under appropriate circumstances, CMPB may forbid the disclosure of information of the inquiry.

### **Determination of Chinese Medicine Practitioners Board**

18. When a disciplinary inquiry is concluded, CMPB will determine whether the CMP in question has committed any misconduct in a professional respect. If the charge is established, one or more disciplinary sanctions, including removal from the register of registered CMPs permanently or within a specific period, reprimand or other orders CMPB deemed appropriate will be imposed on the registered CMPs. Listed CMPs may also be removed from the list of listed CMPs by CMPB.

19. The registered CMPs in question may appeal to the Court of Appeal against the order made by CMPB. The Court of Appeal may confirm, reverse or amend the order.

### **Enquiry**

20. For more details on the complaint procedures, members of the public may contact the Secretariat of CMCHK:

Address:	Room 2201, 22/F., Wu Chung House, 213 Queen's Road East, Wan Chai, Hong Kong
Telephone:	(852) 2121 1888
24-hours enquiry:	(852) 2574 9999
Fax number:	(852) 2121 1898
Website:	<a href="http://www.cmchk.org.hk">www.cmchk.org.hk</a>
Opening hours:	9:00 a.m. to 5:30 p.m., Mondays to Fridays (Closed on Saturdays, Sundays and public holidays)

Secretariat of the Chinese Medicine Council of Hong Kong

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