

香港中醫藥管理委員會

CHINESE MEDICINE COUNCIL OF HONG KONG

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27 November 2017

To: Chinese medicine practitioners/Chinese medicine associations concerned

Dear Sir/Madam,

Amendments to the Code of Conduct for Listed Chinese Medicine Practitioners

The Chinese Medicine Ordinance (“Ordinance”), passed in July 1999, establishes the professional status of Chinese medicine practitioners (“CMPs”). To ensure high standards of professional practice and conduct of CMPs, the Chinese Medicine Practitioners Board (“CMPB”) under the Chinese Medicine Council of Hong Kong (“CMCHK”) has compiled the Code of Conduct for Listed Chinese Medicine Practitioners (“the Code”).

Under section 56(1)(c) of the Ordinance, the CMPB may order the removal from the Register the name of any registered CMP, who by reason of health, in its opinion, is unfit to practise Chinese medicine. However, listed CMPs were only introduced as a transitional arrangement for the registration of CMPs and the Ordinance does not provide for the handling of their health issues. For better regulation and more consistent handling of the health issues of all CMPs, the CMCHK considers a review on the existing practices necessary. Therefore, it wrote to all CMPs and Chinese medicine associations in Hong Kong on 1 June 2017 to seek their views on amending the Code to address cases in which the capability of listed CMPs to practise was compromised because of health concern. The consultation exercise lasted for two months and ended on 31 July 2017.

During the consultation period, the Secretariat of the CMCHK (“the Secretariat”) received written submissions from a total of ten CMPs, including five registered CMPs and five listed CMPs. Among them, five expressed support for amending the Code as they believed this could standardise the regulatory measures and ensure fair handling of the health issues of both registered and listed CMPs, thereby protecting the rights of the people and further safeguarding public health and safety. On the other hand, two CMPs opposed the proposed amendments as they considered that efforts should be focused on supporting listed CMPs to pursue continued education and there was no direct relation between the health conditions of listed

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Communications to be addressed to the Secretary

CMPs and their medical expertise. They also questioned if there were similar provisions to deal with the health concerns of western medicine practitioners and if the proposed amendments would contravene the Disability Discrimination Ordinance. As to the remaining three CMPs, they expressed other views.

The CMPB was invited to a meeting with a LegCo Member and the Hong Kong Chinese Medicine Practitioners' Rights General Union on 23 June 2017 to discuss the amendment proposals and arrangements set out in the consultation document. The Union objected to the CMCHK's proposed requirement that listed CMPs should submit a medical certificate of fitness regularly. The CMCHK clarified at the said meeting and in its subsequent written reply that regular submission of a medical certificate was not mandatory unless the listed CMP was known to be unfit to practise Chinese medicine by reason of health and an investigation was warranted.

The consultation results show that CMPs support the amendments in general. The purpose of amending the Code is to facilitate the handling of cases where listed CMPs are deemed unfit to practise Chinese medicine by reason of health, hence the arrangements for handling health concerns of both registered and listed CMPs can be standardised and the safety and best interest of the public can be guaranteed.

The existing Medical Registration Ordinance also requires that the Medical Council of Hong Kong ("MCHK") to set up a Health Committee to deal with health cases of registered medical practitioners. Therefore, the proposed amendments are in line with the MCHK's practice.

Upon careful deliberation on the written submissions, the CMCHK and the CMPB have decided to take forward the proposed amendments set out in the consultation document. The revised provisions, which have been uploaded to the CMCHK's homepage, will become effective from **1 January 2018**. The CMPB will also explain the details of the revised provisions to all local CMPs in its Newsletter to be released at the end this December. Printed copies of the revised Code will be distributed to all listed CMPs in this December. The amendments to the Code are attached in *Appendix*.

The CMPB has set up a Health Committee in May 2017 to assist its assessment work on the fitness of registered CMPs to practise Chinese medicine. Another Health Committee will be set up in due course to deal with health cases of listed CMPs. We would like to remind you that listed CMPs must comply with the Code issued by the CMPB as a condition for practice and any breach of the Code may be regarded a professional misconduct.

For enquiries, please contact Miss Rem PANG (Tel: 3162 3765) or Miss Cindy MAK (Tel: 2121 1859) of the Secretariat.

A handwritten signature in black ink, appearing to be 'Dennis Chiu', written in a cursive style.

(Dennis CHIU)

Secretary of

Chinese Medicine Practitioners Board,
Chinese Medicine Council of Hong Kong