

## Table 4

### Disciplinary Cases of Chinese Medicine Practitioners

**Table 4(1)**  
**Disciplinary Cases Received over the Period 2002 to 2017**

Category (see index)	Year																Total
	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	
(i) Discipline and Conduct	5	13	7	9	15	5	9	10	4	9	12	6	42	4	8	4	162
(ii) Professional Responsibility	0	3	14	24	15	12	10	34	26	27	50	28	55	33	32	53	416
(iii) Professional Ethics	5	12	10	13	12	8	4	3	2	2	3	4	6	3	4	3	94
(iv) Practising Rules	21	36	33	41	17	24	27	20	32	27	31	43	55	66	52	41	566
(v) Medical Practice	36	27	43	50	51	68	49	32	20	27	28	24	5	1	1	21	483
(vi) Practice Advertising	186	181	219	72	55	26	22	10	56	193	101	64	198	79	112	39	1,613
(vii) Others	0	0	0	0	2	2	0	0	2	0	0	0	0	0	0	0	6
<b>Total</b>	253	272	326	209	167	145	121	109	142	285	225	169	361	186	209	161	3,340

**Table 4(2)**  
**Disciplinary Cases Handled over the Period 2002 to 2017**

Category (see index)	Cases Received	Completed Cases				Cases Carried Forward to 2018
		Not Substantiated	Advisory Letters Issued	Inquiry by Practitioners Board	Sub-total	
(i) Discipline and Conduct	162	52	3	103	158	4
(ii) Professional Responsibility	416	226	137	30	393	23
(iii) Professional Ethics	94	72	21	0	93	1
(iv) Practising Rules	566	228	283	41	552	14
(v) Medical Practice	483	289	131	47	467	16
(vi) Practice Advertising	1,613	435	1,148	24	1,607	6
(vii) Others	6	3	1	2	6	0
<b>Total</b>	3,340	1,305	1,724	247	3,276	64

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- (i) Discipline and Conduct : A CMP must abide by the law. If a CMP has been convicted of an offence punishable with imprisonment in Hong Kong or elsewhere (irrespective of whether a prison term is imposed or not), or found guilty of misconduct in a professional respect, he/she must report that to the Practitioners Board within 28 days from the date of the conviction or the professional misconduct finding.
- (ii) Professional Responsibility : A CMP must be professionally responsible to a patient; must explain patiently to a patient about that patient's medical condition; must work hard to improve his own professional standard; must ensure that his professional capability is not adversely affected when performing his professional duties; and must make medical referrals if necessary.
- (iii) Professional Ethics : A CMP should not abuse his professional position; disclose information obtained from his patients; receive payment for patient referrals; disparage other CMPs; or flaunt himself/herself. A CMP should best serve the medical interests of his patients.
- (iv) Practising Rules : A CMP should display notification of his/her being listed as a listed CMP/ practising certificate at a conspicuous place in his/her clinic; set up and keep individual patient medical records; and issue clear and legible prescriptions. He/she should refrain from prescribing excessive medicines, or from issuing professional documents which are untruthful or misleading. A listed CMP should not prescribe Schedule 1 CHM of the Chinese Medicine Ordinance.
- (v) Medical Practice : A CMP should apply relevant diagnostic techniques only after he has passed the professional assessment; act in accordance with the requirements of the relevant medical legislation; adopt treatment methods on the basis of Traditional Chinese Medicine; and should not use other treatment methods as defined under laws concerning other medical/healthcare professionals.
- (vi) Practice Advertising: A CMP must abide by the Codes of Conduct in relation to the dissemination of information to the public via signs, signboards, stationery, newspaper announcements, telephone directories and internet websites.
- (vii) Others: Any other situations.

**Table 4(3)**  
**Disciplinary Inquiries Heard by the Practitioners Board in 2017**

Category	Cases for Inquiry	Decision of the Practitioners Board						
		Removal	Removal [Removal period]	Removal [Removal period] (Suspension period)	Reprimand	Warning	On Record for Future Reference	Not Substantiated
<b>(I) Registered CMP</b>								
<b>1. Breaching of Code of Conduct:</b>								
Prescribed cream containing Part I poison; did not sign on the issued prescriptions; and failed to include the names and dosages of all Chinese medicines contained in the prescribed medicine on the issued prescriptions	2			1 [6 months] (24 months) (Note 1)				
Failed to conform with the professional standard of CMP by prescribing excessive amount of Chinese medicines; failed to act professionally responsible to a patient by prescribing Chinese medicines that were in breach of the compatibility of Chinese medicine principle ; and the contents of the issued prescription were unclear and illegible	1			1 [6 months] (24 months)				
Failed to discharge his professional responsibility to his patient by causing blisters on the skin of the patient in the course of acupuncture and cupping treatment	1				1			
The information stated on the signboard, which is exhibited to the public to signify his practice, has violated the regulations of the Code of Professional Conduct for Registered CMPs in Hong Kong	1					1		
Failed to act professionally responsible to a patient by leading to pneumothorax of the patient in the course of acupuncture treatment	1							1
<b>2. Convicted of offence punishable with imprisonment and did not report to the Practitioners Board immediately:</b>								
Possession for sale or for any purpose of trade or manufacture goods to which a forged trade mark was applied	1			1 [2 months] (24 months)				
<b>3. Convicted of offence punishable with imprisonment:</b>								
Obtained registration by fraud or misrepresentation by declaring he had not been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment on the "Application Form for Registration as Registed CMP and Practising Certificate"	1		1 [3 months]					
Indecent assault	1			1 [9 months] (24 months)				

Category	Cases for Inquiry	Decision of the Practitioners Board						Not Substantiated
		Removal	Removal [Removal period]	Removal [Removal period] (Suspension period)	Reprimand	Warning	On Record for Future Reference	
Committing an act outraging public decency	1			1 [3 months] (24 months)				
<b>(II) Listed CMP</b>								
1. Breaching of Code of Conduct:								
Failed to conform with the professional standard of CMP by prescribing excessive amount of Chinese medicines; failed to act professionally responsible to a patient by asking the medical history of the patient in accordance with the four diagnostic methods of the Chinese medicine leading to diagnosis below standard; and did not include the preparation method on the prescription issued	1	1						
The contents of the issued prescription are not clear nor legible; did not sign on the issued prescription; and the information contained on the prescription has violated and failed to comply with the regulations of the Code of Conduct for Listed CMPs	1						1	
The information included on the sick leave certificates issued to the patient has violated the regulations of the Code of Conduct for Listed CMPs	1						1	
2. Convicted of offence punishable with imprisonment and did not report to the Practitioners Board immediately/ within 28 days from the date of conviction:								
Using an instrument or other means with intent to procure miscarriage; and carrying on or taking part in the management of a clinic which is not registered	1	1						
Conspiracy to commit criminal intimidation; conspiracy to defraud; and making false report of commission of an offence	1	1						
<b>Total</b>	15	4 (28.6%)	5 (35.8%)	1 (7.1%)	1 (7.1%)	2 (14.3%)	1 (7.1%)	

15 disciplinary inquiry cases in total, involving 14 CMPs.

Notes:

(1) 1 registered CMP involving 2 disciplinary cases

**Table 4(4)**  
**Registration Applications Received during the period from 2002 to 2017**  
**Requiring Consideration to Hold Inquiry**

Category	Cases Received	Decision of the Practitioners Board			
		Registration Approved without Inquiry	Application for Withdrawal of Registration Accepted	Registration Approved after Inquiry	Registration Rejected after Inquiry
(i) Convicted of offence punishable with imprisonment	157	92	8 <sup>#</sup>	42	15 <sup>*</sup>
(ii) Committed professional misconduct	2	1	1	0	0
(iii) Obtained registration by fraud or misrepresentation	4	0	2	0	2
<b>Total</b>	163	93 (57.1%)	11 (6.7%)	42 (25.8%)	17 <sup>*</sup> (10.4%)

\* 4 applicants lodged appeals to the Council and were approved to register after appeal hearing.

# The applicant withdrew the application by written prior to the commencement of the inquiry.

**Table 5**  
**Numbers of Licensed Chinese Medicines Traders (CMT)**  
**(as at 31 December 2017)**

**Numbers of CMT holding licences**

Classification of CMT	Number
1. Retailers in CHM	4,822 <sup>*</sup>
2. Wholesalers in CHM	943
3. Wholesalers in pCm	1,015
4. Manufacturers in pCm	275 <sup>#</sup>
<b>Total</b>	7,055

\* Including 125 retailer licences in CHM (trade show)

# Including 18 manufactures of pCm who also hold the Certificate for Manufacturer (Good Manufacturing Practice in respect of pCm) (GMP Certificate)