

## Chapter 2

### Regulation of Chinese Medicine Practitioners

The Chinese Medicine Ordinance stipulates a registration system for CMPs. This system protects the rights and health of patients, ensures the professional standards and conduct of CMPs, and hence establishes the statutory professional status of CMPs in Hong Kong.

#### Registration System for Chinese Medicine Practitioners

According to the Chinese Medicine Ordinance, any person who intends to practise Chinese medicine in Hong Kong must apply for registration with the Practitioners Board of the Council. Before he/she may apply to become a registered CMP, he/she must have satisfactorily completed such undergraduate degree course of training in Chinese medicine practice, or its equivalent, as may be approved by the Practitioners Board, and must have passed the licensing examination conducted by the Practitioners Board.

#### ► Transitional Arrangements

Chinese medicine practice has a long history in Hong Kong. Some CMPs had been practising Chinese medicine in Hong Kong for many years before the registration system for CMPs was introduced. In order not to force such CMPs out of practice immediately upon the implementation of the registration system, the Chinese Medicine Ordinance provided for transitional arrangements for the registration of CMPs. Under the transitional arrangements, any CMP who was practising Chinese medicine in Hong Kong on 3 January 2000 may apply to the Practitioners Board for listing as a listed CMP within the application period specified by the Practitioners Board (the application period was closed on 30 December 2000). The Practitioners Board completed the assessment on the practising experience and academic qualifications of all listed CMPs to determine their alternative qualifying requirements for registration in the end of 2002. They were

classified into five categories, and may be eligible to apply for registration through one of the three channels of “Direct Registration”, “Attending the Registration Assessment” and “Attending the Licensing Examination”.

#### The five categories are as follows:

**First Category:** Listed CMPs who have satisfied the Practitioners Board of practising Chinese medicine in Hong Kong for a continuous period of at least 15 years immediately before 3 January 2000, will be exempted from the Licensing Examination and the Registration Assessment, and may apply directly to become a registered CMP.

**Second Category:** Listed CMPs who have satisfied the Practitioners Board of their practising Chinese medicine in Hong Kong for a continuous period of at least ten years (but less than 15 years) immediately before 3 January 2000, and have obtained a qualification acceptable to the Practitioners Board, may be exempted from the Licensing Examination and the Registration Assessment, and may apply directly to become a registered CMP.

**Third Category:** Listed CMPs who have satisfied the Practitioners Board of their practising Chinese medicine in Hong Kong for a continuous period of at least ten years (but less than 15 years) immediately before 3 January 2000, but have not obtained a qualification acceptable to the Practitioners Board, will be exempted from the Licensing Examination, but they must pass the Registration Assessment before they may apply to become a registered CMP. If they fail the Registration Assessment, they will be required to take the Licensing Examination.

**Fourth Category:** Listed CMPs who have satisfied the Practitioners Board of their practising Chinese medicine continuously in Hong Kong for a period of less than ten years immediately before 3 January 2000, and have obtained a qualification acceptable to the Practitioners Board, will be exempted from the Licensing Examination, but they must pass the Registration Assessment before they may apply to become a registered CMP. If they fail the Registration Assessment, they will be required to take the Licensing Examination.

**Fifth Category:** Listed CMPs who have satisfied the Practitioners Board of their practising Chinese medicine continuously in Hong Kong for a period of less than ten years immediately before 3 January 2000, and have not obtained a qualification acceptable to the Practitioners Board, will be required to pass the Licensing Examination before they may apply to become a registered CMP.

In accordance with the Chinese Medicine Ordinance, a listed CMP who has yet to be registered may continue to practise in Hong Kong by the title of listed CMP under the transitional arrangements, until a date to be promulgated by the Secretary for Food and Health.

#### ► **Registered CMPs and Listed CMPs**

In 2020, 389 persons were registered as registered CMPs through passing the Licensing Examination (all of them were non-listed CMPs who possessed a degree of training in Chinese medicine recognised by the Practitioners Board).

On 31 December 2020, there were 7,919 registered CMPs and 2,503 listed CMPs in Hong Kong. There were a total of 4,049 registered CMPs registered under the transitional arrangements for registration of CMPs, including 1,773 through direct registration, 1,636 through passing the Registration Assessment and 640 through

passing the Licensing Examination. The remaining 3,870 CMPs are non-listed CMPs, including 2,120 graduates from local universities and 1,750 graduates from non-local universities, and they all possessed a degree in Chinese medicine recognized by the Practitioners Board. For the numbers of CMPs, please refer to Table 2, page 110.

A registered CMP must apply for a valid practising certificate before he/she is allowed to practise in Hong Kong. The usual validity period of a practising certificate is three years. As the expiry date of the practising certificate approaches, the registered CMP may apply to renew the certificate, provided that he/she has fulfilled the requirements of continuing education in Chinese medicine, as determined by the Practitioners Board.

The Practitioners Board and the Registrar of CMPs will regularly publish the List of listed CMPs and the Register of registered CMPs in the Gazette. The general public may also view the latest List of listed CMPs and Register of registered CMPs on the Council's website ([www.cmchk.org.hk](http://www.cmchk.org.hk)).

#### ► **Limited Registration**

The Chinese Medicine Ordinance also provides a system of Limited Registration of CMPs to facilitate the engagement of Chinese medicine experts in performing clinical teaching and research in Chinese medicine in the specified institution. Educational and scientific research institutions approved by the Practitioners Board may apply, on behalf of the Chinese medicine experts under their employment, for CMPs with limited registration for the conduct of Chinese medicine clinical teaching and/or research, to promote the development of Chinese medicine in Hong Kong.

Applicants applying for limited registration should meet the needs of the development of Chinese medicine in

Hong Kong. Applicants must be experienced educational and research personnel, possessing such academic qualifications and experience as may be approved by the Practitioners Board. CMPs with limited registration can only engage in clinical teaching and/or research in Chinese medicine in an employing institution approved by the Practitioners Board. They are not permitted to engage in private practice with patients.

As promulgated by the Practitioners Board in the Gazette, six educational and scientific research institutions in Hong Kong may apply, on behalf of the Chinese medicine experts under their employment, for CMPs with limited registration. The six institutions are the University of Hong Kong, the Chinese University of Hong Kong, the Hong Kong Baptist University, the Hong Kong Polytechnic University, the City University of Hong Kong and the Hospital Authority. At the end of December 2020, there were 27 registered CMPs with limited registration in Hong Kong.

### Chinese Medicine Practitioners Licensing Examination

The CMPs Licensing Examination is a unified professional Chinese medicine examination conducted by the Practitioners Board, in accordance with section 59(1) of the Chinese Medicine Ordinance. Listed CMPs and non-listed CMP persons must sit for the same licensing examination, to obtain the required qualifications for registration as a registered CMP. The first CMPs Licensing Examination was held in 2003, and such examinations have been held annually since then. According to the Chinese Medicine Ordinance, non-listed CMP persons have to satisfy the Practitioners Board that they have completed a recognised undergraduate degree course of training in Chinese medicine, or its equivalent (as is approved by the Practitioners Board), to be eligible to sit the examination. The basic requirements of the recognised

courses as set out by the Practitioners Board are:

- A full-time on-campus degree course with duration of no less than five years;
- Must include the following ten compulsory subjects as designated by the Practitioners Board:
  - (i) Basic Theories of Chinese Medicine;
  - (ii) Diagnostics of Chinese Medicine;
  - (iii) Chinese Materia Medica;
  - (iv) Chinese Medicinal Formulary;
  - (v) Internal Medicine of Chinese Medicine;
  - (vi) External Medicine of Chinese Medicine;
  - (vii) Gynaecology of Chinese Medicine;
  - (viii) Paediatrics of Chinese Medicine;
  - (ix) Orthopaedics and Traumatology of Chinese Medicine;
  - (x) Acupuncture and Moxibustion.
- Must include a Chinese medicine clinical training of not less than 30 weeks; other than the clinical internship and clinical practice, the course must be fully conducted in the school awarding the bachelor degree in Chinese medicine;
- Cannot be a distance-learning course (i.e. correspondence course, internet course or self-learning course); and
- The course providers must fulfill the basic requirements of university and clinical teaching (for example: instructional facilities, instructional management, library service, teachers' qualifications, student admission standards, clinical practice, etc.).

The CMPs Licensing Examination consists of Part I (Written Examination) and Part II (Clinical Examination). For Part I (Written Examination), all questions are multiple-choice questions and are divided into Paper 1 and Paper 2. The syllabus of Paper 1 includes Basic

Theories of Chinese Medicine and Diagnostics of Chinese Medicine, Chinese Materia Medica and Chinese Medicinal Formulary, Classics of Chinese Medicine (including Canon of Chinese Medicine, Treatise on Exogenous Febrile Diseases, Synopsis of the Golden Chamber, Seasonal Febrile Diseases, Ancient Chinese Medical Prose, and History of Chinese Medicine and Various Theories of Chinese Medicine), Modern Basic Medical Science, Health Maintenance and the Preservation of Chinese Medicines, and Hong Kong Healthcare System and the Regulatory System of Chinese Medicine. The Syllabus of Paper 2 includes Internal Medicine of Chinese Medicine, Gynaecology of Chinese Medicine, Paediatrics of Chinese Medicine, Orthopaedics and Traumatology of Chinese Medicine, Acupuncture and Moxibustion, External Medicine of Chinese Medicine, and Ophthalmology and Otorhinolaryngology of Chinese Medicine.

The Part II Clinical Examination is conducted by interview. There are four cases of different subjects, including two “complete cases” and two “incomplete cases”. The four cases are selected from the six designated subjects, including Internal Medicine of Chinese Medicine, External Medicine of Chinese Medicine, Gynaecology of Chinese Medicine, Paediatrics of Chinese Medicine, Orthopaedics and Traumatology of Chinese Medicine and Acupuncture and Moxibustion. Candidates are required to analyse and answer two different cases: one “complete case” and one “incomplete case”. The purpose of the Clinical Examination is to test the candidates’ fundamental knowledge and skills in Chinese medicine. A candidate who passes the Written Examination is qualified to take the Clinical Examination. Candidates who pass both parts of the examination are qualified to apply for registration as registered CMPs.

The result of a pass in the Written Examination is valid for five years. If a candidate cannot pass the Clinical Examination within those five years, he/she must re-sit

and pass the Written Examination before being eligible to attend the Clinical Examination again.

The Practitioners Board revised some of the rules and contents of the examination in 2007, including (i) candidates may retain the result of a pass in either paper of the Written Examination which is taken in 2007 or thereafter, and choose to re-sit the other paper within three years; (ii) re-organise the subjects of the Written Examination to include six subjects for Paper 1 and seven subjects for Paper 2, with a total of 13 subjects for the two papers; (iii) simplify the question form of the multiple choice questions into single choice questions; (iv) candidates may choose the clinical cases to answer (there are four cases of different subjects, including two “complete cases” and two “incomplete cases” for the candidates to choose from. The four cases are selected from the six designated subjects of the Clinical Examination. Candidates are required to analyse and answer two different cases: one “complete case” and one “incomplete case”).

To ensure the fairness of the examination, an external examiner is appointed by the Practitioners Board every year to monitor the examination process.

### ► The 2020 CMPs Licensing Examination

The application period for non-listed CMP persons was from 20 September to 31 October 2019, whereas the application period for listed CMPs and persons re-sitting the Written Examination or the Clinical Examination was from 20 September 2019 to 31 March 2020.

The passing mark of the Written Examination of the 2020 CMPs Licensing Examination was 55%, out of a total of 300 marks [i.e. 165 marks]; whereas the passing mark of the Clinical Examination was 60% out of a total of 200 marks [i.e. 120 marks].

The Part I Written Examination of the 2020 CMPs Licensing Examination was conducted on 9 and 11

June 2020. A total of 690 candidates enrolled for the examination, including 663 non-listed CMP persons and 27 listed CMPs. 604 candidates actually attended the Written Examination (including Paper 1 and Paper 2) and 443 candidates (73.3% of candidates) passed the Written Examination.

The Clinical Examination was conducted from 3 to 18 August 2020. A total of 999 candidates, including 986 non-listed CMP persons and 13 listed CMPs, enrolled for the Clinical Examination. 857 candidates actually attended the Clinical Examination, and 388 candidates (45.3% of candidates) passed the Clinical Examination.

In response to the Coronavirus Disease-19 pandemic, the Practitioners Board had several rounds of discussions on its potential impacts on the CMPs Licensing Examination and devised a series of precautionary measures and other necessary arrangements for the examination, including issuing advance notice to candidates on quarantine policy and precautionary measures, requiring candidates to make health declaration, taking body temperature for candidates, distributing anti-epidemic items to candidates, widening of seating arrangement between candidates/and examiners, reservation of back-up examination centres for candidates with special circumstances and thorough cleansing and disinfection of examination centres, etc. All these strengthened precautionary measures had safeguarded the health of candidates and examination personnel, enabling the conduction of the 2020 CMPs Licensing Examination to be completed smoothly and safely.

### ► Arrangements of the 2021 CMPs Licensing Examination

The Written and Clinical Examinations of the 2021 CMPs Licensing Examination will be conducted in June and August 2021 respectively.

The “Candidates’ Handbook for the 2021 Chinese

Medicine Practitioners Licensing Examination” was published in September 2020. It sets out the list of 33 recognised Chinese medicine institutions, the basic requirements of the recognised courses, the application procedures, the syllabuses of the Written and Clinical Examinations, the format of the examination and the sample questions, etc. This handbook is available at the Council’s Secretariat and the Home Affairs Enquiry Centres, or can be downloaded from the Council’s website.

The Practitioners Board accepted applications from non-listed CMP persons taking the 2021 CMPs Licensing Examination for the first time from 22 September to 30 October 2020. The deadline for application for listed CMPs and retakers will be from 2 November 2020 to 31 March 2021.

### Renewal of Practising Certificate for Registered Chinese Medicine Practitioners

In accordance with section 76 of the Chinese Medicine Ordinance, a registered CMP must apply for a valid practising certificate before he/she is allowed to practise in Hong Kong. The usual validity period of a practising certificate is three years. Before a registered CMP is issued with a renewed practising certificate, he/she must fulfill the requirements of continuing education in Chinese medicine, as determined by the Practitioners Board.

There were 2,229 registered CMPs whose practising certificates expired in 2020. Among them, 1,980 registered CMPs were issued with renewed practising certificates. A small number of registered CMPs stated that they would not apply for renewal of practising certificate due to retirement or other considerations. If an application for renewal of practising certificate of a registered CMP is under processing, in accordance with section 80 of the Chinese Medicine Ordinance, he/she may continue to practise Chinese medicine until the Practitioners Board has made a decision on the application.

In accordance with section 56(1)(d) of the Chinese Medicine Ordinance, if a registered CMP practises Chinese medicine without obtaining a practising certificate over a period exceeding six months since the expiry of his/her practising certificate, the Practitioners Board may order the removal from the Register the name of that registered CMP.

### ► **Publication of the Expiry Dates of the Practising Certificates for Registered CMPs**

Registered CMPs shall display their practicing certificates at a conspicuous place in their clinics in accordance with the “Code of Professional Conduct for Registered Chinese Medicine Practitioners in Hong Kong” to let the public know whether they are holders of a valid practising certificate. With a view to safeguarding public interests, the Practitioners Board had publicised the expiry dates of the practising certificates in the list of registered CMPs on the Council’s website with effect from 1 November 2018. The Practitioners Board informed local CMPs associations and registered CMPs in writing on 5 July 2018. The Practitioners Board had also reminded the trade of the relevant arrangements through the Practitioners Board Newsletter in August 2018.

### ► **“Comply with the Code of Professional Conduct for Registered CMPs in Force as Published by the Practitioners Board” Set Out as a Condition for Practice for Registered CMPs on Practising Certificates**

The Practitioners Board will issue a Certificate of Registration, enclosed with the relevant documents such as the Notes for Registered CMPs (Notes) and the Code of Professional Conduct for Registered CMPs in Hong Kong (Code of Professional Conduct), to every registered CMP upon his/her registration. It is stipulated in the Notes first and foremost that “registered CMPs must comply with

the Code of Professional Conduct promulgated by the Practitioners Board of the Council”. Registered CMPs who violate the Code of Professional Conduct shall be deemed to be guilty of misconduct in a professional respect. According to this stipulation, compliance with the Code of Professional Conduct shall be considered as a prerequisite for registered CMPs to practise Chinese medicine.

For the sake of clarity, the Practitioners Board endorsed in the meeting held in August 2014 to have “Comply with the Code of Professional Conduct for Registered CMPs in force as published by the Practitioners Board” set out as a condition for practice for registered CMPs on practising certificates. This arrangement has taken effect on 14 August 2014. The Practitioners Board had informed the trade through the Practitioners Board Newsletter in December 2014.

## **The System of Continuing Education in Chinese Medicine for Registered Chinese Medicine Practitioners**

To ensure registered CMPs continuing to enrich their professional knowledge and skills, to grasp the latest developments in their profession and practice areas, and to maintain their professional standard through a unified and structured system, the Chinese Medicine Ordinance stipulates in sections 76 and 82 that registered CMPs must fulfill the requirements of CME as prescribed by the Practitioners Board before they can renew their practising certificates.

The Practitioners Board formulated the CME system for registered CMPs in 2004 after conducting extensive consultations with the profession, and the CME system was implemented from 28 February 2005.

The CME system’s administration comprises the Practitioners Board, accredited CME Administrators, CME Programme Providers and registered CMPs. As

at end of December 2020, there were 11 local CMPs associations and 27 local Chinese medicine training institutions accredited by the Practitioners Board as accredited CME Administrators, and CME Programme Providers, respectively. For the lists of accredited CME Administrators and CME Programme Providers, please refer to Appendices 2(1) & 2(2), pages 123 to 124. The CME Administrators are responsible for recording and maintaining the personal CME records and information of their registered CMPs. The CME Programme Providers are responsible for organising CME courses and programmes. For training courses or activities provided by organisations other than accredited CME Programme Providers, the organiser(s) may apply to the Practitioners Board for accreditation as Individual CME Programmes. Registered CMPs will also be awarded CME points if they participate in accredited Individual CME Programmes.

According to the requirements of the CME system, each registered CMP must select on their own an accredited CME Administrator to set up their personal CME record. On 31 December 2020, a total of 7,919 registered CMPs and of these, 7,472 have set up their personal CME records. Each registered CMP must acquire CME points within the CME cycle set by the Practitioners Board by participating in accredited CME activities and programmes, such as CME courses, seminars, academic conferences, publishing these and other publications, self-study, etc.

Under normal circumstances, registered CMPs should acquire not less than 60 CME points within each three-year cycle before they can renew their practising certificates. Since the implementation of the CME system, most CMPs have actively participated in such CME programmes to enrich their professional knowledge.

To facilitate those registered CMPs who are taking Chinese medicine courses organised by Mainland tertiary institutions to acquire CME points, the Practitioners Board

has approved the Chinese medicine courses (including full-time, part-time, correspondence, online and clinical courses) organised by 30 Mainland tertiary institutions as accredited CME courses. For the list of accredited institutions, please refer to Appendix 2(3), page 125. Registered CMPs who attend such courses may, following the guidelines set out by the Practitioners Board, apply to their CME Administrators for assessing the CME points gained from participating in such courses.

Detailed information on CME system, such as the overall structure, scope, CME cycle, requirements, points assessment system of CME programmes and list of accredited CME institutions, can be obtained at the Council's website ([www.cmchk.org.hk](http://www.cmchk.org.hk)).

### ► **Reduction of CME Points Required for Registered CMPs Aged 75 or Above**

Taking into account the request of the Chinese medicine profession and the difficulties the elderly registered CMPs encountered in pursuing continuing education, the Practitioners Board endorsed in 2012 the reduction of the required CME points for registered CMPs aged 75 or above in each CME cycle from 60 to 30. This arrangement is applicable to the CME cycles of a registered CMP whose CME cycle commences after he/she has reached the age of 75. If a registered CMP aged 75 or above fails to acquire the required CME points in his/her previous cycle, he/she is required to make up the shortfall so as to have his/her practising certificate renewed. This arrangement has taken effect on 29 November 2012.

### ► **Adjustment of Upper Limits of CME points Obtainable by Registered CMPs Aged 75 or Above**

With a view to enabling elderly registered CMPs to enhance their professional knowledge and skills by participating in various CME activities, the Practitioners

Board has decided to adjust the upper limits of CME points acquired by registered CMPs aged 75 or above through participation in different accredited CME activities in each CME cycle on a pro rata basis. To put it simple, the revised upper limits will be equivalent to half of those set for registered CMPs aged below 75. The above revision will apply to CME cycles which commence on or after 1 January 2016. The revised upper limits of CME points are as follows:

Accredited CME Activity	Upper Limit of CME Activity(per three-year cycle)	
	Registered CMPs Aged Below 75	Registered CMPs Aged 75 or Above
Teaching accredited CME courses	30 points	15 points
Completing CME quizzes of the PB Newsletters and engaging in other forms of self-study	30 points	15 points
Publishing works	30 points	15 points
Serving as an examiner	20 points	10 points
Participating in individual CME programmes provided by organisations other than the accredited CME Programme Providers	30 points	15 points

### ► Application for Renewal of Practising Certificate made by a Registered CMP who Fails to Fulfill the CME Requirements

Under section 76 of Chinese Medicine Ordinance, a registered CMP applying for renewal of his practising certificate must fulfill the CME requirements prescribed by the Practitioners Board.

Since the CME system for registered CMPs has been implemented for more than a decade, the Practitioners Board has conducted a review on the arrangements stipulated in paragraph 2.4 of the Handbook on System of Continuing Education in Chinese Medicine for Registered Chinese Medicine Practitioners (“the Handbook”) and the

arrangements for applications for renewal of practising certificates of registered CMPs in January 2016. It is noted that the reasons provided by some of the registered CMPs who fail to fulfill the CME requirements are not sound. The Practitioners Board has therefore decided to revise and strictly execute the requirements stipulated in paragraph 2.4 of the Handbook that any registered CMP who fails to fulfill the CME requirements must submit a written report, together with the relevant proofs, to the Practitioners Board to explain the reasons for his failure. “The relevant proofs” refer to the certifications of CME points which are issued by the “CME Administrator” and, where appropriate, medical proofs issued by a registered medical practitioner, CMP or dentist, or any other proofs.

Where a registered CMP cannot provide sound reasons or relevant proofs for his failure to fulfill the CME requirements, even it is the first failure, the Practitioners Board reserves the right to refuse his application for renewal of practising certificate. As for a registered CMP whose application for renewal of practising certificate is approved at the discretion of the Practitioners Board, a warning will be issued. The registered CMP concerned should, within the new CME cycle, acquire the CME points required for that new CME cycle as well as making up the unearned points for the previous cycle. If the total CME points required for the two cycles still cannot be acquired at the end of the new CME cycle, his practising certificate will not be renewed until all unearned CME points have been made up. The Practitioners Board issued letters to CMPs associations and all registered CMPs to inform the trade that the revised arrangements would take effect from 1 July 2016, and reminded the trade to note the revised arrangements through the Practitioners Board Newsletter issued in April and August 2016.

The Practitioners Board noticed that the Coronavirus Disease-19 pandemic has caused substantial impact on the organisation of face-to-face CME courses by the

accredited CME Programme Providers. In response to the concerns of CMPs about the implication of suspension of CME courses for renewal of practising certificates, the Practitioners Board has decided to adopt a lenient approach in handling and approving applications for renewal of practising certificate from registered CMPs whose practising certificate would expire in 2020 or 2021 but have not acquired the required CME points in this special situation. However, the registered CMPs concerned should make up for the CME points in short for the previous cycle in their new 3-year cycle. The Practitioners Board had informed CMPs of the relevant arrangements in writing in June 2020 and December 2020.

### The National Qualification Examination for Doctors

According to the “Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA)”, Hong Kong permanent residents who have acquired a full-time Chinese medicine degree from the Chinese University of Hong Kong, the Hong Kong Baptist University or the University of Hong Kong and are legally eligible to practise in Hong Kong, may apply to sit the National Qualification Examination for Doctors (Traditional Chinese Medicine) on the condition that they have completed one year’s internship in a level III traditional Chinese medicine hospital in the Mainland, and have passed the performance test; or that they have been licensed to practise in Hong Kong for more than one year with a valid practising certificate after acquiring the aforementioned academic qualification and the eligibility to practise in Hong Kong. Detailed information concerning the examination is at the website of the National Health and Family Planning Commission ([www.nhfpc.gov.cn](http://www.nhfpc.gov.cn)) or National Medical Examination Centre ([www.nmec.org.cn](http://www.nmec.org.cn)).

The application notice for the 2020 National Qualification

Examination for Doctors (Traditional Chinese Medicine) was published in Hong Kong newspapers on 10 January 2020. All applicants were required to submit their applications online. Details and the application form were available on the website of the National Medical Examination Centre, and the closing date was 21 January 2020. Applicants who submitted their applications online before the closing date were required to submit the supporting documents in person to the Council’s Secretariat before 7 February 2020 for onward submission to the National Medical Examination Centre. The Council’s Secretariat received eight such applications in 2020.

### Practice of Chinese Medicine Practitioners

#### ► Codes of Conduct for CMPs

The Practitioners Board has compiled “Code of Professional Conduct for Registered Chinese Medicine Practitioners in Hong Kong” and “Code of Conduct for Listed Chinese Medicine Practitioners” to uphold professional standards, as well as to regulate the practice conduct of the registered CMPs and listed CMPs. The Codes set out the requirements with which the registered and listed CMPs should comply, in respect of discipline, professional responsibility, professional ethics, practising rules, medical practice, practice advertising and health conditions. To enhance the communication between the Practitioners Board and the CMPs, the Practitioners Board will keep the CMPs informed of points to note through newsletters issued by the Practitioners Board, from time to time. It is also expected that the CMPs will contribute to upholding their professional standard by their professional self-discipline.

**Medical Records:** It is stipulated in the Codes of Conduct that a CMP should establish and maintain personal medical records for his/her patients. In response to the recommendation made by a coroner following a Death Inquest, the Practitioners Board interpreted

the Codes in 2006 and again reminded CMPs that the Practitioners Board has set out detailed requirements on setting up, and maintaining personal medical records for patients, through the newsletters and letters. CMPs are required to record in the personal medical records patients' names, gender, consultation dates, contact details, diagnosis, treatments applied, etc. This interpretation has been incorporated in the Codes of Conduct. It will be regarded as a professional misconduct of Chinese medicine practice if CMPs do not meet the requirements of setting up and maintaining proper personal medical records. The Practitioners Board and Disciplinary Committee (DC) would take action should there be non-compliance.

**Details of Prescriptions:** It is stipulated in the Codes of Conduct that a CMP should issue prescriptions to patients. The CMP should not charge unreasonable charges for issuing prescriptions, and prescriptions should not be issued only upon the patients' request. The Practitioners Board reminded CMPs that the prescriptions issued to patients should conform with professional standards, and CMPs should refrain from prescribing excessive medicines; all issued prescriptions should be clear and legible; issued prescriptions should include the names of all CHM, quantities, number of times for re-dispensing, preparation and administration method of the CHM prescribed, and the name and signature of the CMPs etc. In prescribing any pCm compounded by CMPs themselves or under their supervision, all the ingredients and quantities of the CHM contained in the pCm must be specified in the prescriptions issued. Besides, if the pCm has been registered with the Medicines Board, the CMP should include in the prescription (i) the name of the pCm; (ii) its registration number; and (iii)(a) a photocopy of its external package or package insert showing the ingredients and quantities of the CHM contained; or (b) all the ingredients and quantities of the CHM contained. Moreover, the names of such CHM should be based on

the names in the Schedules of the Chinese Medicine Ordinance. CHM not listed in the Schedules should be based on the names in the "Pharmacopoeia of the People's Republic of China", the "Chinese Materia Medica", (written by XU Guojun etc.), the "Dictionary of Chinese Herbal Medicines" or the "Chinese Herbal Medicines". If the details of more than one clinic are shown on the prescription, the CMP should state clearly on it, at which clinic the patient received the treatment. Verbal information, or information not issued to the patient together with the prescription, should not be treated as part of the prescription.

In addition, the Practitioners Board has endorsed the amendments to sections (c) and (d) of the provisions setting out the information that must be included in prescriptions in the English versions of the Codes of Conduct in October 2016, so as to tally with the meaning of respective provisions in the Chinese versions. In view of the above, the term "Chinese herbal medicines" in the corresponding provisions in the English versions of the Codes of Conduct had been amended to read as "Chinese medicines". The revised versions of the provisions regarding practicing rules in the Codes of Conduct had been sent to all CMPs by letters in October 2016. The revisions had also been set out in the Practitioners Board Newsletter in December 2016 and uploaded to the Council's website.

**Exemption from Issuing Prescriptions to Patients:** According to the Codes of Conduct, CMPs should issue prescriptions to patients. Having regard to the circumstance that a control group and a treatment group of patients need to be set up when CMPs conduct Chinese medicine research in universities, the Practitioners Board decided that if the patients participating in such research have signed an agreement not to have the prescriptions, and the related research has attained the approval from the ethics committee of university, Hospital

Authority or relevant organisation, the CMPs participating in that research can be exempted from observing those requirements, as stipulated in the Codes of Conduct.

**Practice Advertising of CMPs:** The Court of Appeal handed down the Judgment in January 2008 regarding the inconsistency declared between certain aspects of practice promotion in the Code of Professional Conduct for Registered Medical Practitioners and the freedom of expression provided in the Basic Law and the Hong Kong Bill of Rights Ordinance. By reference to the Judgment, the Practitioners Board has passed the amended guidelines related to practice advertising in the Codes of Conduct, which are summarised as follows: (i) adding a new section, permitting CMPs for publication of service information in newspapers, magazines, journals and periodicals; (ii) adding a new section, permitting CMPs for displaying at the exterior wall of his clinic a service information notice bearing the fee schedules and the medical services provided by him; (iii) adding a new section, setting criteria for CMPs in attending health education activities; and (iv) revising section 6(2), Part III of the Codes of Conduct, that is, the paragraphs regarding relationship with health care and health products organisations. The revised versions of the provisions regarding practice promotion in the Codes of Conduct were set out in the Practitioners Board Newsletter and uploaded to the Council's website in December 2008, and also incorporated into the Codes of Conduct.

After considering the rights of the CMPs with academic titles and qualifications to exhibit true and accurate information, the public's rights of information as well as their need for making appropriate choices of service from CMPs, the Practitioners Board issued a consultation paper to all CMPs and Chinese medicine associations on 23 October 2009 regarding academic titles and qualifications that could be exhibited to the public by CMPs. The Practitioners Board and the Ethics Committee had worked out and agreed on the amended version of the Codes of

Conduct. The revised Codes of Conduct were distributed to all registered and listed CMPs in December 2010, and had been incorporated into the Codes of Conduct.

Having regard to changing circumstances in society and the fact that the internet usage had become common, the Practitioners Board in December 2014 believed that uploading passport type photo to the internet would not be considered as advertisement, but indeed would help the patients to recognise the CMPs when needed. After balancing the interest of the patients and CMPs, the Practitioners Board decided to allow CMPs to publish their passport photos on internet websites. The revised Codes of Conduct (2015) were distributed to all registered and listed CMPs in June 2015 and had been uploaded to the Council's website.

**Report of Conviction for Offences:** Taking the past experience of processing disciplinary cases into account, the Practitioners Board decided to revise the sections related to the time limit for CMPs to report their conviction records in December 2014. It was stipulated in the Codes that a CMP must report the matter to the Practitioners Board within 28 days from the date of the conviction or the professional misconduct finding if he 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, even if the matter is under appeal. The above-mentioned revision could serve as a clear instruction to the concerned CMPs and an objective criterion to the Practitioners Board when handling relevant disciplinary cases. In addition, the concerned revision could speed up the handling process, so that inquiries and disciplinary actions could be taken against the CMPs who had been convicted of serious offences at the soonest possible time. The revised Codes of Conduct (2015) were distributed to all registered and listed CMPs in June 2015 and had been uploaded to the Council's website.

**Health Conditions:** In order to facilitate the handling of cases where listed CMPs are deemed unfit to practice 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 of the public can be guaranteed, the Practitioners Board wrote to all CMPs and Chinese medicine associations in Hong Kong on 1 June 2017 to seek their views on amending the Code of Conduct for Listed CMPs to address cases in which the capability of listed CMPs to practice was compromised because of health concern. Upon careful deliberation on the written submissions, the Council and the Practitioners Board have decided to take forward the proposed amendments set out in the consultation document. The revised Code of Conduct for Listed CMPs (2018) was distributed to all listed CMPs in late December 2017 and had been uploaded to the Council's website.

### ► Use of an Alias in the Practice of Chinese Medicine

CMPs are required to use the name recorded in the list/register of CMPs when providing practising information to the public, failing which, they may contravene the Codes of Conduct and may be investigated by the police for the suspected unlawful practice of Chinese medicine.

CMPs who intend to use an alias should register with the Immigration Department and submit the "Certificate of Registered Particulars" issued by the Immigration Department to the Practitioners Board for acceptance before using an alias in their practice. Such an alias will be updated simultaneously in the Council's website, and in the annual gazetted list of registered and listed CMPs.

CMPs who have completed the alias registration procedures can either use the name recorded in the list/register of CMPs and/or the alias in their practice. In case

the alias registration procedures have not yet completed, the CMPs can only use the name recorded in the list/register of CMPs. Those CMPs who have been reminded by the Practitioners Board should complete the alias registration procedures in twelve weeks. If CMPs continue to use unregistered alias in their practice, the Practitioners Board will handle these cases in accordance with the disciplinary procedures.

### ► Exemption from Registration of pCm

According to section 158 of the Chinese Medicine Ordinance, a pCm is not required for registration under section 119 if it is compounded by, or under the supervision of, a registered CMP or listed CMP, or prepared or compounded by a responsible person of a licensed retailer of CHM, or under his supervision, in accordance with a prescription given by a CMP, if, and only if, such pCm is being used for the purpose of administering or supplying to a patient under his direct care. As CMPs may sometimes, due to technical problems, entrust a pCm manufacturer to manufacture pCm for their patients in accordance with the prescriptions given by him, section 37 of the Chinese Medicines Regulation provides an exemption for such pCm from registration. To ensure the safety and quality of pCm and that such pCm will not be sold openly, the Chinese Medicines Regulation stipulates that the pCm shall be manufactured by, or under the supervision of a responsible person, in accordance with a prescription given by a registered CMP, or listed CMP, for patients under their direct care, at the premises in respect of which a manufacturer licence is in force. The manufacturer is required to submit a written notification and an undertaking, given by the registered CMP, or listed CMP, to the Medicines Board at least one working day before the day on which the manufacturing process

of the medicine begins. The notification shall include the details as listed in section 37(2) of the Chinese Medicines Regulation, including the quantity and dose form of the medicine to be manufactured, the names and quantities of each ingredient listed in the prescription, the name and address of the registered CMP or listed CMP, and the date from which the CMP entrusts the manufacturer to manufacture the pCm. The registered CMP or listed CMP has to state in the written undertaking that the medicine will only be used for patients who are under his or her direct care.

Besides, to foster the best usage of CHM issued by the CMPs to the patients under his or her direct care, to meet the appropriate standards of practice, the Practitioners Board has distributed “Practising Guideline for Manufacturers of Proprietary Chinese Medicines” and “Practising Guideline for Retailers of Chinese Herbal Medicines” (“the Guidelines”) to all CMPs, through the Practitioners Board Newsletter. The Guidelines cover the aspects of personnel, premises, scope of business, keeping of records, processing of herbal medicines, preparing or compounding preparations, and dispensing single Chinese medicine granules for prescription. The Guidelines have also been uploaded to the Council’s website.

### ► Medical Functions of CMPs under the Labour Laws

To prepare for the Government’s amendment of the labour laws, the Practitioners Board compiled “Reference Guide on the Issuance of Sick Leave Certificates by Registered CMPs” (the Guide) in 2004, which includes diseases commonly encountered by CMPs in Hong Kong and the respective recommended number of days of sick leave. The Guide is not mandatory but a general reference for registered CMPs on the issuance of sick leave certificates.

Registered CMPs should issue appropriate sick leave certificates on the basis of their personal professional judgment and the particular circumstances of individual patients. This guide has been uploaded on the Council’s website.

An amendment of the Certification for Employee Benefits (Chinese Medicine) (Miscellaneous Amendments) Ordinance 2006, pertaining to the Employment Ordinance, was effective from 1 December 2006. Medical treatment, examination and certification given by registered CMPs are recognised under the Employment Ordinance. Registered CMPs should comply strictly with the Codes of Conduct, to set up and maintain medical records for patients, in order to exercise their rights under the law.

Besides, amendments made to the Employees’ Compensation Ordinance and the Pneumoconiosis and Mesothelioma (Compensation) Ordinance became effective on 1 September 2008. The objective of the amendments is to recognise the medical treatment, examination and certification given by registered CMPs for the purpose of employees’ entitlement to benefits under the two said Ordinances. Under the amended provisions, registered CMPs are recognised for certifying sick leave arising from work injuries inflicted on or after 1 September 2008. A certain amount of medical expenses (including cost of medicines, similarly hereafter) incurred directly for treatment of the work injuries by registered CMPs shall be reimbursable to injured employees. Besides, registered CMPs may be appointed by employers to conduct medical examination for an injured employee who has received treatment from registered CMPs and to prepare a medical report on the examination for the employer and employee. Apart from the above, persons who suffer from pneumoconiosis and/or mesothelioma shall be reimbursed the reasonable medical expenses for treatment given by registered CMPs on or after 1 September 2008 in connection with the pneumoconiosis and/or mesothelioma.

With the enactment of the Employment (Amendment) Ordinance 2020 (the Amendment Ordinance) on 11 December 2020, certificates of attendance issued by professionally trained people (including registered CMPs) can be accepted as documentary proof for entitling an eligible employee to sickness allowance for any day on which the employee has attended a medical examination in relation to her pregnancy. The Practitioners Board had revised the “Reference Guide on the Issuance of Sick Leave Certificates by Registered CMPs” to “Reference Guide on Issuance of Sick Leave Certificate and Certificate of Attendance by Registered Chinese Medicine Practitioners” (the Guide) with points to note and template of certificate of attendance included, consequent upon the enactment of the Amendment Ordinance. The revised Guide had been uploaded to the Council’s website.

### ► **Medical Functions of CMPs under the Mandatory Provident Fund Schemes Ordinance**

The Legislative Council passed the Mandatory Provident Fund Schemes (Amendment) Ordinance 2015 (the Amendment Ordinance) on 21 January 2015. One of the legislative amendments was that scheme members were allowed to withdraw their accrued benefits if they could provide a medical certificate issued by a registered medical practitioner or registered CMP verifying that they had an illness that was likely to reduce their life expectancy to 12 months or less. The Amendment Ordinance and the sections which allowed scheme members who suffered from a terminal illness to withdraw their accrued benefits had come into operation on 1 August 2015.

To prepare for the Government’s corresponding amendments of the Ordinance, the Practitioners Board compiled “Reference Guide on the Issue of Certificates of Terminal Illness by Registered Chinese Medicine Practitioners to Mandatory Provident Fund Scheme

Members for Applications for Early Withdrawal of Accrued Benefits” (the Guide) in 2015, listing out the circumstances when a patient could be diagnosed as terminal illness under the Amendment Ordinance from the Chinese medicine’s diagnosis perspective. The Guide is not mandatory but serves as a general reference for registered CMPs on the issuance of certificates of terminal illness. Registered CMPs should issue appropriate certificates in accordance with the practicing rules of Chinese Medicine Ordinance, the legitimate medical functions granted by the Amendment Ordinance, and the standards set by the Codes of Conduct. Registered CMPs should also act based on their professional judgment to the individual circumstances of each patient. The Guide had been uploaded to the Council’s website.

## **Disciplinary Matters of Chinese Medicine Practitioners**

### ► **Disciplinary Procedures**

Upon receipt of any complaint or information from the public, or information referred by law enforcement departments or by the media, the case would be referred to the Disciplinary Committee (the DC) under the Practitioners Board for following up should the information received indicates that misconduct may have been committed by any CMP. The DC will handle the case in accordance with the procedures stipulated in the Chinese Medicine Practitioners (Discipline) Regulation, including asking the complainant to submit (or clarify) details of their complaint(s), and inviting the CMP being complained of to submit to the DC, in writing, a representation on any matters connected to the complaint. In case the DC is of the opinion that the complaint or information is frivolous or groundless; the subject of the complaint is neither a registered CMP nor a listed CMP; the complaint has been handled before; or a conviction or misconduct committed by the CMP does not affect his/her Chinese medicine

professionalism, such complaints or information would not be referred to the Practitioners Board for disciplinary inquiry.

In accordance with the Chinese Medicine Ordinance, an inquiry conducted by the Practitioners Board comprises a panel of at least five board members (including a lay member). If a registered CMP is found guilty of professional misconduct after due inquiry by the Practitioners Board, the Practitioners Board may, at its discretion, order the punishment(s) of removing the name of the CMP from the Register, reprimand, or warn the CMP. For listed CMPs, their names may be removed from the list of listed CMPs, after such inquiries.

### ► Disciplinary Cases

From 2002 to the end of 2020, a total of 3,695 disciplinary cases were received by the Practitioners Board, including 150 cases received in 2020. For those cases received in 2020, 65 cases concerned practice advertising (43.3%), 48 cases concerned professional responsibility (32.0%), 22 cases concerned practising rules (14.7%), 9 cases concerned inappropriate conduct (6.0%), 4 cases concerned medical practice (2.7%), and 2 cases concerned professional ethics (1.3%). For details of the disciplinary figures, please refer to Table 4(1), page 112.

Among the 3,695 cases received during the period from 2002 to the end of 2020, 3,611 cases (97.7%) were handled and 84 cases (2.3%) were carried forward for handling in 2021. Of the completed cases, advisory letters were issued to 1,877 CMPs (52.0%); 1,441 cases (39.9%) were dismissed because of insufficient evidence or other reasons, and 293 cases (8.1%) were subject to inquiry by the Practitioners Board. For details of the disciplinary figures, please refer to Table 4(2), page 112.

The Practitioners Board held 10 inquiries in 2020, involving 10 CMPs. After inquiries, the name of 1 registered CMP was removed from the Register for 6 months; 1 registered

CMP was removed from the Register for 4 months, 4 registered CMPs were removed from the Register for 1 to 4 months, but suspended such removal for 12 to 24 months; and 3 registered CMPs were reprimanded, in accordance with section 98(3) of the Chinese Medicine Ordinance. In addition, in accordance with section 91(2) of the Chinese Medicine Ordinance, the name of 1 listed CMP and the relevant decision of the Practitioners Board would be put on record for future reference. For details of the inquiry results, please refer to Table 4(3), pages 114 to 115.

### ► Appeals System

In accordance with section 103 of the Chinese Medicine Ordinance, any person who is aggrieved by an order made in respect of him or her under section 98 may, within one month from the date of service of that order, or within such further time as the Court of Appeal may in special circumstances allow, appeal to the Court of Appeal. The Court of Appeal may affirm, reverse or vary the order appealed against.

From 2002 to the end of 2020, the Practitioners Board has held 201 inquiries concerning 171 registered CMPs, 2 of them lodged an appeal to the Court of Appeal.

## Application for Registration as Registered Chinese Medicine Practitioners

### ► Inquiry Procedures

If it comes to the Practitioners Board's knowledge that an applicant applying for registration as a registered CMP has been previously convicted for an imprisonable offence or professional misconduct, the registration application would be referred to the DC for processing. The DC would, in accordance with the Chinese Medicine Practitioners (Registration) Regulations, handle the application, including obtaining any necessary clarification, evidence and statutory declarations in relation to the application,

as well as inviting the applicant to submit representations. The DC will recommend to the Practitioners Board whether or not an inquiry should be held after considering all the evidence. In addition, if there is prima facie evidence that a registration applicant intended to obtain registration by fraud or misrepresentation, the Practitioners Board will also conduct registration inquiries on such applications.

### ► Applications for Registration

Among the 165 registration applications received from 2002 to the end of 2020 by the Practitioners Board, 159 applicants had been convicted of an offence punishable with imprisonment, 2 applicants were found guilty of professional misconduct, and 4 applicants attempted to obtain registration by fraud or misrepresentation. Among these 165 applications, the Practitioners Board had handled 164 applications, and the remaining 1 will be handled in 2021. For the 164 completed cases, 94 applicants were approved for registration without inquiry, taking into account that the nature of their convictions or professional misconduct would not affect their practice of Chinese medicine; 11 applicants subsequently withdrew their applications; 42 applications were approved after inquiries and 17 applications were rejected after inquiries (of which 4 cases were later approved, after appeal to the Council, and the applicants were registered as registered CMPs). For details of the figures, please refer to Table 4(4), page 116.

### ► The Appeals Mechanism

According to section 97 of the Chinese Medicine Ordinance, any person aggrieved by a decision of the Practitioners Board made in the refusal of application for registration, limited registration, or restoration to register may, within 14 days of the receipt of the notification of the decision, appeal against that decision to the Council. The Council may affirm, reverse or vary the decision made by the Practitioners Board appealed against, and the decision of the Council shall be final. If a rejected applicant is a listed CMP, the Practitioners Board will order the removal of his/her name from the list of listed CMPs, in accordance with section 91(1)(b), after the appeals procedure is completed.

From 2002 to the end of 2020, the Council received a total of 9 appeals of registration application, and 8 appeals of application for limited registration. For the registration application appeals, after the appeal hearings, the Council upheld the decision of 5 cases made by the Practitioners Board to refuse the registration applications, and changed the decision of 4 cases made by the Practitioners Board (i.e. to accept their registration applications). For the limited registration application appeals, after the appeal hearings the Council upheld the decision of 6 cases made by the Practitioners Board to refuse the registration applications, and changed the decision of 2 cases made by the Practitioners Board (i.e. to accept their registration applications).