Table 4

Disciplinary Cases of Chinese Medicine Practitioners

Table 4(1) Disciplinary Cases Received over the Period 2002 to 2020

Category (see index)	Year																			Total
	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	
(i) Discipline and Conduct	5	13	7	9	15	5	9	10	4	9	12	6	42	4	8	4	8	9	9	188
(ii) Professional Responsibility	0	3	14	24	15	12	10	34	26	27	50	28	55	33	32	53	39	32	48	535
(iii) Professional Ethics	5	12	10	13	12	8	4	3	2	2	3	4	6	3	4	3	4	0	2	100
(iv) Practising Rules	21	36	33	41	17	24	27	20	32	27	31	43	55	66	52	41	22	22	22	632
(v) Medical Practice	36	27	43	50	51	68	49	32	20	27	28	24	5	1	1	21	2	4	4	493
(vi) Practice Advertising	186	181	219	72	55	26	22	10	56	193	101	64	198	79	112	39	30	33	65	1,741
(vii) Others	0	0	0	0	2	2	0	0	2	0	0	0	0	0	0	0	0	0	0	6
Total	253	272	326	209	167	145	121	109	142	285	225	169	361	186	209	161	105	100	150	3,695

Table 4(2) Disciplinary Cases Handled over the Period 2002 to 2020

Category (see index)	Cases Received	Completed Cases				Cases Carried Forward to 2021
		Not Substantiated	Advisory Letters Issued	Inquiry by the Practitioners Board	Sub-total	
(i) Discipline and Conduct	188	61	6	113	180	8
(ii) Professional Responsibility	535	287	169	42	498	37
(iii) Professional Ethics	100	78	22	0	100	0
(iv) Practising Rules	632	257	310	49	616	16
(v) Medical Practice	493	294	134	61	489	4
(vi) Practice Advertising	1,741	461	1,235	26	1,722	19
(vii) Others	6	3	1	2	6	0
Total	3,695	1,441	1,877	293	3,611	84

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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 2020

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
(I) Registered CMP								
1. Breaching of Code of Conduct:								
Failed to conform with the professional standard of CMP by prescribing excessive amount of Chinese medicines; the contents of the issued prescription were unclear and illegible; and the information included on the prescriptions exceeded the contents allowed under the Code of Professional Conduct for Registered CMPs in Hong Kong	1		1 [4 months]					
Failed to act professionally responsible to a patient in the course of treatment; did not issue prescription to the patient; and failed to conform with the professional standard of CMP by prescribing excessive amount of Chinese medicines	1			1 [3 months] (12 months)				
Failed to establish and maintain complete personal medical records of his patient	1			1 [1 month] (12 months)				
Failed to conform with the professional standard of CMP by prescribing excessive amount of Chinese medicines; the contents of the issued prescription were unclear and illegible; and failed to include her name, address, contact telephone number, etc. on the issued prescription	1				1			
Failed to set out the name of the prescribed external medicine and all the Chinese medicines constituents contained in the external medicine in the prescription issued to patient; and failed to set out the method of preparation and administration for the prescribed Chinese herbal medicines in the issued prescription	1				1			

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
Failed to act professionally responsible to a patient in the course of treatment; included information which is not allowed under the Code of Professional Conduct for Registered CMPs in Hong Kong in his prescription and stamp chop	1				1			
2. Convicted of offence punishable with imprisonment and did not report to the Practitioners Board within 28 days from the date of the conviction:								
Possession for sale or for any purpose of trade or manufacture goods to which a forged trade mark was applied; and obtained CMP registration by fraud or misrepresentation by falsely declaring that he had not been convicted on the "Application Form for Registration as Registered Chinese Medicine Practitioner and Practising Certificate"	1		1 [6 months]					
Indecent assaults	1			1 [4 months] (24 months)				
Criminal intimidation	1			1 [3 months] (12 months)				

(II) Listed CMP

1. Breaching of Code of Conduct:								
Failed to act professionally responsible to a patient in the course of treatment	1						1	
Total	10	2 (20%) (involving 2 CMPs in total)		4 (40.0%) (involving 4 CMPs in total)	3 (30.0%) (involving 3 CMPs in total)	0 (0%)	1 (10.0%) (involving 1 CMP in total)	0 (0%)

10 disciplinary inquiry cases in total, involving 10 CMPs.

Table 4(4) Registration Applications Received during the Period from 2002 to 2020 Requiring Consideration to Hold Inquiry

Category		Cases Received	Decision of the Practitioners Board				Cases Carried Forward to 2021
			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	159	93	8#	42	15*	1
(ii)	Committed professional misconduct	2	1	1	0	0	0
(iii)	Obtained registration by fraud or misrepresentation	4	0	2	0	2	0
Total		165	94(57.0%)	11(6.7%)	42(25.4%)	17*(10.3%)	1(0.6%)

* 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 (as at 31 December 2020)

Numbers of CMT holding licences

Classification of CMT	Number
1. Retailers in CHM	5,241*
2. Wholesalers in CHM	1,039
3. Wholesalers in pCm	1,018
4. Manufacturers in pCm	285#
Total	7,583

* Including 175 retailer licences in CHM (trade show)

Including 21 manufacturers of pCm who also hold the Certificate for Manufacturer (GMP in respect of pCm) (GMP Certificate)

Table 6

Statistics on Complaints against Licensed Chinese Medicines Traders (as at 31 December 2020)

Table 6(1) Classification of CMT against Which Complaints Were Received

Classification of CMT	No. of Complaints
1. Retailers in CHM	106
2. Wholesalers in CHM	25
3. Wholesalers in pCm	87
4. Manufacturer in pCm	49
Total	267

Table 6(2) Nature of Complaints Received

Nature (See Explanatory Notes)	No. of Cases	(Note 1)
(A) Retailers in CHM		
(i) Personnel	26	(4)
(ii) Premises	1	
(iii) Scope of Business	27	(2)
(iv) Keeping of Records		
(B) Wholesalers in CHM		
(i) Personnel	6	
(ii) Premises		
(iii) Scope of Business	6	
(iv) Complaint of CHM/Processed Herbal Medicines and Recall System		
(v) Keeping of Records		
(C) Wholesalers in pCm		
(i) Personnel	40	
(ii) Premises		
(iii) Scope of Business	3	(1)
(iv) Complaint of pCm and Recall System		
(v) Keeping of Transaction Documents		
(D) Manufacturer in pCm		
(i) Personnel	26	(Note 2)
(ii) Factory		
(iii) Fittings & Equipment		
(iv) Scope of Business	8	
(v) Complaint of pCm/Intermediate Products and Recall System		
(vi) Keeping of Records		
(E) CMT Convicted of Offence(s) Punishable with Imprisonment	124	(6)
Total	267	(13)

Note 1: Figure in bracket representing number of cases which also involved the conduct of CMPs and have been handled by the Practitioners Board.

Note 2: Allegations against four traders including personnel, factory, conviction of offence(s) punishable with imprisonment and others aspects such as scope of business, keeping of records, purchase of ingredients and recall system, etc. As the allegations were mainly against the responsible persons/personnel who did not possess adequate knowledge of pCm and management of the factory, the cases were classified under “Personnel”.

Table 6(3) Cases Considered by the Medicines Board and its Decisions

Nature (See Explanatory Notes)	Decision of the Medicines Board															Total
	Allegation Substantiated/Partially Substantiated												Allegation Not Substantiated			
	Revoke Licence	Temporarily Suspend Licence	Vary Licensing Conditions/Restrictions	Issue Warning	The Regulatory Committee of Chinese Medicines Traders (CMRC) Issuing Letter of Advice	Others							CMRC Issuing Letter of Advice	Issue Advisory Letter	No Follow-up Action	
						Issue Warning & Vary Licensing Conditions/Restrictions	Temporarily Suspend Licence & Issue Warning	Temporarily Suspend Licence & Vary Licensing Conditions/ Restrictions	Issue Letter of Advice	Vary Licensing Conditions/ Restrictions and CMRC Issuing Letter of Advice	Temporarily Suspend Licence, Vary Licensing Conditions/ Restrictions & Issue Warning	Issue Warning and CMRC Issuing Letter of Advice				
(A) Retailers in CHM																
(i) Personnel		1		5	1			1	1					2	6	17
(ii) Premises																
(iii) Scope of Business				6	2	2		3					2	1	3	19
(iv) Keeping of Records																
(B) Wholesalers in CHM																
(i) Personnel		1		2									1		1	5
(ii) Premises																
(iii) Scope of Business				5	1											6
(iv) Complaint of CHM/ Processed Herbal Medicines and Recall System																
(v) Keeping of Records																

Nature (See Explanatory Notes)	Decision of the Medicines Board																Total
	Allegation Substantiated/Partially Substantiated													Allegation Not Substantiated			
	Revoke Licence	Temporarily Suspend Licence	Vary Licensing Conditions/Restrictions	Issue Warning	The Regulatory Committee of Chinese Medicines Traders (CMRC) Issuing Letter of Advice	Others								CMRC Issuing Letter of Advice	Issue Advisory Letter	No Follow-up Action	
						Issue Warning & Vary Licensing Conditions/Restrictions	Temporarily Suspend Licence & Issue Warning	Temporarily Suspend Licence & Vary Licensing Conditions/ Restrictions	Issue Letter of Advice	Vary Licensing Conditions/ Restrictions and CMRC Issuing Letter of Advice	Temporarily Suspend Licence, Vary Licensing Conditions/ Restrictions & Issue Warning	Issue Warning and CMRC Issuing Letter of Advice				
(C) Wholesalers in pCm																	
(i) Personnel		2		21			3									11	37
(ii) Premises																	
(iii) Scope of Business				1										1			2
(iv) Complaint of pCm and Recall System																	
(v) Keeping of Transaction Documents																	
(D) Manufacturer in pCm																	
(i) Personnel	2	3		8		1	3			1						6	24
(ii) Factory																	
(iii) Fittings & Equipment																	
(iv) Scope of Business				4			2					1					7
(v) Complaint of pCm/ Intermediate Products and Recall System																	
(vi) Keeping of Records																	
(E) CMT Convicted of Offence(s) Punishable with Imprisonment	5	39	2	37	5	3	7				1						99
Total	7	46	2	89	9	6	15	4	1	1	1	1		4	3	27	216

Explanatory Notes

Retailers in CHM		
Personnel	:	Persons (including responsible persons, dispensers and sales persons) engaged in this trade should possess the basic knowledge relevant to their duties and work conscientiously, under proper medicine shop management, to safeguard public health
Premises	:	The layout of the business premises should correspond to the nature and scale of the retail business in CHM, including the business area, drawers for processed herbal medicines and store-room
Scope of Business	:	The scope of business includes the dispensing and sale of processed herbal medicines (such as verification of prescriptions, preparation, cross-checking, packaging and dispatching, and decoction of processed herbal medicines for customers), sale of single or multiple processed herbal medicines, purchase of processed herbal medicines, inspection, acceptance as well as the storage of processed herbal medicines and labelling; or the processing of herbal medicines according to business needs, preparing or compounding preparations for individual patients according to prescriptions given by CMPs and dispensing single Chinese medicine granules for prescription
Keeping of Records	:	The retailers of CHM should keep the transaction documents and dispensing records of Schedule 1 medicines of the Chinese Medicine Ordinance
Wholesalers in CHM		
Personnel	:	Persons engaged in this trade should possess the basic knowledge relevant to their duties and work conscientiously, under proper business management, to safeguard public health
Premises	:	The layout of the business premises should correspond to the nature and scale of the wholesale business in CHM, including the business area and warehouse
Scope of Business	:	The scope of business includes the purchase, inspection, acceptance, storage, sale, distribution and transportation of CHM/processed herbal medicines, and labeling; or the processing of herbal medicines according to business needs, and sale of single Chinese medicine granules for prescription
Complaint of CHM/ Processed Herbal Medicines and Recall System	:	The wholesalers of CHM should set up and maintain a system of complaint and recall to enable the rapid and, as far as practicable, complete recall of any CHM/processed herbal medicine sold or distributed, in the event of the medicine being found to be dangerous, injurious to health, or unfit for human consumption
Keeping of Records	:	The wholesalers of CHM should keep the transaction documents as well as purchase and sales records of Schedule 1 herbal medicines of the Chinese Medicine Ordinance

Wholesalers in pCm		
Personnel	:	Persons engaged in this trade should possess the basic knowledge relevant to their duties and work conscientiously, under proper business management, to safeguard public health
Premises	:	The wholesalers of pCm should provide suitable premises for the wholesale business in pCm including the business area and warehouse
Scope of Business	:	The scope of business includes import and export, or sale of pCm in Hong Kong, or both activities. All pCm should be registered before they can be sold or distributed in Hong Kong. The scope of business includes purchase, inspection, acceptance, storage, sale or distribution and transportation of pCm, labelling and package insert
Complaint of pCm and Recall System	:	The wholesalers of pCm should set up and maintain a system of complaint and recall to enable the rapid and, as far as practicable, complete recall of any pCm sold or distributed, in the event of the medicine being found to be dangerous, injurious to health, or unfit for human consumption. They have the responsibility to collect information on all adverse reactions related to their pCm, and should communicate such information to the Medicines Board as soon as possible
Keeping of Transaction Documents	:	The wholesalers of pCm should keep the transaction documents of the pCm to enable the tracing of the source and distribution channels of pCm suspected to have problems whenever necessary
Manufacturer in pCm		
Personnel	:	Persons engaged in this trade should possess the knowledge relevant to their duties, and should work conscientiously under proper factory management. This will ensure the manufacture of pCm of good quality, and therefore safeguard public health
Factory	:	The manufacturers of pCm should provide suitable premises for the manufacture, examination and storage of pCm/intermediate products
Fittings & Equipment	:	The manufacturers of pCm should provide suitable fittings and equipment. Their design, model and installation should conform with the requirements of the manufacturing process. Such fittings and equipment should be easy to operate, clean and maintain
Scope of Business	:	The manufacturers of pCm should maintain stringent manufacturing process and management of pCm/intermediate products. The manufacture and management of pCm includes purchase, inspection, acceptance, storage and dispatch of ingredients; production, packing, quality control, storage, sale, and distribution and transportation of pCm; or/and generation, quality control, storage, sale, distribution and transportation of intermediate products
Complaint of pCm/ Intermediate Products and Recall System	:	The manufacturer of pCm should set up and maintain a system of complaint and recall to enable the rapid and, as far as practicable, complete recall of any pCm/intermediate product sold or distributed, in the event of the medicine/product being found to be dangerous, injurious to health, or unfit for human consumption. They have the responsibility to collect information on all adverse reactions related to their pCm, and should communicate such information to the Medicines Board as soon as possible
Keeping of Records	:	The manufacturers of pCm should make proper records and keep relevant documents of purchasing ingredients, operation of manufacturing process, and transaction of pCm/ intermediate products