

Chapter:	156	DENTISTS REGISTRATION ORDINANCE	Gazette Number	Version Date
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		Long title		30/06/1997
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To amend the law relating to dentists by making more comprehensive provisions.

[1 October 1959] G.N.A. 60 of 1959

(Originally 29 of 1959)

Section:	1	Short title		30/06/1997
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This Ordinance may be cited as the Dentists Registration Ordinance.

Section:	2	Interpretation	L.N. 185 of 2006	30/11/2006
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- (1) In this Ordinance, unless the context otherwise requires-
- "Academy of Medicine" (醫學專科學院) means the Hong Kong Academy of Medicine established under the Hong Kong Academy of Medicine Ordinance (Cap 419); (Added 11 of 2006 s. 3)
- "certificate of registration" (註冊證明書) means a certificate of registration or a duplicate certificate of registration issued under section 10;
- "Chairman" (主席) means the chairman of the Council established under section 4 and includes any person elected to act as Chairman under section 4(5C); (Added 12 of 1968 s. 2. Amended 4 of 1988 s. 2)
- "complainant" (申訴人) means any person from whom a complaint against, or information in respect of a registered dentist or an applicant for registration has been received by the Secretary in accordance with regulations made under section 29; (Added 12 of 1968 s. 2)
- "Council" (委員會) means the Dental Council of Hong Kong established under section 4;
- "dangerous drugs" (危險藥物) means any drug to which the Dangerous Drugs Ordinance (Cap 134) applies;
- "due inquiry" (適當的研訊) means an inquiry by the Council conducted substantially in accordance with the procedure provided by regulations made under section 29(1C)(d)(v); (Amended 12 of 1968 s. 2; 80 of 1997 s. 5)
- "Education and Accreditation Committee" (教育及評審小組) means the committee established under section 5B; (Added 11 of 2006 s. 3)
- "General Register" (普通科名冊) means the register of dentists kept under section 7(1); (Added 11 of 2006 s. 3)
- "Legal Adviser" (法律顧問) means the person appointed to be Legal Adviser to the Council under section 4; (Added 12 of 1968 s. 2)
- "Licensing Examination" (許可試) means the examination set by the Council under section 4A; (Added 34 of 1995 s. 2)
- "Medical Council" (醫務委員會) means the Medical Council of Hong Kong established under section 3 of the Medical Registration Ordinance (Cap 161);
- "practising certificate" (執業證明書) means a certificate issued under section 11A; (Added 49 of 1977 s. 2)
- "Preliminary Investigation Committee" (初步調查小組) means the committee established under regulation 12 of the Dentists (Registration and Disciplinary Procedure) Regulations (Cap 156 sub. leg. A); (Added 11 of 2006 s. 3)
- "prescribed" (訂明) means provided by regulations made under section 29;
- "registered address" (註冊地址) means the address appearing upon the certificate of registration issued under section 10;
- "registered dentist" (註冊牙醫) means a person whose name appears for the time being on the General Register, whether or not his name also appears on the Specialist Register; (Replaced 11 of 2006 s. 3)
- "Registrar" (註冊主任) means the Registrar of Dentists as provided for under section 6;
- "repealed Ordinance" (已廢除條例) means the Dentists Registration Ordinance 1940 (1 of 1940 see Cap 156 1950 Ed.);

"Secretary" (秘書) means the Secretary of the Council appointed under section 4; (Added 12 of 1968 s. 2. Amended 11 of 2006 s. 3)

"Specialist Register" (專科名冊) means the register of specialist dentists kept under section 7(3). (Added 11 of 2006 s. 3)

(Amended 11 of 2006 s. 3)

(2) A person shall be deemed to practise dentistry within the meaning of this Ordinance, who, for the sake of gain or otherwise, holds himself out, whether directly or by implication, as practising or being prepared to practise dentistry, or treats or attempts to treat or professes to treat, cure, relieve or prevent lesions or pain of the human teeth or jaws; or performs or attempts to perform any operation thereon, or inserts or attempts to insert any artificial teeth or appliances for the restoration, regulation or improvement of the teeth or accessory structures.

(3) For the purposes of sections 18(5) and 22(2) and (2A), an appeal to the Court of Appeal shall be deemed to be finally determined when the earliest of the following events occurs, whichever is applicable in the circumstances- (Amended 11 of 2006 s. 3)

- (a) when the appeal to the Court of Appeal is withdrawn or abandoned;
- (b) when the specified period expires without an application for leave to appeal having been made to the Court of Appeal;
- (c) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Appeal-
 - (i) when the application is withdrawn or abandoned;
 - (ii) if the application is refused, when the specified period expires without an application for leave to appeal having been made to the Court of Final Appeal; or
 - (iii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of; or
- (d) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Final Appeal-
 - (i) when the application is withdrawn, abandoned or refused; or
 - (ii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of. (Added 10 of 2005 s. 54)

(4) In subsection (3)-

"application for leave to appeal" (上訴許可申請) means an application made to the Court of Appeal or the Court of Final Appeal under section 24 of the Hong Kong Court of Final Appeal Ordinance (Cap 484) for leave to appeal to the Court of Final Appeal from a judgment of the Court of Appeal;

"specified period" (指明限期)-

- (a) in the case of an application for leave to appeal made to the Court of Appeal, means-
 - (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(2) of the Hong Kong Court of Final Appeal Ordinance (Cap 484) is required to be filed; or
 - (ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Appeal extends that period, the period as so extended; or
- (b) in the case of an application for leave to appeal made to the Court of Final Appeal, means-
 - (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(4) of the Hong Kong Court of Final Appeal Ordinance (Cap 484) is required to be filed; or
 - (ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Final Appeal extends that period, the period as so extended. (Added 10 of 2005 s. 54)

(5) For the purposes of this Ordinance, a person is registered if the name of that person is entered in the General Register in accordance with section 9, and registration shall be construed accordingly. (Added 11 of 2006 s. 3)

(6) For the purposes of this Ordinance, a complaint or information involves a suitability issue if the complaint or information concerns the question of whether the name of a registered dentist should be included in, or removed from, the Specialist Register. (Added 11 of 2006 s. 3)

Section:	3	Dentists to be registered		30/06/1997
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- (1) Subject to the provisions of any regulations made under section 29(1A)(d), any person, not being a registered dentist, who- (Amended 80 of 1997 s. 6)
- (a) practises dentistry within Hong Kong commits an offence and is liable-
 - (i) on summary conviction to a fine at level 6 and to imprisonment for 3 years; or (Amended 80 of 1997 s. 89)
 - (ii) on conviction upon indictment to imprisonment for 5 years; or (Amended 80 of 1997 s. 89)
 - (b) practises dentistry on a person within Hong Kong which results in personal injury to that person commits an offence and is liable-
 - (i) on summary conviction to a fine of \$200000 and to imprisonment for 3 years; or (Amended 80 of 1997 s. 89)
 - (ii) on conviction upon indictment to imprisonment for 7 years. (Amended 12 of 1968 s. 3; 79 of 1984 s. 7; 68 of 1986 s. 9; 80 of 1997 s. 89)
- (2) Nothing in this section shall operate to prevent the extraction of teeth for the relief of pain, or the application of remedies for such purposes, by a medical practitioner registered under the Medical Registration Ordinance (Cap 161).
- (3) For the purposes of this section a person who fraudulently procures himself to be registered under this Ordinance shall be deemed not to have been so registered. (Added 68 of 1986 s. 9)

Section:	4	Establishment and composition of Dental Council	L.N. 82 of 2002	12/07/2002
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- (1) There shall be established within Hong Kong a council to be called the Dental Council of Hong Kong. (Amended 79 of 1984 s. 2)
- (2) The Council shall consist of-
- (a) the Registrar; (Replaced 4 of 1988 s. 3)
 - (b) a consultant dental surgeon of the Dental Service of the Department of Health appointed by the Chief Executive; (Replaced 4 of 1988 s. 3. Amended L.N. 76 of 1989)
 - (ba) a registered dentist, who is a full-time member of the teaching staff of the Faculty of Dentistry of the University of Hong Kong, nominated by the University of Hong Kong and appointed by the Chief Executive; (Added 79 of 1984 s. 2)
 - (c) 2 medical practitioners appointed by the Chief Executive; (Amended 4 of 1988 s. 3)
 - (d) 6 registered dentists qualified to be registered under section 8 and appointed by the Chief Executive- (Amended 62 of 1987 s. 2; 4 of 1988 s. 3; 9 of 2002 s. 2)
 - (i) from a panel of not less than 12 such registered dentists nominated by the Hong Kong Dental Association; or
 - (ii) in the event of the Hong Kong Dental Association failing to nominate at least 12 such registered dentists, at the discretion of the Chief Executive; (Replaced 49 of 1977 s. 3. Amended 79 of 1984 s. 2; 4 of 1988 s. 3)
 - (e) one lay member who shall be appointed by the Chief Executive. (Added 4 of 1988 s. 3. Amended 37 of 2000 s. 3)
- (3) The term of a member of the Council appointed under subsection (2)(c), (d) or (e) is 3 years, or such lesser period as the Chief Executive may determine at the time of appointment, and the member is eligible for reappointment on the expiry of the term. (Replaced 9 of 2002 s. 2)
- (4) If the place of a member of the Council appointed under subsection (2)(c), (d) or (e) becomes vacant before the expiration of his term of office, the vacancy may be filled by appointment by the Chief Executive, and any person so appointed shall hold office so long only as the member in whose place he is appointed would have held office. (Amended 4 of 1988 s. 3; 37 of 2000 s. 3)
- (5) The Chairman of the Council shall-
- (a) be elected by the members from amongst themselves;
 - (b) subject to subsection (5D), hold office for 3 years or until he ceases to hold office as a member, whichever is the earlier; and
 - (c) be eligible for re-election. (Replaced 4 of 1988 s. 3)
- (5A) If the office of Chairman becomes vacant due to effluxion of time, or as a result of resignation or otherwise, the Secretary shall convene a meeting of the Council within 3 months of the occurrence of such vacancy for

the purpose of electing a Chairman. (Added 4 of 1988 s. 3)

(5B) The Secretary shall preside at a meeting held under subsection (5A) until the Chairman is elected and assumes office, but he shall not have an original or a casting vote. (Added 4 of 1988 s. 3)

(5C) If the Chairman is unable to perform the functions of his office for any period due to absence from Hong Kong or any other reason, the members of the Council shall at a meeting of the Council elect one of themselves to act in his place for the duration of that period and notwithstanding any provision in this Ordinance the Secretary may, where necessary, convene a meeting for the purpose of such election. (Added 4 of 1988 s. 3)

(5D) The Chairman may at any time resign his office by giving notice in writing to the Secretary. (Added 4 of 1988 s. 3)

(6) There shall be a Secretary of the Council and a Legal Adviser to the Council who shall be appointed by the Chief Executive. (Amended 37 of 2000 s. 3)

Section:	4A	Council to set Licensing Examination	L.N. 82 of 2002	12/07/2002
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(1) The Council shall set an examination, called the Licensing Examination, the passing of which qualifies a person to be registered under section 8.

(2) The Council may impose such conditions as it thinks fit, being conditions which are relevant to the assessment or improvement of a person's professional knowledge in dentistry, which a person must comply with before the Council allows him to sit the Licensing Examination or any part thereof.

(3) The Council may prohibit a person from sitting the Licensing Examination if the person has sat any one part of the Licensing Examination 5 times and has failed each time. (Amended 9 of 2002 s. 2)

(4) (Repealed 9 of 2002 s. 2)

(Added 34 of 1995 s. 3)

Section:	5	Meetings of the Council		30/06/1997
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(1) The Council shall meet at such times and such places as the Chairman may appoint, and the Council shall also meet at the request in writing of at least 4 members, addressed to the Chairman. (Amended 4 of 1988 s. 4)

(2) At any meeting of the Council 4 members, including not less than 1 member appointed under section 4(2)(d), shall be a quorum.

(3) The validity of any proceedings of the Council shall not be affected by any vacancy among the members thereof or by any defect in the appointment of a member thereof.

(4) All questions coming or arising before a meeting of the Council shall be decided by a majority of the members of the Council present and voting thereon.

(5) The Chairman at any meeting of the Council shall have an original vote and also, if upon any question the votes shall be equally divided, a casting vote except in an inquiry under section 9 or 18 at which he shall have only an original vote. (Amended 4 of 1988 s. 4)

Section:	5A	Transaction of business by circulation of papers		30/06/1997
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The Council may transact any of its business, other than an inquiry under section 9 or 18, by circulation of papers, and a resolution in writing which is approved in writing by all the members present in Hong Kong at the time the resolution was circulated (being not less than the number required to constitute a majority of the members of the Council) shall be as valid and effectual as if it had been passed at a meeting of the Council by the votes of the members so approving the resolution.

(Added 80 of 1997 s. 90)

Section:	5B	Establishment and composition of Education and Accreditation Committee	L.N. 185 of 2006	30/11/2006
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(1) There shall be established a committee to be called the Education and Accreditation Committee.

(2) The Education and Accreditation Committee shall consist of the following members appointed by the Council—

(a) a chairman who is a member of the Council;

- (b) 1 registered dentist, not being a member of the Council, nominated by the University of Hong Kong;
- (c) 1 registered dentist, not being a member of the Council, nominated by the Academy of Medicine;
- (d) 1 registered dentist, not being a member of the Council, nominated by the Director of Health;
- (e) 1 registered dentist, not being a member of the Council, nominated by the Hong Kong Dental Association;
- (f) 2 other members who are members of the Council.

(3) A registered dentist is not eligible for appointment under subsection (2) if the Council has made an order in respect of the dentist under section 18(1)(i), (ii), (iii) or (iv).

(4) The term of a member appointed under subsection (2) is 3 years, and the member is eligible for reappointment on the expiry of the term.

(5) If, during the period of his office—

- (a) a member of the Education and Accreditation Committee under subsection (2)(a) or (f) ceases to be a member of the Council;
- (b) a member of the Education and Accreditation Committee under subsection (2)(b), (c), (d) or (e)—
 - (i) ceases to be a registered dentist; or
 - (ii) becomes a member of the Council; or
- (c) the Council has made an order in respect of a member of the Education and Accreditation Committee under section 18(1)(i), (ii), (iii) or (iv),

the member ceases to be a member of the Education and Accreditation Committee.

(Added 11 of 2006 s. 4)

Section:	5C	Functions of Education and Accreditation Committee	L.N. 185 of 2006	30/11/2006
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The Education and Accreditation Committee has the following functions—

- (a) to recommend to the Council the specialties under which the names of registered dentists may be included in the Specialist Register;
- (b) to recommend to the Council the qualifications, experience and other attributes that qualify a registered dentist to have his name included in the Specialist Register under a specialty recommended by the Committee under paragraph (a);
- (c) to recommend to the Council the procedures and documentations for an application to include the name of a registered dentist in the Specialist Register;
- (d) to make recommendations to the Council so that it may decide whether the name of a registered dentist should be included in, or removed from, the Specialist Register;
- (e) to review and recommend to the Council the standard and structure of undergraduate dental education and training in dentistry required for a person to become a registered dentist;
- (f) such other functions as are imposed on it under this Ordinance.

(Added 11 of 2006 s. 4)

Section:	5D	Meetings of Education and Accreditation Committee	L.N. 185 of 2006	30/11/2006
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(1) At any meeting of the Education and Accreditation Committee, 4 members (including the chairman) shall form a quorum.

(2) At any meeting of the Education and Accreditation Committee, the chairman of the Committee shall preside or, if he is absent, the members present shall elect one of them to preside.

(3) A question for determination at any meeting of the Education and Accreditation Committee shall be decided by a majority of votes of the members present and voting on the question.

(4) At any meeting of the Education and Accreditation Committee, the chairman of the Committee shall have an original vote and, if upon any question the votes are equally divided, a casting vote.

(Added 11 of 2006 s. 4)

Section:	5E	Transaction of business in Education and Accreditation Committee by circulation of papers	L.N. 185 of 2006	30/11/2006
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(1) The Education and Accreditation Committee may transact any of its business by circulation of papers.

(2) A resolution in writing which is signed by all the members of the Education and Accreditation Committee present in Hong Kong at the time the resolution was circulated is as valid and effectual as if it had been passed at a meeting of the Committee by the votes of the members so signing.

(Added 11 of 2006 s. 4)

Section:	5F	Proceedings of Education and Accreditation Committee	L.N. 185 of 2006	30/11/2006
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If a member of the Education and Accreditation Committee under section 5B(2)(a) or (f) has taken part in dealing with any complaint or information involving a suitability issue, the member shall not, as a member of the Council, take part in the determination of the complaint or information by the Council.

(Added 11 of 2006 s. 4)

Section:	5G	Dissolution of Education and Accreditation Committee	L.N. 185 of 2006	30/11/2006
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(1) If, in the opinion of the Council, the Education and Accreditation Committee has acted in a manner that is prejudicial to the interest of the public or dental profession, the Council may, by a resolution passed by the votes of not less than three quarters of the members of the Council, dissolve the Committee.

(2) Upon a dissolution of the Education and Accreditation Committee under subsection (1), the Council—

- (a) may perform the functions of the Committee; and
- (b) shall make such appointments as are necessary to re-establish the Committee with new membership within 3 months of the dissolution.

(Added 11 of 2006 s. 4)

Section:	6	Registrar of Dentists	L.N. 185 of 2006	30/11/2006
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(1) For the purposes of this Ordinance, there shall be a Registrar of Dentists, who shall perform such duties in connection with the General Register as may be prescribed, and with the Specialist Register as may be provided for, under this Ordinance. (Amended 11 of 2006 s. 5)

(2) The consultant dental surgeon in charge of the Dental Service of the Department of Health shall be the Registrar. (Amended 4 of 1988 s. 5; L.N. 76 of 1989)

Section:	7	Keeping of General Register and Specialist Register	L.N. 185 of 2006	30/11/2006
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(1) The Registrar shall cause a register of dentists, to be called the General Register, to be kept in the form prescribed and he shall be responsible for the maintenance and custody thereof. (Amended 11 of 2006 s. 6)

(2) In respect of any person who is registered by virtue of having been registered under the repealed Ordinance, the General Register shall indicate the paragraph of section 7* of the repealed Ordinance under which such person was first registered. (Amended 34 of 1995 s. 4; 11 of 2006 s. 6)

(3) The Registrar shall cause a register of specialist dentists, to be called the Specialist Register, to be kept in such form as he thinks fit. (Added 11 of 2006 s. 6)

(4) The Specialist Register shall contain the names, registered addresses, qualifications, specialties and such other particulars as the Registrar thinks necessary of those registered dentists who have been approved by the Council to have their names included in the Register. (Added 11 of 2006 s. 6)

(5) The Registrar shall be responsible for the maintenance and custody of the Specialist Register. (Added 11 of 2006 s. 6)

Note:

* As amended by 24 of 1950 Schedule and 55 of 1955 s. 4

Section:	8	Persons who are qualified to be registered	L.N. 82 of 2002	12/07/2002
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(1) Only a person who- (Amended 9 of 2002 s. 2)

- (a) has passed the Licensing Examination and has complied with the conditions, if any, imposed by the Council under section 4A(2);

- (b) has been awarded a bachelor degree in dentistry by a university in Hong Kong specified in the Schedule; or (Replaced 9 of 2002 s. 2)
- (c) was at any time registered before the commencement of section 5 of the Medical and Related Professionals (Registration) (Miscellaneous Amendments) Ordinance 1995 (34 of 1995),

is qualified to be registered under this Ordinance.

(2) The Council may, with the prior approval of the Legislative Council, amend the Schedule by notice published in the Gazette. (Added 9 of 2002 s. 2)

(Replaced 34 of 1995 s. 5)

Section:	9	Application for registration	L.N. 185 of 2006	30/11/2006
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(1) Any person qualified to be registered may apply to the Registrar for registration. Every such application shall be made in such manner and shall be accompanied by such documents, photographs and particulars as may be prescribed.

(2) Where such person has complied with the provisions of subsection (1) and with any regulations relating thereto, and has paid the prescribed fee, the name of the person shall, subject to the provisions of subsection (3), be admitted by the Council to the General Register. (Amended 11 of 2006 s. 7)

(3) If, after due inquiry, the Council is satisfied that any applicant for registration-

- (a) has been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment; or
- (b) has been guilty of unprofessional conduct; or

(c) is the subject of an existing order made under section 17(1)(i) or (ii)* of the repealed Ordinance, the Council may, in its discretion, order that the name of the applicant be not entered in the General Register. (Amended 11 of 2006 s. 7)

(4) Such of the provisions of section 18 as are capable of application to an inquiry held for the purposes of this section shall apply to such inquiry, and any such provision may be construed with such modifications not affecting the substance as may be necessary to render it conveniently applicable.

Note:

* As amended by 55 of 1955 s. 8.

Section:	10	Certificate of registration		30/06/1997
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(1) When a person has been registered, the Council shall issue to him a certificate of registration in such form as may be prescribed.

(2) A registered dentist who requires a certified copy of his certificate of registration in order to comply with the provisions of section 14(1) shall apply in writing to the Registrar enclosing one passport size photograph and stating the address of the premises at which he proposes to practise, and the Registrar may thereupon issue to the registered dentist a certified copy of his certificate of registration.

(3) (a) The registered address appearing upon the certificate of registration shall be the principal address at which the registered dentist carries on his practice;

(b) every registered dentist shall report to the Registrar every address at which he carries on the practice of dentistry for gain;

(c) every registered dentist shall report to the Registrar any change of his registered address or the change of any other address at which he carries on the practice of dentistry for gain within 2 months of such change;

(d) upon a report of any change of a registered address being made to the Registrar in accordance with paragraph (c) the Registrar shall cause the registered address upon the certificate of registration or upon any certified copy thereof or upon both such certificate of registration and upon such certified copy thereof as the case may be to be amended accordingly;

(e) any registered dentist who fails to make a report in accordance with paragraph (b) or (c) commits an offence and is liable on summary conviction to a fine of \$500. (Amended 68 of 1986 s. 10)

(4) If a certificate of registration has been lost, destroyed or defaced, the registered dentist may apply in writing to the Registrar to issue to him a duplicate certificate of registration and the Registrar upon being satisfied as to such loss, destruction or defacement, shall issue to the registered dentist a duplicate certificate of registration in the same form as is prescribed for a certificate of registration, marked on the face thereof with the word "duplicate".

(5) If it appears to the Registrar that a certificate of registration or a certified copy of a certificate of registration is defaced or that the photograph thereon is not a reasonable likeness of the registered dentist to whom the certificate of registration relates the Registrar by notice in writing may require the registered dentist to lodge his certificate of registration or certified copy, as the case may be, with the Registrar and to apply for the issue of a duplicate certificate of registration or of another certified copy, and any registered dentist who on being so required fails to do so within 7 days of the service of such notice commits an offence and is liable on summary conviction to a fine of \$100. (Amended 68 of 1986 s. 10)

Section:	11	Privileges of registered dentists		30/06/1997
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(1) Subject to section 11A(7), every registered dentist shall be entitled to recover in due course of law reasonable charges for professional aid, advice and visits and the value of any medicine or any dental or medical appliances rendered, made or supplied by him to his patients. (Amended 49 of 1977 s. 5)

(2) No person shall be entitled to recover in any court any such charges as are referred to in subsection (1) unless at the date when such charges accrued he was a registered dentist.

Section:	11A	Person not to practise without practising certificate	L.N. 185 of 2006	30/11/2006
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(1) Subject to this section, a person to whom this section applies shall not practise as a dentist in Hong Kong, unless he is the holder of a practising certificate which is then in force. (Amended 62 of 1987 s. 4)

(2) Subject to the payment of the prescribed fee for the issue of a practising certificate, the Secretary, on application made to him for that purpose by a person to whom this section applies, shall issue to him a certificate to the effect that he is, subject to any conditions and restrictions specified in the certificate- (Amended 11 of 2006 s. 8)

(a) entitled to practise dentistry in Hong Kong; or

(b) in the case of a person deemed to be a registered dentist under section 30(3)(a), entitled to practise dentistry for the purpose of teaching or performing hospital work in the Faculty of Dentistry of the University of Hong Kong. (Amended 62 of 1987 s. 4)

(3) Where a practising certificate is issued pursuant to an application made during the course of a year in respect of that year, the certificate shall, subject to subsection (5), be in force from the time of its issue until the end of that year.

(4) Where a practising certificate is issued pursuant to an application made during the course of a year in respect of the following year, the certificate shall, subject to subsection (5), be in force for a period of 12 months commencing on 1 January in that following year.

(5) If at any time during the currency of a practising certificate issued under this section, the holder of the certificate ceases to be registered, the certificate shall thereupon be deemed to be cancelled.

(6) Any person who is required under this section to be the holder of a practising certificate under this section shall be deemed to have obtained the certificate when he has duly applied to the Secretary and paid the prescribed fee for the issue of the practising certificate.

(7) Notwithstanding section 11(1) a person who is required under this section to be the holder of a practising certificate shall not be entitled to recover any fees, costs or other remuneration on any cause of action unless he was, at the time when the cause of action arose, the holder of a valid practising certificate.

(8) This section applies to-

(a) any person whose name appears on the General Register; and (Amended 11 of 2006 s. 8)

(b) any person deemed to be a registered dentist by virtue of section 30(3)(a). (Replaced 62 of 1987 s. 4)
(Added 49 of 1977 s. 6)

Section:	11B	Recovery of practising fees	L.N. 185 of 2006	30/11/2006
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(1) If any person to whom section 11A applies contravenes subsection (1) of that section, the amount of the prescribed fee payable by him under subsection (2) of that section shall be recoverable as a civil debt.

(2) In any proceedings under this section a certificate purporting to be under the hand of the Secretary to the effect that the person concerned had not paid the prescribed fee for the issue of a practising certificate shall, until the contrary is proved, be evidence of non-payment of the fee.

(3) On recovery of a prescribed fee under this section the Secretary shall, if the name of the person concerned appears on the General Register or if he is deemed to be a registered dentist under section 30(3)(a), issue to him an

appropriate practising certificate. (Replaced 62 of 1987 s. 5. Amended 11 of 2006 s. 9)

(Added 49 of 1977 s. 6. Amended 62 of 1987 s. 5)

Section:	12	Dental companies	37 of 2000	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 37 of 2000 s. 3

(1) A body corporate may carry on the business of dentistry if-

(a) it carries on no business other than dentistry or some business ancillary to the business of dentistry; and

(b) a majority of the directors and all persons practising dentistry are registered dentists:

Provided that a body corporate which was carrying on the business of dentistry before the date of commencement of this Ordinance shall not be disqualified from carrying on the business of dentistry under this section by reason only that it carries on some business other than dentistry or a business ancillary to that business, if that other business is a business which the body was lawfully entitled at the date of coming into operation of this Ordinance to carry on.

(2) Save as aforesaid it shall not be lawful for any body corporate to carry on the business of dentistry, and any body corporate which carries on the business of dentistry in contravention of the provisions of this section and every director and manager thereof, subject to subsection (2A), commits an offence and is liable on summary conviction to a fine of \$2000 for each offence. (Amended 68 of 1986 s. 11)

(2A) Where a person is charged with an offence under subsection (2) by reason of being a director or manager, it shall be a defence for him to prove that the offence alleged to be committed by the body corporate was committed without his knowledge. (Added 68 of 1986 s. 11)

(3) Every body corporate carrying on the business of dentistry shall within 7 days of 1 January in every year transmit to the Registrar a statement in the prescribed form containing the names and addresses of all persons who are directors or managers of the company, or who perform dental operations in connection with the business of the company, and, if any such body corporate fails so to do, it shall be deemed to be carrying on the business of dentistry in contravention of the provisions of this section.

(4) Nothing in this section shall prevent the carrying on of the business of dentistry by the operating staff of any hospital of any description (including an institution for out-patients only), or of any dental school, which is approved for the purposes of this section by the Chief Executive in Council. (Amended 37 of 2000 s. 3)

Section:	12A	Qualification for inclusion in Specialist Register	L.N. 185 of 2006	30/11/2006
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The Council may approve the qualifications, experience and other attributes recommended by the Education and Accreditation Committee that qualify a registered dentist to have his name included in the Specialist Register under a specialty.

(Added 11 of 2006 s. 10)

Section:	12B	Application for inclusion in Specialist Register	L.N. 185 of 2006	30/11/2006
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(1) A registered dentist who wishes to have his name included in the Specialist Register under a specialty may apply to the Council, in such form and manner as may be specified by the Council, for the inclusion.

(2) The Council shall not approve a registered dentist's application made under subsection (1) unless, in the Council's opinion, the dentist satisfies the conditions in subsection (3).

(3) Those conditions are—

(a) the dentist—

(i) has been—

(A) awarded a Fellowship of the Academy of Medicine; and

(B) certified by the Academy that he has completed the postgraduate dental training, and has satisfied the continuing education requirements, determined by the Academy for the specialty; or

(ii) has been certified by the Academy of Medicine that—

- (A) he has achieved a professional standard equivalent to that recognized by the Academy for the award of its fellowship; and
- (B) he has completed the postgraduate dental training, and has satisfied the continuing education requirements, comparable to those determined by the Academy for the specialty; and

(b) the dentist is competent in the specialty.

(4) On receiving a registered dentist's application made under subsection (1), the Council shall refer the application to the Education and Accreditation Committee for a recommendation as to whether the dentist satisfies the conditions in subsection (3).

(5) As soon as practicable after having received a referral under subsection (4), the Education and Accreditation Committee shall—

- (a) notify the Council of its recommendation and the reasons for it; and
- (b) in the case where the Committee recommends to the Council that the registered dentist does not satisfy the conditions in subsection (3), notify the dentist in writing of its recommendation and the reasons for it.

(6) In making the recommendation referred to in subsection (4), the Education and Accreditation Committee shall take into account any recommendation made by the Committee under section 12F(1)(d).

(7) Within 14 days after having received a notice under subsection (5)(b), the registered dentist may submit to the Council representations in writing on the Education and Accreditation Committee's recommendation.

(8) If the Education and Accreditation Committee recommends to the Council that a registered dentist does not satisfy the conditions in subsection (3), the Council shall not decide whether or not to approve the application until the later of—

- (a) the expiry of the period within which the dentist may submit representations under subsection (7); or
- (b) the expiry of the period within which the dentist may request the Committee to review its recommendation under section 12F(5).

(9) In deciding whether or not to approve a registered dentist's application made under subsection (1), the Council shall have regard to—

- (a) the Education and Accreditation Committee's recommendation referred to in subsection (4) and the reasons for it;
- (b) if the dentist has submitted representations under subsection (7), those representations; and
- (c) if the dentist has requested the Committee to review its recommendation under section 12F(5), the result of the review and the reasons for it.

(10) If the Council approves the application of a registered dentist made under subsection (1), the Council shall, on receiving from the dentist the fee prescribed for the purpose, direct the Registrar—

- (a) to include the dentist's name in the Specialist Register under the specialty; and
- (b) to issue a certificate, in the form specified by the Council, to the effect that the dentist's name has been included in the Specialist Register under the specialty.

(11) If the Council rejects the application of the registered dentist, the Council shall notify the dentist in writing of the rejection and the reasons for it.

(Added 11 of 2006 s. 10)

Section:	12C	Title of specialist, etc.	L.N. 185 of 2006	30/11/2006
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A registered dentist whose name is included in the Specialist Register under a specialty is entitled—

- (a) to be known in such specialist title in both the English language and Chinese language as may be determined by the Council for that specialty; and
- (b) to such other entitlements as may be determined by the Council.

(Added 11 of 2006 s. 10)

Section:	12D	Continuing education for dentists included in Specialist Register	L.N. 185 of 2006	30/11/2006
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A registered dentist whose name is included in the Specialist Register under a specialty shall undergo such

continuing education as may be determined from time to time by the Academy of Medicine for the specialty.

(Added 11 of 2006 s. 10)

Section:	12E	Receipt of complaint or information on suitability issue	L.N. 185 of 2006	30/11/2006
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(1) Where the Secretary receives a complaint or information involving a suitability issue, he shall submit the complaint or information to the Preliminary Investigation Committee.

(2) As soon as practicable after a complaint or information has been submitted to the Preliminary Investigation Committee under subsection (1), the chairman of that Committee shall ascertain whether it also falls within regulation 13 of the Dentists (Registration and Disciplinary Procedure) Regulations (Cap 156 sub. leg. A).

(3) If the chairman of the Preliminary Investigation Committee is of the opinion that the complaint or information also falls within regulation 13 of the Dentists (Registration and Disciplinary Procedure) Regulations (Cap 156 sub. leg. A), the complaint or information shall—

- (a) be referred to the Secretary to be dealt with in accordance with those regulations; and
- (b) as soon as practicable after having been dealt with under those regulations, be referred to the Education and Accreditation Committee to be dealt with in accordance with section 12F.

(4) Subject to subsection (3), the complaint or information shall be referred to the Education and Accreditation Committee to be dealt with in accordance with section 12F.

(Added 11 of 2006 s. 10)

Section:	12F	Complaints or information referred to Education and Accreditation Committee	L.N. 185 of 2006	30/11/2006
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(1) Where a complaint or information in respect of a registered dentist is referred to the Education and Accreditation Committee, the Committee, after considering all the circumstances of the case, may, with or without inviting the dentist to make representations under subsection (3)—

- (a) dismiss the matter;
- (b) where the complaint or information also falls within regulation 13 of the Dentists (Registration and Disciplinary Procedure) Regulations (Cap 156 sub. leg. A), refer it to the Secretary to be dealt with in accordance with those regulations;
- (c) where the dentist's name is included in the Specialist Register, recommend to the Council that the name be removed from the Specialist Register, or be removed from the Register for such period or until the occurrence of such event as the Committee recommends; or
- (d) where the dentist is applying for the inclusion of his name in the Specialist Register, recommend to the Council that the dentist does not satisfy the conditions in section 12B(3).

(2) The Education and Accreditation Committee shall not deal with a complaint or information referred to it if the chairman of the Committee is of the opinion that the complaint or information is frivolous or groundless and should not proceed further.

(3) In dealing with such a complaint or information in respect of a registered dentist, the Education and Accreditation Committee may invite the dentist to make representations in person before the Committee or submit to the Committee representations in writing.

(4) If the Education and Accreditation Committee makes a recommendation under subsection (1)(c) or (d), the Committee shall notify the registered dentist concerned in writing of the recommendation and the reasons for it.

(5) Within 14 days after having received a notice under subsection (4), the registered dentist may request, in writing and setting out the reasons relied upon, the Education and Accreditation Committee to review its recommendation.

(6) As soon as practicable after having received a request under subsection (5), the Education and Accreditation Committee shall notify the registered dentist in writing of the result of the review and the reasons for it.

(7) If a registered dentist has requested the Education and Accreditation Committee to review its recommendation under subsection (1)(c), the dentist may, within 14 days after having received a notice under subsection (6), submit to the Council representations in writing on the result of the review.

(Added 11 of 2006 s. 10)

Section:	13	Publication of General Register and evidence of registration	L.N. 185 of 2006	30/11/2006
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(1) As soon as may be after 1 January of every year, the Registrar shall prepare and publish in the Gazette a list of the names, registered addresses, qualifications and dates of the qualifications of all persons whose names appear on the General Register on 1 January immediately preceding the publication of the list in the Gazette.

(2) As soon as may be after 1 July of every year, the Registrar shall prepare and publish in the Gazette a list of the names, registered addresses, qualifications and dates of the qualifications of all persons whose names were added to the General Register between 1 January and 1 July of such year.

(3) The publication of a list referred to in subsection (1) or (2) shall be prima facie evidence that each person named in such list is registered.

(4) The absence of the name of any person from the list last published under subsection (1) and from any list subsequently published under subsection (2) shall be prima facie evidence that such person is not registered.

(5) A certificate under the hand of the Registrar that the name of a person has been entered on or removed from the General Register shall be conclusive evidence that a person is or is not registered as the case may be.

(Amended 11 of 2006 s. 11)

Section:	13A	Publication of Specialist Register and evidence of inclusion	L.N. 185 of 2006	30/11/2006
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(1) As soon as may be after 1 January of every year, the Registrar shall prepare and publish in the Gazette a list of the names, registered addresses, qualifications and dates of the qualifications of all registered dentists whose names appear on the Specialist Register on 1 January immediately preceding the publication of the list in the Gazette.

(2) As soon as may be after 1 July of every year, the Registrar shall prepare and publish in the Gazette a list of the names, registered addresses, qualifications and dates of the qualifications of all registered dentists whose names were added to the Specialist Register between 1 January and 1 July of such year.

(3) The publication of a list referred to in subsection (1) or (2) shall be prima facie evidence that the name of each registered dentist named in such list is included in the Specialist Register.

(4) The absence of the name of any registered dentist from the list last published under subsection (1) and from any list subsequently published under subsection (2) shall be prima facie evidence that the name of the dentist has not been included in the Specialist Register.

(5) A certificate under the hand of the Registrar that the name of a registered dentist—

(a) has or has not been included in; or

(b) has been removed from,

the Specialist Register shall be conclusive evidence of that fact.

(Added 11 of 2006 s. 12)

Section:	14	Exhibition of certificate of registration	L.N. 185 of 2006	30/11/2006
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(1) Every registered dentist shall cause to be exhibited in a conspicuous place in any premises in which he practises dentistry for gain the certificate of registration issued to him under subsection (1) of section 10 or a certified copy of such certificate issued under subsection (2) of that section and any registered dentist who fails to comply with the provisions of this section commits an offence and is liable on summary conviction to a fine of \$1000 and, in the case of a continued non-compliance, to a fine of \$50 for every day during which such non-compliance continues.

(2) Any person who displays or causes or permits to be displayed in any premises a certificate of registration or a certified copy of a certificate of registration bearing his name or photograph at any time when his name does not appear on the General Register commits an offence and is liable on summary conviction to a fine of \$1000.

(Amended 68 of 1986 s. 12)

Section:	15	Correction of General Register or Specialist Register	L.N. 185 of 2006	30/11/2006
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(1) The Registrar shall from time to time insert in the General Register any alteration or addition which may come to his knowledge in the name, registered addresses or qualifications of any person registered. (Amended 11 of 2006 s. 14)

(1A) The Registrar shall from time to time insert in the Specialist Register any alteration or addition which may come to his knowledge in the name, registered addresses or qualifications of any registered dentist whose name is included in the Register. (Added 11 of 2006 s. 14)

(2) The Registrar shall make such amendments to the General Register or Specialist Register as are made necessary by any decision of the Council. (Amended 11 of 2006 s. 14)

(3) The Council may order the removal from the General Register of the name of any person who- (Amended 11 of 2006 s. 14)

- (a) is deceased; or
- (b) is not practising dentistry in Hong Kong; or (Amended 79 of 1984 s. 7)
- (ba) being a person required to be the holder of a practising certificate, has practised dentistry in Hong Kong for a period exceeding 6 months without having obtained such a certificate; or (Added 49 of 1977 s. 7)
- (c) has not supplied to the Registrar an address in Hong Kong at which all notices from the Council may be served on him: (Amended 79 of 1984 s. 7)

Provided that any person failing to acknowledge within 12 months of the date of dispatch the receipt of a registered letter or telegram addressed to him at the last address supplied by him to the Registrar shall be deemed not to have supplied the Registrar with an address under this paragraph.

Section:	15A	Removal of names from Specialist Register	L.N. 185 of 2006	30/11/2006
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(1) If—

- (a) the Council orders a removal of the name of a registered dentist from the General Register under section 15(3) or 18(1); and
- (b) the dentist' s name is also included in the Specialist Register,

the Registrar shall, at the same time when he removes the dentist' s name from the General Register, also remove the dentist' s name from the Specialist Register.

(2) Subject to subsection (3), the Council may order that the name of a registered dentist be removed from the Specialist Register, or be removed from the Register for such period or until the occurrence of such event as the Council specifies.

(3) In deciding whether or not to order the removal of the registered dentist' s name from the Specialist Register, the Council shall have regard to—

- (a) the Education and Accreditation Committee' s recommendation under section 12F(1)(c) and the reasons for it;
- (b) if the dentist has requested the Committee to review that recommendation under section 12F(5), the result of the review and the reasons for it; and
- (c) if the dentist has submitted representations under section 12F(7), those representations.

(Added 11 of 2006 s. 15)

Section:	15B	Service of notice	L.N. 185 of 2006	30/11/2006
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A notice required to be given to a registered dentist under sections 12B(5)(b) and (11) and 12F(4) and (6) shall be given by sending it by registered post addressed to the dentist at his registered address.

(Added 11 of 2006 s. 15)

Section:	16	Inspection of premises used for the practice of dentistry		30/06/1997
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(1) It shall be lawful for any public officer thereunto authorized by the Council to enter and inspect any premises used or proposed to be used for the practice of dentistry. Such officer shall produce, on demand, a written authority, signed by the Chairman or the Secretary authorizing such entry and inspection. (Amended 4 of 1988 s. 6; L.N. 126 of 1995)

(2) Any person wilfully obstructing or resisting an officer duly authorized by the Council in the inspection of premises used or proposed to be used for the practice of dentistry commits an offence and is liable on summary conviction to a fine of \$500. (Amended 68 of 1986 s. 13)

Section:	17	Premises unsuitable for the practice of dentistry		30/06/1997
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No registered dentist shall practise dentistry in premises or under conditions which are unsuitable for such practice.

Section:	18	Disciplinary inquiries by the Council	L.N. 185 of 2006	30/11/2006
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(1) If, after due inquiry into any case referred to it by the Preliminary Investigation Committee in accordance with regulations made under section 29, the Council is satisfied that any registered dentist- (Amended 12 of 1968 s. 4)

- (a) has been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment; or (Amended 79 of 1984 s. 7)
- (b) has been guilty of unprofessional conduct; or
- (c) has obtained registration by fraud or misrepresentation; or
- (ca) has procured his name to be included in the Specialist Register by fraud or misrepresentation; or (Added 11 of 2006 s. 16)
- (d) was not at the time of his registration qualified to be registered; or
- (e) has contravened the provisions of section 17,

the Council may, in its discretion-

- (i) order the name of the registered dentist to be removed from the General Register; or (Amended 11 of 2006 s. 16)
- (ii) order the name of the registered dentist to be removed from the General Register for such period as it may think fit; or (Amended 11 of 2006 s. 16)
- (iii) order the registered dentist to be reprimanded; or
- (iv) make any other order as it thinks fit, but no such order shall be of greater severity than those in paragraphs (i) to (iii), (Replaced 16 of 1992 s. 2)

and may, in any case, make such order as the Council thinks fit with regard to the payment of the costs of the Secretary, a complainant, a counsel or solicitor present at the inquiry and the registered dentist or any one or more of them, and any costs awarded may be recovered summarily as a civil debt in accordance with the Magistrates Ordinance (Cap 227). (Amended 49 of 1977 s. 8.)

(1A) The Council may, in making any of the orders referred to in subsection (1)(i) to (iii), order that the operation of such order be suspended so that it shall not take effect unless, during a period or periods specified in the suspending order in aggregate not exceeding 2 years, a finding is made against the registered dentist under subsection (1)(a) to (e) or he is found by the Council to be in breach of any condition imposed by the Council at the time of making the suspending order. (Added 16 of 1992 s. 2)

(2) For the purposes of subsection (1), "unprofessional conduct" (不專業行為) means an act or omission of a registered dentist which would be reasonably regarded as disgraceful or dishonourable by registered dentists of good repute and competency.

(3) Nothing in this section shall be deemed to require the Council to inquire into the question whether the registered dentist was properly convicted but the Council may consider any record of the case in which such conviction was recorded and any other evidence which may be available and is relevant as showing the nature and gravity of the offence.

(4) In any inquiry under this section as to whether a person has been guilty of unprofessional conduct, any finding of fact which is shown to have been made in any matrimonial proceedings in a court of the Commonwealth having unlimited jurisdiction in civil matters, or on appeal from a decision in such proceedings, shall be conclusive evidence of the fact found.

(5) Within 1 month after the expiry of the time within which an appeal against an order made by the Council in accordance with the provisions of subsection (1) may be made to the Court of Appeal in accordance with the provisions of section 23, or if such appeal has been made, within 1 month after the appeal is finally determined, the Council shall, in the case of an order made under subsection (1)(i) to (iii), and may, in the case of an order made under subsection (1)(iv), cause the order or, if the order is varied on appeal, the order as so varied to be published in the Gazette. (Amended 16 of 1992 s. 2; 10 of 2005 s. 55)

(6) Where any order is published in the Gazette pursuant to subsection (5), the Council-

- (a) shall publish with the order-
 - (i) sufficient particulars to acquaint the public with the nature of the matter to which the order

- relates; and
- (ii) where an order has been made under subsection (1A) suspending the operation of the order, details of the suspending order; and
- (b) may publish with the order an account of the proceedings at the inquiry at which the order was made. (Added 16 of 1992 s. 2)

Section:	19	Powers of Council with regard to obtaining evidence and the conduct of proceedings		30/06/1997
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- (1) For the purposes of an inquiry under section 9 or 18, the Council shall have the following powers-
 - (a) to hear, receive and examine evidence on oath;
 - (b) to summon any person to attend the inquiry to give evidence or produce any document or other thing in his possession and to examine him as a witness or require him to produce any document or other thing in his possession, subject to all just exceptions;
 - (c) to admit or exclude the public or any member of the public from the inquiry;
 - (d) to admit or exclude the press from the inquiry;
 - (e) to award any person summoned to attend the inquiry such sum or sums as in the opinion of the Council may have been reasonably expended by him by reason of his attendance.
- (2) Summonses to witnesses may be in the prescribed form and shall be signed by the Chairman.

Section:	20	Penalty for failure to give evidence		30/06/1997
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Any person who being summoned to attend as a witness or produce a book, document or any other thing at any inquiry under section 9 or 18 refuses or neglects to do so or to answer any question put to him by or with the concurrence of the Council commits an offence and is liable on summary conviction to a fine at level 3 and to imprisonment for 6 months: (Amended 68 of 1986 s. 14; 80 of 1997 s. 91)

Provided that no person shall be bound to incriminate himself and every witness shall, in respect of any evidence given by him before the Council, be entitled to the same privileges to which he would be entitled if giving evidence before a court of justice.

Section:	21	Appearance of counsel, etc.		30/06/1997
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The complainant in any inquiry under section 9 or 18 and the person whose conduct is the subject of such inquiry shall be entitled to be represented by counsel or a solicitor throughout the inquiry.

Section:	22	Provisions relating to orders of the Council	L.N. 185 of 2006	30/11/2006
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(1) The Registrar shall cause a copy of any order made under section 9(3), 15A(2) or 18(1) to be served forthwith upon the person concerned, either personally or by registered post addressed to his registered address.

(2) The Registrar shall not remove the name of a registered dentist from the General Register before the expiry of 1 month after the date of service of an order of the Council made under section 18(1) on the person concerned or, in the case of an appeal made to the Court of Appeal against the order under section 23, before the appeal is finally determined. (Amended 10 of 2005 s. 56)

(2A) The Registrar shall not remove the name of a registered dentist from the Specialist Register before the expiry of 1 month after the date of service of an order of the Council made under section 15A(2) on the dentist concerned or, in the case of an appeal made to the Court of Appeal against the order under section 23, before the appeal is finally determined. (Added 11 of 2006 s. 17)

(3) Any person whose name has been removed from the General Register under the provisions of this Ordinance, or whose name prior to the commencement of this Ordinance had been removed or erased under the provisions of the repealed Ordinance from the register kept in accordance with the provisions of that Ordinance may apply to the Council for the restoration of his name to the General Register, and the Council, in its absolute discretion and after such inquiry and subject to such conditions as it may consider desirable, may either allow or refuse the application, and, if it allows the same, shall order the Registrar to restore the name of the applicant to the General Register, and thereupon the Registrar shall restore the name accordingly.

(4) Any order made by the Council as aforesaid shall be signed by the Registrar.

(Amended 11 of 2006 s. 17)

Section:	23	Appeals	L.N. 185 of 2006	30/11/2006
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(1) The following person may appeal to the Court of Appeal—

- (a) any person whose name has been ordered not to be entered in the General Register under section 9(3);
- (b) any registered dentist whose application under section 12B(1) to have his name included in the Specialist Register is rejected by the Council;
- (c) any registered dentist who is aggrieved by an order made in respect of him under section 15, 15A(2) or 18,

and the Court of Appeal may affirm, reverse or vary the order or decision appealed against. (Replaced 11 of 2006 s. 18)

(2) (Repealed 10 of 2005 s. 53)

(3) The practice in relation to any such appeal shall be subject to any rules of court made under the High Court Ordinance (Cap 4). (Amended 25 of 1998 s. 2; 11 of 2006 s. 18)

(3A) Despite subsection (3), the Court of Appeal has no power to—

- (a) hear any appeal against an order made under section 9, 15A(2) or 18 unless notice of the appeal was given within 1 month of the order being served in accordance with section 22(1);
- (b) hear any appeal against a decision made by the Council to reject an application under section 12B(1) unless notice of the appeal was given within 1 month of the notice of the rejection being given under section 12B(11). (Added 11 of 2006 s. 18)

(4) In deciding any appeal under this section the Court of Appeal may make such order for costs as it considers reasonable. (Added 49 of 1977 s. 9)

Section:	24	Penalty for fraudulent registration, etc.	L.N. 185 of 2006	30/11/2006
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Any person who fraudulently procures or attempts to procure—

- (a) himself or any other person to be registered under this Ordinance; or
- (b) his or any other person's name to be included in the Specialist Register,

by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either orally or in writing, commits an offence and is liable on conviction upon indictment to imprisonment for 3 years.

(Replaced 11 of 2006 s. 19)

Section:	25	Penalty for falsely pretending to be or taking or using the name or title of a dentist	L.N. 185 of 2006	30/11/2006
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(1) A person commits an offence if—

- (a) he is neither a registered dentist nor deemed to be one under this Ordinance; and
- (b) he wilfully or falsely—
 - (i) pretends to be a dentist, dental surgeon, qualified dentist, doctor of dental surgery, professor of dentistry or surgeon dentist;
 - (ii) takes or uses the name or title of a dentist, dental surgeon, qualified dentist, doctor of dental surgery, professor of dentistry or surgeon dentist; or
 - (iii) takes or uses any name, title, addition or description implying (whether in itself or in the circumstances in which it is used) that he—
 - (A) is a dentist; or
 - (B) is qualified to heal or treat dental disorders or derangements, whether by dentistry or any other means of any kind or description whatsoever.

(2) A person who commits an offence under subsection (1) is liable on summary conviction to a fine at level 6 and to imprisonment for 3 years.

(Replaced 11 of 2006 s. 20)

Section:	25A	Penalty for falsely pretending to be or taking or using the name or title of a specialist	L.N. 185 of 2006	30/11/2006
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- (1) A person commits an offence if—
- (a) his name is not included in the Specialist Register; and
 - (b) he wilfully or falsely—
 - (i) pretends that his name is included in the Specialist Register; or
 - (ii) takes or uses any name, title, addition or description implying (whether in itself or in the circumstances in which it is used) that—
 - (A) he is a specialist dentist; or
 - (B) his name is included in the Specialist Register.
- (2) Subsection (1) applies—
- (a) whether or not the person is a registered dentist; and
 - (b) whether or not the person is deemed to be a registered dentist under this Ordinance.
- (3) A person who commits an offence under subsection (1) is liable on summary conviction to a fine at level 6 and to imprisonment for 3 years.

(Added 11 of 2006 s. 21)

Section:	26	Penalty for registered dentist falsely describing his vocation		30/06/1997
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A registered dentist qualified to be registered by virtue only of having been registered under the repealed Ordinance shall not make use, in describing his vocation, of any name, title, addition, description or term other than that of "registered dentist" (註冊牙醫) or the abbreviated form "dentist" (牙醫). Any such registered dentist who wilfully or falsely pretends to be or takes or uses the name or title of a dental surgeon, surgeon dentist, qualified dentist, doctor of dental surgery, professor of dentistry or any name, title or description implying in itself or in the circumstances in which it is used that such registered dentist possesses or holds any qualification to practise other than that he is registered as a dentist commits an offence and is liable on summary conviction to a fine at level 3 and to imprisonment for 6 months: (Amended 49 of 1977 s. 10; 68 of 1986 s. 17; 80 of 1997 s. 93)

Provided that, notwithstanding the foregoing provisions of this section, the Council may, by writing under the hand of the Secretary, authorize a registered dentist qualified to be registered by virtue only of having been registered under the repealed Ordinance to use such title or titles associated with his academic qualifications as the Council may think fit.

(Amended 79 of 1984 s. 4; 62 of 1987 s. 7; 34 of 1995 s. 6)

Section:	27	Covering		30/06/1997
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Any registered dentist who practises dentistry in premises in which an unregistered person practises dentistry commits an offence and is liable on summary conviction to a fine at level 3 and to imprisonment for 6 months.

(Amended 68 of 1986 s. 18; 80 of 1997 s. 94)

Section:	28	Forfeiture	37 of 2000	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 37 of 2000 s. 3

(1) Where a person has been convicted of an offence against section 3(1), a magistrate may, on application made on behalf of the Government, order that all dental materials and equipment in the possession or under the control of such person shall be forfeited to the Government.

(2) Upon the making of an order for forfeiture under this section, the materials and equipment to which such order relates shall be deemed to be the property of the Government free from the rights of any person.

(Amended 37 of 2000 s. 3)

Section:	29	Regulations	L.N. 130 of 2007	01/07/2007
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Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

- (1) The Chief Executive in Council may by regulation provide for- (Amended 37 of 2000 s. 3)
 - (a) any fee required to be paid under this Ordinance; and
 - (b) the disposal of any fee paid or recovered under this Ordinance. (Replaced 80 of 1997 s. 7)
 - (c)-(m) (Repealed 80 of 1997 s. 7)
- (1A) The Secretary for Food and Health may by regulation provide for- (Amended L.N. 106 of 2002; L.N. 130 of 2007)
 - (a) the duties of the Registrar;
 - (b) the duties of the Legal Adviser;
 - (c) the duties of the Secretary;
 - (d) the establishment of classes of ancillary dental workers to undertake dental work of kinds prescribed by the regulations, being dental work amounting to the practice of dentistry, within the meaning of section 2(2), and in particular-
 - (i) the qualifications for becoming a member of any such class;
 - (ii) the dental work which a member of any such class may undertake and the conditions, if any, under which he may do so;
 - (iii) the establishment of a roll or record of such classes; and
 - (iv) the title to be used by a member of any such class indicating his membership. (Added 80 of 1997 s. 7)
- (1B) The Registrar may by regulation provide for-
 - (a) the form of the General Register and the manner in which the General Register and Specialist Register are to be kept; and (Replaced 11 of 2006 s. 22)
 - (b) the manner in which applications for registrations shall be made. (Added 80 of 1997 s. 7)
- (1C) Subject to the approval of the Secretary for Food and Health, the Council may by regulation provide for- (Amended L.N. 106 of 2002; L.N. 130 of 2007)
 - (a) the procedure to be followed at meetings of the Council;
 - (b) the receipt of complaints or information about any registered dentist or any applicant for registration and the establishment and functions of a committee to be known as the Preliminary Investigation Committee to make such preliminary investigation as it considers appropriate regarding any such complaint or information and to determine whether or not there shall be an inquiry under section 9 or 18;
 - (ba) the ascertainment by the chairman of the Preliminary Investigation Committee as to whether a complaint or information about any registered dentist involves a suitability issue and the referral of such a complaint or information involving a suitability issue to the Education and Accreditation Committee; (Added 11 of 2006 s. 22)
 - (c) the prohibition of a member of the Preliminary Investigation Committee who is also a member of the Council from attending any meeting of the Council while it is inquiring under section 9 or 18 into a complaint or information, in the preliminary investigation of which he took part;
 - (d) the procedure to be followed in relation to-
 - (i) the submission of complaints or information to the Preliminary Investigation Committee;
 - (ii) the preliminary investigation of any complaint or information by the Preliminary Investigation Committee;
 - (iii) the formulation of charges arising out of complaints or information;
 - (iv) the reference to the Council by the Preliminary Investigation Committee of cases arising out of complaints or information;
 - (v) inquiries held by the Council under this Ordinance;
 - (e) the form of any certificate, form or other document which is a certificate, form or other document to be used for a purpose of this Ordinance and required to be prescribed. (Added 80 of 1997 s. 7. Amended 11 of 2006 s. 22)
- (1D) Without prejudice to the generality of subsections (1A), (1B) and (1C), regulations made under subsections

(1A) and (1C) may-

- (a) require documents for a purpose of this Ordinance to be submitted and to be in such form as may be prescribed and require matters or documents for that purpose to be supported by statutory declarations or such other declarations as specified or approved by the Council;
- (b) generally provide for the carrying into effect the provisions of this Ordinance. (Added 80 of 1997 s. 7)

(2) Any regulations made under subsection (1)(a) may prescribe different fees to be payable by different categories of dentists. (Added 49 of 1977 s. 11. Amended 80 of 1997 s. 7)

Section:	29A	Power of Council to specify forms, etc.	L.N. 185 of 2006	30/11/2006
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(1) The Council may specify—

- (a) the form and manner of the application by a registered dentist to have his name included in the Specialist Register; and
- (b) the form of a certificate to the effect that a registered dentist' s name has been included in the Specialist Register under a specialty.

(2) The Council' s power under subsection (1)(a) may be exercised in such a way as to include (whether by way of attachment or otherwise) in the specified form a statutory declaration—

- (a) to be made by the registered dentist completing the form; and
- (b) as to whether the particulars contained in the form are true and correct to the best of the dentist' s knowledge and belief.

(3) A form specified under subsection (1)(a) shall be—

- (a) completed in accordance with such directions and instructions as are specified in the form; and
- (b) accompanied by such statements, certificates or any other documents as are specified in the form.

(Added 11 of 2006 s. 23)

Section:	30	Exemptions from sections 9, 10 and 14	2 of 2012	17/02/2012
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(1) All dentists in the public service of Hong Kong shall, while in the discharge of their duties or while practising dentistry otherwise than for gain in a charitable clinic approved by the Council, be exempt from sections 10(3) and (5) and 14.

(2) All dentists of the Chinese People' s Liberation Army residing in Hong Kong shall, while in the discharge of their duties or while practising dentistry otherwise than for gain in a charitable clinic approved by the Council, be deemed to be registered dentists for the purpose of section 3, and sections 9, 10 and 14 shall not apply to such dentists unless they practise dentistry privately in Hong Kong. (Amended 2 of 2012 s. 3)

(3) All persons on the full-time teaching staff of the Faculty of Dentistry of the University of Hong Kong shall, while in the discharge of teaching duties or while performing hospital work in the Faculty of Dentistry-

- (a) be deemed to be registered dentists for the purpose of section 3; and
- (b) be exempt from section 14,

unless they practise dentistry privately within Hong Kong. (Replaced 34 of 1995 s. 7)

(4) All dentists in the full-time service of the Hospital Authority within the meaning of the Hospital Authority Ordinance (Cap 113) shall be exempt from sections 10(3) and (5) and 14, unless they practise dentistry privately in Hong Kong. (Added 87 of 1991 s. 2)

(Amended 24 of 1962 s. 4; 79 of 1984 s. 5; 62 of 1987 s. 8; 34 of 1995 s. 7)

Section:	31	Exemptions	37 of 2000	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 37 of 2000 s. 3

(1) Nothing in this Ordinance shall operate to prevent the practice of medicine or surgery by a medical practitioner registered under the Medical Registration Ordinance (Cap 161).

(2) Nothing in this Ordinance shall operate to prevent the training of medical students, dental students, dental therapists or dental hygienists in the practice of dentistry under the supervision of a registered dentist or a person deemed to be a registered dentist during a course of training operated by an institution approved by the Chief

Executive for the purpose of this section. (Replaced 79 of 1984 s. 6. Amended 62 of 1987 s. 9; 37 of 2000 s. 3)

(3) Nothing in this Ordinance shall operate to prevent the performance by dental therapists employed in the public service of minor dental work of such a character as may be authorized in writing by a government consultant dental surgeon appointed by the Director of Health for that purpose. (Amended 10 of 1966 s. 3; 79 of 1984 s. 6; L.N. 76 of 1989)

Section:	32	Transitional	L.N. 185 of 2006	30/11/2006
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(1) If the Council has, before the commencement of section 7(3), approved a registered dentist to use, or be known in, a specialist title for a specialty, and the approval is in effect immediately before that commencement, the Registrar shall, on that commencement, include the dentist' s name in the Specialist Register under the specialty.

(2) The Registrar shall, on receipt of payment of the prescribed fee, issue a certificate, in the form specified by the Council, to the effect that a registered dentist' s name has been included in the Specialist Register under subsection (1) under a specialty.

(Added 11 of 2006 s. 24)

Schedule:		SCHEDULE	L.N. 82 of 2002	12/07/2002
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[section 8]

UNIVERSITIES IN HONG KONG SPECIFIED
FOR PURPOSES OF SECTION 8 OF THIS
ORDINANCE

1. The University of Hong Kong.

(Schedule added 9 of 2002 s. 2)