

Chapter:	359	SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE	Gazette Number	Version Date
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		Long title		30/06/1997
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To provide for registration, discipline and the better control of persons engaged in occupations and professions supplementary to medicine.

[1 October 1980] *L.N. 274 of 1980*

(Originally 42 of 1980)

Part:	I	PRELIMINARY		30/06/1997
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Section:	1	Short title and application	L.N. 136 of 1999	01/07/1999
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Remarks:

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

(1) This Ordinance may be cited as the Supplementary Medical Professions Ordinance.

*(2) This Ordinance shall apply to any profession included in the Schedule with effect from such date as the Chief Executive may appoint by order in the Gazette and orders made under this subsection may fix different dates for different provisions of this Ordinance. (Amended 67 of 1985 s. 2; 37 of 2000 s. 3)

Note:

* **For application, see sub. leg.**

Section:	2	Interpretation	10 of 2005	08/07/2005
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(1) In this Ordinance, unless the context otherwise requires-

"board" (委員會) means any board established under section 5;

"certificate of registration" (註冊證明書) means a certificate of registration or a duplicate certificate of registration issued under section 14 and a certificate of provisional registration issued under section 15;

"Council" (管理局) means the Supplementary Medical Professions Council established under section 3;

"optical appliances" (視光用具) includes lenses, spectacles, eye glasses, artificial eyes and contact lenses; (Added 67 of 1985 s. 3)

"practising certificate" (執業證明書) means a certificate issued under section 16;

"profession" (專業) means any profession specified in the second column in the Schedule;

"registered" (註冊) means entered in a register in accordance with sections 13 and 15 or restored to the register in accordance with section 10;

(2) A profession specified in the second column in the Schedule shall mean the occupation of persons of the description specified opposite thereto in the third column. (Amended L.N. 587 of 1995)

(3) For the purposes of this Ordinance, a person shall be deemed to practise a profession, who, for gain or otherwise, represents himself, whether directly or by implication from his conduct, as practising or being prepared or entitled to practise that profession.

(4) For the purposes of sections 22(2) and 24(2), 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-

(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. 76)

(5) In subsection (4)-

"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. 76)

(Amended 68 of 1995 s. 33)

Part:	II	ESTABLISHMENT AND POWERS OF COUNCIL AND BOARDS		30/06/1997
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Section:	3	Establishment and composition of Council	37 of 2000	01/07/1997
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Remarks:

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

(1) There shall be a Council called the Supplementary Medical Professions Council and consisting of the following members-

- (a) a Chairman to be appointed by the Chief Executive;
- (b) a Deputy Chairman to be appointed by the Chief Executive;
- (c) not more than 4 public officers appointed by the Chief Executive;
- (d) the following persons, whose terms of office shall run for 3 consecutive years, from the respective dates of their appointment-
 - (i) 1 person appointed by the Chief Executive on the nomination of the University of Hong Kong;
 - (ii) 1 person appointed by the Chief Executive on the nomination of The Chinese University of Hong Kong;
 - (iii) 1 person appointed by the Chief Executive on the nomination of The Hong Kong Polytechnic University; (Amended 100 of 1994 s. 9)
 - (iv) 1 person appointed by the Chief Executive from each profession; and
 - (v) 4 other persons, not being public officers, appointed by the Chief Executive.

(2) Any member appointed under subsection (1)(d) may, upon the expiry of his term of office, be reappointed.

(3) Any member appointed under subsection (1)(d) or reappointed under subsection (2) may before the expiry

of his term of office-

- (a) resign his office by notice to the Chief Executive; or
- (b) be removed from office by the Chief Executive for permanent incapacity or other sufficient cause (as to the existence of which the decision of the Chief Executive shall be final),

and upon such resignation or removal the term for which he was appointed or reappointed shall be deemed to have expired.

(4) There shall be-

- (a) a secretary; and
- (b) a legal adviser,

to the Council who shall be appointed by the Chief Executive.

(Amended 37 of 2000 s. 3)

Section:	4	Purposes of the Council		30/06/1997
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(1) The purposes of the Council shall be-

- (a) to promote adequate standards of professional practice and of professional conduct in the professions;
- (b) to co-ordinate and supervise the activities of the boards established under section 5; and
- (c) to carry out any additional functions assigned to it by this Ordinance.

(2) The Council shall perform its function of co-ordinating and supervising the activities of the boards-

- (a) by making to each board, or inviting the board to make to the Council, proposals as to the activities to be carried on by the board or other boards;
- (b) by recommending a board to carry on such activities, or to limit its activities in such manner, as the Council considers appropriate after consultation with the board on the proposals referred to in paragraph (a); (Amended 68 of 1995 s. 2)
- (c) by concerning itself with matters appearing to it to be of special interest to any 2 or more of the boards, and by giving to the boards such advice and assistance as it thinks fit with respect to such matters; and
- (d) by exercising its powers under this Ordinance in such manner as the Council considers most conducive to the satisfactory performance by each board of the board's functions under this Ordinance. (Amended L.N. 587 of 1995)

Section:	5	Establishment and composition of boards	37 of 2000	01/07/1997
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Remarks:

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

(1) For each profession there shall be a board consisting of not less than 9 and not more than 12 members comprising the following-

- (a) a Chairman appointed by the Chief Executive from among the members of the Council, other than a member appointed under section 3(1)(d)(iv);
- (b) 1 person, being a registered medical practitioner, appointed by the Chief Executive, on the nomination of the Hong Kong Medical Association;
- (c) 1 person, being a registered medical practitioner, appointed by the Chief Executive on the nomination of the Hong Kong Branch of the British Medical Association;
- (d) 1 person specially qualified to advise the board on professional education appointed by the Chief Executive; and
- (e) not less than 5 and not more than 8 persons, being members of the relevant profession, appointed by the Chief Executive.

(2) Any member of a board may, upon the expiry of his term of office, be reappointed.

(3) Any member of a board appointed under subsection (1) or reappointed under subsection (2) may before the expiry of his term of office-

- (a) resign his office by notice to the Chief Executive; or
- (b) be removed from office by the Chief Executive for permanent incapacity or other sufficient cause (as to the existence of which the decision of the Chief Executive shall be final),

and upon such resignation or removal the term for which he was appointed or reappointed shall be deemed to have expired.

- (4) There shall be-
- (a) a secretary; and
 - (b) a legal adviser,
- to each board who shall be appointed by the Chief Executive.

(Amended 37 of 2000 s. 3)

Section:	6	Purposes of boards	30/06/1997
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The purposes of a board appointed under section 5 shall be-

- (a) to promote adequate standards of professional practice and professional conduct among members of the relevant profession; and
- (b) to carry out the functions assigned to it under this Ordinance.

Section:	7	Meetings of the Council and boards	30/06/1997
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- (1) The Council and each board shall meet at such times and places as their respective Chairmen may appoint.
- (2) At any meeting of the Council or a board 6 members shall form a quorum.
- (3) In the absence of the Chairman from any meeting of the Council, the Deputy Chairman shall act in his place and if the Deputy Chairman is also absent, those members present shall appoint one of their number to act as chairman. (Amended 68 of 1995 s. 2; 80 of 1997 s. 102)
- (4) In the absence of the Chairman from any meeting of a board, those members present shall appoint one of their number to act in his place. (Amended 68 of 1995 s. 2; 80 of 1997 s. 102)
- (5) Every item for consideration before any meeting of the Council or a board shall be determined by a majority of the votes of the members present and voting thereon and in the event of an equality of votes the Chairman or member presiding shall have a casting vote in addition to his original vote.
- (6) Subject to this Ordinance, the Council and a board may regulate its own procedure.

Section:	8	Transaction of business by circulation of papers	30/06/1997
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The Council and a board may transact any of its business by the circulation of papers and a resolution in writing which is approved in writing by a majority of the members shall be as valid and effectual as if it had been passed at a meeting of the Council or a board by the votes of the members so approving the resolution.

Section:	9	Appointment of committees	30/06/1997
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- (1) Subject to this section the Council and any board may appoint committees for the better discharge of its functions under this Ordinance.
 - (2) The number of members of any such committee and their term of office shall be fixed by the Council or the board, as the case may be.
 - (3) Any committee may include persons who are not members of the Council or the board.
 - (4) Each committee shall have as its chairman a member of the Council or of the board, and the Council or the board may make rules respecting the quorum, proceedings and place of meeting of any committee.
 - (5) The Council or a board may in writing delegate to a committee, with or without restrictions or conditions, any of the powers or functions of the Council or the board:
- Provided that no delegation made hereunder shall preclude the Council or the board from exercising or performing at any time any of the powers or functions so delegated.

Part:	III	REGISTRATION AND PRACTISING CERTIFICATES	30/06/1997
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Section:	10	Every profession to have a separate register	30/06/1997
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- (1) Each board shall cause a register for the relevant profession to be kept in the form prescribed and the secretary of the board shall be responsible for the maintenance and custody of the register.

(2) The secretary of the board shall from time to time insert in the register any alteration or addition which may come to his knowledge to the name, addresses, or qualifications of any person registered.

(3) The secretary shall make such amendments to the register as are made necessary by any decision of the board.

(4) The board may direct the removal from the register of the name of any person who-

- (a) requests in writing that his name be so removed;
- (b) is deceased;
- (c) being a person required to be the holder of a practising certificate, has practised a profession in Hong Kong for a period exceeding 6 months without having obtained such a certificate;
- (d) is not practising his profession in Hong Kong; or
- (e) has not supplied the secretary of the board with an address in Hong Kong at which all notices from the board may be served on him:

Provided that any person failing to acknowledge within 6 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 secretary shall be deemed not to have supplied the secretary with an address under this paragraph.

(5) A person whose name has been removed from a register under this section or section 22, may apply to the board for the restoration of his name to the register, and, subject to the submission by such person of a declaration stating whether or not he has been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment since the date of the last declaration made by him to the like effect for the purposes of his registration or his application for a practising certificate (as the case may be), the board may subject to any conditions it considers appropriate, approve or decline the application, and, if it approves the same, the secretary of the board shall, upon payment of the prescribed fee, restore the name accordingly. (Amended 68 of 1995 s. 2; 80 of 1997 s. 96)

(6) A register may be inspected without payment of any fee, during usual business hours upon application to the secretary of the board.

Section:	11	Publication of register and evidence of registration	30/06/1997
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(1) As soon as may be after 1 July of every year, the secretary of each board shall prepare and publish in the Gazette, lists of the names, addresses, qualifications and dates of the qualifications of all persons whose names appear on the register maintained by the secretary, on 1 July immediately preceding the publication of such list.

(2) The publication of a list under subsection (1) shall be evidence that each person named in such list is registered.

(3) The absence of the name of a person from the list last published under subsection (1) shall be evidence that such person is not registered.

(4) A certificate under the signature of the secretary of a board stating that the name of a person is or is not at any date or was or was not at any date registered shall be admitted in evidence on its production without further proof and-

- (a) until the contrary is proved it shall be presumed that the certificate was signed by that secretary; and
- (b) the certificate shall be prima facie evidence of the facts stated therein. (Replaced 67 of 1985 s. 4)

Section:	12	Persons who are qualified to be registered	30/06/1997
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(1) Subject to this Ordinance, the following persons are qualified to be registered-

- (a) a person who-
 - (i) holds such degree, diploma or other document as may be prescribed, issued by any examining body as may be prescribed or by the board; or
 - (ii) holds any such degree, diploma or other document and has the prescribed experience; or (Replaced 70 of 1989 s. 2)
- (b) a person who holds such other degree, diploma or any other document of any examining body, which together with appropriate experience, may from time to time be recognized by the Council as qualifying the holder thereof to be registered; and in deciding whether or not to so recognize the Council may consult the relevant board; or
- (c) a person who, on the date on which this section commenced to apply to a profession, is practising that profession and who by reason of his education, training, professional experience and skill satisfies the Council, after consultation with the relevant board, that he is a fit person to be registered.

(1A) Notwithstanding any other provision of this Ordinance, the Council shall-

- (a) determine in which part of the register, not being a part referred to in section 15(8), the name of a person qualified to be registered by virtue of subsection (1)(b) or (c) shall be entered, subject to his application for registration being approved under section 13(2); and
- (b) direct the secretary of the relevant board accordingly for the purposes of entry in the register under section 13(4). (Added 70 of 1989 s. 2)

(2) A person who wilfully procures himself or any other person to be registered by making or producing or causing to be made or produced, any false or fraudulent representation or declaration, whether in writing or otherwise commits an offence.

Section:	13	Application for registration	30/06/1997
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(1) A person claiming to be qualified to be registered may apply in the manner prescribed to the secretary of the relevant board for registration and such application shall be accompanied by such documents, photographs and particulars as may be prescribed.

(2) The application of person qualified to be registered in accordance with section 12 who has complied with subsection (1) and with any regulations relating thereto, shall, subject to subsection (3), be approved by the board for registration. (Replaced 67 of 1985 s. 5)

(3) After due inquiry into any case referred to it by a Preliminary Investigation Committee in accordance with regulations made under section 29, the board may decline to approve the application of a person applying under subsection (1) on any of the grounds mentioned in section 22(1)(a), (b), (c), (d) or (e). (Added 67 of 1985 s. 5)

(4) Where an application for registration receives the approval of the board, the name of the applicant shall after payment of the prescribed fee be entered in the register by the secretary of the board in accordance with this Ordinance and regulations made thereunder, and upon such entry, the applicant shall be entitled to represent in connection with his profession that he is registered and, subject to section 16(1), and any regulations made under section 29 shall be entitled to practise that profession. (Amended 67 of 1985 s. 5; 70 of 1989 s. 3; 68 of 1995 s. 2; 80 of 1997 s. 20)

Section:	14	Certificate of registration	30/06/1997
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(1) When a person has been registered, the secretary of the relevant board shall issue to him a certificate of registration in the prescribed form.

(2) The secretary of the board may amend any particulars contained in a certificate of registration.

(3) A person registered who requires a certified copy of his certificate of registration in order to comply with section 18 shall apply in writing to the secretary of the relevant board stating the address of the premises at which he proposes to practise, and the secretary shall upon payment of the prescribed fee issue to the person registered a certified copy of his certificate of registration with the words "certified copy" and "核證副本" endorsed thereon. (Amended 80 of 1997 s. 130)

(4) (Repealed 68 of 1995 s. 34)

(5) Every person registered shall report to the secretary of the relevant board-

- (a) every address at which he practises his profession; and
- (b) any change in any address referred to in paragraph (a) within 2 months of such change. (Replaced 68 of 1995 s. 34)

(6) Any person registered who fails without reasonable excuse to make a report in accordance with subsection (5)(a) or (b) commits an offence.

(7) If a certificate of registration has been lost, destroyed or defaced, the person registered may apply in writing to the secretary of the relevant board to issue to him a duplicate certificate of registration and the secretary, upon being satisfied as to such loss, destruction or defacement, shall upon payment of the prescribed fee issue to the person registered a duplicate of such certificate with the word "duplicate" and the words "複本" endorsed thereon. (Amended 80 of 1997 s. 130)

(8) If it appears to the secretary of a board that a certificate of registration is defaced or that the photograph thereon is not a reasonable likeness of the person registered to whom the certificate of registration relates the secretary by notice in writing may require the person registered to lodge his certificate of registration with the secretary and to apply for the issue of a duplicate certificate of registration or of another certified copy, as the case may be, and any

person registered who on being so required fails without reasonable excuse to do so within 7 days of the service of such notice commits an offence.

Section:	14A	Certificate of standing		30/06/1997
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The board may, upon application made for the purpose and upon payment of the prescribed fee, issue to a person whose name appears in the register, a certificate of standing and a certificate verifying registration.

(Added 70 of 1989 s. 4)

Section:	15	Provisional registration		30/06/1997
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(1) A person who is practising a profession on the date when this Part commenced to apply to that profession, but who, on that date, is not qualified under section 12 to be registered, may apply, within such period of time from such date as may be determined by the Council, to the secretary of the relevant board for provisional registration.

(2) Subject to subsection (2A), if the board is satisfied that an applicant for provisional registration has acquired substantial knowledge, experience and skill in the practice of his profession the board may authorize its secretary, upon payment of the prescribed fee, to issue to such applicant a certificate of provisional registration with the word "provisional" and the words "臨時" endorsed thereon. (Amended 70 of 1989 s. 5; 80 of 1997 s. 131)

(2A) The board may, in order to satisfy itself that an applicant for provisional registration has acquired substantial knowledge, experience and skill in the practice of his profession, require him to pass an examination held under section 15A for the purposes of this section. (Added 70 of 1989 s. 5)

(3) The board may, in exercising the powers conferred by subsection (2), impose on an applicant for provisional registration such conditions as it thinks fit.

(4) Where the board has imposed conditions under subsection (3) it may cancel, amend or add to those conditions.

(5) Any conditions imposed under subsection (3), as the same may have been amended or added to under subsection (4), shall be included in the certificate of provisional registration issued to the person to whom the conditions apply.

(6) Where any person to whom such conditions apply fails to comply with those conditions, the board may cancel that person's provisional registration and direct that his name and particulars be removed from the register.

(7) Section 12(2) and section 13 shall apply to every application for provisional registration under this section.

(8) The names and particulars of persons to whom certificates of provisional registration are issued under this section shall appear in a separate part of the register.

Section:	15A	Examinations by the board		30/06/1997
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Each board may-

- (a) hold examinations for the purposes of sections 12(1)(a) and 15(2) and (2A) as and when it considers expedient or necessary;
- (b) conduct such examinations itself or appoint examiners to conduct them on its behalf; and
- (c) specify conditions as regards the eligibility of persons to sit for-
 - (i) any examination held under paragraph (a);
 - (ii) any examination so held which is of a particular class; or
 - (iii) any particular examination so held.

(Added 70 of 1989 s. 6)

Section:	15B	Appeal		30/06/1997
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(1) Any person aggrieved by a decision of the board, other than-

- (a) a decision under section 13(3) or an order under section 22;
- (b) a decision relating to admission to provisional registration under section 15; or
- (c) a decision relating to an examination referred to in section 15A,

may appeal against the decision to the Council in accordance with regulations made under this Ordinance.

(2) Upon hearing the appeal, the Council may confirm, vary or revoke the decision of the board.

(3) The decision of the Council under subsection (2) shall be final.

(Added 70 of 1989 s. 6)

Section:	16	Registered person not to practise without practising certificate		30/06/1997
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(1) A person registered shall not practise a profession in Hong Kong unless he is the holder of a practising certificate which is then in force.

(2) On application made by a person registered to the secretary of the relevant board for the purpose of the issue of a practising certificate, and subject to-

(a) the payment of the prescribed fee for the issue of a practising certificate; and

(b) the submission of a declaration stating whether or not the registered person has been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment since the date of the last declaration made by him to the like effect for the purposes of his registration or his application for a practising certificate (as the case may be),

the secretary shall issue to him a certificate to the effect that he is, subject to any conditions and restrictions specified in the certificate, entitled to practise his profession. (Replaced 80 of 1997 s. 97)

(3) Where a practising certificate is issued pursuant to an application made under subsection (2), the certificate shall, subject to subsection (5), be in force for any period not exceeding 12 months and ending on 30 June in any year as may be specified in the certificate. (Amended 64 of 1991 s. 2)

(4) (Repealed 64 of 1991 s. 2)

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

(6) A 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 of the board, paid the prescribed fee for the certificate and submitted the declaration referred to in subsection (2)(b). (Amended 80 of 1997 s. 97)

(7) 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 relating to the practice of his profession unless he was, at the time when the cause of action arose, the holder of a valid practising certificate.

Section:	17	Recovery of practising fees		30/06/1997
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(1) If any person registered contravenes section 16(1) the amount of the fee prescribed for the purposes of section 16(2) shall be recoverable as a civil debt by claim made in the name of the secretary of the relevant board.

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

(3) On recovery from a person of a prescribed fee under this section, the secretary of the relevant board shall, if the person is registered, issue a practising certificate to him.

Section:	18	Certificate of registration to be displayed in premises		30/06/1997
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(1) A person registered shall keep displayed in a conspicuous position in any premises in which he practises his profession, his certificate of registration, or a certified copy of such certificate issued under section 14(3).

(2) A person registered who fails to comply with subsection (1) commits an offence.

(3) A 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 a time when his name does not appear on the register kept for the profession to which that certificate relates, commits an offence.

Part:	IV	CONTROL OF PROFESSIONS		30/06/1997
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Section:	18A	Applicants under section 15 deemed to be registered		30/06/1997
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(1) Subject to subsection (2), any person practising a profession on the date when sections 20 and 21 commenced to apply to that profession who applies for provisional registration under section 15 within the period of time determined by the Council under that section shall be deemed to be registered in respect of that profession for the purposes of those sections, until his application for provisional registration is disposed of by the board.

(2) Subsection (1) shall not apply in respect of any person who has appealed to the Court of Appeal under section 25 from a decision of the board made under section 13(3) declining his application for registration. (Amended 80 of 1997 s. 102)

(Added 70 of 1989 s. 7)

Section:	19	Premises to be suitable for practice		30/06/1997
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(1) No person registered shall practise his profession in premises which are considered by the relevant board to be unsuitable for such practice.

(2) A public officer with the authorization of the board, which shall be signed by the Chairman of the board, may at any reasonable time enter and inspect premises used or proposed to be used, for the practice of a profession and shall on demand, produce such authority.

(3) A person wilfully obstructing or resisting a public officer duly authorized by the board, in the inspection of premises used or proposed to be used for the practice of a profession, commits an offence.

Section:	20	Companies may carry on professions by way of trade or business		30/06/1997
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(1) Except as provided by subsection (2) no corporation may carry on the business of practising a profession.

(2) A company registered under the Companies Ordinance (Cap 32) may carry on the business of practising a profession if-

- (a) at least one director thereof (in this section called "professionally qualified director") is a person who-
 - (i) is registered in respect of that profession; and
 - (ii) satisfies any requirements imposed by any regulations made under this Ordinance as to qualifications, experience or training necessary for a person registered in respect of that profession to practise without supervision; and (Amended 70 of 1989 s. 12)
- (b) all persons practising the profession who are employed by the company are registered in respect of that profession.

(3) Within 14 days after 1 July in each year, a company carrying on the business of practising a profession shall transmit to the secretary of the relevant board a statement in the prescribed form containing-

- (a) the names and addresses of all persons who are professionally qualified directors, directors other than professionally qualified directors, and of all managers of the company;
- (b) the names, addresses, occupations and qualifications of all persons employed by the company who are practising the profession and the duties performed by such persons; and
- (c) such other particulars as may be prescribed.

(4) A corporation which carries on the business of practising a profession other than in compliance with subsection (2) commits an offence and-

- (a) every-
 - (i) director thereof other than a professionally qualified director; and
 - (ii) manager thereof,
 unless he proves that the offence was committed without his knowledge; and
- (b) every professionally qualified director,

commits a like offence.

(5) A company which fails to comply with subsection (3) commits an offence and every professionally qualified director commits a like offence.

(Replaced 67 of 1985 s. 6)

Section:	21	Professions only to be practised by persons registered	37 of 2000	01/07/1997
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Remarks:

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

(1) Except as provided in section 20(2), a person who practises a profession without being registered in respect of that profession commits an offence. (Amended 67 of 1985 s. 7)

(2) Any person who employs any other person to practise a profession to which this Ordinance relates when the second-mentioned person is not registered in respect of that profession commits an offence.

(3) Where a person has been convicted of an offence under this section, a magistrate may, on application made on behalf of the Government, order that all materials and equipment in the possession or under the control of that person and used in the practice of a profession shall be forfeited. (Amended 37 of 2000 s. 3)

Part:	V	DISCIPLINE		30/06/1997
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Section:	22	Disciplinary powers of board	10 of 2005	08/07/2005
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(1) If after due inquiry into any case referred to it by a Preliminary Investigation Committee in accordance with regulations made under section 29 a board is satisfied that a person registered by that board-

- (a) has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment;
- (b) has been guilty in Hong Kong or elsewhere of unprofessional conduct; (Replaced 67 of 1985 s. 8)
- (c) was not at the time of his registration qualified to be registered;
- (d) has obtained registration by fraud or misrepresentation; or
- (e) has not complied with or is in breach of any condition of his registration (other than a condition under section 15) or has failed to comply with this Ordinance,

the board may-

- (i) order the name of the person registered to be removed from the register;
- (ii) order the name of the person registered to be removed from the register for such period as it thinks fit;
- (iii) order the person registered to be reprimanded; or
- (iv) order that a warning letter in such terms as it considers appropriate be served on the person registered.

(2) Within 1 month after the expiry of the time within which an appeal against an order made by a board under subsection (1) may be made to the Court of Appeal under section 25 or if such appeal has been made, within 1 month after the appeal is finally determined, the board- (Amended 10 of 2005 s. 77)

- (a) shall, in the case of an order made under subsection (1)(i), (ii) or (iii), publish the order or, if the order is varied on appeal, the order as so varied in the Gazette together with an account of the particulars and the nature of the matter to which such order relates; and
- (b) may, in the case of an order made under subsection (1)(iv), publish the order or, if the order is varied on appeal, the order as so varied in the Gazette together with an account of the particulars and the nature of the matter to which such order relates. (Amended 10 of 2005 s. 77)

(3) In any inquiry held under this section, a board may make such order as it thinks fit for the payment of the costs of its secretary, a complainant, counsel or a solicitor present at the inquiry and the person registered or any one or more of them and any costs awarded may be recovered as a civil debt.

(4) Nothing in this section shall require a board to inquire into the question whether the person registered was properly convicted but the board 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. (Added 67 of 1985 s. 8)

(5) 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 in a common law jurisdiction which has unlimited jurisdiction in civil matters, or on appeal from a decision in such proceedings, shall be conclusive evidence of the fact found. (Added 67 of 1985 s. 8. Amended 25 of 1998 s. 2)

Section:	23	Powers of boards at inquiries	25 of 1998 s. 2	01/07/1997
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Remarks:

Amendments retroactively made-see 25 of 1998 s. 2

(1) For the purposes of an inquiry under section 13 or 22 or when it otherwise appears desirable to a board that any matter relating to the relevant profession should be inquired into, the board shall subject to subsection (4) have power- (Amended 67 of 1985 s. 9)

- (a) to hear, receive and examine evidence on oath;
 - (b) to summon a person to attend the inquiry to give evidence or produce a document or other thing in his possession and examine him as a witness or require him to produce a document or other thing in his possession;
 - (c) to admit to the inquiry or to exclude therefrom the public or any member of the public; (Added 67 of 1985 s. 9)
 - (d) to admit to the inquiry or to exclude therefrom the press; and (Added 67 of 1985 s. 9)
 - (e) to award any person summoned to attend the inquiry such sum or sums as in the opinion of the board may have been reasonably expended by him by reason of his attendance. (Added 67 of 1985 s. 9)
- (2) A summons under subsection (1) shall be in the prescribed form and signed by the secretary of the board.
- (3) Subject to subsection (4), a person who-
- (a) being summoned under subsection (1) to attend an inquiry to give evidence or to produce a document or other thing in his possession, refuses or neglects to do so; or
 - (b) being examined under subsection (1) as a witness by or before a board, refuses or neglects to answer a question put to him by or with the concurrence of the board, or to produce a document or other thing in his possession when required to do so,

commits an offence.

(4) Notwithstanding subsection (3) a person who appears as a witness before a board shall be entitled to the same privileges in respect of the giving of evidence and the production of a document or other thing as he would be entitled to if appearing as a witness in civil proceedings before the Court of First Instance. (Amended 25 of 1998 s. 2)

(5) A person whose conduct is the subject of an inquiry, or who is implicated or concerned in the subject matter of the inquiry, shall be entitled to be represented by counsel or a solicitor at the inquiry.

(6) A person who-

- (a) behaves in an insulting manner or uses any abusive, threatening or insulting expression to or in the presence of a board; or
- (b) wilfully disrupts the proceedings of a board,

commits an offence.

Section:	24	Provisions relating to decisions and orders of boards	10 of 2005	08/07/2005
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(1) The secretary of a board shall cause a copy of any decision of the board under section 13(3) or of any order made by the board under section 22 to be served forthwith upon the person concerned. (Amended 67 1985 s. 10)

(2) No order of a board under section 22(1) shall take effect while the person to whom the order relates remains entitled to appeal to the Court of Appeal against the decision in accordance with section 25 or, if such an appeal has been made, before the appeal is finally determined. (Amended 10 of 2005 s. 78)

Section:	25	Appeals to Court of Appeal	10 of 2005	08/07/2005
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(1) Any person whose application for registration is declined under section 13(3) or a person registered who is aggrieved by an order made in respect of him under section 22(1) may appeal to the Court of Appeal and the Court of Appeal may thereupon affirm, reverse or vary the decision or order appealed against. (Amended 67 of 1985 s. 11)

(2) (Repealed 10 of 2005 s. 75)

(3) The Court of Appeal may make such order for the payment of costs as it considers reasonable.

(4) Subject to subsection (5), the practice in relation to the appeal shall be subject to any rules of court made under the High Court Ordinance (Cap 4). (Amended 25 of 1998 s. 2)

(5) Notwithstanding subsection (4), the Court of Appeal shall not hear an appeal against a decision of a board under section 13(3) or an order made under section 22(1) unless notice of the appeal was given within 1 month of the service of a board's decision on the applicant or within 1 month of the service of the order under section 24, as the case may be. (Amended 67 of 1985 s. 11)

Part:	VI	GENERAL		30/06/1997
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Section:	26	Boards may prepare Codes of Practice		30/06/1997
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(1) A board may prepare and revise Codes of Practice which shall not be inconsistent with this Ordinance or any regulations made thereunder for the relevant profession for the purposes of this Ordinance- (Amended 70 of 1989 s. 8)

- (a) prescribing standards of conduct and practice for persons practising that profession, for the employers of persons practising that profession and the directors of any company carrying on the business of practising that profession;
- (b) regulating the activities of persons practising that profession including the activities of such persons in the supervision and control of unqualified persons assisting such persons in the practice of the profession; and
- (c) regulating the activities of persons-
 - (i) who are required to be supervised in the practice of their profession by regulations made under this Ordinance, in the practice of the profession; and
 - (ii) in the supervision of persons referred to in subparagraph (i), (Added 70 of 1989 s. 8)

and the Codes of Practice may prohibit specified activities.

(1A) Where, under subsection (1), a board-

- (a) prepares a Code of Practice, it shall inform the Council in writing that such a Code of Practice has been prepared and serve a copy thereof on the Council; and
- (b) revises a Code of Practice, it shall inform the Council in writing of any changes made thereto and serve a copy of the revision on the Council. (Added 70 of 1989 s. 8)

(1B) Any Code of Practice prepared under subsection (1) or any revision of such a code shall not come into operation until the expiration of-

- (a) the period of 6 months from the date the Council receives a copy of the Code of Practice or, as may be appropriate, any revision of such a code, served pursuant to subsection (1A); or
- (b) such shorter period as may be agreed by the Council and the board concerned. (Added 70 of 1989 s. 8)

(2) The secretary of the board shall cause a copy of a Code of Practice and each revision thereof to be served upon each person registered in respect of the profession to which the Code of Practice or revision applies.

(3) A person, who contravenes any Code of Practice prepared or revised under subsection (1) and applicable to his profession, may be subject to inquiries held by a board; but the fact that any matters are not mentioned in a Code of Practice, shall not preclude the board from judging a person to be guilty of unprofessional conduct by reference to those matters. (Amended 67 of 1985 s. 12; 68 of 1995 s. 35)

Section:	27	Penalties		30/06/1997
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A person who commits an offence under-

- (a) section 12(2), is liable on conviction to a fine of \$5000 and to imprisonment for 2 years;
- (b) section 14(6) or 14(8), is liable on conviction to a fine of \$500;
- (c) section 18(2) or 18(3), is liable on conviction to a fine of \$1000;
- (d) section 19(3), is liable on conviction to a fine of \$2000 and to imprisonment for 6 months;
- (e) section 20(4), is liable on conviction to a fine of \$5000 and to imprisonment for 6 months;
- (f) section 21(1) or 21(2), is liable on conviction to a fine of \$5000 and to imprisonment for 6 months;
- (g) section 20(5), 23(3) or 23(6), is liable on conviction to a fine of \$500 and to imprisonment for 3 months.

(Amended 67 of 1985 s. 13)

Section:	28	Notices		30/06/1997
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Where any notice or order is required by this Ordinance to be served upon or given to a person by the secretary then it shall be sufficient if it is sent by registered letter addressed to him at his address last known to that secretary.

(Amended 68 of 1995 s. 36)

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 the fees to be paid in connection with matters within the scope of this Ordinance. (Replaced 80 of 1997 s. 21. Amended 37 of 2000 s. 3)

(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 any-
 - (i) secretary of a board;
 - (ii) legal adviser to a board;
- (b) the duties of the members and the officers of the Council or any board;
- (c) anything referred to in this Ordinance as prescribed;
- (d) exempting or providing for the exemption of any specified class of persons from all or any of the provisions of this Ordinance;
- (e) empowering any board to exempt any person from all or any provisions of any regulation made under this section;
- (f) appeals to the Council from any decision of any board; and
- (g) enabling this Ordinance to have full effect. (Added 80 of 1997 s. 21)

(1B) 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 establishment and functions of a committee, for each profession, to be known as the Preliminary Investigation Committee to make such preliminary investigation as it considers appropriate regarding any complaint or information about any registered person or any applicant for registration and to determine whether or not there shall be an inquiry under section 13 or 22;
- (b) the prohibition of a member of any Preliminary Investigation Committee who is also a member of any board from attending any meeting of the board while it is inquiring under section 13 or 22 into a complaint or information, in the preliminary investigation of which he took part;
- (c) 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;
- (d) the qualifications, training and experience required in any profession to practise that profession without supervision;
- (e) specifying for the purposes of section 12(1)(a) degrees, diplomas or other documents or experience, and the entry of the names of persons qualified under that section in different parts of the register according to their qualifications and experience;
- (f) the categorization of registered persons in a profession according to their qualifications, training and experience;
- (g) recognition by the board of the experience prescribed under this Ordinance;
- (h) acceptance by the board of experience other than experience prescribed under this Ordinance;
- (i) the conduct of examinations held under this Ordinance;
- (j) the registration of premises used by persons to practise a profession;
- (k) the licensing of premises referred to in paragraph (j);
- (l) the furnishing of information;
- (m) regulating the conduct of persons other than registered persons while assisting registered persons in the practice of a profession;
- (n) for the purpose of section 10(1), the form and number of parts of every register to be kept and the particulars to be entered in such parts of the register;
- (o) the manner in which applications for registration shall be made;
- (p) the receipt of complaints or information about any registered person or any applicant for registration;
- (q) the procedure to be followed in relation to-
 - (i) the submission of complaints or information to any Preliminary Investigation Committee;
 - (ii) the preliminary investigation of any complaint or information by any Preliminary Investigation

Committee;

- (iii) the formulation of charges arising out of any complaint or information;
- (iv) the reference of any matter by a Preliminary Investigation Committee to a board;
- (v) inquiries held by a board under section 13 or 22;

(r) the service of notices. (Added 80 of 1997 s. 21)

(2) Regulations made under this section may provide-

(a) that the contravention of any particular regulation shall constitute an offence and may prescribe penalties for any such offence not exceeding a fine of \$5000 or imprisonment for 1 year or both such fine and such imprisonment; and (Amended 80 of 1997 s. 21)

(b) for different fees to be paid by different categories of a profession. (Amended 80 of 1997 s. 21)

(c)-(d) (Repealed 80 of 1997 s. 21)

(3) The Secretary for Food and Health may by regulations- (Amended L.N. 106 of 2002; L.N. 130 of 2007)

(a) prohibit, restrict or otherwise regulate, the practice otherwise than under supervision, by registered persons of their profession where those persons have not the qualifications, training or experience prescribed under subsection (1B)(d) in relation to the profession;

(b) prohibit, restrict or otherwise regulate the performance, or engagement in, in the course of practising their professions by registered persons, of any function or activity specified in the regulations;

(c) prescribe particulars of any supervision required by regulations under this section. (Added 70 of 1989 s. 9. Amended 80 of 1997 s. 21)

(4) Regulations under subsection (3) may-

(a) apply to registered persons generally;

(b) apply by reference to any qualification, training or experience specified in the regulations; or

(c) apply to registered persons who are of a class, category or other description specified in the regulations. (Added 70 of 1989 s. 9)

(5) In this section-

"supervision" (監督) in relation to a profession means supervision prescribed under subsection (3)(c) and applicable to that profession. (Added 70 of 1989 s. 9)

Section:	30	Disapplication of certain provisions to certain classes of person	2 of 2012	17/02/2012
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(1) Any person who-

(a) holds a teaching appointment at a university, polytechnic, school or institution approved for the purposes of this section by the Chief Executive by notice in the Gazette; (Amended 37 of 2000 s. 3)

(b) holds an appointment as a public officer;

(c) holds an appointment in a subvented voluntary organization approved for the purposes of this section by the Council by notice in the Gazette; or

(d) holds an appointment at the Hospital Authority within the meaning of the Hospital Authority Ordinance (Cap 113), (Added 89 of 1991 s. 2)

and is practising a profession directly connected with and necessary for the discharge or performance of his duties while serving in such appointment, shall be exempt from sections 18 and 19. (Replaced 70 of 1989 s. 10. Amended 89 of 1991 s. 2; 34 of 1995 s. 39)

(2) The following persons practising a profession directly connected with and necessary for the discharge or performance of their duties shall while serving in or holding the appointments or positions specified be deemed to be registered but sections 13, 14, 15, 16, 18 and 19 shall not apply to or in relation to them- (Amended 2 of 2012 s. 3)

(a) a member of the Chinese People's Liberation Army; and (Replaced 2 of 2012 s. 3)

(b) a person holding an appointment in a ship.

(3) Subsections (1) and (2) shall not extend to any person specified therein who is practising a profession privately in Hong Kong.

Section:	31	Exemption of course of training	37 of 2000	01/07/1997
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Remarks:

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

Nothing in this Ordinance shall operate to prevent the conducting of any course of training by a school, polytechnic, university or institution approved for the purposes of this section by the Chief Executive.
(Amended 37 of 2000 s. 3)

Section:	32	Ordinance not to derogate from other Ordinances		30/06/1997
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This Ordinance shall be in addition to and not in derogation from any other Ordinance that regulates the manner in which a person may practise a profession.

Schedule:		Schedule	E.R. 2 of 2012	02/08/2012
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[sections 1 & 2]

Item	Profession	Interpretation
1.	Medical Laboratory Technologist (Amended 70 of 1989 s. 11)	A person trained in the practice of processing clinical, medical, legal, public health or veterinary specimens for the sole purpose of making and reporting on analysis or examination in vitro and the processing of all matters for human and animal consumption for the sole purpose of making and reporting on analysis or examination in vitro.
2.	Radiographer	A person trained to operate either- (a) radio-diagnostic, ultra sound and thermographic equipment for the purpose of radiological diagnosis; or (b) radiation therapy equipment for the treatment of diseases; and (Amended 70 of 1989 s. 11) (c) radionuclear equipment including isotopes.
3.	Physiotherapist	A person trained to assess and treat physical disabilities by means of remedial exercises, manual therapy and mechanical, thermal or electrical energy.
4.	Occupational Therapist	A person trained to assess and treat disabilities caused by diseases or injuries using mental, physical or social activities to enable the disabled to achieve the maximum possible independence in daily life.
5.	Optometrist	A person trained in the practice of- (a) testing vision; (b) prescribing optical appliances; (c) fitting optical appliances; or (d) supplying optical appliances on prescription. (Added 67 of 1985 s. 15) (Format changes—E.R. 2 of 2012)