

Chapter:	428	<b>CHIROPRACTORS REGISTRATION ORDINANCE</b>	Gazette Number	Version Date
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		<b>Long title</b>		30/06/1997
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An Ordinance to provide for the registration of chiropractors namely, persons trained and qualified in the practice of chiropractic including the practice of the prevention, diagnosis and treatment of functional disorders of the human body through manipulation of the joints, particularly of the vertebral column and peripheral joints, including the pelvis; the disciplinary control of the professional activities of registered chiropractors; and for matters related to such registration and disciplinary control.

(Enacted 1993)

[Sections 2 to 7, 13, 26 and 27 and the Schedule	}		<i>L.N. 297 of 1993</i>
Section 17(3)	}	1 August 1993	
Sections 8 to 12, 14 to 16, 17(1), (2) and (4) to (9), 18 to 23, 24(a) to (g), (j) and (k) and 25	}	6 April 2001	
Remaining provisions	}	8 June 2001	<i>L.N. 80 of 2001</i>
		13 February 2003	<i>L.N. 208 of 2002]</i>

(Originally 12 of 1993)

Part:	I	<b>PRELIMINARY</b>		30/06/1997
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(Enacted 1993)

Section:	1	<b>Short title</b>	L.N. 208 of 2002	13/02/2003
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- (1) This Ordinance may be cited as the Chiropractors Registration Ordinance.
- (2) (Omitted as spent)

(Enacted 1993)

Section:	2	<b>Interpretation</b>		30/06/1997
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In this Ordinance, unless the context otherwise requires-

"Chairman" (主席) means the Chairman of the Council elected under the Schedule;

"Council" (管理局) means the Chiropractors Council established by section 3;

"disciplinary offence" (違反紀律罪) means an act or omission set out in section 16(1);

"inquiry committee" (研訊委員會) means an inquiry committee established under section 17(1);

"Legal Adviser" (法律顧問) means the Legal Adviser to the Council appointed under section 7(1);

"register" (名冊) means the register of registered chiropractors established and maintained under section 5(a);

"registered chiropractor" (註冊脊醫) means a person whose name is currently entered in the register;

"registration committee" (註冊事務委員會) means a registration committee appointed under section 13(1);

"Secretary" (秘書) means the Secretary to the Council appointed under section 7(1).

(Enacted 1993)

Part:	II	<b>CHIROPRACTORS COUNCIL</b>		30/06/1997
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(Enacted 1993)

Section:	3	<b>Establishment of the Council</b>	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 Chiropractors Council which shall have such purposes and powers as are conferred on it by, or by virtue of, this Ordinance.

(2) The Council shall consist of-

- (a) a public officer appointed by the Chief Executive;
- (b) 4 persons who are not chiropractors each of whom shall be appointed by the Chief Executive for a term not exceeding 3 years; and
- (c) 5 persons who are chiropractors each of whom shall be appointed by the Chief Executive for a term not exceeding 3 years. (Amended 37 of 2000 s. 3)

(3) Notice of every appointment made under this section shall be published in the Gazette.

(Enacted 1993)

Section:	4	<b>Provisions as respects the Council and its members</b>	37 of 2000	01/07/1997
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**Remarks:**

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

(1) The Schedule shall have effect as respects the Council and its members.

(2) The Chief Executive may by order amend the Schedule. (Amended 37 of 2000 s. 3)

(3) It is declared that save insofar as is inconsistent with the provisions of this Ordinance, Part VII of the Interpretation and General Clauses Ordinance (Cap 1) shall apply as respects the Council and appointments to the Council.

(Enacted 1993)

Section:	5	<b>Functions of the Council</b>		30/06/1997
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The Council shall-

- (a) establish and maintain a register of registered chiropractors;
- (b) set and review the qualification standards for registration as a registered chiropractor and related registration matters;
- (c) advise the Government on registration matters;
- (d) examine and verify the qualifications of persons who apply for registration as registered chiropractors;
- (e) receive, examine, accept or reject applications for registration and renewal of registration as a registered chiropractor;
- (f) deal with disciplinary offences;
- (g) keep proper records of its proceedings; and
- (h) carry out such other functions as this Ordinance may prescribe.

(Enacted 1993)

Section:	6	<b>Powers of the Council</b>		30/06/1997
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The Council may-

- (a) create and appoint members of committees to advise the Council on the carrying out of the powers and functions of the Council;
- (b) issue a Code of Practice and make rules for the professional conduct and discipline of registered chiropractors;
- (c) make such further rules as may be required by, or by virtue of, this Ordinance.

(Enacted 1993)

Part:	III	<b>REGISTER AND CERTIFICATES</b>		30/06/1997
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(Enacted 1993)

Section:	7	<b>Appointment of Secretary and Legal Adviser</b>	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) a Secretary; and
- (b) a Legal Adviser,

to the Council who shall be appointed by the Chief Executive. (Amended 37 of 2000 s. 3)

(2) The Secretary shall be responsible for the custody of the register and shall serve as secretary to the registration committee and any inquiry committee as well as the Council.

(3) The Legal Adviser shall advise an inquiry committee on any points of law and procedure that arise before, during or after the inquiry.

(Enacted 1993)

Section:	8	<b>Form of register</b>	L.N. 80 of 2001	08/06/2001
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(1) The Secretary shall, in accordance with the directions of the Council, keep a register containing the names, addresses and any other details that the Council may direct of all persons who have been registered and the qualification on which their registration is based.

(2) The register shall be available to any person for inspection free of charge at an office nominated from time to time by the Council at such reasonable times as the Council may direct.

(3) A person whose name is entered in the register shall within 28 days notify the Secretary of any change in the details mentioned in subsection (1).

(Enacted 1993)

Section:	9	<b>Qualifications for registration</b>	L.N. 80 of 2001	08/06/2001
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(1) The Council shall not register a person as a registered chiropractor unless-

- (a) he has passed such examination in chiropractic and other subjects and has received such training and experience as the Council may accept, either generally or in a particular case; and
- (b) he is not the subject of an inquiry conducted by an inquiry committee or of a disciplinary order under Part IV which precludes him from being registered under this Ordinance; and
- (c) he satisfies the Council by declaration in writing that he is competent to practise as a chiropractor; and
- (d) he is a fit and proper person to be registered.

(2) Without affecting the generality of subsection (1)(d), the Council may refuse to register a person as a registered chiropractor who-

- (a) has been convicted in Hong Kong or elsewhere of any offence which may bring the profession of chiropractic into disrepute; or
- (b) has committed misconduct or neglect in a professional respect.

(3) Where the Council is satisfied by an applicant that he is competent to practise chiropractic and the Council is later satisfied that the person is not competent to practise chiropractic, the Council may refer the matter to an inquiry committee which shall deal with it as if it were a complaint under section 17(1).

(Enacted 1993)

Section:	10	<b>Application for registration</b>	L.N. 80 of 2001	08/06/2001
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(1) A person shall apply for registration as a registered chiropractor in such form and manner as the Council may determine.

(2) An applicant shall pay at the time of lodging his application the prescribed fee for an application for

registration.

(3) The Council may require an applicant to undertake a written examination under section 9(1)(a) of his knowledge of chiropractic.

(Enacted 1993)

Section:	11	<b>Acceptance or refusal of registration</b>	L.N. 80 of 2001	08/06/2001
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(1) The Council may accept or reject an application for registration or renewal of registration under this Ordinance.

(2) Where the Council accepts or rejects an application for registration or renewal of registration, the Secretary shall act in accordance with rules made by the Council.

(3) Where the Council rejects an application for registration or renewal of registration, it shall give to the applicant an adequate statement of the reasons for the rejection.

(Enacted 1993)

Section:	12	<b>Practising certificates</b>	L.N. 80 of 2001	08/06/2001
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(1) A registered chiropractor shall not practise chiropractic in Hong Kong unless he is the holder of a practising certificate which is then in force.

(2) Subject to the payment of the prescribed fee the Secretary shall, on application made to him in that behalf issue to the registered chiropractor a certificate, in a form determined by the Council, to the effect that he is, subject to any conditions and restrictions specified in the certificate, entitled to practise chiropractic in Hong Kong.

(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 section 15(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 section 15(5), be in force for a period of 12 months commencing on 1 January in that following year.

(5) A registered chiropractor shall, not earlier than 3 months prior to the expiry of the current practising certificate, apply to the Secretary for renewal of his practising certificate in a form determined by the Council.

(6) A registered chiropractor shall pay the prescribed fee for an application for renewal of his practising certificate at the time of applying for such renewal.

(7) If a registered chiropractor does not apply for renewal of his practising certificate before the expiry of his current practising certificate the Secretary shall, on the expiry of the current practising certificate, note in the register that the certificate has not been renewed.

(8) Where a registered chiropractor fails to renew his practising certificate within time, the Council may extend the time for renewal if the registered chiropractor pays to the Council the prescribed fee for the extension of time.

(9) Any grant of extension of time by the Council under subsection (8) shall not affect any offence under any other Ordinance that the person who has failed to renew on time may commit as a result of the failure.

(Enacted 1993)

Section:	13	<b>Registration committee</b>		30/06/1997
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(1) The Council may appoint a registration committee of not less than 3 persons to consider the qualifications of applicants.

(2) The Secretary may nominate a person to be a member of the registration committee, and, if a person is so nominated, the Council shall appoint him to the committee.

(3) The registration committee shall make recommendations to the Council on the acceptability of the qualifications which require the Council's acceptance under section 9(1)(a).

(4) The Council shall not be bound by a recommendation of the registration committee under subsection (3).

(5) The Council may delegate any of its functions relating to registration and the renewal of registration to the registration committee.

(Enacted 1993)

Section:	14	<b>Certificate of registration</b>	L.N. 80 of 2001	08/06/2001
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The Secretary may, on payment by a registered chiropractor of the prescribed fee, issue to the registered chiropractor a certificate of registration in a form determined by the Council.

(Enacted 1993)

Section:	15	<b>Removal of name from the register</b>	L.N. 80 of 2001	08/06/2001
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(1) The Secretary may remove the name of a registered chiropractor from the register if he is satisfied that the registered chiropractor has-

- (a) died;
- (b) applied to discontinue his registration;
- (c) for 6 months following the expiry of his current practising certificate under section 12(3) or (4), failed to apply for a practising certificate to be issued to him under section 12(2);
- (d) ceased to hold a qualification by virtue of which he was registered; or
- (e) failed to notify a change of details required under section 8(3).

(2) Subject to section 20(2), the Secretary shall remove a name from the register if he receives an order of the Court of Appeal or an inquiry committee directing that the name be removed from the register.

(3) Where the Secretary intends to remove the name of a registered chiropractor from the register under subsection (1)(c), (d) or (e), he shall send notice of his intention by prepaid registered post to the registered address of the registered chiropractor and shall not remove his name until the expiry of a period of 28 days after the date of posting the notice.

(4) If the Secretary gives notice to a registered chiropractor that-

- (a) he has not, for 6 months following the expiry of his current practising certificate under section 12(3) or (4), applied for a practising certificate to be issued to him under section 12(2) and, before the Secretary acts to remove his name from the register, the registered chiropractor properly applies for a practising certificate to be so issued;
- (b) he has ceased to hold a qualification by virtue of which he was registered and, before the Secretary acts to remove his name from the register, the registered chiropractor satisfies the Council that he holds the qualification; or
- (c) he has failed to notify a change of details required under section 8(3) and, before the Secretary acts to remove his name from the register, the registered chiropractor takes such action as will remedy the defect in the register,

the Secretary shall not remove the name from the register for the reason set out in the notice referred to in subsection (3).

(5) If the name of a registered chiropractor is removed from the register, his registration and any practising certificate issued to him under section 12(2) and for the time being in force is deemed to be cancelled and he shall return any certificate issued in respect of his registration and any such practising certificate to the Secretary.

(6) No refund shall be made to any person of any prescribed fee, or any part of any prescribed fee, on the removal of his name from the register or the cancellation of his practising certificate under this section.

(7) The Secretary may correct any error apparent on the face of the register.

(Enacted 1993)

Part:	IV	<b>DISCIPLINARY PROCEEDINGS</b>	L.N. 80 of 2001	08/06/2001
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(Enacted 1993)

Section:	16	<b>Disciplinary offences</b>	L.N. 80 of 2001	08/06/2001
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(1) A registered chiropractor commits a disciplinary offence if he-

- (a) commits misconduct or neglect in any professional respect;
- (b) has been convicted of an offence under this Ordinance;
- (c) has obtained registration under this Ordinance by fraud or misrepresentation;
- (d) was not at the time of his registration under this Ordinance entitled to be registered;

- (e) without reasonable excuse, fails to attend before an inquiry committee when summoned either as a witness or as a person in respect of whom the inquiry committee is meeting; or
- (f) has been convicted in Hong Kong or elsewhere of an offence which may bring the profession of chiropractic into disrepute.

(2) If a person who has been guilty of misconduct or neglect in a professional respect or has been convicted of an offence under this Ordinance or has been convicted in Hong Kong or elsewhere of an offence which may bring the profession of chiropractic into disrepute, informs the Council of such misconduct, neglect or conviction when he applies for registration or renewal of registration and the Council subsequently accepts the person for registration or renewal of registration, that person shall not, for the purposes of registration or renewal of registration, be considered as having committed a disciplinary offence in respect of the disclosed misconduct, neglect or conviction.

(3) Where the Secretary receives a complaint alleging a disciplinary offence, the Secretary shall submit the complaint to 2 members of the Council appointed for the purpose, one of whom shall be a person appointed under section 3(2)(b), and the members shall determine whether the complaint should be referred to the Council.

(Enacted 1993)

Section:	17	<b>Inquiry committee and rules of conduct</b>	L.N. 80 of 2001	08/06/2001
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(1) The Council may refer any complaint alleging a disciplinary offence to an inquiry committee for decision, and for that purpose the Council may establish an inquiry committee of not less than 3 of its members, one of whom shall be a person appointed under section 3(2)(b), to determine whether or not the registered chiropractor against whom the complaint is made has committed a disciplinary offence.

(2) The Secretary shall send notice of a referral under subsection (1) and an adequate statement of the substance of the complaint by prepaid registered post to the registered address of the registered chiropractor.

(3) The Council may make rules providing for the conduct of its inquiries by an inquiry committee and for other matters relating to the investigation of an alleged disciplinary offence.

(4) The Legal Adviser shall be present at every inquiry conducted by an inquiry committee.

(5) The inquiry committee shall not proceed to hear evidence of a complaint concerning a disciplinary offence unless it is satisfied that the requirements of subsection (2) have been complied with and that the registered chiropractor in respect of whom the complaint is made has been given 28 days' notice of the complaint and the date, time and place of the hearing.

(6) The registered chiropractor referred to in subsection (5) shall be entitled to attend and hear all evidence produced at the hearing and informed of any advice tendered by the Legal Adviser to the inquiry committee under section 7(3) and shall be provided with a copy of this Ordinance and any rules made under this section.

(7) The Council may make rules for the rehearing of an inquiry by an inquiry committee.

(8) Where a registered chiropractor is alleged to have committed a disciplinary offence under section 16(1)(b) or (f), the inquiry committee-

- (a) shall not be required to inquire whether the registered chiropractor was properly convicted of the alleged offence; and
- (b) may consider any record of the case in which a conviction was recorded and any other evidence which the inquiry committee may think is relevant as showing the nature and gravity of the offence.

(9) The inquiry committee may, in deciding whether a person has committed a disciplinary offence, have regard to any rules of professional conduct or Code of Practice made or issued by the Council.

(Enacted 1993)

Section:	18	<b>Disciplinary order of inquiry committee</b>	L.N. 80 of 2001	08/06/2001
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Where an inquiry committee finds that a registered chiropractor committed a disciplinary offence, the inquiry committee may make any one or more of the following orders-

- (a) order the Secretary to remove the name of the registered chiropractor from the register;
- (b) order the Secretary to remove the name of the registered chiropractor from the register for such period as the inquiry committee may think fit;
- (c) reprimand the registered chiropractor in writing and order the Secretary to record the reprimand on the register;
- (d) order that an order made under this section be suspended, subject to such conditions as the inquiry committee may think fit, for a period not exceeding 2 years;

- (e) order that the Council shall not accept an application from the person being the subject of an order under paragraph (a) or (b) for registration as a registered chiropractor either for a fixed period or until that person satisfies the Council that he should be so registered;
- (f) make any other order as it thinks fit, but no such order shall be of greater severity than those in paragraphs (a) to (e).

(Enacted 1993)

Section:	19	<b>Powers in regard to obtaining of evidence and conduct at inquiry</b>	L.N. 80 of 2001	08/06/2001
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- (1) An inquiry committee shall have power-
  - (a) to hear, receive and examine evidence on oath;
  - (b) to summon any person to attend the inquiry either as the person whose conduct is the subject of the inquiry or to give evidence or produce any document or other thing in his possession and to examine him as a witness under oath or require him to produce any document or other thing in his possession;
  - (c) to admit or exclude the public or any member of the public from the inquiry;
  - (d) to admit or exclude the media from the inquiry.
- (2) The Secretary shall sign summonses to witnesses.
- (3) No person shall be required to answer any question or produce any document or other thing which, in the opinion of the Legal Adviser, may tend to incriminate him.
- (4) A witness shall, in respect of any evidence given by him before the inquiry committee, be entitled to the same privileges to which he would be entitled if he were giving evidence in court.

(Enacted 1993)

Section:	20	<b>Service of orders of inquiry committee</b>	L.N. 80 of 2001	08/06/2001
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- (1) The Secretary shall serve a copy of any order made under section 18(a) to (f), together with a copy of the inquiry committee's reasons, or serve notice that the inquiry committee has not found that the registered chiropractor concerned committed a disciplinary offence, upon the registered chiropractor who was the subject of the complaint, either personally or by prepaid registered post addressed to his registered address.
- (2) The Secretary shall not remove the name of the registered chiropractor from the register before the expiry of a period of 3 months after the date of service of the order under subsection (1), and in the event of an appeal under section 22 or until the time for the giving of notice of such appeal has expired shall await the decision of the Court of Appeal.
- (3) Any person whose name has been removed from the register under this Ordinance may apply to the Council for the restoration of his name to the register, and the Council may, after such inquiry and subject to such conditions as it may consider desirable, allow or refuse the application.
- (4) If the Council allows the application under subsection (3), it shall order the Secretary to restore the name of the applicant to the register on payment by the applicant of the prescribed fee.

(Enacted 1993)

Section:	21	<b>Publication of disciplinary orders</b>	L.N. 80 of 2001	08/06/2001
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- (1) After the expiry of the time within which notice of an appeal under section 22 against an order of an inquiry committee under section 18(a) to (f) is to be given, or where in the case of an appeal, the order is affirmed or varied or the appeal is abandoned, the Council-
  - (a) shall publish a copy of the order or the order as varied on appeal in one English and one Chinese newspaper circulating in Hong Kong; and
  - (b) may publish the order or the order as varied on appeal in any other publication or manner as the Council thinks fit.
- (2) Where an order is published under subsection (1), the Council-
  - (a) shall publish with such order sufficient particulars to acquaint the public with the nature of the matter to which the order relates; and
  - (b) may publish with such order an account of the proceedings of the inquiry committee.
- (3) No action in damages for defamation shall lie against any person as a result of publishing an order and other

particulars required or permitted under this section.

(Enacted 1993)

Part:	V	<b>APPEALS</b>	L.N. 80 of 2001	08/06/2001
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(Enacted 1993)

Section:	22	<b>Appeal to Court of Appeal</b>	L.N. 80 of 2001	08/06/2001
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Remarks:

Adaptation amendments retroactively made - see 25 of 1998 s. 2

(1) Any person who is aggrieved by any decision or order made in respect of him under section 11(1) or 18 may appeal to the Court of Appeal.

(2) The Court of Appeal may affirm, reverse or vary the decision or order appealed against.

(3) Where a person appeals against a decision of an inquiry committee, the Court of Appeal shall consider the reasons of the inquiry committee and submissions upon the findings of fact and law of the inquiry committee made on behalf of the parties to the inquiry and may call for the original record of the evidence taken and a record of any advice tendered by the Legal Adviser to the inquiry committee under section 7(3) and any document put in evidence before the inquiry committee.

(4) The Court of Appeal may, upon special grounds being shown, consider any additional evidence not adduced before the inquiry committee.

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

(6) The Court of Appeal shall not have power to hear any appeal against a decision made under section 11(1) or against an order made under section 18 unless notice of such appeal is given within 3 months of the decision or of the service of order under section 20.

(7) In deciding any appeal under this section the Court of Appeal may make such order for the payment of costs as it considers reasonable.

(Enacted 1993)

Part:	VI	<b>USE OF TITLE</b>	L.N. 80 of 2001	08/06/2001
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(Enacted 1993)

Section:	23	<b>Use of title</b>	L.N. 80 of 2001	08/06/2001
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(1) A person whose name does not appear on the register shall not be entitled to describe himself as a "registered chiropractor".

(2) The Council may apply to a judge for an order restraining any person whose name is not on the register from describing himself as a "registered chiropractor".

(3) A person carrying on the business of chiropractic, otherwise than as part of a multidisciplinary practice, may use the description of "registered chiropractor" if, but only if, at each place where such business is carried on, that business is conducted under the supervision of a registered chiropractor who does not at the same time act in a similar capacity for any other person.

(4) A person carrying on the business of chiropractic as part of a multidisciplinary practice may use the description of "registered chiropractor" if, but only if, the business, so far as it relates to chiropractic, is under the full time management and control of a registered chiropractor who does not at the same time act in a similar capacity for any other person.

(5) The Council may apply to a judge for an order-

(a) restraining any person from using the description of "registered chiropractor" if the person has not complied with subsection (3) or (4); or

(b) restraining any person whose name is not entered in the register from carrying on a chiropractic practice in such manner as may reasonably cause any other person to believe that he is a registered



chiropractor.

(Enacted 1993)

Part:	VII	<b>OFFENCES AND EVIDENCE</b>	L.N. 80 of 2001	08/06/2001
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(Enacted 1993)

Section:	24	<b>Offences and penalties</b>	L.N. 208 of 2002	13/02/2003
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Any person who-

- (a) having been summoned by an inquiry committee to attend as a witness or to produce a document or other thing under section 19 without reasonable excuse refuses or fails to do so;
- (b) attends as a witness before an inquiry committee and, without lawful excuse, refuses or fails to answer any question put to him by the inquiry committee;
- (c) fraudulently obtains registration as a registered chiropractor for himself or any other person;
- (d) obtains registration as a registered chiropractor for himself or any other person by means of any misleading, false or fraudulent representation or statement, either orally or in writing;
- (e) makes or causes to be made any falsification in the register;
- (f) impersonates or falsely represents himself as being the person referred to in any certificate or document presented to the Council or an inquiry committee in connection with its functions under this Ordinance;
- (g) not having his name entered in the register, takes or uses any name, initials, title, addition or description falsely implying that his name is entered in the register;
- (h) not having his name entered in the register, practises chiropractic;
- (i) not being the holder of a practising certificate then in force, practises chiropractic;
- (j) not having his name entered in the register, uses or knowingly permits the use in connection with his business or profession of-
  - (i) the description "registered chiropractor"; or
  - (ii) initials or abbreviations or words intended to cause, or which may reasonably cause, any person to believe that the person using them is a registered chiropractor; or
- (k) not having his name entered in the register, advertises or represents himself as a registered chiropractor or knowingly permits himself to be so advertised or represented,

commits an offence and is liable to a fine of \$50000 and to imprisonment for 1 year.

(Enacted 1993)

Section:	25	<b>Certificate as evidence</b>	L.N. 80 of 2001	08/06/2001
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(1) A certificate, purporting to be signed by the Secretary, that the name of a person has or has not been entered in or has been removed or ordered to be removed from the register shall for all purposes, without further proof, be evidence of the facts stated in the certificate.

(2) A certificate purporting to be signed by the Secretary, that at a date specified in the certificate a person is not or was not the holder of a practising certificate then in force shall for all purposes, without further proof, be evidence of the facts stated in the certificate.

(Enacted 1993)

Section:	26	<b>Protection of members of Council and committees</b>		30/06/1997
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(1) No member or employee of the Council or of any committee of the Council shall be personally liable for any act done or default made-

- (a) by the Council; or
- (b) by any committee of the Council,

acting in good faith in the exercise or purported exercise of the powers conferred on the Council by, or by virtue of, this Ordinance.

(2) The protection hereby conferred on members and employees of the Council or of a committee in respect of

any act or default shall not in any way affect any liability of the Council for that act or default.

(Enacted 1993)

Section:	27	<b>Regulations</b>	37 of 2000	01/07/1997
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Remarks:

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

The Chief Executive in Council may by regulation provide for- (Amended 37 of 2000 s. 3)

- (a) the fees to be paid in connection with matters within the scope of this Ordinance;
- (b) anything that is to be or may be prescribed;
- (c) generally carrying into effect the provisions of this Ordinance.

(Enacted 1993)

Schedule:		<b>SCHEDULE</b>	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.

[sections 2 & 4]

**PROVISIONS AS RESPECTS THE COUNCIL  
AND ITS MEMBERS**

1. (1) A member of the Council shall hold his office in accordance with the terms of his appointment.  
(2) A member of the Council appointed under section 3(2)(b) or (c) of this Ordinance may at any time by notice in writing to the Chief Executive resign his office. (Amended 37 of 2000 s. 3)
2. If the Chief Executive is satisfied that a member of the Council appointed under section 3(2)(b) or (c) of this Ordinance-
  - (a) has become bankrupt or made an arrangement with his creditors; or
  - (b) is incapacitated by physical or mental illness; or
  - (c) is otherwise unable or unfit to discharge the functions of a member,the Chief Executive may declare his office as a member of the Council to be vacant, and shall notify the fact in such manner as the Chief Executive thinks fit; and upon such declaration the office shall become vacant.  
(Amended 37 of 2000 s. 3)
3. (1) The Council shall elect a Chairman each year from amongst the members appointed under section 3(2) of this Ordinance and not more than 15 months shall elapse between the date of one election and the next:  
Provided that on the commencement of sections 2 to 4 of this Ordinance for the purpose of any meeting of the Council, prior to the election of a Chairman, the Director of Health shall exercise the functions of a Chairman until a Chairman is so elected.  
(2) A member elected as Chairman under subsection (1) may at any time, by notice in writing to the Council, resign from the office of Chairman.
4. (1) The Chairman may appoint the time and place for the Council to meet.  
(2) The Secretary shall, or a member of the Council may, on the written requisition of not less than 3 members, give notice of a meeting of the Council to be held not sooner than 7 days but within 28 days from receipt of the requisition and appoint the time and place for that purpose.  
(3) The Council shall meet at least once every 12 months and as often as may be necessary to transact the business of the Council.  
(4) The Council shall not transact business at a meeting other than to adjourn unless there is a quorum of 1/3 of the members of the Council present.  
(5) The Council may make rules, not inconsistent with this section, setting out the procedures to be followed at

meetings.

(6) The Council shall lodge a copy of any rules made under subsection (5) with the Secretary for Food and Health. (Amended L.N. 106 of 2002; L.N. 130 of 2007)

5. The Council may transact any of its business by circulation of papers amongst members whether any such member is in or outside Hong Kong, 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.

6. A certificate signed by the Secretary that an instrument of the Council purporting to be made or issued by or on behalf of the Council was so made or issued shall be conclusive evidence of that fact.

7. Every document purporting to be an instrument made or issued by or on behalf of the Council and to be signed or executed by the Secretary or a person authorized by the Council to act in that behalf, shall be received in evidence and deemed, without further proof, to be so made or issued.

(Enacted 1993)