

**CODE OF PROFESSIONAL DISCIPLINE
FOR THE GUIDANCE OF
DENTAL PRACTITIONERS IN HONG KONG**

THE DENTAL COUNCIL OF HONG KONG

April 2007

PRE-AMBLE

The Dental Council of Hong Kong is established under the Dentists Registration Ordinance, Chapter 156. The Council is responsible for the registration of dentists, the conduct of the Licensing Examination, the maintenance of ethics, professional standards and discipline of the profession.

This pamphlet sets out certain guidelines for the proper behaviour of dental practitioners whether they are registered dentists or dentists who are deemed to be registered under the provisions of the Ordinance. It also sets out certain kinds of offences and of unprofessional conduct which may lead to disciplinary proceedings by the Council.

All dental practitioners are earnestly advised to read through this pamphlet and to acquaint themselves thoroughly with its contents, thereby avoiding the danger of inadvertently transgressing accepted codes of professional ethical behaviour which may lead to disciplinary action by the Dental Council.

Complaints made to, or information received by, the Secretary of the Council are dealt with in accordance with the provisions of the Dentists (Registration and Disciplinary Procedure) Regulations (Chapter 156 subsidiary legislation A).

All dental practitioners should in their own interests have professional indemnity cover and be familiar with the provisions of the following legislation and guidelines:

- (i) Dentists Registration Ordinance, Chapter 156;
- (ii) Dentists (Registration and Disciplinary Procedure) Regulations;
- (iii) Relevant Ordinances and their subsidiary legislation on the use and prescription of drugs such as Dangerous Drugs Ordinance (Chapter 134), Antibiotics Ordinance (Chapter 137) and Pharmacy and Poisons Ordinance (Chapter 138);
- (iv) Radiation Ordinance, Chapter 303 and its subsidiary legislation; and
- (v) Relevant guidelines on HIV Infection and other infections.

Copies of the Ordinances and Regulations may be purchased through the following means:-
[Amended with effect from 27 December 2003]

- Calling the Publications Sales Section of the Information Services Department at 2537 1910

- Visiting the online Government Bookstore at <http://bookstore.esdlife.com>
- Downloading the order form from the Information Services Department website at <http://www.isd.gov.hk> and submitting the order online or by fax to 2523 7195
- Placing order with the Information Services Department by e-mail at puborder@isd.gov.hk

Advice on HIV Infection may be sought from the Secretary of the Expert Panel on HIV Infected Health Care Workers c/o Department of Health, 5/F, Yaumatei Jockey Club Clinic, 145 Battery Street, Yaumatei, Kowloon.

INTRODUCTION

The Dentists Registration Ordinance states that “unprofessional conduct” (不專業行爲) means an act or omission of a registered dentist which would be reasonably regarded as disgraceful or dishonourable by registered dentists of good repute and competency. What will amount to unprofessional conduct is likely to vary with the circumstances at the time. The Council will decide in each case whether the conduct of an individual dental practitioner constitutes unprofessional conduct. It may assist dental practitioners, however, to describe two kinds of conduct which are likely to be viewed as unprofessional.

The first is dental treatment to patients which no dental practitioner of reasonable skill exercising reasonable care would carry out.

The second is conduct, connected with his profession, in which the dental practitioner has fallen short, by omission or commission, of the standards of conduct expected among dental practitioners.

The question of whether any particular course of conduct amounts to unprofessional conduct, and the gravity of such unprofessional conduct and of any conviction, are matters which the Council will determine after considering the evidence in each individual case. The Council, having regard to its quasi-judicial function, is not able to advise individuals. The Council may, however, be prepared to give guidance on matters of principle where such guidance is sought by the Hong Kong Dental Association. Dental practitioners desiring detailed advice on questions of professional conduct arising in particular circumstances are advised to direct their enquiries to the Hon. Secretary of the Hong Kong Dental Association or to consult their own legal advisers for advice on such matters.

The pamphlet is thus **NOT** a complete code of professional ethics, nor can it specify all offences which may lead to disciplinary action.

This Code was promulgated by the Dental Council on 1 September 2000 with such amendments and additions as separately indicated.

THE CODE OF PROFESSIONAL DISCIPLINE

1. PROVISION OF PRACTICE INFORMATION

1.1 Introduction

The provision of practice information is proper and essential provided that it conforms with the guidelines as described in the following sections, whereas advertising and canvassing in relation to both the public and patients are regarded as unprofessional conduct.

1.2 Principles

Any information provided by a dental practitioner to the public or a patient:—

- (a) shall be legal, decent, honest, truthful and factual, accurate, and not exaggerated; and
- (b) shall not claim superiority over or disparage other dental practitioners or their work.

1.3 Dissemination of Information to the Public

A dental practitioner may provide information to the public only in the following ways, having due regard to other sections of the Code, in particular section 1.7:-

1.3.1 Signboards

(a) *Definition*

The word “signboard” includes any composite notice(s) exhibited by a dental practitioner to identify his practice to the public.

(b) *General*

Signboards **may only** be exhibited on the premises at which the practice to which they refer is conducted. Signboards may not be of an ornate type nor may they be illuminated except at night or when situated in a dark place; the illumination should not be more than is necessary to allow the contents to be read. On no account will flashing signs be permitted.

(c) *Particulars*

The only particulars which may appear on signboards are:-

- (i) The name of the dental practitioner(s) (and the name by which the practice is known), in Chinese and English, with the prefix Dr. or the Chinese suffix “牙科醫生” or “牙醫” provided that sections 1.7.2 and 1.7.3 are complied with. *[Amended with effect from 8 August 2003]*
- (ii) The term “Dental Surgeon/Registered Dentist” (牙科醫生／註冊牙醫).
- (iii) Qualifications registered with the Council in the approved Chinese and English abbreviated forms. *[Amended with effect from 13 March 2002]*
- (iv) An indication of the situation in the building of the dental practitioner’s office.
- (v) The hours of attendance at such office.
- (vi) Telephone number of the practice.
- (vii) Fields of practice as approved by the Dental Council.

(viii) A logo which complies with the [guidelines](#) on the usage of logo published from time to time by the Dental Council. [*Effective from 1 March 2003*]

(d) *Size and number*

The size of a signboard and the number displayed for a dental practice must comply with the requirements stipulated in [Appendix A](#). A dental practice comprising more than one dental practitioner shall also follow the same requirements as set out in Appendix A, irrespective of the number of dental practitioners in the practice.

1.3.2 Stationery

(a) Stationery (that is visiting cards, letterheads, envelopes, prescription slips, notices, fax, e-mail etc.) may contain only those particulars which may appear on signboards together with details of the dental practitioner's practising address(es), telephone numbers, consultation hours and the honours and awards granted to him by the HKSAR Government or by the British/Hong Kong Government before 1 July 1997. Such stationery should not be ornate or professionally flattering or contain any other qualifications or any indication of honorary or other positions held. Any dental practitioner whose stationery contains other information, qualifications, abbreviations referring to the source of a qualification which may be taken by a lay person to represent an additional qualification, indications as to registration(s) acquired, reference to courses of clinical training or periods of study or positions previously held at universities, hospitals or dental schools, etc. may be considered to be guilty of unprofessional conduct.

(b) If a dental practitioner wishes to display on his stationery honours and awards other than those granted to him by the HKSAR Government or by the British/Hong Kong Government before 1 July 1997, he must seek approval from the Dental Council first. [*Amended with effect from 1 March 2003*]

(c) A dental practitioner who has been awarded a Certificate of Continuing Medical Education/Certificate of Continuing Professional Development by the Council may include in his visiting cards and letterheads the title "CPD-certified" in accordance with the form specified by the Council from time to time. [*Added with effect from 1 July 2005*]

1.3.3 Newspaper announcements

Announcements of commencement of practice and altered conditions of practice (e.g. change of address, partnerships etc.) are permissible only in local daily newspapers provided that all announcements are completed within one week of the first insertion AND comply with section 1.2 of this pamphlet. The size of the announcement shall not exceed 100cm². The announcements may contain a logo

which complies with the [guidelines](#) on the usage of logo published from time to time by the Dental Council. *[Amended with effect from 1 March 2003]*

1.3.4 Telephone directories

- (a) A dental practitioner may be listed in business telephone directories in the alphabetical section under his own name or under the name by which the practice is known. This notice shall be limited to name, address and telephone number.
- (b) A dental practitioner may be listed in classified business telephone directories under “Dental Practitioners” by his own name as well as the name by which the practice is known. If the dental practitioner has been authorised by the Dental Council to use a specialist title, he may also be listed under a sub-category named “Dental Specialists” which comes under the section “Dental Practitioners” in the telephone directories. Such listings may include the address, telephone number, registered qualifications, specialty, as authorised by the Council, and telephone number for emergency service. *[Amended with effect from 1 March 2003]*
- (d) All listings will be in standard print in black only. Bold type is not permitted.
- (e) The display of borders, logos, office hours and colour are not permitted.

1.3.5 Display of certificates

Only certificates and diplomas registered with the Dental Council can be displayed in the waiting area of the dental surgery.

1.3.6 Notice regarding patients’ right to know treatment fees *[Effective from 1 January 2002]*

A notice should be exhibited in the waiting area of each dental surgery to inform patients about their right to know the fees involved. The wording of the notice should be “**Please feel free to ask your dental surgeon about the treatment cost.** 請向牙科醫生查詢有關治療費用。” Failure to exhibit such a notice may constitute unprofessional conduct.

1.3.7 Directory of Dentists on the Internet *[Effective from 27 December 2003]*

- (a) A dental practitioner may be listed in directories of dentists published by organizations approved by the Dental Council for that purpose.
- (b) All entries in the directory should be in the same font size and colour. Accentuation or emphasis of individual entries by any means such as blinking, colouring and highlighting is not permitted.
- (c) An entry may contain only the following information:
 - (i) The dentist’s name in Chinese and English;

- (ii) Qualifications registered with the Dental Council;
- (iii) Specialist titles approved by the Dental Council;
- (iv) Nature of practice i.e. private or public practice;
- (v) Registered practising address(es) and the geographic district(s);
- (vi) Consultation hours;
- (vii) Telephone and facsimile numbers, e-mail address, emergency telephone and pager numbers; and
- (viii) The address of the website set up by the dentist for his dental practice according to section 1.9 of the Code. *[Added with effect from 14 July 2005]*

1.4 Dissemination of Information to Patients

- 1.4.1 A patient is someone who has in the past consulted that dental practitioner, a partner in his practice, or a dental practitioner in a practice which that dental practitioner has taken over, and whose name appears in the records of the practice.
- 1.4.2 A dental practitioner may provide information about his service to his patients provided that such information:-
- (a) conforms with section 1.2;
 - (b) does not involve unsolicited visits or telephone calls by himself or by people acting on his behalf or with his forbearance;
 - (c) does not abuse the patient's trust or exploit his lack of knowledge.
- 1.4.3 A dental practitioner who finds it necessary to inform the patients of his practice of a modification in the circumstances of the practice including change of consulting hours may do so by means of a printed letter or card enclosed in a sealed envelope. The dental practitioner is responsible for ensuring that it is sent only to persons whom he is reasonably entitled to assume to be patients of his practice.

1.5 Books, Lectures, Mass Media Appearances

- 1.5.1 Dental practitioners should take steps to ensure that ethical codes are respected whenever they have dealings with radio, television and press interviews and reporters.
- 1.5.2 A dental practitioner who provides information on professional practice to the media in any manner must ensure that:
- (a) he does not take part in interviews which do not comply with sections 2 and 3 of the Code;
 - (b) the information is factually correct; and

- (c) where the information includes personal opinion or one of several schools of thought, that fact be stated clearly so as to avoid the information being misunderstood as a statement of fact.

Dental practitioners are advised to refer the media to recognised professional bodies (i.e. those bodies included in the List of Professional Bodies Recognized for the Purpose of Section 1.5.5 of the Code) for enquiries on dental-educational information. Dental practitioners who choose to give interview to the media themselves must ensure that before providing the information on matters pertaining to dentistry or the dental profession, he has secured in writing the right to obtain an advance copy of the draft version and to make amendments thereto before actual publication or broadcast, except in instantaneous broadcasts. *[Amended with effect from 7 August 2004]*

- 1.5.3 The Council will generally hold a dentist, who gives interviews to representatives of the media, responsible for any publicity which may ensue.
- 1.5.4 Any public statement, which is calculated to mislead the public or damage public confidence in the profession, may lead to a charge of unprofessional conduct.
- 1.5.5 The question of advertising may arise in a number of other contexts, such as books written by dental practitioners, articles or letters or other items written by or about them in newspapers or magazines, and talks or appearances by dental practitioners on radio or television. In such cases the identification should be limited to full name and photograph, and no mention should be made of qualifications, experience or other personal professional particulars (such as the fact that they are in practice).

Where however there is a genuine need/reason for the quotation of a local appointment held by a member of the teaching staff of the University of Hong Kong or by a Dental Officer of the Department of Health in a seminar/lecture/talk/interview given by him and in printed materials related to such purposes this does not violate ethical codes, provided that the appointment is current, full-time and paid. Furthermore, where there is a genuine need/reason for the quotation of a local appointment held by an authorised spokesman of a [professional body recognised by the Dental Council](#) in a seminar/lecture/talk/interview given by him and in printed materials related to such purposes this does not violate ethical codes, provided that the dentist is currently appointed to be such a spokesman. In either situation, the dentist must be in a position to justify such quotation. *[Amended with effect from 8 August 2003]*

- 1.5.6 The giving of lectures to lay audiences (e.g. club or association luncheon speeches) is permitted if the aim is to give professional information and if such lectures are advertised to members only and provided that publicity on radio, television or in the lay press is not sought.

1.5.7 The Council does not consider it unethical for the name of a dental practitioner to be mentioned in press reports dealing with matters of general interest but again no mention should be made of qualifications, experience or other personal professional particulars (such as the fact that he is in practice).

1.6 Information about Dental Practitioners Practising in a Particular Field

Members of the public who are seeking dental advice or treatment occasionally approach an association of dental practitioners for a list of its members or a list of specialists. The dental practitioner(s) belonging to the association who actually prepares and/or approves such a list for its release, in response to a direct public request, should ensure that the list contains only those dental practitioners who are recognised by the Dental Council and/or the Hong Kong Academy of Medicine as having completed higher specialist or vocational training.

1.7. Misleading and Unapproved Descriptions and Announcements

1.7.1 In general the Council considers that any act or omission by a dental practitioner in connection with his practice which may mislead the public may be held to constitute unprofessional conduct.

1.7.2 Unless otherwise permitted by the Council, a dental practitioner, other than a dental practitioner practising in partnership, may only practise under his own name or under the name of a dental company. Dental practitioners practising in partnership may only practise under the name of one or more of the existing partners of that practice unless otherwise permitted by the Council. Reference should be made to section 1.8 for group practices. This section does not apply to a dental practitioner who is acting as a locum at the practice.

1.7.3 Where a dental practitioner is carrying on a practice or is intending to carry on a practice in a name other than that permitted by section 1.7.2, he must apply to the Council for permission to practise under that name. Provided that such application is made to the Council:

(a) within three months of the coming into operation of this Code; or

(b) within one month of the change of circumstances whereby section 1.7.2 is not being complied with,

whichever is the later, the dental practitioner may continue to use that name pending the determination of the application by the Council.

1.7.4 Where a dental practitioner no longer practises at the premises and his name forms part or the whole of the name of the practice, every dental practitioner who continues to practise in those premises is responsible to ensure that there is displayed in the waiting area of the dental surgery a notice that the former dental practitioner is no longer practising in the premises.

- 1.7.5 The name of every dental practitioner regularly attending patients shall be displayed in a prominent position in the waiting area of the premises where he practises. The display of qualifications registered with the Dental Council of Hong Kong is also allowed. The names of any dental hygienists regularly attending the practice may also be displayed.
- 1.7.6 No names other than those of dental practitioners and dental hygienists may appear outside the premises of the practice or be used in any professional communications relating to the practice.

1.8 Group Practices

- 1.8.1 The Dental Council recognises that dental practitioners practising as a group may consider it necessary to identify the practice by the use of a collective title. The name chosen for the group must be in compliance with all guidelines given above.
- 1.8.2 Prior approval of the Dental Council of Hong Kong must be sought if any dental practitioner wishes to practise in any name other than his own, or if in company with other dental practitioners it is considered necessary to identify the practice by the use of a collective title.
- 1.8.3 Signs should not be designed to draw public attention to the services of one practice at the expense of others. In selecting a name, and particularly a collective title for a partnership, it is desirable to avoid a name which could be interpreted as implying that the services being provided have received some official recognition not extended to other local dental practitioners.
- 1.8.4 Any change of title or cessation of use of title should be reported to the Council within one month.

1.9 Homepage on the Internet

- 1.9.1 The Dental Council accepts in principle that all dental practitioners should be allowed to set up a homepage on the internet.
- 1.9.2 All dental practitioners must observe specifically the [format and rules](#) governing the homepage on the internet as published from time to time by the Dental Council of Hong Kong.

1.10 Specialist Title

A dental practitioner may be accredited as a specialist and authorised by the Dental Council to use a specialist title. The objective of granting such a title is to recognise his expertise in practising dentistry in that particular field so that patients may be referred for opinion and/or treatment. The specialist title accredited by the Council may appear on the practitioner's signboards, visiting cards and stationery, etc.
[Amended with effect from 7 August 2004]

2. CANVASSING

- 2.1** Canvassing for the purpose of obtaining patients, either by himself, his servants, agents or others whether directly or indirectly, and association with or employment by persons or organisations which canvass, may lead to disciplinary proceedings. Except in an emergency the Council does not consider it permissible for a dental practitioner to call upon or communicate with any person who is not already a patient of his practice with a view to providing advice or treatment unless expressly requested to do so by that person or by a parent or guardian of that person. Moreover the Council does not consider it permissible for a dental practitioner to canvass by means of the distribution of visiting cards other than as a result of a request for a card by an individual.
- 2.2** Association by dental practitioners with nursing homes, dental benefit societies, insurance companies etc. which advertise clinical and diagnostic services but which allow a free choice of dental practitioner does not violate ethical codes, but dental practitioners are warned that association with any such institution, company etc. which advertises clinical or diagnostic services to the general public and directs patients to particular dental practitioners may be regarded as canvassing. This does not preclude any dental practitioner or panel of dental practitioners from being employed by an organisation, company, school etc. which does not advertise clinical or diagnostic services provided that the names of such dental practitioners are supplied only to bona fide members, employees, scholars and their families by the management.
- 2.3** A dental practitioner in a contractual relationship with an organisation which refers patients to him as employees of that organisation, as members of an insurance scheme, or otherwise, must ensure that its advertising and promotion of any scheme conforms with all previous paragraphs of this section. This is applicable to all dental practitioners whether in private or public practice or providing charitable services.

3. ADVERTISING

- 3.1** The tradition that dental practitioners should refrain from self-advertisement has long been accepted by the dental profession. Advertising is incompatible with principles which should govern relations between members of the profession, and could be a source of danger to the public. "Advertising" in this context will be regarded by the Council in its broadest possible sense to include any means by which a dental practitioner or his practice is publicised, either by himself, his servants, agents or others, in a manner which can reasonably be regarded as promoting his own professional advantage. Whether or not a dental practitioner actually benefits from publicity is no defence to a charge of advertising.
- 3.2** The unprofessional conduct of advertising may arise from the publication either directly or indirectly (in any form in Hong Kong or elsewhere) of matter

commending or drawing attention to the professional skill, knowledge, services, or qualifications of a dental practitioner when the dental practitioner concerned has instigated, sanctioned or connived at or organised such publication or failed to take adequate steps to prevent publication.

3.3 Advertising may also be considered to occur if a dental practitioner permits or fails to take adequate steps to prevent the publication either directly or indirectly (in any form in Hong Kong or elsewhere) by other persons of matter which commends or draws attention to his own professional attainments or services, or if a dental practitioner is associated professionally with or employed by persons or organisations which advertise clinical, diagnostic or other services connected with the practice of dentistry. In determining whether unprofessional conduct has occurred, it is relevant to take into account:-

- (i) the extent and nature of, and possible reason for the publicity; and
- (ii) the question whether the arrangements appear to have been intended to serve to promote the dental practitioner's own professional advantage or financial benefit.

4. DISREGARD OF PROFESSIONAL RESPONSIBILITIES TO PATIENTS

Disciplinary proceedings may be instituted in any case in which a dental practitioner appears to have disregarded his professional responsibility to adequately treat or care for a patient or otherwise to have neglected his professional duties.

5. RECORD KEEPING

Dental practitioners should keep accurate and contemporaneous records of dental treatment and should keep them for a minimum of three years since the patient's last treatment. It is the responsibility of the dental practitioner to safely maintain these records against loss and to safeguard their confidentiality.

6. THIRD PARTY INVOLVEMENT

6.1 A dental practitioner may enter into an agreement with individuals and/or organisations in any form to provide dental health care services provided that the agreement does not permit or compel practices which lead to unethical conduct. In performance of such contracts the dental practitioner is required to deal fairly with the public and fellow practitioners. It is unethical for a dental practitioner to contract his services under conditions that make it impossible to render service to his patients in a timely and reasonable manner.

6.2 Dentistry is inherently an intimate and individual relationship and every effort must be made to preserve it as such. There is a place for third party involvement but the

role must be within well defined parameters. Many plans have been proposed over the past dozen years but few have met the ethical criteria. Dental practitioners are advised to be extremely discerning when dealing with third parties to provide dental care programmes and to ensure that:

- (a) there is no canvassing;
- (b) there is no dichotomy (fee splitting);
- (c) these parties should not act as agents;
- (a) these programmes are open to participation by all dental practitioners; and
- (b) there is no restriction in clinical autonomy and responsibility.

Examples of bona fide third parties would be insurance plans bought on an individual basis or supplied as an employee benefit plan, employed dental practitioners, reimbursement schemes and capitation programmes sponsored as employee benefits. The Dental Council cannot, however, foresee all circumstances where third party involvement may or may not be ethical.

7. IMPROPER FINANCIAL TRANSACTIONS

- 7.1** A dental practitioner may not receive any payment by way of commission, rebate or otherwise from another dental practitioner or organisation for referring a patient for consultation or treatment. A dental practitioner may not offer or pay any commission, rebate or otherwise to another dental practitioner or organisation who refers a patient to him for consultation or treatment.
- 7.2** Sharing fees with any person who has not taken a commensurate part in the service for which the fees are charged is considered to be an unethical practice, as also is the receipt of rebates from diagnostic laboratories etc.
- 7.3** A dental practitioner shall not share his fees with any other person except with his partners in a bona fide dental practice.
- 7.4** A dental practitioner shall not receive any rebate from any commercial organisation to whom he refers patients.
- 7.5** If a dentist has financial or commercial interests in organisations providing health care or in pharmaceutical or other biomedical companies, these must not affect the way he prescribes for, treats or refers patients.
- 7.6** A dentist, before taking part in discussion with patients or their relatives about buying goods or services, must declare any relevant financial interest or commercial interest which he or his family may have in the purchase.
- 7.7** The seeking or acceptance by a dentist from a hospital, nursing home, health centre or similar institution of any inducement for the referral of patients to the institutions, such as free or subsidised consulting premises or secretarial assistance, is considered

improper. Similarly the offering of such inducements to colleagues by dentists who manage or direct such institutions may be regarded as improper.

- 7.8** Sponsorship from commercial organisation for participation in scientific meetings, or for educational and charitable services is acceptable provided the amount sponsored is reasonable and not excessive.

8. DEPRECIATION OF OTHER DENTAL PRACTITIONERS

- 8.1** A dental practitioner should always speak out in recognition of good work. Such recognition is just and generous and gives pleasure to the patient and much encouragement to a fellow practitioner.

- 8.2** When called upon to express a view about a colleague's professional practice, honest comment is entirely acceptable in such circumstances, provided that it is carefully considered and can be justified, that it is offered in good faith and that it is intended to promote the best interests of patients.

9. CONVICTIONS PUNISHABLE WITH IMPRISONMENT

- 9.1** It is emphasised that any conviction in Hong Kong or elsewhere of any offence punishable with imprisonment will lead to subsequent disciplinary proceedings, irrespective of whether a prison term is imposed or not.

- 9.2** A particularly serious view is likely to be taken if a dental practitioner is convicted of criminal deception (e.g. obtaining money or goods by false pretences), forgery, fraud, theft, indecent behaviour or assault in the course of his professional duties or against his patients or colleagues.

10. ABUSE OF ALCOHOL OR DRUGS

A dental practitioner who treats patients or performs other professional duties while under the influence of drink or drugs to such an extent as to be unfit to perform his professional duties is liable to disciplinary proceedings.

11. ABUSE OF DANGEROUS OR SCHEDULED DRUGS

Disciplinary proceedings (a) may be taken in any case in which a dental practitioner has been found or alleged to have prescribed or supplied drugs of addiction or dependence otherwise than in the course of bona fide treatment; (b) will be taken against a dental practitioner convicted of offences against the Dangerous Drugs Ordinance and the Regulations made thereunder committed in order to gratify the dental practitioner's own addiction; and (c) may be taken against any dental practitioner who permits unqualified assistants to be left in charge of any place in

which scheduled poisons or preparations containing scheduled poisons are sold to the public.

Note: All dental practitioners are strongly advised to familiarise themselves with and to keep available their own copy of the Dangerous Drugs Ordinance and its Subsidiary Legislation (Chapter 134, Laws of Hong Kong).

12. MANDATORY LABELLING OF ALL DISPENSED MEDICINES

All dental practitioners are required to properly label all medicines they dispense in the course of their professional practice, directly or indirectly, with the following essential information:-

- (a) name of patient;
- (b) date of dispensing;
- (c) trade name *or* pharmacological name of the drug;
- (d) dosage ;
- (e) method and dosage of administration; and
- (f) precaution where applicable.

Exemptions are only allowed under the following situations:-

- (a) medicines for clinical trials with informed consent from patients; and
- (b) situations in which it may not be in the interests of the patient to label the medicine, such as medicines supplied solely for psychological effect on the patient.

13. IMPROPER RELATIONSHIP BETWEEN DENTAL PRACTITIONERS AND PATIENTS

A dental practitioner who abuses his professional position in order to pursue an improper relationship of a personal nature with a person with whom he stands in a professional relationship may be subject to disciplinary proceedings. He is therefore urged to take special care and prudence in circumstances which could leave him open to allegation of abuse of his position of responsibility and trust.

14. ABUSE OF PROFESSIONAL CONFIDENCE

Disciplinary proceedings may be taken where it is alleged that a dental practitioner has improperly or carelessly disclosed information which he has obtained in confidence from or about a patient.

15. UNTRUE OR MISLEADING CERTIFICATES AND OTHER PROFESSIONAL DOCUMENTS

Dental practitioners are required to issue certificates for a variety of purposes, (e.g. incapacity to work through illness or injury certificates, insurance forms and receipts, etc.) on the assumption that the truth of the certificates can be accepted without question. In some cases the certificates are required to include a statement that a patient has been examined on a particular date. Dental practitioners are expected to exercise care in issuing certificates and kindred documents, and should not include in them statements which the dental practitioner has not taken appropriate steps to verify. Any dental practitioner who in his professional capacity gives any certificate or similar document containing statements which are untrue, misleading or otherwise improper, renders himself liable to disciplinary proceedings. In particular, dental practitioners are warned that the signing of blank certificates is prohibited by the Council.

16. COVERING

- 16.1** The Council considers that a dental practitioner should in no way countenance, help, encourage or assist, either wilfully or by neglect, the practice of dentistry by an unregistered person.
- 16.2** Section 27 of the Dentists Registration Ordinance reads “Any registered dentist who practises dentistry in premises in which an unregistered person practises dentistry shall be guilty of an offence...”
- 16.3** Section 2(2) of the Ordinance sets out in what circumstances a person practises dentistry and includes a person who suggests that he is prepared to practise dentistry or to give treatment, including the insertion of artificial teeth or other dental appliances.

17. IMPROPER DELEGATION OF PROFESSIONAL DUTIES

A dental practitioner who improperly delegates to a person who is not a dental practitioner duties or functions in connection with dental treatment on a patient for whom the dental practitioner is responsible or who assists such a person to treat patients as though that person were a dental practitioner, is liable to disciplinary proceedings. The proper employment of ancillary personnel trained to perform specialised functions relevant or supplementary to dentistry is entirely acceptable provided the dental practitioner concerned exercises effective personal supervision over any persons so employed and retains personal responsibility for the treatment of the patients.

18. RESPONSIBILITY OF PARTNERS AND DIRECTORS

The Council wishes it to be understood that a dental practitioner who enters into a partnership for the purpose of carrying on a dental practice and, more specially, a dental practitioner who becomes a director of a body corporate carrying on the business of dentistry thereby accepts responsibility for the maintenance of a high standard of professional conduct in that practice or business and may be required to answer to the Council for any act or omission in the conduct of that practice or business which appears to the Council to be such as would, if attributed to an individual dental practitioner, constitute unprofessional conduct. Attention is directed to Section 12 of the Dentists Registration Ordinance.

CONCLUSION

It must be emphasised that the categories of unprofessional conduct described in this Code cannot be regarded as exhaustive, since from time to time with changing circumstances, the Council's attention may be drawn to new forms of unprofessional conduct. Any abuse by a dental practitioner of any of the privileges and opportunities afforded to him, or any dereliction of professional duty or breach of dental ethics, may give rise to a charge of unprofessional conduct.

The Dental Council of Hong Kong

SIGNBOARDS

A. GENERAL

Dimensions and Sizes

The area of a signboard is taken to be the length times the breadth of its faces including all borders.

Where only one face is visible then that face may have maximum dimensions to aggregate to the permitted limit of a signboard in that precise location.

Where two faces are visible (i.e. can be read from two different lines of approach) then the areas of the two faces added together must not aggregate to exceed the permitted limit of a signboard in that precise location.

Where three faces are visible (i.e. can be read from three different lines of approach) then the areas of the three faces added together must not aggregate to exceed the permitted limit of a signboard in that precise location.

The areas of any number of faces on any one signboard must not, when aggregated together, exceed the permitted limit of a signboard in that precise location.

Border

The border of a signboard or signage shall be measured as summation of the lengths of its external perimeters. In the event that particulars are imprinted directly onto the exterior walls/glass panels or the entrance door of the dental surgery, the perimeters, for the purpose of this section, shall be defined as the outermost edges of the wordings so placed.

B. DENTAL PRACTICE NOT SITUATED WITHIN A SHOPPING MALL

The following refers to signboards fixed to the external walls of a building, visible from the street :-

No signboard at street level may exceed 0.9 square metre

No signboard at one level from street level may exceed 1.2 square metre.

No signboard at more than one level from street level may exceed 1.8 square metre.

Numbers Permitted

- (i) For offices situated at street level with direct access from the pavement :
Signboard to be exhibited at street level

- (ii) For offices situated within a building having one public entrance :
One Signboard to be exhibited at the floor level where the practice is conducted

One Signboard to be exhibited adjacent to the public entrance to the building

- (iii) For offices situated within a building having more than one public entrance :

One Signboard to be exhibited at the floor level where the practice is conducted

Two Signboards to be exhibited adjacent to up to two public entrances to the building

C. DENTAL PRACTICE SITUATED WITHIN A SHOPPING MALL

[Effective from 1 January 2003]

For offices situated within a shopping mall (irrespective of the floor of the mall on which the office is located), one signboard is permitted to be exhibited at the floor level of the mall where the practice is conducted. The size of such signboard is not to exceed 0.9 square metre. In addition, one signboard may be exhibited at the external wall of the mall at the same level where the practice is conducted. With regard to the size of this particular signboard, the following guidelines should be observed:-

No signboard at street level may exceed 0.9 square metre.

No signboard at one level from street level may exceed 1.2 square metre.

No signboard at more than one level from street level may exceed 1.8 square metre.

D. OTHER SIGNAGES PERMITTED FOR EACH DENTAL PRACTICE

(1) Additional Signboard

Every dental practice is permitted to exhibit two signboards on or beside the actual door of the dental practice. The size of any signboard on/beside the actual door of the practice is not to exceed 0.9 square metre. *[Amended with effect from 13 March 2002]*

(2) Directory Boards

Where directory boards are provided in buildings having a number of entrances and lobbies there will be no objection to the use of whatever number of boards provided. The particulars which may appear on directory boards are those which may appear on signboards. Each entry must conform to the norm for every other entry on the board.

(3) Directional Notices

Directional notices must not contain more particulars than those which may appear on signboards. They can only be exhibited within a building. The numbers which may be exhibited will be left to the discretion of the practitioner but the guidance given under section 1.3.1 must be given due consideration.

Directional notices must not exceed 0.1 square metre in area and all borders must be included.

(4) Notices of Consultation Hours

Every dental practice is permitted to exhibit one separate notice containing particulars and details of the surgery hours provided that this information is not already shown on some other signages. The placement of such a notice is left entirely to the practitioner(s). However it is emphasised that only one such notice is permitted and its overall size, to include borders, is limited to 0.2 square metre.

Guidelines on Usage of Logo by Dental Practice/Dentist

The Dental Council of Hong Kong

Definition of Logo for use by Dental Council

A logo is a non-heraldic badge used on stationery, signboards, visiting cards, homepage, and newspaper announcements for the identification of a dentist or a dental practice.

Description of Logo

A logo must be a graphic figure.

A logo must reflect the good image of the profession.

A logo must not contain any writing or script (i.e. a logo must not contain any written characters in Chinese, English or in any other language).

Permitted Number of Logo

Only one logo is permitted for one dentist. This may be the dentist's own logo or the practice logo; he may not use both.

Only one logo is permitted to appear on the stationery, signboard, visiting card, homepage or newspaper announcement. It should not appear more than once on any such surface.

No logo is allowed on any other surfaces e.g. telephone directories, journals, books, and any other forms of mass media communication.

Permitted Size of Logo

On visiting card and homepage — unlimited size.

On a signboard, stationery, newspaper announcement regarding the commencement and altered conditions of practice — no larger than one-fifth of the size of the signboard/stationery/newspaper announcement.

The Dental Council reserves the right to prohibit the use of any logo by a dentist or a dental practice.

The Dental Council of Hong Kong

List of Professional Bodies

Recognized for the Purpose of Section 1.5.5 of the Code of Professional Discipline

(as at June 2007)

1. The College of Dental Surgeons of Hong Kong
2. Hong Kong Dental Association
3. Department of Health
4. Faculty of Dentistry, The University of Hong Kong
5. Hong Kong Association of Oral and Maxillofacial Surgeons
6. Hong Kong Endodontic Society
7. Hong Kong Society of Hospital Dentistry
8. Hong Kong Society of Oral Implantology
9. Hong Kong Society of Orthodontists
10. Hong Kong Society of Paediatric Dentistry
11. Hong Kong Society of Periodontology
12. Hong Kong Prosthetic Dentistry Society
13. Hong Kong Society for Sedation and Anaesthesia in Dentistry
14. Hong Kong Society of Family Dentistry
15. Hospital Authority

INTERNET GUIDELINES ON DENTAL PRACTICES

THE DENTAL COUNCIL OF HONG KONG

INTRODUCTION

The following guidelines, promulgated by the Dental Council of Hong Kong, should be observed by all dentists in the creation and maintenance of a homepage for private dental practice. Private dental practice includes:-

- (i) a sole practice;
- (ii) a partnership;
- (iii) an associateship; and
- (iv) a practice in the form of a dental company.

A personal web page is also permitted. All dentists should observe the separate guidelines for the creation and maintenance of a personal web page which can be obtained from the Dental Council of Hong Kong.

1. GENERAL PRINCIPLES

- 1.1 Although all practices may set up web pages, no such web page shall promote or solicit patients. All forms of communication should be conducted in a manner that is not false or misleading in any respect.
- 1.2 All information placed on such web sites should be legal, decent and truthful, have regard to professional propriety and should not be of a character that could reasonably be regarded as likely to bring the profession into disrepute.
- 1.3 It should not contain any reference to the efficiency, skills or knowledge of the dentist, the equipment used in the practice nor make claims which cannot be substantiated or which suggest superiority over any other dentists or practices.
- 1.4 Subject to section 1.1, practice web pages should have the object of facilitating dissemination of information to the public and should not exploit their lack of experience and knowledge of the range of dental services available to them.
- 1.5 In compliance with the guiding principles on advertising as set out in the Code of Professional Discipline issued by the Dental Council of Hong Kong, information disseminated from the practice web site should not exceed that displayed in the waiting area of a dental practice.

2. CONTEXT OF MISREPRESENTATION OR MISLEADING STATEMENTS

Without prejudice to the general principles in section 1, the following statements are not permitted, being statements which :-

- 2.1 contain a misrepresentation of fact.
- 2.2 are false and misleading.
- 2.3 make or imply any comparison with any other dentist or dentists.
- 2.4 contain any claim of personal pre-eminence in the practice of dentistry or any other matters commanding or directing attention to skills, knowledge, services, equipment or qualifications.
- 2.5 are intended or likely to create an unjustified expectation about results that the dentist can achieve by claiming the use of exclusive or superior apparatus, method or material in the practice of dentistry.
- 2.6 are vulgar, sensational or otherwise such as would likely bring the dentist or the dental profession into disrepute.
- 2.7 mention or state fees for a specific type of service.
- 2.8 contain any other representations or implications which could lead the reader to misunderstand the facts and possibly be deceived.

3. WEB PAGE CONTENT

Web sites for private dental practices are permitted by the Dental Council of Hong Kong provided *only* the following information is contained thereon:

- 3.1 Name of the practice and dental practitioner. In the case of a dental partnership or dental associateship, the names of the partners and associates may be listed.
- 3.2 Photographs of any dentists, associates and enrolled dental hygienists working in the practice.
- 3.3 Qualifications and the year of graduation.
- 3.4 Profession i.e. “Dentist” or “Dental Surgeon”, or in the case of a dentist with specialist entitlement given by the Dental Council of Hong Kong, such specialist title.
- 3.5 Address of the practice.

- 3.6 Practice telephone number.
- 3.7 Practice fax number.
- 3.8 Emergency telephone and pager numbers.
- 3.9 Mobile telephone number.
- 3.10 E-mail address.
- 3.11 Consultation hours.
- 3.12 Map showing the exact location of the practice.
- 3.13 Registration Number with the Dental Council.
- 3.14 A Logo which complies with the guidelines on the usage of logo published from time to time by the Dental Council. [Effective from 1 March 2003]

4. ELABORATION OF WEB CONTENT

4.1 Qualifications

Only qualifications registered with the Dental Council of Hong Kong may be mentioned.

4.2 Specialist expertise

No mention of specialist expertise will be allowed except in the case of a dentist who has been authorized by the Dental Council of Hong Kong to use a specialist title. In the case of a dentist who has been allowed by the Council to use a specialist title, only the registered description of the speciality may be mentioned.

4.3 Dental Hygienists

The presence of an enrolled dental hygienist or dental hygienists may be mentioned.

4.4 Published Articles

No mention of any publications or articles written by the practitioner or practitioners of the practice may be made.

5. WARNING/CAUTION

The following Internet applications and technologies are inadmissible. The cardinal rule to apply here is that “any web component or technology that invites or solicits contact with the dental practice is not permitted.”

5.1 Banner Advertisements

These are not permitted and similarly association or links with commercial sites is not permitted.

5.2 Cookies

Use of this technology on the server to obtain an unsolicited database of information about users that login to the web site is not permitted. The Dental Council is concerned that this database may be used to solicit patients.

5.3 Newsgroups

These are inadmissible in any form.

5.4 Active Channels/Push technology/Broadcast channel technology

These are inadmissible in any form.

5.5 Listservers

The setting up of a listserver by any dental practice in Hong Kong at present is not allowed. But a listserver is allowed to be used within the profession.

5.6 “Ask a dentist” or “Sections that invite Public Queries on Dentistry”

This is not permitted.

5.7 Association with commercial/promotional sites

There must be no association with commercial/promotional sites both non-dentally or dentally related. Hyperlinks or any other forms of linking to or from these sites are not permitted. However, linking and or subscription to a dental database of dentists is permitted *only* if that database contains *all* registered dentists in Hong Kong.

5.8 Guestbooks

Guestbooks or areas or forms to collect details of people who login to the web site are strictly inadmissible.

5.9 Bulk or Mass E-mailings

It is not permitted for dentists to make use of electronic media, in the form of e-mail, Internet Broadcast Channels in the form of “Push” technology or the use of any electronic Internet technology to mass distribute electronic leaflets, brochures, pamphlets or letters intended for the public at large.

The only time when Bulk/Mass E-mailing will be permitted by a dental practice will be to bona fide patients of the practice and under one or more of the following circumstances:-

- (i) the commencement of practice.
- (ii) taking over the practice of another dentist or that another dentist has taken over his/her practice (with the consent of the second party).
- (iii) a dentist has entered into or dissolved partnership with another dentist.
- (iv) notice of removal of practice to new premises.
- (v) has ceased practice.

Any dentists of a dental practice in sending e-mail should avoid the following:

(i) Solicitation

Soliciting patients through distribution of e-mail circulars, e-mail pamphlets whether personally, by canvassers or agents is strictly forbidden.

(ii) As an ex-employee

Having been an employee of another dental practice either during or after the termination of such employment, sends or authorises to be sent, any e-mail letter to any person whom he/she (the employee) has professionally attended to.

(iii) E-mail canvassing

The use of unsolicited e-mail to promote a practice would be unacceptable and deemed likely to diminish public confidence in the profession and bring the profession into disrepute.

5.10 Links to Personal Web Pages

There should be no links whatsoever to personal web pages or vice versa.

5.11 Links to Oral Health Education Web Pages

There should be no links whatsoever to oral health education web pages.

6. Conclusion

Any Internet technology that in any form may lead to solicitation or deemed to imply or be associated with any form of solicitation or touting or provide an unfair advantage over other dentists is inadmissible on web pages.

If there is any ethical aspect not covered by these brief guidelines, dentists are advised to consult the Code of Professional Discipline of the Dental Council of Hong Kong. Dentists are welcomed to give views to the Dental Council should they become aware of new development in internet technology that may be of relevance to the guidelines on internet homepages.

It is hoped that these guidelines will enable dentists in Hong Kong to set up acceptable web pages. These guidelines will be updated on a regular basis to encompass the latest Internet technologies as they become available.

*The Dental Council of Hong Kong
March 2003*

**INTERNET GUIDELINES ON
PERSONAL WEB PAGES FOR DENTISTS
THE DENTAL COUNCIL OF HONG KONG**

A dentist can publish his personal web page with the following information **only** :-

- ✧ the dentist's name;
- ✧ his profession as a dentist;
- ✧ photographs unrelated to the dentist's profession and practice; and
- ✧ any information other than dental information.

*The Dental Council of Hong Kong
September 2000*