

香港牙醫管理委員會
THE DENTAL COUNCIL
OF
HONG KONG

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22 December 2011

Dear Dentists,

Letter to Registered Dentists

The purpose of this letter is to update you on a few issues pertaining to the practice of dentistry in Hong Kong.

Renewal of Annual Practising Certificate

The current practising certificates will expire on 31 December 2011. Every registered dentist who intends to continue practising dentistry in 2012 should apply for the 2012 practising certificate without delay. The application form and payment advice have been issued under separate cover. Please note that **NO** reminder for renewal of the practising certificate will be issued.

Section 11A of the Dentists Registration Ordinance (“DRO”) stipulates that a person “*shall not practise as a dentist in Hong Kong*” (“不得在香港執業為牙醫”) unless he holds a valid practising certificate. This is a mandatory requirement. Furthermore, section 15 of the DRO provides that the Council may order the removal from the General Register of any person who fails to renew his practising certificate within 6 months.

The Dental Council takes the opportunity to remind registered dentists that -

- (a) It is the professional duty of each registered dentist to renew the practising certificate in order to practise dentistry.
- (b) Without further notice, the Council will remove from the General Register a dentist who continues to practise and has not renewed the practising certificate before 1 July 2012.
- (c) It is a criminal offence for a person who has been removed from the General Register to practise dentistry. Suspected cases of illegal practice will be reported to the police for investigation, which may lead to criminal prosecution.
- (d) In 2011, 11 dentists were removed from the General Register for failing to renew the practising certificate before 1 July 2011. The police has prosecuted persons who practised dentistry illegally after being removed from the General Register.

- (e) Applications for restoration to the General Register under section 22(3) of the DRO will be considered on a case-by-case basis. The Council may allow or refuse the application, and may impose conditions on any person restored.

Annual Return by Dental Companies

Section 12(3) of the DRO stipulates that every dental company (meaning a body corporate carrying on the business of dentistry) must make an annual statement to the Registrar of Dentists. The statement must -

- (a) be delivered to the Registrar within 7 days of 1 January (i.e. by 7 January 2012);
- (b) set out in Form 5 in Schedule 1 of the Dentists (Registration and Disciplinary Procedure) Regulations;
- (c) contain the names and addresses (both business and residential) of all the following persons -
 - (i) directors (including shadow directors) of the company;
 - (ii) managers of the company; and
 - (iii) dentists performing dental operations in connection with the company's business.

It should be noted that it is a statutory requirement that for each dental company -

- (a) the majority of the directors must be registered dentists;
- (b) all persons practising dentistry in connection with the company's business must be registered dentists;
- (c) it carries on no business other than dentistry or some business ancillary to dentistry.

If a dental company fails to make the annual report on or before 7 January 2012, in law it shall be deemed to be carrying on the business of dentistry illegally. The company as well as each director and manager will commit the criminal offence under section 12(2) of the DRO.

Registered dentists should exercise due diligence to avoid being involved in the business of a dental company which carries on the business of dentistry illegally (by failing to make the annual return or contravening other statutory requirements). It is unprofessional conduct for a registered dentist to assist such companies to carry on the business of dentistry illegally.

Legal and Professional Requirements

Dentists are reminded that practice of dentistry is governed by both legal and professional requirements. Dentists who breach the legal or professional requirements may be liable to disciplinary proceedings by the Dental Council, in addition to any legal action by the relevant authorities.

Dentists should, for their own benefit, acquaint themselves with the provisions of the DRO and other relevant legislations, including but not limited to the Pharmacy and Poisons Ordinance, the Dangerous Drugs Ordinance and the Radiation Ordinance.

Dentists should also familiarize themselves with the *Code of Professional Discipline* in order to avoid inadvertently breaching the provisions of the Code. The updated version of the Code is published on the Dental Council's website www.dchk.org.hk.

Policy on Registrable/Quotable Additional Qualifications

In November 2010, the Dental Council established a "List of Registrable/Quotable Additional Qualifications". Registered dentists can quote a qualification in connection with his dental practice (if it is included in the List), irrespective of whether the same is entered in the General Register. The List is published in the Dental Council's website www.dchk.org.hk.

The application form and the guidelines for inclusion of qualifications in the List are also published in the Dental Council's website.

Specialist Register

Since the establishment of the Specialist Register in November 2006, only registered dentists included in the Specialist Register are legally entitled to use the title of "Specialist". Illegal use of the specialist title is a criminal offence under section 25A of the DRO.

A dentist who satisfies the conditions set out in section 12B of the DRO can apply for inclusion in the Specialist Register. An applicant must not use the specialist title until and unless he has been formally notified in writing that his name has been included in the Specialist Register.

A dentist who used the specialist title without being included in the Specialist Register has been found guilty of unprofessional conduct. He argued that it was not unprofessional conduct, as he misunderstood that by entering a fellowship as an additional qualification in the General Register he would be qualified to use the specialist title. The argument was rejected by both the Dental Council and the Court of Appeal.

Licensing Examination

All dental graduates (other than BDS (HKU) holders) must pass the Licensing Examination conducted by the Dental Council in order to qualify for registration as dentists in Hong Kong.

In order to maintain a balanced input from both general dentists and specialist dentists in conducting the Licensing Examination, the Dental Council has appointed general dentists as Additional Examiners in the examination.

Nine general dentists with at least 10 years of post-registration experience were appointed to the panel of Additional Examiners in 2009. They had been given training before being appointed on 3-year terms. For the 2010 Licensing Examination, 7 of them had served as the Additional Examiners in Part II (Practical Test) and Part III (Clinical Test) of the examination.

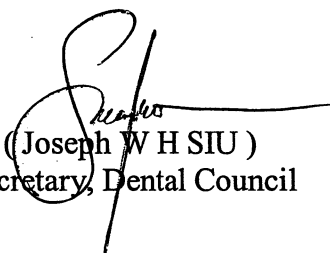
In view of the positive feedback on the assistance rendered by the Additional Examiners in the 2010 Licensing Examination, the Additional Examiners will continue to participate in the forthcoming examinations.

Continuing Professional Development Programme

Upon completion of the last cycle (1 January 2008 to 31 December 2010) of the Continuing Professional Development (“CPD”) programme, the current cycle commenced on 1 January 2011 and will end on 31 December 2013.

CPD Certificates for the 2008-2010 cycle have been awarded to all those practising dentists who had attained 45 CPD points. They are also allowed to use the title “CPD-certified (valid up to 31/12/2010)” and the Chinese form “持續專業發展達標認證(有效期至 31/12/2010)” on their visiting cards and letterheads.

Yours faithfully,


(Joseph W H SIU)
Secretary, Dental Council

- c.c. Members and Legal Adviser, Dental Council
President, College of Dental Surgeons of Hong Kong
Chairman, Dental Committee of the Government’s Doctors’ Association
Dean, Faculty of Dentistry, The University of Hong Kong
President, Hong Kong Dental Association