

LCQ6: Legislative proposal to amend Supplementary Medical Professions Ordinance

Following is a question by the Hon Lai Tung-kwok and a reply by the Secretary for Health, Professor Lo Chung-mau, in the Legislative Council today (January 15):

Question:

In its paper submitted to this Council in 2023 on amending the Supplementary Medical Professions Ordinance, the Government proposed to enable, in the first phase, radiographers (RGs) and medical laboratory technologists (MLTs) working in the Chinese Medicine Hospital to accept referrals from Chinese medicine practitioners (CMPs) also working therein for providing patients with relevant tests and examinations. However, some representatives of the trade are of the view that, as all registered CMPs have obtained their qualifications and are subject to regulation under the Chinese Medicine Ordinance, it is unreasonable to determine the right of referral on the basis of job positions rather than qualifications. In this connection, will the Government inform this Council:

(1) of the justifications for determining the right of referral on the basis of the job positions rather than the qualifications of CMPs;

(2) given that it is learnt that the Chinese Medicine Council of Hong Kong and its Chinese Medicine Practitioners Board would discuss the issue of fully implementing the practice of enabling RGs and MLTs to accept referrals from registered CMPs and put forward recommendations thereafter, of the progress of the relevant discussions and the timetable for putting forward specific recommendations; and

(3) in order to promote inter-disciplinary collaboration in healthcare services among CMPs and supplementary medical professionals, whether it has taken the initiative to discuss with various professional medical groups to clarify and rationalise the processes, responsibilities and obligations of CMPs in the referral process; if so, of the details; if not, the reasons for that?

Reply:

President,

I provide a consolidated reply to the question raised by the Hon Lai Tung-kwok as follows:

The Government is committed to promoting service and professional

development of Chinese medicine (CM) in Hong Kong, with a view to strengthening the role of CM in the overall healthcare system. With the continuous development of the CM service mode, it is anticipated that there will be more collaboration and interaction between Chinese medicine practitioners (CMPs) and other healthcare professionals on primary, secondary and tertiary healthcare services.

As a matter of fact, inter-disciplinary collaboration across healthcare professions is a megatrend of healthcare service development. It is also the required professional competency and responsibility of healthcare professionals to make appropriate referrals for patients as and when necessary. Although the current legislation does not restrict CMPs from making referrals, some provisions do not allow healthcare professionals, such as radiographers (RGs), to accept referrals from CMPs. In this connection, the Government intends to provide a clear legal basis for supplementary healthcare professionals to accept referrals from CMPs through legislative amendments to the Supplementary Medical Professions Ordinance (Cap. 359), with a view to rationalising the referral mechanisms between various professions and demonstrating the policy direction of promoting inter-disciplinary collaboration across healthcare professions.

Safeguarding patients' interests and professional autonomy are the two key principles in the regulation and development of healthcare professions. Regarding the proposal on the use of modern technologies and techniques by CMPs to facilitate diagnosis and treatment in the course of their practice, the two relevant principles should also be adopted, and the CM profession and relevant healthcare professions should reach a consensus before implementation. Specifically, the CM profession should first ascertain the required standards of professional knowledge, skills, competence and conduct, etc, with thorough consultation with the stakeholders of the relevant healthcare professions during the process. Meanwhile, the CM profession should also ensure that CMPs clearly understand the professional requirements including follow-up to relevant diagnoses as well as the associated professional and legal liabilities for the medical practice concerned to safeguard patients' safety and interests. After a consensual proposal is formed within the professions concerned, the statutory councils/boards of the CM profession and relevant healthcare professions should deliberate on the specific procedures and mechanisms, and both parties should further promulgate or revise relevant professional codes or guidelines before implementing the specific referral arrangements.

The Health Bureau (HHB) has planned to submit the legislative proposal on amending the Supplementary Medical Professions Ordinance to the Legislative Council in the first half of this year. The amendments include allowing RGs and medical laboratory technologists (MLTs) to accept referrals from CMPs. When the relevant Amendment Ordinance takes effect, those specific referral arrangements could be implemented upon completion of the aforementioned discussions and preparatory work such as revision of relevant codes of practice by the statutory councils/boards of the CM profession and the relevant healthcare professions.

With regard to the first part of the Hon Lai Tung-kwok's question, the first Chinese medicine hospital in Hong Kong will commence services in phases from end of this year. Being the flagship institution in promoting the development of CM in Hong Kong, The Chinese Medicine Hospital of Hong Kong (CMHHK) is distinctly different from the current CM outpatient services which are mainly provided at the community level in terms of circumstances such as clinical needs of patients in diagnosis and treatment, clinical governance structure and service model, and there is also a practical need and sufficient capacity for inter-disciplinary referrals to be made within the hospital. As CMHHK will provide CM-predominant secondary and tertiary healthcare services, it is expected that the conditions of inpatients will be more complicated than those of outpatients, and they will require inter-disciplinary collaboration in terms of clinical diagnosis and treatment, etc, including more frequent support by diagnostic radiology and pathology services. CMHHK will also put in place a robust clinical governance structure, as well as guidelines and mechanisms for clinical diagnosis and treatment, audit and risk assessment. The hospital will also be supported by multi-disciplinary teams comprising CMPs, doctors, nurses and allied health professionals. There will also be a comprehensive set of medical equipment and training mechanism, with stringent management on healthcare standards and risks. Therefore, the legislative proposal shall take effect immediately to enable RGs and MLTs in the context of CMHHK to accept referrals from CMPs in the context of CMHHK so as to ensure smooth collaboration between CMPs and other professionals within the hospital.

As regards the second and third parts of the question, with a view to facilitating the communication between CMPs and supplementary medical professionals as well as the professional discussion on issues arising from inter-disciplinary referrals, in December 2023, the HHB took the initiative to issue an invitation to the Chinese Medicine Council of Hong Kong and its Chinese Medicine Practitioners Board (CMPB) for setting up a working group to initiate professional discussions on the referral of patients by CMPs for diagnostic imaging and laboratory tests. The working group has conducted an in-depth study on matters including the core professional competencies required, training needs and associated medical professional liabilities of CMPs for making such referrals, and has planned to develop reference standards and relevant guidelines. The working group will meet with bodies of Western medicine and relevant supplementary healthcare professions to discuss relevant details and related arrangements with a view to further forging a consensus.

In addition, the HHB has held nine meetings since mid-2024 to meet stakeholders from different sectors on various legislative proposals on amendments to the Supplementary Medical Professions Ordinance, including the CMPB, the Chinese Medicine Development Blueprint Subcommittee and its relevant working groups, as well as the Primary Healthcare Committee. The HHB has also consulted the Supplementary Medical Professions Council (the SMP Council) and its Boards of all supplementary healthcare professions, including the Radiographers Board and the Medical Laboratory Technologists Board. The SMP Council and the boards of the two professions were of the view that, as the prerequisite for implementing the legislative proposal, a broad

consensus must be reached between RG, MLT and CM professions on details with regard to making referrals, including the training requirements, the scope of referrals, the duties and responsibilities of RGs, MLTs and CMPs, and the follow-up arrangements on the examination or test results, so as to ensure the orderly implementation of the referral arrangements, thereby safeguarding patients' safety to the greatest extent.

The HHB will continue to facilitate communication between stakeholders from various professions under the principle of professional autonomy and closely monitor the progress of relevant discussions, with a view to making appropriate arrangements and co-ordination in respect of the legislative amendments and specific implementation for the orderly implementation of referral arrangements.

Thank you, President.