

LCQ7: Proposal to amend the Supplementary Medical Professions Ordinance

Following is a question by Dr the Hon David Lam and a written reply by the Secretary for Health, Professor Lo Chung-mau, in the Legislative Council today (November 15):

Question:

The Government once again proposed in the 2022 Policy Address to amend the Supplementary Medical Professions Ordinance (Cap. 359), so as to facilitate direct access of patients to services provided by physiotherapists and occupational therapists without a doctor's referral. Besides, the Panel on Health Services of this Council also discussed the legislative proposal to amend Cap. 359 at its meeting on 9 September 2022. However, it has been reported that the initiative to amend Cap. 359 has made no progress so far. In this connection, will the Government inform this Council:

- (1) of the latest progress of the legislative exercise to amend Cap. 359;
- (2) whether it has drawn up an updated timetable for amending Cap. 359; if so, of the details; and
- (3) as it has been reported that the supplementary medical professions have been eagerly expecting the amendment to Cap. 359 for a long time, whether the Government will make a positive response to the professions' aspirations and undertake to include the relevant bill in the 2024 Legislative Programme?

Reply:

President,

The consolidated reply to the question raised by Dr the Hon David Lam is as follows:

The 2021 Policy Address mentions the need to strengthen the roles of healthcare professionals other than doctors in the local healthcare system (especially in the primary healthcare setting). The former Food and Health Bureau (FHB) (currently the Health Bureau (HHB)) would follow up with the statutory Councils and Boards of various healthcare professions on the recommendations in the Report of the Strategic Review on Healthcare Manpower Planning and Professional Development promulgated in 2017, including proposing legislative amendments to allow patients to have direct access to healthcare professional services (e.g. physiotherapy and occupational therapy) without a doctor's referral.

To follow up on the above-mentioned matter, the former FHB wrote to the Supplementary Medical Professions Council (SMP Council) in October and December 2021 respectively, urging the SMP Council and its Boards of supplementary medical professions (the Boards) to accord priority to discussing the above-mentioned matter, to work out feasible proposals for implementation after communicating with relevant stakeholders, including amending the relevant Codes of Practice, and to report their work progress by end of June 2022, so that the Government could take forward the relevant legislative amendment exercise in due course.

The SMP Council replied to the Government in late June 2022 that they supported the policy direction of strengthening the roles of supplementary medical professionals in the local healthcare system. However, the expected timeframe to submit proposals with consolidated views from different parties was difficult to achieve, given the complexity of relevant matter and the engagement of most members of the SMP Council and its Boards from various healthcare professions in combating the fifth wave of the COVID-19 epidemic. In this connection, the HHB reported the progress at the Panel on Health Services of the Legislative Council (LegCo) in September 2022. The 2022 Policy Address delivered in October 2022 also mentioned under the section of primary healthcare that the Government would better utilise multi-disciplinary healthcare services, including amendment of the Supplementary Medical Professions Ordinance (SMPO) to facilitate direct access of patients to services provided by physiotherapists and occupational therapists without a doctor's referral.

Subsequent to the discussion on the direct access arrangement for physiotherapists at the regular SMP Council meeting in February 2023, the SMP Council wrote to the HHB, summarising the different views of Council members and enclosing the proposal that the working group under the Physiotherapists Board submitted to the SMP Council for the Government's consideration. On the other hand, the Occupational Therapists Board discussed the direct access arrangement for occupational therapists in August 2023 and subsequently requested its working group to refine the proposal. Relevant work is still underway.

Since the direct access arrangement involves various healthcare professions and requires the SMP Council and relevant Boards to provide recommendations, with the discussion process having been affected by the earlier COVID-19 epidemic, the legislative progress has thus been delayed.

As mentioned in the 2023 Policy Address delivered in October 2023, the Government will also explore amending the SMPO to provide new pathways for admitting qualified non-locally trained supplementary medical professionals to serve in the Hospital Authority and the Department of Health. The new measures will be incorporated into the amendment bill to be proposed by the Government. The HHB has planned to report the latest progress at the LegCo Panel on Health Services in December 2023 and strives to prepare the amendment bill for consultation with stakeholders in 2024, with a view to introducing the bill into the LegCo as early as practicable.