

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE) REGULATION

(Cap. 359 sub. leg. J)

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**PHYSIOTHERAPISTS (REGISTRATION AND
DISCIPLINARY PROCEDURE) REGULATION**

(Cap. 359, section 29)

[1 April 1997]

PART I

PRELIMINARY

1. *(Omitted as spent)*

2. **Interpretation**

In this Regulation, unless the context otherwise requires—

“Board” (委員會) means the Physiotherapists Board established under section 5 of the Ordinance;

“Chairman of the Board” (委員會主席) means the Chairman of the Board appointed under section 5(1)(a) of the Ordinance;

“Chairman of the Committee” (小組主席) means the Chairman of the Committee appointed under section 17;

“Committee” (小組) means the Preliminary Investigation Committee constituted under section 17;

“complainant” (申訴人) means any person from whom a complaint against or information in respect of—

(a) a registered physiotherapist; or

(b) an applicant for registration as a physiotherapist, has been received by the Secretary under section 18;

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- “examination” (考試) means an examination held under section 15A of the Ordinance;
- “Legal Adviser” (法律顧問) means the legal adviser to the Board appointed under section 5(4)(b) of the Ordinance;
- “notice of inquiry” (研訊通知書) means a notice served in accordance with section 23;
- “Part Ia physiotherapist” (名列第Ia部的物理治療師) means a physiotherapist whose name has been entered in Part Ia of the register and “Part Ib physiotherapist” (名列第Ib部的物理治療師) and “Part II physiotherapist” (名列第II部的物理治療師) shall be construed accordingly;
- “physiotherapist” (物理治療師) means a person of the description referred to in item 3 of the Schedule to the Ordinance;
- “register” (註冊名冊) means the register kept in pursuance of section 10 of the Ordinance for the profession of physiotherapists;
- “respondent” (答辯人) means a registered physiotherapist or an applicant for registration as a physiotherapist against or in respect of whom a complaint or information has been received by the Secretary under section 18;
- “Secretary” (秘書) means the Secretary of the Board appointed under section 5(4)(a) of the Ordinance.
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PART II

REGISTER AND CERTIFICATES

3. Form of register

- (1) The register shall be in the form specified in Schedule 1.
- (2) Without affecting the generality of subsection (1)—
 - (a) the register shall be divided into 2 parts, namely Part I and Part II; and
 - (b) Part I of the register shall be subdivided into 2 parts, namely Part Ia and Part Ib.

4. Qualifications for registration

For the purposes of section 12(1)(a) of the Ordinance, a person shall be qualified for registration if he holds—

- (a) a Bachelor of Science Degree in Physiotherapy awarded by the Hong Kong Polytechnic or The Hong Kong Polytechnic University;
- (b) a Professional Diploma in Physiotherapy issued by the Hong Kong Polytechnic on or before 1 January 1995;
- (c) a certificate issued by the Hong Kong Government School of Physiotherapy of the Medical and Health Department on or before 1 January 1981; or
- (d) a certificate from the Board that he has passed an examination relating to physiotherapy conducted under section 15A of the Ordinance for the purposes of section 12(1)(a) of the Ordinance.

5. Entry in various parts of the register

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- (1) For the purposes of section 13(4) of the Ordinance, the Secretary shall enter the name of a physiotherapist—
- (a) who—
 - (i) holds a qualification referred to in section 4; and
 - (ii) has recognized experience of not less than 1 year acquired after the physiotherapist acquired such qualification,
in Part Ia of the register;
 - (b) who holds a qualification referred to in section 4 but does not have the recognized experience referred to in paragraph (a)(ii), in Part Ib of the register;
 - (c) who is qualified to be registered under section 12(1)(b) or (c) of the Ordinance, in Part Ia or Ib of the register as the Council may determine under section 12(1A) of the Ordinance; and
 - (d) to whom a certificate of provisional registration has been issued under section 15 of the Ordinance, in Part II of the register.
- (2) In subsection (1)(a)(ii), “recognized experience” (認可經驗), in relation to a physiotherapist, means experience in the practice of physiotherapy acquired by him other than in the course of practising physiotherapy—
- (a) as a sole proprietor; or
 - (b) in any other capacity at a profit-seeking establishment at which no other physiotherapist who has experience of not less than 1 year in the practice of physiotherapy practises physiotherapy.

6. Restrictions on the practice of Part II physiotherapists

A Part II physiotherapist shall not practise otherwise than under the

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supervision of a Part Ia physiotherapist.

7. Application for registration or provisional registration

- (1) An application for registration as a physiotherapist under section 13 of the Ordinance or for provisional registration as a physiotherapist under section 15 of the Ordinance, as the case may be, shall be in accordance with Form 1 in Schedule 2.
- (2) A form of application for registration or provisional registration shall be signed in the presence of a barrister, commissioner for oaths, Part Ia physiotherapist, registered medical practitioner or solicitor and shall be delivered to the Secretary together with 4 photographs of the applicant of such size as shall be specified by the Secretary. *(47 of 1997 s. 10)*
- (3) The Secretary shall refer the application of a person claiming to be qualified to be registered—
 - (a) under section 12(1)(a) or 15 of the Ordinance to the Board; and
 - (b) under section 12(1)(b) or (c) of the Ordinance to the Council,as soon as practicable after receiving the application.

8. Consideration of an application by Council

On receipt of an application under section 7(3)(b), the Council shall, as soon as practicable, consider it, and inform the Board whether the Council is satisfied that the applicant is qualified to be registered under section 12(1)(b) or (c) of the Ordinance.

9. Certificates of registration and provisional registration

- (1) A certificate of registration issued under section 14(1) of the Ordinance shall—

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- (a) in the case of a Part Ia physiotherapist, be in accordance with Form 2A in Schedule 2;
 - (b) in the case of a Part Ib physiotherapist, be in accordance with Form 2B in Schedule 2.
- (2) A certificate of provisional registration issued under section 15 of the Ordinance shall be in accordance with Form 2C in Schedule 2.

10. Examinations

- (1) An applicant to sit for an examination shall pay the fee prescribed in Schedule 3 as a condition of entry to the examination.
- (2) An examination may be written, oral or practical and shall be based upon such syllabus as the Board may from time to time determine.
- (3) The Board shall cause a candidate for an examination to be informed of his results after the completion of the examination.

11. Appeals

Any appeal under section 15B of the Ordinance shall be in writing and shall be made within 14 days of the aggrieved person being notified of the Board's decision.

12. Application for, and issue of, practising certificates

- (1) An application for a practising certificate under section 16 of the Ordinance shall be in writing.
- (2) A practising certificate shall be in such form as may be determined by the Secretary.

13. Certificate of standing or examination

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- (1) A certificate of standing shall be in such form as the Board may determine.
- (2) A certificate issued by the Board in respect of any examination shall be in such form as the Board may determine.

14. Statement by company

The statement required to be transmitted by a company carrying on the business of a physiotherapist to the Secretary under section 20(3) of the Ordinance shall be in accordance with Form 3 in Schedule 2.

15. Fees

The fees payable under the Ordinance and this Regulation shall be the fees specified in Schedule 3.

16. Exemptions

- (1) Any person of the description mentioned in column 2 of Part 1 of Schedule 4 is exempt from the section of the Ordinance specified in column 3 of that Schedule opposite such description.
- (2) Any person of the description mentioned in column 2 of Part 2 of Schedule 4 is, subject to the conditions specified in subsection (3), exempt from the section of the Ordinance specified in column 3 of that Schedule opposite such description.
- (3) The conditions referred to in subsection (2) are that—
 - (a) the exempt person employs in connection with his practice of physiotherapy at least one Part Ia physiotherapist or Part Ib physiotherapist; and

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- (b) the practice of physiotherapy by any Part II physiotherapist is carried on under the supervision of a Part Ia physiotherapist.
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PART III

**PROCEEDINGS PREPARATORY TO HEARING BY
THE BOARD**

17. Preliminary Investigation Committee

- (1) For the purposes of performing the functions conferred upon it by the Ordinance and this Regulation, there shall be a Preliminary Investigation Committee consisting of—
 - (a) a Chairman who shall be a member of the Board nominated by the Board and appointed by the Chairman of the Board;
 - (b) a Part Ia physiotherapist ordinarily resident in Hong Kong, not being a member of the Board, who is practising as a physiotherapist in the employment of the Government, the Hospital Authority or an institution in respect of which a grant is made directly or indirectly out of the general revenue, nominated by the Hong Kong Physiotherapy Association and appointed by the Chairman of the Board; and
 - (c) a Part Ia physiotherapist ordinarily resident in Hong Kong, not being a member of the Board, who is practising as a physiotherapist other than as an employee of the Government, the Hospital Authority or an institution in respect of which a grant is made directly or indirectly out of the general revenue, nominated by the Hong Kong Physiotherapy Association and appointed by the Chairman of the Board.

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- (2) Save as provided in Schedule 5 the members of the Committee shall hold office for 12 months but at the end of such period they may be renominated and reappointed.
- (3) Schedule 5 shall apply to the Committee.

18. Submission of complaint or information

- (1) Where—
 - (a) a complaint is made to the Secretary in respect of a registered physiotherapist; or
 - (b) information is received by the Secretary in respect of an application for registration,as to any of the matters referred to in paragraph (a), (b), (c), (d) or (e) of section 22(1) of the Ordinance he shall submit the complaint or that information to the Chairman of the Committee.
- (2) In this Part, “complaint” (申訴) includes information received by the Secretary under subsection (1)(b) and submitted under that subsection.

19. Complaint touching conduct

- (1) Where, in a complaint submitted by the Secretary to the Chairman of the Committee under section 18, any allegation is made which in the opinion of the Chairman of the Committee gives rise to a question whether a registered physiotherapist or an applicant for registration—
 - (a) has been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment;
 - (b) has been guilty in Hong Kong or elsewhere of unprofessional conduct; or

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(c) may be guilty of any of the matters referred to in paragraph (c), (d) or (e) of section 22(1) of the Ordinance,

the Chairman of the Committee may require that the complaint be formulated in writing setting out the grounds thereof and, except where the complaint is in writing under the hand of a public officer, supported by one or more statutory declarations as to the facts of the case.

- (2) Each statutory declaration referred to in subsection (1)—
- (a) shall state the address and description of the declarant; and
 - (b) if any fact declared is not within the personal knowledge of the declarant, shall state the source of the declarant's information and the ground for his belief in the truth of the facts.

20. Reference of complaint

- (1) On receiving a complaint submitted under section 18, the Chairman of the Committee shall fix a date for a meeting of the Committee to consider the complaint for the purpose of determining whether it should be referred to the Board for inquiry.
- (2) Where a complaint is to be considered by the Committee for the purposes described in subsection (1) the Secretary shall—
 - (a) notify the respondent of the receipt of the complaint;
 - (b) inform him of the substance thereof;
 - (c) forward to him a copy of any statutory declaration furnished under section 19(1);
 - (d) inform him of the date fixed for the meeting of the Committee to consider the complaint; and

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- (e) invite him to submit to the Committee any explanation he wishes to offer for his conduct or any other matter alleged in the complaint.

21. Consideration of complaint by Committee

- (1) The Secretary shall, at the meeting at which a complaint is considered, put before the Committee the complaint, any statutory declaration received therewith, any explanation submitted by the respondent; and any other available document or matter in the nature of evidence relevant to the complaint.
- (2) The Committee shall consider any document or matter put before it under subsection (1) and, subject to subsection (3), shall determine either—
 - (a) that no inquiry shall be held; or
 - (b) that the complaint shall in whole or in part be referred to the Board for inquiry.
- (3) Before coming to a determination under subsection (2), the Committee may cause to be made such further investigation and may obtain such additional advice or assistance as it considers necessary.

22. Determination of Committee that no inquiry be held

If the Committee determines that no inquiry shall be held, it shall direct that the complaint be dismissed and the Secretary shall inform the respondent and the complainant, of any, accordingly.

23. Determination of Committee that inquiry be held

- (1) If the Committee determines that an inquiry shall be held it shall refer the case to the Board and the Chairman of the

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Committee shall notify the Chairman of the Board of the matters into which inquiry is to be held.

- (2) Where a matter is referred to the Board under subsection (1), the Chairman of the Board shall fix a date for holding an inquiry and the Secretary shall, within 1 month of the determination of the Committee to refer the complaint to the Board, serve on the respondent—
 - (a) a notice of inquiry which shall be in accordance with Form 4 in Schedule 2; and
 - (b) a copy of this Regulation.
- (3) A notice of inquiry shall—
 - (a) in a case where the complaint is that the respondent has been guilty of misconduct, state in the form of a charge, which shall be formulated by the Secretary, the matters into which inquiry is to be held;
 - (b) in any other case, state the allegation contained in the complaint; and
 - (c) specify the date, time and place at which the inquiry is to be held.
- (4) An inquiry shall not be held until 28 days after the date of service of the notice of inquiry unless the respondent consents in writing to holding it earlier.
- (5) Service of a notice of inquiry on the respondent shall be by registered post addressed to him at his address last known to the Secretary.
- (6) Within the time stipulated for service of the notice of inquiry, the Secretary shall send a copy of the notice of inquiry to the complainant, if any.

24. Adjournment of inquiry

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- (1) The Chairman of the Board may, at any time, adjourn any inquiry to such date as he thinks fit.
- (2) Notice of any such adjournment shall be given to the respondent and to the complainant, if any.

25. Documents to be furnished to Board

The respondent and any complainant shall furnish to the Secretary, not less than 10 days before the date of an inquiry or such lesser period as the Board may determine, 2 copies of all documents upon which he intends to rely at the hearing of the inquiry.

26. Documents to be available to each party

The Secretary on the request of the respondent or of any complainant and on the payment of reasonable charges (if any) shall send to the respondent or to the complainant, as the case may be, copies of any document sent to the Secretary by the other party for the purposes of an inquiry.

27. Notice to produce

Any party may at any time give to any other party notice to produce any document alleged to be in the possession of that party and, on failure to produce such document, may prove the contents thereof by any alternative method.

28. Amendment of notice

- (1) Where before the hearing or at any stage of the hearing it appears to the Board that a notice of inquiry is defective, the Chairman of the Board may give such directions for the amendment of the notice as he may consider necessary to meet the circumstances of the case, unless, having regard to the merits of the case, he is of the opinion that the required

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amendments cannot be made without prejudice to the respondent.

- (2) The Secretary shall, as soon as is practicable, after the amendment of a notice of inquiry, give notice in writing thereof to the respondent and to the complainant, if any.
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PART IV

PROCEEDINGS AT HEARING OF THE BOARD

29. Interpretation

In this Part—

“order” (命令) means an order made by the Board in the exercise of its powers under section 22 of the Ordinance;

“Secretary” (秘書) includes a counsel, a solicitor or a legal officer appointed in pursuance of section 31. (*L.N. 89 of 2004*)

30. Record of proceedings

- (1) A shorthand writer may be appointed by the Board to prepare a verbatim record of the proceedings.
- (2) If a verbatim record of any proceedings or any part of any proceedings has been prepared the Chairman of the Board, on application to him by any party and on the payment of reasonable charges (if any), shall furnish such party with a copy of such record.

31. Appointment of counsel, solicitor or legal officer as Secretary

On the application of the Secretary of the Board appointed under section 5(4)(a) of the Ordinance, the Secretary for Justice may appoint a counsel, a solicitor or a legal officer within the meaning of the Legal Officers Ordinance (Cap. 87) to carry out the duties which a secretary has to perform in an inquiry where the complainant is not present or represented by counsel or solicitor.

(L.N. 362 of 1997; L.N. 89 of 2004)

32. Opening of inquiry

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- (1) At the opening of an inquiry the Secretary shall read the notice of inquiry.
- (2) If the respondent is not present and is not represented by counsel or solicitor at the opening of the inquiry, the Secretary shall furnish to the Board such evidence as the Board may require that the notice of inquiry was served on the respondent in accordance with section 23(5) and, on being satisfied as to such evidence, the Board may proceed with the inquiry in the absence of the respondent.
- (3) If the respondent is present at the inquiry the Chairman of the Board, immediately after the notice of inquiry has been read, shall inform him of his right to cross-examine witnesses, to give evidence and to call witnesses on his behalf.

33. Objections on point of law

- (1) After the reading of the notice of inquiry the respondent, or his counsel or solicitor, may object to any charge or allegation, as the case may be, on a point of law and the Secretary and any other party to the inquiry may reply thereto and, if the Secretary or any party replies to that objection, the respondent, or his counsel or solicitor, shall be permitted to answer such reply.
- (2) If such objection is upheld by the Board the charge or allegation to which such objection relates shall be considered only subject to such objection.

34. Order of procedure before Board

- (1) After the reading of the notice of inquiry the order of procedure set out in subsections (2), (3), (4), (5), (6), (7) and (8) shall be observed.

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- (2) The complainant, or his counsel or solicitor, or in their absence, or if there is no complainant, the Secretary, shall present the case against the respondent, adduce the evidence in support thereof and then close the case against the respondent.
- (3) At the close of the case against the respondent, he or his counsel or solicitor may make either or both of the following submissions in relation to any charge or allegation in respect of which evidence has been adduced—
 - (a) that sufficient evidence has not been adduced upon which the Board can find that the facts alleged in the complaint have been proved;
 - (b) that the facts alleged in the complaint are not such as to constitute the offence charged or the allegation made against the respondent.
- (4) Where a submission under subsection (3) is made, a reply thereto may be made by the complainant, or by his counsel or solicitor, or in their absence by the Secretary, and the respondent may answer such reply.
- (5) The Board shall determine whether the submission made under subsection (3) shall be upheld and the Chairman of the Board shall announce the determination of the Board.
- (6) If the Board—
 - (a) upholds the submission in respect of any charge or allegation, the finding shall be recorded that the respondent is not guilty on that charge or allegation;
 - (b) rejects the submission, the Chairman of the Board shall call upon the respondent to state his case.
- (7) When called upon to state the case, the respondent, or his counsel or solicitor, may adduce evidence in support of his

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case and may address the Board once, either before or after adducing evidence.

- (8) At the conclusion of the case of the respondent, the complainant, or his counsel or solicitor, or in their absence the Secretary, may address the Board in reply—
- (a) if any evidence other than the respondent's own evidence was adduced on the respondent's behalf; or
 - (b) with the special leave of the Board.

35. Determination by Board or postponement to future meeting

At the conclusion of the proceedings the Board shall either—

- (a) determine whether the facts alleged in any charge or allegation have been proved to its satisfaction and whether the respondent is guilty as alleged or charged; or
- (b) postpone its determination to a future meeting to be held on a date to be decided by the Board,

and the Chairman of the Board shall announce the decision of the Board.

36. Notification of future meeting

- (1) Where the Board decides to postpone its determination to a future meeting, the Secretary shall, not less than 1 week before the date fixed for such future meeting, serve on the respondent a notice specifying the date, time and place fixed for the meeting of the Board and invite the respondent to appear at such meeting.
- (2) A notice under subsection (1) shall be served by registered post addressed to the respondent at his address last known to the Secretary, and a copy of the notice shall be sent to the complainant, if any.

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37. Determination by Board at future meeting

At any future meeting of the Board referred to in section 35(b), the Board shall determine whether the facts alleged in any charge or allegation have been proved to its satisfaction and whether the Board finds the respondent guilty as alleged or charged and the Chairman of the Board shall announce the Board's determination.

38. Making of an order or postponement to future meeting

Where the Board makes a finding of guilt or that any allegation against the respondent has been proved under section 35(a) or 37, it shall—

- (a) if the respondent is a registered person, subject to section 41, make an order; and
- (b) if the respondent is an applicant for registration, subject to section 41, decide whether to decline his application for registration; or
- (c) postpone to a future meeting to be held on a date to be decided by the Board, the making of an order under paragraph (a) or a decision under paragraph (b),

and the Chairman of the Board shall announce the decision of the Board.

39. Notification of future meeting

- (1) Where the Board postpones to a future meeting the making of an order or a decision under section 38, the Secretary shall, not less than 1 week before the date fixed for such meeting, serve on the respondent a notice specifying the date, time and place fixed for the meeting and inviting him to appear at the meeting.

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- (2) A notice under subsection (1) shall be served by registered post addressed to the respondent at his address last known to the Secretary, and a copy of the notice shall be sent to the complainant, if any.

40. Making of order at future meeting

At any future meeting referred to in section 38, the Board shall, subject to section 41—

- (a) if the respondent is a registered person, determine the order to be made; and
- (b) if the respondent is an applicant for registration, decide whether to reject his application for registration,

and the Chairman of the Board shall announce the determination or decision of the Board.

41. Opportunity for mitigation

- (1) At any meeting of the Board at which the Board proposes to make in respect of a respondent an order or a decision to decline his application for registration, before the order or decision is made, an opportunity shall be given to the respondent or his counsel or solicitor to make a statement in mitigation and to adduce evidence as to the circumstances leading to the commission of the offence or the conduct complained of and as to the character and antecedents of the respondent.
- (2) At any meeting referred to in subsection (1), before the order or decision of the Board is made—
- (a) the Secretary or any other person presenting the case against the respondent may, if the respondent has been the subject of a previous order, produce to the Board the

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records of the meeting at which that order was made;
and

- (b) the respondent, in person or by his counsel or solicitor, may make a statement by way of mitigation and adduce evidence as to the circumstances leading to the previous order.

42. Evidence

- (1) Evidence may be taken by the Board by oral statement on oath or by written deposition or statement.
- (2) A summons under section 23(1)(b) of the Ordinance to any person requiring him to attend an inquiry to give evidence or produce any document or other thing in his possession shall be in accordance with Form 5 in Schedule 2.
- (3) Every witness shall be examined by the party producing him and may then be cross-examined by the other party and may be re-examined by the party producing that witness only upon matters arising out of the cross-examination.
- (4) The Board may refuse to admit the evidence of any deponent to a document who is not present for, or who refuses to submit to, cross-examination.
- (5) The Chairman of the Board, and members of the Board through the Chairman of the Board, may put such questions to the parties or to any witness as they see fit, and the other parties may then re-examine such party or witness on matters arising out of such questioning.

43. Voting

- (1) In the taking of the votes of the Board on any question to be determined by it, the Chairman of the Board shall call upon

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE)
REGULATION

PART IV

4-16

Section 43

Cap. 359J

the members to signify their votes and shall thereupon declare the determination of the Board in respect of such question.

- (2) Where a determination of the Board declared under subsection (1) is challenged by any member of the Board, the Chairman of the Board shall call upon each member severally to declare his vote, announce his own vote and announce the number of members of the Board who have voted each way, and the result of the vote.
 - (3) Where on any question to be determined by the Board the votes are equal, the question shall be deemed to have been decided in favour of the respondent.
 - (4) No person other than members of the Board and the Legal Adviser shall be present when the Board votes on any matter.
-

PART V

DUTIES OF LEGAL ADVISER

44. Inquiry by Board

The Legal Adviser shall be present at every inquiry held by the Board in accordance with section 13 or 22 of the Ordinance and no such inquiry shall commence if the Legal Adviser is not present.

45. Ordinary meetings of Board

The Chairman of the Board may give to the Legal Adviser prior notice that his advice may be required at any meeting of the Board, other than an inquiry under section 13 or 22 of the Ordinance, or at any meeting of the Committee and, if such notice is given, the Legal Adviser shall be present at such meeting.

46. Advice by Legal Adviser

- (1) When the Legal Adviser advises the Board on any question of law as to evidence, procedure or any other matter in any inquiry under section 13 or 22 of the Ordinance he shall do so in the presence of every party to the proceedings or the person representing each party or, if the advice is tendered after the Board has commenced to deliberate as to its findings, every such party or person as aforesaid shall be informed of the advice that the Legal Adviser has tendered.
- (2) In any case where the Board does not accept the advice of the Legal Adviser on any such question as aforesaid, every such party or person shall be informed of this fact.

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE)
REGULATION

PART VI
Section 47

6-2
Cap. 359J

PART VI

MISCELLANEOUS

47. Application to section 13(3) inquiry

Where specific provision has not been made in this Regulation in respect of an inquiry held for the purposes of section 13(3) of the Ordinance, any provision applicable to an inquiry held for the purposes of section 22 of the Ordinance shall apply and may be construed with such modifications not affecting the substance as may be necessary to render it conveniently applicable.

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE)
REGULATION

Schedule 1

S1-2

Cap. 359J

Schedule 1

[s. 3]

FORM OF REGISTER

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE
(Chapter 359)

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY
PROCEDURE) REGULATION

Register of Physiotherapists

PART Ia

REGISTRATION NO. :

NAME : ()

ADDRESS :

BUSINESS ADDRESS :

QUALIFICATIONS
AND DATE
OBTAINED :
.....
.....

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE)
REGULATION

Schedule 1

S1-4

Cap. 359J

DETAILS OF
WORKING
EXPERIENCE

:
.....

CERTIFICATE OF
REGISTRATION
SERIAL NO.

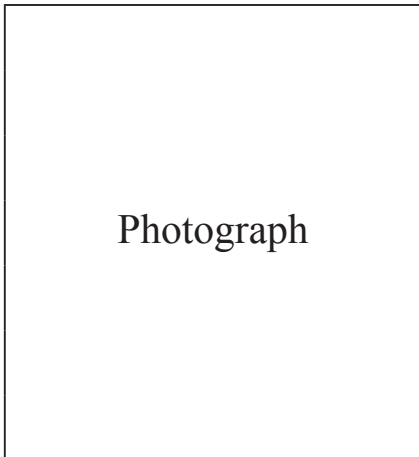
:

DATE OF
REGISTRATION

:

REMARKS

:
.....



.....

Secretary,
Physiotherapists Board.

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE)
REGULATION

Schedule 1

S1-6

Cap. 359J

PART Ib

REGISTRATION NO. :

NAME : ()

ADDRESS :

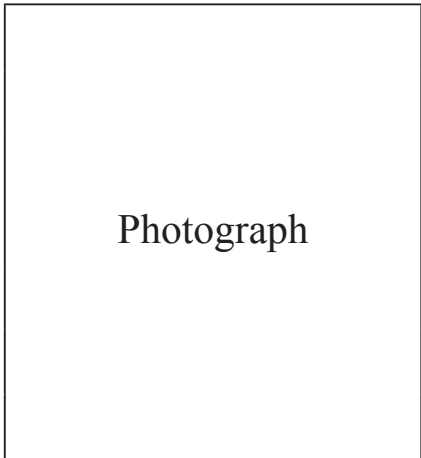
BUSINESS ADDRESS :

QUALIFICATIONS
AND DATE
OBTAINED :

CERTIFICATE OF
REGISTRATION
SERIAL NO. :

DATE OF
REGISTRATION :

REMARKS :



.....
Secretary,
Physiotherapists Board.

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE)
REGULATION

Schedule 1

S1-8

Cap. 359J

PART II

REGISTRATION NO. :

NAME : ()

ADDRESS :

BUSINESS ADDRESS :

QUALIFICATIONS
AND DATE
OBTAINED :

DETAILS OF
WORKING
EXPERIENCE :

CERTIFICATE OF
PROVISIONAL
REGISTRATION
SERIAL NO. :

DATE OF
REGISTRATION :

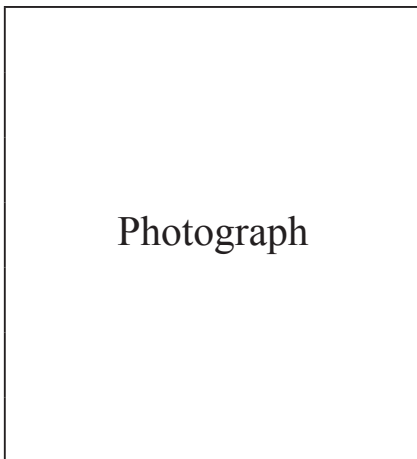
REMARKS :

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE)
REGULATION

Schedule 1

S1-10

Cap. 359J



.....

Secretary,
Physiotherapists Board.

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE)
REGULATION

SCHEDULE 2

S2-2
Cap. 359J

SCHEDULE 2

[ss. 7, 9, 14, 23 & 42]

FORMS

FORM 1

[s. 7(1)]

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE
(Chapter 359)

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY
PROCEDURE) REGULATION

Application for Registration/Provisional Registration as a Physiotherapist

I.....

(name in both English and Chinese)

of

(correspondence or home address)

being qualified for registration as a physiotherapist under section 12(1)*(a)/
(b)/(c)/section 15 of the Supplementary Medical Professions Ordinance
apply for *registration/provisional registration as a physiotherapist and
request that my name be placed on Part *Ia/Ib/II of the Register.

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE)
REGULATION

SCHEDULE 2

S2-4

Cap. 359J

2. I hold the following qualifications (please state qualifications obtained in chronological order):

Qualification	Issuing Authority	Date Issued

3. I have the following professional experience (please state professional experience obtained in chronological order):

Post Title	Name of Organization/ Company	Period	
		From	To

4. My business address(es) *is/are as follows:

(English)

.....

(Chinese)

.....

5. My telephone numbers are (Home)
..... (Office).

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE)
REGULATION

SCHEDULE 2

S2-6

Cap. 359J

6. I *†have/have not been convicted in Hong Kong or elsewhere of an offence punishable with imprisonment. I *have/have not been found guilty in Hong Kong or elsewhere of unprofessional conduct. I *am/am not the subject of an existing order under section 22(1)(i) or (ii) of the Supplementary Medical Professions Ordinance.

I declare that the information given in this application is correct to the best of my knowledge and belief.

Signed at }
the day of 19 }
(Signature of Applicant)

Before me,

.....
(Name in block letters)

.....
(Signature)

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE)
REGULATION

SCHEDULE 2

S2-8

Cap. 359J

- * Commissioner for Oaths/
Solicitor/Barrister/Part Ia Physiotherapist/
Registered Medical Practitioner.

Photograph
of
Applicant

† Please supply details of conviction.

* Delete if inappropriate.

(47 of 1997 s. 10)

FORM 2A

[s. 9(1)]

PHYSIOTHERAPISTS BOARD
HONG KONG

Last updated date
1.8.2004

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE)
REGULATION

SCHEDULE 2

S2-10

Cap. 359J

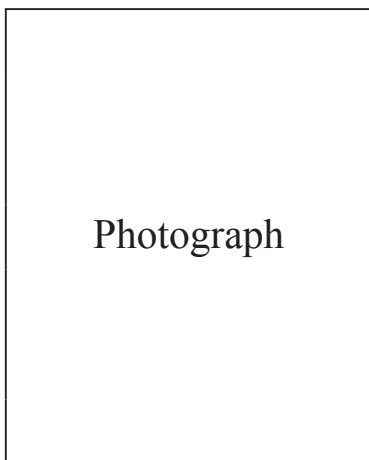
SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE
(Chapter 359)

Certificate of Registration

Number on Register:

This is to certify that
whose photograph appears hereon was on the day of ..
..... 19 admitted to Part Ia of the Register of
Physiotherapists.

Dated this day of 19



.....

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE)
REGULATION

SCHEDULE 2

S2-12
Cap. 359J

Secretary,
Physiotherapists Board.
(L.N. 89 of 2004)

FORM 2B

[s. 9(1)]

PHYSIOTHERAPISTS BOARD
HONG KONG

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE
(Chapter 359)

Certificate of Registration

Number on Register:

This is to certify that
whose photograph appears hereon was on the day of ..
..... 19 admitted to Part Ib of the Register of
Physiotherapists.

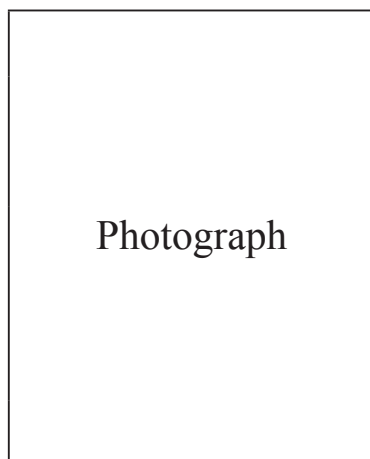
Dated this day of 19

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE)
REGULATION

SCHEDULE 2

S2-14

Cap. 359J



.....
Secretary,
Physiotherapists Board.
(L.N. 89 of 2004)

FORM 2C

[s. 9(2)]

PHYSIOTHERAPISTS BOARD
HONG KONG

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE
(Chapter 359)

Certificate of Provisional Registration

Last updated date
1.8.2004

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE)
REGULATION

SCHEDULE 2

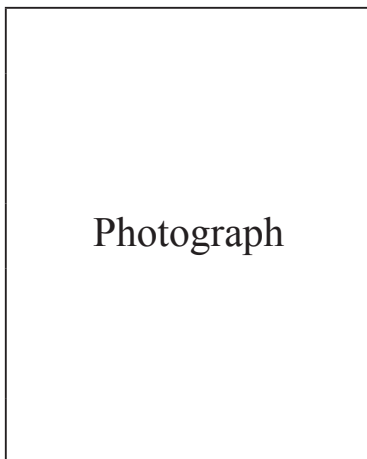
S2-16
Cap. 359J

Number on Register:

This is to certify that
whose photograph appears hereon was on the day of ..
..... 19 admitted to Part II of the Register of
Physiotherapists subject to the under-mentioned conditions.

*Conditions imposed pursuant to section 15(3) of the Supplementary
Medical Professions Ordinance—*

Dated this day of 19



.....

Secretary,
Physiotherapists Board.

(L.N. 89 of 2004)

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE)
REGULATION

SCHEDULE 2

S2-18
Cap. 359J

FORM 3

[s. 14]

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE
(Chapter 359)

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY
PROCEDURE) REGULATION

Particulars of a Company carrying on the
Business of Practising Physiotherapy

Presented by.....

(Name of Company)

of

(Registered Business Address)

.....
(Business Registration Certificate No.)

Particulars of the names and addresses of all persons who are
professionally qualified directors, other directors or managers of the above
company in respect of the business of physiotherapy carried on by it at

.....
under the name of

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE)
REGULATION

SCHEDULE 2

S2-20

Cap. 359J

Name in full	Position	Certificate of Registration No. and Date of Registration where Directors are registered	Part registered in	Residential address

and of persons who practise physiotherapy in connection with the business of the said company in the above.

Name in full	Residential address	Occupation	Qualifications	Certificate of Registration No. and Date of Registration	Part registered in	Duties performed

Dated this day of 19.....

(Signature).....

(State whether director
or manager or secretary)

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE)
REGULATION

SCHEDULE 2

S2-22
Cap. 359J

FORM 4

[s. 23(2)]

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE
(Chapter 359)

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY
PROCEDURE) REGULATION

Notice of Inquiry

[Date]

Sir/Madam,

On behalf of the Physiotherapists Board notice is hereby given to you that, in consequence of a complaint made against you to the Board/ information received by the Board, an inquiry is to be held into the following charge(s) against you—

(If the allegation relates to conviction) That you were on the day of 19 at
..... *(specify court recording the conviction)* convicted of

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE)
REGULATION

SCHEDULE 2

S2-24

Cap. 359J

(set out particulars of the conviction in sufficient detail to identify the case).

or

(If the charge relates to conduct) That you

.....
.....

(set out briefly the facts alleged); and that in relation to the facts alleged you have been guilty of unprofessional conduct.

or

(If the allegation relates to obtaining registration by fraud or misrepresentation) That you

.....
.....

(set out briefly the facts alleged); and that in relation to the facts alleged you obtained registration by fraud or misrepresentation.

or

(If the allegation is that the registered physiotherapist was not qualified, at the time of his registration, to be registered) That you

.....
.....

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE)
REGULATION

SCHEDULE 2

S2-26

Cap. 359J

.....
.....
(*set out briefly the facts alleged*); and that in relation to the facts alleged you were not at the time of your registration qualified to be registered.

or

(*If the allegation is that the registered physiotherapist has not complied with or is in breach of any condition of his registration or has failed to comply with the Ordinance*) That you

.....
.....
.....
(*set out briefly the facts alleged*).

or

(*If the charge or allegation is that an applicant for registration has been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment, has been guilty of unprofessional conduct, is not qualified to be registered in his application for registration, has been guilty of fraud or misrepresentation or has failed to comply with the Ordinance*) That on the day of 19 you made application to the Secretary for registration in accordance with section 13 of the Supplementary Medical Professions Ordinance, whereas

.....
.....
(*set out briefly the facts alleged*); and that in relation to the facts alleged your name should not be approved to be entered upon the register.

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE)
REGULATION

SCHEDULE 2

S2-28

Cap. 359J

(Where there is more than one charge or allegation they are to be numbered consecutively).

Notice is further given to you that on (*day of the week*) the day of 19, a meeting of the Board will be held at, at a.m./p.m. to consider the above-mentioned charge(s)/allegation(s) in a complaint against you, and to determine whether or not the Board should take any action against you under section (*state whether section 13 or 22*) of the Supplementary Medical Professions Ordinance.

You are hereby invited to answer in writing the above-mentioned charge(s)/allegation(s) and also to appear before the Board at the place and time specified above, for the purpose of answering such charge(s)/allegation(s). You may appear in person or by counsel or solicitor. The Board has power, if you do not appear, to hear and decide upon the said charge(s)/allegation(s) in your absence.

Any answer, admission, or other statement or communication which you may desire to make with respect to the said charge(s)/allegation(s) in a complaint should be addressed to the Secretary.

If you desire to make any application that the inquiry should be postponed, you should send an application in writing to the Secretary as soon as may be, stating the grounds on which you desire a postponement. Any such application will be considered by the Chairman of the Board.

A copy of the Physiotherapists (Registration and Disciplinary Procedure) Regulation is sent herewith for your information.

.....

Secretary,
Physiotherapists Board.

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE)
REGULATION

SCHEDULE 2

S2-30
Cap. 359J

FORM 5

[s. 42(2)]

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE
(Chapter 359)

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY
PROCEDURE) REGULATION

Summons to Witness

In the matter of a Disciplinary Inquiry under section 13/section 22
of the Ordinance:

And in the matter of ⁽¹⁾
To ⁽²⁾

You are hereby summoned to appear before the Physiotherapists
Board at
on the day of 19, at o'clock in the ..
..... noon to give evidence touching the
matter under inquiry ⁽³⁾ and also to bring with you and produce ⁽⁴⁾

Given under my hand this day of 19

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE)
REGULATION

SCHEDULE 2

S2-32

Cap. 359J

.....

Chairman,
Physiotherapists Board.

- Note:** (1) Insert name of registered physiotherapist.
(2) Insert name and address of witness.
(3) Delete if not required.
(4) Specify the books, documents or other things to be produced.

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE)
REGULATION

SCHEDULE 3

S3-2

Cap. 359J

SCHEDULE 3

[ss. 10 & 15]

FEES

Item	Particulars	Fee \$
1.	Registration under section 13 of the Ordinance	1,330
2.	Provisional registration under section 15 of the Ordinance	1,085
3.	Practising certificate issued under section 16 of the Ordinance	435
4.	Certified copy of a certificate of registration under section 14(3) of the Ordinance	310
5.	Duplicate certificate of registration under section 14(7) of the Ordinance	360
6.	Restoration to the register under section 10(5) of the Ordinance	585
7.	Certificate of standing under section 14A of the Ordinance	720
8.	Examination fee for any examination conducted under section 15A of the Ordinance	1,750
9.	Certificate verifying registration under section 14A of the Ordinance	545

(L.N. 322 of 2000; L.N. 91 of 2006; L.N. 141 of 2015)

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE)
REGULATION

SCHEDULE 4

S4-2

Cap. 359J

SCHEDULE 4

[s. 16]

EXEMPTIONS FROM THE ORDINANCE

Item	Person Exempt	Exempt Section
------	---------------	----------------

PART 1

- | | | |
|----|--|-------|
| 1. | A registered medical practitioner while practising medicine | 21(1) |
| 2. | A dentist registered under section 8 of the Dentists Registration Ordinance (Cap. 156) but who is not qualified to be so registered by virtue of having been registered under the repealed Dentists Registration Ordinance 1940 (1 of 1940, see Cap. 156, 1950 Ed.) while practising dentistry | 21(1) |
| 3. | A student in the course of undergoing any course in physiotherapy, medicine or dentistry at the University of Hong Kong, The Chinese University of Hong Kong or The Hong Kong Polytechnic University | 21(1) |

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE)
REGULATION

SCHEDULE 4

S4-4

Cap. 359J

4. A veterinary surgeon registered under the Veterinary Surgeons Registration Ordinance (Cap. 529) in relation to any treatment by him of an animal (*L.N. 6 of 1999*) 21(1) and (2)

PART 2

5. A day procedure centre, or clinic, within the meaning of the Private Healthcare Facilities Ordinance (Cap. 633) and operated by an individual person licensed to operate it under that Ordinance (*34 of 2018 s. 179 and E.R. 5 of 2018*) 21(1)
- 5A. A scheduled nursing home within the meaning of the Private Healthcare Facilities Ordinance (Cap. 633) for which an exemption granted to an individual person under section 128 of that Ordinance is in force (*34 of 2018 s. 179 and E.R. 5 of 2018*) 21(1)
- 5B. A nursing home within the meaning of the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) for which a licence issued or renewed to an individual person under that Ordinance is in force (*34 of 2018 s. 179*) 21(1)
6. A private healthcare facility within the meaning of the Private Healthcare Facilities Ordinance (Cap. 633) and operated by a corporation licensed to operate it under that Ordinance (*34 of 2018 s. 179 and E.R. 5 of 2018*) 20 and 21(1)

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE)
REGULATION

SCHEDULE 4

S4-6

Cap. 359J

- | | | |
|-----|---|--------------|
| 6A. | A scheduled nursing home within the meaning of the Private Healthcare Facilities Ordinance (Cap. 633) for which an exemption granted to a corporation under section 128 of that Ordinance is in force <i>(34 of 2018 s. 179 and E.R. 5 of 2018)</i> | 20 and 21(1) |
| 6B. | A nursing home within the meaning of the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) for which a licence issued or renewed to a corporation under that Ordinance is in force <i>(34 of 2018 s. 179)</i> | 20 and 21(1) |
| 7. | <i>(Repealed 34 of 2018 s. 179)</i> | |
| 8. | <i>(Repealed 34 of 2018 s. 179)</i> | |
| 9. | A medical clinic carried on by an individual person and registered under the Medical Clinics Ordinance (Cap. 343) | 21(1) |
| 10. | A medical clinic carried on by a corporation and registered under the Medical Clinics Ordinance (Cap. 343) | 20 and 21(1) |
-

SCHEDULE 5

[s. 17]

PRELIMINARY INVESTIGATION COMMITTEE

1. Member ceasing to be member on becoming member of Board

A member of the Committee other than the Chairman of the Committee who during the period of his office becomes a member of the Board shall cease to be a member of the Committee.

2. Appointment of acting Chairman

If the Chairman of the Committee is or will be unable temporarily to exercise his functions another member of the Board may be nominated by the Board and appointed by the Chairman of the Board to act during the period of his appointment, as Chairman of the Committee.

3. Appointment of acting member

If a member of the Committee is or will be unable temporarily to exercise his functions as a member of the Committee, a person satisfying the same criteria as applied to the appointment of that member may be nominated by the Hong Kong Physiotherapy Association and appointed by the Chairman of the Board to act during the period of his appointment, for that member.

4. Effect of lapse or termination of appointment

If at the time the Committee is considering any complaint or information under this Regulation—

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE)
REGULATION

SCHEDULE 5

S5-4

Section 5

Cap. 359J

- (a) the appointment of any person to be the Chairman or a member of the Committee lapses by virtue of section 17 of this Regulation or terminates by operation of section 1 of this Schedule; or
- (b) the appointment of any person under section 2 or 3 of this Schedule lapses,

then if such person is not thereupon elected or re-elected or appointed or reappointed, as the case may be, to be the Chairman or a member of the Committee, the chairmanship or membership of such person shall continue by virtue of this section for the purposes of the consideration of such complaint or information by the Committee, but for no other purpose, until the Committee has discharged its functions in respect of such complaint or information.

5. Resignation by Chairman and member of Committee

- (1) The Chairman or a member of the Committee may at any time resign from the Committee by notice in writing addressed to the Secretary, save that, if at the time such notice is given the Committee is considering any complaint or information, the person so resigning shall, if so required by the Chairman of the Board, continue to be Chairman or member of the Committee for the purposes of the consideration of such complaint or information but for no other purpose, until the Committee has discharged its functions in respect of the complaint or information.
- (2) Section 17 of this Regulation shall apply to any vacancy arising from any resignation under this section as if the vacancy had occurred by effluxion of time.

6. Chairman or member of Committee attending Board meeting

PHYSIOTHERAPISTS (REGISTRATION AND DISCIPLINARY PROCEDURE)
REGULATION

SCHEDULE 5

S5-6

Section 7

Cap. 359J

The Chairman of the Committee shall not and no member of the Committee shall attend any meeting of the Board as a member of the Board during the hearing or determination of any complaint or information against any person which is referred to the Board by the Committee for determination if such member has attended any meeting of the Committee at which such complaint or information was considered.

7. Meetings of Committee

- (1) The Committee shall meet from time to time as directed by the Chairman of the Committee who may at any time adjourn any meeting of the Committee.
- (2) Save as otherwise provided in the Ordinance the Chairman of the Committee shall determine the procedure to be adopted at any meeting.