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2008-09 年報

視光師管理委員會
香港

OPTOMETRISTS BOARD
HONG KONG



Optometrists Board
視光師管理委員會

Report of the Optometrists Board

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Preface

Through this report, which covers the period from April 2008 to March 2009, the Optometrists Board aims to keep members of the profession and the public better informed of the functions and work progress of the Board and its committees.

This report is intended for general information only. Certain functions of the Optometrists Board have been simplified and presented in the form of an information document. For details of the statutory functions of the Board and its committees, readers should refer to the Supplementary Medical Professions Ordinance, Chapter 359, Laws of Hong Kong and the Optometrists (Registration and Disciplinary Procedure) Regulation, Cap. 359F.

All enquiries to the Optometrists Board should be addressed to –

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Message from the Chairman

I feel honoured to be appointed as the Chairman of the Optometrists Board since October 2008. The Board is committed to striving for continuous improvement to our professionalism and the quality of service standards for the optical health of the public.

To encourage registrants to sharpen their professional knowledge and skills by taking structured training in optometry, the Board is considering an advancement mechanism whereby Part III and Part IV optometrists are allowed to move to higher parts of the optometrists register on completion of the Continuing Education Courses in Optometry offered by the Hong Kong Polytechnic University. The finalized proposal will be submitted to the Supplementary Medical Professions Council for consideration in November 2009.

On the front of the voluntary Continuing Profession Development (CPD) scheme, the number of optometrists who attained the annual requirement of ten CPD hours has seen a 51% increase from 439 in 2004/05 to 664 in 2007/08. To keep perfecting the scheme, the Education Committee under the Board will continue to review and refine the design of the scheme in the light of the operational experience.

As to the Board's statutory function on registration, we have received 52 applications for registration in 2008/09 and 48 were approved after careful vetting by the Registration Committee. A task force was set up by the Board in February 2009 for establishing an objective mechanism for accrediting local training programmes for the purpose of registration. On the regulation of the conduct and discipline of optometrists, in 2008/09 the Preliminary Investigation Committee deliberated four cases and referred two to the Board for inquiry. The majority of cases were related to disregard of professional responsibilities to patients. The Board conducted three disciplinary inquiries in 2008/09 and one was found guilty.

I would like to take the opportunity to thank all the Board members and staff of the Board Secretariat for their hard work and dedication in the past year. Without their support and assistance, it would not have been possible for the

Board to effectively discharge its roles and functions. The Board will work in close collaboration with the optometry profession and other healthcare professions to meet the challenges ahead.

Prof. Ricky MAN Ying-keung
Chairman, Optometrists Board

1. Introduction

1.1 The Optometrists Board was established on 1 May 1986 under the Supplementary Medical Professions Ordinance, Chapter 359, which provides for the registration, discipline and management of persons engaged in professions supplementary to medicine including optometrists. The Board is responsible for promoting adequate standards of professional practice and conduct among optometrists. The Optometrists (Registration and Disciplinary Procedure) Regulation, Cap. 359F, made under the Supplementary Medical Professions Ordinance provides for detailed arrangements for the registration of and the disciplinary proceedings for optometrists. To assist the Board in carrying out its functions, the Board Secretariat, which is staffed by the Department of Health, provides administrative and secretarial support to the Board.

Registration of optometrists

1.2 Registration of optometrists commenced on 1 December 1994. With effect from 1 April 1996, any person who practises the profession of optometry in Hong Kong without being registered commits an offence¹. Any information on illegal practice of the optometry profession will be reported to the Police for investigation.

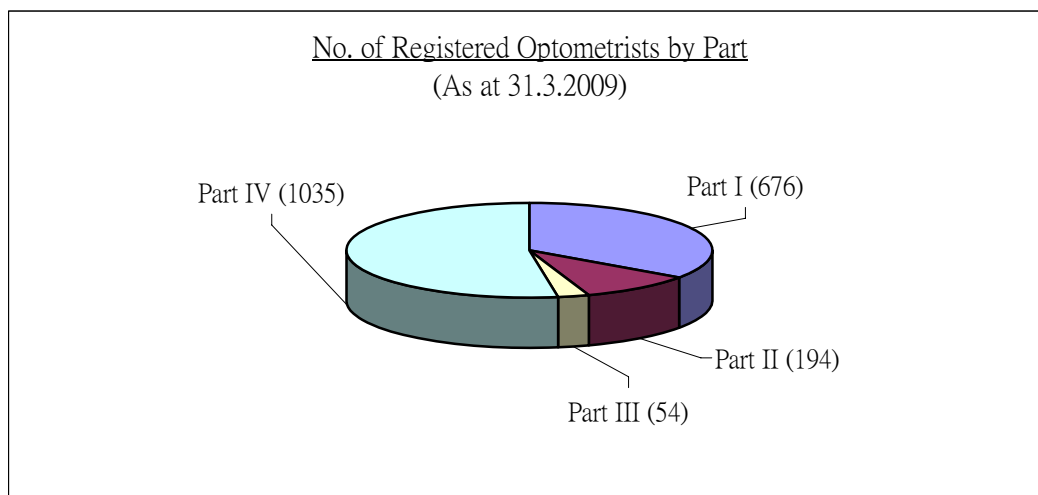
1.3 The Register has four parts, Part I, Part II, Part III and Part IV. Entry in the various parts of the Register is based mainly on the qualification and/or experience possessed by the applicants.

1.4 A person who was practising optometry on 1 December 1994 and did not qualify for full registration could apply for provisional registration in Part IV register. Provisional registration was a one-off exercise which was completed in 31 May 1995.

1.5 The Optometrists Board is empowered under section 15A of the Supplementary Medical Professions Ordinance to hold examinations for the purpose of registration as and when it considers expedient or necessary.

¹ Schedule 4 to the Optometrists (Registration and Disciplinary Procedure) Regulation provides for persons exempt from the requirement.

1.6 As at 31 March 2009, there were 1,959 registered optometrists. Statistics on the registration of optometrists are detailed at **Annex A**. Appended below is a pie chart showing the number of registrants in each part of the register:



Control mechanism and disciplinary power of the Board

1.7 The Optometrists Board is empowered to regulate the professional conduct of registered optometrists through disciplinary actions.

1.8 Complaints against registered optometrists are normally either lodged with the Board by individuals or referred to the Board by other bodies such as the Hong Kong Police Force.

1.9 The Optometrists Board has prepared a Code of Practice prescribing the standards of conduct and practice and regulating the activities of optometrists. The Code is issued to all registered optometrists for compliance. The Board will from time to time review the Code and promulgate changes whenever necessary. Any alleged cases of professional misconduct committed by the optometrists will be referred to the Board for investigation and necessary inquiry. Subject to the results of the inquiries, the Board may make orders ranging from the issue of warning letters to the removal of the optometrist's name from the register.

Continuing professional education

1.10 To upgrade the standard of the profession and to safeguard the interest of the public in terms of optometric care, the Optometrists Board is considering the

proposal for making continuing professional education a mandatory requirement for renewal of practising certificate in the long run. An Education Committee was set up in November 2001 to look into the issue and work out the details. A voluntary scheme was launched in November 2004 to enable registered optometrists to get acquainted with the system. The Committee will continue to fine-tune the scheme to pave the way for the mandatory scheme.

2. Membership of the Optometrists Board

2.1 The Supplementary Medical Professions Ordinance stipulates that all members of the Optometrists Board are appointed by the Chief Executive. The Board comprises -

- (a) a Chairman from among the members of the Supplementary Medical Professions Council, other than a member appointed under section 3(1)(d)(iv) of the Supplementary Medical Professions Ordinance;
- (b) one registered medical practitioner on the nomination of the Hong Kong Medical Association;
- (c) one person specially qualified to advise the Board on professional education; and
- (d) five to eight optometrists.

2.2 Membership of the Board for the period from April 2008 to March 2009 was as follows -

Chairman: Dr Polly CHEUNG Suk-ye (from 1.4.2008 to 30.9.2008)
Prof. Ricky MAN Ying-keung (from 1.10.2008)

Members: Dr Clement CHAN Wai-nang (from 1.4.2008 to 30.9.2008)
Dr CHOW, Pak Chin (from 1.10.2008)
Ms Alice CHAN Chui-wa
Ms Monica CHOW Man-kit
Mr HO Kai
Miss Tina KWAN Wai-ping
Mr Kenneth LAM Chung-wing
Dr Andrew LAM Kwok-cheung
Mr LO Hing-nam (from 1.4.2008 to 30.9.2008)
Mr Jack WONG Wai-hung
Professor Gregory WU Chor-nam
Mr Alex YIM Kwok-bun (from 1.10.2008)

3. Highlights of activities of the Optometrists Board

3.1 The Optometrists Board held three meetings between 1 April 2008 and 31 March 2009. Set out below is a highlight of major activities of the Board during the year –

(a) Registration issues

Part II and Part III registration examination

The Board has endorsed the syllabus for Part III registration examination. The Examination Committee is working out the format and logistics for Part II and Part III registration examinations.

Temporary and limited registration

The Board has finalized the proposal for the introduction of temporary and limited registration to facilitate the bringing-in of expertise and techniques not available locally. The proposal will be put to the Working Group to Study Legal Issues on the Boards' Proposal on Temporary and Limited Registration for consideration before submission to the Council for approval.

Advancement mechanism for Part III and Part IV optometrists

To encourage Part III and Part IV registrants to upgrade their professional competence by taking structured training, the Board is considering to introduce an advancement mechanism whereby Part III and Part IV registrants who have completed the Continuing Education Courses in Optometry to be offered by the Hong Kong Polytechnic University would be allowed to move to higher parts of the optometrists register. The proposal, when finalized, will be submitted to the Council for consideration.

Accreditation mechanism

The Board is considering a professional mechanism for accrediting training programmes for registration purpose. A task force has been set up to work out the proposal.

(b) Continuing professional education

The past year saw a continuous increase in the number of participants in the CPD scheme. A total of 664 optometrists who have reported attainment of ten CPD hours in 2007/08 were issued a certificate of achievement representing a 10.7% increase over 2006/07. Please click [here](#) for the list.

(c) Control over the sale of contact lenses

On the protection of public health and consumers' rights, the Board proposed in May 2008 for imposing control over the sale of contact lenses to ensure that contact lenses could only be supplied over the counter upon the production of a valid prescription or by a registered optometrist who has performed an eye examination on the patient. Following the endorsement of the Supplementary Medical Professions Council in July 2008, the legislative proposal was forwarded to the Administration in September 2008 for consideration.

(d) Code of Practice

The Board has amended the Code of Practice in September 2008 to include a new provision (section 7.4) under "Contact Lens Fitting", Section 7, Part III to provide for –

- (i) The requirement of conducting an eye examination before supplying contact lenses by optometrists without a valid prescription;
- (ii) Information to be provided to patients upon the eye examination; and
- (iii) Information for inclusion in the prescription and validity period of the prescription.

4. Committees of the Optometrists Board

4.1 Section 9 of the Supplementary Medical Professions Ordinance provides for the Optometrists Board to appoint committees for the better discharge of its functions under the Ordinance. Works of the four committees under the Board are detailed below –

(a) Preliminary Investigation Committee

4.2 The Optometrists Board's jurisdiction over optometrists' professional conduct is laid down in the Supplementary Medical Professions Ordinance and the Optometrists (Registration and Disciplinary Procedure) Regulation.

4.3 Situations that may give rise to disciplinary proceedings include where a registered optometrist -

- (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 professional misconduct;
- (c) was not at the time of his registration qualified to be registered;
- (d) has obtained registration by fraud or misrepresentation; or
- (e) has not complied with or is in breach of any condition of his registration (other than a condition under section 15) or has failed to comply with the Supplementary Medical Professions Ordinance.

4.4 Membership of the Preliminary Investigation Committee for the period from April 2008 to March 2009 was as follows -

Chairman: Dr Andrew LAM Kwok-cheung
Members: Mr HO Sui-sang (from 1.10.2008)
Mr WONG Chun-hon
Mr Alex YIM Kwok-bun (from 1.4.2008 to 1.10.2008)

4.5 If an optometrist is found guilty of a disciplinary offence after an inquiry, the Optometrists Board may order any one of the following -

- (a) removal from the Register of Optometrists which will be published in the Gazette;
- (b) removal from the Register of Optometrists for such period as the Optometrists Board may think fit which will be published in the Gazette;
- (c) a reprimand which will be published in the Gazette; and
- (d) a warning letter in such terms as the Board considered appropriate which may or may not be published in the Gazette.

4.6 Below is a summary on the complaints handled by the Board's Preliminary Investigation Committee for the period from April 2008 to March 2009:

<u>Cases</u>	<u>No.</u>
Received	5
Withdrawn by the complainant	1
Considered	4
Dismissed	2
Referred to the Board for inquiry	2

Annex B summarizes the three disciplinary inquiries conducted by the Optometrists Board between April 2008 and March 2009, the charges in detail and the Board's decisions.

(b) Registration Committee

4.7 The Board Registration Committee, established in 1994, is responsible for –

- (a) approving applications for registration under section 12(1)(a) of the Supplementary Medical Professions Ordinance;
- (b) advising the Supplementary Medical Professions Council Registration Committee on the eligibility of applicants for registration under sections 12(1)(b) and 12(1)(c) of the Supplementary Medical Professions Ordinance;

- (c) approving the registration of applicants found by the Supplementary Medical Professions Council to be qualified for registration under sections 12(1)(b) and 12(1)(c) of the Supplementary Medical Professions Ordinance;
- (d) making recommendations to the Optometrists Board in updating the list of registrable qualifications under section 12(1)(b) of the Supplementary Medical Professions Ordinance;
- (e) determining the removal of names from the register under section 10(4) of the Supplementary Medical Professions Ordinance;
- (f) determining the restoration of names to the register for removals effected under section 10(4) of the Supplementary Medical Professions Ordinance;
- (g) accrediting CPD programmes from non-accredited programme providers;
- (h) vetting the applications for renewal of accreditation status from accredited programme providers for the CPD scheme
- (i) deciding on and updating the list of quotable qualifications, their abbreviations and Chinese translation for inclusion on signboards and stationery used by registered optometrists; and
- (j) advising the Optometrists Board on matters relating to registration.

4.8 Membership of the Board Registration Committee for the period from April 2008 to March 2009 was as follows -

Chairman: Dr Andrew LAM Kwok-cheung
 Members: Miss Rufina CHAN (from 10.12.2008)
 Dr Ada CHENG Sau-kuen
 Dr Karen CHENG Kam-yee (from 21.1.2009)
 Mr Steven CHEUNG Hon-sang (from 1.4.2008 to 20.1.2009)
 Mr HO Kai
 Dr May WU Mew-may (from 1.4.2008 to 9.12.2008)
 Ms Elke WU Wai-ling

(c) Examination Committee

4.9 The Examination Committee, established in 1989, is responsible for -

- (a) advising the Optometrists Board on syllabus and format of examination/assessment for registration;
- (b) advising the Optometrists Board on the appointment of examiners;
- (c) assisting the Optometrists Board in matters relating to examinations/assessments; and
- (d) advising the Optometrists Board on matters relating to qualifications and experience.

4.10 Membership of the Examination Committee for the period from April 2008 to March 2009 was as follows -

Chairman: Mr Kenneth LAM Chung-wing

Members: Ms CHAN Lai-ming
Dr Albert HO Cho-chak
Dr KEE Chea-su
Prof. Carly LAM Siu-yin

(d) Education Committee

4.11 The Education Committee, established in 2001, is responsible for –

- (a) developing an implementation plan on continuing professional development for registered optometrists;
- (b) developing an accreditation system for continuing professional development for registered optometrists; and
- (c) considering the promotion strategies for continuing professional development for registered optometrists.

4.12 Membership of the Education Committee for the period from April 2008 to March 2009 was as follows -

Chairman: Professor Gregory WU Chor-nam

Members: Mr Henry CHAN Ho-lung (from 13.11.2008)

Ms Monica CHOW Man-kit

Dr Albert HO Cho-chak

Mr LO Hing-nam (from 1.4.2008 to 12.11.2008)

5. Review by Committee Chairmen

Preliminary Investigation Committee

5.1 The role of the Preliminary Investigation Committee is to make preliminary investigation into complaints and to determine based on the information available, whether the case should be referred to the Board for inquiry. If the Preliminary Investigation Committee considers that the case involves possible professional misconduct, the committee will refer the case to the Board for inquiry. Subject to legislative amendments, lay members will in the long run be added to the committee to enhance objectivity of the committee in handling complaints.

5.2 The number of complaints received by the Preliminary Investigation Committee in the past three years is maintained at a relatively low level, with 5 cases in 2008/09 and 2007/08, and 9 cases in 2006/07.

5.3 To maintain the professional image of registered optometrists and to meet the rising expectations of the public, registered optometrists are strongly advised to familiarize themselves with the Supplementary Medical Professions Ordinance, the Optometrists (Registration and Disciplinary Procedure) Regulation and the Code of Practice to avoid any professional misconduct.

Dr Andrew LAM Kwok-cheung
Chairman, Preliminary Investigation Committee

[The Preliminary Investigation Committee held two meetings during the reporting period.]

Registration Committee

5.4 One of the main duties of the Committee is to handle application for optometrist registration. In 2008-09, 52 applications for registration were received of which 48 were approved. The Committee has also endorsed 5 applications for restoration during the period.

5.5 On the proposal for temporary and limited registration, the Board has, on the recommendation of the Registration Committee, approved the criteria for renewal of limited registration and that the current provisions in the Optometrists (Registration and Disciplinary Procedure) Regulation and the Code of Practice should be applicable to persons with temporary and limited registration.

5.6 For 2008/09, the Registration Committee accredited 10 applications for accreditation for CPD programmes / activities organized by non-accredited programme providers, representing a 43% increase over 2007/08.

5.7 The Registration Committee is also responsible for scrutinizing qualifications, on application from registrants or institutions, for inclusion in the List of Quotable Qualification. In 2008/09, the Registration Committee recommended the inclusion of ten academic qualifications and three professional fellowships that had met the prevailing assessment criteria. With the agreement of the Board, registrants will be informed of the revisions and the updated list be posted on the Board's website.

Dr Andrew LAM Kwok-cheung
Chairman, Registration Committee

[The Registration Committee held three meetings during the reporting period.]

Examination Committee

5.8 The syllabus for Part III Registration Examination as proposed by the Committee was endorsed by the Board in August 2008. The Committee would work on the details of the format and logistics for Part II and Part III registration examination.

5.9 As incentive for Part IV registrants to upgrade their professional knowledge by taking structured courses, the Committee would examine the Continuing Education Courses in Optometry offered by the Hong Kong Polytechnic University to determine whether Part IV registrants on completion of the programme would be eligible for direct registration in higher parts of the register.

Mr Kenneth LAM Chung-wing
Chairman, Examination Committee

[The Examination Committee transacted its business by the circulation of papers during the reporting period.]

Education Committee

5.10 It is encouraging to note that the number of registrants reported attainment of 10 CPD hours has recorded a substantial increase from 439 in 2004/05 to 664 in 2007/08, up 51% over the past 4 years. For 2007/08, 5% of the registrants who had reported CPD attainment (or 34 registrants) were randomly selected and they were asked to produce documentary proof of their attendance.

5.11 The increase in the rate of participation is in part due to the growing awareness of the importance of continuous improvement of professional competence among the registrants and in part due to the support of the accredited programme providers in providing quality CPD activities.

5.12 The Committee would continue to refine the scheme taking into account the operational experience and feedback from the profession. Subject to legislative amendments, the scheme might become mandatory in the long run.

Professor Gregory WU Chor-nam
Chairman, Education Committee

[The Education Committee transacted its business by the circulation of papers during the reporting period.]

Registration of Optometrists
(as at 31.3.2009)

Section of Supplementary Medical Professions Ordinance	Qualification/Eligibility	Part of Register	Restriction on Practice	No. of registrants
12(1)(a)	(a) Bachelor of Science Degree in Optometry awarded by the Hong Kong Polytechnic or the Hong Kong Polytechnic University; or (b) Professional Diploma in Optometry issued by the Hong Kong Polytechnic (c) Part II optometrist with Certificate of Attainment in Ocular Pharmacology issued by the Hong Kong Polytechnic University and has practised for one year or more after having been registered as a Part II optometrist, or has other experience that is recognized by the Board	I	Allowed to use drugs approved by the Board as shown in the Code of Practice	(a) 444 (b) 98 (c) 68
	(a) Higher Certificate in Optometry issued by the Hong Kong Polytechnic; or (b) Passed Optometrists Board exam leading to registration in Part II	II	Not allowed to use diagnostic agents except staining agents	(a) 22 (b) 0
	Passed Optometrists Board exam leading to registration in Part III	III	To practice refraction only	0
12(1)(b)	Other qualifications and appropriate experience recognized by the Council	To be determined by Supplementary Medical Professions Council	Restrictions relevant to the part of the register entered	Part I = 66 Part II = 1 Part III = 0
12(1)(c)	Other qualifications together with training, professional experience and skill satisfying the Council	To be determined by Supplementary Medical Professions Council	Restrictions relevant to the part of the register entered	Part I = 0 Part II = 171 Part III = 54

Section of Supplementary Medical Professions Ordinance	Qualification/Eligibility	Part of Register	Restriction on Practice	No. of registrants																														
15	The applicant has acquired substantial knowledge, experience and skill in the practice of his profession	IV	Not allowed to perform any function or engage in any activity other than work relating to refraction and contact lenses and not allowed to use any diagnostic agents other than staining agents	491																														
	The applicant has acquired substantial knowledge, experience and skill in the practice of his profession	IV	To practice refraction only	187																														
	Passed Optometrists Board exam on refraction and contact lens fitting leading to provisional registration	IV	Not allowed to perform any function or engage in any activity other than work relating to refraction and contact lenses and not allowed to use any diagnostic agents other than staining agents	142																														
	Passed Optometrists Board exam on refraction leading to provisional registration	IV	To practice refraction only	215																														
<table border="0"> <thead> <tr> <th><u>Part</u></th> <th><u>No.</u></th> <th colspan="3"></th> </tr> </thead> <tbody> <tr> <td>I</td> <td>676 (631)</td> <td colspan="3"></td> </tr> <tr> <td>II</td> <td>194 (199)</td> <td colspan="3"></td> </tr> <tr> <td>III</td> <td>54 (58)</td> <td colspan="3"></td> </tr> <tr> <td><u>IV</u></td> <td><u>1035 (1042)</u></td> <td colspan="3"></td> </tr> <tr> <td>Total</td> <td>1959 (1930)</td> <td colspan="3"></td> </tr> </tbody> </table>					<u>Part</u>	<u>No.</u>				I	676 (631)				II	194 (199)				III	54 (58)				<u>IV</u>	<u>1035 (1042)</u>				Total	1959 (1930)			
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Note :

Numbers in brackets are the figures as at 31 March 2008

Disciplinary inquiries conducted by the Optometrists Board`
(1 April 2008 to 31 March 2009)

Date of Inquiry	Allegation(s)	Decision of the Board
11 June 2008	<p>The respondent was alleged to have –</p> <ul style="list-style-type: none">(a) conducted ocular health assessment for his patient and informed the patient that she might be suffering from cataract, and by so doing, he had not provided a standard of care commensurate with the training he had received and with his registration in Part IV of the register;(b) failed to maintain the required standard of care for contact lenses fitting for the patient’s elder daughter and to provide proper aftercare to her; and(c) failed to maintain the required standard of care for contact lenses fitting for the patient’s younger daughter and to provide proper aftercare to her.	<p>Guilty of charge (a). A warning letter was served to the respondent and such order was published in the gazette.</p>
23 July 2008	<p>The respondent was alleged to have –</p> <ul style="list-style-type: none">(a) instigated, sanctioned, acquiesced in or failed to take reasonable steps to prevent the use of a pro forma form of record issued to the patient which did not contain adequate information; and(b) failed to maintain adequate records of the patient.	<p>The facts alleged against the respondent had not been proved to the satisfaction of the Board and the complaint was dismissed.</p>

Date of Inquiry	Allegation(s)	Decision of the Board
10 September 2008	<p>The respondent was alleged to have –</p> <ul style="list-style-type: none"> (a) knowing that his patient was a driver, instructed the patient when the patient complained to him about blurry vision after wearing contact lenses prescribed by him to continue wearing the contact lenses for another 2 or 3 days and by so doing, he failed to keep the patient's interest uppermost at all times; (b) failed to maintain the standard of professional competence when prescribing contact lenses to the patient causing pain to the patient's eyes; (c) failed to obtain informed consent from the patient before taking a photo of the patient's eyes bringing discredit to himself and the profession; and (d) failed to provide the patient with proper explanation when the patient asked him for the reason for taking photo of his eyes after wearing the contact lenses prescribed by him, contrary to item 6.5 of Part III of the Code of Practice. 	<p>The facts alleged against the respondent had not been proved to the satisfaction of the Board and the complaint was dismissed.</p>

Summary: 1 case – guilty
2 cases – not guilty