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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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1. Preface

Through this report, which covers the period from April 2010 to March 2011, 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 –

THE OPTOMETRISTS BOARD SECRETARIAT

2/F Shun Feng International Centre
182 Queen's Road East
Wanchai, Hong Kong

Fax : (852) 2865 5540
Tel : (852) 2527 8363
Email : info@smp-council.org.hk

Website : <http://www.smp-council.org.hk/op/english/index.htm>

2. Message from the Chairman

Since its establishment in May 1986, the Optometrists Board has been striving to enhance the professional standard and conduct of registered optometrists in the interest of the optical health of the public. To this end, I am happy to witness continuous development of the profession over the years and further implementation of an amalgam of regulatory measures.

In 2010/2011, the Board has initiated a comprehensive review of the Code of Practice to keep the provisions up-to-date having regard to the development of the profession and the rising expectations of the public for quality service. The Board would also look into the feasibility of making the Continuing Professional Development attainment mandatory within the existing legal constraints by amending section 6 on 'Standards of Care' of the Code.

To serve as a reference for practitioners as to what may constitute unprofessional conduct and situations that may give rise to disciplinary proceedings, since December 2010 the Board has published on the Board's website findings of disciplinary inquiries held by the Board. The Board hopes that publication of such information would help to further enhance the standards of professional practice and conduct in the profession.

On the disciplinary control, it is most encouraging to note that only 3 complaints were received in 2010/2011, a record low since 2006/2007, thanks in part to the growing awareness of the practitioners of the provisions of the governing law and the Code of Practice, and in part to the promotion efforts of the Board in this respect.

As the Chairman of the Optometrists Board, I should like to thank all Members of the Board and its Committees and the Secretariat for their hard work and dedication to ensure the efficient discharge of all its statutory functions. I look forward to the continued support of the Board Members and the optometrist profession in the years ahead for sustained improvements to the professionalism and quality of service standards.

Prof. Ricky Y.K. MAN
Chairman, Optometrists Board

3. Introduction

3.1 The Optometrists Board is a statutory body established under the Supplementary Medical Professions Ordinance, Chapter 359, and the Optometrists (Registration and Disciplinary Procedure) Regulation, Chapter 359F, responsible for the registration, discipline, and management of persons engaged in professions supplementary to medicine including optometrists. The Board is also tasked to promote adequate standards of professional practice and conduct among optometrists. The Board Secretariat, which is staffed by the DH, provides administrative and secretarial support to the Board and its committees.

Registration of optometrists

3.2 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.

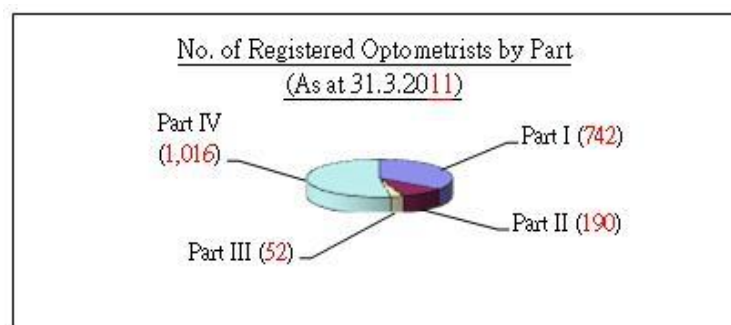
3.3 The Register has four parts, Part I, Part II, Part III and Part IV. Entry in the various parts of the Register is based mainly on the qualification and/or experience possessed by the applicants.

3.4 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 on 31 May 1995.

3.5 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.

3.6 As at 31 March 2011, there were 2,000 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

3.7 The Optometrists Board is empowered by law to regulate the professional conduct of registered optometrists through an established disciplinary mechanism.

3.8 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.

3.9 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 for inquiry where necessary. At 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 for registered optometrists

3.10 To encourage optometrists to engage in life-long learning to sharpen their professional knowledge and skills, the Optometrists Board introduced a voluntary Continuing Professional Development (CPD) Scheme in November 2004. The Education Committee formed under the Board was set up to monitor and review the design and implementation of the CPD Scheme and the Registration Committee for the accreditation of CPD activities and appointment of accredited programme providers.

4. Membership of the Optometrists Board

4.1 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.

4.2 Membership of the Board for the period from April 2010 to March 2011 was as follows -

Chairman: Prof. Ricky MAN Ying-keung

Members: Ms Alice CHAN Chui-wa
Ms CHAN Lai-ming (from 1.10.2010)
Ms Monica CHOW Man-kit (from 1.4.2010 to 30.9.2010)
Dr CHOW, Pak Chin
Miss Rufina CHAN Tin-yan (from 1.10.2010)
Mr HO Kai
Miss Tina KWAN Wai-ping (from 1.4.2010 to 30.9.2010)
Prof. Kenneth LAM Chung-wing
Dr Andrew LAM Kwok-cheung
Mr Jack WONG Wai-hung
Mr Alex YIM Kwok-bun
Mr John WONG Chun-han (from 1.3.2011)
Prof. Gregory WU Chor-nam (from 1.4.2010 to 28.2.2011)

* Authority delegated to the Secretary for Food and Health.

5. Highlights of activities of the Optometrists Board

5.1 The Optometrists Board transacted its business at meetings and by the circulation of papers. Set out below is a highlight of major activities of the Board between 1 April 2010 and 31 March 2011 –

(a) Accreditation mechanism

At present the Optometrists Board does not have any established mechanism for accrediting training programmes for registration purpose under section 12(1)(a) of the Supplementary Medical Professions Ordinance. All the qualifications as prescribed in the subsidiary legislation were prescribed in law following the approval of the board/Council without going through a formal accreditation mechanism.

A task force was set up to work on the accreditation mechanism for quality assurance. The task force has produced a draft mechanism modeled upon the validation process adopted by the Hong Kong Polytechnic University for its training programmes. The draft mechanism will be considered by the Board at its December 2011 meeting.

(b) Code of Practice

A Working Group on the overall review of the Code for Registered Optometrists was established in May 2010 to keep the provisions up-to-date having regard to the development of the profession and the rising expectations of the public for quality service.

The Working Group would also look into the feasibility of making the Continuing Professional Development attainment mandatory within the existing legal constraints by amending Section 6 on ‘Standards of Care’ of the Code. The Working Group’s proposed amendments to the Code would be placed before the Board at its December 2011 meeting.

(c) Continuing professional education

496 optometrists have reported attainment of ten CPD hours in 2009/2010, representing a 21.5% drop over 2008/2009. They were awarded a Certificate of Achievement and their names were posted on the Board's website. Please click here for the list.

(d) Quotable Qualifications

The List of Quotable Qualifications was expanded during the year to include 2 academic qualifications, namely a Certificate of Attainment in Ocular Pharmacology awarded by the Hong Kong Polytechnic University and a Graduate Certificate in Optometry awarded by the University of New South Wales. As at 31 March 2011, there were a total of 72 quotable qualifications. Please click here for the list.

6. Committees of the Optometrists Board

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

Preliminary Investigation Committee

6.2 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.

6.3 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.

6.4 Membership of the Preliminary Investigation Committee for the period from April 2010 to March 2011 was as follows –

Chairman: Dr Andrew LAM Kwok-cheung
Members: Mrs Joyce LEUNG Chi-dai (from 1.10.2010)
Mr Losers LO Tik-fu (from 1.4.2010 to 30.9.2010)
Mr John WONG Chun-hon (from 1.4.2010 to 28.2.2011)
Mr TAM Kan-yee (from 1.3.2011)

6.5 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.

6.6 Below is a summary on the complaints handled by the Board's Preliminary Investigation Committee for the period from April 2010 to March 2011:

<u>Cases</u>	<u>No.</u>
Received	3
Considered	3
Dismissed	1
Referred to the Board for inquiry	2

Annex B summarizes the three disciplinary inquiries conducted by the Optometrists Board in 2010 / 2011, the charges in detail and the Board's decisions.

Registration Committee

6.7 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.

6.8 Membership of the Board Registration Committee for the period from April 2010 to March 2011 was as follows –

Chairman: Dr Andrew LAM Kwok-cheung
 Members: Mr CHAN Kong
 Miss Rufina CHAN Tin-yan
 Dr Karen CHENG Kam-yee
 Mr Patrick CHENG Wai-hung (from 1.10.2010)
 Mr HO Kai
 Ms Elke WU Wai-ling (from 1.4.2010 to 30.9.2010)

Examination Committee

- 6.9 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.

6.10 Membership of the Examination Committee for the period from April 2010 to March 2011 was as follows -

Chairman: Prof. Kenneth LAM Chung-wing
Members: Ms CHAN Lai-ming
Mr Dominic CHIM Chun-pong
Dr KEE Chea-su
Prof. Carly LAM Siu-yin

Education Committee

- 6.11 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.

6.12 Membership of the Education Committee for the period from April 2010 to March 2011 was as follows -

Chairman: Miss Rufina CHAN Tin-yan (from 1.3.2011)
Prof. Gregory WU Chor-nam (from 1.4.2010 to 28.2.2011)

Members: Dr Henry CHAN Ho-lung
Dr Albert HO Cho-chak
Ms Monica CHOW Man-kit
Mr FAN Sio-hong (from 27.5.2010)
Ms Queenie YIP Sin-lai (from 27.5.2010)

7. Review by Committee Chairmen

Preliminary Investigation Committee

7.1 The role of the Preliminary Investigation Committee is to make preliminary investigation into complaints received against registered optometrists and to determine, based on the entirety of information available, whether a complaint should be referred to the Board for an inquiry. If a complaint, in the Preliminary Investigation Committee's view, may involve a breach of the law or the Code of professional conduct, the case will be referred to the Board for an inquiry. To enhance the objectivity of the committee in handling complaints, consideration is given to expand its membership to include lay members in the long run.

7.2 In 2010/2011, the Preliminary Investigation Committee received a total of 3 complaints, compared to 9 cases in 2009/10, representing a significant 67% decrease.

7.3 For the purpose of giving registered optometrists a reference as to what may constitute unprofessional conduct and situations that may give rise to disciplinary proceedings, since December 2010 the Optometrists Board has published on the Board's website findings of disciplinary inquiries held by the Board. Sharing this information with the registered optometrists may also help enhance the standards of professional practice and conduct in the profession.

7.4 Registered optometrists are also strongly advised to familiarize themselves with the Supplementary Medical Professions Ordinance, the Optometrists (Registration and Disciplinary Procedure) Regulation and the Code of Practice to minimize the risk of committing any professional misconduct inadvertently.

Dr Andrew LAM Kwok-cheung
Chairman, Preliminary Investigation Committee

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

Registration Committee

7.5 In 2010/2011 the Registration Committee received and approved 25 applications for registration and 2 applications for restoration. The Committee also accredited 3 CPD programmes organized by non-accredited programme providers, namely “Oculoplastics Surgery”, “Contact Lens Clinical Skills Series (Introductory, Intermediate and Advanced)” and “An Overview of Primary Care Development in Hong Kong”.

7.6 For registration under section 12(1)(b) of Supplementary Medical Professions Ordinance, the Committee reviewed the list of non-local qualifications generally accepted by the Board for registration. At the Committee’s recommendation, the Board and the Council Registration Committee approved the inclusion of the Master of Optometry awarded by the University of Manchester to the list.

7.7 During the year the Committee recommended the inclusion of 2 academic qualifications, which are “a Certificate of Attainment in Ocular Pharmacology” awarded by the Hong Kong Polytechnic University and “a Graduate Certificate in Optometry” awarded by the University of New South Wales, as quotable qualifications after scrutinizing the standard of the qualifications. The recommendations were endorsed by the Board and the registrants were informed of the updated list in December 2010.

Dr Andrew LAM Kwok-cheung
Chairman, Registration Committee

[The Registration Committee held one meeting during the reporting period.]

Examination Committee

7.8 The advancement mechanism for part III and Part IV optometrists whereby registrants are eligible for registration in the higher parts of the Register on attaining a certificate of attainment in optometry awarded by the Hong Kong Polytechnic University was endorsed by the Council in November 2009 and supported by the Administration. In addition to that, the Optometrist Board considered it necessary to hold Part II and Part III registration examinations to provide an additional channel for Part IV registrants to advance to higher parts of the register through examinations.

7.9 Following the Board's endorsement of the syllabi for Part II and Part III registration examination, the Committee is working out the details of the design and preliminaries of the examinations.

Prof. Kenneth LAM Chung-wing
Chairman, Examination Committee

Education Committee

7.10 2009/2010 saw 496 optometrists reporting attainment of 10 CPD hours (or 24.9% of total registrants), a dip from 632 registrants in 2008/09 or a 21.5% decrease over the past year. As a voluntary scheme, an average of about 25% rate of participation is considered highly satisfactory and is attributable to the practitioners' commitment to lifelong learning and the continued support of the accredited programme providers and other programme providers in providing a variety of quality CPD activities.

7.11 To further boost the participation rate, the Committee is considering further incentives such as allowing registrants who have attained the annual CPD requirement to use "CPD-certified" in their name cards.

7.12 The Committee believes that a mandatory CPD scheme should be implemented in the near future.

Mr Gregory WU Chor-nam
Chairman, Education Committee

[The Education Committee held one meeting during the reporting period.]

Registration of Optometrists
(as at 31.3.2011)

SMPO	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	I	<ul style="list-style-type: none"> Allowed to use drugs approved by the Board as shown in the Code of Practice 	(a) 504
	(b) Professional Diploma in Optometry issued by the Hong Kong Polytechnic			(b) 98
	(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			(c) 69
12(1)(a)	(a) Higher Certificate in Optometry issued by the Hong Kong Polytechnic; or	II	<ul style="list-style-type: none"> Not allowed to use diagnostic agents except staining agents 	(a) 21
	(b) A certification from the Optometrists Board that he has passed an examination in optometry conducted under section 15A of the SMPO			(b) 0
	<ul style="list-style-type: none"> A certification from the Optometrists Board that he has passed an examination in refraction conducted under section 15A of the SMPO 	III	<ul style="list-style-type: none"> To practice refraction only 	0
12(1)(b)	<ul style="list-style-type: none"> A person who holds degree, diploma or any other document of any examining body other than those prescribed in law and has appropriate experience as recognized by the SMPC 	<ul style="list-style-type: none"> To be determined by SMPC in consultation with the Board 	<ul style="list-style-type: none"> Restrictions relevant to the part of the register entered 	Part I = 71 Part II = 1 Part III= 0
12(1)(c)	<ul style="list-style-type: none"> A person who was practising optometry profession on 1 December 1994, and by reason of his education, training, professional experience and skill satisfies the SMPC that he is fit for registration 	<ul style="list-style-type: none"> To be determined by SMPC in consultation with the Board 	<ul style="list-style-type: none"> Restrictions relevant to the part of the register entered 	Part I = 0 Part II = 168 Part III= 52

Legend: SMPO – Supplementary Medical Professions Ordinance
SMPC – Supplementary Medical Professions Council

SMPO	Qualification/Eligibility	Part of Register	Restriction on Practice	No. of registrants
15	<ul style="list-style-type: none"> A person who was practising optometry profession on 1 December 1994 but who on that date was not qualified under section 12 of the SMPO to be registered and has acquired substantial knowledge, experience and skill in the practice of his profession to the satisfaction of the SMPC 	IV	<ul style="list-style-type: none"> 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 	483
	<ul style="list-style-type: none"> To practice refraction only 		183	
	<ul style="list-style-type: none"> A person who was practising optometry profession on 1 December 1994 and has passed the Optometrists Board examination on refraction and contact lens fitting 	IV	<ul style="list-style-type: none"> 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 	139
	<ul style="list-style-type: none"> A person who was practising optometry profession on 1 December 1994 and has passed the Optometrists Board examination on refraction 	IV	<ul style="list-style-type: none"> To practice refraction only 	211
<u>Part</u>	<u>No.</u>			
I	742 (718)			
II	190 (192)			
III	52 (54)			
<u>IV</u>	<u>1,016 (1,028)</u>			
Total	2,000 (1,992)			

Note :

Numbers in brackets are the figures as at 31 March 2010

Annex B

Disciplinary inquiries conducted by the Optometrists Board
(1 April 2010 to 31 March 2011)

Date of Inquiry	Allegation(s)	Decision of the Board
4 May 2010	The respondent was alleged to have instigated, sanctioned, acquiesced in or failed to take reasonable steps to prevent the publication of an advertisement placed in a magazine in which a discount of eye examination was offered, contrary to section 5.4 of Part III of the Code of Practice.	Guilty. A warning letter was served to the respondent and such order was published in the gazette.
10 Aug 2010	The respondent was alleged to have – (a) failed to provide the Patient or her agent with information on the myopia and presbyopia upon their request, after prescribing a pair of multifocal spectacles to the patient, contrary to items 1.2 or 6.5 of Part III of the Code of Practice; (b) failed to provide the Patient or her agent with information on the suitability of the prescribed multifocal spectacles upon their request, contrary to items 1.2 or 6.5 of Part III of the Code of Practice; (c) failed to maintain the standard of professional competence by prescribing a suitable multifocal spectacles to the Patient, contrary to item 6.1 or Part III of the Code of Practice.	Not guilty. The facts alleged against the respondent had not been proved to the satisfaction of the Board and the complaint was dismissed.
7 Sep 2010	The respondent was alleged to have instigated, sanctioned, acquiesced in or failed to take reasonable steps to prevent the publication of an advertisement posted on a bank promotion leaflet in which free eye examination would be offered upon credit card spending of designated amount, contrary to section 5.4 of Part III of the Code of Practice.	Guilty. A warning letter was served to the respondent and such order was not published in the gazette.

Summary: 2 cases – guilty
1 case – not guilty