

President's Message

The past 18 months have been both challenging and rewarding. I would like to thank Legal Counsel Richard Steinecke, external chair Jim Dunsdon, the Registrar Emily Cheung, and all of her staff for all of their hard work, dedication and support. It has been a pleasure to work with each of them. Much hard work has been undertaken and obstacles have been overcome as we continue to progress. We have laid the groundwork for drafting of the key regulations to register members.

Together with the Canadian Alliance of Regulatory Bodies for Traditional Chinese Medicine Practitioners and Acupuncturists (CARB), we have completed drafting of the Pan-Canadian entry-level competencies for traditional Chinese medicine practices. We are currently working on performance indicators for prior learning assessment and recognition of practitioners. Development of appropriate prior learning assessment tools and processes are critical to the registration of current TCM practitioners who come from different countries, each bringing with him or her varying backgrounds in education, training and experience.

The transitional Council is aware that the ability to communicate in English or French could pose difficulties

for individual practitioners. We are still looking for a workable solution to ensure that patients are protected and the draft Registration Regulation would be able to receive the endorsement of the Minister of Health and Long-Term Care. We welcome suggestions from stakeholders.

Since inauguration of the transitional Council in June 2008, we have met with association representatives and individual practitioners. We have held open information sessions to brief the TCM community and interest groups to advise them of regulation making progress and to obtain feedback. We are glad to see more practitioners choose to attend our Council meetings to observe how Council business is being conducted.

It is our mandate to protect the public. We are obligated to set entry to practice requirements to register qualified practitioners to provide safe and ethical TCM services to the public. With continued teamwork, we will be able to complete our work plan and finalize drafting of the key regulations for submission to government. I look forward to your continued support.

Prof. Cedric K.T. Cheung
President
Transitional Council

過渡委員會主席張金達(Cedric Cheung)引言：

過去18個月既充滿了挑戰又帶來了回報。我想感謝法律顧問Richard Steinecke、獨立主席Jim Dunsdon、註冊總監張閔亮冰(Emily Cheung)及其員工所付出的辛勤勞動、敬業精神和支持。我很高興能與他們當中的每位人員一起工作。隨著我們的工作繼續取得進展，我們已經完成了很多艱巨工作，並且克服了障礙。我們已經為制定會員註冊的關鍵規章奠定了基礎。

通過與加拿大中醫師及針灸師規管機構聯盟(CARB)合作，我們已經完成了全加拿大中醫執業入門資格的起草工作。我們目前正在起草用來評估和認可從業者既有學識的表現指標。由於現行中醫從業者來自不同的國家，每個人都具有不同的教育、培訓和經驗背景，因此，制定合適的既有學識評估工具和程序對現行中醫從業者的註冊至關重要。

過渡委員會注意到，用英語或法語進行交流會對個別從業者造成困難。我們仍在尋找一個可行的方案，以確保病人受到保護，以及註冊規章草案能夠得到衛生及長期護理廳長的贊同。我們歡迎各相關團體提出建議。

過渡委員會自2008年6月任職以來，我們已經與各學會和協會的代表們以及個別從業者會談。我們舉辦了公開的說明會，向中醫界和利益相關團體通報了規章制定方面的進展，並且聽取了意見。我們很高興看到更多的從業者選擇出席參加我們的過渡委員會會議，觀察過渡委員會的運作方式。

我們的使命是保護公眾。我們有責任制定入門標準為合格從業者進行註冊，以便為公眾提供安全和符合職業道德的中醫服務。通過大家的通力合作，我們將能夠完成我們的工作計劃，最終確定關鍵規章的草案並向政府提交。我期盼得到你們的繼續支持。

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TRANSITIONAL COUNCIL

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Cedric K.T. Cheung

Vice-President

Lynn Bowering

Members

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Kristin Bulmer

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Ian Eng

James Fu

Ellen Hanna

Sharon Lam

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Joanne Pritchard-

Sobhani

Catherine

Elizabeth Wilson

Mary X. Wu



FACTS YOU MUST KNOW

Myth

The scope of TCM practice and acupuncture is not defined in the Traditional Chinese Medicine Act, 2006

Fact

Once the *Traditional Chinese Medicine Act, 2006* is proclaimed into force, only members of the College will be able to practise TCM and perform controlled acts authorized to the profession.

S. 3 of the Act states:

“The practice of traditional Chinese medicine is the assessment of body system disorders through traditional Chinese medicine techniques and treatment using traditional Chinese medicine therapies to promote, maintain or restore health.”

s. 4 of the Act states:

“In the course of engaging in the practice of traditional Chinese medicine, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to perform the following:

1. Performing a procedure on tissue below the dermis and below the surface of a mucous membrane for the purpose of performing acupuncture;
2. Communicating a traditional Chinese medicine diagnosis identifying a body system disorder as the cause of a person's symptoms using traditional Chinese medicine techniques.”

Myth

The regulation of TCM was requested by “western” healthcare providers to eliminate competition of TCM practitioners

Fact

The *Regulated Health Professions Act, 1991* (RHPA) framework is not intended to eliminate the competition from a particular health profession. Through its legislative provisions, it protects the public and facilitates informed consumer choice by indicating to an individual that the practitioner of his/her choice is qualified to practise in that particular field and, in the event of complaints, abuse or harm, there is recourse through a regulatory college's complaints and discipline system.

Myth

Regulation will destroy the TCM profession

Fact

The purpose of self-regulation under the RHPA is to protect the public from incom-

petent and unqualified individuals and to promote informed consumer choice. The regulation of TCM and acupuncture treatment is part of the province's ongoing commitment to a healthier Ontario. Through regulation of TCM practice, the province recognizes the growing importance of the role that complementary and alternative healthcare play for Ontarians who choose to maintain/restore health and receive lifestyle, health and wellness advice from TCM practitioners.

Myth

The Transitional Council of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario (Transitional Council) does not have authority to develop regulations

Fact

The RHPA authorizes the transitional Council to make regulations under the *Traditional Chinese Medicine Act, 2006* for approval by the Lieutenant Governor in Council and with prior review by the Minister of Health and Long-Term Care.

Myth

The transitional Council is not fulfilling its mandate to regulate the profession of TCM in the public interest

Fact

The transitional Council is accountable to the Minister of Health and Long-Term Care and must make decisions in accordance with its mandate to regulate the profession in the public interest. It must comply with the requirements as set out in the *Traditional Chinese Medicine Act, 2006* and the RHPA.

Myth

The transitional Council is not being held accountable for its actions.

Fact

The transitional Council is established by the *Traditional Chinese Medicine Act, 2006* and is responsible for implementing the RHPA. The transitional Council and College, once fully established, is responsible to the Minister of Health and Long-Term Care for regulating the profession in the public interest and ensuring that its members provide health services in a professional and ethical manner.

Myth

The transitional Council is drafting a registration regulation that will prevent the majority of current practitioners from being able to register with the College

Fact

This is not the case. The transitional Council is working toward:

- Recognizing varying education, training and experience;
- Recognizing differing language abilities;
- Balancing public protection and the right of competent practitioners to practice; and
- Developing transitional provisions for existing practitioners.

Myth

Practitioners applying for grandparented registration will be required to undergo language testing such as TOEFL

Fact

The transitional Council is still contemplating various methods of recognizing the different language abilities of grandparented applicants. TOEFL as a means to test applicants has not been considered.

Myth

Regulated health professionals currently providing acupuncture services will be automatically registered with the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario (CTCMPAO).

Fact

To be registered with the CTCMPAO, an applicant must meet the entry to practice requirements as outlined in the Registration Regulation.

Myth

A regulation becomes law once it is approved by the transitional Council

Fact

A draft regulation proposed by the transitional Council does not become law until it has been reviewed by the Ministry, approved by the Lieutenant Governor in Council and filed by the Registrar of Regulations.

(Ref. Regulation Making and Approval Process, Transitional Council Newsletter, Vol. 1, Issue 1 and Issue 3)

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必須知道的事實

誤解

中醫藥法，2006沒有明確訂定中醫及針灸的執業範圍。

事實

『中醫藥法，2006』(Traditional Chinese Medicine Act, 2006)一旦生效之後，只有安省中醫師及針灸師管理局的會員才能執業中醫和從事授權給中醫專業的『受控制行爲』(Controlled Act)。

該法律的第三款訂明：

“中醫執業是指採用中醫療法，評估人體系統任何紊亂，通過中醫技巧和治療，促進、保養或恢復健康。”

該法律的第四款陳述如下：

“在執業中醫的過程中，取決於他或她的註冊證書中所闡明的條款、條件和限制，一位會員可獲授權進行：

1. 在皮下組織和粘膜下操作，目的是進行針灸治療；
2. 採用中醫技巧，識別引起病人症狀的一種人體系統紊亂，傳達中醫診斷結論。”

誤解

中醫規章是因“西醫”醫療人員的要求而設立，旨在排除來自中醫從業者的競爭。

事實

『法定醫療護理專業法，1991』(Regulated Health Professions Act, 1991) (RHPA) 架構的本意並非評判某個醫療專業的價值，也非用來比較某個醫療專業與另一個醫療專業的價值。該法例是通過其法律條款來保護公眾，從而使消費者作出知情選擇，清楚知道他/她所選擇的從業者有資格在該醫療領域執業，並且知道如果需要投訴、被侵犯或傷害時，可以通過有關管理局的投訴和紀律制度獲得幫助。

誤解

規章將摧毀中醫行業。

事實

RHPA自我規管的目的是保護公眾，防止不稱職和不合格的個人為公眾提供服務，促使消費者作出知情選擇。中醫及針灸治療的規管是安省長期致力於改善公眾健康的一部分。通過對中醫執業進行規管，省政府認識到補充醫療和另類醫療所起的作用日益重要，安省公眾為了保持/恢復健康，接受中醫從業者有關生活方式、醫療和保健方面的建議。

誤解

安省中醫師及針灸師規管局過渡委員會(過渡委員會)無權制定規章

事實

RHPA授權過渡委員會根據『中醫藥法，2006』(Traditional Chinese Medicine Act, 2006) 來制定規章，呈交給衛生及長期護理廳長審核，由內閣批准。

誤解

過渡委員會未履行按照公眾利益來規管中醫專業的使命

事實

過渡委員會對衛生及長期護理廳長負責，而且必須根據其使命來作出決定，按照公眾利益來規管中醫專業。它必須遵守『中醫藥法，2006』(Traditional Chinese Medicine Act, 2006)以及RHPA所闡明的要求。

誤解

安省中醫師及針灸師管理局過渡委員會無需對其行為負責。

事實

過渡委員會是根據『中醫藥法，2006』(Traditional Chinese Medicine Act, 2006)而成立，並且負責實施『法定醫療護理專業法，1991』(Regulated Health Professions Act, 1991)(RHPA)。過渡委員會以及管理局，要對衛生及長期護理廳長負責，其職責是為公眾的利益來規管中醫專業，確保其成員提供專業和符合操守的醫療服務。

誤解

過渡委員會正在起草一份註冊規章，該規章將阻止大部分目前的中醫從業者在管理局獲得註冊。

事實

- 情況並非如此。過渡委員會正在朝以下方向努力：
- 承認不同的教育、培訓和經驗
- 承認從業者語言能力的不同
- 平衡公眾保護和有能力的從業者的執業權利，以及
- 為現今從業者制定過渡條款。

誤解

申請按祖輩條例註冊的從業者將需要接受類似托福這樣的語言考試

事實

過渡委員會仍在考慮各種方法來認可祖輩條例申請人的不同語言能力。我們並未考慮把托福作為測試申請人的一種方法。

誤解

目前提供針灸服務的受規管醫療專業會員將自動獲得註冊，成為安省中醫師及針灸師管理局(CTCMPAO)的會員。

事實

如果要在CTCMPAO註冊，一位申請人必須滿足CTCMPAO註冊規章中所列出的入門執業要求。

Have questions/suggestions for the Transitional Council?

Please contact our office at:

Transitional Council of the

College of Traditional Chinese Medicine

Practitioners and Acupuncturists of Ontario

163 Queen Street East, 4th Floor

Toronto, Ontario M5A 1S1

☎ 416.862.4790 toll free: 866.624.8483 ☎ 416.874.4078

✉ info@ctcmpao.on.ca

You may also visit our website at: www.ctcmpao.on.ca

誤解

一項規章一旦獲得過渡委員會的批准之後即成為法律

事實

在衛生及長期護理廳未審核、省督未批准以及規章總監未備案之前，過渡委員會所提議的規章草案不能成為法律。(請參考Transitional Council Newsletter Vol. 1, Issue 1 and Issue 3『制定和批准規章的過程』)

Questions & Answers

What is PLAR (prior learning assessment and recognition)?

PLAR is a process of

- identifying;
- documenting;
- assessing; and
- recognizing

what a person knows and can do. Learning is not confined to a specific educational setting or system, but occurs at the workplace, in training and workshop sessions. Learning may be formal, informal or through experience.

PLAR is related to the idea of lifelong learning. The focus is on what the person knows and can do rather than where or how it was learned.

To learn more about PLAR, please access the Canadian Association of Prior Learning Assessment's website at www.capla.ca.

何謂 PLAR (既有學識評估和認可)?

PLAR 是一個程序，用來

- 識別;
- 評估;
- 記錄;
- 認可。

一個人的知識和能力。學識不局限於某個具體的教育環境或制度，它可以在工作場所、培訓和專題討論會中獲得。學識可能是正式的、非正式的或通過經驗而取得。

PLAR與終生學習的理念相關。它的中心點是一個人的知識和能力，而非從他/她哪裏和通過何種方式取得這些知識和能力。

如需了解有關PLAR的更多資訊，請瀏覽加拿大既有學識評估協會(Canadian Association of Prior Learning Assessment)的網站：www.capla.ca。

HIGHLIGHTS OF MEETINGS

HIGHLIGHTS OF THE 7TH MEETING OF THE TRANSITIONAL COUNCIL – NOVEMBER 23, 2009

Regulations Development Update Registration Regulation

The Chair of the Registration Committee and the Legal Counsel of the transitional Council presented an overview on progress made in the drafting of the Registration Regulation. The draft provides a conceptual framework that will still be discussed in further detail by Committee and the transitional Council and with policy analysts of the Ministry of Health and Long-Term Care. There will be back and forth revisions to the draft. In the coming months, we shall work hard to identify performance indicators, develop prior learning assessment tools and processes for grandparented applicants with varying experience,

knowledge and backgrounds, develop criteria to approve courses and establish examinations and criteria for clinical experience programs.

General Regulation

We are still consulting the Ministry on policies relating to the draft General Regulation, which includes: Part I: Professional Misconduct; Part II: Conflict of Interest; Part III: Record Keeping and Part IV: Inspection Program.

The Professional Practices/Standards Committee is drafting guidelines on advertising and standards for record keeping, which are expected to be completed by the end of the calendar year.

Inter-Provincial Collaboration: Canadian Alliance of Regulatory Bodies for TCM Practitioners and Acupuncturists (CARB) Entry-Level Occupational Competencies for the Practice of TCM in Canada

The transitional Council approved in principle the *Entry-Level Occupational Competencies for the Practice of TCM in Canada* developed by CARB as completion of the second phase development of the Pan-Canadian occupational standards for TCM.

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HIGHLIGHTS OF THE 8TH MEETING OF THE TRANSITIONAL COUNCIL – JANUARY 25-26, 2010

Memorandum of Understanding (MOU) and Loan Agreement

The transitional Council approved in principle the revised MOU and Loan Agreement with the Ministry of Health and Long-Term Care. Members will be ready to sign the documents pending clarification and negotiation on a number of issues.

Regulations Development Update Drafting of Registration Regulation

The transitional Council received recommendations of the Executive Committee and Registration Committee that there be six classes of certificates of registration:

- Full
- Student
- Inactive
- Provisional
- Grandparented
- Temporary

Under each class of registration, depending on the registrant's primary area of education and experience, he/she will be able to use the protected titles "Acupuncturist" and/or "Traditional Chinese Medicine Practitioner".

The transitional Council reiterated that acupuncture is integral to traditional Chinese medicine, being one of the techniques used for treatment. It should not be treated as an independent profession. The membership classes will be reflective of the scope of practice and controlled acts defined in sections 3 and 4 of the *Traditional Chinese Medicine Act, 2006*.

Discussions on the grandparenting process, recognition of prior training and experience and exploration of alternatives with regard to the language fluency issue will continue.

Consultation

The transitional Council plans to organize information sessions in March to update practitioners and to receive feedback on registration issues, including grandparenting and language fluency.

Drafting of General Regulation

The transitional Council continues to consult the Ministry of Health and Long-Term Care on policies relating to the draft General Regulation, which includes: Part I: Professional Misconduct; Part II: Conflict of Interest; Part III: Record Keeping; and Part IV: Inspection Program.

Development of Performance Indicators

In November last year, the transitional Council partnered with the Prior Learning and Competency Evaluation and Documentation

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Chinese translation of the highlights of Transitional Council meetings is available for reference on our website at www.ctcmpao.on.ca



Transitional Council of the College of Traditional Chinese
Medicine Practitioners and Acupuncturists of Ontario

安省中醫師及針灸師管理局過渡委員會

163 Queen Street East, 4th Floor

Toronto, Ontario M5A 1S1

www.ctcmpao.on.ca | info@ctcmpao.on.ca

FACTS YOU MUST KNOW 必須知道的事實

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Current Transitional Council Work Plan

2009 – May 2010

- Draft Registration Regulation and supporting tools e.g. entry-to-practice competencies, prior learning assessment tools and procedures for grandparenting, application protocols
- Draft General Regulation and supporting policies, e.g. advertising, record keeping guidelines

March – June 2010: Stakeholder Consultation

August 2010: Submit regulations to Government

Once the *Traditional Chinese Medicine Act, 2006* is proclaimed into force:

- Individuals must be registered with the College in order to continue providing TCM services
- Any person falsely representing himself/herself as qualified to practise TCM; e.g., using the restricted titles and/or performing the controlled acts without authority, will be subject to prosecution in the courts
- Any registered member proven to be incompetent, practising below the standards of the College, or having committed professional misconduct will be subject to the complaints and discipline process as outlined in the *Health Professions Procedural Code*, which is Schedule 2 to the RHPA
- Members of certain colleges outlined in legislation will be allowed to perform acupuncture and can only provide these services within the specific scope of practice of the health profession and in accordance with the standards of practice of the profession

過渡委員會目前的工作計劃

2009 – 2010年5月

- 起草註冊規章及輔助工具，例如，入門執業資格，適用於祖輩條例的既有學識和經驗評估工具和步驟，申請步驟。
- 總體規章草案以及輔助政策，例如，廣告，病歷保存指引。

2010年3-6月：利益相關團體磋商。

2010年8月：向政府提交規章。

『中醫法，2006』一旦生效之後：

- 個人必須在CTCMPAO註冊方能繼續提供中醫服務，
- 任何冒稱有資格從事中醫的人士，例如，使用有限制的頭銜和/或未獲授權從事受控制行為，將會受到法院的起訴，
- 任何註冊會員，如果被證明未能達到訂定的專業能力資格，其執業標準低於CTCMPAO的標準，或者發生專業失職，該會員將依照RHPA的附件2，即『醫療專業程序規章』(*Health Professions Procedural Code*)所列出的投訴和紀律處分程序接受處分，
- 立法中所列出的某些管理局的會員將被允許在該醫療專業的具體執業範圍內和根據該專業的執業標準來提供針灸服務。

UPCOMING TRANSITIONAL COUNCIL MEETING DATES

April 19, 2010
July 12, 2010
October 25, 2010
January 17-18, 2011

Locations are to be announced. Normal meeting times are from **9:30 a.m. to 4:00 p.m.** but are subject to change. Transitional Council meetings are open to the public. You are welcome to attend as an observer. However, as space is limited, please contact us by email at info@ctcmpao.on.ca, or by phone at **416.862.4790** or **866.624.8483** (toll-free in Ontario) to reserve seats at least three business days before the actual meeting.



HIGHLIGHTS OF THE 7TH MEETING OF THE TRANSITIONAL COUNCIL – NOVEMBER 23, 2009 continued

Development of Sub-Competencies, Performance Indicators and Assessment/Education Blueprints

CARB received funding from the federal government to develop sub-competencies and performance indicators that would allow TCM and acupuncture regulators across Canada to use the occupational competencies for registration assessment and education program review. A team of consultants led by David Cane (consultant), Warren Fischer (member of the College of Traditional Chinese Medicine and Acupuncturists of British Columbia) and Danny Li (practitioner from Ontario), will research and develop the sub-competencies and performance indicators for recommendation to the CARB Steering Committee. It is anticipated that the subsequent Pan-Canadian examination will include both written and practical components.

Prior Learning Assessment and Recognition (PLAR) Project

The transitional Council decided to discontinue the project as additional funds would not be available from the Ministry of Health and Long-Term Care. All consultants who had responded to the Request for Proposal were

notified. The Council is currently seeking alternative funding sources and plans to pursue the project.

Development of Performance/Behavioural Indicators

Invitation from Ryerson University

The transitional Council decided to accept an invitation to partner with the Prior Learning and Competency Evaluation and Documentation (PLACED) Program of Ryerson University's G. Raymond Chang School of Continuing Education to develop performance/behavioural indicators for the assessment of TCM practitioners. The project would use as its foundation the *Entry-Level Occupational Competencies for the Practice of TCM in Canada* developed by CARB. PLACED will fund all costs related to the consultant, administration and coordination of the project, while the transitional Council will provide subject matter experts to work with the specialist consultant on the Project Advisory Committee and Focus Group.

2008/09 Audit Report

The transitional Council accepted the audit report and audited financial statement for the

fiscal year ending March 31, 2009 presented by KPMG Chartered Accountants. The transitional Council decided to continue to have KPMG Chartered Accountants audit the financial statements of Council for the 2009-2010 financial year.

Procurement Policy

The transitional Council is included in the provincial government's Management Board of Cabinet's procurement directive as an "Other Included Entity". As such, it is necessary to establish a procurement policy in compliance with the directive. The transitional Council approved an interim procurement policy to allow operations to move forward, pending feedback from the Ministry of Health and Long-Term Care.

To assist TCM Practitioners to prepare for registration, the transitional Council directed the Registrar to work with the Communications Committee to develop and hold information sessions for TCM practitioners.

HIGHLIGHTS OF THE 8TH MEETING OF THE TRANSITIONAL COUNCIL – JANUARY 25-26, 2010 continued

(PLACED) Program of Ryerson University's G. Raymond Chang School of Continuing Education to develop performance indicators for the assessment of current TCM practitioners.

Under the guidance of PLACED consultant Linda Buschmann, TCM members on Council and from the community drafted the performance indicators on the basis of the *Entry-Level Occupational Competencies for the Practice of TCM in Canada* developed by CARB. The draft entitled "TCM Competency Profile with Performance Indicators" was reviewed and accepted in the meeting with a few amendments. It will be used in the development of prior learning assessment and recognition (PLAR) tools and processes for evaluation of grandparented candidates.

Prior Learning Assessment and Recognition (PLAR) Project

The transitional Council will soon be inviting consulting teams and educational institutions with proven expertise and experience in PLAR to express interest in developing PLAR tools and processes for the transitional Council.

Transitional Council Election

The transitional Council elected its officers for the year 2010:

Executive Committee

Cedric Cheung	President
Lynn Bowering	Vice-President
James Fu	Member
Joanne Pritchard-Sobhani	Member
Ian Eng	Member

Committee Appointments

The newly-elected Executive Committee appointed members to Committees:

Registration Committee

Zhao Cheng
Richard Dong
Joanne Pritchard-Sobhani
Henry Maeots
Ruth Pike

Professional Practice/Standards Committee

David Bai
Ian Eng
James Fu
Mary Wu
Elizabeth Wilson

Communications Committee

David Bai
Kristin Bulmer
Richard Dong
Ellen Hanna
Ruth Pike

Finance Committee

Lynn Bowering
Zhao Cheng
James Fu
Sharon Lam
Mary Wu

Chinese translation of the highlights of Transitional Council meetings is available for reference on our website at www.ctcmpao.on.ca