

**立法會**  
**Legislative Council**

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**Paper for the House Committee Meeting  
of the Legislative Council  
on 25 January 2002**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 18 January 2002**

**Date of Tabling in LegCo** : 23 January 2002

**Amendment to be made by** : 6 February 2002 (or 27 February 2002 if  
extended by resolution)

**Prisons Ordinance (Cap. 234)  
Prisons (Amendment) Order 2002 (L.N. 4)**

By this Order made by the Secretary for Security under section 4 of the Prisons Ordinance (Cap. 234), the Hei Ling Chau Addiction Treatment Centre (Annex) on the island of Hei Ling Chau ("the Centre") is set apart for the purposes of a prison. Simultaneously, the Schedule to the Prison Order (Cap. 234 sub. leg.) is amended by adding the Centre.

This Order will come into operation on 28 January 2002.

**Drug Addiction Treatment Centres Ordinance (Cap. 244)  
Drug Addiction Treatment Centre (Hei Ling Chau Addiction Treatment Centre)  
(Amendment) Order 2002 (L.N. 5)**

By this Order made by the Secretary for Security under section 3 of the Drug Addiction Treatment Centres Ordinance (Cap. 244) ("the Ordinance"), section 1 of the Drug Addiction Treatment Centre (Hei Ling Chau Addiction Treatment Centre) Order (Cap. 244 sub. leg.) is amended in the following manner:

Add	after
Hei Ling Chau Addiction Treatment Centre (Annex),	other than the

The effect is to exclude the Hei Ling Chau Addiction Treatment Centre (Annex) from being part of the Hei Ling Chau Addiction Treatment Centre for the purposes of the Ordinance. This Order will become operative on 28 January 2002.

**Chinese Medicine Ordinance (Cap. 549)**

**Chinese Medicine Ordinance (Cap. 549) (Commencement) Notice 2002 (L.N. 6)**

By this Notice given under section 1(2) of the Chinese Medicine Ordinance (Cap. 549) ("the Ordinance"), the Secretary for Health and Welfare has appointed 1 March 2002 as the date on which the following provisions of the Ordinance will come into effect:

Section	Subsection/ paragraph	Nature of provisions	Commencement Qualification
108	(1), (2), (3)(b), (4) & (5)(b)	Offence provisions relating to unlawful use of title and practice without registration under sections 108(1), (2) & (4) of the Ordinance. Sections 108(3)(b) & 108(5)(b) qualify the application of the provisions.	-
151	-	The provision relates to the period within which criminal proceedings under the Ordinance may be commenced.	-
164	(a)(i) & (ii) & (b)	Consequential amendments to section 28 of the Medical Registration Ordinance (Cap. 161) so that certain sections shall not apply to Chinese medicine practitioners registered or listed under the Ordinance and offences in connection with the practice of Chinese medicine shall only be prosecuted under the Ordinance.	-

164	(a)(iii)	Adding paragraph (h) to section 28(3) of the Medical Registration Ordinance (Cap. 161).	Only to the extent that the new section 28(3)(h) of the Medical Registration Ordinance (Cap. 161) relates to a Chinese medicine practitioner registered or listed under Ordinance.
165	-	Replacing the existing section 31 of the Medical Registration Ordinance (Cap. 161) by a new section to provide for the use of titles by Chinese medicine practitioners who are registered or listed under the Ordinance.	Only to the extent that the new section 31 of the Medical Registration Ordinance (Cap. 161) relates to a Chinese medicine practitioner registered or listed under the Ordinance.
168	(a)	Replacing the existing section 5(1)(d) of the Undesirable Medical Advertisements Ordinance (Cap. 231) with a new section 5(1)(d) to include reference to Chinese medicine practitioners who are registered or listed under the Ordinance.	Only to the extent that new section 5(1)(d) of the Undesirable Medical Advertisements Ordinance (Cap. 231) relates to Chinese medicine practitioners registered or listed under the Ordinance.
168	(b)	Repealing "native herbalist" and substituting "Chinese medicine practitioner" in section 5(2) of the Undesirable Medical Advertisements Ordinance (Cap. 231).	-
170	(a)	Replacing the existing paragraph (f) in the definition of "clinic" in section 2 of the Medical Clinics Ordinance (Cap. 343) by a new paragraph (f) to exclude Chinese medicine practitioners registered or listed under the Ordinance.	Only to the extent that new paragraph (f) of the definition of "clinic" in section 2 of the Medical Clinics Ordinance (Cap. 343) relates to a Chinese medicine practitioner registered or listed under the Ordinance.

170	(b)	Replacing the existing paragraphs (c) & (d) in the definition of "medical treatment" in section 2 of the Medical Clinics Ordinance (Cap. 343) by new paragraphs (c) & (d) to exclude the dispensation of Chinese medicines and the treatment given by Chinese medicine practitioners registered or listed under the Ordinance from the control of the Medical Clinics Ordinance.	in respect of new paragraph (c) of the definition of "medical treatment" in section 2 of the Medical Clinics Ordinance (Cap. 343) and new paragraph (d) of that definition but only to the extent each relates to a Chinese medicine practitioner registered or listed under the Ordinance.
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The qualifications described in the fourth column in the above table have the effect of excluding the operation of the relevant provisions in relation to persons who continue to practise Chinese medicine provisionally by virtue of section 90(7) of the Ordinance. This is because there is no more such persons as the period for provisional practice envisaged by section 90(7) has expired on 30 December 2000.

This is the third batch of the provisions of the Ordinance to come into operation. The first batch relating to the setting up of the statutory Chinese Medicine Council of Hong Kong and its boards and committees became effective on 6 August 1999. The second batch came into operation on 16 August 2000 to implement the statutory regime of registration and listing of Chinese medical practitioners. The remaining provisions of the Ordinance relating to the licensing of Chinese herbal medicine traders, the registration of proprietary Chinese medicines and the licensing of their traders have yet to be commenced. The Administration intends to bring them into operation later this year.

Prepared by

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22 January 2002