

立法會
Legislative Council

LC Paper No. CB(2)577/02-03

(These minutes have been
seen by the Administration)

Ref : CB2/SS/2/02

**Subcommittee on Chinese Medicine (Fees) Regulation,
Chinese Medicines Regulation and
Chinese Medicines Traders (Regulatory) Regulation**

**Minutes of the 1st meeting
held on Tuesday, 19 November 2002 at 2:30 pm
in Conference Room B of the Legislative Council Building**

- Members Present** : Dr Hon LO Wing-lok (Chairman)
Dr Hon David CHU Yu-lin, JP
Hon Cyd HO Sau-lan
Dr Hon LUI Ming-wah, JP
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon CHAN Yuen-han, JP
Dr Hon LAW Chi-kwong, JP
Hon Michael MAK Kwok-fung
Hon LEUNG Fu-wah, MH, JP
Hon Audrey EU Yuet-mee, SC, JP
- Public Officers Attending** : Miss Angela LUK
Principal Assistant Secretary for Health, Welfare and Food
- Mr Peter KWOK
Assistant Secretary for Health, Welfare and Food
- Dr T H LEUNG
Assistant Director (Traditional Chinese Medicine)
Department of Health
- Mr Thomas Watson CHEUNG
Senior Pharmacist, Department of Health
- Miss Miranda NG
Senior Assistant Law Draftsman

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Ms Stella CHAN
Government Counsel

Clerk in Attendance : Ms Doris CHAN
Chief Assistant Secretary (2) 4

Staff in Attendance : Miss Anita HO
Assistant Legal Adviser 2

Miss Mary SO
Senior Assistant Secretary (2) 8

I. Election of Chairman

Dr LO Wing-lok was elected Chairman of the Subcommittee.

II. Meeting with the Administration
(LC Paper No. CB(2)385/02-03(01))

2. The Subcommittee deliberated (Index of proceedings at **Annex**).
3. Members noted a submission from the Chinese Medicine Merchants Association Ltd. tabled at the meeting, and requested the Administration to provide a written response.
4. The Chairman suggested and members agreed to invite the Chinese medicines trade to give views on the Chinese Medicine (Fees) Regulation, Chinese Medicines Regulation and Chinese Medicines Traders (Regulatory) Regulation at the next meeting.
5. Members then proceeded to examine the Chinese Medicines Regulation section-by-section.

Section 3 - Licensing requirements in respect of applications made under section 114 of the Chinese Medicine Ordinance (the Ordinance)

Section 4 - Licensing requirements in respect of applications made under section 115 of the Ordinance

Section 5 - Licensing requirements in respect of applications made under section 132 of the Ordinance

Section 6 - Licensing requirements in respect of applications made under section 135 of the Ordinance

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6. In response to queries raised about the meanings of "adequate space and adequate and suitable facilities" referred to in sections 3(b), 4(b), 5(b) and 6(b), the Administration undertook to provide members with four sets of draft practising guidelines for Chinese herbal medicines retailers, Chinese herbal medicines wholesalers, proprietary Chinese medicines manufacturers, and proprietary Chinese medicines wholesalers respectively.

7. Members requested the Administration to provide -

- (a) Examples illustrating how one of the licensing requirements and practising conditions, namely, "the premises are in all other aspects suitable" referred to in sections 3(e), 4(d), 5(g) and 6(c), would apply;
- (b) Information on the regulation of western medicines regarding the above-referred provision at (a), having regard to the fact that it was pointed out by the Administration that the regulation of Chinese medicines was modelled on that of western medicines; and
- (c) Reasons for drafting the licensing requirements and practising conditions, mentioned in paragraphs 6 and 7(a) above, in such a loose and broad manner.

Section 10 - Additional duties of holders of retailer licences in respect of Schedule 2 medicines

8. The Administration was requested to consider that it was necessary to provide expressly in the Regulation that it was also the duty of a holder of retailer licence to ensure that where a family-owned prescription given by a member of the public was presented for dispensing any Schedule 2 medicine, the medicine should be dispensed in accordance with the prescription.

Section 11 - General duties of holders of wholesaler licences in Chinese herbal medicines

9. The Administration was requested to consider amending section 11(g)(vi) to the effect that the record prepared pursuant to subparagraph (iv) must be retained in the premises to which the licence was related for a period of not less than two years from the date of the completion of the processing or until the date the processed medicine or mixture was sold, whichever was the longer period.

Section 26 - Labelling of proprietary Chinese medicines to be sold in Hong Kong

10. The Administration was requested to amend the Chinese version of "the name of the manufacturer" referred to in section 26(2)(e)(ii) to "製造商", so as to be consistent with the Chinese version of the same term appeared elsewhere in the Regulation.

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Section 29 - Duration of licences

Section 30 - Duration of certificates

11. The Administration was requested to consider charging fees lower than that prescribed under the Chinese Medicine (Fees) Regulation if a licence renewed under section 116(3) or 136(3) of the Ordinance was for a period shorter than two years, a certificate renewed under section 123(3) of the Ordinance was for a period shorter than five years, and a certificate issued under section 133 of the Ordinance was for a period shorter than two years. The Administration was also requested to provide a response on -

- (a) Criteria which would be adopted by the Medicines Board to give a shorter duration of licences and certificates; and
- (b) Whether there would be a mechanism for applicants to appeal against the decisions of the Medicines Board for shortening the duration of their licences or certificates.

Others

12. Apart from the foregoing, the Administration was requested to provide a response to the following issues raised by members -

- (a) Measures which would be taken by the Administration to make the application process for a person who needed to apply for both the retailer and wholesaler licences of Chinese medicines more convenient; and
- (b) The adequacy of requiring the holders of wholesaler licences in Chinese herbal medicines, the holders of manufacturer licences in proprietary Chinese medicines, and holders of wholesaler licences in proprietary Chinese medicines to keep their records and documents for two years or less.

III. Dates of next meetings

13. Members agreed to hold the next meeting on 28 November 2002 at 2:30 pm to meet with deputations and to continue scrutiny of the Chinese Medicines Regulation commencing from section 31. Members further agreed to hold another meeting on 5 December 2002 at 8:30 am to continue scrutiny of the Regulations.

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14. There being no other business, the meeting ended at 4:30 pm.

Council Business Division 2
Legislative Council Secretariat
5 December 2002

**Proceedings of the 1st meeting of the
Subcommittee on Chinese Medicine (Fees) Regulation,
Chinese Medicines Regulation and
Chinese Medicines Traders (Regulatory) Regulation
on Tuesday, 19 November 2002 at 2:30 pm
in Conference Room B of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 - 000032	Ms Cyd HO, Dr LAW Chi-kwong, Mr Michael MAK and Dr LO Wing-lok	Election of Chairman	
000033 - 000235	Chairman	Welcoming remark	
000236 - 000405	Administration	Briefed members on the Regulations	
000406 - 000816	Chairman, Administration and Ms Audrey EU	Public consultation on the Regulations	
000817 - 000938	Ms Audrey EU, Administration and Chairman	Meanings of "adequate space and adequate and suitable facilities" referred to in sections 3(b), 4(b), 5(b) and 6(b) of the Chinese Medicines Regulation	
000939 - 001053	Mrs Selina CHOW	Submission from the Chinese Medicine Merchants Association Ltd.	✓ (Admin to provide a response)
001054 - 001238	Chairman, Dr David CHU and Mrs Selina CHOW	Inviting deputations to give views on the Regulations and dates of next meetings	
001239 - 002250	Chairman, Mrs Selina CHOW, Administration and ALA2	Proceeded to examine the Chinese Medicines Regulation section-by-section Sections 1 and 2	
002251 - 0003037	Chairman, Administration, Mrs Selina CHOW and ALA2	Section 3 Meanings of "adequate space and adequate and suitable facilities" referred to in sections 3(b), 4(b), 5(b) and 6(b)	✓ (Admin to provide four sets of draft practising guidelines)
003038 - 003214	Chairman and Mrs Selina CHOW	Section 4 The Administration was requested to provide examples illustrating how one of the licensing requirements and practising conditions, namely, "the premises are in all other aspects suitable" referred to in sections 3(e), 4(d), 5(g) and 6(c), would apply	✓ (Admin to provide a response)
003215 - 003558	Chairman, Administration and Mrs Selina CHOW	Section 5	
003559 - 003759	Chairman, Mrs Selina CHOW, ALA2	Section 6 The Administration was requested to provide - (a) Information on the regulation of western medicines regarding the provision that "the premises are in all other aspects suitable", having regard to the fact that it was pointed out by the Administration that the regulation of Chinese medicines was modelled on that of western medicines; and (b) Reasons for drafting the licensing requirements	✓ (Admin to provide a response)

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		and practising conditions, mentioned in paragraphs 6 and 7(a) above, in such a loose and broad manner	
003800 - 005419	Chairman, ALA2, Administration, Mr LEUNG Fu-wah, Mrs Selina CHOW and Dr LAW Chi-kwong	Section 7	
005420 - 005227	Chairman and Administration	Section 8	
005228 - 005651	Chairman and Administration	Section 9	
005652 - 010210	Chairman, Administration and Mrs Selina CHOW	Section 10 The Administration was requested to consider that it was also the duty of a holder of retailer licence to ensure that where a family-owned prescription given by a member of the public was presented for dispensing any Schedule 2 medicine, the medicine should be dispensed in accordance with the prescription	✓ (Admin to provide a response)
010211 - 010440	Mr LEUNG Fu-wah, Administration, Chairman and Mrs Selina CHOW	Licensed retailers of Chinese herbal medicines boiling medicines for their clients	
010441 - 010722	Miss CHAN Yuen-han and Chairman	Registration of Chinese medicine practitioners	
010723 - 011022	Mrs Selina CHOW and Administration	The Administration was requested to provide information on measures to make the application process for a person who needed to apply for both the retailer and wholesaler licences of Chinese medicines more convenient	✓ (Admin to provide a response)
011023 - 011517	Ms Cyd HO, Administration and Chairman	Section 11 The Administration was requested to consider amending section 11(g)(vi) to the effect that the record prepared pursuant to subparagraph (iv) must be retained in the premises to which the licence was related for a period of not less than two years from the date of the completion of the processing or until the date the processed medicine or mixture was sold, whichever was the longer period	✓ (Admin to provide a response)
011518 - 012522	Chairman, Miss CHAN Yuen-han, Administration, Mrs Selina CHOW, Ms Cyd HO	Section 12	
012523 - 013409	Chairman, Ms Cyd HO, Administration, Mr LEUNG Fu-wah, ALA2 and Mrs Selina CHOW	Sections 13-15 The Administration was requested to consider the adequacy of requiring the holders of wholesaler licences in Chinese herbal medicines, the holders of manufacturer licences in proprietary Chinese medicines, and holders of wholesaler licences in proprietary Chinese medicines to keep their records and documents for two years or less	✓ (Admin to provide a response)
013409 - 013709	Chairman, Administration and Ms Cyd HO	Sections 16-17	
013710 - 014030	Chairman and Administration	Sections 18-19	
014031 - 014151	Chairman, Mrs Selina CHOW and Administration	Section 20	
014152 - 014247	Chairman and Administration	Section 21	

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014248 - 015044	Chairman, ALA2 and Administratopm	<p>Sections 22-27</p> <p>The Administration was requested to amend the Chinese version of "the name of the manufacturer" referred to in section 26(2)(e)(ii) to "製造商", so as to be consistent with the Chinese version of the same term appeared elsewhere in the Regulation</p>	<p>✓ (Admin to provide a response)</p>
015045 - 015517	Chairman, Administration and Ms Cyd HO	Section 28	
015518 - 020516	Chairman, ALA2, Administration and Ms Cyd HO	<p>Sections 29 -30</p> <p>The Administration was requested to consider charging fees lower than that prescribed under the Chinese Medicine (Fees) Regulation if a licence renewed under section 116(3) or 136(3) of the Ordinance was for a period shorter than two years, a certificate renewed under section 123(3) of the Ordinance was for a period shorter than five years, and a certificate issued under section 133 of the Ordinance was for a period shorter than two years. The Administration was also requested to provide a response on -</p> <p>(a) Criteria which would be adopted by the Medicines Board to give a shorter duration of licences and certificates; and</p> <p>(b) Whether there would be a mechanism for applicants to appeal against the decisions of the Medicines Board for shortening the duration of their licences or certificates</p>	<p>✓ (Admin to provide a response)</p>

Note : The audio records of the above proceedings are kept at the LegCo Library

Council Business Division 2
Legislative Council Secretariat
 5 December 2002