

立法會
Legislative Council

LC Paper No. CB(2)730/02-03

(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 4th meeting
held on Friday, 6 December 2002 at 8:30 am
in Conference Room B of the Legislative Council Building**

Members Present : Dr Hon LO Wing-lok (Chairman)
Hon Cyd HO Sau-lan
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon CHAN Yuen-han, JP
Hon Audrey EU Yuet-mee, SC, JP

Members Absent : Dr Hon David CHU Yu-lin, JP
Dr Hon LUI Ming-wah, JP
Dr Hon LAW Chi-kwong, JP
Hon Michael MAK Kwok-fung
Hon LEUNG Fu-wah, MH, 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

Miss Betty CHEUNG
Senior Government Counsel

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

The minutes of meeting held on 19 November 2002 were confirmed.

II. Meeting with the Administration
(LC Paper Nos. CB(2)555/02-03(01) and (02))

2. The Subcommittee deliberated (Index of proceedings at **Annex**).

3. Members agreed to the proposed amendments to sections 26(2)(e)(ii) and 36 of the Chinese Medicines Regulation and sections 6 and 11 of the Chinese Medicines Traders (Regulatory) Regulation provided by the Administration and tabled at the meeting.

4. At the request of the Subcommittee, the Administration undertook to provide its draft amendments in response to the following issues raised by members at the meeting on or before 9 December 2002 -

Chinese Medicines Traders (Regulatory) Regulation

- (a) The words "or statement in mitigation" referred to in section 7(4)(a) and elsewhere in the Regulation should be deleted; and
- (b) The words "a summary of" referred to in section 7(3)(c) should be deleted.

5. The Administration also undertook -

- (a) To consult with the Chinese Medicine Council of Hong Kong on adopting in section 7(3) of the Chinese Medicines Traders (Regulatory) Regulation a procedure of making documents available to the defendant, taken reference from section 9 of the Chinese Medicine Practitioners (Discipline) Regulation or adding the words "and other documents considered by the Committee, if any" after "recommendations of the Committee" referred to in section 7(3)(c) of the Regulation, and revert to members on or before 9 December 2002; and
- (b) To include in the practising guidelines for Chinese medicines traders examples illustrating the application of the licensing/registration condition, namely, "the premises are in all other aspects suitable" referred to in sections 3(e), 4(d), 5(g) and 6(c) of the Chinese Medicines Regulation, which were mentioned in the Administration's response to issues raised by members on 19 November 2002.

6. There being no other business, the meeting ended at 9:55 am.

Council Business Division 2
Legislative Council Secretariat
18 December 2002

**Proceedings of the 4th meeting of the
Subcommittee on Chinese Medicine (Fees) Regulation,
Chinese Medicines Regulation and
Chinese Medicines Traders (Regulatory) Regulation
on Friday, 6 December 2002 at 8:30 am
in Conference Room B of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 - 000131	Chairman	Confirmation of minutes of meeting held on 19 November 2002	
000132 - 000433	Administration, Chairman, ALA2 and Ms Cyd HO	Proposed amendments to sections 6 and 11 of the Chinese Medicines Traders (Regulatory) Regulation tabled at the meeting	
000434 - 002804	Ms Cyd HO, Administration, Mrs Selina CHOW, Miss CHAN Yuen-han and ALA2	Sections 7 and 8 of the Chinese Medicines Traders (Regulatory) Regulation The Administration undertook to delete the words "or statement in mitigation" referred to in section 7(4)(a) and elsewhere in the Regulation Proposed amendments to sections 26(2)(e)(ii) and 36 of the Chinese Medicines Regulation tabled at the meeting	✓ (Admin to provide the draft amendments)
002805 - 011219	Chairman, Ms Cyd HO, Administration, Ms Audrey EU and ALA2	Section 9 of the Chinese Medicines Traders (Regulatory) Regulation The Administration undertook - (a) To delete the words "a summary of" referred to in section 7(3)(c); and (b) To consult with the Chinese Medicine Council of Hong Kong on adopting in section 7(3) of the Chinese Medicines Traders (Regulatory) Regulation a procedure of making documents available to the defendant, taken reference from section 9 of the Chinese Medicine Practitioners (Discipline) Regulation or adding the words "and other documents considered by the Committee, if any" after "recommendations of the Committee" referred to in section 7(3)(c) of the Regulation	✓ (Admin to provide the draft amendments/ a response)
011220 - 011641	Chairman, Administration and ALA2	Sections 10 to 15 of the Chinese Medicines Traders (Regulatory) Regulation Sections 1 to 3 of the Chinese Medicine (Fees) Regulation	

011642 - 012009	ALA2 and Administration	The Administration undertook to include in the practising guidelines for Chinese medicines traders examples illustrating the application of the licensing/registration condition, namely, "the premises are in all other aspects suitable" referred to in sections 3(e), 4(d), 5(g) and 6(c) of the Chinese Medicines Regulation, which were mentioned in the Administration's response to issues raised by members on 19 November 2002	✓ (Admin to follow-up)
012010 - 012154	Ms Audrey EU	Section 37(2) of the Chinese Medicines Regulation	
012155 - 012232	Chairman	Closing remarks	

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

Council Business Division 2
Legislative Council Secretariat
18 December 2002