# 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**: Dr Hon LO Wing-lok (Chairman)

**Present** Hon Cyd HO Sau-lan

Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP

Hon CHAN Yuen-han, JP

Hon Audrey EU Yuet-mee, SC, JP

Members : Dr Hon David CHU Yu-lin, JP Absent 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**: Miss Angela LUK

**Attending** 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

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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** : Ms Doris CHAN

**Attendance** Chief Assistant Secretary (2) 4

**Staff in** : Miss Anita HO

**Attendance** 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. <u>Members</u> 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, <u>the Administration</u> 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
<u>Legislative Council Secretariat</u>
18 December 2002

#### Annex

# Proceedings of the 4<sup>th</sup> 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	(Admin to provide the draft amendments)
		Proposed amendments to sections 26(2)(e)(ii) and 36 of the Chinese Medicines Regulation tabled at the meeting	
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	✓ (Admin to provide the
		(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	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

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