

立法會
Legislative Council

LC Paper No. CB(2)1834/04-05
(These minutes have been
seen by the Administration)

Ref : CB2/BC/2/04

Bills Committee on Undesirable Medical Advertisements
(Amendment) (No.2) Bill 2004

Minutes of the 7th meeting
held on Friday, 20 May 2005 at 10:45 am
in Conference Room B of the Legislative Council Building

- Members present** : Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP (Chairman)
Dr Hon LUI Ming-wah, JP
Hon Vincent FANG Kang, JP
Hon LI Kwok-ying, MH
Dr Hon Joseph LEE Kok-long
Dr Hon KWOK Ka-ki
Hon WONG Ting-kwong, BBS
- Members absent** : Hon Fred LI Wah-ming, JP
Hon CHAN Yuen-han, JP
Hon TAM Yiu-chung, GBS, JP
- Public Officers attending** : Miss Susie HO
Deputy Secretary for Health, Welfare and Food (Health)
- Mr Jeff LEUNG
Principal Assistant Secretary for Health, Welfare and Food (Health)
- Mr Tony CHAN
Assistant Secretary for Health, Welfare and Food (Health)
- Dr T H LEUNG
Deputy Director of Health
- Dr Mandy HO
Assistant Director (Special Health Services), (Acting)

Mrs Mary CHENG
Chief Pharmacist (Acting)

Ms Frances HUI
Senior Government Counsel, Department of Justice

Ms Grace LEUNG
Government Counsel, Department of Justice

Clerk in attendance : Ms Doris CHAN
Chief Council Secretary (2) 4

Staff in attendance : Miss Anita HO
Assistant Legal Adviser 2

Miss Mary SO
Senior Council Secretary (2) 8

I. Meeting with the Administration

(LC Paper Nos. CB(2)1602/04-05(01) to (04), CB(2)1069/04-05(01), CB(2)1209/04-05(01), CB(2)1395/04-05(01) and IN27/04-05 to IN29/04-05)

The Bills Committee deliberated (Index of proceedings at **Annex**).

2. The Administration undertook to provide the proposed Committee Stage amendments to the Undesirable Medical Advertisements (Amendment) (No.2) Bill 2004 (the Bill) on the following in the first week of June 2005 -

- (a) allowable claims in respect of items 4, 5 and 6 in the proposed Schedule 4;
- (b) definition of “orally consumed product”; and
- (c) exemption power of the Director of Health (D of Health) under new section 3B.

3. During the discussion of the allowable claims, Deputy Secretary for Health, Welfare and Food (DSHWF) remarked that the Secretary for Health Welfare and Food (SHWF) would reaffirm in his speech to be given at the resumption of Second Reading debate on the Bill that there was nothing in the Undesirable Medical Advertisements Ordinance (UMAO) that prohibited the industry in stating in the advertisement the registration status of a specific drug.

4. In response to Dr KWOK Ka-ki, DSHWF said that improvements had been made to the warning letters. A guideline setting out the criteria of the Department of Health would look at when screening problematic advertisements was already underway.

5. Dr KWOK Ka-ki requested SHWF to give an undertaking, in the same speech referred to in paragraph 3 above, to review the inclusion of the regulation of body immune system, the promotion of detoxification and the promotion of slimming/fat reduction in the Bill and to give an indication of the timing of the review.

6. The Chairman also requested SHWF to respond to the request made by the 《不良醫藥廣告條例》業界關注聯盟 (Annex B to LC Paper No. CB(2)1602/04-05(03)) in the same speech referred to earlier with regard to revamping the UMAO to make it better meet the present day circumstances.

II. Dates of next meetings

7. Members agreed to schedule three more meetings on the following dates -

- (a) 27 May 2005 at 8:30 am;
- (b) 3 June 2005 at 8:30 am; and
- (c) 6 June 2005 at 8:30 am.

8. There being no other business, the meeting ended at 12:25 pm.

Council Business Division 2
Legislative Council Secretariat
7 June 2005

**Proceedings of the 7th meeting of the
Bills Committee on Undesirable Medical Advertisements
(Amendment) (No.2) Bill 2004
on Friday, 20 May 2005 at 10:45 am
in Conference Room B of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 - 001753	Chairman Dr LUI Ming-wah Mr WONG Ting-kwong Dr KWOK Ka-ki	Way forward	
001754 - 011631	Administration Mr Vincent FANG Dr KWOK Ka-ki Mr WONG Ting-kwong Mr LI Kwok-ying Dr Joseph LEE	Allowable claims in respect of items 4, 5, and 6 in the proposed Schedule 4 to the Bill The Administration remarked that the Secretary for Health Welfare and Food (SHWF) would reaffirm in his speech to be given at the resumption of Second Reading debate on the Bill that there was nothing in the Undesirable Medical Advertisements Ordinance (UMAO) that prohibited the industry in stating in the advertisement the registration status of a specific drug The Administration undertook to prepare the proposed Committee Stage amendments (CSAs)	✓ (Admin to provide the CSAs)
011632 - 011820	Administration Dr KWOK Ka-ki Chairman	Definition of "orally consumed product" The Administration undertook to prepare the proposed CSAs	✓ (Admin to provide the CSAs)
011821 - 011943	Administration	Exemption power of the Director of Health under section 3 and its relation with new section 3B The Administration undertook to prepare the proposed CSAs	✓ (Admin to provide the CSAs)
011944 - 012630	Administration Dr KWOK Ka-ki	Enforcement of the UMAO	
012631 - 013204	Administration Dr KWOK Ka-ki Chairman	Inclusion of the regulation of body immune system, the promotion of detoxification and the promotion of slimming/fat reduction in the Bill SHWF was requested to give an undertaking in his speech to be given at the resumption of the Second Reading debate on the Bill on the following - (a) to review the inclusion of the regulation of body immune system, the promotion of detoxification and the promotion of slimming/fat reduction in the Bill and to give an indication of the timing of the review; and	✓ (Admin to provide a written response)

Time Marker	Speaker	Subject(s)	Action Required
		(b) to respond to the request made by the 《不良醫藥廣告條例》業界關注聯盟 (Annex B to LC Paper No. CB(2) 1602/04-05(03)) with regard to revamping the UMAO to make it better meet the present day circumstances	
013205 - 013856	Chairman and members	Dates of next meetings	

Council Business Division 2
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7 June 2005