

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2024/04-05

(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 9<sup>th</sup> meeting  
held on Friday, 3 June 2005 at 8:30 am  
in Conference Room B of the Legislative Council Building**

- Members present** : Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP (Chairman)  
Hon Fred LI Wah-ming, JP  
Dr Hon LUI Ming-wah, JP  
Hon CHAN Yuen-han, JP  
Hon TAM Yiu-chung, GBS, JP  
Dr Hon Joseph LEE Kok-long  
Dr Hon KWOK Ka-ki  
Hon WONG Ting-kwong, BBS
- Members absent** : Hon Vincent FANG Kang, JP  
Hon LI Kwok-ying, MH
- Public Officers attending** : 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 Cindy LAI  
Assistant Director (Special Health Services)  
Department of Health
- Mr Anthony CHAN  
Chief Pharmacist, Department of Health

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

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**I. Meeting with the Administration**

(LC Paper Nos. CB(2)1676/04-05(01), CB(2)1742/04-05(01) to (02) and CB(3)35/04-05)

Members noted an explanatory note on the draft Committee Stage amendments (CSAs) to the Bill prepared by the Administration tabled at the meeting.

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

3. The Administration was requested to consider -

(a) deleting new section 8(5) as the inspectors were not disciplinary personnel and misleading/exaggerated claims of health food or registered drugs were most likely to have already been publicised; and

(b) improving the Chinese version of the allowable claims in respect of items 4, 5 and 6 under new Schedule 4 to make them more user-friendly.

4. The Administration was also requested to indicate in the speech to be given by the Secretary for Health, Welfare and Food at the resumption of the Second Reading debate on the Bill that in the case where the inspector under clause 8 needed to obtain a product (such as medicine, orally consumed products, surgical appliances etc.) to facilitate inspection, the Administration was prepared to pay for the products concerned.

5. Members noted the Administration's intention to draw up guidelines for the trade on the types of product which would fall within and outside the definition of "orally consumed product" under clause 4 within six months' time after the enactment of the Bill. At the request of the Bills Committee, the Administration agreed to consult the Panel on Health Services on the guidelines before the end of 2005 and to give an undertaking in the speech referred to in paragraph 4 above that it would do so.
6. Assistant Legal Adviser 2 would follow up with the Administration on the drafting aspect of the Bill and the CSAs after the meeting.

#### Legislative timetable

7. As the Bills Committee had concluded its deliberation, members agreed that a report recommending the resumption of the Second Reading debate on the Bill at the Council meeting of 29 June 2005 be presented to the House Committee on 17 June 2005.

#### **II. Any other business**

8. There being no other business, the meeting ended at 9:45 am.

Council Business Division 2  
Legislative Council Secretariat  
21 June 2005

**Proceedings of the 9<sup>th</sup> meeting of the  
Bills Committee on Undesirable Medical Advertisements  
(Amendment) (No.2) Bill 2004  
on Friday, 3 June 2005 at 8:30 am  
in Conference Room B of the Legislative Council Building**

| Time Marker     | Speaker  | Subject(s)   | Action Required                            |
|-----------------|--|--|--|
| 000138 - 000435 | Chairman<br>Administration<br>ALA2   | Item 2(a) of the Administration's response to issues raised by members at the meeting on 27 May 2005 (LC Paper No. CB(2)1742/04-05(02))<br><br>Short title of the Undesirable Medical Advertisements Ordinance   |  |
| 000436 - 002058 | Administration<br>Chairman<br>Dr KWOK Ka-ki<br>Dr LUI Ming-wah<br>ALA2<br>Mr TAM Yiu-chung | Items 2(d) and 3(a) of the Administration's response to issues raised by members at the meeting on 27 May 2005<br><br>Rank/grade and qualifications of the inspector under clause 8 and the powers given to the inspector under the same clause<br><br>The Administration was requested to consider deleting new section 8(5) as the inspectors were not disciplinary personnel and misleading/exaggerated claims of health food or registered drugs were most likely to have already been publicised  | ✓<br>(Admin to consider)                   |
| 002059 - 002337 | Administration<br>Chairman   | Item 3(b) of the Administration's response to issues raised by members at the meeting on 27 May 2005<br><br>Circumstances under which the Administration has to pay for the taking of samples of packaging and labels and copies of advertisements under clause 8(2)(c)<br><br>The Administration was requested to indicate in the speech to be given by the Secretary for Health, Welfare and Food at the resumption of the Second Reading debate on the Bill that in the case where the inspector under clause 8 needed to obtain a product (such as medicine, orally consumed products, surgical appliances etc.) to facilitate inspection, the Administration was prepared to pay for the products concerned | ✓<br>(Admin to provide a written response) |
| 002338 - 002508 | Chairman<br>Administration   | Item 4 of the Administration's response to issues raised by members at the meeting on 27 May 2005<br><br>Examples in the existing legislation which empower public officers, on obtaining a magistrate's warrant, to enter and search premises and take possession of property for purposes of a prosecution   |  |

| Time Marker     | Speaker   | Subject(s)  | Action Required   |
|-----------------|---|---|---|
| 002509 - 011414 | Chairman<br>ALA2<br>Mr Fred LI<br>Mr TAM Yiu-chung<br>Dr KWOK Ka-ki<br>Dr LUI Ming-wah<br>Dr Joseph LEE<br>Administration | <p>Committee Stage amendments (CSAs) to the Bill (LC Paper No. CB(2)1742/04-05(01))</p> <hr/> <p>The Administration was requested to consider improving the Chinese version of the allowable claims in respect of items 4, 5 and 6 under new Schedule 4 to make them more user-friendly</p> <p>The Administration agreed to consult the Panel on Health Services on the guidelines for the trade on which types of product would fall within and outside the definition of “orally consumed product” under clause 4 before the end of 2005, and to give an undertaking in the speech referred to earlier at the meeting that it would do so</p> <p>ALA2 would follow up with the Administration on the drafting aspect of the Bill and the CSAs after the meeting</p> | <p>✓<br/>(Admin to consider)</p> <p>✓<br/>(Admin)</p> <p>✓<br/>(ALA2)</p> |
| 011415 - 011508 | Chairman  | A report recommending the resumption of the Second Reading debate on the Bill at the Council meeting of 29 June 2005 would be presented to the House Committee on 17 June 2005  |   |

Council Business Division 2  
Legislative Council Secretariat  
 21 June 2005