

立法會
Legislative Council

LC Paper No. CB(2)230/04-05
(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 first meeting
held on Tuesday, 2 November 2004 at 4:30 pm
in Conference Room A 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
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

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 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

I. Election of Chairman

Mrs Selina CHOW was elected Chairman of the Bills Committee.

II. Meeting with the Administration (LC Paper No. CB(2)54/04-05(01))

2. The Bills Committee deliberated (Index of proceedings at **Annex**).
3. The Bills Committee requested the Administration to provide in writing to the following information requested by members at the meeting -
 - (a) a breakdown of the annual sales figures generated by those orally consumed products making claims relating to the regulation of the immune system, the promotion of detoxification and slimming/fat reduction;
 - (b) reason(s) for not regulating those orally consumed products making claims on the regulation of the immune system and the promotion of detoxification based on scientific/medical grounds;
 - (c) composition and membership of the Expert Committee set up at the end of 2002 to study and recommend a list of health claims to be prohibited in orally consumed products;

- (d) details of the divided views on the regulation of claims relating to the regulation of the immune system, the promotion of detoxification and slimming/fat reduction referred to in paragraph 23 of the Legislative Council Brief on the Bill; and
 - (e) statistics on the so-called “health food” products found to have contained dangerous/prohibited drug(s) during random inspection by the Department of Health in the past year.
4. The Bills Committee also requested the Administration to provide in writing the following suggestions/questions raised by members at the meeting -
- (a) requiring the packaging of the so-called “health food” products to state a list of ingredients contained;
 - (b) requiring the advertisement and the packaging of the orally consumed products claiming health benefits to include a warning that people should seek medical help if they felt unwell after consuming the products;
 - (c) how the interests of the consumers could be safeguarded in view of the Administration’s decision not to regulate orally consumed products making claims relating to the regulation of the immune system, the promotion of detoxification and slimming/fat reduction; and
 - (d) the possibility of including the three types of claims relating to the regulation of the immune system, the promotion of detoxification and slimming/fat reduction in the Bill.

III. Date of next meeting

5. Members agreed to hold the next meeting on 23 November 2004 at 4:30 pm to listen to the views of deputations on the Bill.
6. There being no other business, the meeting ended at 6:07 pm.

Council Business Division 2
Legislative Council Secretariat
18 November 2004

**Proceedings of the first meeting of the
Bills Committee on Undesirable Medical Advertisements
(Amendment) (No.2) Bill 2004
on Tuesday, 2 November 2004 at 4:30 pm
in Conference Room A of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 - 000234	Mr Fred LI Dr KWOK Ka-ki Mr Vincent FANG	Election of Chairman	
000235 - 001441	Administration	Power point presentation on the Bill by the Administration	
001442 - 002255	Mr Fred LI Administration Chairman	Exclusion of three types of claims, namely, the regulation of the immune system, the promotion of detoxification and slimming/fat reduction, from the Bill The Administration was requested to provide a breakdown of the annual sales figures generated by those orally consumed products making claims relating to the regulation of the immune system, the promotion of detoxification and slimming/fat reduction	✓ (Admin to provide a written response)
002256 - 003217	Dr KWOK Ka-ki Administration	The Administration was requested to substantiate its decision not to regulate those orally consumed products making claims on the regulation of the immune system and the promotion of detoxification on scientific/medical grounds	✓ (Admin to provide a written response)
003218 - 003948	Miss CHAN Yuen-han Administration Mr Vincent FANG Chairman	Holding public hearing(s) to listen to the views of the trade as well as the public at large on the Bill The Administration was requested to provide the following - (a) composition and membership of the Expert Committee set up at the end of 2002 to study and recommend a list of health claims to be prohibited in orally consumed products; and (b) details of the divided views on the regulation of claims relating to the regulation of the immune system, the promotion of detoxification and slimming/fat reduction referred to in paragraph 23 of the Legislative Council Brief on the Bill	✓ (Clerk) ✓ (Admin to provide a written response)

Time Marker	Speaker	Subject(s)	Action Required
003949 - 005049	Mr Fred LI Chairman Administration	Monitoring of orally consumed products making claims on the regulation of the immune system and promotion of detoxification and slimming/fat reduction The Administration was requested to - (a) provide statistics on the so-called “health food” products found to have contained dangerous/prohibited drug(s) during random inspection by the Department of Health in the past year; and (b) consider requiring the packaging of the so-called “health food” products to state a list of ingredients contained	✓ (Admin to provide a written response)
005050 - 005540	Mr TAM Yiu-chung Administration Chairman	The Administration was requested to consider requiring the advertisement and the packaging of the orally consumed products claiming health benefits to include a warning that people should seek medical help if they felt unwell after consuming the products	✓ (Admin to provide a written response)
005541 - 011337	Dr KWOK Ka-ki Administration Dr Joseph LEE Chairman Mr Fred LI	Criteria adopted by the Administration in deciding not to include the three types of claims, namely, the regulation of the immune system, the promotion of detoxification and slimming/fat reduction, in the Bill Timing of reviewing the Bill, if enacted, to cover the three types of claims, namely, the regulation of the immune system, the promotion of detoxification and slimming/fat reduction	
011338 - 012242	Dr Joseph LEE Administration Chairman	The Administration undertook to consider how the interests of the consumers could be safeguarded in view of the Administration’s decision not to regulate orally consumed products making claims relating to the regulation of the immune system, the promotion of detoxification and slimming/fat reduction	✓ (Admin to provide a written response)
012243 - 012331	Chairman	Inviting the public and the trade to give views on the Bill at the next meeting	
012332 - 012358	Mr Fred LI Administration	The Administration undertook to consider the possibility of including the three types of claims relating to the regulation of the immune system, the promotion of detoxification and slimming/fat reduction in the Bill	✓ (Admin to provide a written response)
012359 - 012737	Chairman Members Administration	Date of next meeting	