

立法會
Legislative Council

LC Paper No. CB(2)459/04-05
(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 second meeting
held on Tuesday, 23 November 2004 at 4:30 pm
in the Chamber of the Legislative Council Building**

Members present : Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP (Chairman)
Hon Fred LI Wah-ming, 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

Member absent : Dr Hon LUI Ming-wah, JP

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 Cindy LAI
Assistant Director (Special Health Services)
Department of Health

Dr Mandy HO
Principal Medical and Health Officer (5)
Department of Health

Mr Anthony CHAN
Chief Pharmacist, Department of Health

**Deputations
by invitation** : Item II

The Hong Kong Medical Association

Dr TSE Hung-hing
Council Member

Dr CHIU Shing-ping
Council Member

Hong Kong Chinese Herbalists Association Ltd.

Mr TSUI Lung-mong
Vice-Chairman

Ms CHAN Kuk-kam
Adviser

Hong Kong Chinese Prepared Medicine Traders Association
Ltd.

Mr WONG Kwong-fai
President

Mr TING Wing-fai
Chairman

Hong Kong Health Food Association

Mr Paul LEUNG
Regional Director of Technical Services

Mr Perry SIT
Regulatory Affairs Director

Modernized Chinese Medicine International Association

Dr Albert WONG
Founding President

The Direct Selling Association of Hong Kong Ltd.

Mrs Angela KEUNG
President

Ocean Pharmaceutical (Hong Kong) Limited

Ms OU Jie-ping
Director & General Manager

Hong Kong Retail Management Association

Ms Caroline MAK
Spokesman

Miss Anita Bagaman
Executive Director

A.S. Watson & Co Ltd - PARKnSHOP

Mr Peter Johnston
Quality Assurance Manager

Watson's The Chemist

Mr Derek WONG
Merchandise Manager

The Dairy Farm Co Ltd - Mannings

Ms Mary LAM
Director - Merchandise

Consumer Council

Mrs CHAN WONG Shui
Chief Executive

Ms Rosa WONG
Head, Research & Trade Practices Division

The Hong Kong Pharmaceutical Manufacturers Association Ltd.

Ms Polly TANG
President

Ms Louisa POON
Secretary

Hong Kong Yee Yee Tong Chinese Medicine Merchants Association Ltd.

Mr CHEUNG Sui-keng
Chairman

Mr CHAN Wing-suen
Vice Chairman

Hong Kong Doctors Union

Dr YEUNG Chiu-fat
President

Dr WONG Bun-lap
Council Member

Hong Kong Suppliers Association

Mr Albert TANG
Vice-Chairman

Mr William TSUI
Committee Member

The Society of Hospital Pharmacists of Hong Kong

Mr CHUI Chun-ming, William
Associate Professor

The Chinese Manufacturers' Association of Hong Kong

Mr Joseph LAU, BBS, JP
Chairman of Chinese Medicine Industry Development Committee

Ms Maria LAU
Deputy Secretary-General

Chinese Medicine Merchants Association Ltd.

Mr LI Ying-sang, Tommy
Chairman

Mr TSANG Chiu-hing
Vice-Chairman

Hong Kong General Chamber of Pharmacy Ltd.

Mr LAU Oi-kwok
Chairman

Mr CHAN Chi-kai
Secretary

The Hong Kong Association of the Pharmaceutical Industry

Mr Allan CHAN
Board of Director

Ms Sabrina CHAN
Executive Director

Hong Kong Society of Practitioners of Chinese Herbal
Medicine

Mr WONG Man-chuen
Deputy Supervisor

H.K. & Kln. Chinese Medicine Merchants Association Ltd.

Mr LO Sau-yu
Dean

Ms TSE Man-yin
Vice Supervisor

The Hong Kong Medicine Dealers' Guild

Mr Horace FONG Chun-chun
Chairman

Mr WONG Ying-lau
President

SIN-HUA Herbalists' and Herb Dealers' Promotion Society
Ltd.

Mr CHEUNG Wai-sang
Chairman

Ms YU Wun-tan
Director of Hong Kong SIN-HUA Chinese Medical Institute

Faculty of Medicine, The University of Hong Kong

Prof Raymond LIANG
Associate Dean

International General Chinese Herbalists and Medicine
Professionals Association Ltd.

Mr CHAN Chak-ming
President

Mr MOCK Kee-wing
Deputy Secretary

Hong Kong Chinese Patent Medicine Manufacturer's
Association Ltd.

Mr LUI Wai-keung
Chairman

The Hong Kong Society of Chinese Medicines

Mr TSUI Kam-chuen
President

Mr KWONG Ping-nam
Vice President

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. Confirmation of minutes

(LC Paper No. CB(2)230/04-05)

The minutes of the meeting held on 2 November 2004 were confirmed.

II. Meeting with deputations and the Administration

(LC Paper Nos. CB(2)251/04-05(01) to (16), CB(2)259/04-05(01) to (03) and CB(2)273/04-05(01) to (03))

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

3. The Administration was requested to respond in writing to the views expressed by the deputations at the meeting and to the following suggestions/questions raised by members at the meeting -

- (a) to provide for an appeal channel against the decision made by the Director of Health to prohibit/restrict an advertisement for an orally consumed product. Alternatively, consideration should be given to establishing a pre-approval system for advertising such claims;
- (b) evidence on the claims made that the consumption of the so called "health food" products would result in improper self-medication or delayed proper treatment; and
- (c) overseas practice on the regulation of "health food" products and their claims from which the Administration had drawn reference in the formulation of the Undesirable Medical Advertisements (Amendment) (No.2) Bill.

4. The Chairman suggested and members agreed to request the Research and Library Services Division of the Legislative Council Secretariat to update its reports on regulation of health claims in overseas places.

III. Dates of next meetings

5. Members agreed to hold the next three meetings on the following dates -

- (a) 9 December 2004 at 2:30 pm;
 - (b) 16 December 2004 at 10:45 am; and
 - (c) 5 January 2005 at 10:45 am.
6. There being no other business, the meeting ended at 6:58 pm.

Council Business Division 2
Legislative Council Secretariat
16 December 2004

**Proceedings of the second meeting of the
Bills Committee on Undesirable Medical Advertisements
(Amendment) (No.2) Bill 2004
on Tuesday, 23 November 2004 at 4:30 pm
in the Chamber of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 - 001054	Chairman	Opening remarks	
001055 - 001459	The Hong Kong Medical Association	Presentation of views (LC Paper No. CB(2)259/04-05(01))	
001500 - 001601	Hong Kong Chinese Herbalists Association Ltd.	Presentation of views (LC Paper No. CB(2)251/04-05(02))	
001602 - 002017	Hong Kong Chinese Prepared Medicine Traders Association Ltd.	Presentation of views (LC Paper No. CB(2)251/04-05(03))	
002018 - 002335	Hong Kong Health Food Association	Presentation of views (LC Paper No. CB(2)251/04-05(04))	
002336 - 002713	Modernized Chinese Medicine International Association	Presentation of views (LC Paper No. CB(2)251/04-05(05))	
002714 - 003028	The Direct Selling Association of Hong Kong Ltd.	Presentation of views (LC Paper No. CB(2)251/04-05(06))	
003029 - 003347	Ocean Pharmaceutical (Hong Kong) Limited	Presentation of views (LC Paper No. CB(2)251/04-05(07))	
003348 - 003716	Hong Kong Retail Management Association	Presentation of views (LC Paper No. CB(2)251/04-05(08))	
003717 - 003831	A.S. Watson & Co Ltd - PARKnSHOP	Presentation of views	
003832 - 004006	Watson's The Chemist	Presentation of views	
004007 - 004334	Consumer Council	Presentation of views (LC Paper No. CB(2)251/04-05(09))	
004335 - 004700	The Hong Kong Pharmaceutical Manufacturers Association Ltd.	Presentation of views (LC Paper No. CB(2)251/04-05(10))	
004701 - 004918	Hong Kong Yee Yee Tong Chinese Merchants Association Ltd.	Presentation of views (LC Paper No. CB(2)251/04-05(11))	
004919 - 005228	Hong Kong Doctors Union	Presentation of views (LC Paper No. CB(2)251/04-05(12))	
005229 - 005619	Hong Kong Suppliers Association	Presentation of views (LC Paper No. CB(2)251/04-05(15))	

Time Marker	Speaker	Subject(s)	Action Required
005620 - 005906	The Society of Hospital Pharmacists of Hong Kong	Presentation of views (LC Paper No. CB(2)251/04-05(13))	
005907 - 010109	The Chinese Manufacturers' Association of Hong Kong	Presentation of views (LC Paper No. CB(2)251/04-05(14))	
010110 - 010343	Chinese Medicine Merchants Association Ltd.	Presentation of views (LC Paper No. CB(2)273/04-05(01))	
010344 - 010426	Hong Kong General Chamber of Pharmacy Ltd.	Presentation of views	
010427 - 010831	The Hong Kong Association of the Pharmaceutical Industry	Presentation of views	
010832 - 010928	H.K. & Kln. Chinese Medicine Merchants Association Ltd.	Presentation of views	
010929 - 011054	Hong Kong Society of Practitioners of Chinese Herbal Medicine	Presentation of views	
011055 - 011218	The Hong Kong Medicine Dealers' Guild	Presentation of views	
011219 - 011427	Prof Raymond LIANG, Faculty of Medicine, University of Hong Kong (HKU)	Presentation of views	
011428 - 011846	International General Chinese Herbalists and Medicine Professionals Association Ltd.	Presentation of views (LC Paper No. CB(2)273/04-05(03))	
011847 - 011918	Hong Kong Chinese Patent Medicine Manufacturer's Association Ltd.	Presentation of views	
011919 - 012205	The Hong Kong Society of Chinese Medicines	Presentation of views (LC Paper No. CB(2)273/04-05(02))	
012206 - 012329	Chairman	Introducing the Administration and inviting questions from members	
012330 - 013739	Dr KWOK Ka-ki, Hong Kong Medical Association, Prof Raymond LIANG Faculty of Medicine, HKU, Hong Kong Chinese Herbalists Association Ltd., International General Chinese Herbalists and Medicine Professionals Association Ltd., Ocean Pharmaceutical (Hong Kong) Limited, the Society of Hospital Pharmacists of Hong Kong, and Hong Kong Doctors Union	Scientific evidence of the claims made by orally consumed products relating to the regulation of body immune system and the promotion of detoxification and slimming/fat reduction	

Time Marker	Speaker	Subject(s)	Action Required
013740 - 014215	Mr TAM Yiu-chung, Administration, Chairman, and the Hong Kong Pharmaceutical Manufacturers Association Ltd.	The Administration was requested to consider providing for an appeal channel against the decision made by the Director of Health to prohibit/restrict an advertisement for an orally consumed product. Alternatively, consideration should be given to establishing a pre-approval system for advertising such claims.	✓ (Admin to provide a written response)
014216 - 020454	Mr Vincent FANG. Administration, Chairman, Mr Fred LI, Hong Kong Chinese Prepared Medicine Traders Association Ltd., H.K. & Kln. Chinese Medicine Merchants Association Ltd, and Hong Kong Health Food Association	The Administration was requested to provide evidence on its claims made that the consumption of the so called "health food" products would result in improper self-medication or delayed proper treatment.	✓ (Admin to provide a written response)
020455 - 021454	Mr WONG Ting-kwong, Administration, Chairman, Mr Vincent FANG and Hong Kong Suppliers Association	The Administration was requested to provide information on the overseas practice in the regulation of "health food" products and their claims from which it had drawn reference in the formulation of the Undesirable Medical Advertisements (Amendment) (No.2) Bill. The Research and Library Services of the Legislative Council Secretariat was requested to update its reports on regulation of health claims in overseas places.	✓ (Admin to provide a written response) ✓ (clerk to follow up)
021455 - 022013	Chairman	Confirmation of minutes of the meeting held on 2 November 2004 Dates of next meetings	