

**立法會**  
**Legislative Council**

Ref : CB2/BC/14/04

LC Paper No. CB(2)1053/05-06  
(These minutes have been seen by  
the Administration)

**Bills Committee on  
Certification for Employee Benefits (Chinese Medicine)  
(Miscellaneous Amendments) Bill 2005**

**Minutes of meeting  
held on Tuesday, 17 January 2006 at 10:45 am  
in Conference Room B of the Legislative Council Building**

**Members present** : Hon LI Kwok-ying, MH (Chairman)  
Hon James TIEN Pei-chun, GBS, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon Andrew LEUNG Kwan-yuen, SBS, JP  
Dr Hon KWOK Ka-ki

**Members absent** : Hon LEE Cheuk-yan  
Hon Jasper TSANG Yok-sing, GBS, JP  
Hon Andrew CHENG Kar-foo  
Hon LI Fung-ying, BBS, JP  
Hon Vincent FANG Kang, JP  
Dr Hon Joseph LEE Kok-long  
Hon KWONG Chi-kin

**Public Officers attending** : Mrs Jenny CHAN  
Assistant Commissioner for Labour

Ms Melody LUK  
Senior Labour Officer  
Labour Department

Mr KOO Chiu-shing  
Senior Labour Officer  
Labour Department

Ms Betty CHEUNG  
Senior Government Counsel  
Department of Justice

Mr MAN Kwai-chuen  
Chinese Medicine Advisor  
Labour Department

**Clerk in attendance** : Mrs Sharon TONG  
Chief Council Secretary (2)1

**Staff in attendance** : Miss Kitty CHENG  
Assistant Legal Adviser 5

Mr Raymond LAM  
Senior Council Secretary (2)5

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## **I. Meeting with the Administration**

The Bills Committee deliberated and examined clause 15 to clause 16 of the Bill (index of proceedings attached at **Annex**).

2. The Bills Committee requested the Administration to explain the mechanism for regulation of exempted proprietary Chinese medicines under section 158(6) of the Chinese Medicine Ordinance (Cap. 549) and disclosure of the ingredients of exempted proprietary Chinese medicine.

3. In connection with the proposed section 10AB(5) of the Employees' Compensation Ordinance (Cap. 282), the Administration informed the Bills Committee of its intention to move a Committee Stage amendment in relation to regulation 37 of the Chinese Medicines Regulation (Cap. 549F).

## **II. Date of next meeting**

4. The Bills Committee noted that the next meeting had been scheduled for 9 February 2006 at 8:30 am to continue clause-by-clause examination of the Bill.

5. The meeting ended at 12:55 pm.

Council Business Division 2  
Legislative Council Secretariat  
7 February 2006

**Proceedings of meeting of the  
Bills Committee on  
Certification for Employee Benefits (Chinese Medicine)  
(Miscellaneous Amendments) Bill 2005  
on Tuesday, 17 January 2006 at 10:45 am  
in Conference Room B of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
000000 - 001525	Chairman	Opening remarks	
001526 - 001709	Admin	Briefing on the Administration's response to issues raised at the meetings on 31 October and 16 December 2005 (LC Paper Nos. CB(2)764/05-06(01) and CB(2)873/05-06(01))	
001655 - 001709	Hon KWOK Ka-ki Admin	Timing for provision of the Administration's response to the suggestion of amending the term "medical practitioner" in the Employees' Compensation Ordinance (ECO) (Cap. 282) as "registered medical practitioner"	
001710 - 001728	Chairman	Continuation of clause-by-clause examination of the Bill	
001729 - 001909	Admin	Briefing on clause 15 (the proposed section 10AB(3) and 10AB(4) of ECO) of the Bill	
001910 - 004124	Hon Audrey EU Hon James TIEN Admin Chairman	Relationship between the proposed section 10AB(2) and 10AB(4) of ECO; meaning of "to the extent" in the proposed section 10AB(2) of ECO; daily limit of medical expenses payable by an employer; guidelines on sick leave duration and publicity on such guidelines	

Time marker	Speaker	Subject(s)	Action Required
004125 - 004401	Hon Andrew LEUNG Admin	Whether Chinese Medicine Practitioners (CMPs) had a duty to explain the effect of the medicine prescribed to patients	
004402 - 005241	Hon KWOK Ka-ki Admin	Whether there would be sufficient manpower in the Labour Department for determination of medical expenses; effect of the proposed section 10AB(7) of ECO	
005242 - 011233	Hon James TIEN Chairman Admin Hon KWOK Ka-ki Hon Andrew LEUNG	Whether a second opinion could be given by a registered medical practitioner under the Employees' Compensation Ordinance, if the first opinion was given by a registered CMP	
011234 - 011707	Admin Chairman Hon James TIEN Hon KWOK Ka-ki	Briefing on clause 15 (the proposed section 10AB(5) of ECO); indication of the Administration's intention to move a Committee Stage amendment in relation to regulation 37 of the Chinese Medicines Regulation (Cap. 549F)	
011708 - 013446	Hon James TIEN Hon KWOK Ka-ki ALA5 Admin	Meaning of "proprietary Chinese medicines exempted from registration" provided in the proposed section 10AB(5) of ECO; whether the exemption should be provided; mechanism for regulation of exemptions under section 158(6) of the Chinese Medicine Ordinance (Cap. 549) and disclosure of the ingredients of exempted proprietary Chinese medicine; attendance of representatives of the Health Welfare and Food Bureau or the Department of Health at the next meeting	<b>Admin to explain the mechanism for regulation of exempted proprietary Chinese medicines under section 158(6) of the Chinese Medicine Ordinance and disclosure of the ingredients of exempted proprietary Chinese medicine</b>

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
013447 - 014108	Hon James TIEN Admin ALA5	Liability and compensation arising from the default of CMPs	
014109 - 014344	Admin	Briefing on clause 15 (the proposed section 10AB(6), (7), (8), (9) and (10) of ECO)	
014345 - 014539	Hon James TIEN Admin	Chinese counterparts of the terms “dosage” and “quantity” in the proposed section 10AB(9) and (10) of ECO	
014540 – 014829	Admin	Briefing on clause 15 (the proposed section 10AB(11) and (12) of ECO) and clause 16(1), (2), (3) and (4) of the Bill	
014830 - 014909	Hon Audrey EU Admin	Meaning of the proposed section 16(1B)(a) of ECO	
014910 - 015059	Admin	Briefing on clause 16(5) and (6) of the Bill	
015100 - 015904	Hon James TIEN Admin	Effect of the proposed section 16(3A), (3B) and (3C) of ECO; publicity on the requirements under the section	
015905 – 020450	Hon Audrey EU Admin Chairman Hon James TIEN	Scope and definition of “medical examination” in the proposed section 16 of ECO; whether an employee could refuse undergoing an invasive medical examination	
020451 – 020547	Chairman	Date of next meeting	