

立法會
Legislative Council

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(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 Monday, 31 October 2005 at 4:30 pm
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 LEE Cheuk-yan
Hon Jasper TSANG Yok-sing, GBS, JP
Hon LI Fung-ying, BBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Vincent FANG Kang, JP
Dr Hon Joseph LEE Kok-long
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Dr Hon KWOK Ka-ki
Hon KWONG Chi-kin

Member absent : Hon Andrew CHENG Kar-foo

Public Officers attending : Mrs Jenny CHAN
Assistant Commissioner for Labour

Ms Melody LUK
Senior Labour Officer
Labour Department

Ms Mabel LI
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

I. Meeting with the Administration

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

2. The Bills Committee requested the Administration –
 - (a) to explain whether the deeming provision referred to in section 10(2) of the Employee's Compensation Ordinance regarding the certification of a period of absence from duty as a period of total temporary incapacity was rebuttable;
 - (b) to provide information on the guidelines in the Mainland on the assessment of an employee's loss of permanent capacity; and
 - (c) to consider providing in the Bill that an employee who had terminated his employment contract upon being certified by a registered medical practitioner or a registered Chinese medicine practitioner as being permanently unfit for his work should be allowed to resume duty, if the certification was rebutted.
3. The Bills Committee agreed that the issue of assisting listed Chinese Medicine Practitioners (CMPs) to become registered CMPs would be referred to the Panel on Health Services for follow-up.

4. The Bills Committee asked the Clerk to write to the Secretary for Health, Welfare and Food, copied to the Secretary for Economic Development and Labour, conveying members' view that the Administration should give an undertaking during the resumption of Second Reading debate on the Bill that the Administration would study the issue of assisting listed CMPs to become registered CMPs and provide a paper in about six months' time to the Panel on Health Services for follow-up.

II. Date of next meeting

5. The Bills Committee agreed that the next meeting would be held on Friday, 2 December 2005 at 10:45 am to continue discussion with the Administration.

6. The meeting ended at 6:40 pm.

Council Business Division 2
Legislative Council Secretariat
28 November 2005

**Proceedings of meeting of the
Bills Committee on
Certification for Employee Benefits (Chinese Medicine)
(Miscellaneous Amendments) Bill 2005
on Monday, 31 October 2005 at 4:30 pm
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000145	Chairman	Opening remarks	
000146 - 001553	Admin Chairman	Briefing on the Administration's response to issues raised at the meeting held on 5 October 2005	
001554 - 003938	Hon Jasper TSANG Hon Audrey EU Hon Andrew LEUNG Admin Chairman	Whether the Bill should accord the same recognition to listed Chinese Medicine Practitioners (CMPs) and registered CMPs; assisting listed CMPs to become registered CMPs; conveying members' view that the Administration should give an undertaking during the resumption of Second Reading debate on the Bill that the Administration would study the issue of assisting listed CMPs to become registered CMPs and provide a paper in about six months' time to the Panel on Health Services for follow-up	Clerk to follow up
003939 - 004544	Chairman Admin	Providing in the Bill that a second opinion should be given by a registered CMP if the first opinion was given by a registered CMP, and a medical practitioner (MP) if the first opinion was given by a MP	
004545 - 005154	Hon LI Fung-ying Admin	Proposals in the Bill relating to recognised scheme of medical treatment	

Time marker	Speaker	Subject(s)	Action Required
005155 - 005509	Hon Andrew LEUNG Admin	Views of employers and employees on the suggestion that a second opinion should be given by a registered CMP if the first opinion was given by a registered CMP, and a MP if the first opinion was given by a MP; mechanism for dealing with differences in the first and second medical opinions	
005510 - 005603	Hon Jasper TSANG	Referral of the issue of assisting listed CMPs to become registered CMPs to the Panel on Health Services for follow-up	Clerk to follow up
005604 - 010637	Hon James TIEN Admin Chairman	Mechanism for dealing with differences in the first and second medical opinions; recognised scheme of medical treatment; difference between the functions of a registered CMP and an MP after passage of the Bill	
010638 - 011734	Hon Audrey EU Admin	Proposed amendments referred to in paragraph 17 of the Legislative Council Brief; whether the deeming provision referred to in section 10(2) of the Employee's Compensation Ordinance (ECO) regarding the certification of a period of absence from duty as a period of total temporary incapacity was rebuttable	Admin to explain whether the deeming provision referred to in section 10(2) of ECO regarding the certification of a period of absence from duty as a period of total temporary incapacity was rebuttable

Time marker	Speaker	Subject(s)	Action Required
011735 - 013530	Dr Hon KWOK Ka-ki Chairman Admin	Statistics on cases where differences between the first and second medical opinions were referred to the Commissioner for Labour for a determination; restricting the assessment of an employee's loss of permanent capacity to designated persons who had received relevant training; whether there were guidelines in the Mainland on the assessment of an employee's loss of permanent capacity; whether Schedule 1 to ECO should be reviewed	Admin to provide information on the guidelines in the Mainland on the assessment of an employee's loss of permanent capacity
013531 - 014040	Hon KWONG Chi-kin Admin	Effect of the proposed section 33(5AA) of the Employment Ordinance	
014041 - 015129	Hon LEE Cheuk-yan Admin	Role of registered CMPs in the assessment of an employee's loss of permanent capacity; whether Schedule 1 to ECO should be reviewed; providing that an employee who had terminated his employment contract upon being certified by a registered MP or a registered CMP as being permanently unfit for his work should be allowed to resume duty, if the certification was rebutted	Admin to consider providing that an employee who had terminated his employment contract upon being certified by a registered MP or a registered CMP as being permanently unfit for his work should be allowed to resume duty, if the certification was rebutted
015130 - 020211	Hon Vincent FANG Admin Hon James TIEN Chairman	Views of registered CMPs on Schedule 1 to ECO; mechanism for dealing with differences in the first and second medical opinions	
020212 - 020332	Chairman	Date of next meeting	