

**立法會**  
**Legislative Council**

LC Paper No. CB(2)777/05-06

Ref : CB2/BC/14/04

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

**Minutes of meeting  
held on Friday, 16 December 2005 at 8:30 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 LEE Cheuk-yan  
Hon Jasper TSANG Yok-sing, GBS, JP  
Hon Andrew CHENG Kar-foo  
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

**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 1 to clause 15 of the Bill (index of proceedings attached at **Annex**).

2. The Bills Committee requested the Administration –

- (a) to review the drafting of the Chinese version of the proposed section 33(6)(b)(i) of the Employment Ordinance (Cap. 57) (EO); and
- (b) to consider amending the term “medical practitioner” in the Employees’ Compensation Ordinance (Cap. 282) and the Pneumoconiosis (Compensation) Ordinance (Cap. 360) to read “registered medical practitioner” for the purpose of consistency with the terminology adopted in EO.

3. The Administration undertook to study, in a separate exercise, the suggestion of providing 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. The Administration informed members that any proposal arising from the study would be referred to the Labour Advisory Board for consideration where necessary.

## **II. Dates of subsequent meetings**

4. The Bills Committee agreed that the next two meetings would be held on Tuesday, 17 January 2006 at 10:45 am and Thursday, 9 February 2006 at 8:30 am to

continue discussion with the Administration.

5. The meeting ended at 10:35 am.

Council Business Division 2  
Legislative Council Secretariat  
30 December 2005

**Proceedings of meeting of the  
Bills Committee on  
Certification for Employee Benefits (Chinese Medicine)  
(Miscellaneous Amendments) Bill 2005  
on Friday, 16 December 2005 at 8:30 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 - 000354	Chairman	Opening remarks	
000355 - 001804	Admin	Briefing on the Administration's response to issues raised at the Bills Committee meeting on 31 October 2005 (LC Paper No. CB(2)520/05-06(01)); Administration's response to the suggestion at the last meeting that an employee who had terminated his employment contract upon being certified by a registered medical practitioner (MP) or a registered Chinese medicine practitioner (CMP) as being permanently unfit for his work should be allowed to resume duty, if the certification was rebutted	
001805 - 003332	Hon Audrey EU Admin Chairman	Effect of the deeming provision referred to in section 10(2) of the Employees' Compensation Ordinance (ECO)	
003333 - 004521	Hon LEE Cheuk-yan Chairman Hon LI Fung-ying Admin	Time limit for an employer to require an employee to undergo a medical examination under the proposed section 31R(3) of the Employment Ordinance (EO); timing for the Administration's study of the suggestion of 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	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
004522 - 005130	Hon Audrey EU Admin	Effect of the deeming provision referred to in section 10(2) and effect of section 16B of ECO	
Clause-by-clause examination			
005131 - 005214	Chairman	Commencement of clause-by-clause examination of the Bill	
005215 - 005652	Admin	Briefing on clause 1 to clause 6 of the Bill	
005653 - 011854	Hon LI Fung-ying Hon Jasper TSANG Hon Vincent FANG Hon Andrew LEUNG Chairman Admin	Whether it should be provided 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 MP if the first opinion was given by a MP	
011855 - 012445	Admin	Briefing on clause 7(1) to (6) of the Bill	
012446 - 012727	Hon Jasper TSANG Admin	Drafting of the Chinese version of the proposed section 33(6)(b)(i) of EO	<b>Admin to review the drafting of the Chinese version of the proposed section</b>
012728 - 013459	Admin	Briefing on clause 7(7) to (11) and clause 8 to clause 12 of the Bill	
013500 - 013510	Hon Jasper TSANG Admin	Existing provisions in section 3(1) of ECO	
013511 - 013705	Admin	Briefing on clause 13 and clause 14(1) of the Bill	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
013706 - 015126	Hon Jasper TSANG Admin Hon KWONG Chi-kin Chairman Hon James TIEN Dr Hon KWOK Ka-ki	Definition of the term “medical practitioner” in EO, ECO and the Pneumoconiosis (Compensation) Ordinance and aligning the term as “registered medical practitioner”	<b>Admin to consider amending the term “medical practitioner” in ECO and the Pneumoconiosis (Compensation) Ordinance to read “registered medical practitioner” for the purpose of consistency with the terminology adopted in EO</b>
015127 - 015742	Admin	Briefing on clause 14(2) to (4) and clause 15 (the proposed section 10AB(1) and (2)) of the Bill	
015743 - 020034	Hon LEE Cheuk-yan Admin Chairman	Criteria for the determining whether medicines were prescribed for the direct treatment of injury	
020035 - 020323	Chairman	Dates of subsequent meetings	