



Labour Department (Headquarters)

勞工處 (總處)

Your reference 來函編號 : LS/B/33/04-05
Our reference 本處檔案編號 : ECS2/50/9 XXIII
Tel. number 電話號碼 : 2852 3539
Fax number 傳真機號碼 : 2815 6061

4 May 2006

Miss Kitty CHENG
Assistant Legal Adviser
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road
Central Hong Kong
(Fax : 2877 5029)

Dear Miss CHENG,

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

We refer to your letter of 30 March 2006 and discussion between you and the drafting counsel. A revised draft of the Committee Stage Amendments is attached at Annex incorporating -

- (a) in relation to clause 23 of the Bill, in item (e), changes to the new s.12(4) of the Pneumoconiosis (Compensation) Ordinance (Cap. 360) for linguistic refinements, as agreed between you and the drafting counsel; and
- (b) in relation to clause 25(3) of the Bill, changes to the proposed s.12B(3)(ac) of the PCO, as suggested by you.

Yours sincerely,

(Ms Melody LUK)
for Permanent Secretary
for Economic Development and Labour (Labour)/
Commissioner for Labour

Encl

c.c. DoJ (Attn : Miss Betty CHEUNG)

Fax : 2523 5104

CERTIFICATION FOR EMPLOYEE BENEFITS (CHINESE MEDICINE)
(MISCELLANEOUS AMENDMENTS) BILL 2005

COMMITTEE STAGE

Amendments to be moved by the Secretary for Economic
Development and Labour

Clause

Amendment Proposed

7(6)

In the proposed section 33(6)(b)(i) –

- (a) in sub-subparagraph (B), by deleting “a registered medical practitioner who is not engaged by the employer for the purposes of the scheme” and substituting “any registered medical practitioner”;
- (b) in sub-subparagraph (C), by deleting “a registered Chinese medicine practitioner who is not engaged by the employer for the purposes of the scheme” and substituting “any registered Chinese medicine practitioner”;
- (c) in sub-subparagraph (D), by deleting “a registered dentist who is not engaged by the employer for the purposes of the scheme” and substituting “any registered dentist”;
- (d) in sub-subparagraph (E), by deleting “a registered medical practitioner, registered Chinese medicine practitioner or registered dentist not engaged by the employer for the purposes of the scheme” and substituting “any registered medical practitioner, registered Chinese medicine practitioner or registered dentist”.

- (a) By deleting subclause (1)(a) and substituting –
- “(a) by repealing subparagraph (i) and substituting –
- “(i) the fees of a registered medical practitioner, registered Chinese medicine practitioner, registered dentist, registered chiropractor, registered physiotherapist or registered occupational therapist;”,.”
- (b) By adding –
- “(1A) Section 3(1) is amended by repealing the definition of “medical practitioner”.”.
- (c) In subclause (2), by deleting everything after “paragraph (a),” and substituting –
- “by repealing “medical practitioner, registered dentist, registered chiropractor, registered physiotherapist or registered occupational therapist” and substituting “registered medical practitioner, registered Chinese medicine practitioner, registered dentist, registered chiropractor, registered physiotherapist or registered occupational therapist”.”.
- (d) In subclause (3), by adding immediately after the proposed definition of “registered chiropractor” –

““registered medical practitioner” (註冊醫生) means a medical practitioner who –

- (a) is registered under the Medical Registration Ordinance (Cap. 161); or
- (b) is deemed to be a registered medical practitioner by virtue of section 29(a) of that Ordinance;”.

By deleting everything after “amended” and substituting –

“by repealing “medical practitioner” and substituting “registered medical practitioner, a registered Chinese medicine practitioner”.”.

- 14
- (a) In subclause (1), by deleting everything after “amended” and substituting –
“by repealing “medical practitioner” and substituting “registered medical practitioner, registered Chinese medicine practitioner”.”.
 - (b) In subclause (4), in the proposed section 10A(5B)(a), (d) and (e), by adding “registered” before “medical practitioner”.
- 15
- In the proposed section 10AB –
- (a) in subsection (3)(a), by adding “registered” before “medical practitioner”;
 - (b) in subsection (5) –
 - (i) in paragraph (c), by deleting “or”;
 - (ii) by adding –
“(ca) is exempted from registration by virtue of section 37 of the Chinese Medicines Regulation (Cap. 549 sub. leg. F); or”;
 - (c) in subsection (9), by adding “registered” before “medical practitioner” where it first appears.
- 16
- (a) In subclause (2), in the proposed section 16(1B)(a)(i) and (b), by adding “registered” before “medical practitioner” wherever it appears.
 - (b) In subclause (3), by deleting everything after “amended” and substituting –
“by repealing “upon that medical practitioner” and substituting “upon the registered medical practitioner, registered Chinese medicine practitioner or registered dentist concerned”.”.
 - (c) In subclause (5), in the proposed section 16(3), by adding “registered” before “medical practitioner” where it first and secondly appears.

- (d) In subclause (9), by deleting everything after “amended” and substituting –
“by repealing “medical practitioner” and substituting “registered medical practitioner, registered Chinese medicine practitioner or registered dentist”.”.
- (e) In subclause (10), by deleting everything after “amended” and substituting –
“by repealing “medical practitioner” where it twice appears and substituting “registered medical practitioner, registered Chinese medicine practitioner or registered dentist”.”.
- (f) In subclause (12), by deleting everything after “amended” and substituting –
“by repealing “of such medical practitioner” and substituting “of the registered medical practitioner, registered Chinese medicine practitioner or registered dentist concerned”.”.
- (g) In subclause (15), by deleting everything after “amended” and substituting –
“by repealing “such medical practitioner” and substituting “the registered medical practitioner, registered Chinese medicine practitioner or registered dentist concerned”.”.

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By deleting everything after “amended” and substituting –
“by repealing “either a medical practitioner” and substituting “a registered medical practitioner, a registered Chinese medicine practitioner”.”.

18

- (a) In subclause (1), by deleting everything after “proviso,” and substituting –
“by repealing “medical practitioner” and substituting “registered medical practitioner, registered Chinese medicine practitioner or registered dentist”.”.
- (b) In subclause (2), by deleting everything after “amended” and

substituting –

“by repealing “medical practitioner” and substituting “registered medical practitioner, registered Chinese medicine practitioner or registered dentist”.”.

New

By adding –

“18A. Medical examination before employment

Section 33(1) is amended by adding “registered” before “medical practitioner”.”.

19

By deleting everything after “amended” and substituting –

“by repealing “medical practitioner” and substituting “registered medical practitioner, a registered Chinese medicine practitioner”.”.

20

In the proposed section 36M(1)(a), by adding “registered” before “medical practitioner”.

22

(a) In subclause (1)(a), by deleting everything after “paragraph (a),” and substituting –

“by repealing “medical practitioner” and substituting “registered medical practitioner or registered Chinese medicine practitioner”.”.

(b) In subclause (2), by deleting everything after ““medical treatment”,” and substituting –

“by repealing “medical practitioner” and substituting “registered medical practitioner or registered Chinese medicine practitioner”.”.

23

(a) In the Chinese text, in subclause (2), by deleting everything after “修訂 , ” and substituting –

“廢除 “訂的醫治費用” 而代以 “指的醫療費” 。”。

- (b) In subclause (3), by deleting “treatment;” and substituting “treatment.”.
- (c) By deleting subclause (4).
- (d) In subclause (5), in the proposed section 12(3)(a), by adding “registered” before “medical practitioner” where it twice appears.
- (e) By adding –

“(6) Section 12 is amended by adding –

“(4) Medical expenses under this section shall not be payable in respect of medical treatment given in a place outside Hong Kong unless –

- (a) the medical treatment was given lawfully under the law of that place by, or under the supervision of, a registered medical practitioner or registered Chinese medicine practitioner in that place ~~lawfully under the law of that place~~; and
- (b) the medical treatment was medical treatment that might have been given lawfully ~~given~~ by him or under his supervision (as the case may be) in the course of his practice in Hong Kong.”.

24

In the proposed section 12AA –

- (a) in subsection (2)(a), by adding “registered” before “medical practitioner”;
- (b) in subsection (4) –
 - (i) in paragraph (c), by deleting “or”;
 - (ii) by adding –

“(ca) is exempted from registration by virtue of section 37 of the Chinese Medicines Regulation (Cap. 549 sub. leg. F); or”;

(c) in subsection (8), by adding “registered” before “medical practitioner” where it first appears.

25(3)

(a) In the proposed section 12B(3), by adding before paragraph (a) –

“(aa) may require the person to inform the Board in writing, within a reasonable period of time as specified by the Board, whether any medical treatment was given in Hong Kong or outside Hong Kong;

(ab) may require the registered medical practitioner or registered Chinese medicine practitioner whom the person claims to be the one that gave the person medical treatment to inform the Board in writing, within a reasonable period of time as specified by the Board, whether he did give the medical treatment to the person, whether the medical treatment was given in Hong Kong or outside Hong Kong, and whether the medical treatment was medical treatment that met the requirements in section 12(4);

(ac) may seek ~~verification~~advice, from such persons as in the opinion of the Board may be competent for the purposes, as to whether any medical treatment was medical treatment that met the requirements in section 12(4);”.

(b) In the proposed section 12B(3)(b) and (4)(a) and (b), by adding “registered” before “medical practitioner” wherever it appears.

(c) In the proposed section 12B(5), by adding “registered” before “medical practitioner” where it first appears.

(d) In the proposed section 12B(6), by deleting “(3)(a)” and substituting “(3)(aa), (ab) or (a)”.

(e) In the proposed section 12B(8)(a), by adding “registered” before “medical practitioner”.

New

By adding –

**“25A. Appointment of Pneumoconiosis
Medical Board**

Section 22(a) is amended by adding “registered” before “medical practitioners”.

26

In the proposed section 23A(3)(a) –

(a) in subparagraph (i) –

(i) by adding “registered” before “medical practitioner”;

(ii) by deleting “in Hong Kong”;

(b) in subparagraph (ii), by deleting “in Hong Kong”.

27(1)

In the proposed section 28(aa) and (ab), by adding “registered” before “medical practitioner”.