

LS/B/33/04-05

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By Fax (2815 6061) and By Post

20 October 2005

Dear Ms Luk,

**Certification for Employee Benefits (Chinese Medicine)
(Miscellaneous Amendment) Bill 2005**

I am writing with reference to the drafting and procedural aspects of the Certification for Employee Benefits (Chinese Medicine) (Miscellaneous Amendments) Bill 2005. I wonder if you could provide information with regard to the following questions –

Section 33(6)(a) of the Employment Ordinance (Cap. 57) (“EO”)

The subsection provides that for the purposes of section 33 of EO the expression “hospital” means “a hospital or specialist clinic maintained by the Crown ...”. Please advise whether there is any plan for adaptation of the reference to “the Crown” in the provision.

Section 3 of the Employees’ Compensation Ordinance (Cap. 282) (“ECO”)

It seems that the Bill seeks to define “registered chiropractor”, “registered occupational therapist” and “registered physiotherapist” (clause 12). It is noted that these terms already exist in ECO. Please advise that in terms of legal effect and policy intent whether there will be any change by virtue of the Bill.

Section 16D(2) of ECO

The existing section 16D(2) of ECO provides that an Employees' Compensation (Ordinary Assessment) Board shall consist of, inter alia, 2 persons each of whom shall be either a medical practitioner or a registered dentist. The Bill (clause 17) seeks to amend this subsection to provide that whilst the number of this class of members remains unchanged (i.e. 2), the candidates eligible to sit on the Assessment Board shall be a medical practitioner, a registered Chinese medicine practitioner or a registered dentist. Please explain, from the practical and operational point of view, whether there will be any change in the appointment of such members.

I look forward to your reply in bilingual form as soon as practicable.

Yours sincerely,

Kitty Cheng
Assistant Legal Adviser

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