



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 XX

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26 October 2005

Ms Kitty Cheng
Assistant Legal Adviser
Legal Service Division
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road
Central
Hong Kong

[Fax : 2877 5029]

Dear *Kitty*,

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

Thank you for your letter of 20 October 2005. Our reply to your questions is provided below.

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

Adaptation of the reference to “the Crown” in section 33(6)(a) of the Employment Ordinance will be taken forward in a separate adaptation exercise.

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

Definitions of “registered chiropractor”, “registered occupational therapist” and “registered physiotherapist” are added in the Certification for Employee Benefits (Chinese Medicine)(Miscellaneous Amendments) Bill 2005 (“the Bill”) as these terms, though already exist in the ECO, are not defined in the present version of the Ordinance. The addition of these definitions serves to tidy up loose ends in the Ordinance. There will not be any change by virtue of the Bill in terms of legal effect and policy intent.

Section 16D(2) of ECO

Clause 17 of the Bill amends section 16D(2) of ECO to empower the Commissioner for Labour (C for L) to appoint a registered Chinese medicine practitioner to an Employees' Compensation (Ordinary Assessment) Board. When the amending provision comes into operation, the candidates eligible to sit on an assessment board can be a medical practitioner, a registered Chinese medicine practitioner or a registered dentist, subject to appointment by C for L in the light of the circumstances of individual cases. The number of medical professionals sitting on an assessment board remains to be two.

C for L will continue to exercise due care in ensuring qualified candidates are appointed to assessment boards. Saved for the composition of medical professionals, there will not be any change in the appointment of members to the assessment boards from the practical and operational point of view.

Yours sincerely,



(Ms Melody Luk)

for Permanent Secretary for Economic
Development and Labour (Labour)/
Commissioner for Labour

c.c. Law Draftsman (Attn : Miss Betty Cheung) Fax : 2523 5104