

立法會
Legislative Council

LC Paper No. LS26/05-06

**Paper for the House Committee Meeting
on 3 February 2006**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 20 January 2006**

Date of tabling in LegCo : 8 February 2006

Amendment to be made by : 8 March 2006 (or 29 March 2006 if extended by resolution)

**Undesirable Medical Advertisements Ordinance (Cap. 231)
Undesirable Medical Advertisements (Amendment) Ordinance 2005
(Commencement) Notice 2006 (L.N. 16)**

By this Notice made under section 1(2) of the Undesirable Medical Advertisements (Amendment) Ordinance 2005 (16 of 2005) (the Amendment Ordinance), the Secretary for Health, Welfare and Food has appointed 20 January 2006 as the day on which sections 1, 9 and 11 of and the Schedule to the Amendment Ordinance are to come into operation.

2. The Amendment Ordinance extends the prohibition or restriction on advertising to the six groups of claims specified in the new Schedule 4 (the claims), and makes the prohibition or restriction on advertisements of the claims applicable to all orally consumed products, except those customarily consumed only as food or drink and those customarily consumed to satisfy a desire for taste. However, those provisions will only be commenced in 2007 and the Notice does not concern them. Section 1 allows the staggered commencement of the provisions of the Amendment Ordinance. Section 9 introduces amendments to the existing Schedule 1 to the Undesirable Medical Advertisements Ordinance (Cap. 231) (the Ordinance) that have the effect of relaxing the prohibition or restriction relating to advertisements in respect of diseases and conditions described in that Schedule. Section 11 covers various minor amendments to the Ordinance, which mainly concern Schedules 1 and 2. Prior to the enactment of the Amendment Ordinance, the relevant Bill was scrutinized by a Bills Committee. Members may wish to refer to the Bills Committee Report to the Council (LC Paper No. CB(2)2075/04-05) for background and further information. No difficulties have been observed in the

drafting or legal aspect of the Notice.

3. It is noted that the appointed date of commencement was the date of gazettal and of coming into effect of the Notice. Upon the enquiry of the Legal Service Division, the Administration explained that when the Panel on Health Services was briefed at its meeting held on 12 December 2005 of the intended approximate time for the commencement of the provisions covered by the Notice, members of the Panel expressed the view that the amendments made in respect of the Schedules 1 and 2 to the Ordinance should be commenced as soon as practicable.

Prepared by

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23 January 2006