

**立法會**  
**Legislative Council**

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(These minutes have been  
seen by the Administration)

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**Bills Committee on Chinese Medicine Bill**

**Minutes of meeting**  
**held on Thursday, 1 July 1999 at 10:00 am**  
**in Conference Room B of the Legislative Council Building**

**Members Present** : Hon HO Sai-chu, JP (Acting Chairman)  
Dr Hon LUI Ming-wah, JP  
Hon CHAN Yuen-han  
Dr Hon LEONG Che-hung, JP  
Dr Hon Philip WONG Yu-hong  
Hon Ambrose LAU Hon-chuen, JP  
Hon CHOY So-yuk  
Hon LAW Chi-kwong, JP

**Members Absent** : Prof Hon NG Ching-fai (Chairman)  
Hon David CHU Yu-lin  
Hon Cyd HO Sau-lan  
Hon Michael HO Mun-ka  
Hon LEE Kai-ming, JP  
Hon Mrs Selina CHOW LIANG Shuk-ye, JP  
Hon Ronald ARCULLI, JP  
Hon YEUNG Yiu-chung  
Hon SZETO Wah  
Dr Hon TANG Siu-tong, JP

**Public Officers Attending** : Dr P Y LAM  
Deputy Director of Health

Miss Eliza YAU  
Principal Assistant Secretary for Health and Welfare (Medical) 1

Action

Miss Miranda NG  
Senior Assistant Law Draftsman, Department of Justice

Dr LEUNG Ting-hung  
Assistant Director of Health (Traditional Chinese Medicine)

Mr CHAN Ling-fung, Frank  
Scientific Officer, Department of Health

**Clerk in Attendance** : Ms Doris CHAN  
Chief Assistant Secretary (2) 4

**Staff in Attendance** : Mr LEE Yu-sung  
Senior Assistant Legal Adviser

Ms Joanne MAK  
Senior Assistant Secretary (2) 4

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**I. Meeting with the Administration**

Revised Committee Stage amendments (CSAs)

Members noted the revised CSAs tabled at the meeting.

2. At the invitation of the Acting Chairman, Principal Assistant Secretary for Health and Welfare (Medical) 1 (PAS(HW)) briefed members on the revised CSAs. The deliberations were given in the following paragraphs.

*Clause 48(Transaction of business by circulation of papers)*

3. PAS(HW) said that the CSA was added in response to members' request at the last meeting.

*Clause 83(Limited registration)*

4. Dr LAW Chi-kwong questioned why "科學研究" was proposed to be substituted by "科研". He considered that the formal Chinese name for scientific research should be "科學研究". Dr LUI Ming-wah shared the same view. In

Action

response, Senior Assistant Law Draftsman (SALD) said that the proposed amendment merely reflected the more general use of the term "科研" than "科學研究".

5. Dr LAW Chi-kwong said that academically, a research had to comply with certain requirements in order to be classified as "scientific". It might be more appropriate to use the term "research" instead of "scientific research". This would avoid unnecessary debates as to whether a research was scientific. While agreeing to Dr LAW's views, Dr LEONG Che-hung cautioned that some people might interpret the deletion of the word "scientific" as regarding research on Chinese medicine to be not scientific. In view of the sensitivity of the issue, members agreed that no change be made to the term "scientific research". Dr LUI Ming-wah considered that "scientific research" included any research conducted in a systematic manner.

6. PAS(HW) explained that the proposed addition of sub-clauses (2) and (3) to clause 83 sought to provide for the Chinese Medicine Practitioners Board to gazette, from time to time by notice, a list of educational or scientific research institutions from which applications for limited registration would be considered. In response to Dr LEONG Che-hung's question whether there was a mechanism for lodging an appeal in relation to the list, PAS(HW) said that such a mechanism would be provided in the administrative procedure for the establishment of the list.

7. In response to Dr LEONG Che-hung, DDH said that the clause would not prohibit local universities from conducting research on Chinese medicine. Assistant Director of Health (Traditional Chinese Medicine) added that under clause 157, the Chinese Medicines Board could exempt a person or institution concerned with education or research from the application of certain clauses in the Chinese Medicine Bill (the Bill).

*Clause 108 (Unlawful use of title, etc. and practise without registration)*

8. Members noted that the proposed amendment to clause 108 sought to provide for the use of acupuncture, being of a type with distinguishable differences from the acupuncture based on traditional Chinese medicine, in the course of practice of a medical practitioner registered under the Medical Registration Ordinance (Cap. 161), a dentist registered under the Dentists Registration Ordinance (Cap. 156) and a physiotherapist registered under the Supplementary Medical Professions Ordinance (Cap. 359). In response to Dr LEONG Che-hung, Deputy Director of Health (DDH) said that the provision did not apply to chiropractors, as the registration system for the profession was not yet in place. At the request of Dr LEONG Che-hung, DDH undertook to stress in the Secretary for Health and Welfare's speech on resumption of the Second Reading debate that the exemptions in clause 108 would only apply to designated registered medical professions.

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9. Dr LUI Ming-wah commented that acupuncture based on western medicine in fact originated from acupuncture based on traditional Chinese medicine. DDH

Action

responded that the Medical Council of Hong Kong (Medical Council) had agreed that the use of acupuncture based on traditional medicine would be regulated by the Chinese Medicine Council (CMC). The Administration had suggested to the Medical Council to set out this point clearly in the code of practice for medical practitioners.

Other issues

*Issue on the use of the word "traditional" in referring to Chinese medicine*

10. Dr LAW Chi-kwong said that while the term "traditional Chinese medicine" was found in the Bill, there was no definition of the term in the interpretation section of the Bill. He added that Chinese medicine and western medicine might amalgamate in the longer term. There was a need to define the term "traditional Chinese medicine". In response, DDH said that the use of the term "traditional" might restrict the long-term development of Chinese medicine to traditional theories and methods. He added that for this reason, the Administration had avoided the use of the term "traditional" in referring to Chinese medicine in the Bill as far as possible.

*Composition of CMC*

11. Noting that the Administration would not move a CSA to provide for the appointment of a Hospital Authority (HA) representative to CMC, members considered whether the CSA should be moved by the Bills Committee. As Dr Philip WONG and Dr LAW Chi-kwong expressed reservation on the CSA, Dr LEONG Che-hung said that he would move a CSA to include an HA representative in CMC.

*Treatment of disease of the eye*

12. Responding to Dr LEONG Che-hung's view at the last meeting that in allowing Chinese medicine practitioners (CMPs) to play a role in the treatment of eye disease, the public should be adequately protected against the risks of improper eye care, PAS(HW) said that the Administration had considered the issue and took the view that restriction should not be imposed on the treatment of eye disease by CMPs. The Administration would launch publicity and public education on the subject. It would ensure that there would be provisions on the matter in the future code of practice to be drawn up by CMC.

Way forward

13. As members had completed scrutiny of the Bill, the Acting Chairman concluded that the Bills Committee would recommend to the House Committee the resumption of Second Reading debate on the Bill on 14 July 1999. He added that a verbal report of the Bills Committee would be made to the House Committee on the following day, to be followed by a written report.

Action

14. The Acting Chairman reminded members and the Administration that the deadlines for notice of resumption of Second Reading debate and CSAs were 3 and 5 July 1999 respectively.

15. The meeting ended at 11:00 am.

Legislative Council Secretariat

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