

立法會
Legislative Council

LC Paper No. CB(2)687/99-00
(These minutes have been
seen by the Administration)

Ref : CB2/BC/18/98

Bills Committee on Chinese Medicine Bill

Minutes of meeting
held on Monday, 28 June 1999 at 6:20 pm
in Conference Room B of the Legislative Council Building

Members Present : Hon HO Sai-chu, JP(Acting Chairman)
Hon LEE Kai-ming, JP
Dr Hon LEONG Che-hung, JP
Dr Hon Philip WONG Yu-hong
Hon Ambrose LAU Hon-chuen, JP
Hon CHOY So-yuk
Hon SZETO Wah
Dr Hon TANG Siu-tong, JP

Members Absent : Prof Hon NG Ching-fai (Chairman)
Hon David CHU Yu-lin
Hon Cyd HO Sau-lan
Hon Michael HO Mun-ka
Dr Hon LUI Ming-wah, JP
Hon Mrs Selina CHOW LIANG Shuk-ye, JP
Hon Ronald ARCULLI, JP
Hon CHAN Yuen-han
Hon YEUNG Yiu-chung
Hon LAW Chi-kwong, JP

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

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

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

Action

I. Meeting with the Administration

Members examined clause 160 and Schedules 1 to 5 of the Bill. Their deliberations were summarized below.

Clause 160 (Regulations)

2. Principal Assistant Secretary for Health and Welfare (Medical) 1 (PAS(HW)1) briefed members on the clause. She informed members that the Administration would move Committee Stage amendments (CSAs), including the addition of "powers" after "procedures to be followed" in sub-clause (5)(b), (c) and (d), to the clause. In response to members, she said that regulations made under the clause were subject to scrutiny by the Legislative Council in accordance with the procedures laid down in section 34 of the Interpretation and General Clauses Ordinance (Cap.1).

Schedule 1

3. In response to Mr SZETO Wah, Assistant Director of Health (Traditional Chinese Medicine) (ADH(TCM)) said that the formal names of Chinese herbal

Action

medicine were used in the Schedule. The other names by which they were known could be listed in brackets after the usual names if considered necessary.

4. ADH(TCM) said that the term "medicinal" was used in the description of Chinese herbal medicines which had other uses besides medicinal use.

Schedule 2

5. PAS(HW)1 informed members that the Administration would move CSAs to some of the names of Chinese medicines in both the Chinese and English texts of the Schedule.

Schedule 3

6. Dr LEONG Che-hung said that while paragraph (g) of Part I of Schedule 3 provided for the Chinese Medicine Practitioners Board (Practitioners Board) to inquire into the conduct of registered Chinese medicine practitioners (CMPs), there was no provision which explicitly provided for the Practitioners Board to take disciplinary actions. He considered that provisions setting out clearly the Practitioners Board's disciplinary function and its relationship with the Disciplinary Committee should be included in the Schedule. In response, PAS(HW)1 said that it might not be appropriate to set out all the procedural details in the Schedule. Nevertheless, the Administration would look into issue.

Adm

7. Members noted that deputations which expressed views on the Chinese Medicine Bill (the Bill) had not made any comments on the functions of the boards and committees under the Chinese Medicine Council (CMC).

Schedule 4

8. Members noted that the Administration would consider moving a CSA to rename the term "小組" in response to members' request at an earlier meeting.

9. Referring to Part II of Schedule 4, Dr LEONG Che-hung said that there was no mention of the conducting of the Licensing Examination. In response, PAS(HW)1 said that one of the functions of the Examination Committee was to carry out any functions delegated to it by the Practitioners Board, a function of which was to set and conduct the Licensing Examination.

10. In response to Dr Philip WONG, Senior Assistant Law Draftsman (SALD) referred to clause 60 and said that the determination of examination syllabus and setting of examination questions would be made by the Practitioners Board.

Action

Schedule 5

11. Referring to functions (k), (l) and (m) of the Practitioners Board, Dr LEONG Che-hung questioned why the functions could be delegated to "any committee under Practitioners Board". With delegation to any committee, there might be a lack of continuity in addressing issues of the same nature at different times. Miss CHOY So-yuk shared the same view and added that there might be a lack of consistency in the standards applied when problems of similar nature were dealt with by different committees. Dr LEONG Che-hung added that as committees could be formed under the Practitioners Board by CMC, he was concerned that a committee might be formed to address a particular issue and dissolved thereafter, making it impossible to maintain continuity in dealing with subsequent issues of similar nature. He suggested that "any committee" be replaced by a list of specific committees. In response, ADH(TCM) said that the use of "any committee" in column 3 was necessary since a number of committees might be involved at different stages of a process. Nevertheless, the Administration would look into Dr LEONG's suggestion.

Adm

Consequential amendments

12. PAS(HW)1 informed members that consequential amendments, which had been issued to members at the eighth meeting of the Bills Committee, would be proposed to the following legislation -

- (a) Public Health and Municipal Services Ordinance (Cap. 132);
- (b) Pharmacy and Poisons Ordinance (Cap. 138);
- (c) Medical Registration Ordinance (Cap. 161);
- (d) Undesirable Medical Advertisements Ordinance (Cap. 231);
- (e) Customs and Excise Service Ordinance (Cap. 342);
- (f) Medical Clinics Ordinance (Cap. 343);
- (g) Import and Export (General) Regulations; and
- (h) Pharmacy and Poisons Regulations.

13. In response to Dr LEONG Che-hung, PAS(HW)1 said that consultation on the consequential amendments had been made with relevant statutory bodies and Government departments, including the Pharmacy and Poisons Board, Customs and Excise Department, and the Trade Department.

14. Dr LEONG Che-hung said that the consequential amendments regarding the treatment of eye diseases by CMPs would have to be studied carefully. Members agreed that the consequential amendments be discussed at the next meeting.

II. Date of next meeting

Action

15. Members noted that the next meeting would be held on 30 June 1999 at 8:00 am to examine the draft CSAs. They also noted that a further meeting of the committee had been scheduled for 1 July 1999 at 9:00 am. The Acting Chairman said that a verbal report of the committee would be made to the House Committee at its meeting on 2 July 1999.

16. The meeting ended at 7:05 pm.

Legislative Council Secretariat

21 December 1999