

**Letterhead of Office of The Hon. Mrs Selina Chow OBE JP,
Legislative Councillor (Wholesale & Retail)**

To: Members of the Bills Committee
Chinese Medicine Bill

From: Selina Chow

Some of my constituents have approached me to put their views forward concerning this Bill, and as a result of meetings with various groups, here are a summary of the points which have been put to me in this connection.

Traders in herbal medicine

1. They cannot understand why the Chinese Medicines Board (中藥組) has only 5 trade representatives, while the Chinese Medicine Practitioners Board (中醫組) has 6 practitioners. They believe 6 are needed in their Committee to represent all the sectors in their trade i.e. retail, wholesale, proprietary medicine, dispensing supervisor, manufacture and production. (Clause 14)
2. They propose that there should be a representative of the Agriculture and Fishery Department, as this is the department which is responsible for the enforcement of the legislation protecting endangered species.
(Clause 4)
3. Under the licensing requirement (Clause 144) there should be provision for at least one deputy, (in other words, can be more than one), so that this number will not be unnecessarily limited.
4. They are worried that the procedure for application of licenses will be complex, time consuming and costly.
5. They are particularly concerned with the two schedules, and propose that they would not need any license for sale of any other herbs except those mentioned in the two schedules.

Their specific recommendations

1. There should be 6 trade representatives in the Chinese Medicines Board, one of which should be a trader in herbal medicine.
2. They should not require any license to sell any products which do not fall in the two schedules.
3. The processing of application for licenses should be made as simple, efficient, user-friendly, and cost-efficient as possible.

4. There should be licenses for multi-function applicants e.g. retailer/wholesaler should only require one license with proper endorsement.
5. Renewal of the licenses should not be required for every six months, and the process should be made as simple and inexpensive as possible.

Manufacturers of proprietary medicine

1. They are particularly concerned with their future, and feel extremely insecure due to what they consider the total lack of protection for intellectual property vested in their formula.
2. They consider the Bill unduly harsh to them, and fear that they may not be allowed to sell their products, given the three tests contained in Clause 129 of the Bill. They cannot understand or accept the fact that Hong Kong will be stricter than overseas in the requirements they need to satisfy.
3. They believe there is no room for them to develop into areas of new products, especially since the requirements laid down in Clause 128 i.e. clinical trials and medicinal tests, would be financially beyond their means. They submitted that such requirements are not needed even in a sophisticated market as the United States.
4. Makers of some products are confused as to whether their product is health food or medicine, as they are accepted by overseas markets as health food, but the status here will be uncertain e.g. Wong Lo Kat (王老吉)
5. They cannot see how the Government's policy initiative in promoting the development and production of proprietary medicine can involve or benefit them, as the learned institutions which are presently conducting research into the area have not bridge the gap between themselves and the industry, and are still insisting that all new formulas should remain the property of the institution. This is proving to be an obstacle to meaningful co-operation between the industry and the research institutions, and in the end, Hong Kong loses out.
6. They have also pointed out the anomaly that exists with the control of processing of any Chinese herbal medicine currently under the jurisdiction of the municipal councils. This needs to be rectified, and the clauses regarding processing of any Chinese herbal medicine have to be clarified.
7. The size of their operation is mainly small or medium size. They believe Government is not appreciative of this fact, and the Bill as it stands does not indicate that Government has taken this into account.