

立法會

Legislative Council

LC Paper No. CB(3) 229/02-03

Ref : CB(3)/M/OR

Tel : 2869 9205

Date : 12 December 2002

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 18 December 2002

**Proposed resolutions under section 34(2) of
the Interpretation and General Clauses Ordinance**

I forward for Members' consideration two proposed resolutions which the Secretary for Health, Welfare and Food will move at the Council meeting of 18 December 2002 under section 34(2) of the Interpretation and General Clauses Ordinance relating to the Chinese Medicines Regulation and the Chinese Medicines Traders (Regulatory) Regulation respectively. The President has directed that "it be printed in the terms in which it was handed in" on the Agenda of the Council.

2. The speeches which the Secretary for Health, Welfare and Food will deliver when moving the two proposed resolutions will be issued as soon as they are available.

(Ray CHAN)
for Clerk to the Legislative Council

Encl.

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

RESOLUTION

(Under section 34 of the Interpretation and
General Clauses Ordinance (Cap. 1))

CHINESE MEDICINES REGULATION

RESOLVED that the Chinese Medicines Regulation, published in
the Gazette as Legal Notice No. 160 of 2002 and laid
on the table of the Legislative Council on 6
November 2002, be amended in the Chinese text -

- (a) in section 26(2)(e)(ii), by repealing "生產商"
and substituting "製造商";
- (b) in section 36, by repealing everything after
"114 條" and substituting -

"並不適用於符合下述說明的中成藥 -

- (a) 由任何註冊中醫或表列中醫在其執業
的處所合成或在其監管下合成的，但
僅在該中成藥是為了向一名由他直接
治理的病人施用或供應而正在使用的
情況下方不適用；或

- (b) (i) 由負責人；或
- (ii) 在該人的監管下，
於有效零售商牌照所指的處所並按照
任何註冊中醫或表列中醫開出的處方
個別配製或合成的。".

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

RESOLUTION

(Under section 34 of the Interpretation and
General Clauses Ordinance (Cap. 1))

CHINESE MEDICINES TRADERS (REGULATORY) REGULATION

RESOLVED that the Chinese Medicines Traders (Regulatory)

Regulation, published in the Gazette as Legal Notice No.
161 of 2002 and laid on the table of the Legislative
Council on 6 November 2002, be amended -

- (a) in section 5(3)(c)(i), by repealing ", any
representations or any statement in mitigation" and
substituting "or any representations";
- (b) in section 6 -
 - (i) in subsection (3), by adding ", either of
its own motion or at the request of the
defendant," after "may";
 - (ii) in subsection (4)(c), by repealing
", representations or statement in
mitigation" and substituting "or
representations";
 - (iii) in subsections (5) and (6), by repealing

", representations and statement in mitigation" and substituting "and representations";

(c) in section 7 -

(i) in subsection (3)(c), by repealing "a summary of";

(ii) in subsection (4)(a), by repealing
", representations or statement in mitigation" and substituting "or representations";

(d) in section 10 -

(i) by renumbering it as section 10(1);

(ii) in subsection (1)(e), by repealing
", representations or statement in mitigation" and substituting "or representations";

(iii) by adding -

"(2) The Board secretary shall
furnish to the defendant, before the
meeting, copies of all documents,
statements and reports to be put
before the Board under subsection
(1)(f).";

(e) in section 11(1), by adding ", either of its own motion or at the request of the defendant," after "may".