

立法會
Legislative Council

LC Paper No. CB(2)729/02-03

(These minutes have been
seen by the Administration)

Ref : CB2/SS/2/02

**Subcommittee on Chinese Medicine (Fees) Regulation,
Chinese Medicines Regulation and
Chinese Medicines Traders (Regulatory) Regulation**

**Minutes of the 3rd meeting
held on Thursday, 5 December 2002 at 8:30 am
in Conference Room B of the Legislative Council Building**

- Members Present** : Dr Hon LO Wing-lok (Chairman)
Hon Cyd HO Sau-lan
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon CHAN Yuen-han, JP
Hon LEUNG Fu-wah, MH, JP
Hon Audrey EU Yuet-mee, SC, JP
- Member Absent** : Dr Hon David CHU Yu-lin, JP
Dr Hon LUI Ming-wah, JP
Dr Hon LAW Chi-kwong, JP
Hon Michael MAK Kwok-fung
- Public Officers Attending** : Miss Angela LUK
Principal Assistant Secretary for Health, Welfare and Food
- Mr Peter KWOK
Assistant Secretary for Health, Welfare and Food
- Dr T H LEUNG
Assistant Director (Traditional Chinese Medicine)
Department of Health
- Mr Thomas Watson CHEUNG

Senior Pharmacist, Department of Health

Miss Miranda NG
Senior Assistant Law Draftsman

Miss Betty CHEUNG
Senior Government Counsel

Ms Stella CHAN
Government Counsel

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

Staff in Attendance : Miss Anita HO
Assistant Legal Adviser 2

Miss Mary SO
Senior Assistant Secretary (2) 8

I. Meeting with the Administration
(LC Paper Nos. CB(2)555/02-03(01) and (02))

The Subcommittee deliberated (Index of proceedings at **Annex**).

2. The Administration was requested to provide its draft amendments in response to the following issues raised by members at the meeting -

Chinese Medicines Regulation

- (a) Chinese version of "the name of the manufacturer" referred to in section 26(2)(e)(ii) should be amended as "製造商", so as to be consistent with the Chinese version of the same term appeared elsewhere in the Regulation;
- (b) Chinese version of section 36 should be amended to make it easier to read and more consistent with the format of the English version;
- (c) The word "經" referred to in the Chinese version of item (b) under Schedule 3 and item (3) under Schedule 5 should be amended to tally

with the words "subject to regular inspections" in the English version;

Chinese Medicines Traders (Regulatory) Regulation

- (d) The words "or statement in mitigation" in section 7(4)(a) should be deleted; and
 - (e) Section 11(1) should be amended to the effect that the Medicines Board could postpone its consideration or determination of a complaint case, or adjourn a meeting at the request of the defendant if the defendant could prove that he/she needed more time to gather information to put up a defence.
3. At the request of the Subcommittee, the Administration undertook to convey to the Chinese Medicine Council of Hong Kong the need to set out performance pledges in dealing with complaints or information against licensed Chinese medicines traders under the Chinese Medicine Ordinance.
4. The Chairman requested the Secretariat -
- (a) To send information on the funding schemes to which the Chinese medicine trade were eligible, which was provided by the Administration under LC Paper No. CB(2)555/02-03(02), to the 16 trade associations which had given views to the Subcommittee on 28 November 2002; and
 - (b) To provide for members' information the deliberations of the Bills Committee on the Chinese Medicine Bill on the reasons for the Chinese term of "Board" to read as "組".

II. Date of next meeting

5. Members agreed to hold a further meeting on 6 December 2002 at 8:30 am to continue discussion of the Chinese Medicines Traders (Regulatory) Regulation commencing from section 8 and the Chinese Medicine (Fees) Regulation.
6. There being no other business, the meeting ended at 11:05 am.

Council Business Division 2
Legislative Council Secretariat
18 December 2002

**Proceedings of the 3rd meeting of the
Subcommittee on Chinese Medicine (Fees) Regulation,
Chinese Medicines Regulation and
Chinese Medicines Traders (Regulatory) Regulation
on Thursday, 5 December 2002 at 8:30 am
in Conference Room B of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 - 000312	Chairman	Welcoming remarks The Secretariat was requested to send information on the funding schemes to which the Chinese medicine trade were eligible, which was provided by the Administration under LC Paper No. CB(2)555/02-03(02), to the 16 trade associations which had given views to the Subcommittee on 28 November 2002	✓ (Clerk to follow-up)
000313 - 001000	Chairman, Administration, ALA2 and Ms Cyd HO	Section 31 of the Chinese Medicines Regulation	
001001 - 001247	Chairman, Ms Cyd HO and Administration	Sections 32 and 33 of the Chinese Medicines Regulation	
001248 - 002514	Chairman, ALA2, Administration, Ms Audrey EU, Mrs Selina CHOW and Mr LEUNG Fu-wah	Sections 34 to 36 of the Chinese Medicines Regulation The Administration was requested to amend - (a) The Chinese version of "the name of the manufacturer" referred to in section 26(2)(e)(ii) to "製造商", so as to be consistent with the Chinese version of the same term appeared elsewhere in the Regulation; and (b) The Chinese version of section 36 to make it easier to read and more consistent with the format of the English version	✓ (Admin to provide the draft amendments)
002515 - 011815	Chairman, Mrs Selina CHOW, Administration, Ms Audrey EU, ALA2 and Miss CHAN Yuen-han	Section 37 of the Chinese Medicines Regulation	
011816 - 011938	Mr LEUNG Fu-wah, Administration and Chairman	Reasons for the Chinese term of "Board" to read as "組" The Secretariat was requested to provide for members' information the deliberations of the Bills Committee on the Chinese Medicine Bill on the reasons for the Chinese term of "Board" to read as "組"	✓ (Clerk to follow-up)
011939 - 012203	Chairman	Sections 38-40 and Schedule 1 of the Chinese Medicines Regulation	
012204 - 012738	Chairman, ALA2, Administration and Ms Cyd HO	Schedules 2 and 3 of the Chinese Medicines Regulation The Administration was requested to amend the word "經" referred to in the Chinese version of item (b) under Schedule 3 and item (3) under Schedule 5 to tally with the words "subject to regular inspections" in the English	✓ (Admin to provide the draft)

		version	amendments)
012739 - 012814	Chairman	Schedules 4 and 5 of the Chinese Medicines Regulation	
012815 - 013146	ALA2, Administration, Ms Cyd HO and Mrs Selina CHOW	Title of the Chinese Medicines Traders (Regulatory) Regulation	
013147 - 014058	Chairman, Mrs Selina CHOW, Administration	Sections 1 and 2 of the Chinese Medicines Traders (Regulatory) Regulation	
014059 - 014500	Chairman, Miss CHAN Yuen-han, Administration and ALA2	Sections 3 to 5 of the Chinese Medicines Traders (Regulatory) Regulation	
014501 - 015113	Chairman, ALA2, Administration and Mrs Selina CHOW	Section 6 of the Chinese Medicines Traders (Regulatory) Regulation	
015114 - 022932	Chairman, Mrs Selina CHOW, Administration, Miss CHAN Yuen-han, Ms Cyd HO and ALA2	Section 7 of the Chinese Medicines Traders (Regulatory) Regulation The Administration was requested to - (a) The words "or statement in mitigation" in section 7(4)(a) should be deleted; and (b) Section 11(1) should be amended to the effect that the Medicines Board could postpone its consideration or determination of a complaint case, or adjourn a meeting at the request of the defendant if the defendant could prove that he/she needed more time to gather information to put up a defence	✓ (Admin to provide the draft amendments)
022933 - 023230	Chairman	Date of next meeting	

Note : The audio records of the above proceedings are kept at the LegCo Library

Council Business Division 2
Legislative Council Secretariat
 18 December 2002