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Paper for the House Committee meeting on
12 December 2003

Report of the Subcommittee on Commencement Notices under the Chinese Medicine Ordinance, Chinese Medicine (Fees) Regulation and Chinese Medicines Regulation

Purpose

This paper reports on the deliberations of the Subcommittee on Commencement Notices under the Chinese Medicine Ordinance, Chinese Medicine (Fees) Regulation and Chinese Medicines Regulation.

The Commencement Notices

2. The Chinese Medicine Ordinance (Cap. 549) (Commencement) (No.2) (Notice 2003, the Chinese Medicine (Fees) Regulation (Cap. 549 sub. leg. E) (Commencement) (No. 2) Notice 2003 and the Chinese Medicines Regulation (Cap. 549 sub. leg. F) (Commencement) (No. 2) Notice 2003 were gazetted on 24 October 2003 and tabled in the Legislative Council (LegCo) on 29 October 2003.

Chinese Medicine Ordinance (Cap. 549) (Commencement) (No. 2) Notice 2003

3. The Chinese Medicine Ordinance was enacted in July 1999, after scrutiny by a Bills Committee, to provide for a statutory framework for the regulation of the practice, use, trading and manufacture of Chinese medicine in Hong Kong. Provisions in the Ordinance have come into operation in batches. The first batch relating to the setting up of the Chinese Medicine Council of Hong Kong became effective on 6 August 1999. The second batch came into operation on 16 August 2000 to implement the statutory regime of registration and listing of Chinese medicine practitioners. The third batch governing the use of the title of Chinese medicine practitioner registered or listed under the Ordinance became effective on 1 March 2002. The fourth batch providing for the regulatory framework for Chinese medicines under which all wholesalers and retailers of Chinese herbal medicines as well as wholesalers and manufacturers of proprietary Chinese medicines (PCMs) are subject to licensing control came into operation on 30 April 2003.

4. By this Commencement Notice, the Secretary for Health, Welfare and Food (SHWF) appoints 19 December 2003 as the date on which sections 120 to 128, 130, 162, 163, 167 and 175 of the Ordinance, which govern the application, variation and renewal of registration of PCMs and consequential amendments, shall come into effect.

Chinese Medicine (Fees) Regulation (Cap. 549 sub. leg. E) (Commencement) (No. 2) Notice 2003

5. The Chinese Medicine (Fees) Regulation sets out the fees payable in respect of licensing of Chinese medicines traders and registration of PCMs. The Regulation (other than items 12 to 18 of the Schedule) came into operation on 30 April 2003. The Regulation has been scrutinised by a subcommittee.

6. By this Commencement Notice, SHWF appoints 19 December 2003 as the date on which items 12, 13, 16, 17 and 18 of the Schedule to the Regulation, which set out the respective fees payable for application, variation and renewal of registration of PCMs, shall come into operation.

Chinese Medicines Regulation (Cap. 549 sub. leg. F) (Commencement) (No. 2) Notice 2003

7. The Chinese Medicines Regulation sets out the licensing requirements and practising conditions of all Chinese medicine traders as well as the registration and labelling requirements for PCMs. The Regulation (other than sections 12, 15, 22 to 28, 31 and 33 to 38 and Schedules 2 and 3) came into operation on 30 April 2003. The Regulation has been scrutinised by a subcommittee.

8. By this Commencement Notice, SHWF appoints 19 December 2003 as the day on which sections 15 and 38 and Schedule 3 to the Regulation, which stipulate the requirements for registration and the certificate of sale of PCMs, shall come into operation. Provisions on the labelling requirements and exemptions have not yet come into operation.

The Subcommittee

9. At the House Committee meeting on 31 October 2003, Members agreed to form a subcommittee to examine the three Commencement Notices made under the Chinese Medicine Ordinance, Chinese Medicine (Fees) Regulation and Chinese Medicines Regulation.

10. Under the chairmanship of Hon Cyd HO, the Subcommittee has held five meetings, including four meetings with the Administration. At one of these meetings, the Subcommittee listened to the views of 16 trade associations and other organisations. The subcommittee has also received a total of 16 written submissions.

11. The membership list of the Subcommittee is in **Appendix I**. A list of the organisations which have given views to the Subcommittee is in **Appendix II**.

Deliberations of the Subcommittee

Implementation of the Chinese Medicine Ordinance and relevant Regulations

12. Hon Margaret NG and Hon LEUNG Yiu-chung have expressed concern about certain cases relating to registration of Chinese medicine practitioners under the Chinese Medicine Ordinance, which have been brought to the attention of the Complaints Division of the LegCo Secretariat. They consider that these cases have revealed that there are problems in the implementation of those provisions in the Ordinance and the relevant Regulations which have already come into operation. As the regulatory system for Chinese medicines is similar to that of Chinese medicine practitioners, these members are worried that similar problems will arise in the operation of the registration system for PCMs. They have reservations about the provisions covered by the three Commencement Notices commencing operation on 19 December 2003, before the concerns of the trade and LegCo Members have been fully addressed.

13. The Administration has explained that the complaint cases referred to by these members are not related to the provisions covered by the three Commencement Notices which are concerned with the application, variation and renewal of registration of PCMs only. The Administration is of the view that the regulatory system for PCMs is less complicated than that for Chinese medicine practitioners, and less problems are envisaged in the implementation.

14. In response to members' enquiry, the Administration has advised that the licensing system for Chinese medicine traders has already been implemented since May 2003. Under the licensing system, four kinds of Chinese medicines traders, including retailers and wholesalers of Chinese herbal medicines and wholesalers and manufacturers of PCMs, are required to apply for licences from the Chinese Medicines Board under the Chinese Medicine Council of Hong Kong, before these traders can engage in the respective trade. More than 6 800 applications have been received by mid-October 2003, and they are now being processed. The Ordinance also provides for a transitional arrangement, whereby Chinese medicine traders who were in business on 3 January 2000 and who have lodged an application within the specified period (i.e. from 5 May to 15 July 2003) will be deemed to be licensed until the application is accepted/refused, or such date as appointed by SHWF, whichever is earlier.

15. The Administration has explained that to safeguard public health, the Ordinance stipulates that all PCMs manufactured, sold or supplied for sale in Hong Kong must be registered. The Administration proposes that the legislative provisions for registration of PCMs commence on 19 December 2003, thereafter the Board will receive applications for PCM registration. Similar to the licensing system for Chinese medicine traders, section 128 of the Ordinance also provides for a transitional arrangement for the registration of PCMs which were manufactured, sold or supplied for sale in Hong Kong on 1 March 1999. The PCM will be eligible for transitional registration if the Chinese medicine trader concerned submits an application during the specified period (i.e. 19 December 2003 to end June 2004) for transitional registration.

16. Hon Margaret NG and Hon LEUNG Yiu-chung are of the view that experience in the registration of Chinese medicine practitioners has revealed shortcomings in the existing regulatory framework, such as the lack of transparency of the licensing process and licensing criteria, as well as the lack of accountability of the Chinese Medicine Council, the Chinese Medicine Practitioners Board and its committees. They consider that the Administration should first conduct a review of the implementation of the Chinese Medicine Ordinance and its subsidiary legislation, before proceeding with the operation of the remaining provisions in these legislation.

17. Hon Selina CHOW has pointed out that the regulatory framework for Chinese medicines had been discussed in detail by the Bills Committee on Chinese Medicine Bill in 1999, and there had been extensive consultation with the trade by the Administration and LegCo Members before and after the enactment of the Bill. As the LegCo Member representing the Wholesale and Retail Functional Constituency, she has actively consulted the trade on the registration system of Chinese medicines. She is of the view that the registration system for PCMs should be put in place as early as possible in order to safeguard public health, to enhance public confidence in PCMs and to promote development of the industry. As the registration requirements are to be implemented by phases, she considers that there is sufficient time for the trade to provide the necessary documents and test reports for the registration of PCMs. She suggests that the Administration should maintain its dialogue with the trade to address any further concerns from the trade in relation to the operation of the system.

18. Dr Hon LO Wing-lok has pointed out that he was the Chairman of the Subcommittee formed in 2002 to examine the Chinese Medicine (Fees) Regulation, the Chinese Medicines Regulation and the Chinese Medicines Traders (Regulatory) Regulation. During its deliberations, the Subcommittee had invited views from the relevant trade organisations, and suitable amendments had subsequently been made to these Regulations.

Registration of proprietary Chinese medicines

19. As regards members' concerns about the registration criteria for PCMs, the Administration has advised that the Chinese Medicines Board will take into consideration the safety, quality and efficacy of the PCM under registration. The basic registration requirements include the limits of heavy metal and toxic elements, the limits of pesticide residues and microbes, non-adulteration with western medicine and compliance with the Animals and Plants (Protection of Endangered Species) Ordinance, etc. These parameters are drawn up mainly with the professional input of the Department of Health, and in consultation with the trade, having reference to standards adopted in the Mainland and other overseas regulatory authorities. The Administration has stressed that such parameters are based on objective, scientific test data which are accepted internationally. The traders will have up to five years to submit by phases the necessary test reports, and technical guidelines have been developed by the Chinese Medicines Board for reference by the laboratories (a copy of the guidelines was provided to the Subcommittee at its meeting on 5 December 2003).

20. Hon LI Fung-ying has enquired about the scope of application of the PCM registration system, as some traders are uncertain whether it covers Chinese herbs and medicines prepared by Chinese medicine practitioners. The Administration has explained that PCM is defined in the Ordinance, and it does not cover Chinese herbs, and those medicines manufactured in accordance with prescriptions given by Chinese medicine practitioners and to be administered/supplied to their patients.

21. As regards the guidelines for the trade, the Administration has informed members that the Chinese Medicines Board has, after extensive consultations with the trade and taking reference to international and regional experience, developed practising guidelines for Chinese medicine manufacturers, wholesalers and retailers. The Board has also developed the "Hong Kong Good Manufacturing Practice Guidelines for Proprietary Chinese Medicines" to ensure the quality of PCM production in Hong Kong. Where a PCM satisfies the Board that it has complied with the requirements of the Guidelines, the applicant may apply for a "Certificate for Manufacturer (Good Manufacturing Practice in respect of Proprietary Chinese Medicines)".

22. Hon Margaret NG and Hon LEUNG Yiu-chung have expressed concern about the transparency and objectivity of the assessment criteria and assessment procedure for the registration of PCMs. They consider that as there were problems in the licensing of Chinese medicine practitioners, measures should be taken to prevent similar problems from occurring in the registration of PCMs.

23. The Administration has stressed that there are objective assessment criteria and procedures which will be detailed in the guidelines to be issued to the trade. The applicant has to produce proof to the satisfaction of the Chinese Medicines Board that the PCM under registration comply with the requirements on safety, quality and efficacy. In assessing an application, the Board will consider the professional opinion of an independent expert group on Chinese medicines. If an application is rejected, the applicant will be informed in writing of the reason for rejection. In response to members' query about using "public interest" as a reason for rejection, the Administration has explained that such reasons include, for example, the premises concerned being found not suitable for manufacture of the PCM.

24. To further enhance the transparency of the assessment criteria, the Administration has undertaken to publicise the application criteria for the trade and the technical guidelines for the laboratories on the web site of the Chinese Medicine Council.

25. In response to members' queries, the Administration has provided the Subcommittee with the list of experts on Chinese medicines in Hong Kong and from the Mainland/overseas countries, as well as their qualifications and experience in the relevant fields. The Administration has stressed that these experts are not members of the Board, and they are to provide independent professional opinion, especially on the safety and efficacy of PCMs.

26. The Administration has pointed out that the registration system is expected to boost the sale of registered PCMs as overseas buyers and local consumers would have greater confidence in them. The Administration is of the view that except for those fraudulent, harmful and sub-standard PCMs, qualified PCMs would not be driven out of the market on procedural grounds.

Consultation with the trade

27. Hon LI Fung-ying has asked whether the Administration has consulted the trade on the proposed commencement date of the registration system of PCMs, as some Chinese medicine traders have reflected to her that they do not have sufficient time to comply with the registration requirements. She suggests that the Administration should ascertain whether the trade and the laboratories are ready for the operation of the registration of PCMs.

28. The Administration had explained at the Subcommittee meeting on 10 November 2003 that members of the trade were well aware of the relevant provisions and the requirements for registration to be implemented. The relevant legislation had been discussed in detail prior to enactment, and over 30 consultative forums had been held with the Chinese medicine traders when formulating the registration requirements for PCMs. The Administration had also advised that in determining the commencement dates, it had taken into account readiness of the trade and supporting measures including availability of laboratory facilities.

29. To ascertain the concerns of the relevant trades, the Subcommittee had subsequently invited the relevant trade associations and organisations to attend its meeting on 28 November 2003. A total of 16 organisations attended the meeting to give views on the Commencement Notices and the registration system of PCMs.

30. The majority of the deputations were in support of registration of PCMs. Twelve of them welcomed early commencement of the registration of PCMs so as to ensure the safety of PCMs and to enhance public confidence in the PCMs for sale in Hong Kong. Among these deputations, six declared that they were members of the Chinese Medicine Council, Chinese Medicines Board or its committees. They considered the registration of PCMs necessary to safeguard public health and to promote Hong Kong as a centre for PCMs. They were of the view that the registration system could also facilitate enforcement against contraband or counterfeit Chinese medicines. These deputations also pointed out that over 30 seminars and briefings had been held to discuss the implementation details with the trade, and many manufactures and traders had already made preparation for the registration of their PCMs. They therefore considered that the registration of PCMs should not be deferred, as this would not be in the interest of the trade and consumers.

31. Four deputations which attended the Subcommittee meeting on 28 November 2003 expressed reservations about commencing the registration of PCMs on 19 December 2003. They raised queries about certain provisions in the legislation, and pointed out that the application criteria in the Application Handbook for Registration of PCM had not been agreed to by the trade. Some of them were worried that there was insufficient laboratory support in Hong Kong for conducting tests on the quality and efficacy of PCMs as required for registration. One deputation suggested that the registration of PCMs should be implemented by phases, and that the first phase should cover only the safety of PCM, while tests on efficacy and stability of PCM could be deferred to a later date when there was adequate technology support in this area. These deputations also pointed out that the trade's concerns had not been fully reflected to or addressed by the Administration. They requested the Administration to provide more assistance to the trade.

32. The Administration had responded that it had all along maintained close liaison with the trade in formulating the regulatory framework and the guidelines for the trade (paragraphs 21 and 28 above refers). To address the concerns raised by the deputations and members on 28 November 2003, the Administration has informed the subcommittee that it had held a further meeting with the trade on 1 December 2003. According to the Administration, 12 deputations attended that meeting and found the implementation arrangements acceptable. At the meeting, the trade had also agreed to the final amendments to the registration criteria of PCMs and the time-table for submission of test reports.

33. Regarding the concern about laboratory tests, the Administration has advised that under the transitional arrangement (paragraph 15), only test reports on the safety of the PCM, such as the amounts of heavy metal, toxic elements, pesticide residues and microbes, will have to be provided within 12 months after the closing date for applications. Test reports on the stability and validity period of the PCM can be provided within five years after the closing date for applications. Regarding those PCMs which are already in the market but are not eligible for the transitional arrangement (i.e. those manufactured, sold or supplied for sale in Hong Kong after 1 March 1999 and before the commencement of the registration of PCMs on 19 December 2003), the Chinese Medicines Board has agreed to allow five years for the traders concerned to provide test reports on the stability of the PCMs.

34. The Administration has also advised that there are sufficient laboratory facilities in Hong Kong and the Mainland to cope with the demands for safety tests on PCMs. The Chinese Medicines Board will accept test reports provided by 15 laboratories in the Mainland recognised by the State Food and Drug Administration.

35. Five further submissions from the trade have been received by the Subcommittee between 2 and 10 December 2003 indicating agreement to the implementation arrangements and the final version of the Application Handbook for Registration of PCM.

36. Regarding the trade's concern about the impact of the proposed regulation of health claims on PCMs, the Administration has clarified that PCMs are subject to regulation under the Chinese Medicine Ordinance, while the regulation on health claims are targeted at those products which are not medicines.

Powers and functions of the Chinese Medicine Council, the Chinese Medicines Board and the Chinese Medicine Practitioners Board

37. Hon Margaret NG, Hon LEUNG Yiu-chung and Hon Cyd Ho are very concerned about the wide powers conferred on the Chinese Medicine Council, the Chinese Medicines Board and the Chinese Medicine Practitioners Board. The Chinese Medicine Council is a statutory body established on 13 September 1999 to implement the regulatory measures for Chinese medicine practitioners and Chinese medicines. Its main objective is to regulate Chinese medicine to protect public health and consumers' right, and to ensure adequate standards of professional practice and professional conduct in the profession of Chinese medicine practitioners and in the trade of Chinese medicines. The Council also co-ordinates and supervises the activities of the Chinese Medicines Board and the Chinese Medicine Practitioners Board by determining the policies to be implemented by the Boards, examining their proposals and activities, and handling appeals against decisions of the Boards as provided for under the Ordinance.

38. The Subcommittee has noted that the Chinese Medicines Board and the Chinese Medicine Practitioners Board have the powers to approve or reject applications for registration and for licences/exemptions as provided for under the Ordinance. The Chinese Medicine Practitioners Board can set and conduct Licensing Examinations, determine the requirements for continuing education in Chinese medicine, and to inquire into the conduct of applicants for registration. The Chinese Medicines Board can advise the Chinese Medicine Council on any amendments to Schedules 1 and 2 of the Ordinance and also conduct inquiry into the conduct of licensed traders. Both Boards are empowered to handle reviews against decisions of the committees under them as provided for in the Ordinance.

39. The Subcommittee has noted that appointments to the Council are made by the Chief Executive (CE), while appointments to the two Boards are made by SHWF. Hon Margaret NG is of the view that given the significant powers and functions of the Council and the Boards, it is important to ensure that members appointed to these bodies possess the necessary abilities and experience for discharging their duties. In this connection, she has requested the Administration to provide information on the qualifications of these members, their representativeness in the trade and the criteria for selecting them for appointment, as well as the operation of the Chinese Medicine Council and the Boards.

40. The Administration has responded that the composition, powers and functions of the Chinese Medicine Council, the Chinese Medicines Board and the Chinese Medicine Practitioners Board are stipulated in the Ordinance. The current structure and composition of these bodies are in line with the principle of professional self-regulation, and fully reflect the outcome of deliberations of the Bills Committee which examined the Chinese Medicine Bill in 1999. The Administration has also advised that the composition of the Council and the Boards aims to ensure a fair representation of the interests of the trade and the public, and the members include representatives from the trade in Chinese medicine, academia as well as lay persons.

41. The Administration has explained that in appointing members to the Council and the Boards, the main considerations are the representativeness of these members in the relevant profession and the trade, as well as their professional qualifications and experience. Most of the members from the trade of Chinese medicines are leading members, such as the chairman and executive member of the Chinese medicines trade associations listed in the functional constituency of the LegCo elections. They have been elected from amongst their own members as key office-bearers of their associations, before their appointment to the Council and the Boards.

42. The Administration has further explained that members from the trade are selected based on a long period of observation as most of them have a history of public service. These members are experienced and enthusiastic in promoting the development of Chinese medicine in Hong Kong.

43. Hon Margaret NG has expressed concern about the system for re-appointment of members to the Council and its Boards and committees. She has asked about the criteria for their re-appointment, and whether there is a system to review the performance of these members. The Administration has explained that in the re-appointment of members, consideration is made to their participation and contribution to the work of the Council/Boards/Committees, as well as the continuity of the work of these bodies to ensure the smooth implementation of the licensing and registration schemes. The Administration has informed the Subcommittee that some new members have been appointed to the Council and its Boards and committees since 2002, and a member will not normally serve for more than six years.

44. Hon Margaret NG is of the view that there is an apparent conflict of interest for some trade members, who are appointed to the Chinese Medicines Board and its committees, to be involved in assessing/vetting the applications from other trade members. She considers that to ensure objectivity and impartiality of the Board and its committees, there should be a system for prevention of conflict of interest, and members of the Board and its committees should be required to declare their interest in any of the applications under consideration.

45. The Administration has advised that a system of declaration of interest as recommended by the Independent Commission Against Corruption has been adopted. The secretariat of the Chinese Medicines Board has issued guidelines to its members on avoidance of conflict of interest. Each member of the Board/Committees is required to declare interest in a prescribed form when vetting applications at meetings. These members also have to fill in such forms even if they have no interest to declare.

46. Hon Selina CHOW is of the view that there should be no question of conflict of interest as the trade members appointed to the Chinese Medicines Board or its committees do not represent their own interests but those of the trade. She considers that there should be trade representatives on the Board and its committees to ensure that the trade's concerns will be considered.

47. In response to members' further queries, the Administration has pointed out that the Chinese Medicines Board is chaired by the Director of Health, and only five out of the 13 members of the Chinese Medicines Board are persons from the Chinese medicines trade. Independent professional input is provided by the Department of Health and the expert group in the vetting of applications of registration of PCMs. The operation of the Board and its committees is similar to that of the Pharmacy and Poisons Board which regulates the registration of

pharmaceutical products. In addition, the application procedures and criteria for assessing the applications for registration of PCMs are clearly set out in the application handbooks. On the question of accountability, the Director of Health has assured members that as a public officer and also Chairman of the Chinese Medicines Board, he will attend meetings of the relevant LegCo committee(s) to answer Members' questions on the operation of the registration system of PCMs and related matters where necessary.

Review and appeals mechanism

48. Hon Margaret NG and Hon LEUNG Yiu-chung have expressed concern about the lack of an independent appeals mechanism for applicants who are aggrieved by the Council's decision on their appeals to the Boards. These members have reservations about empowering the Chinese Medicine Council and the Boards to review decisions made by their subordinate committees, especially when some of the members of the committees are also members of the Board/Council. They hold the view that it is impractical for applicants to seek judicial reviews given the costs and the limited scope for judicial review cases.

49. The Administration has explained that according to sections 140 and 141 of the Chinese Medicine Ordinance, any person aggrieved by the decision of the Chinese Medicines Board or its committees may request for review of or make appeal against such decision. The Chinese Medicines Board is empowered to review the decisions of its committees. The request for review of a decision made by the Chinese Medicines Committee or Chinese Medicines Traders Committee has to be made within 14 days after the receipt of notification of decision. In reviewing a decision, the Chinese Medicines Board may invite the person concerned to give representations to the Board. If a person is aggrieved by the decision of the Board, he can make an appeal to the Court of First Instance.

50. Hon Margaret NG and Hon LEUNG Yiu-chung have asked why an independent appeals channel similar to the Pharmacy and Poisons Appeal Tribunal has not been established to deal with appeals against decisions of the Chinese Medicines Board and its committees. The Administration has explained that for the Pharmacy and Poisons Appeal Tribunal, the parties concerned also have to engage lawyers in the proceedings. The intention of empowering the Chinese Medicines Board to review the decisions of its committees is to provide a convenient and inexpensive appeal channel for persons aggrieved by such decisions. If a person is not satisfied with the decision of the Board, he/she can make an appeal to the Court of First Instance. The Court can affirm, reverse or vary the decision appealed against.

Suggestion to repeal the three Commencement Notices

51. At its meeting held on 10 November 2003, the Subcommittee considered that, in view of the problems in the licensing of Chinese medicine practitioners, the remaining provisions in the Chinese Medicine Ordinance and related Regulations should not commence until such problems and concerns of the trades have been fully addressed. Members present at that meeting agreed that the Subcommittee Chairman should move a motion to repeal the three Commencement Notices, and a subcommittee should be set up under the House Committee to follow up with the Administration to review the implementation of the Ordinance.

52. At a further meeting held on 12 November 2003, the Subcommittee decided that the Administration should be requested to consider repealing the three Commencement Notices, and if it did not agree to do so, the Subcommittee Chairman would move a motion to repeal the three Commencement Notices. The Subcommittee also agreed that the scrutiny period should be extended to 17 December 2003 to allow time for the Administration to consider the Subcommittee's request.

53. The Administration subsequently informed the Subcommittee that it had carefully considered the issues raised by Members and also reverted to the Chinese medicines trade to obtain their latest views. As there was general support for early implementation of the registration system for PCMs, the Administration would not accede to the request to repeal the Commencement Notices in question.

54. Following the Subcommittee's meeting with deputations on 28 November and further discussions held with the Administration on 2 and 5 December, Hon Selina CHOW, Hon Ambrose LAU and Dr Hon LO Wing-lok have indicated at the Subcommittee meetings on 2 and 5 December 2003 that they support the commencement of the registration of PCMs on 19 December 2003 as scheduled, to ensure the safety of PCMs and to protect public health. However, these members have requested the Administration to maintain close dialogue with the trade and ensure that supporting facilities are in place to enable the trade to comply with the registration requirements.

55. At the Subcommittee meeting on 5 December 2003, Hon Margaret NG and Hon LI Fung-ying did not consider it necessary to rescind the Subcommittee's decision of moving a motion at the Council meeting on 17 December 2003 to repeal the three Commencement Notices. These members are of the view that moving the motion will provide an opportunity for Members to express their concerns and debate the various issues relating to the implementation of the Chinese Medicine Ordinance. It will also enable the Administration to clarify its position and respond to Members' concerns at the Council meeting.

56. Irrespective of the outcome of the motion to repeal the three Commencement Notices, the Subcommittee agrees that the Panel on Health Services, and not a subcommittee under the House Committee, should follow up on matters relating to the implementation of the Ordinance and the related Regulations.

Follow-up action required of the Administration

57. At the request of members, the Administration has undertaken that the curriculum vitae of members of the Chinese Medicine Council and its Boards/committees, as well as the Application Criteria and Technical Guidelines for the Chinese medicine trade will be placed on the web site of the Chinese Medicine Council. The Administration has also undertaken to maintain close liaison with the relevant trades to ensure that their views are fully reflected to the Chinese Medicine Council and its Boards/committees.

Recommendation of the Subcommittee

58. The scrutiny period of the three Commencement Notices has been extended to 17 December 2003. The Subcommittee Chairman will move a motion at the Council meeting on 17 December 2003 to repeal these Commencement Notices (paragraph 55).

59. The Subcommittee has recommended that the Panel on Health Services should be requested to follow up with the Administration the implementation of the Chinese Medicine Ordinance and the related Regulations (paragraph 56).

Advice sought

60. Members are invited to note the recommendation of the Subcommittee in paragraph 59 above.

Council Business Division 2
Legislative Council Secretariat
11 December 2003

Appendix I

Subcommittee on
Commencement Notices under the Chinese Medicine Ordinance,
Chinese Medicine (Fees) Regulation and Chinese Medicines Regulation

Membership list

Chairman	Hon Cyd HO Sau-lan
Members	Hon Margaret NG
	Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP
	Hon LEUNG Yiu-chung
	Hon Ambrose LAU Hon-chuen, GBS, JP
	Hon LI Fung-ying, JP
	Hon Michael MAK Kwok-fung
	Dr Hon LO Wing-lok, JP
	Hon Audrey EU Yuet-mee, SC, JP
	(Total : 9 Members)
Clerk	Mrs Constance LI
Legal Adviser	Miss Monna LAI
Date	10 November 2003

Appendix II

Organisations / individuals that have given views to the Subcommittee on Commencement Notices under the Chinese Medicine Ordinance, Chinese Medicine (Fees) Regulation and Chinese Medicines Regulation

1. The Chinese Manufacturers' Association of Hong Kong
2. The Hong Kong Medicine Dealers' Guild
3. The Association of Hygiene Hong Kong
4. Hong Kong General Chamber of Pharmacy Ltd.
5. Sin-Hua Herbalists' & Herb Dealers Promotion Society Ltd.
6. Chinese Medicine Merchants Association Ltd.
7. Hong Kong and Kowloon Chinese Medicine Merchants Association Ltd.
8. Hong Kong Yee Yee Tong Chinese Medicine Merchants Association Ltd.
9. International General Chinese Herbalists and Medicine Professionals Association Ltd.
10. H.K. Chinese Patent Medicine Manufacturers' Association Ltd.
11. Hong Kong Chinese Prepared Medicine Traders Association Limited
12. Modernized Chinese Medicine International Association Limited
13. Po Sau Tong Ginseng & Antler Association Hong Kong Limited
14. The Hong Kong Society of Chinese Medicines
15. Hong Kong Chinese Medicine Practitioners Association Ltd.
16. Mr China SHUN

*17. Choy's International Health Products Limited

*18. A group of manufacturers and traders of proprietary Chinese medicines

*19. Hong Kong Chinese Medicine Employees Association

*20. Hong Kong Composite Materials and Technology Association

*21. The Hong Kong Association of Traditional Chinese Medicine

*22. Hong Kong San Jiu Medical Ltd.

*23. Kowloon Chamber of Commerce

*24. Hoe Hin Pak Fah Yeow Manufactory Limited

* written submissions only