

立法會
Legislative Council

Ref : CB2/SS/1/03

LC Paper No. CB(2) 868/03-04

These minutes have been seen by
the Administration

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

**Minutes of meeting
held on Friday, 28 November 2003 at 10:45 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Cyd HO Sau-lan (Chairman)
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, 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
- Public officers attending** : Miss Angela LUK
Principal Assistant Secretary for Health, Welfare and Food
- Dr Gloria TAM
Acting Deputy Director of Health
- Dr Constance CHAN
Assistant Director of Health
- Ms Pamela LI
Acting Senior Pharmacist (Traditional Chinese Medicine)
Department of Health
- Mr Freely CHENG
Assistant Secretary for Health, Welfare and Food

Miss Miranda NG
Senior Assistant Law Draftsman
Department of Justice

Attendance by : The Chinese Manufacturers' Association of Hong Kong
Invitation

Mr Joseph LAU
Chairman, Chinese Medicine Industry Development Committee

Dr Sherman FUNG
Adviser, Chinese Medicine Industry Development Committee

The Hong Kong Medicine Dealers' Guild

Mr FONG Chun-chun
Chairman

Mr WONG Ying-lau
President

The Association of Hygiene Hong Kong

Mrs WONG MAHR Ching-ki, Frances
President

Hong Kong General Chamber of Pharmacy Ltd.

Mr NG Wing-yan
President

Mr LAU Oi-kwok
Chairman Executive

Sin-Hua Herbalists' & Herb Dealers Promotion Society Ltd.

Mr CHEUNG Wai-sang
Chairman

Chinese Medicine Merchants Association Ltd.

Mr LI Ying-sang, Tommy
Chairman

Mr MONG Hoi-sang
Director

Hong Kong and Kowloon Chinese Medicine Merchants
Association Ltd.

Mr CHOY Wai-lam
Principal President

Mr CHEUNG Hon-ming
Chairman

Hong Kong Yee Yee Tong Chinese Medicine Merchants
Association Ltd.

Mr WONG Kong-hui
Chairman

Mr CHEUNG Shui-keng
Vice-Chairman

International General Chinese Herbalists' and Medicine
Professionals Association Ltd.

Mr TSANG Fu-shing
Standing President

Mr YEUNG Hon-bun
Deputy Inspector General

H.K. Chinese Patent Medicine Manufacturers' Association Ltd.

Mr LUI Wai-keung
Chairman

Mr WAI Kei-wah
Vice-Chairman

Hong Kong Chinese Prepared Medicine Traders Association
Limited

Mr TING Wing-fai
Chairman

Mr TAM Kwok-leung
Consultant

Modernized Chinese Medicine International Association Limited

Dr Albert WONG
President

Po Sau Tong Ginseng & Antler Association Hong Kong Limited

Mr CHAN Tak-tai
Chairman

The Hong Kong Society of Chinese Medicines

Mr KWONG Ping-nam
Vice-President

Mr PANG Chi-nung
Council Member

Hong Kong Chinese Medicine Practitioners Association Ltd.

Mr SIU Chee-sheung
Vice-Chairman

Ms CHEUNG Yiu-ning
Vice-Chairman

Individual

Mr China SHUN
(also President of Hong Kong and Kowloon Chinese Medicine
Merchants Association Ltd.)

Clerk in attendance : Mrs Constance LI
Chief Assistant Secretary (2)5

Staff in attendance : Miss Monna LAI
Assistant Legal Adviser 7

Miss Lolita SHEK
Senior Assistant Secretary (2)7

Action

I Confirmation of minutes of meetings
[LC Paper Nos. CB(2) 473 & 474/03-04]

The minutes of the meetings on 10 and 12 November 2003 were confirmed.

II. Meeting with deputations and the Administration

[LC Paper Nos. CB(2) 414/03-04(01), CB(2) 426/03-04(01) and (02), CB(2) 458/03-04(02) and (03), CB(2) 471/03-04(01) to (04), and CB(2) 481/03-04(01) to (03)]

2. The Subcommittee noted that a total of 11 submissions had been received from 18 organisations/group, and 15 organisations and one individual attended this meeting to give views to the Subcommittee. Six representatives of the deputations declared their membership in the Chinese Medicine Council and its Boards and Committees (see **Appendix**).

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

4. The Subcommittee noted that the organisations which had given views to the Subcommittee were generally in support of the regulation of proprietary Chinese medicines (PCMs). Apart from the three organisations which had provided written submissions only, 12 of the deputations which attended the meeting supported the commencement of the provisions in the Chinese Medicine Ordinance and Regulations on the registration of PCMs on 19 December 2003 as scheduled. However, four of the deputations/individual expressed reservations on the proposed commencement date, and pointed out that -

- (a) details of the criteria for the registration of PCMs had yet to be agreed by the trade;
- (b) there might not be sufficient laboratory support in Hong Kong for conducting tests on the quality and efficacy of PCMs required for registration;
- (c) members of the Chinese Medicine Council had not fully reflected the views of the trade to the Administration; and
- (d) an objective system was necessary for assessing applications for registration of PCMs.

Action

Admin

5. The Chairman, Miss Margaret NG and Mr LEUNG Yiu-chung requested the Administration to address the trade's concerns. These members also expressed concern about -

- (a) the representativeness of members of the Chinese Medicine Council and its Boards and Committees, the criteria for their appointment to these bodies, and whether there was a system to prevent conflict of interest;
- (b) whether the assessment criteria and procedure for the registration of PCMs were objective and fair; and
- (c) measures to be taken by the Administration to address the concerns of the trade such as insufficient laboratory support, and the availability of the final version of the Application Handbook for Registration of Proprietary Chinese Medicines.

6. Mrs Selina CHOW expressed her views as follows -

- (a) most of the members from the trade in the Chinese Medicine Council and its Boards and Committees were key office bearers in major organisations in the trade elected by members of the organisations concerned. There should be no question about their representativeness of the trade;
- (b) it was inevitable that there might be differences in the views among the trade on the implementation details as the registration of PCMs was a new system. However, the majority view was in support of early implementation of the registration system for PCMs so as to safeguard public health and to promote the development of the industry;
- (c) a long period had been allowed for the provision of documents in connection with the registration of PCMs, and deferring the implementation date would not be in the consumers' interest;
- (d) the Administration should improve its information dissemination to the trade regarding the implementation details and the laboratory facilities; and
- (e) the Administration should explain the impact of the regulation of health claims on the registration of PCMs.

Admin

7. The Subcommittee requested the Administration to maintain dialogue with the trade and provide it with detailed guidelines relating to the implementation of the relevant provisions on the registration of PCMs.

Action

8. The Administration gave the following responses to concerns raised by the deputations -

- (a) for existing PCMs on the market which fulfilled the criteria for transitional registration, the trade would be allowed a period of up to five years to provide the necessary test reports;
- (b) liaison had been made with the Mainland authority and local laboratories to ensure adequate laboratory support for the traders;
- (c) dialogue would be maintained with the trade and more information on the implementation of the registration of PCMs would be provided to the trade; and
- (d) the provisions on the registration of PCMs should commence on 19 December 2003 as scheduled so as to safeguard public health and to promote the development of the industry.

III. Any other business

Date of next meeting

9. Members agreed that the next meeting should be held on Tuesday, 2 December 2003 from 1 pm to 2:30 pm to discuss the papers already provided by the Administration and the way forward.

10. There being no other business, the meeting ended at 12:55 pm.

Council Business Division 2
Legislative Council Secretariat
5 January 2004

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

**Declaration of membership in the Chinese Medicine Council
and its Boards and Committees by representatives of the deputations
at the meeting on 28 November 2003**

<u>Representative of organisation</u>	<u>Declared membership in the Chinese Medicine Council and its Boards/Committees</u>
(a) Mr FONG Chun-chun Chairman, The Hong Kong Medicine Dealers' Guild	Member, Chinese Medicines Board Deputy Chairman, Regulatory Committee of Chinese Medicines Traders
(b) Mr WONG Ying-lau President, The Hong Kong Medicine Dealers' Guild	Member, Chinese Medicine Council
(c) Mrs WONG MAHR Ching-ki, Frances President, The Association of Hygiene Hong Kong	Member, Chinese Medicines Board
(d) Mr LI Ying-sang, Tommy Chairman, Chinese Medicine Merchants Association Ltd.	Member, Chinese Medicine Council Member, Chinese Medicines Board Chairman, Chinese Medicines Committee
(e) Mr CHOY Wai-lam Principal President, Hong Kong and Kowloon Chinese Medicine Merchants Association Ltd.	Member, Chinese Medicine Council
(f) Mr WONG Kong-hui Chairman, Hong Kong Yee Yee Tong Chinese Medicine Merchants Association Ltd.	Member, Chinese Medicines Board

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

**Meeting on Friday, 28 November 2003 at 10:45 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject	Action Required
0001-0659	Chairman	Confirmation of minutes of meetings on 10 & 12 November 2003	
0700-0949	Miss Margaret NG Chairman	Declaration of membership in the Chinese Medicine Council and its Boards/committees by deputations	
0950-1149	Mr Joseph LAU	Presentation by representatives of the Chinese Manufacturers' Association of Hong Kong	
1150-1721	Chairman Mr FONG Chun-chun Mr WONG Ying-lau	Declaration of membership in the Chinese Medicine Council and its Boards/committees Presentation by representatives of the Hong Kong Medicine Dealers' Guild	
1722-1934	Mrs Frances WONG	Declaration of membership in the Chinese Medicine Council and its Boards/committees Presentation by representatives of the Association of Hygiene Hong Kong	
1935-2116	Mr NG Wing-yan	Presentation by representatives of Hong Kong General Chamber of Pharmacy Ltd.	
2117-2152	Chairman Mr CHEUNG Wai-sang	Presentation by representatives of Sin-Hua Herbalists' & Herb Dealers Promotion Society Ltd.	

2153-2415	Mr Tommy LI	<p>Declaration of membership in the Chinese Medicine Council and its Boards/committees</p> <p>Presentation by representatives of Chinese Medicine Merchants Association Ltd.</p>	
2416-2951	<p>Chairman Mr CHEUNG Hon-ming Mr CHOY Wai-lam</p>	<p>Declaration of membership in the Chinese Medicine Council and its Boards/committees</p> <p>Presentation by representatives of Hong Kong and Kowloon Chinese Medicine Merchants Association Ltd.</p>	
2952-3359	<p>Chairman Mr China SHUN</p>	Presentation by Mr China SHUN	
3400-3644	Mr WONG Kong-hui	<p>Declaration of membership in the Chinese Medicine Council and its Boards/committees</p> <p>Presentation by representatives of Hong Kong Yee Yee Tong Chinese Medicine Merchants Association Ltd.</p>	
3645-3832	Mr YEUNG Hon-bun	<p>Presentation by representatives of International General Chinese Herbalists and Medicine Professionals Association Ltd.</p>	
3833-4133	Mr LUI Wai-keung	<p>Presentation by representatives of H.K. Chinese Patent Medicine Manufacturers' Association Ltd.</p>	
4134-4441	Mr TING Wing-fai	<p>Presentation by representatives of Hong Kong Chinese Prepared Medicine Traders Association Limited</p>	

4442-4912	Dr Albert WONG	Presentation by representatives of Modernized Chinese Medicine International Association Limited	
4913-5136	Mr CHAN Tak-tai	Presentation by representatives of Po Sau Tong Ginseng & Antler Association Hong Kong Limited	
5137-5814	Mr KWONG Ping-nam	Presentation by representatives of the Hong Kong Society of Chinese Medicines	
5815-5854	Mr CHEUNG Yiu-ning	Presentation by representatives of Hong Kong Chinese Medicine Practitioners Association Ltd.	
5855-010249	Chairman Administration	Administration's response to the views and concerns raised by deputations	
010250-012621	Chairman Miss Margaret NG Mr FONG Chun-chun Mr Tommy LI Mr Joseph LAU Mr China SHUN Mr LUI Wai-keung Mr WONG Kong-hui Dr Albert WONG Mr KWONG Ping-nam	Representativeness of deputations Objectivity and fairness of the assessment criteria and procedure for the registration of proprietary Chinese medicines (PCMs)	Admin to provide additional information
012622-012816	Miss Margaret NG Mr KWONG Ping-nam	Representativeness of members of the Chinese Medicine Council and its Boards/Committees Safety standard of PCMs	Admin to provide further information
012817-013644	Mr LEUNG Yiu-chung Chairman Mr Joseph LAU Dr Sherman FUNG	Problems in the implementation of the Chinese Medicine Ordinance and its subsidiary legislation Laboratory support for conducting tests on the quality and efficacy of PCMs required	Admin to provide a response

		for registration	
013645-014418	Mr LEUNG Yiu-chung Mr Joseph LAU Mr KWONG Ping-nam Dr Albert WONG	Deputations' views on the commencement date of the provisions on the registration of PCMs	
014419-015509	Mrs Selina CHOW	Representativeness of members of the Chinese Medicine Council and its Boards/Committees Commencement date of the provisions on the registration of PCMs Impact of the regulation of health claims on the registration of PCMs	
015510-015533	Chairman	Problems in the implementation of the registration system for PCMs	Admin to provide additional information
015534-020217	Administration	Administration's response to the concerns raised by members and deputations	Admin to address the concerns of the trade and provide more information to the trade
020218-020351	Miss Margaret NG Chairman Mrs Selina CHOW	Way forward	
020352-020512	Ms LI Fung-ying	Deputations' views on the proposed commencement date	
020513-020636	Mr LEUNG Yiu-chung	Drawing up of objective and scientific registration criteria for PCMs	
020637-020802	Chairman	Information dissemination to the trade by the Administration	
020803-021054	Mr Joseph LAU Mr China SHUN Chairman	The need for a professional committee to determine applications for registration of PCMs	

		Transparency of the operation of the Chinese Medicine Council and its Boards/Committees	
021055-021257	Chairman	Date of next meeting	

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