

立法會
Legislative Council

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LC Paper No. CB(2) 869/03-04
(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 Tuesday, 2 December 2003 at 1 pm
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
Dr Hon LO Wing-lok, JP
- Members Absent** : Hon Michael MAK Kwok-fung
Hon Audrey EU Yuet-mee, SC, JP
- Public officers attending** : Mr Thomas YIU
Deputy Secretary for Health, Welfare and Food
- Miss Angela LUK
Principal Assistant Secretary for Health, Welfare and Food
- Dr T H LEUNG
Deputy Director of Health
- Dr Constance CHAN
Assistant Director of Health
- Ms Pamela LI
Acting Senior Pharmacist (Traditional Chinese Medicine)
Department of Health

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Mr Freely CHENG
Assistant Secretary for Health, Welfare and Food

Miss Miranda NG
Senior Assistant Law Draftsman
Department of Justice

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

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I Meeting with the Administration

[LC Paper Nos. CB(2) 458/03-04(04) & (05), CB(2) 513/03-04(01), and CB(2) 536/03-04(01) to (03)]

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

2. The Administration briefed members on its response to issues and concerns raised at previous meetings [LC Paper No. CB(2) 458/03-04(04)], and the further information requested by members at the meeting on 10 November 2003 [LC Paper No. CB(2) 458/03-04(05)].

3. The Administration informed members that after listening to the depositions' views at the Subcommittee meeting on 28 November 2003, the Administration had held a further meeting with the trade to discuss their concerns. Twelve depositions that had given views to the Subcommittee attended that meeting and supported that the registration system for proprietary Chinese medicines (PCMs) should commence on 19 December 2003 to safeguard public health. The Application Handbook for Registration of Proprietary Chinese Medicines had also been agreed to by the trade.

4. The Chairman, Miss Margaret NG and Mr LEUNG Yiu-chung maintained the view that the registration system for PCMs should only commence after the following concerns had been fully addressed -

- (a) the representativeness of members appointed to the Chinese Medicine Council and its Boards and Committees, and the system on avoidance of conflict of interest in the assessment of applications for registrations;

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- (b) the objectivity and transparency of the system to assess applications for registration of PCMs;
 - (c) the availability of an independent appeal channel for applicants who were aggrieved with the decision of the Chinese Medicine Council on their appeals against the decision(s) of the Boards/Committees, without having to appeal to the court;
 - (d) the need for the trade's concerns about the implementation details to be fully reflected to the Administration and the Chinese Medicines Board; and
 - (e) the availability of sufficient laboratory support and the final version of the Application Handbook for Registration of Proprietary Chinese Medicines to the trade.
5. Mrs Selina CHOW pointed out that -
- (a) the composition of the Chinese Medicine Council and its Boards and Committees reflected the outcome of deliberations of the Legislative Council (LegCo) and the demand from the Chinese medicines trade for due representation in these bodies. The representativeness of these trade members was widely recognised by the trade, and they represented the interests of their organisations and the trade and not their personal interests;
 - (b) laboratory support in the Mainland was necessary to facilitate early implementation of the PCM registration to safeguard public health; and
 - (c) the Administration had addressed the concerns of the trade which had re-affirmed its support of the commencement of the registration of PCMs on 19 December 2003.
6. Mr Ambrose LAU and Dr LO Wing-lok said that they supported the commencement of the registration of PCMs on 19 December 2003 in order to safeguard public health.
7. The Administration gave the following response to issues raised by members -
- (a) the composition of the Chinese Medicine Council and its Boards and Committees was stipulated in the Chinese Medicine Ordinance. Their structure and composition were in line with the principle of self-regulation by the trade and fully reflected the outcome of LegCo deliberations leading to the enactment of the Ordinance. The composition of the Chinese Medicines Board was well balanced, and the

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Director of Health being a public officer and also the Board Chairman would attend meetings of LegCo Committee(s) to answer Members' questions on the registration of PCMs where necessary;

- (b) registered PCMs were subject to regulation under the Chinese Medicine Ordinance and health claims would be regulated through the Undesirable Medical Advertisements Ordinance; and
- (c) the final version of the Application Handbook for Registration of Proprietary Chinese Medicines would be ready for distribution when the registration of PCMs commenced on 19 December 2003.

Admin 8. The Subcommittee requested the Administration to provide further information on the following -

- (a) the qualifications (i.e. academic/professional qualifications and public service records) of members of the Chinese Medicine Council and its Boards and Committees, and the representativeness of the organisations to which these members belonged;
- (b) the system for review of the performance of these members;
- (c) the system for declaration of interests by these members, if any, and measures to prevent conflict of interest of these members;
- (d) regulatory system of western medicines/pharmaceutical products;
- (e) a list of the experts in Chinese medicines from whom the Chinese Medicines Board would seek advice in assessing the applications for registration of proprietary Chinese medicines, and the criteria for selecting these experts; and
- (f) the final version of the Application Handbook for Registration of Proprietary Chinese Medicines.

Admin 9. The Administration was also requested to provide a written response to the concerns raised by members at this meeting and at the meeting on 10 November 2003.

II. Any other business

10. Members agreed to hold the next meeting on Friday, 5 December 2003 immediately after the House Committee meeting to discuss outstanding issues with the Administration.

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11. There being no other business, the meeting ended at 3 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**

**Meeting on Tuesday, 2 December 2003 at 1 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject	Action Required
0001-0357	Chairman	Papers to be discussed at the meeting	
0358-2213	Administration Chairman	Introduction of the papers provided by the Administration [LC Paper Nos. CB(2) 458/03-04(04)&(05), and CB(2)536/03-04(03)] Meeting between the Administration and the trade on 1 December 2003	
2214-4605	Miss Margaret NG Administration Chairman Mrs Selina CHOW	Appointment of members to the Chinese Medicine Council and its Boards/Committees and their representativeness System on avoidance of conflict of interest in the assessment of applications for registration of Proprietary Chinese Medicines (PCMs)	
4606-5238	Ms LI Fung-ying Administration Chairman	Laboratory support for the trade	
5239-5736	Ms LI Fung-ying Administration Chairman	Concerns expressed by the trade about the implementation of the registration system for PCMs	
5737-011014	Mr LEUNG Yiu-chung Administration	Objectivity and transparency of the system to assess applications for registration of PCMs	

		<p>Availability of an independent appeal channel for applicants who were aggrieved with the decision of the Chinese Medicine Council on their appeals against the decision(s) of the Boards/Committees, without having to appeal to the court</p> <p>Availability of sufficient laboratory support for the trade</p>	
011015-013244	<p>Chairman Miss Margaret NG Administration Mrs Selina CHOW</p>	<p>Objectivity and transparency of the system to assess applications for registration of PCMs</p> <p>Laboratory support for the trade</p>	Admin to provide further information
013245-013910	<p>Mr Ambrose LAU Dr LO Wing-lok Administration</p>	<p>Implementation of the registration for PCMs on 19 December 2003 as scheduled</p>	
013911-014558	<p>Miss Margaret NG Administration</p>	<p>Qualifications of members of the Chinese Medicine Council and its Boards/Committees</p> <p>List of experts in Chinese medicines from whom advice would be sought in the vetting of applications for registration of PCMs</p>	Admin to provide additional information
014559-015648	<p>Chairman Administration Mr LEUNG Yiu-chung Miss Margaret NG</p>	<p>Consultation with the trade on the implementation details of the registration system for PCMs</p> <p>Final version of the Application Handbook for registration of Proprietary Chinese Medicines</p>	Admin to provide the Handbook and a response to the concerns raised by members
015649-015908	<p>Chairman</p>	<p>Date of next meeting</p>	