

立法會
Legislative Council

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LC Paper No. CB(2) 870/03-04
(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, 5 December 2003 at 3:20 pm
in the Chamber 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** : Dr P Y LAM
Director of Health
- Mr Thomas YIU
Deputy Secretary for Health, Welfare and Food
- Dr T H LEUNG
Deputy Director of Health
- Miss Angela LUK
Principal Assistant Secretary for Health, Welfare and Food
- 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

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) 551/03-04(01) to (03)]

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

2. The Administration briefed members on the further information provided on the issues raised by members at previous meetings.

3. The Chairman, Miss Margaret NG and Mr LEUNG Yiu-chung requested the Administration to elaborate on the following issues -

- (a) transparency of the information on the CVs of members of the Chinese Medicine Council and its Boards/Committees, and the operation of the registration system of proprietary Chinese medicines (PCMs);
- (b) how the Chinese Medicine Council and its Boards/Committees would be held accountable for its decisions, and system of re-appointment of members to these bodies;
- (c) measures to prevent conflict of interest and to ensure the objectivity and impartiality of the Chinese Medicines Board and its Committees in assessing/vetting applications for registration of PCMs; and
- (d) availability of an independent appeal channel similar to the Pharmacy and Poisons Appeal Tribunal to deal with appeals against decisions of the Chinese Medicines Board and its Committees.

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4. The Chairman and Mrs Selina CHOW requested the Administration to improve its dissemination of information to the trade regarding the implementation details for registration of PCMs.

5. The Administration made the following response to the concerns raised by members -

- (a) as a public officer and also Chairman of the Chinese Medicines Board, the Director of Health would attend meetings of the relevant Legislative Council Committee(s) to answer Members' questions on the operation of the registration system of PCMs and related matters where necessary;
- (b) in the re-appointment of members of the Chinese Medicine Council and its Boards/Committees, consideration was made to their participation in, and contribution to, these bodies, as well as the continuity of the work of these bodies to ensure the smooth implementation of the licensing and registration schemes;
- (c) the registration requirements had been drawn up with the professional input of the Department of Health (DH), and in consultation with the trade, making reference to standards adopted in the Mainland and other overseas regulatory authorities. The application procedures and assessment criteria were clearly set out in the Application Handbook for Registration of Proprietary Chinese Medicines. Independent professional input would be provided by DH and an independent expert group on Chinese medicines in the vetting of applications for registration;
- (d) a system of declaration of interest as recommended by the Independent Commission Against Corruption had been adopted by the Chinese Medicine Council; and
- (e) the parties concerned had to engage lawyers in the proceedings of the Pharmacy and Poisons Appeal Tribunal. The intention of empowering the Chinese Medicines Board to review the decisions of its Committees was to provide a convenient and inexpensive appeal channel for persons aggrieved by such decisions. A person not satisfied with the decision of the Board could make an appeal to the Court of First Instance.

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6. At the request of the Subcommittee, the Administration undertook to place the CVs of members of the Chinese Medicine Council and its Boards/Committees, the Application Handbook for Registration of Proprietary Chinese Medicines, the Technical Guidelines for Registration of Chinese Medicines, and the list of experts on Chinese medicines on the website of the Chinese Medicine Council.

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- Admin 7. The Administration also agreed to -
- (a) maintain close dialogue with the trade and improve its information dissemination to the trade regarding the implementation details of the registration of PCMs; and
 - (b) provide the Subcommittee with sample letters and notices to applicants concerning the registration procedure and outcome of their applications for registration of PCMs before 17 December 2003.
8. The Chairman asked if any members would want to rescind the Subcommittee's previous decision of moving a motion at the Council meeting on 17 December 2003 to repeal the three Commencement Notices. Mrs Selina CHOW requested the Subcommittee to reconsider its decision. She said that most of the organisations in the Chinese medicines trade had found the implementation arrangements for the registration of PCMs acceptable and supported the commencement of the registration of PCMs on 19 December 2003.
9. Miss Margaret NG and Ms LI Fung-ying did not consider it necessary to rescind the decision of moving the motion, as this would provide an opportunity for Members to express their concerns and debate the various issues relating to the implementation of the Chinese Medicine Ordinance. It would also enable the Administration to clarify its position and Members' concerns at the Council meeting. Mrs Selina CHOW indicated that she had no objection.
10. Members agreed to Mrs Selina CHOW's suggestion that the Panel on Health Services, and not a subcommittee under the House Committee, should follow up with the Administration on the implementation of the Chinese Medicine Ordinance and the related Regulations.

II. Any other business

11. Members agreed that a written report should be provided to the House Committee for its meeting on 12 December 2003.
12. There being no other business, the meeting ended at 5:05 pm.

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

**Meeting on Friday, 5 December 2003 at 3:20 pm
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject	Action Required
0001 - 1419	Chairman Administration	Introduction of the papers provided by the Administration	
1420 - 2936	Miss Margaret NG Administration	Transparency of the information on the CVs of members of the Chinese Medicine Council and its Boards/Committees, and the operation of the registration system of proprietary Chinese medicines (PCMs) Accountability of the Chinese Medicine Council and its Board/Committees	Administration to place relevant information on the website of the Chinese Medicine Council
2937 - 4107	Chairman Administration	Appointment procedure of members of the Chinese Medicine Council and its Boards/Committees Assessment of applications for registration of PCMs	
4108 - 5421	Miss Margaret NG Administration Chairman	Re-appointment of members of the Chinese Medicine Council and its Boards/Committees	
5422 - 010603	Mr LEUNG Yiu-chung Chairman Administration	Objectivity and impartiality of the Chinese Medicines Board and its Committees in assessing applications for registration of PCMs	
010604 - 011251	Ms LI Fung-ying Administration Chairman	List of experts in Chinese Medicines Appointment procedure of members of the Chinese Medicine Council and its Boards/Committees	

011252 - 012331	Miss Margaret NG Administration	Objectivity and impartiality of the Chinese Medicines Board and its Committees in assessing applications for registration of PCMs	
012332 - 012730	Chairman Administration	Sample letters and notices to applicants concerning the registration procedure and outcome of their applications for registration of PCMs	Administration to provide sample letters and notices
012731 - 013321	Chairman Miss Margaret NG Administration	The appeal channel for persons aggrieved by the decisions of the Chinese Medicines Board and its Committees	
013322 - 013956	Mrs Selina CHOW Chairman Miss Margaret NG	The Subcommittee's recommendation that the Panel on Health Services should follow up with the Administration on the implementation of the Chinese Medicine Ordinance and the related Regulations	
013957 - 014418	Miss Margaret NG Chairman Mrs Selina CHOW	Dissemination of information by the Administration to the trade regarding the implementation details of the registration of PCMs	Administration to improve its information dissemination to the trade
014419 - 014628	Chairman Mrs Selina CHOW Miss Margaret NG Ms LI Fung-ying	Way forward The Subcommittee's decision to repeal the three Commencement Notices	