

立法會
Legislative Council

LC Paper No. CB(2)818/04-05

(These minutes have been
seen by the Administration)

Ref : CB2/BC/2/04

**Bills Committee on Undesirable Medical Advertisements
(Amendment) (No.2) Bill 2004**

**Minutes of the 4th meeting
held on Monday, 17 January 2005 at 10:45 am
in Conference Room B of the Legislative Council Building**

Members present : Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP (Chairman)
Hon Fred LI Wah-ming, JP
Hon CHAN Yuen-han, JP
Hon Vincent FANG Kang, JP
Hon LI Kwok-ying, MH
Dr Hon KWOK Ka-ki
Hon WONG Ting-kwong, BBS

Members absent : Dr Hon LUI Ming-wah, JP
Hon TAM Yiu-chung, GBS, JP
Dr Hon Joseph LEE Kok-long

Public Officers attending : Miss Susie HO
Deputy Secretary for Health, Welfare and Food (Health)

Mr Jeff LEUNG
Principal Assistant Secretary for Health, Welfare and Food (Health)

Mr Tony CHAN
Assistant Secretary for Health, Welfare and Food (Health)

Dr T H LEUNG
Deputy Director of Health

Dr Cindy LAI
Assistant Director (Special Health Services)
Department of Health

Mrs Mary CHENG
Chief Pharmacist (Acting)

Ms Frances HUI
Senior Government Counsel, Department of Justice

Ms Grace LEUNG
Government Counsel, Department of Justice

Clerk in attendance : Ms Doris CHAN
Chief Council Secretary (2) 4

Staff in attendance : Miss Anita HO
Assistant Legal Adviser 2

Ms Elyssa WONG
Deputy Head (Research and Library Services)

Miss Mary SO
Senior Council Secretary (2) 8

Ms Diana WONG
Research Officer 2

Mr Michael YU
Research Officer 7

I. Meeting with the Administration

(LC Paper Nos. CB(2)434/04-05(01), CB(2)475/04-05(01), CB(2)580/04-05(01) to (03), CB(2)630/04-05(01) to (02), CB(2)673/04-05(01), IN18/04-05 and IN19/04-05)

The Bills Committee deliberated (Index of proceedings at **Annex**).

2. The Administration was requested to respond in writing to the following suggestions made by members at the meeting -

- (a) to henceforth collect statistics on the number of people who suffered ill health as a result of consuming health food products making claims relating to the regulation of immune system and the promotion of

detoxification and slimming/fat reduction and delaying proper treatment; and

- (b) to separate the regulation of health claims of health food products from the regulation of health claims made by registered medicines, having regard to the fact that the latter's safety, quality and efficacy had to be vetted and approved by the relevant authorities before they could be sold in Hong Kong.

3. At the request of the Bills Committee, the Administration undertook to provide a breakdown of the types of complaints relating to health food lodged with the Consumer Council from 2001 to 2004.

4. The Administration agreed to consider -

- (a) recasting the allowable claims in the Bill along the lines which would allow manufacturers of the registered pharmaceutical products, registered proprietary Chinese medicine to advertise the health claims of their products more explicitly but with the proviso that the products concerned might not be beneficial to every consumer; and
- (b) making clear the meaning of "health food" or "customarily consumed food" in the Bill.

Members requested that any revised allowable claims and the new definition of "orally consumed food" be provided to the Bills Committee for consideration.

5. The Research and Library Services Division of the Legislative Council Secretariat was requested to conduct research on the following areas -

- (a) regulation of claims of health food relating to the regulation of immune system and the promotion of detoxification and slimming/fat reduction in the United States, United Kingdom, European Union, the Mainland and Taiwan; and
- (b) regulation of health claims of health food and registered medicines in overseas jurisdictions.

II. Dates of next meetings

6. Members agreed to hold the next two meetings on the following dates -

- (a) 17 February 2005 at 4:30 pm; and
- (b) 24 February 2005 at 4:30 pm.

7. Members further agreed to invite representatives from the media, advertising firms, patients' groups and the Consumer Council to give views on the publication and regulation of health claims at the next meeting on 17 February 2005.
8. There being no other business, the meeting ended at 12:55 pm.

Council Business Division 2
Legislative Council Secretariat
3 February 2005

**Proceedings of the 4th meeting of the
Bills Committee on Undesirable Medical Advertisements
(Amendment) (No.2) Bill 2004
on Monday, 17 January 2005 at 10:45 am
in Conference Room B of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 - 000655	Administration	Powerpoint presentation on the regulations of registered pharmaceutical products, registered proprietary Chinese medicine, Chinese herbal medicine, health food and conventional food in terms of their safety, quality, efficacy and health claims	
000656 - 001145	Chairman Administration	Widening the scope of regulating the health claims of registered pharmaceutical products, registered proprietary Chinese medicine and Chinese herbal medicine as a result of enacting the Undesirable Medical Advertisements (Amendment) (No.2) Bill 2004 (the Bill)	
001146 - 001815	Dr KWOK Ka-ki Administration	Claims made by health food relating to the regulation of immune system and the promotion of detoxification and slimming/fat reduction should be regulated, in line with the recent development in the draft regulation of health claims in the European Union (EU)	
001816 - 002339	Mr Fred LI Administration Chairman	Survey conducted by the Democratic Party on the regulation of claims made by health food relating to the regulation of immune system and the promotion of detoxification and slimming/fat reduction The Administration undertook to provide a breakdown of the types of complaints relating to health food products lodged with the Consumer Council from 2001 to 2004	✓ (Admin to provide a written response)
002340 - 003758	Dr KWOK Ka-ki Chairman Administration Deputy Head, Research & Library Services (R&LS) Mr Fred LI	Briefing by Deputy Head, R&LS on the recent development in the regulation of health claims in the United States (US) and the United Kingdom (UK) R&LS Division was requested to conduct a research focusing on the regulation of claims made by health food relating to the regulation of immune system and the promotion of detoxification and slimming/fat reduction in the US, UK, EU, the Mainland and Taiwan	✓ (R&LD to prepare the research report)
003759 - 004406	Mr WONG Ting-kwong Administration Chairman	The Administration should provide evidence that misleading or exaggerated health claims made by health food led to delay in treatment Possible amendments to the allowable claims and the disclaimer in the Bill proposed by the Administration	
004407 - 010610	Dr KWOK Ka-ki Administration Chairman Mr Vincent FANG	The Administration was requested to henceforth collect statistics on the number of people who suffered ill health as a result of consuming health food products making claims relating to the regulation of immune system and the promotion of detoxification	✓ (Admin to provide a written response)

		and slimming/fat reduction and delaying proper treatment.	response)
Time Marker	Speaker	Subject(s)	Action Required
		The Administration undertook to - (a) consider recasting the allowable claims in the Bill along the lines which would allow manufacturers of the registered pharmaceutical products, registered proprietary Chinese medicine to advertise the health claims of their products more explicitly but with the proviso that the products concerned might not be beneficial to every consumer; and (b) further meet with the trade to better understand their concerns on the Bill	✓ (Admin to provide the revised allowable claims)
010611 - 013800	Mr WONG Ting-kwong Chairman Mr Vincent FANG Administration Dr KWOK Ka-ki	Regulation of health claims of health food should be separated from the regulation of health claims made by registered medicines, having regard to the fact that the latter's safety, quality and efficacy had to be vetted and approved by the relevant authorities before they could be sold in Hong Kong R&LS Division was requested to conduct a research on the regulation of health claims of health food and registered medicines in overseas jurisdictions	✓ (Admin to provide a written response) ✓ (R&LD to prepare the research report)
013801 - 020152	Chairman Administration ALA2 Dr KWOK Ka-ki Deputy Head, R&LD Mr Vincent FANG Mr WONG Ting-kwong	The Administration's response to the enquiries raised by members at the meeting on 9 December 2004 (LC Paper No. CB(2)580/04-05(01)) concerning the existing warning mechanism operated by the Department of Health on the publication of health claims The Administration undertook to make clear the meaning of "health food" or "customarily consumed food" in the Bill Inviting representatives from the media, advertising firms, patients' groups and the Consumer Council to give views on the publication and regulation of health claims at the next meeting	✓ (Admin to provide the new definition of "orally consumed food")
020153 - 020249	Administration	The Administration's response to the enquiries raised by members at the meeting on 9 December 2004 (LC Paper No. CB(2)580/04-05(01)) concerning the criteria used in classifying food which contained Chinese medicine and which were subject to the regulation of the Chinese Medicine Ordinance (Cap. 549)	
020250 - 020745	Chairman	Dates of next meetings	

