

立法會
Legislative Council

LC Paper No. CB(2)1835/04-05

(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 8th meeting
held on Friday, 27 May 2005 at 8:30 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP (Chairman)
Hon Fred LI Wah-ming, JP
Dr Hon LUI Ming-wah, JP
Hon TAM Yiu-chung, GBS, JP
Dr Hon Joseph LEE Kok-long
Hon WONG Ting-kwong, BBS
- Members absent** : Hon CHAN Yuen-han, JP
Hon Vincent FANG Kang, JP
Hon LI Kwok-ying, MH
Dr Hon KWOK Ka-ki
- Public Officers attending** : 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
- Mr Anthony CHAN
Chief Pharmacist, Department of Health

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

Miss Mary SO
Senior Council Secretary (2) 8

I. Meeting with the Administration

(LC Paper Nos. CB(2)1602/04-05(03), CB(2)1676/04-05(01), CB(3)35/04-05 and LS50/04-05)

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

2. The Bills Committee requested the Administration to provide a response in writing to the following issues raised by members prior to the next meeting scheduled for 3 June 2005 at 8:30 am -

- (a) adding “and Health” after “Medical” under clause 3;
- (b) improving the Chinese version of the definition of “orally consumed product” to make it more in line with its English version under clause 4;
- (c) qualifying the term “any similar claim” under clause 5; and
- (d) specifying the rank/grade of public officer authorised to be an inspector for the purposes of carrying out the enforcement work under clause 8.

3. The Bills Committee also requested the Administration to provide the following information asked by members prior to the next meeting -

- (a) qualifications required of the inspector referred to in clause 8 and the powers given to the inspector under the same clause; and

- (b) circumstances under which the Administration had to pay for the taking of samples of packaging and labels and copies of advertisements under clause 8(2)(c).

4. The Administration undertook to provide a paper setting out some examples in the existing legislation which empowered public officers, on obtaining a magistrate's warrant, to enter and search premises and take possession of property for purposes of a prosecution.

II. Any other business

5. There being no other business, the meeting ended at 10:25 am.

Council Business Division 2
Legislative Council Secretariat
7 June 2005

**Proceedings of the 8th meeting of the
Bills Committee on Undesirable Medical Advertisements
(Amendment) (No.2) Bill 2004
on Friday, 27 May 2005 at 8:30 am
in Conference Room A of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 - 001247	Chairman Administration Mr TAM Yiu-chung ALA2	<i>Clauses 1 – 3</i> The Administration was requested to add “and Health” after “Medical” under clause 3	✓ (Admin to provide a written response)
001248 - 003847	ALA2 Administration Chairman Dr LUI Ming-wah Mr Fred LI Dr Joseph LEE	<i>Clause 4</i> The Administration was requested to improve the Chinese version of the definition of “orally consumed product” to make it more in line with its English version	✓ (Admin to provide a written response)
003848 - 004644	ALA2 Administration Chairman	<i>Clause 5</i>	
004645 - 005433	Chairman Administration Mr WONG Ting-kwong	<i>Clause 6</i>	
005434 - 010408	ALA2 Administration Chairman Dr Joseph LEE	The Administration was requested to qualify the term “any similar claim” under clause 5	✓ (Admin to provide a written response)
010409 - 010948	Chairman Administration Dr Joseph LEE	<i>Clause 7</i>	
010949 - 014639	Chairman Administration Dr Joseph LEE Mr Fred LI Mr WONG Ting-kwong Dr LUI Ming-wah ALA2	<i>Clause 8</i> The Administration was requested to specify the rank/grade of public officer authorised to be an inspector for the purposes of carrying out the enforcement work in the Bill The Administration was also requested to provide information on the following - (a) qualifications required of and the powers given to the inspector; and (b) circumstances under which the Administration had to pay for the taking of samples of packaging and labels and copies of advertisements under clause 8(2)(c) The Administration undertook to provide a paper setting out some examples in the existing legislation which empowered public officers, on obtaining a magistrate’s warrant, to enter and search premises and take possession of property for purposes of a prosecution	✓ (Admin to provide a written response)

Time Marker	Speaker	Subject(s)	Action Required
014640 - 015443	Chairman Administration ALA2	<i>Clauses 9 and 10-11</i>	

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