

立法會
Legislative Council

Ref : CB2/BC/14/04

LC Paper No. CB(2)2389/04-05
(These minutes have been seen by
the Administration)

**Bills Committee on
Certification for Employee Benefits (Chinese Medicine)
(Miscellaneous Amendments) Bill 2005**

**Minutes of meeting
held on Wednesday, 13 July 2005 at 10:45 am
in Conference Room A of the Legislative Council Building**

Members present : Hon LI Kwok-ying, MH (Chairman)
Hon James TIEN Pei-chun, GBS, JP
Hon LEE Cheuk-yan
Hon Jasper TSANG Yok-sing, GBS, JP
Hon LI Fung-ying, BBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Dr Hon Joseph LEE Kok-long
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Dr Hon KWOK Ka-ki
Hon KWONG Chi-kin

Members absent : Hon Andrew CHENG Kar-foo
Hon Vincent FANG Kang, JP

Public Officers attending : Mrs Jenny CHAN
Assistant Commissioner for Labour

Ms Melody LUK
Senior Labour Officer
Labour Department

Ms Queenie TANG
Senior Labour Officer
Labour Department

Ms Betty CHEUNG

Senior Government Counsel
Department of Justice

Mr MAN Kwai-chuen
Chinese Medicine Advisor
Labour Department

Clerk in attendance : Mrs Sharon TONG
Chief Council Secretary (2)1

Staff in attendance : Miss Kitty CHENG
Assistant Legal Adviser 5

Mr Raymond LAM
Senior Council Secretary (2)5

I. Election of Chairman

Mr LI Kwok-ying was elected Chairman of the Bills Committee.

2. The Bills Committee deliberated (index of proceedings attached at **Annex**).

II. Meeting with the Administration

3. The Bills Committee requested the Administration –
 - (a) to consider providing in the Bill that a second opinion should be given by a registered Chinese medicine practitioner (CMP) if the first opinion was given by a registered CMP, and a medical practitioner (MP) if the first opinion was given by a MP;
 - (b) to provide information on overseas experience in the recognition of medical treatment, examination and certification given by a registered CMP, together with the relevant overseas legislation;
 - (c) to explain the differences between the functions of a registered CMP and a MP after the Bill was passed;
 - (d) to provide the guidelines issued by the Chinese Medicine Practitioners

Board on sick leave duration;

- (e) to provide information regarding the competency of registered CMPs in performing the tasks proposed in the Bill;
- (f) to provide information on the percentages of cases where there was objection to the assessment made by an Employees' Compensation Assessment Board on the employee's permanent loss of earning capacity;
- (g) to explain the training and experience required of a registered CMP for appointment to an Employees' Compensation (Ordinary Assessment) Board;
- (h) to advise on the training and continued education provided to MPs and registered CMPs to facilitate their assessment of permanent loss of earning capacity; and
- (i) to advise on the adequacy of manpower in the Labour Department for the provision of occupational health services.

III. Date of next meeting

4. Members agreed that the next meeting would be held on Wednesday, 5 October 2005 from 2:30 pm to 5:30 pm to receive the views of interested organisations on the Bill.

5. The meeting ended at 12:30 pm.

Council Business Division 2
Legislative Council Secretariat
27 July 2005

**Proceedings of meeting of the
Bills Committee on
Certification for Employee Benefits (Chinese Medicine)
(Miscellaneous Amendments) Bill 2005
on Wednesday, 13 July 2005 at 10:45 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000500	Hon James TIEN Hon Kwong Chi-kin Hon Andrew LEUNG Hon LI Kwok-ying	Election of Chairman	
000501 - 000629	Chairman	Opening remarks	
000630 - 001254	Admin	Briefing on the Bill and the supplementary background information provided by the Administration (LC Paper No. CB(2)2226/04-05(01))	
001255 - 003049	Hon James TIEN Admin Chairman	The Liberal Party's position on the Bill; criteria for the determination of sick leave duration by registered Chinese medicine practitioners (CMPs) and guidelines issued by the CMPs Board;	
003050 - 004426	Hon LI Fung-ying Chairman Admin	Invitation of views from interested organisations on the Bill; situations under which a second medical opinion could be sought; mechanism for dealing with differences between the first and second opinions; providing in the Bill that a second opinion should be given by a registered CMP if the first opinion was given by a registered CMP, and a medical practitioner (MP) if the first opinion was given by a MP	Admin to consider providing in the Bill that a second opinion should be given by a registered CMP if the first opinion was given by a registered CMP, and a MP if the first opinion was given by a MP

Time marker	Speaker	Subject(s)	Action Required
004427 - 005738	Hon Andrew LEUNG Admin Chairman	Overseas experience in the recognition of medical treatment, examination and certification given by a registered CMP; prevention of abuse in the issuing of medical certificates	Admin to provide information on overseas experience in the recognition of medical treatment, examination and certification given by a registered CMP
005739 - 011131	Hon LEE Cheuk-yan Admin Chairman	Whether provisions in the Employment Ordinance which allowed the seeking of second medical opinion should be abolished; recognised scheme of medical treatment	
011132 - 011625	Dr Hon Joseph LEE Admin	Differences between the functions of a registered CMP and a MP after the Bill was passed; proposal in the Bill regarding assessment of permanent loss of earning capacity by a registered CMP	Admin to explain the differences between the functions of a registered CMP and a MP after the Bill was passed
011626 - 012516	Hon KWONG Chi-kin Admin	Position of the Hong Kong Federation of Trade Unions on the Bill; whether there was discrimination in the Bill against registered CMPs; whether a second opinion was to be given by a registered CMP or a MP; reasons for the proposal in clause 16 of the Bill that an examination was to be conducted by a MP or a registered CMP, depending on whether the employee was attended by a MP or a registered CMP	

Time marker	Speaker	Subject(s)	Action Required
012517 - 014414	Dr Hon KWOK Ka-ki Admin Chairman	Percentages of cases where there was objection to the assessment of the employee's permanent loss of earning capacity; training and experience required of a registered CMP for appointment to an Employees' Compensation (Ordinary Assessment) Board; mechanism for the assessment of an employee's permanent loss of earning capacity; adequacy of manpower in the Labour Department for the provision of occupational health services; guidelines issued by the Chinese Medicine Practitioners Board on sick leave duration; overseas legislation in the recognition of medical treatment, examination and certification given by a registered CMP; training and continued education provided to MPs and registered CMPs to facilitate their assessment of permanent loss of earning capacity; competency of registered CMPs in performing the tasks proposed in the Bill	Admin to provide a response on the issues raised and information requested
014415 - 014845	Chairman Dr Hon KWOK Ka-ki	Date of next meeting and invitation for views from interested organisations on the Bill	