



Hong Kong General Chamber of Commerce
香港總商會 [86]

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7 September 2005

The Hon Li Kwok-ying, MH
Chairman
Bills Committee on Certification for Employee Benefits (Chinese Medicine)
(Miscellaneous Amendments) Bill 2005
c/o Legislative Council Secretariat
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear Sir,

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

The Legal Committee of the Hong Kong General Chamber of Commerce has reviewed the captioned Bill, and while we have no objection to the principles involved, we are concerned about some practical issues.

Our members note that the diagnostic and prescription standards and terminology are quite different in Western and Chinese medicine. As Chinese medicine registration and licensing systems are relatively new, employers may not be as confident with the qualifications of practitioners. It is also noted that medical certificates for leave are easily available, and under this Bill their availability will be extended.

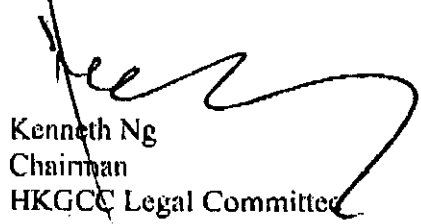
We note that it will take considerable time and cost to develop a well-structured translation system of the more frequently used Chinese medical terms. Until such translations are available, and until employers become more educated about Chinese medicine practitioner certification and registration procedures and professionalism, it may be useful to consider a phased implementation of the Bill.

On a more specific note, under the Employment Ordinance, employers have the right in certain circumstances to request an employee to undergo a medical examination to obtain a second opinion as to the employee's fitness for work. It is conceivable that different streams of the medical profession may come up with inconsistent diagnoses or medical recommendations. We suggest that an amendment could be made to the Employment Ordinance to the effect that if a second opinion is inconsistent with the first medical opinion obtained by the employee, the employer – at its own expense – may require a

third opinion. In such circumstances, the majority medical opinion would be deemed conclusive, or the matter may be referred to the Commissioner for Labour for determination.

We hope the above observations are useful.

Yours faithfully



Kenneth Ng
Chairman
HKGCC Legal Committee