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| Chapter: | 231 | Title: | Undesirable Medical Advertisements Ordinance | Gazette Number: | E.R. 2 of 2012 |
| Section: | 5 | Heading: | Certain defences; provision as to Chinese medicine practitioners | Version Date: | 02/08/2012 |

(1) In any proceedings for a contravention of section 3, 3B or 4, it shall be a defence to prove that the advertisement to which the proceedings relate was made only in a publication of a technical character intended for circulation mainly amongst persons of the following classes, or of one or some of them- (Amended 16 of 2005 s. 6)

- (a) medical practitioners registered under the Medical Registration Ordinance (Cap 161), or persons deemed to be medical practitioners under section 29 thereof;
- (b) pharmacists registered under the Pharmacy and Poisons Ordinance (Cap 138);
- (c) the medical and para-medical staff of-
 - (i) any hospital or maternity home to which the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap 165) applies;
 - (ii) any clinic to which the Medical Clinics Ordinance (Cap 343) applies;
 - (iii) any hospital, maternity home or clinic maintained by the Government, the Chinese University of Hong Kong or the University of Hong Kong;
 - (iv) any hospital, maternity home or clinic managed or controlled by the Hospital Authority established under the Hospital Authority Ordinance (Cap 113); (Replaced 16 of 2005 s. 6)
- (d) Chinese medicine practitioners registered or listed under the Chinese Medicine Ordinance (Cap 549). (Replaced 47 of 1999 s. 168)

(2) Nothing in the provisions of section 31 of the Medical Registration Ordinance (Cap 161) shall be taken to permit any Chinese medicine practitioner or other person to take any part in an advertisement infringing the provisions of this Ordinance, except to the extent of the defence provided for in subsection (1). (Amended 47 of 1999 s. 168)