

Chinese Medicine (Amendment) Bill 2017
Debate and voting arrangements

Object of the Bill : To amend the Chinese Medicine Ordinance (Cap. 549) (“the Ordinance”) and the Chinese Medicines Regulation (Cap. 549F) (“the Regulation”) to confer powers on certain public officers to prohibit, in specified circumstances, the sale of Chinese medicines and other substances or compounds generated in the course of manufacture of proprietary Chinese medicines and to recall, in specified circumstances, the medicines, substances or compounds that have been sold; and to provide for related matters.

First debate	: Clauses with no amendment – Clauses 1, 2, 3 and 6 to 12
Voting	: To vote on the above clauses standing part of the Bill
Second debate	: Clauses with amendments – Clauses 4 and 5 proposed by the Secretary for Food and Health (“SFH”)
Joint debate on the original clauses and the amendments thereto.	
Debate theme: Amendments to the above clauses relating to various matters	
Clause 4	
<ul style="list-style-type: none"> – According to the proposed section 138A in clause 4 of the Bill, “intermediate product” means “a substance or compound that is generated in the course of manufacture of a proprietary Chinese medicine and that is intended for use in the further preparation or production process of the medicine”. The amendment seeks to amend the definition by replacing “intended for use” therein with “to be used” for alignment with the definition of “intermediate product” stipulated in the Regulation. Also, amendments are made to the Chinese text of the proposed section 138L(1) and (2) by respectively replacing “證明” with “確立” and “已證明” with “已確立” for alignment with the relevant English text. 	

Clause 5

- Sections 138B and 138H of the Bill respectively empower the Director of Health to issue a Chinese medicine safety order (“CMSO”) to prohibit the sale of a Chinese medicine or related product and/or direct that such Chinese medicine or related product be recalled, as well as to vary a CMSO (“variation order”). Under the proposed section 141(1A) and (1B) in clause 5 of the Bill, a person aggrieved by a CMSO or a variation order may appeal to the Court of First Instance against such orders. The amendments seek to amend clause 5 of the Bill to delete section 141(3) of the Ordinance to confirm that the decision of the Court of First Instance on an appeal shall not be final, and section 5(2) of the Bill correspondingly.

Voting : To vote on the above amendments together, and then vote on the original clauses or the clauses as amended standing part of the Bill

SFH’s amendments

(set out in LC Paper No. CB(3) 445/17-18 issued on 21 March 2018)

Council Business Division 3
Legislative Council Secretariat
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