



中華人民共和國香港特別行政區政府總部食物及衛生局
Food and Health Bureau, Government Secretariat
The Government of the Hong Kong Special Administrative Region
The People's Republic of China

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Ms Maisie LAM
Clerk to Subcommittee on Issues Relating to the
Development of Chinese Medicine
Legislative Council Panel on Health Services
Legislative Council Complex,
1 Legislative Council Road,
Hong Kong
(Fax: 2185 7845)

Dear Ms LAM,

Panel on Health Services

**Subcommittee on Issues Relating
to the Development of Chinese Medicine**

**Follow-up actions required of the Administration
Arising from the discussion at the meeting on 20 January 2020**

Thank you for your letter dated 11 March 2020 regarding the follow-up actions arising from the discussion at the meeting of the Subcommittee on Issues Relating to the Development of Chinese Medicine (CM) on 20 January 2020. Having consulted the Department of Health (DH) and the Hospital Authority (HA), the requested information is provided in the ensuing paragraphs.

**(a) in respect of those ranks under the establishment of the
Department of Health, the Chinese Medicine Clinics cum Training**

and Research Centres and the Hospital Authority which required possessing the qualification of registered Chinese medicine practitioner or registered medical practitioner, advise the qualification and experience requirements and the pay scales of the posts concerned; and

There are Scientific Officer (Medical) (Chinese Medicine) [SO(M)(CM)] posts established under the CM Regulatory Office of the DH. One of the recognised qualifications for applicants of the post is a registered Chinese medicine practitioner (CMP) under the CM Ordinance (Cap. 549) (the Ordinance). The major duties for SO(M)(CM) with the qualification of registered CMP include providing professional support for regulation of CM drugs and conducting health promotional activities. Currently, there are six SO(M)(CM) with the qualification of registered CMP employed by the DH. Please refer to Annex for details of SO(M)(CM) post and Medical and Health Officers posts employed by the DH.

There is no established CMP grade for the HA. Currently, the entry requirement for Resident is having the qualification to be a registered medical practitioner in Hong Kong under the Medical Registration Ordinance (Cap.161), its salary ranges from point 30 to 44B under the HA General Pay Scale.

Currently, the 18 Chinese Medicine Clinics cum Training and Research Centres (CMCTRs) (named as Chinese Medicine Centres for Training and Research before 1 March 2020) operate on a tripartite collaboration model involving the HA, a non-governmental organisation (NGO) and a local university. The NGOs are responsible for the day-to-day clinic operation. The CMPs of various ranks are the employees of the NGOs operating the CMCTRs. Their terms of employment and remuneration packages are determined by the respective NGOs. The CMPs at 18 CMCTRs must be registered CMPs under the Ordinance and a degree holder from a university of CM in Hong Kong or equivalent as well.

Currently, there are a total of 415 CMPs in the 18 CMCTRs. The Government has, from time to time, reviewed the remuneration packages of staff employed in the CMCTRs. At the latest review in December 2018, additional recurrent resources were allocated to increase

the salaries of staff at all levels, whereby the monthly salaries of CMPs who have practised for four to nine years were increased to not less than \$35,000, and those of CMP trainees (i.e., CMPs who have practised for less than three years) were increased by 10% to not less than \$22,000. The salaries of senior CMPs and supporting staff at various levels were raised by 5% at the same time. The Government will continue to devote more resources and review the remuneration packages and promotion opportunities for CMCTR staff, with a view to further enhancing their career prospects and promoting the development of CM (including to tie in with the new CM hospital) in Hong Kong.

- (b) advise in detail its initial thoughts on the legislative amendments to the definition of proprietary Chinese medicines under the Chinese Medicine Ordinance (Cap. 549) which sought to enhance the regulation against certain orally consumed products containing both Chinese medicines and non-Chinese medicines as active ingredients in the market.**

Under section 119 of the Ordinance, all proprietary Chinese medicines (pCms) must be registered by the Chinese Medicines Board (MB) under the CM Council of Hong Kong (CMCHK) before they can be sold, imported or possessed in Hong Kong. To be registered in Hong Kong, a pCm must fulfill the requirements regarding safety, quality and efficacy as prescribed by the CMB. Currently, “pCm” is defined in section 2(1) of the Ordinance as follows:

“proprietary Chinese medicine” (中成藥) means any proprietary product –

- (a) composed **solely** of the following as active ingredients –
 - (i) any Chinese herbal medicines; or
 - (ii) any materials of herbal, animal or mineral origin customarily used by the Chinese; or
 - (iii) any medicines and materials referred to in subparagraphs (i) and (ii) respectively;
- (b) formulated in a finished dose form; and
- (c) known or claimed to be used for the diagnosis, treatment, prevention or alleviation of any disease or any symptom of a

disease in human beings, or for the regulation of the functional states of the human body.

Over the last few years, some alluded pCm orally consumed products that did not fulfill the definition of “pCm” appeared in the market. Those products may have used the names of traditional pCm preparations, and even claimed to be used for treatment or prevention of diseases. These alluded pCm products claimed to be composed mainly of CM drug but also included other non-CM drug as active ingredients. As they are not composed solely of CM drug as active ingredients, they do not fulfill the definition of “pCm” under the Ordinance. Since their names, claims and packaging are very similar to registered pCms, the public may mistakenly purchase such products and consume them as pCm products for treatment purpose. In view of the above, the Government considers it necessary to amend the definition of pCm and related provisions under the Ordinance in order to strengthen the regulation. In order to enhance the regulation against certain orally consumed products containing both CM drug and non-CM drug as active ingredients in the market, the MB under the CMCHK set up a working group in May 2017 comprising CM experts and representatives from the CM industry and the Government Laboratory to formulate the amendment proposal and provide professional advice in this regard. Thereafter, the DH conducted more than 10 consultation sessions with the trade and other relevant stakeholders from March to August 2018. A total of about 300 submissions were received. The trade generally supported the amendment proposal recommended by the working group. The MB recommended to widen the definition of “pCm” that a product, formulated in finished dose form, composed of or claimed to be composed of any of CM drug which has significant medicinal properties or side-effects, or the public generally would not use it as food, would be regarded as “pCm”. Moreover, a product, formulated in finished dose form, presented as a traditional CM preparation will also be regarded as “pCm” regardless of its composition.

The recommended proposal to amend the definition of pCm has been endorsed by the CMCHK and the CM Development Committee respectively. We will consult the Legislative Council on the amendment proposal in due course.

We thank Members of the Subcommittee for their attention on the
aforementioned matters.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'J. Lam', with a horizontal line extending to the right.

(James LAM)
for Secretary for Food and Health

c.c.

Director of Health (Attn: Dr Christine WONG)

Chief Executive, Hospital Authority (Attn: Ms Rowena WONG)

A. Scientific Officer (Medical) (Chinese Medicine)

Registered Chinese Medicine Practitioner (CMP) is one of the entry requirements of Scientific Officer (Medical)(Chinese Medicine) (SO(M)(CM)) in the Department of Health (DH). At present, there are six SO(M)(CM) with the qualification of registered CMP mainly responsible for providing professional support for regulation of Chinese medicine (CM) drugs and conducting health promotion activities.

Salary: Master Pay Scale Point 27 to Master Pay Scale Point 44

Entry Requirements: Candidates should have -

- (a) (i) a Bachelor honours degree and a Master degree in CM drug or Pharmacy in CM from a Hong Kong university, or equivalent; or
- (ii) a Bachelor honours degree and a Master degree in Agronomy, Pharmacology or Pharmacognosy from a recognised university, or equivalent; or
- (iii) a Bachelor degree in CM from a Hong Kong university, or equivalent, and been registered as a registered Chinese medicine practitioner under the CM Ordinance, Cap 549; or
- (iv) a Bachelor honours degree and a Master degree in Chemistry or Biochemistry from a Hong Kong university, or equivalent;

and

- (b) met the language proficiency requirements of “Level 1” results in the two language papers (Use of Chinese and Use of English) in the Common Recruitment Examination, or equivalent)

B. Medical and Health Officer

Salary: Master Pay Scale Point 32 to Master Pay Scale Point 44B

Entry Requirements: Candidates should have -

- (a) a medical qualification registrable in Hong Kong under the Medical Registration Ordinance, Cap. 161;

and

- (b) met the language proficiency requirements of Level 1 or above results in the two language papers (Use of Chinese and Use of English) in the Common Recruitment Examination, or equivalent; and be able to speak fluent Cantonese and English.