立法會
Legislative Council

LC Paper No. CB(4)811/20-21
(These minutes have been seen by the Administration)

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Subcommittee on Subsidiary Legislation Relating to the Prevention and Control of Disease

Minutes of the sixth meeting held on Tuesday, 19 January 2021, at 2:30 pm in Conference Room 3 of the Legislative Council Complex

Members present	:	Dr Hon CHIANG Lai-wan, SBS, JP (Chairman) Hon YIU Si-wing, BBS (Deputy Chairman) Hon Mrs Regina IP LAU Suk-yee, GBS, JP Hon Frankie YICK Chi-ming, SBS, JP Hon CHAN Han-pan, BBS, JP Hon Elizabeth QUAT, BBS, JP Hon POON Siu-ping, BBS, MH Hon SHIU Ka-fai, JP Hon Wilson OR Chong-shing, MH Dr Hon Pierre CHAN Hon CHAN Chun-ying, JP Hon LUK Chung-hung, JP Dr Hon CHENG Chung-tai
Public Officers attending	:	Miss Amy YUEN, JP Deputy Secretary for Food and Health (Health)2 Food and Health Bureau Ms Joan HUNG Sze-man Principal Assistant Secretary for Food and Health (Health) 6 Food and Health Bureau Dr Heston KWONG Kwok-wai, JP Head, Emergency Response and Programme Management Branch Department of Health

		Mr Frank CHAN Ling-fung Assistant Director (Drug), Drug Office Department of Health
		Mr Henry CHAN Ngai-him Senior Government Counsel Department of Justice
		Miss Annet LAI Chau-mei Government Counsel Department of Justice
Clerk in attendance	**:**	Mr Colin CHUI Chief Council Secretary (4) 3
Staff in attendance	**:**	Mr Alvin CHUI Assistant Legal Adviser 3
		Ms Peggy CHUNG Council Secretary (4) 3
		Miss Ariel SHUM Legislative Assistant (4) 3

Action

I. Meeting with the Administration

[L.N. 258 of 2020, Legislative Council Brief issued by the Food and Health Bureau in December 2020, LC Paper Nos. LS26/20-21, CB(2)624/20-21(04) to (05), CB(2)647/20-21(01) and CB(2)663/2021(01) to (02)]

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

3. The Subcommittee requested the Administration to advise the detailed arrangements of the large-scale vaccination programme of the COVID-19 vaccines, such as timetable and location for vaccination, manpower arrangement as well as how the unused doses would be handled.

Action

(*Post-meeting note*: The Administration's written response had been issued to members vide LC Paper No. CB(4)413/20-21(02) on 22 January 2021.)

4. The Chairman informed members that she would move a motion at the Council meeting of 27 January 2021 to extend the scrutiny period of the subsidiary legislation under study by the Subcommittee to the Council meeting of 24 February 2021.

II. Any other business

5. There being no other business, the meeting ended at 4:38 pm.

Council Business Division 4
Legislative Council Secretariat
15 April 2021

Annex

Proceedings of the sixth meeting of the Subcommittee on Subsidiary Legislation Relating to the Prevention and Control of Disease on Tuesday, 19 January 2021, at 2:30 pm in Conference Room 3 of the Legislative Council Complex

Time marker	Speaker	Subject(s)/Discussion	Action required
Agenda item I: Meeting with the Administration			
000532-001948	Chairman Administration	Briefing by the Administration	
001949-002521	Chairman Dr CHENG Chung-tai Administration	Dr CHENG enquired whether there were any procedures for the Advisory Panel on COVID-19 Vaccines ("the Advisory Panel") to follow in making its recommendations to the Secretary for Food and Health ("the Secretary"). He also asked whether the relevant papers and information provided to the Advisory Panel would be disclosed to the public. The Administration advised that the main factors of consideration by the Advisory Panel were the safety, efficacy and quality of the vaccine. The Advisory Panel would examine the information and reports submitted by the vaccine developer before making its recommendation. The related information of the vaccine would be made available in the public domain.	
002522-003205	Ms Elizabeth QUAT Chairman Administration	Ms QUAT suggested that the Administration should provide an information kit or Frequently Asked Questions about the vaccines. She further enquired whether the Administration would procure vaccine developed by Sinopharm given that it was more convenient and easier to store and transport such vaccine. The Chairman further asked whether there was any exit clause for the advance purchase agreements ("APAs") with individual vaccine developers on supply of vaccines. The Administration explained while further information on individual vaccines would be made available in the public domain upon their authorization, general information on COVID-19 vaccines was made available at this stage to	

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		debunk rumours. On members' enquiry about the vaccine developed by Sinopharm, due to non-disclosure agreement signed with the vaccine manufacturers, the Administration could not disclose details of its discussion with individual vaccine manufacturers at this stage.	
003206-003757	Mr YIU Si-wing Administration Chairman	Mr YIU enquired whether there were any criteria for the Advisory Panel to follow in making its recommendations to the Secretary. He urged that the relevant papers and information provided to the Advisory Panel should be disclosed to the public. He also enquired whether the quantity of vaccines procured under APAs could be adjusted. The Administration advised that the main factors of consideration by the Advisory Panel were the safety, efficacy and quality of the vaccine. The relevant information of the vaccine would be made available in the public domain.	
003758-004340	Mr LUK Chung-hung Administration Chairman	Mr LUK asked about information on the clinical tests of the vaccines and asked whether people at high risk of exposure to COVID-19 virus and whether people who needed to travel frequently could be included in the priority groups for vaccination. The Administration advised that it would accord priority for vaccination to groups which had higher risks of coming into contact with the COVID-19 virus, groups which had greater mortality rates after contracting the disease, and/or groups which might easily transmit the virus to the vulnerable or weak if infected. Besides the priority groups, the Administration would basically arrange vaccination for citizens according to their age groups, starting with relatively older persons and gradually extending to younger groups.	
004341-005036	Mr CHAN Chun-ying Administration Chairman	Mr CHAN was concerned whether there was sufficient manpower for the vaccination programme. He worried that private doctors might be reluctant to participate in the programme if vaccine recipients needed to stay in the clinics concerned for about 30 minutes to enable the staff of the clinics to observe whether the recipients suffered from any	

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		adverse side effects. Such observation arrangement might adversely affect the business of the private doctors. Mr CHAN asked whether the Administration would provide incentives to the public in order to encourage them to receive vaccination. The Chairman also asked whether private doctors would be remunerated for administering the vaccination. The Administration clarified that the max 30-minute observation period would be for the FosunPharma/BioNTech vaccine which would be administered in Community Vaccination Centres ("CVCs"), while private doctors will be mainly responsible for administering in their clinics vaccines developed by Sinovac and AstraZeneca following the arrangements for seasonal influenza vaccination, for which the duration of the observation was not yet confirmed. The industry had been supportive of the vaccination programme and the Administration did not envisage major problems caused by the vaccination to the normal operation of the clinics concerned. The doctors concerned would receive a reimbursement from the vaccination programme. The Administration would encourage private doctors to participate in the work of CVCs.	
005037-011024	Mr POON Siu-ping Mr SHIU Ka-fai Mr Wilson OR Chairman Administration	Mr POON, Mr SHIU, Mr OR and the Chairman asked when the vaccination programme would be launched. The Administration estimated that starting in late February 2021, members of the public could get vaccinated under a vaccination programme led by the Administration. The Administration's goal was to provide vaccines for the majority of the population within 2021. In view that the FosunPharma/BioNTech vaccine had more stringent requirements for transport and storage and also required correct thawing procedures, the Administration would set up CVCs to ensure the quality of the vaccines and that the vaccination procedures adhered to requirements. For vaccines developed by Sinovac and AstraZeneca, it was planned that	

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		the vaccination would be provided through private hospitals and clinics, following the arrangements for seasonal influenza vaccination.	
011025-011717	Dr CHENG Chung-tai Administration Chairman	Dr CHENG asked whether the public could choose the type of vaccine to be received. The Administration replied that if members of the public prefer a particular type of vaccine, they could pick a location for vaccination where the vaccine of their choice would be available**.**	
011718-012217	Mr Wilson OR Administration	Mr OR requested the Administration to advise the detailed arrangements of the large-scale vaccination programme of the COVID-19 vaccines, such as timetable and location for vaccination, manpower arrangement as well as how the unused doses would be handled. The Administration advised that the relevant information had been uploaded onto the Government's "COVID-19 Thematic Website", and a thematic website would be set up for the vaccination programme, so that members of the public could have access to correct and most updated information on vaccines from an official channel.	Supplementary information was provided by the Administration on 22 January 2021 vide LC Paper No. CB(4)413/20-21(02)
012218-012720	Mr CHAN Chun-ying Administration Chairman	Mr CHAN asked whether members of the public were required to receive 2 doses of vaccine at the same location. The Administration pointed out that according to the current plan, the vaccine administrated at CVCs would be different from that at the private clinics. Hence, members of the public were to receive the two doses of vaccines at the same location. They would be required to make at the same time online appointments for both doses. The recipients would have an electronic record after vaccination and they would be reminded through SMS of the date and time for receiving the second dose of vaccines.	
012721-013314	Dr CHENG Chung-tai Administration Chairman	In response to Dr CHENG's concern, the Administration stated that the vaccination would be on a voluntary basis instead of compulsory.	

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013315-013707	Chairman Administration	Section-by-section examination Members examined the provisions of the Prevention and Control of Disease (Use of Vaccines) Regulation (L.N. 258 of 2020) in detail. Section 1 – Commencement Members raised no question on the above clause. Section 2 – Interpretation The Chairman sought clarification on the definitions of "authorized vaccine" and "non-registered vaccine". The Administration clarified that "authorized vaccine" referred to vaccines authorized under the Prevention and Control of Disease (Use of Vaccines) Regulation (Cap. 599K), and "non-registered vaccine" referred to vaccine not registered under the Pharmacy and Poisons Regulations (Cap. 138A).	
013708-020119	Administration Dr CHENG Chung-tai Chairman Mrs Regina IP	Section 3 - Secretary may authorize vaccine for specified purpose Dr CHENG sought clarification on the Chinese wording "顧及" used at section 3(3). The Administration clarified that "須" used before "顧及" had the same meaning of "must" used before "having regard" in the English version. Mrs IP enquired about the definition of "quality" used in section 3(3)(c) and sought clarification on the wording "may" used in section 3(4). The Administration advised that the manufacturer of the vaccine applying for an authorization must comply with the Good Manufacturing Practice ("GMP") and the vaccine concerned must fulfill certain quality standards. The manufacturer also had to perform regular testing on the vaccine. For the wording "may", the Administration advised that the authorization might be given only if all	

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		the provisions of subsections (a), (b) and (c) of section 3(4) had been complied with. The Chairman sought clarification on whether all the conditions set out in section 3(4)(a)(i) and (ii) must be met. The Administration clarified that either one of the conditions set out in section 3(4)(a)(i) or (ii) was required to be met. The Chairman asked whether approval was required to be sought from the Chief Executive ("CE") for an authorization granted by the Secretary for Food and Health ("SFH") under section 3. The Administration replied that the legal framework of the Regulation was approved by the Chief Executive-in-Council and CE's approval was not required for the individual authorization. Dr CHENG enquired whether the batch code, production date and expiry date of the vaccine authorized under section 3 were required to be published in the Gazette under section 3(6). The Administration advised that such information would be disclosed to the public through other channels.	
020120-020430	Administration Assistant Legal Adviser 3 ("ALA")	<u>Section 4 - Conditions of authorization</u> Members raised no questions on the clause. <u>Section 5 - Effective period of authorization</u> ALA noted that under section 5(2), the authorization of vaccine would be valid for a period of 12 months and such period might be extended each time for a period of six months, without limitation to the number of such extension. ALA sought clarification on whether the arrangement would be contrary to the legislative intent that the authorization should be made on an emergency basis for a limited period of time. He asked whether such arrangement would become a "shortcut" whereby the manufacturer of a vaccine did not meet the requirements imposed under Cap.	

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		138A. The Administration replied that the factors for consideration by SFH in determining whether to extend the effective period of authorization were in line with those in determining whether to authorize the vaccine concerned.	
020431 020631	Administration Chairman	<u>Section 6 - Revocation of authorization</u> Members raised no questions on the clause. <u>Section 7 - Use of vaccine</u> Noting that a monitoring mechanism must be put in place under section 7(3) if authorized vaccines were administered to recipients in Hong Kong for a specified purpose, the Chairman enquired whether such mechanism had already been established. The Administration replied that based on the existing monitoring mechanism, it was working on the setting up of an enhanced monitoring mechanism for the COVID-19 vaccines.	
020632- 021134	Dr Pierre CHAN Chairman Administration	<u>Section 8 - Authorized vaccine to be administered with informed consent</u> Dr CHAN expressed concerned about how a medical doctor administering the vaccine could obtain an informed consent of a recipient if the information about the vaccine was incomplete. The Administration explained that for the purpose of obtaining an informed consent of a recipient, it would provide a standard information kit which would be for use by both the healthcare staff administering the vaccine in CVCs and those in private hospitals and clinics. The information kit, which contained information about the side effects and characteristics of individual vaccine and other information which a recipient might need to know, would be available before the launch of the vaccination programme. Such information would also be accessible online for perusal by members of the public when they made appointments for vaccination. New	

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		development and updated information of the relevant vaccines collected under the monitoring mechanism put in place under section 7(3) of the Regulation would be made public if necessary.	
Agenda item II: Any other business			
021135-021224	Chairman	Concluding remarks	

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