

立法會
Legislative Council

LC Paper No. LS 55/00-01

**Paper for the House Committee Meeting of the
Legislative Council
on 9 February 2001**

**Legal Service Division Report on
Resolution under section 29 of the
Pharmacy and Poisons Ordinance (Cap. 138)**

The Secretary for Health and Welfare has given notice to move a motion at the meeting of the Legislative Council on 21 February 2001. The purpose of this motion is to seek the Council's approval to approve the Poisons List (Amendment) Regulation 2001 and the Pharmacy and Poisons (Amendment) Regulation 2001 which are made by the Pharmacy and Poisons Board under section 29 of the Pharmacy and Poisons Ordinance (Cap. 138) (the Ordinance).

2. By these two Amendment Regulations, three new substances, i.e. Brinzolamide, Cilostazol, Lercanidipine and their salts are added to part A of Part I of the Poisons List, and the First and Third Schedules to the Pharmacy and Poisons Regulations. This means that pharmaceutical products containing any of these substances must be sold in pharmacies under the supervision of registered pharmacies and in their presence, with the support of prescriptions.

3. The Pharmacy and Poisons (Amendment) Regulation 2001 also makes another amendment on the control of Phenylpropanolamine (PPA). Members may recall that in the Council meeting on 29 November 2000, a Member had asked whether the Administration would legislate against the use of PPA since the Food and Drug Administration of the United States had decided to legislate against the use of PPA in drugs (Legislative Council Question No. 18). The Secretary for Health and Welfare mentioned in his written reply that in a recent study conducted by United States scientists, an increased risk of haemorrhagic stroke (internal bleeding of the brain) among women using PPA was detected. There would be additional control measures on PPA in Hong Kong.

4. Section 1(a) of the Pharmacy and Poisons (Amendment) Regulation 2001 now imposes additional control on PPA. PPA, though included in the Poisons List, was not included in the First Schedule of the Regulation. By including PPA into part A of the First Schedule of the Regulation, section 22 of the Ordinance and section 19(2) of the Regulation are to apply. Hence, every authorised seller of

poisons has to store and lock up PPA and make a record of the sale of PPA in the poisons book and every purchaser has to affix his signature to the entry in the poisons book. Any authorized seller of poisons who fails to make record of the sale of PPA shall be guilty of an offence and shall be liable on conviction to a fine of \$5,000.

5. The two Amendment Regulations will come into operation on the day when they are published in the Gazette after being approved by this Council. The legal and drafting aspects of the proposed motion are in order.

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