

**立法會**  
***Legislative Council***

LC Paper No. LS74/01-02

**Paper for the House Committee Meeting  
on 12 April 2002**

**Legal Service Division Report on  
Motion 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 Council meeting on 24 April 2002. The motion seeks the Legislative Council to approve the Pharmacy and Poisons (Amendment) Regulation 2002 and the Poisons List (Amendment) Regulation 2002 ("the Amendment Regulations"), both made by the Pharmacy and Poisons Board ("the Board") pursuant to section 29 of the Pharmacy and Poisons Ordinance (Cap. 138).

2. According to the draft speech of the Secretary for Health and Welfare, the Amendment Regulations seek to add 6 new medicines to Part I of the Poisons List, and the First and Third Schedules to the Pharmacy and Poisons Regulations. Their addition means that pharmaceutical products containing any of these 6 substances must be sold in pharmacies by or under the supervision of a registered pharmacist and in his presence, with the support of prescriptions given by a registered medical practitioner, registered dentist or registered veterinary surgeon.

3. In addition, the Board proposes to re-classify nicotine by transferring it from Part I to Part II of the Poisons List where it is intended to be used in nicotine replacement therapy and in the form of chewing gum containing not more than 2mg of Nicotine. As a consequence, products containing Nicotine would be allowed to be sold by an authorized seller of poisons or by a listed seller of poisons. According to paragraph 6 of the draft speech of the Secretary for Health and Welfare, it is intended that the proposed relaxation of control of Nicotine would make these products more accessible to smokers who intend to give up smoking.

4. The Board considers that the proposed amendments necessary in view of the potency, toxicity and potential side-effects of the medicines concerned.

5. Upon the request of the Legal Service Division, the Administration has provided some information on the relevant substances (copy attached) to assist Members' consideration.

6. The two Regulations will come into operation on the day they are published in the Gazette after being approved by the Legislative Council.

7. The two Amendment Regulations are in order from the legal point of view.

Encl

Prepared by

CHENG Kit-yee Kitty  
Assistant Legal Adviser  
Legislative Council Secretariat  
9 April 2002

By Fax (2877 5029) and By Post

Your ref.: LS/R/7/01-02

Tel.: 2973 8118

Our ref.: (29) in L/M to HWB/M/23/4 Pt.10 (96)

Fax: 2840 0467

11 April 2002

Miss Kitty CHENG  
Senior Assistant Legal Adviser  
Legal Service Division  
Legislative Council Secretariat  
Legislative Council Building  
8 Jackson Road, Central  
Hong Kong

Dear Mr LEE,

**Poisons List (Amendment) Regulation 2002 and  
Pharmacy and Poisons (Amendment) Regulation 2001**

— Thank you for your letter of 28 March. I am happy to  
enclose, **at Annex**, supplementary information regarding the  
captioned Amendment Regulations for your onward submission to  
Members. Please kindly let me know if you need any further  
information.

Yours sincerely,

(Miss Noel TSANG)  
for Secretary for Health and Welfare

c.c. Clerk to the House Committee (fax: 2509 0775)

Director of Health (Attn: Mr Anthony CHAN, fax: 2834 5117)



**Poisons List (Amendment) Regulation 2002**

**Pharmacy and Poisons (Amendment) Regulation 2002**

**Supplementary Information to the LegCo House Committee**

《2002年毒藥表（修訂）規例》

《2002年藥劑業及毒藥（修訂）規例》

提交立法會內務委員會的補充資料

Drug Name 藥名	Proposed Classification 建議類別	Reason 原因
Galantamine 加蘭他敏	Part I, First and Third Schedules poison 第一部附表一及附表三毒 藥	This medicine is used for the treatment of mild to moderately severe dementia of the Alzheimer type. A doctor's decision is required for whether or not to use this medicine.  此藥用作治療溫和至適度嚴重阿耳茨海默氏痴呆(早老性痴呆)。選用此藥需經醫生決定。

Drug Name 藥名	Proposed Classification 建議類別	Reason 原因
Eletriptan <未有>	Part I, First and Third Schedules poison 第一部附表一及附表三毒藥	<p>This medicine is used for the acute treatment of migraine headache with or without aura. This drug should be used only where a positive diagnosis of migraine has been established by a doctor.</p> <p>此藥用作急性治療有先兆的或無先兆的偏頭痛。需經醫生清楚診斷有偏頭痛時，才能使用此藥物。</p>
Gatifloxacin 加替沙星	Part I, First and Third Schedules poison 第一部附表一及附表三毒藥	<p>This medicine is used for the treatment of infections caused by certain micro-organisms. Use without medical advice or supervision may result in drug resistance developing in these micro-organisms.</p> <p>此藥用作治療某些細菌所引起的感染。未經醫生指示下使用此藥可引致這些細菌產生抗藥性。</p>
Imatinib <未有>	Part I, First and Third Schedules poison 第一部附表一及附表三毒藥	<p>This medicine is used for the treatment of patients with chronic myeloid leukaemia. The drug should only be used after proper diagnosis of the disease by a doctor.</p> <p>此藥用作治療慢性骨髓白血病。必需經醫生正確診斷此病症後，才可用此藥。</p>

Drug Name 藥名	Proposed Classification 建議類別	Reason 原因
<b>Tenecteplase</b> <未有>	Part I, First and Third Schedules poison 第一部附表一及附表三毒藥	This medicine is used for the treatment of myocardial infarction. Use of this medicine requires careful medical monitoring.  此藥用於心臟血管栓塞。用此藥時，醫護人員需要小心觀察病人。
<b>Tiagabine</b> 噻加賓	Part I, First and Third Schedules poison 第一部附表一及附表三毒藥	This medicine is used for treatment of epilepsy. A doctor's decision is required for whether or not to use this medicine.  此藥用作治療癲癇症。選用此藥需經醫生決定。