

**立法會**  
*Legislative Council*

LC Paper No. LS48/04-05

**Paper for the House Committee Meeting  
on 22 April 2005**

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

The Secretary for Health, Welfare and Food ("the Secretary") has given notice to move a motion at the Council meeting on 4 May 2005. The motion seeks the Legislative Council's approval of the Pharmacy and Poisons (Amendment) Regulation 2005 and the Poisons List (Amendment) Regulation 2005, both made by the Pharmacy and Poisons Board ("the Board") on 9 April 2005 pursuant to section 29 of the Pharmacy and Poisons Ordinance (Cap. 138).

2. According to the draft speech of the Secretary, the Pharmacy and Poisons (Amendment) Regulation 2005 and the Poisons List (Amendment) Regulation 2005 seek to add 6 new drugs/medicines, i.e. Aripiprazole, Atomoxetine and its salts, Bortezomib, Cetuximab, Nicotinic acid and its salts (only when contained in pharmaceutical products the recommended daily dose of which contains more than 200mg of nicotinic acid) and Pemetrexed, its salts, its esters and their salts to part A of the First and Third Schedules to the Pharmacy and Poisons Regulations and part A of Part I of the Poisons List. The Secretary has provided, in addition to his draft speech, supplementary information on these 6 new drugs/medicines, which is attached for Members' reference (see Annex). Their addition means that pharmaceutical products containing any of these 6 substances (nicotinic acid and its salts are subject to the restrictions only when they are contained in pharmaceutical products and the recommended daily dose of the products contains more than 200 mg of nicotinic acid) 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. The Board considers that the proposed amendments necessary in view of the potency, toxicity and potential side-effects of the medicines concerned.

4. The two Amendment Regulations shall come into operation on the day when they are published in the Gazette after being approved by the Legislative Council.

5. The Panel on Health Services has not been consulted on the two Amendment Regulations.

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

Encl

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