

**立法會**  
**Legislative Council**

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Tel : 2869 9205

Date : 4 May 2006

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

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**Council meeting of 24 May 2006**

**Proposed resolution under  
the Pharmacy and Poisons Ordinance**

I forward for Members' consideration a proposed resolution which the Secretary for Health, Welfare and Food will move at the Council meeting of 24 May 2006 under the Pharmacy and Poisons Ordinance relating to:

- (a) the Pharmacy and Poisons (Fee Revision) Regulation 2006;  
and
- (b) the Pharmacists (Disciplinary Procedure) (Fee Reduction) Regulation 2006.

The President has directed that "it be printed in the terms in which it was handed in" on the Agenda of the Council.

2. The speech, in both English and Chinese versions, which the Secretary for Health, Welfare and Food will deliver when moving the proposed resolution, is also attached.

(Ray CHAN)  
for Clerk to the Legislative Council

Encl.

# PHARMACY AND POISONS ORDINANCE

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## **RESOLUTION**

(Under section 29 of the Pharmacy and Poisons Ordinance (Cap. 138))

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RESOLVED that the following Regulations, made by the Pharmacy and Poisons Board on 2 May 2006, be approved –

- (a) the Pharmacy and Poisons (Fee Revision) Regulation 2006; and
- (b) the Pharmacists (Disciplinary Procedure) (Fee Reduction) Regulation 2006.

## **PHARMACY AND POISONS (FEE REVISION) REGULATION 2006**

(Made by the Pharmacy and Poisons Board under section 29  
of the Pharmacy and Poisons Ordinance (Cap. 138)  
subject to the approval of the Legislative Council)

### **1. Commencement**

This Regulation shall come into operation on 1 July 2006.

### **2. Fees**

The Ninth Schedule to the Pharmacy and Poisons Regulations (Cap. 138 sub. leg. A) is amended –

- (a) in item 4, by repealing “500” and substituting “1,000”;
- (b) in item 5, by repealing “1,390” and substituting “1,310”;
- (c) in item 6, by repealing “395” and substituting “455”;
- (d) in item 7, by repealing “375” and substituting “430”;
- (e) in item 8, by repealing “225” and substituting “250”;
- (f) in item 9, by repealing “1,220” and substituting “625”;
- (g) in item 10, by repealing “1,340” and substituting “2,680”;
- (h) in item 11, by repealing “550” and substituting “1,100”;
- (i) in item 13, by repealing “500” and substituting “575”;
- (j) in item 14, by repealing “500” and substituting “180”;
- (k) in item 15, by repealing “120” and substituting “140”;
- (l) in item 16, by repealing “1,760” and substituting “2,020”;
- (m) in item 18, by repealing “1,290” and substituting “1,420”;
- (n) in item 19, by repealing “1,290” and substituting “1,420”;
- (o) in item 20, by repealing “780” and substituting “720”;
- (p) in item 21, by repealing “190” and substituting “220”.

Chairman,  
Pharmacy and Poisons Board

2 May 2006

### **Explanatory Note**

This Regulation amends the Ninth Schedule to the Pharmacy and Poisons Regulations (Cap. 138 sub. leg. A) (“the Regulations”) –

- (a) to reduce the fees payable for the retention of premises on the register of premises, annual licence for wholesale dealers in poisons, Free Sale Certificate of Pharmaceutical Product and an application for registration as an importer or exporter of pharmaceutical products; and
- (b) to increase the fees payable for the registration of premises of an authorized seller of poisons, annual licence for manufacturers, Certificate of Pharmaceutical Product, Certificate and Interim Certificate for Manufacturer, certificate for clinical trial or medicinal test and a duplicate of any certificate and fees for like purposes under the Pharmacy and Poisons Ordinance (Cap. 138) and the Regulations.

**PHARMACISTS (DISCIPLINARY PROCEDURE)  
(FEE REDUCTION) REGULATION 2006**

(Made by the Pharmacy and Poisons Board under section 29  
of the Pharmacy and Poisons Ordinance (Cap. 138)  
subject to the approval of the Legislative Council)

**1. Commencement**

This Regulation shall come into operation on 1 July 2006.

**2. Record of proceedings**

Regulation 4(2) of the Pharmacists (Disciplinary Procedure) Regulations (Cap. 138 sub. leg. E) is amended by repealing “\$73” and substituting “\$43”.

Chairman,  
Pharmacy and Poisons Board

2 May 2006

**Explanatory Note**

This Regulation amends regulation 4 of the Pharmacists (Disciplinary Procedure) Regulations (Cap. 138 sub. leg. E) to reduce the fee payable for each folio of 72 words or part thereof of a verbatim record of proceedings of an inquiry held by the Disciplinary Committee of pharmacists.

**SPEECH BY  
THE SECRETARY FOR HEALTH, WELFARE AND FOOD  
AT THE LEGISLATIVE COUNCIL  
ON 24 MAY 2006**

**Pharmacy and Poisons Ordinance (Cap 138)**

**Pharmacy and Poisons (Fee Revision) Regulation 2006**

**Pharmacists (Disciplinary Procedure)  
(Fee Reduction) Regulation 2006**

Madam President,

I move that the Pharmacy and Poisons (Fee Revision) Regulation 2006 and the Pharmacists (Disciplinary Procedure) (Fee Reduction) Regulation 2006 as set out under my name in the paper circulated to Members be approved.

2. Fees relating to registration of pharmaceutical products and licensing of concerned traders and manufacturers are prescribed under Schedule 9 to the Pharmacy and Poisons Regulations. Fee relating to verbatim record of proceedings of an inquiry held by the Disciplinary Committee of pharmacists is prescribed under regulation (4)(2) of the Pharmacists (Disciplinary Procedure) Regulations. Most of these fees were last revised in 1994.

3. It is Government policy that fees should in general be set at levels sufficient to recover the full cost of providing the services. However, most of the fees and charges have been frozen since 1998 as an exceptional measure to alleviate the financial burden on the public in times of economic difficulty. As the economy is gradually picking up, in line with the “user pays” principle, the Financial Secretary in his 2004-05 Budget Speech indicated the need to resume the revision of government fees and charges. Based on the costing reviews, fees will either be increased to achieve full-cost recovery by phases or reduced to reflect the full cost in one go.

4. A costing exercise was conducted to review the costs of the fee items under the Pharmacy and Poisons Regulations and the Pharmacists (Disciplinary Procedure) Regulations. In the light of the outcome, we propose to increase the fees of 12 items and reduce the fees of 5 items.

5. The Legislative Council Panel on Health Services was consulted in April on the fee revision proposals. Members generally raised no objection to the proposals but has asked the Administration to reconsider the fee increase for three items, namely, application for registration of a pharmaceutical product or substance, annual licence for manufacturers of pharmaceutical products, and registration of premises of an authorized seller of poisons. The existing cost recovery rate of the three items ranges from 7% to 20% of full cost and we proposed an increase with a recovery ranging from 8% to 25%. Members considered that Government should not heavily subsidize private business operators and should seek to recover the full cost in a timely manner.

6. To address Members concerns, we now propose to increase the fees by a larger magnitude with increases in dollar terms ranging from \$500 to \$1,340 and to achieve the cost recovery rate ranging between 13% to 41%.

7. The Amendment Regulations now before Members seek to amend the fees of 17 items specified in the Pharmacy and Poisons Regulations and the Pharmacists (Disciplinary Procedure) Regulations.

8. With these remarks, Madam President, I move the motion.