

立法會
Legislative Council

LC Paper No. LS66/05-06

**Paper for the House Committee Meeting
on 12 May 2006**

**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 Legislative Council meeting to be held on 24 May 2006 to seek the Legislative Council’s approval of the following Regulations so as to revise the fees of 17 items provided in the Pharmacy and Poisons Regulations (Cap. 138 sub. leg. A) and Pharmacists (Disciplinary Procedure) Regulations (Cap. 138 sub. leg. E):-

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

2. The draft speech of the Secretary reiterates the Administration’s policy that fees should in general be set at levels sufficient to recover the full cost of providing the services. On the basis of the costing reviews, the Administration will either increase fees to achieve full-cost recovery by phases or reduce them to reflect the full costs in one go.

Pharmacy and Poisons (Fee Revision) Regulation 2006

3. The Ninth Schedule to the Pharmacy and Poisons Regulations prescribes the fees for registration of pharmaceutical products and licensing of relevant dealers and manufacturers. The Administration seeks to increase the fees of 12 items and reduce the fees of 4 items. Most of these fees were last revised in 1994.

4. The proposed revision of fees was amongst the items of “Revisions of fees and charges for services not directly affecting people’s livelihood under the purview of Department of Health” considered at the meeting of the Panel on Health Services held on 10 April 2006. Members of the Panel did not raise any specific objection to the proposed revision of the fees. However, a member was of the view that it was unreasonable that the cost recovery rate for fees relating to commercial products and activities was much lower than that for registration of health care professionals, for instance, the existing cost recovery rate for fees relating to registration of premises of an

authorized seller of poisons and to the appeal hearing by the Pharmacy and Poisons Appeal Tribunal was only 20% and 3% respectively.

5. As a result of the discussions at the above Panel meeting, the Administration reconsidered the following items and proposed the following increases:-

<i>Item (Ninth Schedule to Cap. 138 sub. leg. A)</i>	<i>Description</i>	<i>Existing Fee (\$)</i>	<i>Initial Proposed Fee (\$)</i>	<i>Present Proposed Fee (\$)</i>
4	Registration of premises of an authorized seller of poisons	500	600	1,000
10	Annual licence for manufacturers	1,340	1,610	2,680
11	Application for registration of a product	550	660	1,100

6. According to the draft speech of the Secretary, the proposed larger increases in these three items of fees will achieve a cost recovery rate ranging from 13% to 41% (para. 6).

Pharmacists (Disciplinary Procedure) (Fee Reduction) Regulation 2006

7. The Administration also seeks to amend regulation 4 of the Pharmacists (Disciplinary Procedure) Regulations to reduce the fee (from \$73 to \$43) payable for each folio of 72 words or part thereof of a verbatim record of an inquiry held by the Disciplinary Committee of pharmacists if such verbatim record has been prepared.

8. The Administration proposes that these Regulations to come into operation on 1 July 2006.

9. The drafting of the proposed Regulations presents so problem.

Prepared by

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