

**立法會**  
**Legislative Council**

LC Paper No. LS100/05-06

**Paper for the House Committee Meeting  
on 30 June 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 Council meeting on 12 July 2006. The motion seeks the Legislative Council’s approval of the Pharmacy and Poisons (Amendment) (No. 3) Regulation 2006 and the Poisons List (Amendment) (No. 3) Regulation 2006, both made by the Pharmacy and Poisons Board (“the Board”) on 26 June 2006 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) (No. 3) Regulation 2006 and the Poisons List (Amendment) (No. 3) Regulation 2006 seek to:

- (a) add 3 new drugs/medicines, i.e. Alemtuzumab, Rotavirus vaccines and Deferasirox, 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 Schedule to the Poisons List Regulations; and
- (b) remove benzocaine when it is contained in condoms from part A of Part I of the Schedule to the Poisons List Regulations and reclassify it to part A of Part II of that Schedule.

3. The Secretary has provided, in addition to his draft speech, supplementary information on the 3 new drugs/medicines. Their addition means that pharmaceutical products containing any of these 3 substances must be sold in premises of authorized sellers of poisons by registered pharmacists or in his presence and under his supervision, with the support of prescriptions.

4. The reclassification of benzocaine when it is contained in condoms in the Poisons List means that the sale of condoms containing benzocaine is not required to be conducted on premises of authorized sellers of poisons by registered pharmacists or in his presence and under his supervision. The Board considers that the amount of Benzocaine in condoms is far below the toxic dose and that the risk of over-dosage of Benzocaine from condoms is very low.
5. The two Amendment Regulations shall come into operation on the day when they are proposed to be published in the Gazette on 14 July 2006 after being approved by the Legislative Council.
6. The Panel on Health Services has not been consulted on the two Amendment Regulations.
7. No difficulties relating to the legal and drafting aspects of the two Amendment Regulations have been identified.

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