

立法會
Legislative Council

LC Paper No. LS50/09-10

**Paper for the House Committee Meeting
on 5 March 2010**

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

The Secretary for Food and Health (the Secretary) has given notice to move a motion at the Council meeting on 17 March 2010. The motion seeks the Legislative Council's approval of the Pharmacy and Poisons (Amendment) Regulation 2010 and the Poisons List (Amendment) Regulation 2010 (collectively the Amendment Regulations), both made by the Pharmacy and Poisons Board (the Board) on 22 February 2010 under section 29 of the Pharmacy and Poisons Ordinance (Cap. 138).

2. The Amendment Regulations seek to add "Desvenlafaxine; its salts" and "Dronedarone; its salts" (collectively the Substances) in Division A in both the First and Third Schedules to the Pharmacy and Poisons Regulations (Cap. 138 sub. leg. A) and to Division A in Part I of the Schedule to the Poisons List Regulations (Cap. 138 sub. leg. B) respectively.

3. The addition of the Substances to the Pharmacy and Poisons Regulations means that the sale, supply, labelling and storage of the Substances are subject to certain restrictions. On the other hand, the addition of the Substances to the Poison List Regulations means that poisons containing the Substances can only be sold on registered premises of an authorized seller of poisons by a registered pharmacist or in the pharmacist's presence and under the pharmacist's supervision.

4. The Secretary has provided, in addition to his draft speech, supplementary information on the Substances. According to the information, the use of the Substances is for treating major depression in adults and for patients with atrial fibrillation respectively. Their use should be judged by a doctor.

5. According to the draft speech of the Secretary, the Board considers the proposed amendments necessary in view of the potency, toxicity and potential side effects of the medicine concerned.

6. The Amendment Regulations are to come into operation on the day of publication in the Gazette after having been approved by the Legislative Council. The Secretary has proposed gazettal on 19 March 2010.
7. Neither the public nor the Panel on Health Services has been consulted on the Amendment Regulations.
8. No difficulties relating to the legal and drafting aspects of the Amendment Regulations have been identified.

Prepared by

LEE Ka-yun, Kelvin
Assistant Legal Adviser
Legislative Council Secretariat
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LS/R/10/09-10