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Legislative Council

LC Paper No. LS84/09-10

Paper for the House Committee Meeting
on 2 July 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 14 July 2010. The motion seeks the Legislative Council's approval of the Pharmacy and Poisons (Amendment) (No. 3) Regulation 2010 and the Poisons List (Amendment) (No. 3) Regulation 2010 (collectively the Amendment Regulations), both made by the Pharmacy and Poisons Board (the Board) on 21 June 2010 under section 29 of the Pharmacy and Poisons Ordinance (Cap. 138).

2. The Amendment Regulations seek to add six substances, namely, agomelatine and its salts, galsulfase, golimumab, nebivolol and its salts, saxagliptin and its salts, and tolvaptan (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 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 provided, each of the Substances can be used to treat specific diseases. These diseases include major depression and mucopolysaccharidosis VI. The Substances should only be used upon medical judgment.

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 a medicine containing any of the Substances.

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 16 July 2010.

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

8. No difficulties relating to the legal and drafting aspects of the Amendment Regulations have been identified.

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