

**立法會**  
**Legislative Council**

LC Paper No. LS96/09-10

**Paper for the House Committee Meeting  
On 8 October 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 20 October 2010. The motion seeks the Legislative Council's approval of the Pharmacy and Poisons (Amendment) (No. 4) Regulation 2010 and the Poisons List (Amendment) (No. 4) Regulation 2010 (collectively the Amendment Regulations), both made by the Pharmacy and Poisons Board (the Board) on 13 September 2010 under section 29 of the Pharmacy and Poisons Ordinance (Cap. 138).

2. The Amendment Regulations seek to add three substances, namely, dapoxetine and its salts, indacaterol, its salts, its esters and their salts and plerixafor and 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 by a registered pharmacist or in the pharmacist's presence and under the pharmacist's supervision.

4. According to Annex B of the LegCo Brief issued by the Food and Health Bureau in September 2010 (File Ref: FHB/H/23/4), the Substances can be used respectively for treatment of premature ejaculation in men between 18 and 64 years old, keeping the airways open in adults with chronic obstructive pulmonary disease and helping to collect haematopoietic stem cells (cells in the bone marrow that can develop into different types of blood cells) for transplantation. The Substances should only be used upon medical judgment.

5. According paragraph 3 of the LegCo Brief, the Board considers the proposed amendments appropriate in view of the potency, toxicity and potential side effects 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 22 October 2010.

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

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

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