



香港藥劑專科學院

HONG KONG ACADEMY OF PHARMACY

4/F, Duke of Windsor Social Service Building, 15 Hennessy Road, Wanchai, Hong Kong.

Phone: (852) 8100 3010 Email: hkacademyofpharmacy@gmail.com

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Dear Legislative Council Members,

The Hong Kong Academy of Pharmacy is a professional body to train and certify specialist pharmacists in HK.

The healthcare environment will be more challenging in the future when in 20 years time, one out of three people will be aged 65 or above and in need of more primary healthcare services from a multi-disciplinary team of healthcare professionals.

The modern community pharmacy is an important part of the primary healthcare system when different healthcare professionals work to provide more services than dispensing including dietitians service, Chinese medical practitioner consultation and Chinese medicine dispensing services, and infant, adults, and elderly nutrition, and personal needs and over-the-counter medicines, face masks, insect repellents and other disease prevention products retailing services.

It is the right of the public to continue to receive these primary health services after the dispensing department closes.

It is the right of the primary healthcare professional to continue to practice after the pharmacist leaves. It is the right of the pharmacy owner to have other services and conduct retailing after one part of the pharmacy business is closed.

It is the right of the Hong Kong public to have an efficient and cost-effective system to provide primary healthcare services to them.

Hong Kong's pharmacy must keep up with the times and be able to serve better the needs of the public of Hong Kong so we do not support the recommendation 30 of the Review Committee that the Registered pharmacist should be present at authorized seller of poisons ("ASP") whenever an ASP is open for business.

Additionally, the laws relating to retail pharmacy practice need to be practical, reasonable, and fair to protect both the patient and the pharmacist.

We do not support Recommendation 31 that only the pharmacist should hold the key to the locked receptacle of the premises of the ASP because it is inappropriate in the Hong Kong legal context.

According to the law, the pharmacist may be an employee hired by a non-pharmacist owner, one can not reasonably expect that the employee pharmacist or any other employee to ensure that his key is the owner key as he is not the owner of the key itself.

Additionally, one can not be expect that the employee pharmacist or any other employee to be able to exercise more personal control of the pharmacy premises than the owner of the premises. Therefore,



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the only key to the locked receptacles of the ASP premises should be kept by the more appropriate person which is the owner and the person that should exercise personal control of the ASP premises should also be the owner instead of the pharmacist.

For recommendation 32 to "Add a provision in the PPO for the issuance and revision of the COP for ASPs in order to give a legal status to the COP to enhance monitoring on the operation of ASPs; and to introduce a COP for listed sellers of poisons ("LSP") which should enjoy the same legal status as the COP for ASPs.", we believe there is no need to give a legal status to the COP for ASP and LSP for the purpose of enhancing monitoring on the operation of the ASP and LSP.

As the COP and the regulations should be the same, the law should already be able to enable the regulators and law enforcement to monitor the operation of the ASP and LSP.

As the COP can be easily amended through the Pharmacy and Poisons Board with out going through the legislative council and public consultation, giving a legal status to the COP would equate to providing a mechanism to bypass the legislative council to ensure for due process to change the requirements of the law.

Finally, we would like to bring to the attention of the legislative council that the current law already requires orders in writing while allowing for urgent orders to be delivered first and having the order in writing within 48 hours to be furnished to the supplier and as all developed countries including the USA, Australia, and UK, do not have laws and practice to require mandatory written orders for drugs, we do not support to amend the law any further at this point in time but we recommend that qualifications of the persons placing drug orders and receiving drug orders be of a higher and appropriate level as there are no requirements for their qualifications at this juncture which may pose risks to the public.

Thank you for your kind attention.

Yours truly,

Cheung Kin Man
Chairman and VP (External Affairs)
Hong Kong Academy of Pharmacy

Encl.:

Attachment A: Legal Provisions for Reference.



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ATTACHMENT A - Legal Provisions for Reference

In the current law, medicines may be ordered by the following two ways:

(1) CAP 138A Reg 5 (3)

" Subject to paragraph (4), so much of section 22(3)(b) as requires an entry in the poisons book to be signed by the purchaser of a poison shall not, as respects the sale of a poison to a person for the purpose of his trade, business or profession, apply if the following requirements are satisfied

- (a) the seller shall obtain before the completion of the sale an order in writing signed by the purchaser stating his name and address, trade, business or profession, the name and quantity of the article to be purchased, and the purpose for which it is required;
- (b) the seller shall be reasonably satisfied that the signature is that of the person purporting to have signed the order, and that that person carries on the trade, business or profession stated in the order, being one in which the poison to be purchased is used; and
- (c) if the article sold is sent by post, it shall be sent by registered post."

(2) CAP 138A Reg 5 (4)

" Where a person represents that he urgently requires a poison for the purpose of his trade, business or profession, the seller may, if he is reasonably satisfied that the person so requires the poison and is, by reason of some emergency, unable before delivery either to furnish to the seller an order in writing duly signed or to attend and sign the entry in the book, deliver the poison to the purchaser on an undertaking by the purchaser to furnish such an order within 48 hours next following"