

**立法會**  
**Legislative Council**

LC Paper No. LS55/14-15

**Paper for the House Committee Meeting  
on 10 April 2015**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 27 March 2015**

**Tabling in LegCo** : Council meeting of 15 April 2015

**Amendment to be made by** : Council meeting of 13 May 2015 (or that of 3 June 2015 if extended by resolution)

**Pharmacy and Poisons (Amendment) (No. 3)  
Regulation 2015**

**(L.N. 67)**

L.N. 67 is made by the Pharmacy and Poisons Board (the Board) under section 29(1B)<sup>1</sup> of the Pharmacy and Poisons Ordinance (Cap. 138) with the approval of the Secretary for Food and Health. It amends the Pharmacy and Poisons Regulations (Cap. 138A) by adding five substances (the five substances) respectively to Division A of the First Schedule, Division A of the Third Schedule and Division A of Part I of the Poisons List set out in Schedule 10 to Cap. 138A to make the substances subject to the restrictions imposed under Cap. 138 and Cap. 138A. The five substances are as follows: -

- (a) Ambrisentan; its salts; its esters; their salts;
- (b) Ranolazine; its salts;
- (c) Tapentadol; its salts;
- (d) Umeclidinium; its salts; and
- (e) Vortioxetine; its salts.

2. Substances included in the First Schedule to Cap. 138A are subject to restrictions concerning their sale, supply, labelling and storage. Substances included in the Third Schedule to Cap. 138A can only be sold by retail upon a prescription

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<sup>1</sup> Section 29(1B) of the Pharmacy and Poisons Ordinance (Cap. 138) provides that the Board may, subject to the approval of the Secretary for Food and Health and section 31, by regulation, amend (a) the Poisons List; or (b) any list, in a regulation made under subsection (1), of any substances or articles to which a provision in Cap. 138 applies or which are exempt from any such provision. This subsection (1B) was added by section 23(20) of the Pharmacy and Poisons (Amendment) Ordinance 2015 (Ord. No. 2 of 2015) which came into operation on 6 February 2015.

given by a registered medical practitioner, registered dentist or registered veterinary surgeon. Poisons containing substances included in Part I of the Poisons List set out in Schedule 10 to Cap. 138A can only be sold, among other applicable requirements, on registered premises of an authorized seller of poisons by a registered pharmacist or in the presence and under the supervision of a registered pharmacist.

3. According to paragraph 4 of the LegCo Brief (File Ref.: FHB/H/23/4) issued by the Food and Health Bureau in March 2015, the Board considers the amendments to Cap. 138A appropriate in view of the potency, toxicity and potential side effects of the five substances. Members may refer to Annex B of the LegCo Brief for details of the five substances.

4. L.N. 67 came into operation on the day of publication in the Gazette, i.e. 27 March 2015.

5. As advised by the Clerk to the Panel on Health Services, the Panel has not been consulted on L.N. 67.

**Summary Disposal of Complaints (Solicitors) (Amendment)  
Rules 2014 (Commencement) Notice**

**(L.N. 68)**

6. By L.N. 68, the President of The Law Society of Hong Kong appoints 2 July 2015 as the day on which the Summary Disposal of Complaints (Solicitors) (Amendment) Rules 2014 (L.N. 116 of 2014) (the Amendment Rules) come into operation.

7. The Amendment Rules, which were made by the Council of the Law Society under section 73 of the Legal Practitioners Ordinance (Cap. 159) with the prior approval of the Chief Justice, amend the Schedule to the Summary Disposal of Complaints (Solicitors) Rules (Cap. 159AD) by adding to the Schedule certain provisions relating to the completion requirements in respect of the relevant courses on risk management education (RME courses). The effect of such amendment is to enable complaints against any solicitor, trainee solicitor or foreign lawyer on an alleged breach of the requirement to complete RME courses to be dealt with under the summary disposal procedure provided in Cap. 159AD without the necessity to proceed to a full disciplinary hearing. Members may refer to the LegCo Brief (with no file reference) issued by the Law Society in March 2015 for further information on L.N. 68 and the Amendment Rules.

8. As advised by the Clerk to the Panel on Administration of Justice and Legal Services, the Panel has not been consulted on the Amendment Rules and L.N. 68.

## **LEGAL NOTICES NOT REQUIRED TO BE TABLED AND NOT SUBJECT TO AMENDMENT**

**United Nations Sanctions (Liberia) Regulation 2015** (L.N. 69)

**United Nations Sanctions (Liberia) Regulation 2014  
(Repeal) Regulation** (L.N. 70)

9. L.N. 69 and L.N. 70 are made by the Chief Executive under section 3 of the United Nations Sanctions Ordinance (Cap. 537) on the instruction of the Ministry of Foreign Affairs of the People's Republic of China and after consultation with the Executive Council.

### L.N. 69

10. Since March 2001, the Security Council of the United Nations (UNSC) has adopted a series of resolutions imposing sanctions against Liberia in view of the country's support for armed rebel groups in neighbouring countries which constitutes a threat to international peace and security in the region. They have imposed travel ban measures<sup>2</sup>, financial sanctions measures<sup>3</sup> and arms-related sanctions<sup>4</sup>. The relevant sanctions have been implemented by regulations made under Cap. 537, the most recent one being the United Nations Sanctions (Liberia) Regulation 2014 (Cap. 537BG) (Liberia Regulation 2014) which implemented the sanctions as renewed by UNSCR 2128 (2013). All provisions in the Liberia Regulation 2014, except for those relating to financial sanctions (including prohibition, licensing and law enforcement provisions), expired at midnight on 9 December 2014. The sanctions regime was last renewed by UNSC Resolution (UNSCR) 2188 (2014) which was adopted by UNSC on 9 December 2014.

11. L.N. 69 is made to give effect to the decision of UNSC in UNSCR 2188 (2014) in respect of Liberia by providing for the prohibition against:-

- (a) the supply, sale, transfer or carriage of arms or related materiel to certain persons;
- (b) the provision to certain persons of assistance, advice or training related to military activities in certain circumstances; and
- (c) entry into or transit through the Hong Kong Special Administrative Region by certain persons.

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<sup>2</sup> UNSCR 1521 (2003).

<sup>3</sup> UNSCR 1532 (2004).

<sup>4</sup> UNSCR 1903 (2009).

12. L.N. 69 also continues to give effect to the decision of UNSC in UNSCR 1532 (2004) as adopted by UNSC on 12 March 2004 in respect of Liberia by providing for the prohibition against:-

- (a) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources; and
- (b) dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, certain persons or entities.

13. Except for provisions relating to financial sanctions (i.e. sections 6 and 11 of L.N. 69) which came into operation on 3 April 2015, L.N. 69 came into operation on the day of publication in the Gazette, i.e. 27 March 2015. According to the first paragraph (and the relevant footnote) of the LegCo Brief (File Ref: CITB CR 104/53/1) issued by the Commerce and Economic Development Bureau in March 2015, the lapse of one week between the commencement dates allows time for the Chief Executive to specify a new list of relevant persons and entities for the purpose of the financial sanctions after the empowering provision in L.N. 69 for specifying such persons and entities (i.e. section 31) comes into operation.<sup>5</sup> According to section 33 of L.N. 69, all provisions of L.N. 69, will except those relating to financial sanctions, expire at midnight on 8 September 2015.

#### L.N. 70

14. L.N. 70 repeals the Liberia Regulation 2014 consequential upon the making of L.N. 69. L.N. 70 came into operation on 3 April 2015.

#### Other information and remarks

15. Under section 3(5) of Cap. 537, sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap. 1) shall not apply to regulations made under Cap. 537. Therefore, L.N. 69 and L.N. 70 are not required to be tabled in the Legislative Council (LegCo) and are not subject to amendment by LegCo. However, since they come within the terms of reference of the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions (the Subcommittee), Members may consider referring L.N. 69 and L.N. 70 to the Subcommittee for its consideration.

16. According to the Clerk to the Subcommittee, the LegCo Brief (File Ref: CITB CR 104/53/1) on L.N. 69 and L.N. 70 has been circulated to members of the Subcommittee and all other Hon Members vide LC Paper No. CB(1)690/14-15 on 30 March 2015.

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<sup>5</sup> L.N. 70 came into operation on 3 April 2015 for the same reason.

17. No difficulties have been identified in the legal and drafting aspects of the above items of subsidiary legislation.

Prepared by

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