

立法會
Legislative Council

LC Paper No. LS46/15-16

**Paper for the House Committee Meeting
on 18 March 2016**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 11 March 2016**

Tabling in LegCo : Council meeting of 16 March 2016

Amendment to be made by : Council meeting of 13 April 2016 (or that of 4 May 2016 if extended by resolution)

Pharmacy and Poisons (Amendment) Regulation 2016 (L.N. 40)

L.N. 40 is made by the Pharmacy and Poisons Board (the Board) under section 29(1B) of the Pharmacy and Poisons Ordinance (Cap. 138) with the approval of the Secretary for Food and Health.

2. L.N. 40 amends the Pharmacy and Poisons Regulations (Cap. 138A). It —

- (a) adds seven substances (the Seven Substances) to Division A of Schedule 1 and Division A of Schedule 3 to Cap. 138A to make the Seven Substances subject to the restrictions imposed under Cap. 138 and Cap. 138A. Substances included in Schedule 1 to Cap. 138A are subject to restrictions concerning their sale, supply, labelling and storage. Substances included in Schedule 3 to Cap. 138A can only be sold by retail upon a prescription given by a registered medical practitioner, registered dentist or registered veterinary surgeon; and
- (b) adds the Seven Substances to Division A of Part 1 of the Poisons List set out in Schedule 10 to Cap. 138A so that poisons containing those substances can only be sold 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 2016, the Board considers the amendments appropriate in view of the potency, toxicity and potential side effects of the Seven Substances. Members may refer to Annex B of the LegCo Brief for details of the Seven Substances.

4. L.N. 40 came into operation on the day of publication in the Gazette, i.e. 11 March 2016.

5. As advised by the Clerk to the Panel on Health Services, the Panel has not been consulted on L.N. 40.

Concluding Observations

6. No difficulties have been identified in relation to the legal and drafting aspects of L.N. 40.

Prepared by

CHUI Ho-yin, Alvin
Assistant Legal Adviser
Legislative Council Secretariat
14 March 2016