

立法會
Legislative Council

LC Paper No. LS51/15-16

**Paper for the House Committee Meeting
on 6 May 2016**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 29 April 2016**

Tabling in LegCo : Council meeting of 4 May 2016

Amendment to be made by : Council meeting of 1 June 2016 (or that of 22 June 2016 if extended by resolution)

Waste Disposal (Designated Waste Disposal Facility) Regulation (Amendment of Schedule 1) Notice 2016 (L.N. 49)

Waste Disposal (Charges for Disposal of Construction Waste) Regulation (Amendment of Schedule 4) Notice 2016 (L.N. 50)

Schedule 1 to the Waste Disposal (Designated Waste Disposal Facility) Regulation (Cap. 354L) and Part 1 of Schedule 4 to the Waste Disposal (Charges for Disposal of Construction Waste) Regulation (Cap. 354N) respectively specify the designated waste disposal facilities and the public fill reception facilities. Tseung Kwan O Area 137 Fill Bank ("the TKO Fill Bank") is one of the designated waste disposal facilities and public fill reception facilities so specified.

2. L.N. 49 and L.N. 50 amend Schedule 1 to Cap. 354L and Part 1 of Schedule 4 to Cap. 354N to update the number of the plan delineating the boundaries of the TKO Fill Bank. According to paragraph 2 of the LegCo Brief (File Ref: EP1014/P3/11) issued by the Environment Bureau on 27 April 2016, the updating is made as part of the land within the boundaries of the TKO Fill Bank has been taken out and returned to the Lands Department for other uses.

3. L.N. 49 and 50 come into operation on 23 June 2016.

4. As advised by the Clerk to the Panel on Environmental Affairs, at its meeting on 25 April 2016, the Panel was consulted on the Administration's proposal to amend the boundaries of the TKO Fill Bank, and the plan to make use of the land taken out from the boundaries for leasing as a short-term tenancy site to

skip operators for storing idling skips. Members in general did not object to the plan as a short-term measure, and enquired about the potential traffic impact arising from the plan on the local areas as well as the long-term measures to enhance management of roadside skips.

Pharmacy and Poisons (Amendment) (No. 2) Regulation (L.N. 51) 2016

5. L.N. 51 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.

6. L.N. 51 amends the Pharmacy and Poisons Regulations (Cap. 138A) to:

- (a) add six substances ("the Six Substances") to Division A of Schedule 1 and Division A of Schedule 3 to Cap. 138A to make the Six 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) add the Six 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.

7. According to paragraph 4 of the LegCo Brief (File Ref: FHB/H/23/4) issued by the Food and Health Bureau in April 2016, the Board considers the amendments appropriate in view of the potency, toxicity and potential side effects of the Six Substances. Members may refer to Annex B to the LegCo Brief for details of the Six Substances.

8. L.N. 51 came into operation on the day of publication in the Gazette, i.e. 29 April 2016.

9. As advised by the Clerk to the Panel on Health Services, the Panel has not been consulted on L.N. 51.

Concluding Observations

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

Prepared by

KAN Wan-yee, Wendy
Assistant Legal Adviser
Legislative Council Secretariat
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