

立法會
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**Paper for the House Committee Meeting of the
Legislative Council
on 28 April 2000**

**Legal Service Division Report on
Resolution under section 29 of the
Pharmacy and Poisons Ordinance (Cap. 138)**

The Secretary for Health and Welfare has given notice to move a motion at the meeting on 10 May 2000. The motion seeks the Legislative Council to approve the Pharmacy and Poisons (Amendment) (No. 2) Regulation 2000 and Poisons List (Amendment) (No. 2) Regulation 2000, both made by the Pharmacy and Poisons Board ("the Board") under section 29 of the Pharmacy and Poisons Ordinance (Cap. 138). The Secretariat has circulated, under separate cover, to Members the draft speech of the Secretary for Health and Welfare on the motion. The legal effect of the two Regulations is summarized below.

Pharmacy and Poisons (Amendment) (No. 2) Regulation 2000

2. This Regulation provides for the following matters :

- (a) section 2(b) of this Regulation adds 26 substances to the First and Third Schedules of the Pharmacy and Poisons Regulations (Cap. 138 sub. leg.). These same substances are also added to Part I of the Poisons List in the Poisons List Regulations (Cap. 138 sub. leg.) by the Poisons List (Amendment) (No. 2) Regulation 2000. The effect of addition the two said Regulation is that the relevant provisions of the Pharmacy and Poisons Ordinance and its subsidiary legislation would apply to these 26 substances. The more notable provisions are, in a retail situation, the substances may only be sold in a pharmacy, by a registered pharmacist or under his personal supervision, and upon a prescription given by a registered medical practitioner, registered dentist or registered veterinary surgeon;
- (b) fexofendine is removed from the First and Third Schedules. The legal effect is that the substance is no longer subject to the control mentioned in (a) above; and

- (c) this Regulation revokes the exemption in respect of alkaloids of ephedra. The effect is that they are no longer exempted from the provisions of the Pharmacy and Poisons Ordinance and its subsidiary legislation.

3. Sections 2(a) and (c), 3 and 4(a) and (c) of the Regulation will come into operation on 10 July 2000. The remaining provisions of the Regulation will come into operation on the day of publication in the Gazette.

Poisons List (Amendment) (No. 2) Regulation 2000

4. This Regulation provides for the following :

- (a) section 2(a) of this Regulation adds a total of 28 substances into Part I of the Poisons List. Of these, 26 have already been mentioned in item (a) of paragraph 2 above. Prescription is not required for the supply of the 2 remaining substances (i.e. salts of apraclonidine and salts of tetroquinol); and
- (b) section 2(b) adds 20 substances to Part II of the Poisons List. The effect is the control of these 20 substances is upgraded so that pharmaceutical products containing them must be sold in a pharmacy and by a registered pharmacist or under his personal supervision.

5. Sections 2(a)(ii) and (b) of the Regulation will come into operation on 10 July 2000. The remaining provisions of the Regulation will come into operation on the day of publication in the Gazette.

6. The motion and the two Regulations are in order from the legal point of view.

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