

立法會
Legislative Council

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**Paper for the House Committee Meeting of the
Legislative Council
on 16 June 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 26 June 2000. The motion seeks the Legislative Council to approve the Pharmacy and Poisons (Amendment) (No. 3) Regulation 2000 and Poisons List (Amendment) (No. 3) 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. 3) Regulation 2000

2. This Regulation provides for the following matters :
 - (a) Five substances are added 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. 3) Regulation 2000. The effect of such additions is that the relevant provisions of the Pharmacy and Poisons Ordinance and its subsidiary legislation apply to these 5 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; and
 - (b) The control of pharmaceutical products containing not more than 5% of minoxidil is relaxed.

Poisons List (Amendment) (No. 3) Regulation 2000

3. This Regulation adds 5 substances into Part I of the Poisons List. The legal effect of the addition is explained in item (a) of paragraph 2 above.
4. Both Regulations do not contain any commencement provision. They will thus come into operation on the day of publication in the Gazette after they are approved by the Legislative Council.
5. The motion and the two Regulations are in order from the legal point of view.

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