

立法會
Legislative Council

LC Paper No. LS28/05-06

**Paper for the House Committee Meeting
on 3 February 2006**

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

The Secretary for Health, Welfare and Food (“the Secretary”) has given notice to move a motion at the Council meeting on 15 February 2006. The motion seeks the Legislative Council’s approval of the Pharmacy and Poisons (Amendment) Regulation 2006 and the Poisons List (Amendment) Regulation 2006 (“the Amendment Regulations”), both made by the Pharmacy and Poisons Board pursuant to section 29 of the Pharmacy and Poisons Ordinance (Cap. 138).

2. According to the draft speech of the Secretary, the Amendment Regulations seek to add 5 new substances, i.e. Nesiritide; Pegaptanib and its salts; Gadoxetic acid and its salts; Erlotinib and its salts; and Paricalcitol, its salts, its esters and their salts to Part I of the Poisons List in the Schedule to the Poisons List Regulations and the First and Third Schedules to the Pharmacy and Poisons Regulations. Supplementary information on these 5 substances are attached to the draft speech of the Secretary for Members’ reference.

3. Pharmaceutical products containing any of these 5 substances have to be sold in pharmacies under the supervision of registered pharmacists and in their presence, with the support of prescriptions. Further, these products have to be separately stored and locked. The Administration proposes that the Amendment Regulations to take immediate effect upon gazettal on 17 February 2006 to allow early control and sale of products containing these substances.

4. The Panel on Health Services has not been consulted on the Amendment Regulations. No difficulties in relation to the legal and drafting aspects of the Amendment Regulations have been identified.

Prepared by

HO Ying-chu, Anita
Assistant Legal Adviser
Legislative Council Secretariat
26 January 2006