

立法會
Legislative Council

LC Paper No. LS39/06-07

**Paper for the House Committee Meeting
on 23 February 2007**

**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 7 March 2007. The motion seeks the Legislative Council’s approval of the Pharmacy and Poisons (Amendment) Regulation 2007 and the Poisons List (Amendment) Regulation 2007, both made by the Pharmacy and Poisons Board (“the Board”) on 9 February 2007 pursuant to section 29 of the Pharmacy and Poisons Ordinance (Cap. 138).

2. According to the draft speech of the Secretary, the Pharmacy and Poisons (Amendment) Regulation 2007 and the Poisons List (Amendment) Regulation 2007 seek to:

- (a) add 9 new drugs/medicines, i.e. Antisera, antitoxins, immunoglobulins and vaccines directed against Herpes zoster, Azacitidine and its salts, Darifenacin and its salts, Ivabradine and its salts, Rimonabant and its salts, Rotigotine and its salts, Sorafenib and its salts, Sunitinib, its salts and their salts and Varenicline and its salts to Division A of the First and Third Schedules to the Pharmacy and Poisons Regulations and Division A of Part I of the Schedule to the Poisons List Regulations;
- (b) repeal and substitute the heading of the First Schedule to the Pharmacy and Poisons Regulations to specify in the heading that certain restrictions with respect to the sale, supply, labelling and storage apply to the substances referred to in that Schedule; and
- (c) make alterations to the regulations and Schedules to the Pharmacy and Poisons Regulations and the Poisons List Regulations respectively by naming the various headings as “Division” so as to enhance the clarity of presentation.

3. The Secretary has provided, in addition to his draft speech, supplementary information on the 9 new drugs/medicines. Their addition means that

pharmaceutical products containing any of these 9 substances must be sold in pharmacies by or under the supervision of a registered pharmacist and in his presence, with the support of prescriptions given by a registered medical practitioner, registered dentist or registered veterinary surgeon.

4. The Board considers that the proposed amendments necessary in view of the potency, toxicity and potential side-effects of the medicines concerned.

5. The two Amendment Regulations shall come into operation on the day when they are proposed to be published in the Gazette on 9 March 2007 after being approved by the Legislative Council to allow early control and sale of the relevant medicines.

6. The Panel on Health Services has not been consulted on the two Amendment Regulations.

7. The two Amendment Regulations are in order from the legal point of view.

Prepared by

Monna LAI
Assistant Legal Adviser
Legislative Council Secretariat
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