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Legislative Council

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Paper for the House Committee Meeting
on 15 June 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 27 June 2007. The motion seeks the Legislative Council's approval of the Pharmacy and Poisons (Amendment) (No. 3) Regulation 2007 and the Poisons List (Amendment) (No. 3) Regulation 2007 (collectively "the Amendment Regulations"), both made by the Pharmacy and Poisons Board (the Board) on 5 June 2007 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 2 substances, i.e. "Agalsidase beta" and "Dasatinib; its salts" to Division A of the First and Third Schedules to the Pharmacy and Poisons Regulations (Cap. 138 sub. leg. A) and Division A in Part I of the Schedule to the Poisons List Regulations (Cap. 138 sub. leg. B). Their addition means that pharmaceutical products containing any of these 2 substances must be sold in premises of authorized sellers of poisons by registered pharmacists or in his presence and under his supervision, with the support of prescriptions.

3. The Secretary has provided, in addition to his draft speech, supplementary information on the 2 substances. According to the information provided, "Agalsidase beta" is a drug for patients with Fabry disease, which is caused by a deficiency in an enzyme. "Dasatinib; its salts" is used for treatment of adults with chronic myeloid leukaemia with resistance or intolerance to prior therapy. The drug is also used for the treatment of adults with Philadelphia chromosome-positive acute lymphoblastic leukaemia with resistance or intolerance to prior therapy. Their use should be decided and monitored by a medical practitioner.

4. The Amendment Regulations are to come into operation on the day of their publication in the Gazette after having been approved by the Legislative Council. The Secretary has proposed 29 June 2007 as the date of their gazettal to allow early control and sale of the relevant medicines.

5. Neither the public nor the Panel on Health Services has been consulted on the Amendment Regulations.

6. No difficulties relating to the legal and drafting aspects of the Amendment Regulations have been identified.

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