

**立法會**  
***Legislative Council***

LC Paper No. LS16/06-07

**Paper for the House Committee Meeting  
on 8 December 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 20 December 2006. The motion seeks the Legislative Council's approval of the Pharmacy and Poisons (Amendment) (No. 5) Regulation 2006 and the Poisons List (Amendment) (No. 5) Regulation 2006 (collectively "the Amendment Regulations"), both made by the Pharmacy and Poisons Board (the Board) on 27 November 2006 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 new medicines, i.e. Entecavir, its salts, its esters and their salts, and Micafungin, its salts and its esters to the First and Third Schedules to the Pharmacy and Poisons Regulations (Cap. 138 sub. leg. A) and Part I of the Schedule to the Poisons List Regulations (Cap. 138 sub. leg. B) respectively under heading 'A'.

3. The Secretary has provided, in addition to his draft speech, supplementary information on the 2 new medicines. Their addition means that pharmaceutical products containing any of these 2 substances must be sold with the support of prescriptions in pharmacies in the presence and under the supervision of registered pharmacists.

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

5. 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 22 December 2006 as the date of their gazettal.

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

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

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4 December 2006

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