# *立法會*
# *Legislative Council*

LC Paper No. LS74/07-08

**Paper for the House Committee Meeting**
**on 25 April 2008**

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

The Secretary for Food and Health (the Secretary) has given notice to move a motion at the Council meeting on 7 May 2008. The motion seeks the Legislative Council's approval of the Pharmacy and Poisons (Amendment) (No. 2) Regulation 2008 and the Poisons List (Amendment) (No. 2) Regulation 2008 (collectively referred to as the Amendment Regulations), both made by the Pharmacy and Poisons Board on 15 April 2008 under 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 "raltegravir; its salts" (the substance) 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) (Part I of the Poisons List).

3. The Secretary has provided, in addition to his draft speech, supplementary information on the substance. According to the information provided, "raltegravir; its salts" is used in combination with other antiretroviral agents for the treatment of HIV-1 infection in treatment-experienced adult patients who evidently have viral replication and HIV-1 strains resistant to multiple antiretroviral agents. The use of this drug should be a medical decision.

4. The addition of the substance means that pharmaceutical products containing the substance must be sold on registered premises of an authorized seller of poisons by a registered pharmacist or in his presence and under his supervision, with the support of prescriptions given by a registered medical practitioner, registered dentist or registered veterinary surgeon. The Pharmacy and Poisons Board considers the proposed amendments necessary in view of the potency, toxicity and potential side effects of the medicine concerned.

5. The Amendment Regulations are to come into operation on the day of publication in the Gazette after having been approved by the Legislative Council. The Secretary has proposed 9 May 2008 as the date of gazettal to allow early control and sale of the relevant medicine.

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.

Prepared by

LO Wing-yee, Winnie
Assistant Legal Adviser
Legislative Council Secretariat
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