

**Pharmacy and Poisons (Amendment) Bill 2014**  
**Debate and voting arrangements**

<b>First debate</b>	: Clauses with no amendment — Clauses 1 to 5, 8, 9, 11, 14, 16 to 19, 21, 22, 27, 28, 29, 31 to 42, 44, 45, 47, 48, 50, 51, 53, 54, 56, 57, 60, 61, 63, 64, 68, 69, 71 and 72
<b>Voting</b>	: To vote on the above clauses standing part of the Bill
<b>Second debate:</b>	Clauses with amendments proposed by the Secretary for Food and Health (“SFH”) — Clauses 6, 7, 10, 12, 13, 15, 20, 23 to 26, 30, 43, 46, 49, 52, 55, 58, 59, 62, 65, 66, 67 and 70
Joint debate on the original clauses and the amendments thereto.	
<u>Clauses 6, 7, 49 and 52</u>	
<ul style="list-style-type: none"> <li>- to respectively amend new section 4B(6) and section 5(2) of the Pharmacy and Poisons Ordinance (Cap. 138)(“PPO”), and new regulations 28A(6) and 30B(5) of the Pharmacy and Poisons Regulations (Cap. 138 sub. leg. A)(“PPR”): <ul style="list-style-type: none"> <li>(i) to require the Pharmacy and Poisons Board (“the Board”) / the Secretary to the Board to make codes of conduct, codes of practice, the register of pharmacists, the Good Manufacturing Practice Guide and the register of authorized persons available for inspection by the public free of charge in any manner the Board / the Secretary thinks fit, in addition to making such copies available at the Secretary’s office during normal office hours; and</li> <li>(ii) to specify the purposes of the registers of pharmacists and authorized persons to ensure compliance with the data protection principles enshrined in Schedule 1 to the Personal Data (Privacy) Ordinance (Cap. 486);</li> </ul> </li> </ul>	
<u>Clauses 20(7), 25(1), 46(5) and 52</u>	
<ul style="list-style-type: none"> <li>- to respectively amend sections 25(5) and 30(1)(aa) of PPO and regulation 26(6) and new regulation 30F(6) of PPR to provide for circumstances under which an appeal to the Pharmacy and Poisons Appeal Tribunal may be made;</li> </ul>	
<u>Clause 30</u>	
<ul style="list-style-type: none"> <li>- to amend new section 34A of PPO to delete “in the same manner as a fine is recoverable” and substitute “as a civil debt” in subsection (2) to reflect the policy intention that the amount to be recovered as ordered by the Court would be compensatory in nature and in line with the concept of recovery of costs. Further, for avoidance of doubt, to add new subsection (3) to specify that new section 34A does not affect any power of the Court to order costs under the Costs in Criminal Cases Ordinance (Cap. 492) (“CCCO”) in respect of a criminal case convicted under PPO, and for that matter the relevant provisions under CCCO and its subsidiary legislation will continue to apply;</li> </ul>	

Clause 55

- to amend subclauses (5) and (8) and add subclause (6A), so as to amend regulation 33 of PPR to provide certain flexibility for manufacturers in maintaining sample of finished products;

Clause 70

- consequential to the addition of 11 new substances to Division A of Part I of the Poisons List in the Schedule to the Poisons List Regulations (Cap. 138 sub. leg. B) under the Poisons List (Amendment) Regulation 2014 and Poisons List (Amendment) (No. 2) Regulation 2014, to amend new Schedule 10 (Poison List) to PPR to include the 11 new substances, and to propose certain textual amendments to the clause; and

Clauses 10, 12, 13, 15(11), 20(6), 23, 24, 26, 43, 58, 59, 62, 65, 66 and 67(1)

- textual or technical amendments to align the Chinese and English texts or various provisions, follow the current drafting practices, reflect existing practices or improve the ways of expression.

**Voting** : To vote on the above amendments together

**Third debate** : New clause proposed by SFH — New clause 63A

- consequential to SFH's amendments to clause 55, to amend regulation 40 of PPR by adding new clause 63A to provide for the penalties for breaching the conditions for exemption.

**Voting** : To vote on the above new clause

**Fourth debate** : Schedule

**Voting** : To vote on the Schedule standing part of the Bill

**SFH's amendments**

(Issued under LC Paper No. CB(3) 349/14-15 on 14 January 2015)

Council Business Division 3  
Legislative Council Secretariat  
20 January 2015