

**立法會**  
***Legislative Council***

LC Paper No. LS92/16-17

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 7 July 2017**

**Tabling in LegCo** : Council meeting of 12 July 2017

**Amendment to be made by :** Second meeting of LegCo in the next session (or the first meeting held not earlier than the 21st day after the second meeting of the next session if extended by resolution)

**Pharmacy and Poisons (Amendment) (No. 4) Regulation 2017 (L.N. 140)**

L.N. 140 is made by the Pharmacy and Poisons Board ("PPB") under section 29(1B) of the Pharmacy and Poisons Ordinance (Cap. 138) with the approval of the Secretary for Food and Health. It amends the Pharmacy and Poisons Regulations (Cap. 138A) by adding Venetoclax and its salts ("the relevant substance") to Division A of Schedule 1 to Cap. 138A, Division A of Schedule 3 to Cap. 138A and Division A of Part 1 of the Poisons List set out in Schedule 10 to Cap. 138A ("Poisons List").

2. The effect of the above amendments is that the substances included in Schedule 1 to Cap. 138A are subject to restrictions concerning their sale, supply, labelling and storage, and the substances in Schedule 3 to Cap. 138A can only be sold by retail upon a prescription given by a registered medical practitioner, registered dentist or registered veterinary surgeon. Further, the substances included in the Poisons List can only be sold on registered premises of an authorized seller of poisons by a registered pharmacist or in the presence and under the supervision of a registered pharmacist.

3. According to paragraph 4 of the Legislative Council ("LegCo") Brief (File Ref.: FHB/H/23/4) issued by the Food and Health Bureau in July 2017, PPB considers that the amendments are appropriate in view of the potency, toxicity and potential side effects of the relevant substance. Members may refer to Annex B to the LegCo Brief for details of the relevant substance.

4. As advised by the Clerk to the Panel on Health Services, the Administration has not consulted the Panel on L.N. 140.

5. L.N. 140 came into operation on 7 July 2017 (i.e. the day on which it was published in the Gazette).

**Country Parks (Designation) (Consolidation) (Amendment)  
Order 2017**

**(L.N. 141)**

6. L.N. 141 is made by the Chief Executive ("CE") under section 14 of the Country Parks Ordinance (Cap. 208) after consultation with the Executive Council. It amends the Country Parks (Designation) (Consolidation) Order (Cap. 208B) by replacing the original approved maps with new approved maps in respect of the following two country parks:

- (a) Plover Cove Country Park ("PCCP") (Plan No. CP/PC<sup>B</sup> approved on 21 March 1978 by the Governor in Council to be replaced by Plan No. CP/PC<sup>C</sup> approved on 25 April 2017 by CE in Council); and
- (b) Lantau South Country Park ("LSCP") (plan CP/LT(S)<sup>A</sup> approved on 4 April 1978 by the Governor in Council to be replaced by Plan No. CP/LT(S)<sup>B</sup> approved on 25 April 2017 by CE in Council).

After the amendments, the country park enclaves<sup>1</sup> at Fan Kei Tok and Sai Lau Kong will be incorporated into PCCP and the country park enclave near Nam Shan will be incorporated into LSCP. The legal effect is that the control and management of the two country parks as shown in the new approved maps will be vested in the Country and Marine Parks Authority ("the Authority"), i.e. the Director of Agriculture, Fisheries and Conservation.

7. According to paragraphs 3 to 5 and 16 of the LegCo Brief (File Ref: EP CR 9/15/6) issued by the Agriculture, Fisheries and Conservation Department and the Environmental Protection Department on 12 July 2017, the statutory procedures for designation of country parks under Part III of Cap. 208 have been properly followed.

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<sup>1</sup> According to Footnote 1 of the LegCo Brief, enclaves are sites that are surrounded by or are adjacent to the country parks, but are not part of the country parks. Most of these country park enclaves comprise both private and Government land. Control on developments on private land at these enclaves relies on the terms and conditions of the land leases, the Buildings Ordinance (Cap. 123) and, if available, Development Permission Area Plans or Outline Zoning Plans under the Town Planning Ordinance (Cap. 131).

8. According to paragraphs 14 and 15 of the LegCo Brief, the Authority conducted a series of consultations with two District Councils ("DCs"), two District Rural Committees ("DRCs"), the residents in the enclaves and other stakeholders between May 2014 and July 2015 on the designation proposal. No stakeholders, including residents in the enclaves, raised any objection to the proposal. Certain committees of the DCs and the DRCs had raised some concerns on the proposal, including the rights of Government Land Licence holders in the relevant areas. The Country and Marine Parks Board and its Country Parks Committee were generally supportive of the proposal.

9. As advised by the Clerk to the Panel on Environmental Affairs, the Panel has not been consulted on L.N. 141. At its meeting on 23 January 2017, the Panel was briefed on the initiatives under the 2017 Policy Address, which included enhanced efforts to conserve areas with high ecological value. The Administration mentioned in its paper (LC Paper No. CB(1)451/16-17(01)) that in the past few years, it had incorporated a number of enclaves into country parks, increasing the total area of designated country parks and special areas, and would continue to identify suitable sites for incorporation into the country park area. Members discussed a number of issues including the long-term strategy for conservation of rural areas and country parks.

10. L.N. 141 comes into operation on 1 December 2017.

### **Concluding observations**

11. No difficulties have been identified in relation to the legal and drafting aspects of the above items of subsidiary legislation.

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