

**立法會**  
**Legislative Council**

LC Paper No. LS28/17-18

**Paper for the House Committee Meeting  
on 2 February 2018**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 26 January 2018**

**Tabling in LegCo** : Council meeting of 31 January 2018

**Amendment to be made by** : Council meeting of 28 February 2018 (or that of 21 March 2018 if extended by resolution)

**Antibiotics (Amendment) Regulation 2018** **(L.N. 9)**

L.N. 9 is made by the Director of Health under section 12 of the Antibiotics Ordinance (Cap. 137). It amends Schedule 1 to the Antibiotics Regulations (Cap. 137A) by adding one antibiotic, namely Eprinomectin, to the list of substances to which Cap. 137 applies.

2. The legal effect of L.N. 9 is that pharmaceutical products containing Eprinomectin can only:

- (a) be sold or supplied by certain qualified persons including registered medical practitioners, registered dentists, registered veterinary surgeons, or registered pharmacists with prescriptions signed by a registered medical practitioner, a registered dentist or a registered veterinary surgeon; and
- (b) be administered by way of treatment by certain qualified or licensed persons under Cap. 137.

3. According to paragraphs 4 and 5 of the Legislative Council ("LegCo") Brief (File Ref.: FHB/H/21/10) issued by the Food and Health Bureau in January 2018, Eprinomectin is a new antibiotic agent derived from strains of *Streptomyces avermitilis* which is used to treat cats with, or at risk from mixed infestations by, cestodes, nematodes and ectoparasites. According to the Administration, subjecting Eprinomectin to the control of Cap. 137 will help guard against the indiscriminate use of this new antibiotic, which can give rise to the emergence of Eprinomectin-resistant microbials.

4. According to paragraph 9 of the LegCo Brief, the Pharmacy and Poisons Board ("the PP Board") has been consulted and has recommended that Eprinomectin should be included in Schedule 1 to Cap. 137A for the purpose of controlling its sale and supply. Members may refer to Annex B to the LegCo Brief for details of Eprinomectin.

5. As advised by the Clerk to the Panel on Health Services, the Panel has not been consulted on L.N. 9.

6. L.N. 9 came into operation on the day of publication in the Gazette, i.e. 26 January 2018.

### **Pharmacy and Poisons (Amendment) Regulation 2018 (L.N. 10)**

7. L.N. 10 is made by the PP Board 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 nine substances ("the nine substances") 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").

8. The legal effect of L.N. 10 is that the nine substances are subject to restrictions concerning their sale, supply, labelling and storage, and they can only be sold by retail upon a prescription given by a registered medical practitioner, registered dentist or registered veterinary surgeon. Further, the inclusion of the nine substances in the Poisons List means that they 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.

9. According to paragraph 4 of the LegCo Brief (File Ref: FHB/H/23/4) issued by the Food and Health Bureau in January 2018, the PP Board considers the amendments appropriate in view of the potency, toxicity and potential side effects of the nine substances. Members may refer to Annex B to the LegCo Brief for details of the nine substances.

10. As advised by the Clerk to the Panel on Health Services, the Panel has not been consulted on L.N. 10.

11. L.N. 10 came into operation on the day of publication in the Gazette, i.e. 26 January 2018.

**Statutes of the University of Hong Kong (Amendment)  
Statute 2018**

**(L.N. 11)**

12. L.N. 11 is made by the Chancellor of the University of Hong Kong ("HKU") under section 13(2) of the University of Hong Kong Ordinance (Cap. 1053) on the recommendation of the Court of HKU. It amends the Statutes of HKU in the Schedule to Cap. 1053 to:

- (a) add two bachelors degrees, seven masters degrees, one doctors degree and one postgraduate diploma which may be conferred or awarded by HKU; and
- (b) amend the Chinese titles of four diplomas of HKU ("the four diplomas").

13. According to paragraph 4 of the LegCo Brief (no reference number) issued by HKU in January 2018, the degrees and the diploma are added in recognition of the rising needs of academic education and training in the respective disciplines. The Chinese titles of the four diplomas are amended to conform to the new standardized titles requirements of the Award Titles Scheme of the Qualifications Framework with effect from 1 January 2016, so as to enable the four diplomas to be listed on the Qualifications Register under the Qualifications Framework.

14. According to paragraph 5 of the LegCo Brief, HKU has consulted the relevant parties (i.e. its relevant departments and faculties, Senate and Council) and the Education Bureau on L.N. 11.

15. As advised by the Clerk to the Panel on Education, the Panel has not been consulted on L.N. 11.

16. L.N. 11 comes into operation on 1 April 2018.

**SUBSIDIARY LEGISLATION NOT REQUIRED TO BE TABLED AND  
NOT SUBJECT TO AMENDMENT**

**United Nations Sanctions (Mali) Regulation**

**(L.N. 12)**

17. L.N. 12 is made by the Chief Executive under section 3 of the United Nations Sanctions Ordinance (Cap. 537) on the instruction of the Ministry of Foreign Affairs of the People's Republic of China and after consultation with the Executive Council. L.N. 12 came into operation when it was published in the Gazette on 26 January 2018.

18. L.N. 12 implements certain decisions in Resolution 2374 (2017) adopted by the Security Council of the United Nations on 5 September 2017 to impose sanctions against Mali. It provides for the prohibition against:

- (a) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources;
- (b) dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, certain persons or entities; and
- (c) entry into or transit through the Hong Kong Special Administrative Region by certain persons.

19. L.N. 12 will expire at midnight on 4 September 2018.

20. Under section 3(5) of Cap. 537, sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap. 1) shall not apply to regulations made under section 3 of Cap. 537. Therefore, L.N. 12 is not required to be tabled in LegCo and is not subject to amendment by LegCo. However, since it comes within the terms of reference of the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions ("Subcommittee"), Members may consider referring L.N. 12 to the Subcommittee for its consideration.

21. As advised by the Clerk to the Subcommittee, the LegCo Brief on L.N. 12 (File Ref: CITB CR 75/53/10) issued by the Commerce and Economic Development Bureau in January 2018 was circulated to members of the Subcommittee and all other Members vide LC Paper No. CB(1)528/17-18 on 26 January 2018. A marked-up version showing differences when compared against relevant provisions in other United Nations Sanctions Regulations is at Annex D to the LegCo Brief.

### **Concluding observations**

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

Prepared by

CHUI Ho-yin, Alvin  
Assistant Legal Adviser  
Legislative Council Secretariat  
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