

立法會
Legislative Council

LC Paper No. LS44/17-18

**Paper for the House Committee Meeting
on 23 March 2018**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 16 March 2018**

Tabling in LegCo : Council meeting of 21 March 2018

Amendment to be made by : Council meeting of 11 April 2018 (or that of 9 May 2018 if extended by resolution)

**Pharmacy and Poisons (Amendment) (No. 2) Regulation
2018** **(L.N. 42)**

L.N. 42 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 six items of substances ("the six 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").

2. The effect of L.N. 42 is that the six substances are subject to restrictions concerning their sale, supply, labelling and storage, and that 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 six 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.

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 March 2018, PPB considers that the amendments are appropriate in view of the potency, toxicity and potential side effects of the six substances. Members may refer to Annex B to the LegCo Brief for details of the six substances.

4. As advised by the Clerk to the Panel on Health Services, the Administration has not consulted the Panel on L.N. 42.
5. L.N. 42 came into operation on the day on which it was published in the Gazette, i.e. 16 March 2018.
6. No difficulties have been identified in the legal and drafting aspects of L.N. 42.

Prepared by

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