

立法會
Legislative Council

(issued by email only)
LC Paper No. CB(3) 609/19-20

Ref : CB(3)/B/FH/1 (19-20)

Tel : 3919 3300

Date : 3 July 2020

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 8 July 2020

**Debate and voting arrangements for
Pharmacy and Poisons (Amendment) Bill 2019**

Further to LC Paper No. CB(3) 583/19-20 issued on 24 June 2020,
I attach a table on the debate and voting arrangements for the captioned Bill
for Members' information.

(Dora WAI)
for Clerk to the Legislative Council

Encl.

Pharmacy and Poisons (Amendment) Bill 2019
Debate and voting arrangements

Object of the Bill : To amend the Pharmacy and Poisons Ordinance (Cap. 138) and the Pharmacy and Poisons Regulations (Cap. 138A) to regulate the manufacture, supply and labelling of, and the keeping of records relating to, advanced therapy products; and to provide for related matters.

Joint debate : Clauses with no amendment, and clause with amendment proposed by Secretary for Food and Health (“SFH”) – Clauses 1 to 14

Joint debate on the original clauses and the amendment.

Debate theme : Requirement for specified persons to transfer specified documents to the regulatory body

Clause 13

- Under regulation 39(2)(a), which is proposed to be added to Cap. 138A in clause 13(5) of the Bill, all books, records and documents required to be kept or retained in respect of the advanced therapy product under the relevant regulations (“specified documents”) must be preserved by the relevant licensed wholesale dealer or licensed manufacturer (“specified person”) for a period of 30 years after the expiry date of the product. Regulation 39(2)(b), which is proposed to be added to Cap. 138A in clause 13(5) of the Bill, provides that if, before the above period expires, the specified person becomes insolvent or bankrupt, or has entered into a voluntary arrangement as defined by section 2 of the Bankruptcy Ordinance (Cap. 6) with the specified person’s creditors, the specified person must transfer the specified documents to the Pharmacy and Poisons Board (“the Board”) as soon as practicable after the specified person becomes insolvent or bankrupt or has entered into the arrangement.
- The amendment seeks to amend regulation 39(2)(b) by:
 - (a) changing “becomes insolvent” to “is commenced to be wound up or is dissolved without being wound up” to reflect the Administration’s policy intent that:
 - (i) if a specified person that is a natural person becomes bankrupt or enters into the above arrangement with the person’s creditors before the expiry of the above period; or
 - (ii) if a specified person that is a company as defined by section 2(1) of the Companies Ordinance (Cap. 622) is commenced to be wound up or is dissolved without being wound up before the expiry of the above period, the specified person must transfer the specified documents to the Board as soon as practicable after the event mentioned in item (i) or (ii) above occurs; and
 - (b) replacing “債務人” with “債權人” as the Chinese rendition of “creditors” in the English text.

Voting order :

1. Clauses with no amendment (i.e. clauses 1 to 12 and 14) standing part of the Bill
2. SFH’s amendment
3. Clause 13 with amendment or without amendment standing part of the Bill

SFH’s amendment

(set out in LC Paper No. CB(3) 583/19-20 issued on 24 June 2020)