

**立法會**  
**Legislative Council**

LC Paper No. LS102/19-20

**Paper for the House Committee Meeting  
on 26 June 2020**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 19 June 2020**

**Tabling in LegCo** : Council meeting of 24 June 2020

**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. 3) Regulation 2020 (L.N. 126)**

L.N. 126 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:

- (a) adding two items of substances ("Two New Items"), namely, "Erdafitinib; its salts" and "Romosozumab", to Division A of Schedule 1, Division A of Schedule 3 and Division A of Part 1 of the Poisons List set out in Schedule 10 ("Poisons List"); and
- (b) adding one sub-item of substance, namely, "Ibuprofen", to the item relating to "Pharmaceutical products for human parenteral administration" in Division A of Schedule 1 and Division A of Schedule 3.<sup>1</sup>

2. The effect of L.N. 126 is that the above substances are subject to restrictions with respect to 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 Two New Items in the Poisons List (as stated in paragraph 1(a) above) 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.

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<sup>1</sup> Members may wish to note that this sub-item of substance is already in the Poisons List.

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 June 2020, PPB considers the amendments appropriate in view of the potency, toxicity and potential side effects of the above substances. Members may refer to Annex B to the LegCo Brief for details of the substances.

4. As advised by the Clerk to the Panel on Health Services, the Panel has not been consulted on L.N. 126.

5. L.N. 126 came into operation on the date of publication in the Gazette, i.e. 19 June 2020.

**Declaration of Increase in Pensions Notice 2020 (L.N. 127)**

**Widows and Orphans Pension (Increase) Notice 2020 (L.N. 128)**

6. L.N. 127 and L.N. 128 are made by the Chief Executive ("CE") under section 4 of the Pensions (Increase) Ordinance (Cap. 305) and section 3(3) of the Widows and Orphans Pension (Increase) Ordinance (Cap. 205) respectively after consultation with the Executive Council to declare, with effect from 1 April 2020, a 2.9% increase in:

- (a) the basic pensions payable to ex-officers and dependants eligible for pension under various pieces of pension legislation specified in Schedule 1 to Cap. 305;<sup>2</sup> and
- (b) the pensions payable under the Widows and Orphans Pension Ordinance (Cap. 94) to widows and orphans of officers.

7. Under section 4 of Cap. 305 and section 3 of Cap. 205, if the average monthly Consumer Price Index (A) ("CPI(A)") of a 12-month period ending on 31 March of a year exceeds the average monthly CPI(A) of the immediately preceding 12 months by more than 0.1%, CE must declare a percentage of increase in the relevant pensions equal to the excess expressed as a percentage as soon as practicable by notice in the Gazette, and specify in the notice the effective date for such an increase.

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<sup>2</sup> The specified Ordinances are the Auxiliary Forces Pay and Allowances Ordinance (Cap. 254), Pensions Ordinance (Cap. 89), Pension Benefits Ordinance (Cap. 99), Pension Benefits (Judicial Officers) Ordinance (Cap. 401), Police Force Ordinance 1932 (37 of 1932), Police Officers (Special Cases) Pensions Ordinance 1954 (21 of 1954), and Surviving Spouses' and Children's Pensions Ordinance (Cap. 79).

8. As mentioned in paragraph 4 of the LegCo Brief (File Ref: CSBCR/AP/4-075-005/5 Pt. 23) issued by the Civil Service Bureau on 17 June 2020, the average monthly CPI(A) for the period from 1 April 2019 to 31 March 2020, as compared with the average monthly CPI(A) for the previous 12 months, has increased by 2.9%. L.N. 127 and L.N. 128 reflect that increase by raising the relevant pensions by the same percentage.

9. According to paragraph 8 of the LegCo Brief, no consultation with pensioners and dependants is required as a pension increase in accordance with an increase in the average monthly CPI(A) is a statutory entitlement for pensioners and dependants, and L.N. 127 and L.N. 128 are made in accordance with the relevant statutory provisions, and established policy and procedures.

10. As advised by the Clerk to the Panel on Public Service, the Panel has not been consulted on L.N. 127 and L.N. 128.

### **Concluding observations**

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

Prepared by

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