

立法會
Legislative Council

LC Paper No. LS2/2022

**Paper for the House Committee Meeting
on 21 January 2022**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 14 January 2022**

Tabling in LegCo : Council meeting of 19 January 2022

Amendment to be made by : Council meeting of 16 February 2022 (or that of 16 March 2022 if extended by resolution)

Pharmacy and Poisons (Amendment) Regulation 2022 **(L.N. 1)**

L.N. 1 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 the following six substances to Division A of Schedule 1, Division A of Schedule 3, and Division A of Part 1 of the Table set out in section 2 of Schedule 10 (“Poisons List”) to Cap. 138A:

- (a) Dostarlimab;
- (b) Luspatercept;
- (c) Pemigatinib; its salts;
- (d) Ponesimod; its salts;
- (e) Selumetinib; its salts; and
- (f) Tepotinib; its salts.

2. The main effect of L.N. 1 is that the above six 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 above six substances in the Poisons List means that they can only be sold on registered premises of an authorized seller of poisons by, 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 January 2022, 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 above substances which are used for the treatment of various medical conditions including endometrial cancer, transfusion-dependent anaemia, cholangiocarcinoma, multiple sclerosis, neurofibromatosis type 1 and lung cancer.

4. As advised by the Clerk to the Panel on Health Services, the Panel has not been consulted on L.N. 1.

5. L.N. 1 came into operation on the date of its publication in the Gazette, i.e. 14 January 2022.

Registration of Persons (Application for New Identity Cards) Order 2018 (Amendment) Order 2022

(L.N. 2)

6. The Registration of Persons (Application for New Identity Cards) Order 2018 (Cap. 177J) specifies the periods (“specified periods”) within which certain holders of valid Hong Kong identity cards (“HKICs”) must apply for their new HKICs under the Territory-wide Identity Card Replacement Exercise (“Replacement Exercise”). Since the commencement of the first cycle of the Replacement Exercise in December 2018, Cap. 177J has been amended from time to time to provide for the arrangement of the subsequent cycles of the Replacement Exercise. The last amendment was made by the Registration of Persons (Application for New Identity Cards) Order 2018 (Amendment) (No. 2) Order 2021 (L.N. 120 of 2021) in July 2021 to implement the fourth cycle of the Replacement Exercise.¹

7. L.N. 2 is made by the Secretary for Security under section 7B(1) of the Registration of Persons Ordinance (Cap. 177) to implement the fifth cycle of the Replacement Exercise. It amends Cap. 177J by:

- (a) providing for the specified periods applicable to HKIC holders born in 1954 or any year before, and between 1989 and 2000 as follows:

Year of birth shown on HKIC	Specified period under L.N. 2
1954 or any year before	From 4 April 2022 to 14 January 2023
1989, 1990 or 1991	From 4 April 2022 to 10 June 2022
1992, 1993, 1994 or 1995	From 11 June 2022 to 7 September 2022
1996, 1997, 1998, 1999 or 2000	From 8 September 2022 to 10 December 2022

¹ Members may refer to paragraphs 9 to 11 of LC Paper No. LS99/20-21 for details. <https://www.legco.gov.hk/yr20-21/english/hc/papers/hc20210723ls-99-e.pdf>.

- (b) providing certain Members of the Seventh LegCo (whose HKIC shows the year of birth between 1992 and 2000) with an option to apply for new HKICs within the period from 4 April 2022 to 10 June 2022, in addition to applying for new HKICs in the specified period for their age groups.
- 8. Members may refer to the LegCo Brief (without file reference) issued by the Security Bureau in January 2022 for further details.
- 9. As advised by the Clerk to the Panel on Security, the Panel has not been consulted on L.N. 2.
- 10. L.N. 2 comes into operation on 4 April 2022.

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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