

立法會
Legislative Council

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**Paper for the House Committee meeting
on 15 December 2000**

**Report of the Subcommittee on
Dangerous Drugs Ordinance (Amendment of
First Schedule) (No.2) Order 2000**

Purpose

This paper reports on the deliberations of the Subcommittee on Dangerous Drugs Ordinance (Amendment of First Schedule)(No.2) Order 2000.

The Order

2. Ketamine is currently controlled as a Part I poison under the Poisons List Regulations and a Third Schedule poison under the Pharmacy and Poisons Regulations. It can only be sold, on a prescription given by a registered medical practitioner, registered dentist or registered veterinary surgeon, at pharmacies registered under the Pharmacy and Poisons Ordinance, and under the supervision of a registered pharmacist but a detailed register of supply and receipt transaction records is not required.

3. Having regard to the nature of ketamine and the current drug abuse trend, the Administration proposes to include the drug in Part I of the First Schedule to the Dangerous Drugs Ordinance (Cap.134) (the Ordinance) to tighten its control. The proposed amendment will take effect from 15 December 2000.

4. With the proposed amendment, the level of control over ketamine will be the same as other dangerous drugs. The import and export of ketamine, like other dangerous drugs, will require a licence from the Director of Health. In addition, a detailed register of supply and receipt transaction records is required. The illicit trafficking, manufacture, supply or possession of ketamine will become an offence under the Ordinance. Any person who traffics in or manufactures a dangerous drug is liable to a maximum penalty of a fine of \$5,000,000 and life imprisonment. The maximum penalty for possession of a dangerous drug is a fine of \$1,000,000 and imprisonment for seven years.

The Subcommittee

5. The House Committee agreed at its meeting on 1 December 2000 to form a Subcommittee to study the Dangerous Drugs Ordinance (Amendment of First Schedule)(No.2) Order.

6. Under the chairmanship of Hon CHEUNG Man-kwong, the Subcommittee met the Administration on 8 December 2000. The membership list of the Subcommittee is in the Appendix.

Deliberations of the Subcommittee

Use and abuse of ketamine

7. Members note that ketamine is marketed for use as a general anaesthetic in both human and veterinary medical practice. However, it has been used overseas and locally to facilitate rapes and sexual assaults by being mixed in drinks at parties. It is also reportedly used as an alternative to cocaine and has been gaining popularity rapidly as a party drug in Hong Kong. The number of reported abusers of ketamine in the first half of the year 2000 was 453, representing a twenty-fold increase compared with 21 reported abusers in the second half of 1999.

Effective date of proposed amendment

8. Members support the Administration's proposal to tighten control of ketamine by including it in Part I of the First Schedule to the Ordinance. As regards the effective date of the proposed amendment, members note that the date of 15 December 2000 is proposed because there is a need to tighten control of the drug before the start of the festive season of Christmas and New Year when the number of parties is expected to increase.

Transitional arrangements

9. Members note that there are only three wholesalers of ketamine at present and one of them already has a wholesale licence to deal with dangerous drugs. The Administration has informed them in writing of the requirements under the Ordinance, including the need for a registered pharmacist to be responsible for all transactions and to maintain a detailed record of all transactions. Retailers and hospitals have also been advised of the same. In addition, the Department of Health has written to some 6 000 registered medical practitioners and all the 357 pharmacies advising them of the proposed amendment, even though most of them do not use or sell the drug.

10. In this connection, Hon Mrs Selina CHOW has informed the Subcommittee that she has discussed with the sector which is aware of the proposal and has not raised any strong views.

11. Members have expressed concern about possible loopholes such as farms which may need to use ketamine on their animals. The Administration has pointed out that the drug may only be prescribed by a registered veterinary surgeon who will assess the need of the farm and specify the quantity of the drug. The Administration has also assured members that the regime under the Ordinance has worked well and if a dangerous drug is used for trafficking, the person concerned may receive a maximum penalty of a fine of \$5,000,000 and life imprisonment.

Report of stock held on 15 December 2000

12. Members share the view that in order to ensure effective control, all authorized wholesalers and retailers concerned should be required to report their stock of ketamine as at 15 December 2000. In view of the small number of traders involved, the Administration has agreed to consider the proposal.

Stepping up of publicity

13. As the proposed amendment will come into effect in a week's time, members have urged the Administration to step up publicity on the subject as soon as possible. They share the view that it is necessary to draw the public's attention to the danger of ketamine abuse as well as the severe penalties under the Ordinance. The Administration has informed the Subcommittee that a series of publicity campaigns has been planned to target drug abuse. In addition to issuing another press release on the subject before the Order comes into effect, the Administration has printed posters as well as leaflets and postcards on ketamine which are now ready for display/distribution in high risk premises and venues.

Recommendation

14. The Subcommittee recommends support of the proposed amendment which will take effect on 15 December 2000. A verbal report was made by Hon CHEUNG Man-kwong, Chairman of the Subcommittee, at the House Committee meeting on 8 December 2000.

Advice sought

15. The Subcommittee invites the House Committee to note its recommendation in paragraph 14 above.

**Subcommittee on Dangerous Drugs Ordinance
(Amendment of First Schedule) (No. 2) Order 2000**

Membership List

Chairman	Hon CHEUNG Man-kwong
Members	Hon Mrs Selina CHOW LIANG Shuk-yea, JP Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP Hon LAW Chi-kwong, JP Hon Michael MAK Kwok-fung Dr Hon LO Wing-lok Hon IP Kwok-him, JP (Total : 7 Members)
Clerk	Ms Doris CHAN
Legal Adviser	Miss Connie FUNG
Date	8 December 2000