

## **LEGISLATIVE COUNCIL BRIEF**

Dangerous Drugs Ordinance (Cap. 134)

### **DANGEROUS DRUGS ORDINANCE (AMENDMENT OF FIRST SCHEDULE) ORDER 2001**

#### **INTRODUCTION**

At the meeting of the Executive Council on 12 June 2001, the Council **ADVISED** and the Chief Executive **ORDERED** that the Dangerous Drugs Ordinance (Amendment of First Schedule) Order 2001 (the Order) (at the Annex) should be made under Section 50(1) of the Dangerous Drugs Ordinance to tighten the control of gamma-hydroxybutyric acid (GHB) and 4-methylthioamphetamine (4-MTA).

#### **BACKGROUND AND ARGUMENT**

##### **General Background**

2. At the 44<sup>th</sup> Session meeting held in March 2001, the United Nations Commission on Narcotic Drugs (UNCND) added the two substances to the Convention of Psychotropic Substances of 1971 (the 1971 Convention) which applies to Hong Kong. The control of GHB and 4-MTA should be tightened to follow the decision of the UNCND and to deter trafficking and abuse of these two substances.

##### Nature and Abuse Potential of GHB

3. GHB usually exists as either free acid or as sodium salt. Pharmacologically, GHB produces sedative and anaesthetic effects at high dosage. The use of GHB has been found to induce anaesthesia, sleep, bradycardia, vomiting, random clonic movements, hypothermia, reduction in potassium levels, decrease in ventilatory rate and apnoea.

Overseas studies involving administration of GHB to patients at varying concentrations show that there were cases of withdrawal symptoms including insomnia, muscular cramping, tremor and anxiety upon discontinuation of high dosage.

4. GHB abuse has been reported in Australia, the United States and many countries in Europe. Although initially abused by bodybuilders for its apparent growth-hormone-promoting properties, the more recent mode of abuse of GHB world-wide has been for its hypnotic, euphoric and hallucinogenic effects, especially in the context of the dance music culture (i.e. “raves”). In overseas countries, GHB has also been found in relation to cases of sexual assault. Hospital admissions and deaths have been linked to GHB ingestion, generally involving the onset of coma and respiratory depression.

5. GHB is well known for its psychoactive and toxic effects when administered. The pattern and consequences of GHB abuse in the United States and a number of countries in Europe suggest that its liability to abuse constitutes a significant risk to public health.

6. In Hong Kong, GHB is not controlled under the Dangerous Drugs Ordinance (Cap. 134) (the Ordinance). Nor is it controlled under the Pharmacy and Poisons Ordinance (Cap. 138). No pharmaceutical products containing GHB are presently registered. According to the Department of Health and the Food and Environmental Hygiene Department, the use of GHB in food has not been recognised locally.

7. So far, there is no record of abuse and seizure of GHB in Hong Kong.

#### Nature and Abuse Potential of 4-MTA

8. 4-MTA is chemically and pharmacologically similar to methylenedioxy amphetamine (MDA) and methylenedioxymethamphetamine (MDMA). 4-MTA is a potent serotonin-releasing agent and is structurally similar to 4-methoxy-amphetamine. Drug discrimination studies in rats suggest that 4-MTA produces stimulant effects similar to MDMA. Reports from the United Kingdom

indicate that 4-MTA is abused for its stimulant and euphoric effects similar to MDMA.

9. 4-MTA is mainly abused in Europe. It appears that 4-MTA is part of the dance music culture, although its use is relatively less widespread probably because of perceptions by users that the drug is stronger and more harmful than other “club drugs” such as MDMA. Use of 4-MTA has resulted in a number of fatalities and hospital admissions overseas. It appears that toxic effects can be produced directly from the drug, and that the presence of other drugs or alcohol may exacerbate such effects.

10. According to UNCND, 4-MTA is a new synthetic drug that was seized for the first time in 1997. Although evidence of its actual abuse is available only in several countries in Europe, seizures of 4-MTA, including those of large quantities reported from a wider range of countries, suggesting that the trafficking and abuse of this substance are more widespread than have been reported. This being the case, and on the basis of its similarity to known MDA-type psychotropic substances and the data from drug discrimination studies in animals, it is estimated that 4-MTA is likely to be abused as to constitute a public health and social problem, warranting its placement under international control. Taking into consideration that 4-MTA has no recognised therapeutic use and that it has resulted in a number of fatalities, abuse of 4-MTA is very likely to constitute serious risk to public health.

11. As far as Hong Kong is concerned, 4-MTA (structurally derived from alpha-methylphenethylamine) is at present controlled under Part I of the Schedule to the Poisons List Regulations and First and Third Schedules to the Pharmacy and Poisons Regulations but not as a dangerous drug under the Ordinance. 4-MTA can only be sold on and in accordance with a prescription in premises duly registered under the Pharmacy and Poisons Ordinance in the presence and under the supervision of a registered pharmacist. A book should also be kept for monitoring purpose. However, as 4-MTA is not regulated under the Ordinance, its export and import are not controlled as required under the 1971 Convention. At present, no pharmaceutical products containing 4-MTA have been registered in Hong Kong. There has been no record of

abuse and seizure of this drug in Hong Kong.

### **The Proposal**

12. Having regard to the decision of the UNCND and the high abuse potential of GHB and 4-MTA, the Administration proposes to include these two substances in Part I of the First Schedule to the Ordinance to tighten their control.

13. With the proposed amendment, GHB and 4-MTA will be controlled as dangerous drugs. The illicit trafficking, manufacture, supply and possession of such drugs will lead to severe penalties.

### **Power to Amend the First Schedule**

14. Section 50(1) of the Ordinance provides that the Chief Executive may by order published in the Gazette amend the First Schedule to the Ordinance.

### **THE ORDER**

15. **Section 2** adds GHB and 4-MTA to Part I of the First Schedule to the Ordinance.

### **LEGISLATIVE TIMETABLE**

16. The legislative timetable is as follows –

Publication in the Gazette	22 June 2001
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Tabling at the Legislative Council	27 June 2001
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### **COMMENCEMENT**

17. It is intended that the proposed amendment will take effect on 1 October 2001.

## **BASIC LAW IMPLICATIONS**

18. The Department of Justice advises that the Order is consistent with the Basic Law.

## **HUMAN RIGHTS IMPLICATIONS**

19. The Department of Justice advises that the Order has no human rights implications.

## **BINDING EFFECT OF THE ORDER**

20. The Order will not affect the current binding effect of the Ordinance.

## **FINANCIAL AND STAFFING IMPLICATIONS**

21. The additional workload arising from the tightened control over GHB and 4-MTA is considered insignificant and will be absorbed by existing resources of the Department of Health, the Hong Kong Police Force and the Customs and Excise Department.

## **ECONOMIC IMPLICATIONS**

22. The Order has no economic implications.

## **PUBLIC CONSULTATION**

23. The Action Committee Against Narcotics and the Pharmacy and Poisons Board have been consulted and they all agreed with the proposed amendment.

## **PUBLICITY**

24. A press release will be issued on 20 June 2001. A spokesman will be available for answering media enquiries.

## **ENQUIRIES**

25. For any enquiries on the Order, please contact Miss Christina Chong, Assistant Secretary for Security (Narcotics), at 2867 2749.

Security Bureau  
20 June 2001

**DANGEROUS DRUGS ORDINANCE (AMENDMENT OF  
FIRST SCHEDULE) ORDER 2001**

(Made under section 50(1) of the Dangerous Drugs  
Ordinance (Cap. 134) after consultation  
with the Executive Council)

**1. Commencement**

This Order shall come into operation on 1 October 2001.

**2. First Schedule amended**

The First Schedule to the Dangerous Drugs Ordinance (Cap. 134) is amended in Part I, in paragraph 1(a) by adding -

"Gamma-hydroxybutyric acid  
4-Methylthioamphetamine".

Chief Executive

2001

**Explanatory Note**

This Order amends Part I of the First Schedule to the Dangerous Drugs Ordinance (Cap. 134) in order to tighten control of gamma-hydroxybutyric acid and 4-methylthioamphetamine which are capable of abuse.