

LEGISLATIVE COUNCIL BRIEF

Dangerous Drugs Ordinance (Cap. 134)

DANGEROUS DRUGS ORDINANCE (AMENDMENT OF FIRST SCHEDULE) (No. 2) ORDER 2000

INTRODUCTION

At the meeting of the Executive Council on 14 November 2000, the Council **ADVISED** and the Chief Executive **ORDERED** that the Dangerous Drugs Ordinance (Amendment of First Schedule) (No.2) Order 2000 (the Order) (Annex) should be introduced into the Legislative Council to tighten the control of ketamine.

BACKGROUND AND ARGUMENT

Nature and Abuse Potential of Ketamine

2. Ketamine, or “K,” is a central nervous system depressant which has been used overseas to facilitate rapes and sexual assaults. It is a rapid-acting drug and has sedative-hypnotic, analgesic and hallucinogenic properties. It is marketed in the US, a number of other countries and Hong Kong for use as a general anesthetic in both human and veterinary medical practice. Depending on the dose, ketamine may induce a variety of feelings from pleasant weightlessness to full-fledged out-of-body or near-death experiences. Ketamine is also reportedly used as an alternative to cocaine.

3. Ketamine abuse was first captured by the Central Registry of Drug Abuse in 1999. The number of reported abusers of ketamine recorded 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. Seizures of ketamine by law enforcement agencies in early-2000 also reveal that this drug has been gaining popularity rapidly as a party

drug in Hong Kong.

4. Ketamine which is abused is generally illegally diverted or stolen from veterinary supplies at clinics, zoos or farms, etc, and known sources of ketamine include Thailand and the Mainland. Ketamine is believed to be smuggled into Hong Kong, mainly in innocuous looking containers, such as contact-lens fluid bottles.

5. In the US, ketamine is increasingly being used to facilitate “date rapes” and serious sexual assaults. Female victims are usually approached in a social setting e.g. a nightclub, bar or party and are offered a drink containing ketamine. As the victim loses control due to the effect of ketamine, she will be removed from the social scene and raped. Afterwards, the rapist can rely on others witnessing his interaction with the victim and claim that she was a willing participant. In other cases, the drugs consumed suppress the memory of the victim, making her unaware of what happened and unable to recognise the need for a timely collection of forensic specimens.

Existing Control of Ketamine

6. 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. With this classification, ketamine can only be sold, on a doctor’s prescription, by pharmacies (dispensaries or “authorized sellers of poisons”) registered under the Pharmacy and Poisons Ordinance, and under the supervision of a registered pharmacist. However, as ketamine is not controlled under the Dangerous Drugs Ordinance (the Ordinance), a detailed register of supply and receipt transaction records is not required.

7. From January to September 2000, there were more than 800 cases involving illicit possession or seizure without arrest of a total amount of 4.95 kilograms of ketamine. Although in some cases, the drug was found wrapped in small paper packets, obviously prepared for trafficking, ketamine’s status as a poison, not as a dangerous drug, meant that charges of unlawful possession under the Pharmacy and Poisons Ordinance could only be brought against offenders, with a maximum

penalty of \$100,000 and two years imprisonment.

The Proposal

8. Having regard to the nature of ketamine and the current drug abuse trend, it is **proposed** to include the drug in Part I of the First Schedule to the Ordinance to tighten its control.

9. With the proposed amendment, the level of control over ketamine will then be the same as other dangerous drugs, and the illicit trafficking, manufacture, supply and possession of such drugs will lead to severe penalties.

Power to Amend the First Schedule

10. 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

11. **Section 2** adds ketamine to Part I of the First Schedule to the Ordinance.

LEGISLATIVE TIMETABLE

12. The legislative timetable approved by the Chief Executive in Council is:–

Publication in the Gazette	24 November 2000
Tabling at the Legislative Council	29 November 2000

COMMENCEMENT

13. It is intended that the proposed amendment will take effect on **15 December 2000**.

BASIC LAW IMPLICATIONS

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

HUMAN RIGHTS IMPLICATIONS

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

BINDING EFFECT OF THE ORDER

16. The amendment will not affect the current binding effect of the Ordinance.

FINANCIAL AND STAFFING IMPLICATIONS

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

ECONOMIC IMPLICATIONS

18. The Order has no economic implications.

PUBLIC CONSULTATION

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

PUBLICITY

20. A press release will be issued on 22 November. A spokesman will be available for answering media enquiries.

ENQUIRIES

21. For any enquiries on the Order, please contact Ms Mimi Lee, Principal Assistant Secretary for Security (Narcotics), at 2867 2748.

Security Bureau
22 November 2000

**DANGEROUS DRUGS ORDINANCE (AMENDMENT OF
FIRST SCHEDULE)(NO. 2) ORDER 2000**

(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 15 December 2000.

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 -
"Ketamine".

Chief Executive

2000

Explanatory Note

This Order amends Part I of the First Schedule to the Dangerous Drugs Ordinance (Cap. 134) in order to upgrade the control over the dealing, possession, import, export, supply and manufacture of ketamine.