

LEGISLATIVE COUNCIL BRIEF

Dangerous Drugs Ordinance (Chapter 134)

DANGEROUS DRUGS ORDINANCE (AMENDMENT OF SECOND SCHEDULE) ORDER 2011

DANGEROUS DRUGS ORDINANCE (AMENDMENT OF FOURTH SCHEDULE) ORDER 2011

INTRODUCTION

On 31 March 2011, the Secretary for Security, under section 50(2) and section 49I of the Dangerous Drugs Ordinance (Cap. 134) (“the Ordinance”), made the Dangerous Drugs Ordinance (Amendment of Second Schedule) Order 2011 (**Annex A**) and the Dangerous Drugs Ordinance (Amendment of Fourth Schedule) Order 2011 (**Annex B**) respectively.

JUSTIFICATIONS

Second Schedule

2. Under section 22(1)(f) of the Ordinance, a sister in charge of a ward, theatre or other department in a prescribed hospital may possess and supply dangerous drugs so far as it is necessary for the practice or exercise of their profession, function or employment. A prescribed hospital is defined in section 2 to mean, inter alia, a hospital or institution specified in the Second Schedule.

3. A new nursing home as listed in **Annex C** has come into operation. In the course of treatment of elderly patients by the institution, the use of narcotics and benzodiazepines which are subject to the control of the Ordinance may be involved. It is essential to include this institution in the Second Schedule to meet its operation needs in accordance with section 22 of the Ordinance.

Fourth Schedule

4. Under section 49B of the Ordinance, the Central Registry of Drug Abuse (CRDA) collects, collates and analyses confidential information supplied by reporting agencies and publishes statistical information on drug abuse on an aggregate basis. It has proved to be a valuable tool to monitor changes in trends or characteristics of the local drug abuse situation. Confidentiality of records kept by reporting agencies and the CRDA is protected under Part VIIA of the Ordinance.

5. At present, there are 67 reporting agencies listed in the Fourth Schedule. To broaden the reporting base and ensure confidentiality of records, five additional agencies as listed in **Annex D**, have agreed to be included in the Fourth Schedule. The opportunity is also taken to update the names of two existing reporting agencies in the Fourth Schedule to reflect the changes as shown in **Annex E**.

THE ORDERS

Dangerous Drugs Ordinance (Amendment of the Second Schedule) Order 2011

7. The Order in **Annex A** adds the nursing home listed in **Annex C** to the Second Schedule to the Ordinance.

Dangerous Drugs Ordinance (Amendment of the Fourth Schedule) Order 2011

8. The Order in **Annex B** amends the Fourth Schedule to the Ordinance by adding five new agencies listed in **Annex D** and updating the names of two agencies to reflect the changes shown in **Annex E**.

LEGISLATIVE TIMETABLE

9. The legislative timetable will be –

Publication in the Gazette	8 April 2011
Tabling for negative vetting	13 April 2011
Commencement	4 June 2011

IMPLICATIONS OF THE PROPOSAL

10. The amendment is in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the current binding effect of the Ordinance. It has no economic, productivity, environmental or sustainability implications. The additional workload and financial implications arising are negligible which will be absorbed by relevant bureaux and departments.

PUBLIC CONSULTATION

11. We consulted the institutions concerned and obtained their consent to be included in this legislative amendment exercise.

PUBLICITY

12. A spokesperson will be available for answering media enquiries.

ENQUIRIES

13. Any enquiries on this brief can be addressed to Mr David Wong, Principal Assistant Secretary for Security (Narcotics)¹ (telephone: 2867 5220, facsimile: 2810 1773).

Narcotics Division
Security Bureau
6 April 2011

Dangerous Drugs Ordinance (Amendment of Second Schedule) Order 2011

(Made by the Secretary for Security under section 50(2) of the Dangerous Drugs Ordinance (Cap. 134))

1. Commencement

This Order comes into operation on 4 June 2011.

2. Dangerous Drugs Ordinance amended

The Dangerous Drugs Ordinance (Cap. 134) is amended as set out in section 3.

3. Second Schedule amended

Second Schedule, after entry "Cheshire Home, Shatin (沙田慈氏護養院)"—

Add

"ELCHK, Grace Court (基督教香港信義會恩頤居)".



Secretary for Security

31-3-2011

Explanatory Note

This Order amends the Second Schedule to the Dangerous Drugs Ordinance (Cap. 134) to add one institution (namely ELCHK, Grace Court) as a prescribed hospital.

Dangerous Drugs Ordinance (Amendment of Fourth Schedule) Order 2011

Section 1

1

Dangerous Drugs Ordinance (Amendment of Fourth Schedule) Order 2011

(Made by the Secretary for Security under section 49I of the Dangerous Drugs Ordinance (Cap. 134))

1. Commencement

This Order comes into operation on 4 June 2011.

2. Dangerous Drugs Ordinance amended

The Dangerous Drugs Ordinance (Cap. 134) is amended as set out in section 3.

3. Fourth Schedule amended

(1) Fourth Schedule, after item 6—

Add

“6A. Christian New Life Association Limited”.

(2) Fourth Schedule, English text, item 8—

Repeal

“Post Secondary College”

Substitute

“College of Higher Education”.

(3) Fourth Schedule, after item 15—

Add

“15A. Glorious Praise Fellowship (Hong Kong) Limited”.

(4) Fourth Schedule, after item 26—

Add

“26A. Hong Kong Sheng Kung Hui Welfare Council”.

(5) Fourth Schedule, after item 34—

Dangerous Drugs Ordinance (Amendment of Fourth Schedule) Order 2011

Section 3

2

Add

“34A. Mission Ark Limited”.

(6) Fourth Schedule, item 44, after “Kong”—

Add

“Limited”.

(7) Fourth Schedule, after item 61—

Add

“61A. Tung Wah Group of Hospitals”.



Secretary for Security

31-3-2011

Explanatory Note

This Order amends the list of reporting agencies in the Fourth Schedule to the Dangerous Drugs Ordinance (Cap. 134) to—

- (a) add 5 bodies or organizations as reporting agencies; and
- (b) revise the names of the Chu Hai Post Secondary College and The Boys' Brigade, Hong Kong as stated in the list.

Annex C

New Institution to be Included in the Second Schedule to the Dangerous Drugs Ordinance (Cap. 134)

Name of the Institution

ELCHK, Grace Court (基督教香港信義會恩頤居)

**New Reporting Agencies to be Included in the
Fourth Schedule to the Dangerous Drugs Ordinance (Cap. 134)**

Name of Agency

Christian New Life Association Limited (基督教新生協會有限公司)

Glorious Praise Fellowship (Hong Kong) Limited (榮頌團契有限公司)

Hong Kong Sheng Kung Hui Welfare Council (香港聖公會福利協會)

Mission Ark Limited (方舟行動有限公司)

Tung Wah Group of Hospitals (東華三院)

Annex E

Changes to the Names of Reporting Agencies Appeared in the Fourth Schedule to the Dangerous Drugs Ordinance (Cap. 134)

<u>Item</u>	<u>Original Name</u>	<u>Updated Name</u>
<u>No.</u>		
8.	Chu Hai Post Secondary College (珠海學院)	Chu Hai College of Higher Education (珠海學院)
44.	The Boys' Brigade, Hong Kong (香港基督少年軍)	The Boys' Brigade, Hong Kong Limited (香港基督少年軍有限公司)