

Ref: NCR 2/1/8 SF 4

LEGISLATIVE COUNCIL BRIEF

Control of Chemicals Ordinance (Chapter 145)

CONTROL OF CHEMICALS ORDINANCE (AMENDMENT OF SCHEDULE 2) ORDER 2011

INTRODUCTION

The Secretary for Security **made** the Control of Chemicals Ordinance (Amendment of Schedule 2) Order 2011 on 5 January 2011, at **Annex**, under section 18A of the Control of Chemicals Ordinance (Cap 145) (“the Ordinance”), to impose control on the chemical 1-[(2-Chlorophenyl)-N-(methylimino)methyl]cyclopentanol and its salts (“the substances”) which are liable to be used in the production of the dangerous drug ketamine.

JUSTIFICATIONS

2. The substances are immediate precursor chemicals for ketamine, which is classified as a dangerous drug under the control of the Dangerous Drugs Ordinance (Cap. 134).

3. Ketamine is the most commonly abused psychotropic substance in Hong Kong. This is particularly the case for young drug abusers. According to the statistics of the Central Registry of Drug Abuse, in 2009, 84% of the young drug abusers under 21 indicated that they abused ketamine.

4. The substances can be used for production of ketamine through simple processes. They have no pharmaceutical value and have no known medicinal uses either. They have already been subject to legislative control as precursor chemicals for the manufacturing of ketamine on the Mainland and in Taiwan.

5. Whilst there has not been any reported case of manufacturing of ketamine in Hong Kong, in view of the prevalence of ketamine in Hong Kong, we propose to subject the substances to legislative control as a precautionary measure.

Existing Control

6. The substances are not at present under the control of the laws of Hong Kong.

Trade Situation

7. There was no trade declaration lodged on the substances between 1 January 2008 and 30 September 2010, suggesting that import or export of those substances has been rare, if any. Thus, the impact of the proposed control on trade would be negligible.

THE ORDER

8. **Section 3** of the Order adds 1-[(2-Chlorophenyl)-N-(methylimino)methyl]cyclopentanol and its salts to Schedule 2 to the Ordinance.

9. The Order will subject the manufacture, import, export and transshipment of the substances under the control of the Ordinance and its subsidiary legislation, i.e. the manufacture, import, export and storage of the substances will require a licence or storage approval from the Commissioner of Customs and Excise. The amendment will also make it illegal, by virtue of section 2A of the Ordinance, to have in possession, manufacture, transport or distribute the substances for the purpose of unlawful production of dangerous drugs. Maximum penalty will be a fine of \$1 million and imprisonment for 15 years.

LEGISLATIVE TIMETABLE

10. The legislative timetable will be –

Publication in the Gazette	14 January 2011
Tabling for negative vetting	19 January 2011
Commencement	1 April 2011

IMPLICATIONS

11. The proposal 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 from the implementation of the proposal are expected to be negligible and any additional requirements will be absorbed by the relevant bureaux and departments.

PUBLIC CONSULTATION

12. We consulted the Action Committee Against Narcotics and obtained their support for the proposed amendments.

13. We also sought the views of the pharmaceutical, chemical, shipping, logistics and cargo trades, as well as licensees and storage approval holders for controlled chemicals on the proposed amendments. No objection has been raised.

14. We consulted the Panel on Security of the Legislative Council on 11 November 2010. The Panel supported the proposed amendments.

PUBLICITY

15. A press release will be issued on 12 January 2011. A spokesperson will be available for answering media enquiries.

ENQUIRIES

16. Enquiries in relation to the Order should be directed to contact

Mr. Eric Lee, Principal Assistant Secretary for Security (Narcotics)2, at 2867 5676.

Narcotics Division
Security Bureau
12 January 2011

**Control of Chemicals Ordinance (Amendment of
Schedule 2) Order 2011**

Explanatory Note

(Made by the Secretary for Security under section 18A(1) of the Control of
Chemicals Ordinance (Cap. 145))

This Order amends Schedule 2 to the Control of Chemicals
Ordinance (Cap. 145) in order to impose control on 1-[(2-
Chlorophenyl)-N-(methylimino)methyl]cyclopentanol and its salts,
which are used in the manufacture of ketamine.

1. Commencement

This Order comes into operation on 1 April 2011.

2. Control of Chemicals Ordinance amended

The Control of Chemicals Ordinance (Cap. 145) is amended as set
out in section 3.

3. Schedule 2 amended

Schedule 2, after item 16—

Add

- “17. 1-[(2-Chlorophenyl)-N-
(methylimino)methyl]cyclopentanol (1-羥基環戊
基-2-氯苯基-N-甲基亞胺基酮) (*)”.



Secretary for Security

5 - JAN - 2011