

LEGISLATIVE COUNCIL BRIEF

Dangerous Drugs Ordinance (Chapter 134)

DANGEROUS DRUGS ORDINANCE (AMENDMENT OF SECOND SCHEDULE) ORDER 2016

INTRODUCTION

On 6 April 2016, the Secretary for Security, under section 50(2) of the Dangerous Drugs Ordinance (Cap. 134) (the “Ordinance”), made the Dangerous Drugs Ordinance (Amendment of Second Schedule) Order 2016 (**Annex A**) (the “Order”).

JUSTIFICATIONS

2. Under section 22(1)(e) and (f) of the Ordinance, a registered pharmacist or an approved person employed or engaged at a prescribed hospital and whose duties in that employment or engagement include the dispensing or supply of medicines; and a sister¹ for the time being in charge of a ward, theatre or other department in a prescribed hospital may possess and supply dangerous drugs so far as may be necessary for the practice or exercise of their profession, function or employment and in their capacity as such. Moreover, under section 22(2) of the Ordinance, a matron of a prescribed hospital may possess and supply dangerous drugs for the purposes of the hospital and in her capacity as a matron thereof. A prescribed hospital is defined in section 2 of the Ordinance to mean, inter alia, a hospital or institution specified in the Second Schedule to the Ordinance.

3. One hospital and one institution as listed in **Annex B** will and has come into operation respectively. For effective symptomatic control and medical management in the hospital and the institution, it is essential to include them in the Second Schedule so that the said registered pharmacists, approved persons, sisters and matrons working therein may possess and supply dangerous drugs under the Ordinance.

¹ “Sister” is defined in section 2 of the Ordinance to include “any person performing the duties of a nursing sister and any person, whatever the title of the office which he holds, performing duties of the kind performed by a nursing sister.”

4. The opportunity is also taken to update the names of three institutions in the Second Schedule and delete one institution² in the Second Schedule. Changes are shown in **Annexes C and D** respectively.

THE ORDER

5. The Order at **Annex A** seeks to –
- (a) add one hospital and one institution to the Second Schedule to the Ordinance;
 - (b) update the names of three institutions in the Second Schedule to the Ordinance; and
 - (c) delete one institution from the Second Schedule to the Ordinance.

LEGISLATIVE TIMETABLE

6. The legislative timetable will be –

| | |
|------------------------------|---------------|
| Publication in the Gazette | 15 April 2016 |
| Tabling for negative vetting | 20 April 2016 |
| Effective date | 10 June 2016 |

IMPLICATIONS OF THE PROPOSAL

7. 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, sustainability, family, gender or civil service implications. The financial implications arising are negligible which will be absorbed by relevant bureaux and departments.

² The Hospital Authority has relocated the services concerned to the Community Rehabilitation Service Support Centre in the Kowloon Hospital which has already been included in the Second Schedule to the Ordinance.

PUBLIC CONSULTATION

8. We consulted the relevant authorities concerned and obtained their consent to be included in this legislative amendment exercise.

PUBLICITY

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

ENQUIRIES

10. Any enquiries on this brief can be addressed to Mr Jack CHAN, Assistant Secretary for Security (Narcotics)² (telephone: 2867 2752, facsimile: 2810 1790) and Mr Patrick LEE, Assistant Secretary for Food and Health (Health)⁴ (telephone: 3509 8958, facsimile: 2840 0467).

Narcotics Division
Security Bureau
13 April 2016

Dangerous Drugs Ordinance (Amendment of Second Schedule) Order 2016

(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 10 June 2016.

2. Dangerous Drugs Ordinance amended

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

3. Second Schedule amended (prescribed hospitals and institutions, other than hospitals maintained by the Government and military hospitals)

(1) Second Schedule—

Repeal

“Lions Kidney Educational Centre and Research Foundation Chan Wong Sau Wah Memorial Renal Dialysis Centre (國際獅子會腎病教育中心及研究基金陳黃秀華紀念洗腎中心)”

Substitute

“Lions Kidney Educational Centre and Research Foundation—Chan Wong Sau Wah Memorial Renal Dialysis Centre (國際獅子會腎病教育中心及研究基金 — 陳黃秀華紀念洗腎中心)”.

(2) Second Schedule—

Repeal

“Po Leung Kuk Eco-Home for the Senior (保良局癸未年樂頤居)”

Substitute

“Po Leung Kuk Eco-Home for the Senior cum Sunny Green Day Care Centre for the Senior (保良局癸未年樂頤居暨耆安長者日間護理中心)”.

(3) Second Schedule—

Repeal

“Po Leung Kuk Sai Ying Pun Home for the Elderly cum Day Care Centre (保良局西營盤護老院暨長者日間護理中心)”

Substitute

“Po Leung Kuk Sai Ying Pun Home for the Elderly cum Day Care Centre for the Elderly (保良局西營盤護老院暨長者日間護理中心)”.

(4) Second Schedule—

Repeal

“Rehabaid Centre (復康專科及資源中心)”.

(5) Second Schedule—

Add in alphabetical order

“ELCHK, Serene Court (基督教香港信義會恩海居)

Tin Shui Wai Hospital (天水圍醫院)”.

6th April 2016


Secretary for Security

Explanatory Note

This Order amends the Second Schedule to the Dangerous Drugs Ordinance (Cap. 134) to—

- (a) update the names of 3 institutions in the list of prescribed hospitals and institutions (*the list*) (see section 3(1) to (3) of this Order);
- (b) delete 1 institution from the list (see section 3(4) of this Order); and
- (c) add 1 hospital and 1 institution to the list (see section 3(5) of this Order).

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

Names of the Hospital and the Institution

Tin Shui Wai Hospital (天水圍醫院)

ELCHK, Serene Court (基督教香港信義會恩海居)

**Changes to the Names of Three Institutions
in the Second Schedule to the Dangerous Drugs Ordinance (Cap. 134)**

Original Names

Updated Names

Lions Kidney Educational Centre and
Research Foundation Chan Wong Sau
Wah Memorial Renal Dialysis Centre
(國際獅子會腎病教育中心及研究
基金陳黃秀華紀念洗腎中心)

Lions Kidney Educational Centre and
Research Foundation – Chan Wong
Sau Wah Memorial Renal Dialysis
Centre
(國際獅子會腎病教育中心及研究基
金 - 陳黃秀華紀念洗腎中心)

Po Leung Kuk Eco-Home for the
Senior
(保良局癸未年樂頤居)

Po Leung Kuk Eco-Home for the
Senior cum Sunny Green Day Care
Centre for the Senior
(保良局癸未年樂頤居暨耆安長者日
間護理中心)

Po Leung Kuk Sai Ying Pun Home
for the Elderly cum Day Care Centre
(保良局西營盤護老院暨長者日間
護理中心)

Po Leung Kuk Sai Ying Pun Home for
the Elderly cum Day Care Centre for
the Elderly
(保良局西營盤護老院暨長者日間護
理中心)

**Institution to be Deleted from the
Second Schedule to the Dangerous Drugs Ordinance (Cap. 134)**

Name of the Institution

Rehabaid Centre (復康專科及資源中心)