

Ref: NCR 2/1/8 XV

LEGISLATIVE COUNCIL BRIEF

Dangerous Drugs Ordinance
(Chapter 134)

DANGEROUS DRUGS ORDINANCE (AMENDMENT OF FIRST SCHEDULE) ORDER 1998

INTRODUCTION

At the meeting of the Executive Council on 3 November 1998, the Council ADVISED and the Chief Executive ORDERED that the Dangerous Drugs Ordinance (Amendment of First Schedule) Order 1998 at Annex A be made under section 50(1) of the Dangerous Drugs Ordinance (the Ordinance), to tighten control of certain dangerous substances which have the potential for abuse.

BACKGROUND AND ARGUMENT

General Background

2. Almost all narcotic drugs and psychotropic substances listed in the United Nations Single Convention on Narcotic Drugs 1961 (as amended by the 1972 Protocol) and the United Nations Convention on Psychotropic Substances 1971 respectively are subject to stringent control under the

Ordinance. The control covers dealing, possession, import, export, supply and manufacture of the drugs.

Control under the Dangerous Drugs Ordinance

3. There are different levels of control in the Ordinance for the supply of dangerous drugs, with the level of control being determined by which part of the First Schedule to the Ordinance the drugs are in. The control is as follows -

- (a) substances specified in Part I of the First Schedule can only be sold at authorized sellers of poisons (i.e. dispensaries) under the supervision of a pharmacist and with a registered medical practitioner's prescription (section 25(1)(b) of the Ordinance);
- (b) substances specified in Part II of the First Schedule can only be sold at authorized sellers of poisons under the supervision of a pharmacist (section 24 of the Ordinance);
- (c) substances specified in Part IV of the First Schedule can be sold at authorized sellers of poisons without the supervision of a pharmacist, and also at listed sellers of poisons (i.e. medicine companies) (section 24(2) of the Ordinance).

Part I of the First Schedule

4. At present, amphetamine and most of its derivatives are classified as dangerous drugs and are included in Part I of the First Schedule to the Ordinance. Two amphetamine derivatives, namely amfepramone and cathine, are excluded. These two substances are used for weight reduction purposes. Similar to other amphetamines, their potential for abuse arises from their stimulant effect on the central nervous system, causing a state of emotional and physical agitation or a phenomenon commonly described as “high”. Over the years, there has been growing abuse of the amphetamine group of drugs across all age groups and the number of amphetamine abusers reported to the Central Registry of Drug Abuse has increased from 14 in 1990 to 904 in 1997. In view of the potential for abuse of amfepramone and cathine and the rise in the abuse of the amphetamine group of drugs, it was decided that these two substances should be added to Part I of the First Schedule to the Ordinance.

5. In 1995, the International Narcotics Control Board added six drugs to the list of psychotropic substances under international control. Of these 6 drugs, aminorex, brotizolam and methcathinone have been classified as dangerous drugs under the Ordinance. The other three substances, namely etryptamine, mesocarb and zipeprol, have not been included in Part I of the First Schedule because they have become available only recently. To be in line with international efforts to minimize their abuse, it was decided that these three substances should be classified as dangerous drugs, and be included in Part I of the First Schedule to the Ordinance.

Part IV of the First Schedule

6. Pharmaceutical preparations containing not more than 0.1 per cent of codeine are included in Part IV of the First Schedule to the Ordinance.

Since the Poisons List (Amendment) Regulation 1995 came into operation in August 1995, codeine has been included in Part I of the Poisons List prescribed by the Poisons List Regulations. Following that amendment, pharmaceutical preparations containing 0.1 per cent or less of codeine can only be sold at authorised sellers of poisons (i.e. dispensaries) under the supervision of a pharmacist. The deletion of codeine from Part IV of the First Schedule is therefore necessary to tie in with the amendment set out in the Poisons List (Amendment) Regulation 1995.

7. It has also been observed that subsequent to the tightened control of codeine in 1995, abusers have been turning to cough syrups containing morphine or other codeine-like substances because of the latter's easy availability and similar pharmacological activities to codeine. In order to tighten control on the sale of all such products to prevent their abuse, it was decided that the following substances should be deleted from Part IV of the First Schedule to the Ordinance -

- (a) Morphine;
- (b) Acetyldihydrocodeine;
- (c) Dihydrocodeine;
- (d) Ethylmorphine (3-ethylmorphine);
- (e) Nicocodine;

- (f) Norcodeine; and
- (g) Pholcodine.

8. Following the deletion mentioned in paragraphs 6 and 7, pharmaceutical preparations containing not more than 0.1 per cent of any of the substances in question will automatically fall into Part II of the First Schedule to the Ordinance.

THE ORDER

9. The Order adds five substances to Part I of the First Schedule to the Ordinance and deletes eight substances from Part IV of the same Schedule in order to tighten control over the supply of the substances in question. A copy of the existing First Schedule to the Ordinance is at Annex B. It was decided that the Order should commence on 1 April 1999 following the legislative procedure, so as to allow the trade sufficient time to make the necessary preparations.

LEGISLATIVE TIMETABLE

10. The legislative timetable approved by the Chief Executive in Council is:-

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13 November 1998

BASIC LAW IMPLICATIONS

11. The Department of Justice advises that the Order does not conflict with those provisions of the Basic Law carrying no human right implications.

HUMAN RIGHTS IMPLICATIONS

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

BINDING EFFECT

13. Neither the provisions of the Order nor the First Schedule to the Ordinance as amended by the Order bind the State by express provision.

FINANCIAL AND STAFFING IMPLICATIONS

14. There are no financial or staffing implications arising from the proposal. The Department of Health will enforce the Order with its existing resources.

PUBLIC CONSULTATION

15. The Action Committee Against Narcotics was consulted and expressed full support to the proposal. The Pharmacy and Poisons Board whose membership comprises, among others, pharmacists employed in the drug manufacturing and wholesale and retail dispensary businesses, was also consulted and had no objection to the proposal.

PUBLICITY

16. A press release will be issued on 11 November 1998.

ENQUIRIES

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

Security Bureau
11 November 1998
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**DANGEROUS DRUGS ORDINANCE
(AMENDMENT OF FIRST SCHEDULE) ORDER 1998**

ANNEXES

- Annex A - Dangerous Drugs Ordinance (Amendment of First Schedule) Order 1998
- Annex B - First Schedule to the Dangerous Drugs Ordinance

DANGEROUS DRUGS ORDINANCE (AMENDMENT OF FIRST SCHEDULE)

ORDER 1998

(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 April 1999.

2. First Schedule amended

The First Schedule to the Dangerous Drugs Ordinance (Cap. 134) is amended -

- (a) in Part I, in paragraph 1(a) by adding -
“Amfepramone
Cathine
Etryptamine
Mesocarb
Zipeprol”;
- (b) in Part II, in paragraphs 13(a), 14 and 15 by repealing “不會或甚少機會被濫用” and substituting “沒有機會被濫用或被濫用的機會屬微不足道”:
- (c) in Part IV by repealing paragraph 23 and substituting -
“23. Any preparation containing not more than 0.1 per cent of cocaine, being a preparation compounded with one or more other ingredients in such a way that the preparation has no, or a negligible, risk of abuse and that the substance contained therein

cannot be recovered by readily applicable means or in a yield which would constitute a risk to health.”.

Chief Executive

1998

Explanatory Note

This Order amends the First Schedule to the Dangerous Drugs Ordinance (Cap. 134) by adding 5 substances to Part I of the Schedule and repealing 8 substances from Part IV of the Schedule.

Chapter:	134	Title:	DANGEROUS DRUGS ORDINANCE	Gazette Number:	
Schedule:	1	Heading:		Version Date:	30/06/1997

PART I

[sections 2, 3 & 22]

DANGEROUS DRUGS

1. The following substances, namely-
 - (a) Acetyldihydrocodeine
 - Alphacetylmethadol
 - Alphamethadol
 - Alprazolam
 - Aminorex
 - Amphetamine
 - Barbitone
 - Benzylmorphine
(3-benzylmorphine)
 - Betacetylmethadol
 - Betamethadol
 - Bezitramide
 - Bromazepam
 - Brotizolam
 - Camazepam
 - Cannabinol and its tetrahydro derivatives;
their 3-alkyl homologues
 - Cathinone
 - Chlordiazepoxide
 - Clobazam
 - Clonazepam
 - Clonitazene
 - Clorazepate
 - Clotiazepam
 - Cloxazolam
 - Cocaine
 - Codeine
 - Codoxime
 - Delorazepam
 - Desomorphine
 - Dextromoramide
 - Dextropropoxyphene
 - Diampromide
(N-[2-(N-methylphenethylamine)propyl] propionanilide)
 - Diazepam
 - Diethylthiambutene
 - Difenoxin
 - Dihydrocodeine
 - Dihydromorphine
 - Dimenoxadol
 - Dimepheptanol

Dimethylthiambutene
Dioxaphetyl butyrate
Dipipanone
Drotebanol
Ecgonine, and any derivative of ecgonine which is convertible to ecgonine or to cocaine
Estazolam
Ethyl Loflazepate
Ethylmethylthiambutene
Eticyclidine
Ethylmorphine
(3-ethylmorphine)
Etonitazene
Etorphine
Fentanyl
Fludiazepam
Flunitrazepam
Flurazepam
Halazepam
Haloxazolam
Heroin
(diacetylmorphine)
Hydrocodone
(dihydro-codeinone)
Hydromorphanol
Hydromorphone
Hydroxypethidine
Isomethadone
Ketazolam
Ketobemidone
Levomethorphan
Levomoramide
Levophenacylmorphan
Levorphanol
Loprazolam
Lorazepam
Lormetazepam
Lysergamide
Lysergide and other N-alkyl derivatives of lysergamide
Mecloqualone
Medazepam
Metazocine
Methadone
Methadyl acetate
Methamphetamine
(methylanphetamine)
Methaqualone
Methcathinone
Methyldesorphine
Methyldihydromorphine
(6-methyldihydromorphine)
Methyl phenidate
Metopon

Midazolam
Morphine
Morphine methobromide, morphine-N-oxide and other pentavalent nitrogen
morphine derivatives
Myrophine
Nicocodine
Nicomorphine (3, 6-dinicotinoyl-morphine)
Nimetazepam
Nitrazepam
Noracylmethadol
Norcodeine
Nordazepam
Norlevorphanol
Normethadone
Normorphine
Norpipanone
Oxazepam
Oxazolam
Oxycodone
Oxymorphone
Pethidine
Phenadoxone
Phenampromide
Phenazocine
Phencyclidine
Phendimetrazine
Phenmetrazine
Phenomorphan
Phentermine
Pholcodine
Pinazepam
Piritramide
Prazepam
Proheptazine
Propiram
Quinalbarbitone
Racemethorphan
Racemoramide
Racemorphan
Rolicyclidine
Temazepam
Tetrazepam
Tenocyclidine
Thebacon
Thebaine
Tilidate
Triazolam
4-Cyano-2-dimethylamino-4, 4-diphenylbutane
4-Cyano-1-methyl-4-phenylpiperidine
N, N-dimethylamphetamine
N-[α -Methyl-3, 4-(methylenedioxy) phenethyl] hydroxylamine
1-Methyl-4-phenylpiperidine-4-carboxylic acid

2-Methyl-3-morpholino-1, 1-diphenyl-propanecarboxylic acid

4-Methyl aminorex

4-Phenylpiperidine-4-carboxylic acid ethyl ester;

- (b) any compound (not being a compound for the time being specified in subparagraph (a)) structurally derived from tryptamine or from a ring-hydroxy tryptamine by substitution at the nitrogen atom of the sidechain with one or more alkyl substituents but no other substituent;
 - (c) any compound (not being methoxyphenamine or a compound for the time being specified in subparagraph (a)) structurally derived from phenethylamine, an N-alkylphenethylamine, alpha-methylphenethylamine, an N-alkyl- α -methylphenethylamine, α -ethylphenethylamine, or an N-alkyl- α -ethylphenethylamine by substitution in the ring to any extent with alkyl, alkoxy, alkyl-enedioxy or halide substituents, whether or not further substituted in the ring by one or more other univalent substituents;
 - (d) any compound (not being a compound for the time being specified in subparagraph (a)) structurally derived from fentanyl by modification in any of the following ways, that is to say-
 - (i) by replacement of the phenyl portion of the phenethyl group by any heteromonocycle whether or not further substituted in the heterocycle;
 - (ii) by substitution in the phenethyl group with alkyl, alkenyl, alkoxy, hydroxy, halogeno, haloalkyl, amino or nitro groups;
 - (iii) by substitution in the piperidine ring with alkyl or alkenyl groups;
 - (iv) by substitution in the aniline ring with alkyl, alkoxy, alkenedioxy, halogeno or haloalkyl groups;
 - (v) by substitution at the 4-position of the piperidine ring with any alkoxy-carbonyl or alkoxyalkyl or acyloxy group;
 - (vi) by replacement of the N-propionyl group by another acyl group;
 - (e) any compound (not being a compound for the time being specified in subparagraph (a)) structurally derived from pethidine by modification in any of the following ways, that is to say-
 - (i) by replacement of the 1-methyl group by an acyl, alkyl whether or not unsaturated, benzyl or phenethyl group, whether or not further substituted;
 - (ii) by substitution in the piperidine ring with alkyl or alkenyl groups or with a propano bridge, whether or not further substituted;
 - (iii) by substitution in the 4-phenyl ring with alkyl, alkoxy, aryloxy, halogeno or haloalkyl group;
 - (iv) by replacement of the 4-ethoxycarbonyl by any other alkoxy-carbonyl or any alkoxyalkyl or acyloxy group;
 - (v) by formation of an N-oxide or of a quaternary base.
2. Any stereoisomeric form of a substance for the time being specified in paragraph 1 not being dextromethorphan or dextrophan.
 3. Any ester or ether of a substance for the time being specified in paragraph 1 or 2.
 4. Any salt of a substance for the time being specified in paragraph 1, 2 or 3.
 5. Concentrate of poppy straw (that is to say, the material arising when poppy straw has entered into a process for the concentration of its alkaloids).
 6. Medicinal opium.
 7. Any preparation, mixture, extract or other substance (whether natural or otherwise) containing any proportion of a substance for the time being specified in paragraph 1 or in any of paragraphs 2 to 6.

8. Opium and opium water.
9. Coca leaves.
10. Poppy straw.
11. Cannabis and cannabis resin.

(Replaced 62 of 1994 s.9)

PART II

[sections 4, 23 & 24]

PREPARATIONS TO WHICH ORDINANCE APPLIES WITH MODIFICATIONS

13. A preparation of not more than one of the substances specified in paragraph 19 or 20, when-
 - (a) compounded with one or more other ingredients in such a way that the preparation has no, or a negligible, risk of abuse and that the substance cannot be recovered by readily applicable means or in a yield which would constitute a risk to health; and
 - (b) containing not more than 100 milligrams of the substance per dosage unit and with a concentration of not more than 0.5 per cent in undivided preparations. (Amended 62 of 1994 s. 9)
14. A preparation of cocaine containing not more than 0.1 per cent of cocaine calculated as cocaine base, being a preparation compounded with one or more other ingredients in such a way that the preparation has no, or a negligible, risk of abuse and that the cocaine cannot be recovered by readily applicable means or in a yield which would constitute a risk to health.
15. A preparation of medicinal opium or of morphine containing (in either case) not more than 0.2 per cent of morphine calculated as anhydrous morphine base, being a preparation compounded with one or more other ingredients in such a way that the preparation has no, or a negligible, risk of abuse and that the opium or, as the case may be, the morphine cannot be recovered by readily applicable means or in a yield which would constitute a risk to health.
16. A preparation of diphenoxylate containing, per dosage unit, not more than 2.5 milligrams of diphenoxylate calculated as base and not less than 25 micrograms of atropine sulphate. (Amended L.N. 324 of 1980)
- 16A. A preparation of difenoxin containing, per dosage unit, not more than 0.5 milligram of difenoxin calculated as base and a quantity of atrophine sulphate equivalent to at least 5% of the dose of difenoxin. (Added L.N. 321 of 1977. Amended L.N. 324 of 1980)
- 16B. A preparation for oral use containing not more than 135 milligrams of dextropropoxyphene base per dosage unit or with a concentration of not more than 2.5 per cent in undivided preparations: Provided that such preparations do not contain any substance specified in the Third Schedule to the Pharmacy and Poisons Regulations (Cap 138 sub. leg.). (Added L.N. 185 of 1983)
- 16C. A preparation of Propiram containing not more than 100 milligrams of propiram per dosage unit and compounded with at least the same amount of methylcellulose. (Added L.N. 185 of 1983)
17. Pulvis Ipecacuanhae et Opii Compositus-
 - 10 per cent opium, in powder,
 - 10 per cent Ipecacuanhae root, in powder, well mixed with
 - 80 per cent of any other powdered ingredient containing no dangerous drug.

18. Mixtures containing not more than one of the preparations specified in paragraphs 13 to 17, being mixtures whereof none of the other ingredients is a dangerous drug.

PART III

[sections 25, 26 & 32]

DANGEROUS DRUGS TO WHICH ORDINANCE APPLIES WITH OTHER
MODIFICATIONS

19. The following substances, namely-
- Acetyldihydrocodeine
 - Codeine
 - Dextropropoxyphene
 - Dihydrocodeine
 - Ethylmorphine (3-ethylmorphine)
 - Nicocodine
 - Norcodeine
 - Pholcodine
 - Propiram (Amended L.N. 185 of 1983)
20. Any salt of a substance specified in paragraph 19.
21. Any preparation, mixture, extract or other substance containing any proportion of a substance specified in paragraph 19 or 20, being a preparation, mixture, extract or other substance whereof none of the other ingredients is a dangerous drug.
(Amended 46 of 1971 s.10)
22. Any other preparation specified in Part II of this Schedule.

PART IV

[sections 24, 25 & 26]

PREPARATIONS WHICH MAY BE SOLD BY RETAIL BY LISTED SELLERS OF
POISONS UNDER PHARMACY AND POISONS ORDINANCE (CAP 138)
(Amended 46 of 1971 s.10)

23. Any preparation containing not more than 0.1 per cent of any of the following substances, namely-
- Cocaine
 - Morphine
 - Acetyldihydrocodeine
 - Codeine
 - Dihydrocodeine
 - Ethylmorphine (3-ethylmorphine)
 - Nicocodine
 - Norcodeine
 - Pholcodine,
- being a preparation compounded with one or more other ingredients in such a way that the preparation has no, or a negligible, risk of abuse and that the substance contained therein cannot be recovered by readily applicable means or in a yield which would constitute a risk to health.
-