

Ref: NCR 10/1/10 (A) IX

LEGISLATIVE COUNCIL BRIEF

Control of Chemicals Ordinance
(Chapter 145)

CONTROL OF CHEMICALS ORDINANCE (AMENDMENT OF SCHEDULE 2) ORDER 2000

PURPOSE

This brief informs Members of the Administration's proposal to include norephedrine and its salts in Schedule 2 to the Control of Chemicals Ordinance (Cap. 145).

BACKGROUND AND ARGUMENT

General Background

Norephedrine

2. Norephedrine (chemically the same as phenylpropanolamine) is therapeutically used for nasal decongestants and cold remedies. It is also a chemical frequently used in the illicit manufacture of amphetamine.

3. Norephedrine is at present controlled as a Part I poison under the Pharmacy and Poisons Ordinance (Cap.138) except when contained in pharmaceutical products at 0.1% or less. This substance, which is present as a compound formula in pharmaceutical products, can only be sold on premises registered under Cap. 138 and under the supervision of a registered pharmacist. The import and export of norephedrine are

controlled under the Import and Export Ordinance (Cap. 60). Any person who wishes to import or export this substance must apply for a licence from the Trade Department which will in turn consult the Department of Health before issue of the licence. In Hong Kong, trading of norephedrine is not active. Only 13 traders have so far been identified to have imported or exported norephedrine.

Reasons for amendment

4. All substances controlled under the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances are listed in Schedules 1 to 3 to the Control of Chemicals Ordinance to prevent their illegal diversion. In March 1999, the United Nations Commission on Narcotic Drugs (UNCND) passed a resolution urging all governments, in close cooperation with the International Narcotics Control Board and relevant branches of trade and industry, to establish or strengthen measures and codes of conduct governing trade in norephedrine to prevent the illegal diversion of this substance as a precursor. In March 2000, the UNCND decided to include norephedrine in Table 1 of the 1988 Convention to tighten control on this substance.

Control under Schedule 2 to the Control of Chemicals Ordinance

5. A licence is required for the manufacture, import and export of all substances listed in Schedule 2 to the Control of Chemical Ordinance. For each and every shipment to be imported or exported, a licensee has to apply for an individual import/export authorization. When any Schedule 2 substance passes through Hong Kong in transshipment, it shall not be removed from the incoming carrier, or from any other place after it has been first removed from the incoming carrier, except under and in accordance with the conditions set out in a removal permit issued by the Commissioner of Customs and Excise. According to the Control of Chemicals Regulations, substances listed in Schedule 2 may only be kept or stored in places and containers approved by the Commissioner of Customs & Excise. Moreover, once a person has been issued with a licence or a removal permit, he has to keep a register for each type of controlled chemical he manufactures, imports, exports and transships, and he has to update such

register and lodge a copy of it with the Commissioner of Customs & Excise within 24 hours following each updating.

Power to amend Schedule

6. According to section 18A(1) of the Control of Chemicals Ordinance, the Secretary for Security may by order amend Schedule 2.

THE ORDER

7. The Order, at Annex, adds norephedrine and its salts in Schedule 2 to the Control of Chemicals Ordinance.

LEGISLATIVE TIMETABLE

8. The legislative timetable is :-

Publication in the Gazette	19 May 2000
Tabling at the Legislative Council	24 May 2000

COMMENCEMENT

9. The proposed amendment is planned to take effect on 1 September 2000.

BINDING EFFECT OF THE ORDER

10. The amendment will not affect the current binding effect of the Control of Chemicals Ordinance.

BASIC LAW IMPLICATIONS

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

HUMAN RIGHTS IMPLICATIONS

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

FINANCIAL AND STAFFING IMPLICATIONS

13. The additional workload arising from the tightened control over norephedrine is considered insignificant and will be absorbed from within the existing resources of the Customs and Excise Department.

ECONOMIC IMPLICATIONS

14. The Order will cause no economic implications.

PUBLIC CONSULTATION

15. The Action Committee Against Narcotics was consulted in September 1999 and supported the proposal. A total of 28 companies and trade associations known to the Customs and Excise Department as having been involved in the trading of norephedrine were consulted in late 1999, and had no objection to the proposal.

PUBLICITY

16. A press release will be issued on 17 May 2000. A spokesman will be made available to answer media enquiries.

ENQUIRIES

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

Security Bureau
17 May 2000
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