

LEGISLATIVE COUNCIL BRIEF

Dangerous Drugs Ordinance (Cap. 134)

DANGEROUS DRUGS ORDINANCE (AMENDMENT OF FIRST SCHEDULE) ORDER 2000

INTRODUCTION

At the meeting of the Executive Council on 9 May 2000, the Council **ADVISED** and the Chief Executive **ORDERED** that the Dangerous Drugs Ordinance (Amendment of First Schedule) Order 2000 (Annex) should be introduced into the Legislative Council to tighten the control of dihydroetorphine and remifentanil.

BACKGROUND AND AGRUMENT

General Background

2. Almost all narcotic drugs and psychotropic substances listed in the 1961 Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, are subject to stringent control under the Dangerous Drugs Ordinance (Cap. 134). The control covers dealing, possession, import, export, supply and manufacture of the substances.

3. At its 42nd Session meeting held in March 1999, the United Nations Commission on Narcotic Drugs (UNCND) decided to include dihydroetorphine and remifentanil in Schedule I of the 1961 Single Convention on Narcotic Drugs, as amended by the 1972 Protocol.

Dihydroetorphine

4. Pharmacologically, dihydroetorphine is an analgesic possessing a strong psychological dependence potential. In Hong Kong,

dihydroetorphine is not listed as a poison under the Pharmacy and Poisons Ordinance, nor is it classified as a dangerous drug under the Dangerous Drugs Ordinance. So far, no pharmaceutical products containing dihydroetorphine have been registered in Hong Kong.

Remifentanil

5. Remifentanil is used as an analgesic during induction and maintenance of general anaesthesia. Owing to the pharmacological properties and dependence potential of remifentanil, this substance is liable to being abused and it produces similar ill effects as other substances currently controlled under Schedule I of the 1961 Single Convention.

6. In Hong Kong, remifentanil is available as a registered pharmaceutical product. It is classified as a poison under Part A of Part I of the Schedule to the Poisons List Regulations and Part A of the First and Third Schedules to the Pharmacy and Poisons Regulations but not as a dangerous drug under the Dangerous Drugs Ordinance. With the above classification, remifentanil can only be sold on a doctor's prescription in premises duly registered under the Pharmacy and Poisons Ordinance, and under the supervision of a registered pharmacist. The sale record should also be kept for monitoring purpose. However, as remifentanil is not controlled under the Dangerous Drugs Ordinance, its export and import are not controlled as required under the 1961 Single Convention.

The Proposal

7. Having regard to UNCND's decision, we propose to include dihydroetorphine and remifentanil in Part I of the First Schedule to the Dangerous Drugs Ordinance to tighten control over these two substances.

8. With the proposed amendments, the import and export of dihydroetorphine and remifentanil will require a licence from the Director of Health, issued under the Dangerous Drugs Ordinance, and in compliance with the 1961 Single Convention. The level of control over

these two substances will then be the same as for other dangerous drugs, and the illicit trafficking, manufacture, supply and possession of such substances will lead to severe penalties.

Power to amend the First Schedule

9. Section 50(1) of the Dangerous Drugs Ordinance provides that the Chief Executive may by order published in the Gazette amend the First Schedule to the Dangerous Drugs Ordinance.

THE ORDER

10. Section 2 adds dihydroetorphine and remifentanil to Part I of the First Schedule to the Dangerous Drugs Ordinance.

LEGISLATIVE TIMETABLE

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

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

COMMENCEMENT

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

BASIC LAW IMPLICATIONS

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

HUMAN RIGHTS IMPLICATIONS

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

BINDING EFFECT OF THE ORDER

15. The amendment will not affect the current binding effect of the Dangerous Drugs Ordinance.

FINANCIAL AND STAFFING IMPLICATIONS

16. The additional workload arising from the tightened control over the two substances is considered insignificant and will be absorbed by existing resources of the Department of Health.

ECONOMIC IMPLICATIONS

17. The Order will have no economic implications.

PUBLIC CONSULTATION

18. The Action Committee Against Narcotics and the Pharmacy and Poisons Board have been consulted and they all agreed to the proposed amendments.

PUBLICITY

19. A press release will be issued on 17 May 2000. A spokesman will be available for answering media enquiries.

ENQUIRIES

20. 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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