Ref: NCR 2/1/8 SF 4

LEGISLATIVE COUNCIL BRIEF

Dangerous Drugs Ordinance
(Chapter 134)

DANGEROUS DRUGS ORDINANCE
(AMENDMENT OF FIRST SCHEDULE) ORDER 2011

INTRODUCTION

At the meeting of the Executive Council on 4 January 2011, the Council **ADVISED** and the Chief Executive **ORDERED** that the Dangerous Drugs Ordinance (Amendment of First Schedule) Order 2011 ("the Order"), at **Annex A,** be made under 50(1) of the Dangerous Drugs Ordinance (Chapter 134) ("the Ordinance"), to impose control on "derivatives of piperazine", "synthetic cannabinoids" and "derivatives of cathinone" (as specified in **Annex B, C and D**).

JUSTIFICATIONS

2. The abovementioned substances exhibit psychoactive properties. Their propensity for abuse and their harms are commensurate with other psychotropic dangerous drugs such as ecstasy, cannabis or amphetamines. They are not currently controlled by laws in Hong Kong. They have emerged in Hong Kong and pose a threat to the local community, particularly amongst the youth.

3. Whilst there is still no evidence suggesting that these substances have gained prevalence in Hong Kong in the same way as they have in Europe, these substances should be subject to legislative control to deter trafficking and abuse.

Derivatives of Piperazine

4. Derivatives of piperazine are synthetic chemicals which have gained prevalence overseas as substances of abuse and as an alternative to

other psychotropic drugs. According to the International Narcotics Control Board, the abuse of derivatives of piperazine was first reported in the United States in 1996. Since then the abuse of these substances has spread rapidly to Europe.

5. According to the Department of Health (DH), derivatives of piperazine exhibit psychoactive properties and are liable to abuse. Abuse of these substances could lead to vomiting, headache, palpitations, anxiety, insomnia, confusion, irritability, tremors and grand mal seizures. These substances are not pharmaceutical products and have no known medicinal or clinical uses though a few of them have been used in experimental neuropharmacology or as precursors in the synthesis of anti-depressant drugs.

6. Hong Kong recorded the first seizure of derivatives of piperazine used as psychotropic substances in May 2009. Up to 30 September 2010, the Government Laboratory (GL) has identified 5 892 tablets of such substances submitted for examination in 43 cases, indicating that the abuse of these substances is becoming popular in Hong Kong.

Synthetic Cannabinoids

7. Smokable herbal mixtures containing synthetic cannabinoids have emerged as a new psychotropic drug of abuse amongst teenagers and young people in recent years overseas, particularly in Europe. Different types of synthetic cannabinoids are present in such herbal mixtures. When smoked, it produces psychoactive effects similar to those produced by cannabis. In response to potential health concerns, various European countries and the Republic of Korea have imposed legislative control on synthetic cannabinoids.

8. According to DH, only one of the synthetic cannabinoids, nabilone, has been used medicinally overseas mainly to reduce the signs of nausea and vomiting of patients due to cancer chemotherapy but it is not used by medical practitioners in Hong Kong. The effects of synthetic cannabinoids are in general broadly commensurate with those of cannabis. Abuse of these substances will lead to hallucinations, increased agitation, elevated blood pressure and heart rates, and seizures. Products containing synthetic cannabinoids are potentially more harmful than cannabis as the potency and quantity of the compounds present are unknown to users.

9. Hong Kong noted the first seizure of synthetic cannabinoids in June 2010 when the Police seized seven sachets containing a total of about 22 grammes of a plant material containing a synthetic cannabinoid commonly known as "JWH-018". Whilst there is still no evidence suggesting that abuse of these substances has gained prevalence in Hong Kong, as a precautionary measure, we propose to subject synthetic cannabinoids to legislative control, taking reference from overseas practice.

Derivatives of Cathinone

10. Derivatives of cathinone have gained prevalence in Europe as substances of abuse, particularly in the United Kingdom (UK). A 2009 UK survey ranked these drugs the fourth most commonly used drug, following cannabis, ecstasy and cocaine. Amongst the different derivatives of cathinone, mephedrone is reportedly the most common one. Mephedrone and other derivatives of cathinone can be snorted or taken orally and are often used along with other drugs of abuse such as cocaine, cannabis, ketamine and ecstasy.

11. Hong Kong noted the first seizure of derivative of cathinone in June 2010 when the Police seized 0.47 grammes of powder mephedrone.

12. According to DH, derivatives of cathinone act as central nervous system stimulants, and would cause euphoria, elevated mood, altered level of consciousness, memory problems, blood circulation problems, erratic behaviour, hallucinations and delusions to the abusers. There have been reported cases of acute toxicity with fatalities suspected to be associated with the use of mephedrone in Europe and Taiwan.

13. Among the derivatives of cathinone –

(a) amfepramone, an appetite suppressant, is a dangerous drug listed in Part I of the First Schedule to the Ordinance;

(b) methcathinone, which has no known medical use, is a dangerous drug listed in Part I of the First Schedule to the Ordinance; and

(c) bupropion, an antidepressant and an aid to quit smoking, has only mild psychoactive effect according

to the expert advice of DH and therefore does not warrant to be made a dangerous drug.

Existing Control

14. Derivatives of piperazine and synthetic cannabinoids are not at present under the control of the laws of Hong Kong. Save for those listed in para. 13 above, derivatives of cathinone are currently not under the control of the laws of Hong Kong.

Trade Situation

15. Between 1 January 2008 and 30 September 2010, there was only one trade declaration lodged concerning the export of one kilogram of one kind of derivative of piperazine amongst the synthetic substances proposed to be controlled in the present exercise. Thus, the impact of the proposed control on trade would be negligible.

THE ORDER

16. **Section 3** of the Order adds "derivatives of piperazine", "synthetic cannabinoids" and "derivatives of cathinone" (as specified in Annexes B, C and D) to Part I of the First Schedule to the Ordinance.

17. The Order will specify the abovementioned substances as dangerous drugs and impose strict control on trafficking, manufacture, possession, supply, import and export of these substances. The manufacture, import and export of these substances will require a licence from the Director of Health. Maximum penalties for illicit trafficking and manufacture of these substances are a fine of $5 million and life imprisonment. Possession and consumption of these substances will be subject to a maximum fine of $1 million and imprisonment for seven years.

LEGISLATIVE TIMETABLE

18. The legislative timetable will be –

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

IMPLICATIONS OF THE PROPOSAL

19. 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

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

21. 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.

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

PUBLICITY

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

ENQUIRIES

24. 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

Dangerous Drugs Ordinance (Amendment of First Schedule) Order 2011

(Made by the Chief Executive under section 50(1) of the Dangerous Drugs Ordinance (Cap. 134) after consultation with the Executive Council)

1. Commencement

This Order comes into operation on 1 April 2011.

2. Dangerous Drugs Ordinance amended

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

3. First Schedule amended

(1) First Schedule, Part I, paragraph 1(a), after item "Myrophine"—

Add

"Nabilone".

(2) First Schedule, Part I, paragraph 1(a), after item "Zipeprol"—

Add

"1-Benzylpiperazine".

(3) First Schedule, Part I, paragraph 1(a), after item "4-Cyano-1-methyl-4-phenylpiperidine"—

Add

"[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1, 2, 3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone".

(4) First Schedule, Part I, paragraph 1(a), after item "N,N-dimethylamphetamine"—

Add

"3-Dimethylheptyl-11-hydroxyhexahydrocannabinol

9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol

[9-Hydroxy-6-methyl-3-[5-phenylpentan-2-yl] oxy-5, 6, 6a, 7, 8, 9, 10, 10a-octahydrophenanthridin-1-yl] acetate".

(5) First Schedule, Part I, paragraph 1(e)(v)—

Repeal the full stop

Substitute a semicolon.

(6) First Schedule, Part I, after paragraph 1(e)—

Add

"(f) any compound (not being a compound for the time being specified in subparagraph (a)) structurally derived from 1-benzylpiperazine or 1-phenylpiperazine by modification in any of the following ways—

(i) by substitution at the second nitrogen atom of the piperazine ring with alkyl, benzyl, haloalkyl or phenyl groups;

(ii) by substitution in the aromatic ring to any extent with alkyl, alkoxy, alkylenedioxy, halide or haloalkyl groups;

(g) any compound (not being a compound for the time being specified in subparagraph (a)) structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent;

(h) any compound (not being a compound for the time being specified in subparagraph (a)) structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-

morpholinyl)ethyl, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent;

(i) any compound (not being a compound for the time being specified in subparagraph (a)) structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent;

(j) any compound (not being a compound for the time being specified in subparagraph (a)) structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent;

(k) any compound (not being a compound for the time being specified in subparagraph (a)) structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the cyclohexyl ring to any extent;

(l) any compound (not being bupropion or a compound for the time being specified in subparagraph (a)) structurally derived from 2-amino-1-phenyl-1-propanone by modification in any of the following ways—

(i) by substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylenedioxy, haloalkyl or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents;

(ii) by substitution at the 3-position with an alkyl substituent;

(iii) by substitution at the nitrogen atom with alkyl or dialkyl groups, or by inclusion of the nitrogen atom in a cyclic structure.".

Chief Executive

6 January 2011

Explanatory Note

This Order amends Part I of the First Schedule to the Dangerous Drugs Ordinance (Cap. 134) in order to impose control on 3 types of synthetic substances which are capable of abuse, being derivatives of piperazine, synthetic cannabinoids and derivatives of cathinone.

Annex B

Derivatives of piperazine

1. 1-Benzylpiperazine.

2. any compound (not being a compound for the time being specified in paragraph 1(a) of Part I of the First Schedule to the *Dangerous Drugs Ordinance* (Cap.134)) structurally derived from 1-benzylpiperazine or 1-phenylpiperazine by modification in any of the following ways-

   (i) by substitution at the second nitrogen atom of the piperazine ring with alkyl, benzyl, haloalkyl or phenyl groups;

   (ii) by substitution in the aromatic ring to any extent with alkyl, alkoxy, alkylenedioxy, halide or haloalkyl groups.

Annex C

Synthetic cannabinoids

1. Nabilone.

2. [2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1, 2, 3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone.

3. 3-Dimethylheptyl-11-hydroxyhexahydrocannabinol.

4. 9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol.

5. [9-Hydroxy-6-methyl-3-[5-phenylpentan-2-yl] oxy-5, 6, 6a, 7, 8, 9, 10, 10a-octahydrophenanthridin-1-yl] acetate.

6. Any compound (not being a compound for the time being specified in paragraph 1(a) of Part I of the First Schedule to the *Dangerous Drugs Ordinance* (Cap.134)) structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl) ethyl, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

7. Any compound (not being a compound for the time being specified in paragraph 1(a) of Part I of the First Schedule to the *Dangerous Drugs Ordinance* (Cap.134)) structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

8. Any compound (not being a compound for the time being specified in paragraph 1(a) of Part I of the First Schedule to the *Dangerous Drugs Ordinance* (Cap.134)) structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent.

9. Any compound (not being a compound for the time being specified in paragraph 1(a) of Part I of the First Schedule to the *Dangerous Drugs Ordinance* (Cap.134)) structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.

10. Any compound (not being a compound for the time being specified in paragraph 1(a) of Part I of the First Schedule to the *Dangerous Drugs Ordinance* (Cap.134)) structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the cyclohexyl ring to any extent.

Annex D

Derivatives of cathinone

Any compound (not being bupropion or a compound for the time being specified in paragraph 1(a) of Part I of the First Schedule to the *Dangerous Drugs Ordinance* (Cap.134)) structurally derived from 2-amino-1-phenyl-1-propanone by modification in any of the following ways-

(i) by substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylenedioxy, haloalkyl or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents;

(ii) by substitution at the 3-position with an alkyl substituent;

(iii) by substitution at the nitrogen atom with alkyl or dialkyl groups, or by inclusion of the nitrogen atom in a cyclic structure.