

LEGISLATIVE COUNCIL BRIEF

Dangerous Drugs Ordinance (Chapter 134)

DANGEROUS DRUGS ORDINANCE (AMENDMENT OF SECOND SCHEDULE) ORDER 2013

INTRODUCTION

On 3 June 2013, 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 2013 (**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 include the dispensing or supply of medicines; and a sister¹ in charge of a ward, theatre or other department in a prescribed hospital, may, subject to other provisions of the Ordinance, possess and supply dangerous drugs so far as it is necessary for the practice or exercise of their profession, function or employment. 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. A new hospital and eight institutions as listed in **Annex B** will/have come into operation. For effective symptomatic control and medical management in the hospital and the nursing homes, it is essential to include the above institutions in the Second Schedule so that the said registered pharmacists, approved persons and sisters working in the above institutions 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 / she holds, performing duties of the kind performed by a nursing sister.”

4. The opportunity is also taken to update the name of one institution in the Second Schedule and delete one hospital due to its closure. Changes are shown in **Annexes C and D** respectively.

THE ORDER

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

LEGISLATIVE TIMETABLE

6. The legislative timetable will be –

Publication in the Gazette	7 June 2013
Tabling for negative vetting	19 June 2013
Effective date	22 July 2013

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

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 Enoch YUEN, Assistant Secretary for Security (Narcotics)² (telephone: 2867 2752, facsimile: 2810 1773) and Mr Patrick LEE, Assistant Secretary for Food and Health (Health)⁴ (telephone: 3509 8958, facsimile: 2840 0467).

Narcotics Division
Security Bureau
4 June 2013

Dangerous Drugs Ordinance (Amendment of Second Schedule) Order 2013

(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 22 July 2013.

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

“Hong Kong Central Hospital (港中醫院)”.

(2) Second Schedule—

Repeal

“Yan Chai Hospital Au Yeung Sum Memorial Elderly Home cum Day Care Unit (仁濟醫院歐陽森紀念安老院暨日間護理中心)”.

(3) Second Schedule—

Add in alphabetical order

“Caritas Evergreen Home (明愛恩翠苑)

Evergreen (Tsz Ching) Nursing Home Cum Day Care Centre (松悅園耆逸護養院暨日間護理中心)

Fung Kai Care and Attention Home for the Elderly—C&A Section (鳳溪護理安老院 — 護理部)

North Lantau Hospital (北大嶼山醫院)

Po Leung Kuk Merry Court for the Senior (保良局壬午年耆樂居)

Po Leung Kuk Tai Kok Tsui Home for the Elderly cum Cherish Day Care Centre for the Elderly (保良局大角咀護老院暨耆順長者日間護理中心)

Po Leung Kuk Tung Chung Home for the Elderly (保良局東涌護老院)

Power of Love Centaline Charity Fund Dialysis Centre Limited (愛心力量中原慈善基金洗腎中心有限公司)

Tung Wah Group of Hospitals Willow Lodge (東華三院翠柳頤庭)

Yan Chai Hospital Lee Wai Siu Kee Elderly Home (仁濟醫院李衛少琦安老院)”.



Secretary for Security

2013 . 6 . 3

Explanatory Note

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

- (a) delete 1 hospital, namely Hong Kong Central Hospital, from the list of prescribed hospitals and institutions (*the list*);
- (b) update the name of 1 institution, namely Evergreen (Tsz Ching) Nursing Home Cum Day Care Centre; and
- (c) add 1 hospital and 8 institutions to the list.

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

Name of the Hospital and Institutions

North Lantau Hospital (北大嶼山醫院)

Tung Wah Group of Hospitals Willow Lodge (東華三院翠柳頤庭)

Po Leung Kuk Merry Court for the Senior (保良局壬午年耆樂居)

Fung Kai Care and Attention Home for the Elderly – C&A Section (鳳溪護理安
老院－護理部)

Yan Chai Hospital Lee Wai Siu Kee Elderly Home (仁濟醫院李衛少琦安老院)

Caritas Evergreen Home (明愛恩翠苑)

Po Leung Kuk Tai Kok Tsui Home for the Elderly cum Cherish Day Care Centre
for the Elderly (保良局大角咀護老院暨耆順長者日間護理中心)

Po Leung Kuk Tung Chung Home for the Elderly (保良局東涌護老院)

Power of Love Centaline Charity Fund Dialysis Centre Limited (愛心力量中原慈
善基金洗腎中心有限公司)

**Change to the Name of an Institution in the
Second Schedule to the Dangerous Drugs Ordinance (Cap. 134)**

<u>Original Name</u>	<u>Updated Name</u>
Yan Chai Hospital Au Yeung Sum Memorial Elderly Home Cum Day Care Unit (仁濟醫院歐陽森紀念安老院暨日 間護理中心)	Evergreen (Tsz Ching) Nursing Home Cum Day Care Centre (松悅園耆逸護養院暨日間護理中心)

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

Hong Kong Central Hospital (港中醫院)