

LEGISLATIVE COUNCIL BRIEF

**Control of Chemicals Ordinance
(Chapter 145)**

**CONTROL OF CHEMICALS ORDINANCE
(AMENDMENT OF SCHEDULE 2)
ORDER 2014**

INTRODUCTION

The Secretary of Security **made** the Control of Chemicals Ordinance (Amendment of Schedule 2) Order 2014 on 25 June 2014, at **Annex**, under section 18A of the Control of Chemicals Ordinance (Chapter 145) (the Ordinance), to impose control on alpha-phenylacetoacetonitrile¹(APAAN).

JUSTIFICATIONS

2. APAAN is an immediate precursor to 1-phenyl-2-propanone (P-2-P), a substance for manufacturing amphetamine and methamphetamine. The drug harm of abusing amphetamine and methamphetamine includes depression, toxic psychosis, loss of appetite, as well as kidney and heart failure.

3. APAAN has no known legitimate use except in small amount for research and laboratory purposes, as well as being used as a chemical intermediate in the legitimate manufacture of P-2-P. APAAN has no recognized medical use and there is no registered pharmaceutical product containing APAAN in Hong Kong. Locally, there has not been any seizure involving APAAN. Between 1 January 2010 and 15 April 2014, there were only three trade declarations (two imports and one export) of APAAN.

¹ Although APAAN has no salt at present, the above control will also apply to its salts whenever the existence of such salts is possible.

4. At present, APAAN is not subject to any legislative control in Hong Kong. According to the International Narcotics Control Board (INCB), the number of abuse cases involving APAAN has since 2012 been on the rise on international level. The situation is particularly prominent in Europe. In November 2013, the INCB recommended to the United Nations Commission on Narcotic Drugs (UNCND) to include APAAN in Table I² of the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (the 1988 Convention). The recommendation was approved at the 57th Session of the UNCND held in March 2014. The proposed regulatory control of APAAN in Hong Kong is not expected to cause difficulties to the industry in view of the small volume of import and export involving the substance.

THE PROPOSAL

5. The 1988 Convention applies to Hong Kong. With UNCND's agreement to include APAAN in Table I of the 1988 Convention (paragraph 4 above), Hong Kong should also bring the substance under legislative control. Locally, the effect of UNCND's decision is similar to including APAAN into Schedule 2 to the Ordinance. We recommend to include APAAN into Schedule 2 to the Ordinance.

6. Under the Ordinance, substances prescribed under Schedule 2 are subject to the control of a licensing scheme administered by the Customs and Excise Department. By virtue of Section 2A of the Ordinance, no person shall have in his possession, manufacture, transport or distribute the substance for the unlawful production of a dangerous drug. Any person who contravenes offences under the Ordinance will be subject to a maximum penalty of imprisonment for 15 years and a fine of \$1 million.

THE ORDER

7. The Order, at **Annex**, seeks to add alpha-phenylacetoacetonitrile³ into Schedule 2 to the Ordinance.

² Participants of the 1988 Convention have the obligation to monitor the manufacture and trade of the substance scheduled under Table I.

³ Although APAAN has no salt at present, the above control will also apply to its salts whenever the existence of such salts is possible.

LEGISLATIVE TIMETABLE

8. The legislative timetable will be –
- | | |
|--|------------------|
| Gazettal of the Order | 4 July 2014 |
| Tabling at the Legislative Council
for negative vetting | 9 July 2014 |
| Commencement date of the Order | 28 November 2014 |

IMPLICATIONS

9. 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 or environmental implications. On the other hand, it would help to prevent potential health concerns and would have insignificant sustainability implication. In addition, apart from inflicting health damage to the abuser, drug abuse is also often found to have a profound impact on an abuser's family, e.g. causing mixed emotions such as anger and frustration on family members, and giving rise to family financial crisis after paying off relevant drug debts. In this connection, the proposal would help to prevent possible family problems and tension that may be aroused by drug-abusing family members. The additional workload and financial implications arising from the implementation of the proposal are expected to be minimal and any additional requirements will be absorbed by the relevant bureaux and departments with existing resources.

PUBLIC CONSULTATION

10. We have consulted relevant traders, as well as licensees of the Ordinance and the Dangerous Drugs Ordinance (Chapter 134). They raised no objection to the proposed control.

11. We have also consulted the Action Committee Against Narcotics and the Panel on Security of the Legislative Council on 27 March and 13 May 2014 respectively. They supported the proposal.

PUBLICITY

12. The Order will be published in the Gazette on 4 July 2004. A press release will be issued on 2 July 2014, and a spokesperson will be available for answering media enquiries.

ENQUIRIES

13. Any enquiries concerning this brief can be directed to the following officer –

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Narcotics Division
Security Bureau
July 2014

Control of Chemicals Ordinance (Amendment of Schedule 2) Order 2014

(Made by the Secretary for Security under section 18A(1) of the Control of Chemicals Ordinance (Cap. 145))

1. Commencement

This Order comes into operation on 28 November 2014.

2. Control of Chemicals Ordinance amended


The Control of Chemicals Ordinance (Cap. 145) is amended as set out in section 3.

3. Schedule 2 amended

Schedule 2, after item 17—

Add

“18. Alpha-phenylacetoacetonitrile (α -苯乙酰乙腈) (*)”.


Secretary for Security

25th June 2014

Explanatory Note

This Order amends Schedule 2 to the Control of Chemicals Ordinance (Cap. 145) in order to impose control on Alpha-phenylacetoacetonitrile and its salts (whenever the existence of such salts is possible). Alpha-phenylacetoacetonitrile and its salts can be used in the manufacture of amphetamine and methamphetamine.