

# 立法會 *Legislative Council*

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## **Panel on Security**

### **Background brief prepared by the Legislative Council Secretariat for the meeting on 10 April 2015**

### **Amendments to the First Schedule to the Dangerous Drugs Ordinance**

#### **Purpose**

This paper provides background information on the Dangerous Drugs Ordinance (Cap. 134) ("DDO") and summarises the past discussions by the Panel on Security ("the Panel") relating to the legislative amendments to the First Schedule to DDO since the Fourth Legislative Council ("LegCo").

#### **Background**

2. DDO, which was first enacted in the 1960s, is the principal legislation dealing with dangerous drugs. Under DDO, substances included in Part I of the First Schedule are dangerous drugs and are subject to the control of a licensing scheme administered by the Department of Health ("DH"). DDO is enforced by the Police, the Customs and Excise Department ("C&ED") and DH. The Police and C&ED are responsible for enforcing DDO in respect of trafficking, manufacture, and other non-medical use of dangerous drugs, while DH is responsible for licensing of import, export, manufacture, sale and supply of dangerous drugs for medical purposes.

#### **Deliberations of the Panel**

##### Inclusion of a substance under the legislative control

3. Members expressed concern about the long lead time required for ascertaining the potency and the rising popularity of a particular drug or substance within the territory prior to the Administration's submission of proposal to tighten its control. There was a view that the Administration should consider bringing as early as possible any drugs which had gained

prevalence in overseas countries as substances of abuse under the control of the laws of Hong Kong, notwithstanding that these substances might not have gained popularity in Hong Kong.

4. The Administration explained that DDO was reviewed on a regular basis. Where there was evidence of widespread abuse of a substance in other countries or when the abuse of a substance in Hong Kong was assessed to constitute a public health or social threat, the Administration would take measures, including bringing additional substances and chemicals under the legislative control. The Administration assured members that it would monitor closely the drug abuse trend in the territory, in addition to the worldwide developments. If the situation so warranted, the Administration would consider imposing suitable measures to contain the spread and abuse of a particular drug or substance.

#### Monitoring of drug abuse

5. On measures to monitor the latest trend of drug abuse and tackle the abuse of new drugs, members were advised that the Administration monitored the latest trend of drug abuse through analysis of information obtained under the Central Registry of Drug Abuse as well as through the exchange of intelligence with other jurisdictions and attending international conferences on drug abuse. The Police and C&ED had all along been working closely with the customs authorities and law enforcement agencies of other places to combat transnational drug trafficking activities. Information and intelligence were regularly exchanged. Where necessary, legislative amendments would be introduced to bring new drugs under control.

#### Medicines containing substances classified as dangerous drugs

6. Members were also concerned about the regulatory control over the carrying of medicines or medical products containing substances classified as dangerous drugs under DDO but used medicinally overseas into Hong Kong by travellers in small quantities. The Administration advised that importation of unregistered medicines required import licences issued by DH. For travellers carrying such medicines, proof of medical use of them from medical practitioners would need to be produced and approval by DH was also required. As for cases where travellers brought such medicines into the territory with certificates issued by medical practitioners but without seeking prior approval from DH, they would be dealt with having regard to the circumstances of individual cases and whether there was a breach of the laws of Hong Kong. Investigations would be carried out by C&ED as and where necessary.

**Relevant papers**

7. A list of the relevant papers on the LegCo website is in the **Appendix**.

Council Business Division 2  
Legislative Council Secretariat  
31 March 2015

## Appendix

### Relevant papers on amendments to the First Schedule to the Dangerous Drugs Ordinance

Committee	Date of meeting	Paper
Panel on Security	11.11.2010 (Item I)	<a href="#">Agenda</a> <a href="#">Minutes</a>
	13.5.2014 (Item V)	<a href="#">Agenda</a> <a href="#">Minutes</a>

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