

立法會
Legislative Council

LC Paper No. LS63/16-17

**Paper for the House Committee Meeting
on 12 May 2017**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 5 May 2017**

Tabling in LegCo : Council meeting of 10 May 2017

Amendment to be made by : Council meeting of 7 June 2017 (or that of 28 June 2017 if extended by resolution)

Dangerous Drugs Ordinance (Amendment of First Schedule) Order 2017

(L.N. 75)

L.N. 75 is made by the Chief Executive under section 50(1) of the Dangerous Drugs Ordinance (Cap. 134) after consultation with the Executive Council to add the following three substances to Part I of the First Schedule to Cap. 134 so that these substances would be subject to control under Cap. 134:

- (a) Phenazepam;
- (b) 1-Cyclohexyl-4-(1,2-diphenylethyl)piperazine (commonly known as MT-45); and
- (c) 4-Methyl-5-(4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine (commonly known as 4,4'-DMAR).

2. Under Cap. 134, substances specified 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. Illicit trafficking or manufacturing of any of these substances is subject to a maximum penalty of life imprisonment and a fine of \$5 million. Possession, consumption or supply of the substances in contravention of Cap. 134 is also a criminal offence.

3. According to paragraph 19 of the LegCo Brief (File Ref: NCR 2/1/8 S/F(16) Pt.1) issued by the Narcotics Division of the Security Bureau in May 2017, the Administration consulted relevant trades, as well as holders of licences issued under Cap. 134 and the Pharmacy and Poisons Ordinance

(Cap. 138) on the proposal to add the three substances to Part I of the First Schedule to Cap. 134 and there was no adverse comment. The Administration also, as stated in paragraph 20 of the LegCo Brief, consulted the Action Committee Against Narcotics which supported the proposed control.

4. As advised by the Clerk to the Panel on Security, the Panel was briefed on the proposal at its meeting on 14 March 2017. Members had no objection to the proposal.

5. L.N. 75 comes into operation on 7 July 2017.

6. No difficulties have been identified in relation to the legal and drafting aspects of L.N. 75.

Prepared by

KAN Wan-yee, Wendy
Assistant Legal Adviser
Legislative Council Secretariat
9 May 2017