

LEGISLATIVE COUNCIL BRIEF

Dangerous Drugs Ordinance (Chapter 134)

DANGEROUS DRUGS ORDINANCE (AMENDMENT OF SECOND SCHEDULE) ORDER 2017

INTRODUCTION

On 10 May 2017, 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 2017 (**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 in that employment or engagement include the dispensing or supply of medicines; and a sister¹ for the time being in charge of a ward, theatre or other department in a prescribed hospital may possess and supply dangerous drugs so far as may be necessary for the practice or exercise of their profession, function or employment and in their capacity as such. Moreover, under section 22(2) of the Ordinance, a matron of a prescribed hospital may possess and supply dangerous drugs for the purposes of the hospital and in her capacity as a matron thereof. 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. One hospital and six institutions as listed in **Annex B** have come into operation. For effective symptomatic control and medical management in the hospital and the institutions, it is essential to include them in the Second Schedule so that the said registered pharmacists, approved persons, sisters and matrons working therein 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 holds, performing duties of the kind performed by a nursing sister.”

4. The opportunity is also taken to update the names of three institutions in the Second Schedule and delete two institutions in the Second Schedule given their closure. The changes are shown in **Annexes C and D** respectively.

THE ORDER

5. The Order at **Annex A** seeks to –
- (a) update the names of three institutions in the Second Schedule to the Ordinance;
 - (b) delete two institutions from the Second Schedule to the Ordinance; and
 - (c) add one hospital and six institutions to the Second Schedule to the Ordinance.

LEGISLATIVE TIMETABLE

6. The legislative timetable will be –
- | | |
|---------------------------------------------------------|--------------|
| Gazettal of the Order | 19 May 2017 |
| Tabling at the Legislative Council for negative vetting | 24 May 2017 |
| Commencement date of the Order | 14 July 2017 |

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

PUBLIC CONSULTATION

8. We consulted the 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 Jack CHAN, Assistant Secretary for Security (Narcotics)² (telephone: 2867 2752, facsimile: 2810 1790) and Mr Michael LI, Assistant Secretary for Food and Health (Health)⁶ (telephone: 3509 8939, facsimile: 2840 0467).

Narcotics Division
Security Bureau
17 May 2017

Dangerous Drugs Ordinance (Amendment of Second Schedule) Order 2017

(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 14 July 2017.

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

“Po Leung Kuk Comfort Court for the Senior (保良局樂安居)”

Substitute

“Po Leung Kuk Comfort Court for the Senior cum Ever Green Day Care Centre for the Elderly (保良局樂安居暨耆盛長者日間護理中心)”.

(2) Second Schedule—

(a) Repeal

“True Light Home for the Aged (真光護老之家)”;

(b) Add in alphabetical order

“St. James’ Settlement True Light Home for the Aged (聖雅各福群會真光護老之家)”.

(3) Second Schedule—

(a) Repeal

“Tung Wah Group of Hospitals Pearl Lodge (東華三院灣玥頤庭)”;

(b) Add in alphabetical order

“Tung Wah Group of Hospitals Chu Sau Cheung Nursing Home (東華三院朱壽祥護養院)”.

(4) Second Schedule—

Repeal

“United Christian Nethersole Care Home (基督教聯合那打素護康院)”.

(5) Second Schedule—

Repeal

“Yuen Yuen Nursing Home (Sau Mau Ping Estate) (圓玄護養院(秀茂坪邨))”.

(6) Second Schedule—

Add in alphabetical order

“Altru Nursing Home (恩耆頤養院)

Evergreen (Pratas Street) Nursing Home (松悅園耆融護養院)


Gleneagles Hong Kong Hospital (港怡醫院)

Jockey Club Home for Hospice (賽馬會善寧之家)

Po Leung Kuk Wan Chai Home for the Elderly cum Day Care Centre for the Elderly (保良局灣仔護老院暨長者日間護理中心)

Po Leung Kuk Wong Chuk Hang Extended Care Home (保良局黃竹坑安養院)

TWGHs Endoscopy Centre (東華三院內視鏡中心)".



Secretary for Security

10th May 2017

Explanatory Note

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

- (a) update the names of 3 institutions in the list of prescribed hospitals and institutions (*the list*) (see section 3(1), (2) and (3) of this Order);
- (b) delete 2 institutions from the list (see section 3(4) and (5) of this Order); and
- (c) add 1 hospital and 6 institutions to the list (see section 3(6) of this Order).

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

Names of the Hospital and the Institutions

Altru Nursing Home (恩耆頤養院)

Evergreen (Pratas Street) Nursing Home (松悅園耆融護養院)

Gleneagles Hong Kong Hospital (港怡醫院)

Jockey Club Home for Hospice (賽馬會善寧之家)

Po Leung Kuk Wan Chai Home for the Elderly cum Day Care Centre for the Elderly
(保良局灣仔護老院暨長者日間護理中心)

Po Leung Kuk Wong Chuk Hang Extended Care Home (保良局黃竹坑安養院)

TWGHs Endoscopy Centre (東華三院內視鏡中心)

**Update of the Names of Institutions
in the Second Schedule to the Dangerous Drugs Ordinance (Cap. 134)**

Original Names

Updated Names

Po Leung Kuk Comfort Court for the Senior
(保良局樂安居)

Po Leung Kuk Comfort Court for the Senior cum Ever Green Day Care Centre for the Elderly
(保良局樂安居暨耆盛長者日間護理中心)

True Light Home for the Aged
(真光護老之家)

St. James' Settlement True Light Home for the Aged
(聖雅各福群會真光護老之家)

Tung Wah Group of Hospitals Pearl Lodge
(東華三院灣玥頤庭)

Tung Wah Group of Hospitals Chu Sau Cheung Nursing Home
(東華三院朱壽祥護養院)

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

Names of the Institutions

United Christian Nethersole Care Home (基督教聯合那打素護康院)

Yuen Yuen Nursing Home (Sau Mau Ping Estate) (圓玄護養院(秀茂坪邨))