For discussion on
4 December 2018

Legislative Council Panel on Security

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

PURPOSE

This paper seeks Members' views on the Administration's proposal to bring five dangerous drugs, namely acryloylfentanyl, furanylfentanyl, 5F-MDMB-PINACA, ocfentanil and tetrahydrofuranylfentanyl (THF-F) under control in the First Schedule to the Dangerous Drugs Ordinance (Cap. 134).

BACKGROUND

Acryloylfentanyl

2. According to the report of the 39th Expert Committee on Drug Dependence (ECDD) of the World Health Organization (WHO) published in November 2017, acryloylfentanyl (also known as acrylfentanyl) is a derivative of fentanyl[1]. Reported adverse effects include miosis, decreased consciousness and respiratory depression. Since 2016, there have been over 130 reported fatalities associated with acryloylfentanyl in the United States (US) and Europe.

3. Currently, acryloylfentanyl is not controlled in Hong Kong. Acryloylfentanyl does not have any recognised medical use and there is no registered pharmaceutical product containing this substance in Hong Kong. As regards trade declarations, there has been no record of import and export of this substance since January 2014.

[1] Fentanyl, which is an opioid analgesic, is a dangerous drug included in the First Schedule to Cap. 134. It is also included in Schedule 10 (Poisons List) to the Pharmacy and Poisons Regulations (Cap. 138A).

Furanylfentanyl

4. According to the report of the 39th ECDD of WHO, furanylfentanyl is a derivative of fentanyl. Furanylfentanyl has analgesic effects and produces respiratory depression. Additional pharmacological effects are miosis, sedation, bradycardia, hypothermia, constipation, physical dependence, and changes in mood such as euphoria. Between 2015 and 2016, there were 27 reported fatalities associated with furanylfentanyl in the US and Europe.

5. Currently, furanylfentanyl is not controlled in Hong Kong. Furanylfentanyl does not have any recognised medical use and there is no registered pharmaceutical product containing this substance in Hong Kong. As regards trade declarations, there has been no record of import and export of this substance since January 2014.

5F-MDMB-PINACA

6. According to the report of the 39th ECDD of WHO, 5F-MDMB-PINACA (also known as 5F-ADB) is a synthetic cannabinoid receptor agonist used as an active ingredient of products sold as cannabis substitutes. 5F-MDMB-PINACA produces cannabimimetic effects including relaxation, euphoria, lethargy, depersonalisation, distorted perception of time, impaired motor performance, hallucinations, paranoia, confusion, fear, anxiety, dry mouth, conjunctival injection ("red eyes"), tachycardia, nausea and vomiting. Poisoning of 5F-MDMB-PINACA may include rapid loss of consciousness/coma, cardiovascular effects, seizures and convulsions, vomiting/hyperemesis, delirium, agitation, psychosis, and aggressive and violent behaviour. Between 2012 and 2014, ten people died from taking 5F-MDMB-PINACA in Japan.

7. Currently, 5F-MDMB-PINACA is not controlled in Hong Kong. 5F-MDMB-PINACA does not have any recognised medical use and there is no registered pharmaceutical product containing this substance in Hong Kong. As regards trade declarations, there has been no record of import and export of this substance since January 2014.

Ocfentanil

8. According to the report of the 39th ECDD of WHO, ocfentanil is a derivative of fentanyl. Ocfentanil shares

pharmacodynamic effects with fentanyl, including analgesia, sedation, respiratory depression, chest pain, psychosis and agitation. At least three deaths in Belgium and Switzerland related to ocfentanil were reported between 2016 and 2017.

9. Currently, ocfentanil is not controlled in Hong Kong. Ocfentanil does not have any recognised medical use and there is no registered pharmaceutical product containing this substance in Hong Kong. As regards trade declarations, there has been no record of import and export of this substance since January 2014.

THF-F

10. According to the report of the 39th ECDD of WHO, THF-F is a derivative of fentanyl. The most serious acute health risk of using THF-F is respiratory depression, which can lead to apnea, respiratory arrest and death. Between 2016 and 2017, there were 14 reported fatalities associated with THF-F in Sweden.

11. Currently, THF-F is not controlled in Hong Kong. THF-F does not have any recognised medical use and there is no registered pharmaceutical product containing this substance in Hong Kong. As regards trade declarations, there has been no record of import and export of this substance since January 2014.

International Control

12. During the 61st Session of the United Nations Commission on Narcotic Drugs held in March 2018, Member States adopted ECDD's recommendation to place acryloylfentanyl, furanylfentanyl, 5F-MDMB-PINACA, ocfentanil and THF-F under international control.

PROPOSAL

13. Under Cap. 134, 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. The manufacture, import, export and supply of these substances will require respective licences issued by the Department of Health. Trafficking and manufacturing of the substances in contravention of Cap. 134 will be subject to a maximum penalty of life imprisonment and a fine of

$5 million. Possession and consumption of the substances in contravention of Cap. 134 will be subject to a maximum penalty of imprisonment for seven years and a fine of $1 million.

14. In order to enable law enforcement agencies in Hong Kong to respond effectively to the latest developments as set out above, we propose including acryloylfentanyl, furanylfentanyl, 5F-MDMB-PINACA, ocfentanil and THF-F in the First Schedule to Cap. 134.

CONSULTATION

15. The Administration has consulted relevant trades, as well as holders of licenses issued under Cap. 134 and the Pharmacy and Poisons Ordinance (Cap. 138). There was no adverse comment.

16. The Administration has also consulted the Action Committee Against Narcotics, which supports the proposed control.

WAY FORWARD

17. Pursuant to section 50(1) of Cap. 134, the Chief Executive may by order published in the Gazette amend the First Schedule to Cap. 134. After obtaining Members' views on the above proposal, we plan to table the relevant amendment order in the Legislative Council for negative vetting within the 2018-2019 legislative session.

ADVICE SOUGHT

18. Members are invited to comment on the proposal as set out in paragraph 1 above.

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Security Bureau
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