

LEGISLATIVE COUNCIL BRIEF

Dangerous Drugs Ordinance (Chapter 134)

DANGEROUS DRUGS ORDINANCE (AMENDMENT OF SECOND SCHEDULE) ORDER 2020

INTRODUCTION

On 11 February 2020, 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 2020 (**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. Four new institutions as listed in **Annex B** have come into operation. For effective symptomatic control and medical management in 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. Opportunity is also taken to delete two institutions as listed in **Annex C** from the Second Schedule given their closure.

THE ORDER

5. The Order at **Annex A** seeks to –
- (a) add four institutions to the Second Schedule to the Ordinance;
and
 - (b) delete two institutions from the Second Schedule to the Ordinance.

LEGISLATIVE TIMETABLE

6. The legislative timetable will be –
- | | |
|--|------------------|
| Gazettal of the Order | 14 February 2020 |
| Tabling at the Legislative Council
for negative vetting | 19 February 2020 |
| Commencement date of the Order | 24 April 2020 |

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 have consulted the institutions concerned and obtained their consent to be included in this legislative amendment exercise.

PUBLICITY

9. A spokesperson will be available for answering media and public enquiries.

ENQUIRIES

10. Any enquiries on this brief can be addressed to Mr Bob CHUI, Chief Executive Officer (Narcotics) (telephone: 2867 2752, facsimile: 2810 1790).

Narcotics Division
Security Bureau
12 February 2020

Dangerous Drugs Ordinance (Amendment of Second Schedule) Order 2020

(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 24 April 2020.

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

“Hong Kong Kidney Foundation Limited (Kowloon City Dialysis Centre) (香港腎臟基金會有限公司(九龍城洗腎中心))”.

(2) Second Schedule—

Repeal

“Po Leung Kuk Fuk Wai Home for the Elderly (保良局福慧護老院)”.

(3) Second Schedule—

Add in alphabetical order

“Alpine Nursing Home (薈香頤養院)

Evergreen (Kwai Chung Estate) Nursing Home (松悅園耆和護養院)

Evergreen (On Tai) Nursing Home Cum Day Care Centre (松悅園耆泰護養院暨日間護理中心)

Grand Residence (嘉頤薈)”.



Secretary for Security

11 FEBRUARY 2020

Explanatory Note

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

- (a) delete 2 institutions from the list of prescribed hospitals and institutions (*the list*) (see section 3(1) and (2) of this Order); and
- (b) add 4 institutions to the list (see section 3(3) of this Order).

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

Names of the Institutions

Alpine Nursing Home (蒼耆頤養院)

Evergreen (Kwai Chung Estate) Nursing Home (松悅園耆和護養院)

Evergreen (On Tai) Nursing Home Cum Day Care Centre (松悅園耆泰護養院暨
日間護理中心)

Grand Residence (嘉頤耆)

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

Names of the Institutions

Hong Kong Kidney Foundation Limited (Kowloon City Dialysis Centre) (香港腎臟基金會有限公司(九龍城洗腎中心))

Po Leung Kuk Fuk Wai Home for the Elderly (保良局福慧護老院)