



# LAWS AND REGULATIONS

## PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

*In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.*

### HONG KONG

Communicated by the Government of the United Kingdom  
of Great Britain and Northern Ireland

#### NOTE BY THE SECRETARIAT

- (a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.
- (b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

#### INDEX

		<u>Page</u>
E/NL.1988/75	Dangerous Drugs (Amendment) Ordinance 1987, No. 24 of 1987	2
E/NL.1988/76	Pharmacy and Poisons (Amendment) Regulations 1987, L.N. 85 of 1987	3

DANGEROUS DRUGS (AMENDMENT) ORDINANCE 1987,  
No. 24 of 1987

L.S.

I assent.

David WILSON  
Governor

21 May 1987

An ordinance to amend the Dangerous Drugs Ordinance. 1/

[22 May 1987]

Enacted by the Governor of Hong Kong, with the advice and consent of the  
Legislative Council thereof.

Short title.

1. This Ordinance may be cited as the Dangerous Drugs (Amendment) Ordinance 1987.

Amendment of  
section 46  
(Cap. 134).

2. Section 46 of the principal Ordinance is amended:

(a) in paragraph (f):

(i) by inserting after "or", in the second place where it occurs,  
the following:

"of";

(ii) by inserting after "barbitone", in the third place where it occurs,  
the following:

"or a salt of barbitone";

(b) by deleting the comma at the end of paragraph (h) and substituting a  
semicolon; and

(c) by inserting after paragraph (h) the following:

"(i) 5 grammes of cocaine or a salt of cocaine or of a preparation,  
mixture, extract or other material containing any proportion of cocaine or a  
salt of cocaine;

(j) 0.2 gramme of:

(i) alpha-methylphenethylamine;

(ii) its optical isomers;

(iii) any synthetic compound structurally derived from any of those  
substances by substitution at the nitrogen atom;

(iv) any salt of any substance falling within this paragraph; or

(v) any preparation, mixture, extract or other substance containing  
any proportion of a substance specified in this paragraph;

(k) two and one half grammes of methaqualone or its derivatives, or of a  
preparation, mixture, extract or other material containing any proportion of  
methaqualone or its derivatives;

(l) two grammes of quinalbarbitone or a salt of quinalbarbitone or of a  
preparation, mixture, extract or other material containing any proportion of  
quinalbarbitone or a salt of quinalbarbitone,".

Amendment of  
section 48.

3. Section 48 of the principal Ordinance is amended by deleting  
subsection (2) and substituting the following:

"(2) Any person found in or escaping from a divan shall, until the  
contrary is proved, be presumed:

(a) to have been smoking, inhaling, ingesting or injecting a dangerous  
drug therein; and

(b) to have known the nature of such drug."

4. Section 54A of the principal Ordinance is amended:

Amendment of  
section 54A.

(a) in subsection (1):

(i) by deleting "No" and substituting the following:

"Subject to subsection (1A), no";

(ii) by deleting all that occurs after "(as defined in the Drug Addiction Treatment Centres Ordinance)" and substituting a full stop;

(b) by inserting, after subsection (1), the following:

"(1A) Subsection (1) shall not apply where a person is convicted of an offence against section 8 or 36 or of offences against both those sections and that person:

(a) is convicted in the same proceedings of any other offence and is sentenced for that other offence to imprisonment for more than 9 months; or

(b) is at the time of conviction serving a term of imprisonment of more than 9 months.

but, in such a case, the court may if it thinks fit consider a report specified in subsection (1) before sentencing that person for the offence against section 8 or 36.

(1B) Where a court is required or has decided to consider a report under this section before sentencing a person but has not received such a report, it shall remand that person in the custody of the Commissioner of Correctional Services for such period, not exceeding 3 weeks, as the court thinks necessary to enable such a report to be made."; and

(c) in subsection (2) by deleting "subsection (1)" and substituting the following:

"this section".

Passed by the Hong Kong Legislative Council this 20th day of May 1987.

LAW Kam-sang.  
Clerk to the Legislative Council.

E/NL.1988/76

L.N.85 of 1987

PHARMACY AND POISONS ORDINANCE

(Chapter 138)

PHARMACY AND POISONS (AMENDMENT) REGULATIONS 1987

Made under section 29

1. (1) These regulations may be cited as the Pharmacy and Poisons (Amendment) Regulations 1987.

Citation and  
commencement.

(2) Regulations 3 to 7 inclusive shall come into operation on a day to be appointed by the Governor by notice in the Gazette and notices under this regulation may appoint different dates for the coming into operation of any of such regulations.

2. Regulation 3 of the principal regulations is amended by inserting after "Schedule" the following:

Amendment of  
regulation 3.  
(Cap. 138,  
sub. leg.)

"other than those substances included in the Third Schedule".

3. Regulation 8 of the principal regulations is amended:

Amendment of  
regulation 8.

(a) by being renumbered as paragraph (1);

(b) in paragraph (1) by deleting "Nothing" and substituting the following:

"Subject to paragraph (2), nothing"; and

(c) by inserting after paragraph (1) the following:

"(2) Notwithstanding paragraph (1)(b), Parts VII, VIII, VIIIA, IX and X of these regulations shall apply to every article or substance referred to in that paragraph, that is a pharmaceutical product within the meaning of the Ordinance."

Addition of new regulation 10A.

4. The principal regulations are amended by adding after regulation 10 the following:

"Prohibition on dispensing of prescriptions by listed sellers of poisons.

10A. No listed seller of poisons shall dispense any prescription for medicine."

Addition of new Part VB.

5. The principal regulations are amended by adding after Part VA the following:

"PART VB  
REGISTRATION OF PREMISES

Applications to register premises under section 13.

24B. An application to register premises under section 13 shall be:

Eighth Schedule. Form 15.

(a) made to the Board in the form prescribed in the Eighth Schedule; and

(b) submitted together with a copy of the certificate of registration of the registered pharmacist in whose presence or under whose supervision the actual sale of poisons will be conducted under section 11(1) of the Ordinance.

Certificate of registration under section 13. Eighth Schedule, Form 16.

24C. A certificate of registration under section 13 shall be in the form prescribed in the Eighth Schedule."

Amendment of regulation 36.

6. Regulation 36 of the principal regulations is amended:

(a) in paragraph (1), by deleting "No person shall sell, offer for sale or distribute" and substituting the following:

"Subject to paragraph (1A), no person shall sell, offer for sale or distribute or possess for the purposes of sale, distribution or other use"; and

(b) by inserting after paragraph (1) the following:

"(1A) Nothing in paragraph (1) shall apply in the case of possession or use where the pharmaceutical product or substance:

(a) has been imported into Hong Kong:

(i) to be exported outside Hong Kong;

(ii) by a pharmaceutical manufacturer for the purpose of manufacture or the compounding of pharmaceutical preparations;

(iii) for the purpose of treatment by a registered medical practitioner or a registered dentist, of a particular patient or, for the purpose of treatment by a duly qualified veterinary surgeon of a particular animal; or

(b) has been manufactured in Hong Kong to be exported outside Hong Kong."

Addition of new regulation 38A.

7. The principal regulations are amended by adding after regulation 38 the following:

"Labelling of certain medicines.

38A. (1) No person shall sell or supply any medicine unless it is labelled with particulars printed so as to be clearly legible in English and Chinese, as to dosage and the route and frequency of administration.

(Cap. 137, sub. leg.)

(2) This regulation shall not apply to medicine that is included in Part I of the Poisons List or in the Schedule to the Antibiotics Regulations."

8. Regulation 40 of the principal regulations is amended:

Amendment of  
regulation 40.

(a) by being renumbered as paragraph (1):

(b) in paragraph (1):

(i) by inserting after "10," the following:

"10A,"; and

(ii) by deleting "27," and "29(1),"; and

(c) by inserting after paragraph (1) the following:

"(2) Any person who contravenes regulation 27 commits an offence and is liable on conviction to a fine of \$10,000 and to imprisonment for 12 months.

(3) Any person who contravenes regulation 29(1) commits an offence and is liable on conviction to a fine of \$10,000 and to imprisonment for 12 months, and to a further fine of \$1,000 for every day during which the offence continues subsequent to the date of the conviction for the offence."

9. Regulation 41 of the principal regulations is amended by inserting after paragraph (2) the following:

Amendment of  
regulation 41.

"(2A) The logo referred to in section 13A(1) shall be in the form prescribed in the Eighth Schedule."

Eighth  
Schedule.  
Form 17.

10. The Eighth Schedule to the principal regulations is amended:

Amendment of  
Eighth Schedule.

(a) by deleting from Form 1 all words after "CONDITIONS":

(b) by deleting from Form 14:

(i) "IN" and substituting the following:

"AN";

(ii) all words after "CONDITIONS"; and

(c) by inserting after Form 14 the following:

"FORM 15 2/

PHARMACY AND POISONS ORDINANCE

(Chapter 138)

APPLICATION FOR REGISTRATION OF PREMISES UNDER SECTION 13

[...]

Notes by the Secretariat

1/ E/NL.1977/18.

2/ The form referred to is not reproduced herewith but is available from the Secretariat on request.