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## LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE CONVENTION OF 13 JULY 1931 FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS, AS AMENDED BY THE PROTOCOL OF 11 DECEMBER 1946

CHINA

Communicated by the Government of China

NOTE BY THE SECRETARY-GENERAL -- In accordance with Article 21 of the Convention of 13 July 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, as amended by the Protocol of 11 December 1946, the Secretary-General has the honour to communicate the following legislative text.

### ADMINISTRATIVE RULES MADE UNDER THE REGULATIONS FOR THE SUPPRESSION OF OPIUM AND OTHER NARCOTIC DRUGS DURING THE PERIOD OF NATIONAL EMERGENCY<sup>1)</sup>

(Amended and promulgated by the Ministry of the Interior on 31 August 1957)

#### Section I - General

##### Article 1. -

The present Rules are made under article 21 of the Regulations for the Suppression of Opium and Other Narcotic Drugs during the period of National Emergency<sup>1)</sup>.

##### Article 2. -

The suppression of opium and other narcotic drugs shall be the direct responsibility of the local governments at various levels, with the assistance of the local military, intelligence, communications, harbour and customs agencies. The provincial, municipal, district or city governments shall co-ordinate the work of the subsidiary agencies in the field of the suppression of narcotic drugs so as to ensure central planning and a proper distribution of responsibilities.

##### Article 3. -

The authorities directly responsible shall include the suppression of narcotic drugs in their annual programme of priority tasks and shall draw up detailed plans of work. The assisting agencies shall include the suppression of narcotic drugs in their list of matters to be reported to their respective superior organs for review. The necessary funds shall be included in the annual budget.

##### Article 4. -

At the end of each half of the calendar year, the provincial or municipal governments shall submit a comprehensive report on the results achieved to the Ministry of the Interior for consideration and transmission to the Executive Yuan.

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1) Note by the Secretariat: E/NL. 1956/86

Section II - Cure of Addiction

Article 5. -

The provincial or municipal governments shall, in conjunction with the district and city governments, undertake to:

- (a) Set up Narcotic Treatment Centres in designated hospitals;
- (b) Set up Narcotic Treatment Centres in appropriate institutions where public hospitals do not exist or are insufficiently equipped;
- (c) Set up special Narcotic Treatment Centres where no public hospital or appropriate institution is available;
- (d) Organize the procurement and distribution of the medicines required for the cure of narcotic addiction.

Where a Narcotic Treatment Centre is set up within a hospital or an appropriate institution in accordance with sub-paragraphs (a) and (b) above, special quarters, clothing and bedclothes shall be allocated and special attendants appointed for the purpose. Inmates of Narcotic Treatment Centres in hospitals shall receive medical treatment at reduced cost if they contract other illnesses.

Article 6. -

The medicines required for the cure of addiction shall be centrally purchased from the Narcotics Bureau of the Ministry of the Interior by the provincial or municipal governments and resold at cost to the district and city governments or Narcotic Treatment Centres. The Narcotic Treatment Centres shall submit monthly reports on the use of such drugs for the cure of addiction to the provincial government and to the Narcotics Bureau of the Ministry of the Interior.

Medicines for the cure of addiction shall bear a uniform identifying label and may not be manufactured or sold by private undertakings. In addition to such medicines, the physicians in Narcotic Treatment Centres may prescribe any other medicines required.

Article 7. -

Where an addict has been completely cured by a Narcotic Treatment Centre, a certificate of cure shall be issued to him (separate instructions will be issued regarding the form of this certificate), and the case shall be referred to the competent court for appropriate action. At the end of each month, a report on the cure of addicts shall be submitted to the competent district or city government for transmission to the provincial government (separate instructions will be issued regarding the form of this report).

Article 8. -

Public and private hospitals shall send a confidential report to the competent judicial or police authorities regarding any patient suspected of narcotic addiction.

Article 9. -

Where an addict sentenced to imprisonment has been cured and released from prison on the expiry of his term, he shall be placed under the surveillance of the local police authorities in order to prevent recidivism.

Section III - Examination of Addicts

Article 10. -

Each local government shall designate a local health agency or other appropriate institution to undertake the examination of addicts.

Article 11. -

Persons in any of the following categories shall be subject to examination by the examining agency, if the competent authorities consider such an examination warranted on the basis of preliminary investigation:

- (a) Persons reported or found to be possible narcotic addicts or recidivists;
- (b) Persons suspected of being narcotics peddlers who admit to narcotic addiction;
- (c) Persons required to undergo examination for other reasons.

Article 12. -

On the completion of its examination, the examining agency shall forward a report of its findings to the competent authorities which shall act on the report in accordance with the law (separate instructions will be issued regarding the form of the report of findings).

Article 13. -

If the person examined does not accept the findings of the examining agency, he may apply to the competent authorities for a second examination by setting forth his grounds of objection. If the competent authorities on their part, question the findings of the examining agency, they may request the latter to undertake a second examination or refer the person concerned to another examining agency. In either case, the competent authorities may require that the re-examination be conducted in the presence of their own observer.

Article 14. -

Upon the request for a second examination, the examining agency shall proceed with the re-examination on the basis of the same information and by the same method as employed in the first examination. In the case of a re-examination by another agency, it shall be conducted with the participation of the agency which made the first examination.

The findings of the re-examination shall be final and no further examination may be requested.

Article 15. -

Severe penalties shall be imposed by the judicial authorities on any examiner who, in consequence of collusion or bribery, gives a false account of his findings.

Section IV - Exposure of Traffic in Narcotics and Seizure Thereof

Article 16. -

The organs directly responsible and the assisting agencies shall adopt organized and effective measures for the investigation of traffic in narcotics and the seizure thereof, in keeping with the natural conditions of each locality:

- (a) The investigating agencies shall maintain close co-operation in carrying out regular inspection on coastal islands, seaports, airports and other key points on the route of incoming transport;
- (b) When possible hiding places for smuggled narcotic drugs are discovered, inspection personnel shall maintain constant vigilance in watching and searching such places in order to prevent illicit traffic. Local officials at the various levels shall be required to assist in the investigation of addicts.

Article 17. -

Upon the discovery of any illicit traffic in narcotics, all the relevant information shall be promptly and carefully examined and the source of supply traced in order to track down the offenders. The investigating agencies may call upon the local government or the local military and police authorities of the place where the offenders are known to be hiding to render assistance in bringing about the arrest of such offenders and other persons involved.

Article 18. -

With a view to the investigation of illicit traffic in narcotics and the seizure of the products involved, a network of detection and intelligence services shall be established by co-ordinating the work of all investigating agencies. The Ministry of the Interior shall be responsible for the exchange of information and liaison with the foreign agencies concerned.

The Ministry of the Interior shall consult with the Ministry of Foreign Affairs in matters relating to international co-operation against the communist plot of narcotics dumping.

Article 19. -

The exposure of illicit traffic in narcotics may take either of the following forms:

- (a) Written information, which must bear the signature, personal seal or finger-print of the informant and be transmitted confidentially in a sealed envelope;
- (b) Oral information, which must be given by the informant in person to the competent authorities.

Article 20. -

Written information shall include the following particulars:

- (a) Regarding the accused: his name, age, sex, occupation and address; the place where the narcotic drug in question is smoked, used, cultivated, manufactured, shipped or sold; the estimated quantity of narcotics involved or of instruments for the use of narcotics; other relevant facts. The names of any witnesses should also be given.
- (b) Regarding the informant: his real name, age, address, and method of communication. If the informant is an organization, the signature and personal seal of the representative of the organization should be affixed.

Article 21. -

Upon receiving such information, the competent authorities shall immediately proceed to verify the facts and to deal with the case as prescribed by law. The name of the informant shall be kept strictly confidential and his safety shall be fully assured. Any unauthorized disclosure, undue delay, blackmail, collusion or connivance shall be subject to severe penalties. Informants who maliciously make false charges for personal reasons shall also be severely punished in accordance with the law.

Article 22. -

Except where other legal provisions apply, the local governments shall vigorously enforce the suppression of all narcotic drugs and shall prohibit the manufacture, processing, sale or resale of narcotic drugs under any pretext. In the case of such offences, the offenders shall be prosecuted in accordance with the law.

Article 23. -

Any investigating agency which fails to exercise due diligence or causes undue delay in the investigation of illicit traffic in narcotics shall be subject to disciplinary action as prescribed in article 9 of the Rules governing the Granting of Rewards and the Imposition of Disciplinary Measures in connexion with the Suppression of Narcotic Drugs.

Article 24. -

The investigating agencies shall keep a detailed record of all cases relating to traffic in, or use of, narcotic drugs and shall from time to time submit reports thereon to the competent authorities for transmission to the Ministry of the Interior. Such records shall include the following particulars:

- (a) The offender's name, sex, age, place of birth, address, occupation and level of education;
- (b) The source, classification, quantity and delivery point of the narcotics in question;

- (c) The method of smuggling and the route taken;
- (d) The place of sale and/or use;
- (e) The locality, method and progress of investigation and seizure;
- (f) The action taken with regard to the offender and the narcotics in question.

Article 25. -

On making a seizure of narcotic drugs, the law enforcement agency shall, in the presence of the accused person, examine and verify the quantity of drugs seized and shall keep such drugs in a sealed package with the official seal of the agency affixed thereto. The contraband, together with other evidence, shall then be turned over to the local judicial authorities. After the quantity of drugs seized has been verified jointly by the agency and the judicial authorities, a sample shall be sent to the local health agency or other testing institution for analysis. The sample shall weigh twenty grammes in the case of opium and two grammes in the case of other narcotic drugs. (However, if the drugs seized fall short of these quantities, the full amount shall be submitted for qualitative analysis.) The testing agency shall issue a report in quadruplicate on the results of the analysis, which shall be forwarded to the judicial authorities and also to the local government for the purpose of deciding on a cash award to the persons entitled.

Article 26. -

If, on analysis, the narcotic drugs placed in the custody of the judicial authorities are found to be suitable for pharmaceutical use, they shall be sent to the Narcotics Bureau of the Ministry of the Interior for such use after court proceedings have been completed. Those found unsuitable for pharmaceutical use shall all be destroyed in public by the competent authorities.

The expression "suitable for pharmaceutical use", as used in the preceding paragraph, refers to narcotic drugs containing more than three per cent of a medicinally active ingredient.

Article 27. -

Every local judicial authority shall submit monthly reports to the Ministry of Justice on the narcotics cases dealt with, sending copies to the Ministry of the Interior and to the provincial or municipal government. The monthly reports shall include such details as the classification and quantity of narcotic drugs placed in custody; the names of offenders; the agencies responsible for the seizures; and the verdict in each case.

Section V - Publicity and Promotion

Article 28. -

The local governments at the various levels and the agencies concerned shall give constant and wide publicity, through various media, to the evils of narcotic drugs, to the legal provisions for their suppression and to the communist plot for narcotics dumping. A general publicity campaign shall be conducted each year on "Narcotics Suppression Day" (3 June).

Educational institutions and schools at the various levels shall prepare publicity material dealing with the suppression of narcotics and shall hold speech-making and poster-writing contests on this subject and produce films and slides to assist in the campaign against narcotic drugs.

Article 29. -

The local governments at the various levels shall direct the work of civic organizations and citizens' meetings in giving wider publicity to the need for suppressing narcotic drugs and securing greater popular support for this campaign. Outstanding achievements in this sphere shall be reported to the Ministry of the Interior, which may make appropriate awards.

Article 30. -

The Ministry of the Interior and the provincial governments shall send officials to various localities in order to guide and promote the suppression of narcotic drugs. Such officials shall also assess the results of the campaign in each locality for the purpose of reconsidering rewards or disciplinary action.

Section VI - Supplementary Provisions

Article 31. -

For the purpose of carrying the present Rules into effect, local governments may issue ad hoc decrees which shall be reported to the Ministry of the Interior.

Article 32. -

The present Rules shall come into force on the date of promulgation.