



LAWS AND REGULATIONS

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

HONG KONG

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

NOTE BY THE SECRETARY-GENERAL – 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.

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DANGEROUS DRUGS (AMENDMENT)

E/NL.1978/62

HONG KONG

No. 60 of 1977

I assent,
MURRAY MacLEHOSE,
Governor.
28th July, 1977.

An Ordinance to amend the Dangerous Drugs Ordinance. ^{1/}

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

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| 1. This Ordinance may be cited as the Dangerous Drugs (Amendment) Ordinance 1977. | Short title. |
| 2. The principal Ordinance is amended by adding after section 53 the following new sections: | Addition of section 53A.
(Cap. 134.) |

^{1/} Note by the Secretariat: E/NL.1977/18.

"Surrender of travel document.

"53A. (1) A magistrate may, on the application of the Commissioner of Police or the Commissioner of the Preventive Service, by written notice require a person who is the subject of an investigation in respect of a specified offence alleged or suspected to have been committed by him to surrender to the Commissioner of Police or Commissioner of the Preventive Service any travel document in his possession.

"(2) The matter of an application under subsection (1) shall be substantiated by the oath of the applicant.

"(3) A notice under subsection (1) shall be served personally on the person to whom it is addressed.

"(4) A person on whom a notice under subsection (1) is served shall comply with such notice forthwith.

"(5) If a person on whom a notice under subsection (1) has been served fails to comply with the notice forthwith, he may thereupon be arrested and taken before a magistrate.

"(6) Where a person is taken before a magistrate under subsection (5), the magistrate shall, unless such person thereupon complies with the notice under subsection (1) or satisfies the magistrate that he does not possess a travel document, by warrant commit him to prison there to be safely kept:

"(a) until the expiry of the period of 28 days from the date of his committal to prison as aforesaid; or

"(b) until such person complies with the notice under subsection (1) and a magistrate, by order in that behalf, orders and directs the Commissioner of Prisons to discharge such person from prison (which order shall be sufficient warrant for the Commissioner of Prisons so to do),

whichever occurs first.

"(7) Upon the surrender of a travel document under this section, the Commissioner of Police or the Commissioner of the Preventive Service, as the case may be, shall issue a receipt identifying the travel document.

"(8) A travel document which is surrendered to the Commissioner of Police or the Commissioner of the Preventive Service under this section may be detained for 3 months from the date on which it was surrendered and may be detained for not more than two further periods of 3 months if a magistrate, on application by the Commissioner of Police or the Commissioner of the Preventive Service, is satisfied that the investigation could not reasonably have been completed before the date of such application and authorizes such further detention.

"(9) All proceedings before a magistrate under this section shall be conducted in chambers.

"(10) In this section:

"Commissioner of Police" includes a deputy or assistant commissioner of police;

"Commissioner of the Preventive Service" includes a deputy or assistant commissioner of the Preventive Service;

"specified offence" means any offence punishable under any section of this Ordinance, on conviction on indictment, with imprisonment for a term of 15 years or any greater punishment, and aiding, abetting, counselling or procuring the commission by another of any such offence;

"travel document" means a passport or other document issued for the purpose of travel which establishes the identity or nationality of the holder.

"53B. (1) A person who has surrendered his travel document in accordance with section 53A may at any time make written application to the Commissioner of Police or the Commissioner of Preventive Service, as the case may be, for its return and every such application shall contain a statement of the grounds on which it is made.

Application for return of travel document.

"(2) Before determining an application under subsection (1), the Commissioner of Police or the Commissioner of the Preventive Service may require that any matter of fact relied on in the application shall be substantiated by statutory declaration.

"(3) Any person aggrieved by the refusal of an application under subsection (1) may, within 14 days of being informed of such refusal, appeal to a magistrate against that refusal and the magistrate may, upon considering the grounds of the application and any evidence which may be adduced in relation thereto by or on behalf of either party, order that the travel document be returned.

"(4) The decision of a magistrate in relation to an appeal under this section shall be final."

Passed by the Hong Kong Legislative Council this 27th day of July, 1977.

L. TSE,
Clerk to the Legislative Council.

Hong Kong Government Gazette
Legal Supplement No. 2
Gazette No. 4/1977
L.N.22 of 1977

E/NL.1978/63

DANGEROUS DRUGS ORDINANCE

(Chapter 134)

DANGEROUS DRUGS (AMENDMENT OF FIRST SCHEDULE)

ORDER 1977

In exercise of the powers conferred by section 50 of the Dangerous Drugs Ordinance, ^{1/}
the Governor has made the following order:

Citation.

1. This order may be cited as the Dangerous Drugs (Amendment of First Schedule) Order 1977.

Amendment of
First Schedule.
(Cap. 134.)

2. Part I of the First Schedule to the principal Ordinance is amended:

(a) in paragraph 1 by inserting, after "Methadyl acetate.", the following:

"Methaqualone."; and

(b) by inserting after paragraph 12 the following new paragraph:

"12A. Alpha-Methylphenethylamine; its optical isomers; any synthetic compound structurally derived from any of those substances by substitution at the nitrogen atom; any salt of any substance falling within this item."

By Command,

22nd January 1977.

L. M. DAVIES,

Secretary for Security.

Hong Kong Government Gazette
Legal Supplement No. 2
Gazette No. 15/1977
L.N.82 of 1977

E/NL.1978/64

DANGEROUS DRUGS ORDINANCE

(Chapter 134)

DANGEROUS DRUGS (AMENDMENT OF FIRST SCHEDULE)

(No. 2) ORDER 1977

In exercise of the powers conferred by section 50 of the Dangerous Drugs Ordinance, ^{1/}
the Governor has made the following order:

Citation.

1. This order may be cited as the Dangerous Drugs (Amendment of First Schedule) (No. 2) Order 1977.

Amendment of First
Schedule.
(Cap. 134.)

2. Part I of the First Schedule to the principal Ordinance is amended in paragraph 12A by deleting "item" and substituting the following:

"paragraph, or any preparation, mixture, extract or other substance containing any proportion of a substance specified in this paragraph".

By Command,

L. M. DAVIES,
Secretary for Security.

28th March 1977.

Explanatory Note

This amendment ensures that amphetamines in any form are subject to the provisions of the principal Ordinance.

Hong Kong Government Gazette
Legal Supplement No. 2
Gazette No. 18/1977
L.N.98 of 1977

E/NL.1978/65

ACETYLATED SUBSTANCES (CONTROL) ORDINANCE
(Chapter 145)
ACETYLATED SUBSTANCES (CONTROL) (AMENDMENT)
REGULATIONS 1977

In exercise of the powers conferred by section 16 of the Acetylated Substances (Control) Ordinance, ^{2/} the Governor in Council has made the following regulations:

1. These regulations may be cited as the Acetylated Substances (Control) (Amendment) Regulations 1977. Citation.
2. Regulation 3 of the principal regulations is amended: Amendment of regulation 3.
 - (a) by deleting paragraph (2) and substituting the following: (Cap. 145, sub. leg.)

"(2) The holder of a licence or permit shall at all times keep in the register kept under paragraph (1) a record of the total amount in his possession of the acetylated substance to which the licence or permit relates.";
 - (b) in paragraph (4) by inserting after "paragraph (1) shall" the following:

", unless the holder of the licence or permit is exempted under paragraph (5) from compliance with the requirements of this paragraph,";
 - (c) by inserting after paragraph (4) the following new paragraph:

^{2/} Note by the Secretariat: E/NL.1977/21.

"(5) the Director may at any time and from time to time in writing exempt the holder of any licence or permit from compliance with the requirements of paragraph (4) on such terms and conditions as he may think fit."

Amendment of
regulation 5.

3. Regulation 5 of the principal regulations is amended by:
- (a) being renumbered as paragraph (1) thereof; and
 - (b) inserting the following new paragraph:

"(2) Any person who contravenes any of the terms or conditions of an exemption granted under regulation 3(5) shall be guilty of an offence and shall be liable on conviction to a fine of \$50,000 and imprisonment for 1 year."

L. TSE,
Deputy Clerk of Councils.

COUNCIL CHAMBER,
3rd May 1977.

Explanatory Note

This amendment enables the Director to exempt the holder of any licence or permit from compliance with the requirements of regulation 3(4) on such terms and conditions as he may think fit, provides a penalty for the breach of any such term or condition, and clarifies regulation 3(2).

DRUG ADDICTION TREATMENT CENTRES
(AMENDMENT)

E/NL.1978/66

HONG KONG

No. 41 of 1977

I assent,
MURRAY MacLEHOSE,
Governor.
16th June, 1977.

An Ordinance to amend the Drug Addiction Treatment Centres Ordinance. ^{3/}

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

1. This Ordinance may be cited as the Drug Addiction Treatment Centres (Amendment) Ordinance 1977. Short title.

2. Section 2 of the principal Ordinance is amended in the definition of "addiction treatment centre" by deleting "Governor" and substituting the following: Amendment of section 2. (Cap. 244.)

"Secretary for Security".

3. Section 3 of the principal Ordinance is amended by deleting "Governor" and substituting the following: Amendment of section 3.

"Secretary for Security".

4. Section 4(2) of the principal Ordinance is amended by deleting "6 months and not more than 18 months" and substituting the following: Amendment of section 4.

"4 months and not more than 12 months".

5. Section 6(2) of the principal Ordinance is amended by deleting "18 months from the date of the detention order or 6 months" and substituting the following: Amendment of section 6.

"12 months from the date of the detention order or 4 months".

6. Section 8A(2) of the principal Ordinance is amended by deleting "18" and substituting the following: Amendment of section 8A.

"12".

7. (1) The amendments to sections 4(2) and 6(2) of the principal Ordinance made by sections 4 and 5 of this Ordinance shall apply to any person who, at the commencement of this Ordinance, is detained in an addiction treatment centre pursuant to a detention order made under section 4(1) of the principal Ordinance or pursuant to a recall order made under section 6(1) of the principal Ordinance. Transitional provision.

(2) Where, upon the commencement of this Ordinance, any person detained in an addiction treatment centre pursuant to a detention order made under section 4(1) of the principal Ordinance or pursuant to a recall order made under section 6(1) of the principal Ordinance has been so detained for more than 12 months, such person shall be released from detention.

Passed by the Hong Kong Legislative Council this 15th day of June, 1977.

L. TSE,
Clerk to the Legislative Council.