

Amendments to Dangerous Drugs Ordinance and Control of Chemicals Ordinance to be gazetted on June 18

A spokesperson for the Security Bureau said today (June 16) that the Government will publish the Dangerous Drugs Ordinance (Amendment of First Schedule) Order 2021 (DDO Order) and the Control of Chemicals Ordinance (Amendment of Schedule 2) Order 2021 (CCO Order) in the Gazette this Friday (June 18).

The two Orders will respectively add 4F MDMB-BINACA, 5F-AMB-PINACA, 5F-AMDB-PINACA, crotonylfentanyl, etizolam, flualprazolam, mitragynine and 7-hydroxymitragynine to the First Schedule to the Dangerous Drugs Ordinance (DDO) (Cap. 134), and add methyl alpha-phenylacetoacetate (MAPA) to Schedule 2 to the Control of Chemicals Ordinance (CCO) (Cap. 145).

The spokesperson said, "The amendments aim to deter the trafficking and abuse of these dangerous drugs and substances. This will help to fortify Hong Kong's defence in the fight against drugs."

The spokesperson added, "4F-MDMB-BINACA, 5F-AMB-PINACA and 5F-AMDB-PINACA are synthetic cannabinoids which affect the central nervous system. Crotonylfentanyl has a chemical structure that is similar to fentanyl, which is a dangerous drug controlled under the First Schedule to the DDO and Schedule 10 (Poisons List) to the Pharmacy and Poisons Regulations (Cap. 138A). For etizolam, it may cause sedation, sleepiness, ataxia, slurred speech, and loss of consciousness. Flualprazolam is likely to cause disinhibition and sedation that would impair driving, and when combined with substances such as opioids, would contribute to increased overdose through benzodiazepine-potentiated or opioid-induced respiratory depression. Mitragynine and 7-hydroxymitragynine are the major compounds available in a plant known as mitragyna speciosa or kratom. With clear abusive potential, reported health effects of kratom use include nausea, constipation, increased urination, loss of appetite, seizures, hallucinations and withdrawal symptoms.

"The DDO Order will bring the above eight substances to the same strict control as other dangerous drugs under the DDO. Those prosecuted of trafficking and illicit manufacture of these substances are liable to a maximum penalty of a fine of \$5 million and life imprisonment. Possession and consumption of the substances in contravention of the DDO also constitute criminal offences.

"Meanwhile, MAPA is a substitute chemical for several precursors already under international control, such as 1-phenyl-2-propanone, alpha-phenylacetonitrile and alpha-phenylacetamide, which are precursor chemicals controlled under Schedule 2 to the CCO, and is highly suitable for the illicit manufacture of amphetamine and methamphetamine,

which are dangerous drugs controlled under the First Schedule to the DDO. Taking into consideration the harm that the dangerous drugs manufactured from MAPA may cause to abusers, we propose to place the substance under legislative control.

"The CCO Order will bring MAPA under the control of the CCO. It is an offence to possess, manufacture, transport or distribute the substance for the unlawful production of dangerous drugs, or import or export the substance not under and in accordance with a licence issued by the Customs and Excise Department. The maximum penalty is a fine of \$1 million and imprisonment for 15 years."

The spokesperson said that two rounds of consultation on trades and parties, including holders of licences under the DDO, the CCO and the Pharmacy and Poisons Ordinance (Cap. 138) as well as the logistics trade were conducted on the legislative proposals. Only two letters were received, one from the Federation of Hong Kong Industries supporting the proposals and one from a law firm expressing objection to placing mitragynine and 7-hydroxyitragynine under control. Having consulted the Department of Health on the objection raised, the Government maintains the view that mitragynine and 7-hydroxyitragynine should be controlled under the DDO considering their harm posed to general public. The Action Committee Against Narcotics was consulted, which supported the proposed control. The Government also sought the views of the Panel on Security of the Legislative Council. There was no adverse comment.

The two Orders will be tabled at the Legislative Council on June 23, 2021, and are expected to become effective on August 13, 2021.