

LCQ20: Regulation of products containing cannabidiol

Following is a question by the Hon Yang Wing-kit and a written reply by the Secretary for Security, Mr Tang Ping-keung, in the Legislative Council today (April 27):

Question:

It has been reported that cannabidiol (CBD) is currently not regulated by the Dangerous Drugs Ordinance (Cap. 134). Quite a number of merchants boast in their advertisements that CBD is harmless, has the effect of easing stress and pain, and is able to prevent and cure insomnia, eczema and other skin diseases. They even add CBD into products such as coffee, fruit juice and cosmetic skincare, which are then sold at high prices. However, as tetrahydro-cannabinol (THC), which is classified as a dangerous drug, is found in a number of CBD-containing products in the market, the Government is planning to impose control on CBD under Cap. 134. In this connection, will the Government inform this Council:

(1) whether it has studied the efficacy of CBD; given that some merchants have exaggerated the efficacy of products containing CBD and sold the relevant products to customers, whether it has studied if such merchants have breached the Trade Descriptions Ordinance (Cap. 362);

(2) of the number of market products containing CBD which were randomly inspected by law enforcement agencies in each of the past three years and, among such products, the number of those found to contain THC; the respective numbers of persons prosecuted and convicted as a result, and the penalties imposed on the convicted persons; and

(3) before CBD is brought under the regulatory control of Cap. 134, whether the Government will, by following the practices of the governments of foreign countries, make recommendations to members of the public the maximum daily CBD intake, remind pregnant women, lactating women and persons on medications to avoid using products that contain CBD, and restrict the age of buyers for products containing CBD; if so, of the details; if not, the reasons for that?

Reply:

President,

Cannabis is a drug strictly controlled by the United Nations. However, cannabidiol (CBD) has not been listed as a substance controlled by the three major international drug conventions. In Hong Kong, cannabis, cannabis resin, tetrahydro-cannabinol (THC) and certain other cannabinoids are already controlled under the Dangerous Drugs Ordinance (DDO) (Cap. 134). On the other hand, under the Pharmacy and Poisons Ordinance (Cap. 138), any pharmaceutical

product containing CBD is classified as a Part 1 poison and prescription medicine, and is subject to the control of the relevant regulatory regime on pharmaceutical products. At present, there is no registered pharmaceutical product containing CBD in Hong Kong. Since CBD is generally extracted from cannabis, CBD products may likely contain THC, which is a dangerous drug. As such, the Government has planned to further control CBD by legislation and will seek the views of the Legislative Council Panel on Security within this year.

In consultation with the Food and Health Bureau and the Commerce and Economic Development Bureau, my reply to the various parts of the question raised by the Hon Yang Wing-kit is as follows:

(1) In recent years, different types of CBD products, including food, health supplements, skin care and beauty products, etc, have become available for sale around the world. Such products must comply with the Trade Descriptions Ordinance (TDO) (Cap. 362) if they are sold in Hong Kong. Under the TDO, a trader making a false or misleading statement of any goods to a material degree without sufficient supporting evidence commits the offence of false trade description, and shall be liable on conviction to a maximum penalty of a fine of \$500,000 and imprisonment for five years. In addition, the Undesirable Medical Advertisements Ordinance (Cap. 231) prohibits the advertising of any medicine, surgical appliance or treatment for the prevention or treatment of diseases or conditions prescribed in its Schedules, and offenders shall be liable to a maximum penalty of a fine of \$100,000 and imprisonment for one year.

(2) Law enforcement agencies (LEAs) (including the Hong Kong Police Force and the Customs and Excise Department) proactively launched operations at various locations to seize and test products claiming to contain CBD in view of the different types of CBD products imported and sold locally in recent years. Since 2019, nearly 120 such operations have been conducted. Of the samples sent to the Government Laboratory for testing and for which testing had been completed, around one-third of them were found to contain THC, involving more than 4 000 items seized. For most of the cases with THC detected, LEAs are currently conducting investigations or seeking advice from the Department of Justice.

(3) Currently, there are different pieces of legislation regulating products containing CBD. For example, any CBD product containing THC at any concentration is regarded as a dangerous drug and controlled under the DDO (Cap. 134). In addition, legislations such as the Public Health and Municipal Services Ordinance (Cap. 132), the Food Safety Ordinance (Cap. 612), the Consumer Goods Safety Ordinance (Cap. 456), etc, are also applicable to CBD products under their respective areas. The Government has planned to further control CBD by legislation. Since products containing CBD may likely contain THC, which is a dangerous drug, the Government considers it inappropriate to recommend to the public on any daily intake limit or set the age of buyers.