

# LCQ22: Prohibiting the trade of products containing ingredients from bear bile

Following is a question by the Dr Hon Elizabeth Quat and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (May 30):

Question:

At present, the import and export of Chinese herbal medicines, proprietary Chinese medicines and related products containing ingredients from bear gall bladders are regulated under the Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586). Given that the practice of extracting bile from live bears is extremely cruel and inhumane, a number of international organisations which are concerned about animal welfare have in recent years actively called upon various countries to step up the regulation of the trade of products containing ingredients from bear gall bladders. In this connection, will the Government inform this Council:

(1) of the quantity of products containing ingredients from bear gall bladders which were legally imported into Hong Kong in each of the past five years (with a breakdown by place of origin); whether it knows, among such products, the respective quantities of those sold in Hong Kong and transshipped to the Mainland and to other places;

(2) given that the international activities of illegal hunting and killing of wild bears have all along remained rampant owing to the huge profits that may be generated by the sale of products containing ingredients from bear gall bladders, coupled with the report that the Huanggang customs and excise authorities on the Mainland have earlier on seized at the Huanggang Port 13 bear gall bladders with a total weight of 297.71 grams from a private car travelling to the Mainland, whether the authorities will step up the law enforcement efforts in Hong Kong and raise the relevant penalty level to combat the illegal import and export of products containing ingredients from bear gall bladders;

(3) whether the authorities will enact legislation expeditiously to impose a total ban on (i) the import and export of products containing ingredients from bear gall bladders and (ii) any form of trading in bear gall bladders; if so, of the details and the timetable; if not, the reasons for that; and

(4) as some Chinese medicine experts have pointed out that some clinical researches have proved that certain Chinese herbal medicines have the same efficacy as bear gall bladders, whether the authorities will step up their efforts in public education to avoid using bear gall bladders in medicine by members of the public; if so, of the details; if not, the reasons for that?

Reply:

President,

In consultation with the Department of Health and the Agriculture, Fisheries and Conservation Department (AFCD), a consolidated reply to the four parts of the question is as follows:

(1) The Hong Kong Special Administrative Region Government is committed to the protection of endangered species and implements the Protection of Endangered Species of Animals and Plants Ordinance (the Ordinance) (Cap. 586) to fulfill the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) requirements in regulating the trade in CITES-listed species. Currently, all bear species of the family Ursidae are listed in Appendix I or Appendix II of CITES and are regulated by the Ordinance. According to the Ordinance, commercial trade in Appendix I species of wild origin is prohibited. Import of Appendix II species, including traditional Chinese medicinal materials, proprietary Chinese medicines (pCms) and products, must first obtain a valid CITES export permit issued by the CITES management authority of the exporting place, and be inspected by authorised officer upon arrival in Hong Kong. In the past five years, the majority of bear bile or pCm/products containing bear bile imported into Hong Kong were originated from Russian brown bears, which is listed in CITES Appendix II. The bear bile and products re-exported from Hong Kong was shipped to Japan. As local possession of non-living Appendix II species for commercial purposes is exempted from the requirement of obtaining a License to Possess, we do not have information on the quantity of bear bile and its products that sold locally. The records of import and re-export of bear bile and its products over the past five years are tabulated below:

Import records:

	2013	2014	2015	2016	2017
Species	Brown Bear (App. II)	Brown Bear (App. II)	Brown Bear (App. II)	Brown bear, American black bear (App.II)	Brown Bear (App. II)
Product (Quantity)	Medicine (0.75 Kg)	Medicine (22.27 Kg) Bear bile(15.23 Kg)	Medicine (9.46 Kg) Bear bile (7.75 Kg)	Medicine (15.62 Kg+ 72,750 bottles) Bear bile (11.50 Kg)	Medicine (6.31Kg +117,450pcs) Bear bile (9.59 Kg)
Exporting place	Japan	Japan and Russia	Japan and Russia	Japan and Russia	Japan and Russia
Place of Origin	Russia	Russia	Russia	Russia and Canada	Russia

Re-export records:

	2013	2014	2015	2016	2017
Species	Brown Bear (App. II)	–	–	Brown Bear (App. II)	Brown Bear (App. II)
Product (Quantity)	Bear bile powder (11.06 Kg)	–	–	Bear bile powder (4.75 Kg)	Bear bile powder (4.80 Kg)
Destination	Japan	–	–	Japan	Japan
Place of origin	Russia	–	–	Russia	Russia

(2) to (3) The AFCD has been working closely with the Hong Kong Customs and Excise Department to combat the illegal import and export of endangered species and curb the smuggling of products containing or claiming to contain bear bile components. In order to provide a sufficiently strong deterrent against illicit wildlife trade, and to send a clear signal to the international and local communities that the Government is committed to the protection of endangered species and to combating endangered species smuggling, the penalties for offences under the Ordinance have been amended in early 2018 and the maximum penalty has been significantly increased to a fine of \$10 million and an imprisonment for 10 years. The objective of CITES is to strengthen trade controls through adoption of effective measures among governments of the contracting parties, so as to effectively protect the endangered species of wild fauna and flora and ensure that the sustainable use of wild fauna and flora will not be affected by international trade. CITES does not impose regulation on the methods of collecting specimens of endangered species. We will continue to pay attention to the international developments for whether we should enact legislation to ban the import of bear bile products and any form of bear bile sales and trading.

(4) It is generally considered in the Chinese medicine field that bear gall bladders have significant efficacy in the treatment of critical, acute, serious and rare or complex illnesses, playing an important role in Chinese medicine clinical treatment. The clinical effects of bear gall bladders in the treatment mentioned above cannot be substituted by other herbal medicines, and no artificially synthesised substitutes are available at the moment. The Chinese Medicines Board (CMB) under the Chinese Medicine Council of Hong Kong (note) has discussed the use of bear gall bladders in pCms. Having considered the uniqueness of the medicinal properties, functions and usage of bear gall bladders and the balance between animal rights and utilisation of natural resources, the CMB currently accepts the use of bear gall bladders as active ingredients of pCms for medical treatment, provided that the products meet the requirements of the Chinese Medicine Ordinance (Cap. 549) (CMO), the Ordinance and CITES.

The CMB will continue to closely keep in view international developments about the medicinal value and use of bear gall bladders, and continue to

require the medicine traders concerned to comply with the CMO and other laws in Hong Kong.

Note: The Chinese Medicine Council of Hong Kong is a statutory body established under the Chinese Medicine Ordinance. The Council is responsible for implementing regulatory measures for Chinese medicine. The main purpose for regulation of Chinese medicine is to protect public health and consumers' rights and to ensure the professional standard of Chinese medicine practice and the trade of Chinese medicines through "self-regulation".