

LCQ3: Regulation of cannabis and products containing cannabis

Following is a question by the Hon Chan Hak-kan and a reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (December 12):

Question:

The Canadian authorities have relaxed the control on recreational cannabis since October this year. Nationals of that country may purchase cannabis as well as food products and drinks containing cannabis from licensed suppliers. Given the frequent economic and trade exchanges and flows of residents between Canada and Hong Kong, some members of the public are concerned that the trend of consuming cannabis may spread to Hong Kong. Moreover, quite a number of parents of students are worried that their children who are studying or participating in study tours in Canada may bring cannabis or food products containing cannabis into Hong Kong when they return to the territory, thereby contravening the law inadvertently. In this connection, will the Government inform this Council:

(1) whether the Hong Kong Economic and Trade Office in Toronto (Toronto ETO) of Canada has publicised the perils of cannabis among the Hong Kong people who are studying, touring or operating business there, and reminded them and people intending to visit Hong Kong that the laws of Hong Kong prohibit the bringing of food products containing cannabis into Hong Kong; if Toronto ETO has, of the details;

(2) whether it will step up the interception of the various types of food products or gifts containing cannabis to prevent them from being brought into Hong Kong; and

(3) of the respective numbers of cases of law enforcement agencies smashing cannabis plantations and seizing food products containing cannabis, as well as the number of prosecutions for cannabis-related crimes and the penalties generally imposed on the convicted persons, in the past three years; whether it will step up law enforcement and publicity efforts to combat cannabis-related crimes?

Reply:

President,

In Hong Kong, cannabis and tetrahydro-cannabinol (THC), a major compound of cannabis, are dangerous drugs controlled under the Dangerous Drugs Ordinance (Cap. 134). Any products, including food products and drinks, that contain cannabis or THC are also controlled under Cap. 134. Trafficking in dangerous drugs, or illicitly importing to and exporting from Hong Kong, procuring, supplying, manufacturing, or dealing in or with dangerous drugs,

constitutes a criminal offence. The maximum penalty is life imprisonment and a fine of \$5 million. Illicitly possessing, or smoking, inhaling, ingesting or injecting dangerous drugs is subject to a maximum penalty of imprisonment for seven years and a fine of \$1 million. The Police and the Customs and Excise Department (C&ED) as the law enforcement agencies have been strictly enforcing the law to combat offences related to drugs, including cannabis.

Cannabis is addictive and can cause serious harms to physical and mental health. According to researches in different places around the world (including those conducted by the World Health Organization), cannabis abuse has severe long-term harmful effects, such as causing irreversible impairment to cognitive functions, mental illness, anxiety and hallucinations, respiratory diseases, cardiovascular diseases and cancer. The United Nations has placed cannabis under drug control, requiring countries to exercise stringent regulation in respect of the production, manufacture, export, use, possession, etc. of cannabis. The Government and non-governmental anti-drug service organisations have been implementing various forms of preventive education and publicity on the harms of cannabis abuse and relevant offences. With the legalisation of recreational cannabis in individual overseas countries and regions, the Government will strengthen publicity and educational measures with a view to facilitating members of the public, especially young people, to have a correct understanding of the harms of cannabis abuse, and refrain from trying the drug under the influence of others or the misconception that cannabis is not harmful. The public will be reminded not to bring cannabis or any products that contain controlled cannabis compounds into Hong Kong, as this is against the law. Law enforcement agencies will also strengthen enforcement against cannabis as appropriate.

For the three questions raised by Hon Chan Hak-kan, my consolidated reply is as follows.

While Canada has legalised recreational cannabis with effect from October 17, 2018, the relevant legislation prohibits the sale or distribution of cannabis to any person aged under 18, or bringing cannabis into or out of the country. Sale of cannabis food products and drinks is still unlawful in Canada. With the legalisation of recreational cannabis in Canada and individual overseas regions, the C&ED issued a press statement in November this year to remind members of the public of the harms of cannabis abuse and the requirements under Cap. 134. The statement has particularly mentioned that as food products and drinks containing cannabis or THC may be available for sale in some overseas countries, members of the public should pay attention to the packaging labels of the products concerned while making purchases in those regions as well as the relevant domestic legislation in relation to cannabis, so as to avoid breaching the law inadvertently. The statement has also reminded members of the public that cannabis and THC are dangerous drugs in Hong Kong, and it is a criminal offence to possess or bring such products into Hong Kong.

The Hong Kong Economic and Trade Office (Toronto) (Toronto ETO) has already uploaded the above-mentioned press statement onto its webpage. Through the regular distribution of its e-news bulletins, Toronto ETO has

also reminded local business associations, community groups and individuals, especially local Hong Kong student groups, of the legislative control of cannabis in Hong Kong and the harms of cannabis abuse.

As for law enforcement, the C&ED has, based on the principle of risk management, strengthened the inspection of travellers and cargoes at control points to interdict the import of cannabis or products containing cannabis or THC. The C&ED has also liaised with major air, marine and express cargo operators, reminding them to maintain alertness to goods suspected to contain cannabis and related products, and to report to the C&ED promptly in such cases.

In 2015 to the first half of 2018, the Police and C&ED detected a total of 18 cases involving cannabis plantations, and the C&ED seized a small quantity of food products containing THC in five other cases. 1 183 persons arrested for cannabis-related offences were prosecuted. Generally, the majority of persons convicted of serious drug offences (such as manufacturing, trafficking or possession of a large quantity of drugs) would be sentenced to imprisonment, while those convicted of minor drug offences (such as possession of a small quantity of drugs for self-consumption) may be sentenced with other forms of penalty (such as admission to drug addiction treatment centres, probation orders or a fine). The Court will decide the actual penalty in each individual case having regard to its practical circumstances.

As mentioned above, with the legalisation of recreational cannabis in individual overseas countries and regions, the Government will strengthen relevant publicity and education. Law enforcement agencies will, based on intelligence and risk management, stringently and proactively combat cannabis-related offences. In addition, the Centre for Food Safety has reminded food importers not to import any food products and drinks that may contain cannabis or cannabis compounds. Government departments concerned will continue to closely monitor the situation, and follow up and investigate any suspicious case timely.

Thank you, President.