



The Hong Kong Association of The Pharmaceutical Industry

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Chairman
Bill Committee on
Trade Descriptions (Amendment) Bill 2007

Dear Hon Fred Li,

I am writing on behalf of the Hong Kong Association of The Pharmaceutical Industry to express our views on the Trade Descriptions (Amendment) Bill 2007.

In last two years, it has been widely reported even in newspapers that counterfeits pharmaceuticals include categories such as diabetics, cholesterol, liver problem, impotence, sleeping and slimming pills. In the legal system of Hong Kong, the offenders of counterfeiting pharmaceuticals were only prosecuted for infringing the Trade Description Ordinance

According to the data from the Hong Kong Associations of Pharmaceutical Industry, from 2004 to 07, penalty for cases convicted for counterfeiting pharmaceuticals generally results in minimal fines of only 4,000 to 48,000 Hong Kong dollars in our courts. It cannot reflect the harmful effect counterfeit drugs brought to people.

Counterfeit pharmaceutical kills people. In Hong Kong, a recent case that patients took counterfeit drugs with active ingredients from diabetic drug, and also two kinds of erection dysfunction drugs, caused one people dead and hospitalization of several. Counterfeit drugs are usually manufactured in poor quality and often unsanitary facilities, with substandard quality and materials. The availability of counterfeits of these products constitutes a serious public safety risk. Further, the actual amount of active ingredient contained in each counterfeit pill can be extremely variable. Some counterfeits contain no active ingredients at all, while others may contain three, five times or even more of the approved amount of active ingredient. No matter in which occasions, counterfeit drugs cause great harmful effect to people.

Over the past months and years, we have collaborated closely with Customs and Excise and the Department of Health in combating counterfeit drugs at the enforcement level. However, it is the general situation in Hong Kong that a conviction for counterfeiting generally results in fines of only HK\$2,000 to \$48,000. Countries like US, EU and many Asian countries, special legislations against counterfeit pharmaceuticals has been enacted to address the problem.

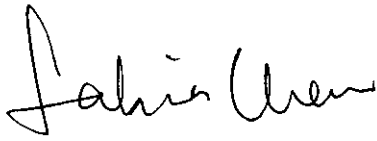
Member: International Federation of Pharmaceutical Manufacturers Associations (IFPMA)

Associate Member: Federation of Medical Societies of Hong Kong

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The Association calls for the Bill Committee to consider adding a special session on pharmaceuticals to distinguish counterfeit pharmaceutical from counterfeit luxury consumer goods.

Yours sincerely,



Sabrina Chan
Executive Director