

**立法會**  
**Legislative Council**

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**Panel on Health Services**

**Information note prepared by the Legislative Council Secretariat  
for the meeting on 14 May 2012**

**Chinese medicinal products containing ingredients  
from bear gall bladders**

The import and export of Chinese medicinal products containing ingredients from bear gall bladders are subject to control under the Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586) ("the Ordinance"). The Ordinance gives effect in Hong Kong to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, which is an international agreement among governments of the contracting parties aiming to ensure that international trade in specimens of wild animals and plants would not threaten their survival.

2. There has been controversy over the practice of collecting bile by extracting bile from live bears, and calls for a ban on the trade of products containing ingredients from bear gall bladders have been made, particularly by the animal rights groups. The relevant media reports on the subject are in **Appendix I**. A question was also raised at the Council meeting of 28 March 2012 relating to Chinese medicinal products containing ingredients from bear gall bladders. The question and the Administration's reply are in **Appendix II**.

Council Business Division 2  
Legislative Council Secretariat  
8 May 2012



## 熊膽企業擬上市網民抵制

福建歸真堂藥業股份有限公司擬上市消息近日傳開，很多內地網民均表示堅決抵制。作為國內規模最大的熊膽系列產品生產企業，歸真堂養殖有黑熊四百頭。網民稱，該企業「活熊取膽」生產方式是對黑熊的無情殘害，一旦上市，規模就會變得更大，會傷害到更多黑熊。

### 擬擴養殖規模至1200頭

內地市場近日傳出歸真堂計畫在創業板上市，募集的資金將用於建設面積三千畝的養殖基地，把黑熊養殖規模擴大到一千二百頭。不過創業板發行監管部表示，歸真堂上市申請仍處於「落實反饋意見中」，能否上市仍存在變數。

歸真堂官方網站稱，其熊膽汁的採集採用最新「無管引流」技術，在熊無痛苦的前提下，五至八秒引流出膽汁，相當於人類義務獻血。但愛護動物人士稱，這是對黑熊的無情殘害。「在身上刺一個傷口，每天都用導管戳開兩次，這個過程很迅速、無痛苦，不影響健康。你相信嗎？」

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## 反熊膽製藥名人投書藥店停售 動物權益抬頭衝擊傳統醫學

【明報專訊】內地出現反對活熊取膽製中藥的浪潮，包括姚明在內的各界名人加入聲討行列，部分城市的藥店亦開始停售熊膽製品。反熊膽製藥還演變成人道主義與傳統產業之間的矛盾，中國中藥協會質疑反對者受西方組織煽動，意在打沉民族工業。輿論關注，標榜由活體動物抽取材料的中藥生產企業將接連受衝擊。

反熊膽浪潮的導火線是以活熊取膽為主要業務的歸真堂謀求上市。證監會在今年2月1日公布了申請IPO（首次公開招股）的企業，歸真堂出現在名單上，反對聲音四起。上周二（14日），名嘴崔永元等72名各界名人向證監會遞交聯署抗議信，反對歸真堂上市。籃球界名人姚明上周六（18日）也到四川的黑熊救護中心，探望從活熊取膽場中解救出來的黑熊。目前至少已有成都、瀋陽兩地的幾十家藥店企業，宣布停售熊膽製品。

活熊取膽企業上市釀風波在這場爭議中深陷漩渦的歸真堂前日在官方網站宣布，本周三和周五將舉行開放日，讓公眾參觀養熊基地，現場考察養殖與引流熊膽的全部過程。但其官網在兩小時後便遭黑客攻擊。雖然關於活熊取膽的討論正熱火朝天，但內地仍未有法律明文禁止這一行為。歸真堂創辦人邱淑花稱，活熊取膽獲得政府許可，屬合法行為，「可以說，如果反對我們就等於反對國家」。

歸真堂：反對者是反對國家中醫認為，熊膽有清熱、平肝、明目等功用。但有科學界人士稱，其功能可用草藥代替。亞洲動物基金會發聲明稱，活熊取膽技術在黑熊的腹部製造一個「長期不能癒合、深入腹腔直達膽囊的傷口」，每日反覆抽取膽汁的操作給黑熊造成長期的巨大折磨。保護動物權益者還稱，黑熊困在鐵籠內行動受阻，也不人道。

中國中藥協會出面為歸真堂辯護，會長房書亭說，過往取熊膽時要將熊打死，但如今以黑熊自身軟組織為引流管，取膽汁時既無管道也不疼痛，不取膽汁時，熊自身的脂肪則會把洞完全堵住。自稱曾親眼見過活熊取膽的房書亭說：「取膽汁過程就像開自來水管一樣簡單，自然、無痛，完了之後，熊就痛痛快快地出去玩了。我感覺沒什麼異樣！甚至還很舒服。」公眾對這一說法不買帳，不少人反駁道：「熊痛不痛誰說了算？」

麝香製藥企業劃清界線中藥協會還聲稱，反對活取熊膽的聲音是受西方組織煽動，目的就是打擊中國黑熊藥用養殖行業，肢解中國傳統醫藥文化。他更聲言熊膽被「打掉」後，反對陣營下一個目標就是麝香。麝香是雄麝肚臍和生殖器之間的分泌物，可作香料或入藥。被列為國家一級中藥保護品種的漳州片仔癀便含麝香。該公司證券事務代表拒直接評論歸真堂的爭議，只強調由於麝香長在麝的體外，取用不會造成痛苦。

《中國中醫藥報》稱，歸真堂事件隱藏了一個更深的問題，就是目前貴重中藥材「殺雞取卵」的現象不少，除了熊膽和麝香，牛黃、蛇膽等中藥成分都需要取自動物的活體。

動物保護者vs. 中醫觀點

動物保護者

1過程殘忍不人道，熊需遭受極端痛楚

2熊膽可用其他藥物替代

3熊膽混有雜質，危害人體

中醫界/歸真堂

新的活熊取膽汁技術先進，像人捐血一樣，熊不會感到疼痛

熊膽無法百分之百完全替代，取締對患者不負責任

熊膽製藥是中國歷史悠久的一筆遺產

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## 環保組織籲取締活熊取膽業

香港文匯報訊（記者 莫豐齊 北京報道）亞洲動物基金會21日召開了它成立13年以來的首次媒體溝通會。會上，亞洲動物基金會以一些黑熊救助親歷者、暗訪黑熊場親歷者的現身說法，並引述資深獸醫的分析，綜合音像、圖文，提出：是時候取締活熊取膽業了！

針對中藥協之前所說的「很舒服」的「無管引流」技術，究竟會給熊造成多大傷害上。亞洲動物基金資深獸醫莫尼卡，用詳實的資料證明了活熊取膽、無管引流對黑熊造成的巨大傷害和痛苦。在其研究過的165頭被「無管引流」的熊當中，99%的熊患有膽囊炎，在亞洲動物基金會拯救的121頭去世的取膽熊中，有35%患有肝癌並且最後死於癌症。

最讓現場記者們震撼的，是一段紀錄片片段。紀錄片由三位社會人士拍成，她們前後耗時四年多，跨越6省，拍下大量鏡頭。拍攝於2009-2010年的一段精選片段，「展示」了活熊取膽的部分場景。片中所謂的合法養熊場，仍存在使用鐵馬甲、小鐵籠和虐熊等情況，養熊戶是用骯髒的容器把熊膽汁乾燥成片後碾碎，直接用廉價空膠囊封裝，場面觸目驚心。據稱，這部紀錄片的完整版，也將在近日公諸於世。

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## Bear-bile showdown, it's kill or cure

Drug farm's bid to launch IPO exposes crisis in traditional medicine as mainlanders rebel against animal cruelty. Now stock market regulator must judge the mood Animal rights activists are pitted against supporters of traditional Chinese medicine over plans by Gui Zhen Tang Pharmaceutical, one of the mainland's biggest producers of bear bile, to launch an initial public offering (IPO) on the ChiNext stock exchange.

The controversial plans, which surfaced early last year, sparked renewed debate this month when the Fujian-based company's name appeared on a list of those awaiting approval from the Growth Enterprise Board to trade on the Shenzhen exchange.

The company, which uses bear bile to create more than 30 medicinal products, is hoping to use money raised through the public listing to increase the number of bears it farms from 470 to 1,200.

It extracts the bile through holes cut into the abdominal walls and gall bladders of Asiatic black bears, also known as moon bears because of the light crescent of fur on their chests.

Animal rights activists say the company's plans will result in the extension of a cruel and inhumane practice.

Bear-gall production is a highly profitable business on the mainland, where bear-bile powder can sell for as much as 4,000 yuan a kilogram. It has traditionally been regarded as the most effective medicine for disorders of the liver and bile duct.

On Tuesday of last week, the Beijing Loving Animals Foundation and 72 celebrities, including movie stars and writers, sent an open letter to the China Securities Regulatory Commission calling for the company's listing to be scrapped.

And China SOS Help, another non-government animal rights organisation, announced that it had collected up to 120 million yuan (HK\$148 million) with the aim of buying shares in the company and vetoing its bear-bile business.

Hong Kong-listed Alibaba also announced that bear bile had joined shark fin on its list of banned products on Taobao.com, the mainland's biggest e-commerce platform.

An increasing number of internet users are also expressing strong opposition to the proposed listing. A poll on the popular QQ.com website found that more than 93 per cent of more than 50,000 respondents opposed Gui Zhen Tang's IPO and only 3 per cent supported it.

People have even dressed up in bear suits to protest outside some of Gui Zhen Tang's 200-odd mainland outlets and at local government offices across the country.

Authorities have remained silent on the matter and Gui Zhen Tang had declined to comment until this week, when it hosted visits to its bile farm in Fujian for mainland reporters on Wednesday. However, Hong Kong and foreign media were not welcome, and reporters who were invited said it was a carefully choreographed event and they had not been allowed to get near the bears.

A source close to the Shenzhen Stock Exchange said it was difficult to say whether the opposition would kill off the

IPO - it all depended on those in charge of the plan. It was not clear this week when the exchange would announce its decision on Gui Zhen Tang's application.

"If the protests become stronger, it's possible to force the regulator to kill the planned offering," he said.

The regulator's listing review committee rejected a record 65 companies in 2010, but most failed because of official suspicions about their profit projections. If Gui Zhen Tang's offering is rejected, it would be the first on the mainland to fail due to animal rights concerns.

Another company that produces medicines using bear bile, Shanghai's Kaibao Pharmaceutical, was listed in January 2010. It also planned to open its own bile farm but that plan was abandoned in the face of public opposition.

On its website, Gui Zhen Tang says it can collect bear bile in five to eight seconds "without causing the bears pain".

General manager Qiu Shuhua was quoted by mainland media last year stressing that the farming of bears and production of bear-bile products was legal. She said the company's bile farms were like "a kindergarten for bears" and that anyone opposing its IPO was "acting against the country".

However, Animals Asia Foundation (AAF), a Hong Kong-based charity that rescues bears from bile farms, said it was a cruel industry that forced bears to live with open wounds. It says most die from liver cancer and many suffer from severe mental stress.

"The long-standing wounds leave the bears subject to bacterial infection and disease," AAF spokeswoman Xu San said. "The bile extracted from the sick black bears is very likely to carry a cancer cell, which could trigger health risks when ingested by humans."

Jiang Qi, former deputy president of Shenyang Pharmaceutical University, said it was not necessary to use bear bile in medicine because the effective ingredients were found in herbs and could even be produced synthetically.

In 2007, he led a team that used substitute ingredients to produce medicines that had the same properties as drugs containing bear bile. However, authorities have yet to approve the sale of the substitute drugs.

The semi-official China Association of Traditional Chinese Medicine is Gui Zhen Tang's strongest supporter.

In a press release it described bear bile as irreplaceable in Chinese medicine. It went on to accuse Western groups such as AAF of using the pretext of animal protection to oppose both mainland bear farms and the promotion of valuable Chinese medicines in order to reduce the industry's competitiveness - to the benefit of Western pharmaceutical companies.

It says hundreds of thousands of employees in the pharmaceutical sector would lose their jobs and the traditional Chinese medicine market, worth 10 billion yuan a year, would die out if bear-bile farming was banned.

Other supporters of Gui Zhen Tang point out there are 123 types of Chinese medicine, produced by 183 pharmaceutical firms, that use bear-bile powder.

On the State Forestry Administration's website, bear bile is described as having been a cherished traditional Chinese medicine for thousands of years, and one with a huge and profitable market, with the potential to be even bigger.

It has said that in 2006 the mainland had 68 registered bear farms that kept about 8,000 black bears for bile extraction. But there are also many illegal, underground bear farms spread across the country.

Animal rights activists have called for the free-drip method of bile extraction to be banned.

"The only useful and practical way is to cancel the regulation that permits the torturing of bears to extract their bile," Xu said.

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## Protesters march for ban on trade in bear bile

More than 200 animal lovers took to the streets yesterday to protest against the international trade in the bile of the Asian black bear.

They called on the government to take the lead on a nationwide ban on the use of bear bile in traditional medicine.

Organised by the animal rights group Animal Earth, the demonstration showed its support for legislation prohibiting the import of bear bile into Hong Kong and its opposition to the initial public offering of the bile-employing Fujian-based company Gui Zhen Tang Pharmaceutical on the Shenzhen Stock Exchange.

Hong Kong should take advantage of its legislative system to become a role model opposing animal cruelty and saving the bears, Animal Earth chief officer David Wong Kai-yan said.

Among the protesters was Civic Party lawmaker Audrey Eu Yuet-mee. She raised a formal question in the Legislative Council last Wednesday on whether the government would legislate to ban all trade and sales of Chinese medicines made from bile, a digestive juice stored in the bear's gall bladder.

I have written to the government to ask them to follow up on the issue and, at least in my remaining term, I will continue to fight for the banning of any substance that contains bear bile in Hong Kong, Eu said.

According to the Food and Health Bureau, medical products containing bear bile can only be sold with government permission. The Agriculture, Fisheries and Conservation Department said there was no application for import of bile-related products in 2011. But information on how many such products are sold each year and the number of traders who are engaged in the trading bear bile is not available.

Thousands of Asian black bears, also known as moon bears, are kept caged for their entire lives in farms on the mainland and in Southeast Asia.

They are forced to wear breastplates to keep the wounds cut into their abdominal walls and gall bladders permanently open for daily collection of bile. But Chu Kwok-tung, a registered Chinese-medicine practitioner, said there were substitutes for bear bile, such as chrysanthemum, which were just as effective. Copyright (c) 2012. South China Morning Post Publishers Ltd. All rights reserved.

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## Press Releases

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LCQ17: Chinese medicinal products containing ingredients from bear gall bladders

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Following is a question by the Hon Audrey Eu and a written reply by the Secretary for Food and Health, Dr York Chow, in the Legislative Council today (March 28):

Question:

Recently, the practice of some mainland companies engaged in the research and development of bear bile products of collecting bear bile by extracting bile from live bears for making Chinese medicinal products has aroused discussion among the international media, which allege that such means of extraction is extremely cruel. In this connection, will the Government inform this Council:

(a) of the current number of registered proprietary Chinese medicines (pCm) in Hong Kong that contain ingredients from bear bladders; whether it knows if such products include those made from bear bile extracted from live bears; if it knows, of the details; if not, the reasons for that; whether it will require holders of Certificate of Registration of pCm to provide the relevant information;

(b) of the current number of Chinese medicine traders who possess or are engaged in the retail and wholesale trade of Chinese herbal medicines that contain ingredients from bear bladders; whether it knows if such Chinese herbal medicines include those made from bear bile extracted from live bears; if it knows, of the details; if not, the reasons for that; whether it will require Chinese medicine traders to provide the relevant information;

(c) whether traders can import and export Chinese herbal medicines, pCm or related products that contain ingredients from bear bladders under the existing legislation; whether it knows if any trader is engaged in the import and export of Chinese herbal medicines, pCm or related products made from bear bile extracted from live bears; if it knows, of the details; if not, the reasons for that; whether it will require the importers and the exporters to provide the relevant information; and

(d) whether it will introduce legislation to ban the possession, import/export, retail and wholesale of Chinese herbal medicines made from bear bile extracted from live bears?

Reply:

President,

In Hong Kong, the import and export of Chinese herbal medicines, proprietary Chinese medicines and related products that contain ingredients from bear gall bladders are subject to control under the Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586), which aims to give effect in Hong Kong to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). 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 to ensure that the sustainable use of wild fauna and flora will not be affected by international trade.

The import, introduction from the sea, export, re-export or possession of specimens of species listed in its Appendix I and Appendix II are subject to control under the Protection of Endangered Species of Animals and Plants Ordinance irrespective of whether they are alive, dead, parts or derivatives (including medicines) of the species.

At present, bears of all species are endangered species listed in the Appendixes to CITES, with some listed in Appendix I, and others listed in Appendix II. Under the above Ordinance, a total ban is generally imposed on the import, introduction from the sea, export, re-export, or possession for commercial purpose, of specimens of Appendix I species. Where Chinese herbal medicines, proprietary Chinese medicines and products containing ingredients of species listed in Appendix II are to be imported into Hong Kong, they must be accompanied by a CITES permit issued by the exporting country for inspection by an authorised officer at the time of their arrival in Hong Kong. For such items to be exported from Hong Kong, an export permit must be obtained in advance from the Agriculture, Fisheries and Conservation Department.

It is stipulated in the Chinese Medicine Ordinance (Cap. 549) that all products that fall within the definition of proprietary Chinese medicine must be registered before they can be imported, manufactured or sold in Hong Kong. In order to register, all proprietary Chinese medicines must meet the registration requirements prescribed by the Chinese Medicine Board under the Chinese Medicine Council regarding their safety, quality and efficacy. Currently, there are some 20 proprietary Chinese medicines containing ingredients from bear gall bladders and they are under transitional registration.

As for Chinese herbal medicines, the Chinese Medicine Ordinance has listed in Schedules 1 and 2 Chinese herbal medicines which are more commonly used in Hong Kong; the import/export, possession, wholesale and retail sale of these herbal medicines are subject to control under the Ordinance. "Bear bladders" are seldom sold in the form of Chinese herbal medicine in Hong Kong, and not included in the Schedules.

Ends/Wednesday, March 28, 2012  
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