



中華人民共和國香港特別行政區政府總部食物及衛生局  
Food and Health Bureau, Government Secretariat  
The Government of the Hong Kong Special Administrative Region  
The People's Republic of China

Our Ref : L/M to FHB/H/24/2 Pt.33  
Your Ref : CB2/PL/HS

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15 February 2013

Ms Elyssa Wong  
Clerk to Panel  
Legislative Council Panel on Health Services  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong  
(Fax: 2185 7845)

Dear Ms Wong,

**Legislative Council Panel on Health Services  
Control over Proprietary Chinese Medicines  
Containing Ingredients from Bear Gall Bladders**

Thank you for conveying the Hon Claudia Mo's concern about the captioned subject to the Food and Health Bureau on 7 February 2013. Our reply is elaborated in the ensuing paragraphs.

In Hong Kong, the import and export of Chinese herbal medicines, proprietary Chinese medicines (pCms) 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 (PESAPO) (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.

At present, bears of all species are endangered species listed in the Appendices to CITES, with some listed in Appendix I, and others listed in Appendix II. Under PESAPO, a total ban is generally imposed on the import and export of specimens of Appendix I species irrespective of whether they are alive, dead, parts or derivatives (including medicines) of the species. Where Chinese herbal medicines, pCms and products containing ingredients of species listed in Appendix II are to be imported into Hong Kong, a valid CITES export permit issued by the CITES Management Authority of the exporting place must first be obtained for inspection by an authorised officer at the time of their arrival in Hong Kong. As required by CITES, such an export permit could be issued by a competent authority of the exporting country only if the specimen was legally obtained and the export would not be detrimental to the survival of the species.

Hong Kong strictly observes the requirements of CITES and endeavours to clamp down on illegal trading of endangered species. Import or export of any specimen of species listed in PESAPO not in accordance with the requirement of the PESAPO is an offence. The maximum penalty is a fine of HK\$5 million and imprisonment for two years upon conviction. In 2012, a total of two prosecutions were instituted for import of products containing ingredients from bear gall bladders in contravention of PESAPO.

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.

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 Chinese Medicines Board currently accepts the use of bear gall bladders as active ingredients of pCms but such pCms must meet the requirements laid down in the Chinese Medicine Ordinance (Cap. 549), PESAPO and CITES. The Chinese Medicines Board only accepts the use of bear gall bladders as active ingredients of pCms for therapeutic purpose but not for health protection purpose. The Chinese Medicines Board will continue to closely monitor the medicinal value and usage of bear gall bladders on the international arena.

We understand that bear gall bladders or pCms containing ingredients from bear gall bladders imported into Hong Kong are mainly from Russia and Japan. As the process of obtaining bear gall bladders or bile is carried out in places outside Hong Kong, it is therefore difficult for us to monitor in Hong Kong this process as well as various other processes in the manufacture and supply of bear gall bladders.

We thank the Hon Claudia Mo and the Panel for expressing their concern about this matter.

Yours sincerely,



( Ms Estrella Cheung )  
for Secretary for Food and Health

c.c. Director of Health  
(Attn: Assistant Director (Traditional Chinese Medicine))

Agriculture, Fisheries and Conservation Department  
(Attn: Endangered Species Protection Officer (Enforcement))