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**NARCOTICS DIVISION  
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23 October 2021

Miss Betty MA  
Clerk to Panel on Security  
Legislative Council  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong

Dear Miss MA,

### **Request for Studying the Regulation of Products Containing Cannabis Components**

Thank you for your letter dated 19 October 2021 referring to us the letter from Hon Elizabeth QUAT to the Legislative Council Panel on Security. In consultation with the Food and Health Bureau and the Commerce and Economic Development Bureau, I am authorised to reply as follows.

Cannabis plants contain numerous cannabinoids, major ones of which include tetrahydrocannabinol (THC) and cannabidiol (CBD).

Cannabis, cannabis resin, and certain cannabinoids (including THC) are narcotic drugs and controlled under the Drug Conventions of the United Nations<sup>1</sup>. In Hong Kong, they are strictly controlled under the Dangerous Drugs Ordinance (DDO) (Cap. 134).

As regards CBD, since there is no evidence to date demonstrating that CBD would produce psychoactive effects and is at the risk of being abused,

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<sup>1</sup> Including the Single Convention on Narcotic Drugs of 1961, Convention on Psychotropic Substances of 1971 and United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.

CBD is therefore not a substance controlled under DDO. That said, as CBD is generally extracted from cannabis, products containing CBD, if they also contain THC at any concentration, are regarded as dangerous drugs. Relevant law enforcement agencies (LEAs) have been taking enforcement actions based on risk assessment, intelligence, complaints, active inspections, etc., including but not limited to seizing and testing products suspected to have violated the law.

Since 2019, LEAs have taken over 40 enforcement actions which targeted at imported or in-market products held out to contain CBD, and seized different types of CBD products for the testing of the Government Laboratory. Up to now, for cases in which the Government Laboratory has completed testing, no dangerous drug was detected in the majority of cases. Relevant departments are following up those cases with dangerous drugs detected, including working to conduct further investigations and commence relevant criminal legal proceedings.

As for pharmaceutical use, pharmaceutical products containing CBD must be registered under the Pharmacy and Poisons Ordinance (Cap. 138) and sold only at registered pharmacies under the supervision of a registered pharmacist and on the prescription of a registered doctor. Manufacturers, importers and wholesalers of pharmaceutical products must also obtain relevant licences. Under the Import and Export Ordinance (Cap. 60), import or export of pharmaceutical products must be covered by import or export licences. According to information from the Department of Health (DH), a small number of pharmaceutical products containing CBD have been approved for use in certain other jurisdictions. To date, there is no registered pharmaceutical product containing CBD in Hong Kong. To allow members of the public to better understand the difference between THC and CBD, as well as pharmaceutical products containing CBD, the Narcotics Division (ND) of the Security Bureau and the DH have jointly issued an information note, which has been uploaded to the websites of the ND and the DH<sup>2</sup>. In addition, ND and relevant government departments also make use of different channels, including cooperating with media organisations to produce programmes and conduct interviews, using social media platforms for publicity, arranging online parental talks and themed seminars, etc., to strengthen understanding of the relevant issues by members of the public.

Separately, adding CBD to food or cosmetic and skin care products, etc. involves food and consumer safety. According to available information, there is no evidence that the use of pure CBD would pose a public health-related problem. Internationally, there has been no clear practice on whether and how the use of CBD in different non-pharmaceutical products such as food, cosmetics

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<sup>2</sup> [https://www.nd.gov.hk/pdf/CBD\\_Information\\_Note\\_English.pdf](https://www.nd.gov.hk/pdf/CBD_Information_Note_English.pdf) and [https://www.drugoffice.gov.hk/eps/do/en/consumer/news\\_informations/index.html](https://www.drugoffice.gov.hk/eps/do/en/consumer/news_informations/index.html)

and skin care products should be regulated. That said, various pieces of existing legislation regulating non-pharmaceutical products, such as food, oil products, cosmetic and skin care products, etc., are also applicable to relevant products in respect of ensuring food safety and consumer goods safety, and prohibiting the application of false trade description. The legislation includes the Public Health and Municipal Services Ordinance (Cap. 132), Food Safety Ordinance (Cap. 612), Consumer Goods Safety Ordinance (Cap. 456), Trade Descriptions Ordinance (Cap. 362), etc.

We will continue to work with relevant government bureaux and departments to closely monitor the international regulation of and research on CBD, as well as the latest local developments, and report to the respective Legislative Council Panels in a timely manner.

Yours sincerely,



(Ms Vivian LEE)  
*for* Secretary for Security

cc.

Food and Health Bureau (Attn: Mr Simon CHEUNG, Mr Daniel CHAN)  
Commerce and Economic Development Bureau (Attn: Mr Leo TZE)