

**立法會**  
**Legislative Council**

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**Panel on Security**

**Background brief prepared by the Legislative Council Secretariat  
for the meeting on 7 June 2022**

**Proposed control of cannabidiol by legislation**

**Purpose**

This paper provides background information and gives an account of the past discussions of the Panel on Security (“the Panel”) on the proposed control of cannabidiol (“CBD”) by legislation.

**Background**

2. Cannabis plants contain numerous cannabinoids. The most commonly known are tetrahydrocannabinol (“THC”) and CBD. Cannabis and certain cannabis-related substances are currently subject to different levels of control measures under the three international drug control conventions of the United Nations (“the UN”), namely the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol (“the 1961 Convention”), the Convention on Psychotropic Substances of 1971 (“the 1971 Convention”) and the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.<sup>1</sup> At present, cannabis and THC are listed respectively in the schedules for the 1961 Convention and the 1971 Convention. In Hong Kong, cannabis and certain types of cannabinoids including THC are controlled under the Dangerous Drugs Ordinance (Cap. 134) (“the Ordinance”).

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<sup>1</sup> These three Conventions, to which the People’s Republic of China is a party, are applied to the Hong Kong Special Administrative Region with effect from 1 July 1997. The inclusion in a specific schedule of the Conventions determines the control measures that States parties are required to apply to the respective substances.

3. According to a recent review on cannabis and cannabis-related components (including CBD) conducted by the Expert Committee on Drug Dependence (“ECDD”) of the World Health Organization (“WHO”), CBD is found in cannabis and cannabis resin (although it can also be produced synthetically), but does not have psychoactive properties and has no potential for abuse and no potential to produce dependence. Adverse effects of CBD use include loss of appetite, diarrhoea and fatigue.<sup>2</sup> At present, CBD in its pure state is not listed as a scheduled substance under the three Conventions. However, if prepared as an extract or tincture of cannabis,<sup>3</sup> it is controlled in Schedule I of the 1961 Convention.

4. Locally, CBD is currently not a dangerous drug controlled under the Ordinance. However, since CBD is generally extracted from cannabis, CBD products may likely contain other cannabis substances that are dangerous drugs, such as THC. There is increasing public concern about the availability of different types of CBD products, including food, health supplements, skin care and beauty products, etc., for sale in the market. As regards pharmaceutical products containing CBD, they are classified as Part 1 poison and prescription medicine under the Pharmacy and Poisons Ordinance (Cap. 138). To date, there is no registered pharmaceutical product containing CBD in Hong Kong.

### **Deliberations of members**

5. Issues relating to the proposed control of CBD by legislation were discussed by the Panel in the context of receiving respective briefings from the Administration on the drug situation in Hong Kong in 2020 and on the Chief Executive’s 2021 Policy Address. The major deliberations and concerns of members are summarized in the ensuing paragraphs.

6. Expressing grave concern about the increasing prevalence of products containing CBD in the local market and that THC, a dangerous drug, had been found in quite some CBD products sampled from the market, members urged the Administration to step up enforcement and regard CBD as a dangerous drug under the Ordinance. The Administration advised that relevant law enforcement agencies (“LEA”) including the Hong Kong Police Force and the Customs and Excise Department had proactively launched operations at various locations to

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<sup>2</sup> See the fortieth and forty-first reports of ECDD which can be accessed at WHO’s website at <https://apps.who.int/iris/handle/10665/279948?locale-attribute=en&> and <https://www.who.int/publications/i/item/who-expert-committee-on-drug-dependence-forty-first-report> respectively.

<sup>3</sup> According to ECDD, extracts and tinctures of cannabis are preparations that have been extracted from the leaves and flowers of *Cannabis sativa*. They include cannabis oils, teas and Sativex<sup>®</sup> (an extract with approximately equal quantities of delta-9-THC and CBD).

seize and test products claiming to contain CBD. LEAs had since 2019 taken nearly 120 enforcement actions. Of the samples sent to the Government Laboratory for testing and for which testing had been completed, around one-third of them were found to contain THC, involving more than 4 000 items seized. Follow-up actions, including bringing prosecutions, conducting further investigations and seeking advice from the Department of Justice, had been taken for 21 cases by the Authority. The plan of the Administration was to further control CBD by legislation within 2022. Such control would not affect the current mechanism to allow research related to cannabis compounds as well as the use and registration of CBD pharmaceutical products.

7. In response to members' enquiry on how members of the public could distinguish THC and CBD, the Administration advised that to provide members of the public with more information on the distinction between THC and CBD, as well as pharmaceutical products containing CBD, the Narcotics Division of the Security Bureau and the Department of Health had jointly issued an information note entitled "Information on Cannabidiol Products" which was available on their respective websites.<sup>4</sup> The Narcotics Division and relevant government departments had also made use of different channels, including cooperating with media organizations 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.

8. Members expressed concern about the regulation of CBD for the time being. There was a view that the Administration should, by making reference to overseas practices, advise members of the public about the maximum daily CBD intake. The Administration advised that adding CBD to food, oil products or cosmetic and skin care products, etc. involved food and consumer safety. Currently, there are different pieces of legislation which were applicable to CBD products under their respective areas. These included the Public Health and Municipal Services Ordinance (Cap. 132), Food Safety Ordinance (Cap. 612), Consumer Goods Safety Ordinance (Cap. 456) and Trade Descriptions Ordinance (Cap. 362), etc. Since products containing CBD might likely contain THC, which was a dangerous drug, the Administration considered it inappropriate to make recommendation to the public about daily intake limit.

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<sup>4</sup> The information note can be accessed at [https://www.nd.gov.hk/en/cannabis\\_is\\_a\\_drug.html](https://www.nd.gov.hk/en/cannabis_is_a_drug.html) 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).

### **Relevant questions raised at Council meetings**

9. Two written questions on regulation of products containing CBD were raised at the Council meetings of 23 February and 27 April 2022. The hyperlinks to the questions and the Administration's replies are provided in the **Appendix**.

### **Relevant papers**

10. A list of relevant papers available on the Legislative Council website is in the **Appendix**.

Council Business Division 2  
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## Appendix

### Relevant papers on proposed control of cannabidiol by legislation

<b>Committee</b>	<b>Date of meeting</b>	<b>Paper</b>
Panel on Security	4.5.2021 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a>
	25.10.2021 (Item I)	<a href="#">Agenda</a> <a href="#">Minutes</a> <a href="#">CB(2)1576/20-21(01)</a>
	8.2.2022 (Item III)	<a href="#">Agenda</a>
Council	23.2.2022	<a href="#">Official Record of Proceedings</a> (Question 1)
	27.4.2022	<a href="#">Official Record of Proceedings</a> (Question 20)

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