

Voluntary Report – Voluntary - Public Distribution

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Report Name: Eligibility of CBD-Containing Foods to Hong Kong Remains Ambiguous

Country: Hong Kong

Post: Hong Kong

Report Category: Agriculture in the News, Product Brief, Market Development Reports, Food Processing Ingredients, Snack Foods, MISC-Commodity

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Report Highlights:

The eligibility of food and non-food products containing cannabidiol (CBD) in Hong Kong is uncertain, because tetrahydrocannabinol (THC) is a strictly controlled substance in Hong Kong that can be found in CBD and CBD products. With the growing global popularity of CBD ingredients, the Hong Kong retail market has witnessed the emergence of CBD products. There are second-hand reports of some detained shipments of CBD products, and importers have been questioned by the Hong Kong Customs and Excise Department. However, there are no reported prosecutions for selling products containing CBD ingredients.

THC is a highly controlled substance in Hong Kong. The Dangerous Drug Ordinance lists drugs considered narcotics in Hong Kong and stipulates that cannabis and tetrahydrocannabinol (THC) are dangerous drugs. The trading and use of these substances are subject to strict permit control. Only authorized persons stipulated on the Ordinance can have access to dangerous drugs. Hong Kong otherwise has a zero-tolerance policy for cannabis and tetrahydrocannabinol (THC), even at low levels.

The Hong Kong food authority has warned traders and travelers to avoid bringing in food or drinks containing CBD because “it is difficult to extract pure CBD that does not contain any THC”. However, the Hong Kong Ordinance does not have any provisions on CBD.

Hong Kong has witnessed the gradual and subtle emergence of CBD-containing products, both food and non-food. On the health and well-being side, there is an array of CBD oils and beauty products. On the food side, in addition to CBD-containing food products available online, such as chocolate bars and craft beer, there are also cafés highlighting CBD coffee and pastries. Pet food containing CBD is also available in Hong Kong.

There is no law in Hong Kong prohibiting the use/retail of pure CBD (pure CBD does not contain THC). According to a café where CBD infused drinks and foods are available, the operator explained that their products have voluntary THC-free certificates from the exporters in the country of origin. Therefore, they assure their clients that what they are selling is legal in Hong Kong. The clientele of these CBD products is largely expatriates and people who have spent some time in western countries. Digital promotion of these products can be seen online.

Notably, an air cargo operator and trader has indicated that CBD shipments have been detained by the Hong Kong Customs and Excise Department. In November 2020, a trader disclosed that a shipment containing certified THC-free gummies, oral strips, and CBD isolates used as a food/drink ingredient was detained because Hong Kong Customs found traces of THC in the product samples after they conducted preliminary quick tests at the airport.

The shipment in question was accompanied by a THC-free certificate issued by a U.S. laboratory. Based on the result of the preliminary test, Hong Kong Customs did not release the shipment and questioned the Hong Kong importer for an investigation. Supposedly, Hong Kong Customs will conduct further testing on the shipment in the government laboratory to determine conclusively whether the products contain THC. Post is not aware of any public announcement of the test result or prosecution. To date, the trader has not been detained but the shipment has not been released.

Given the concurrence of the growing availability of CBD products in the market and the detainment of shipments, it seems that the eligibility of CBD products in Hong Kong remains ambiguous.

This [GAIN report](#) prepared in February 2020 provides some background information on Hong Kong’s regulations on hemp.

Currently, USDA has hemp guidelines under the Market Access Program (MAP) program. Under the guidelines, Cooperators can broadly conduct market research and non-consumer facing trade servicing. Promotion of CBD is ineligible under MAP, as CBD is an active ingredient in an FDA approved drug, making it unable to be sold as a dietary supplement or added to food. Post is not authorized to assist with the export of CBD infused or based foods or dietary supplements as long as they cannot be legally sold in the United States.

Attachments:

No Attachments.