

Voluntary Report – Voluntary - Public Distribution

Date: February 25, 2022

Report Number: HK2022-0015

Report Name: Hong Kong Moves to Amend Legislation to Include CBD as a Dangerous Drug

Country: Hong Kong

Post: Hong Kong

Report Category: Agriculture in the Economy, Agriculture in the News, Sanitary/Phytosanitary/Food Safety

Prepared By: Caroline Yuen

Approved By: Jennifer Clever

Report Highlights:

In the past, the eligibility of food and non-food products containing cannabidiol (CBD) in the Hong Kong market has been ambiguous. The Hong Kong government now is prepared to remove this ambiguity by moving forward with a legislative amendment to control CBD under the Dangerous Drugs Ordinance. In addition, as Hong Kong maintains a zero-tolerance policy for tetrahydrocannabinol (THC), the government has pledged that, it will continue to test CBD products in the market and seize products found to contain THC.

In Hong Kong, cannabis, cannabis resin, tetrahydro-cannabinol (THC) and certain other cannabinoids are already controlled under the Dangerous Drugs Ordinance (DDO). The trading and use of these substances are subject to strict permit controls. Only authorized people stipulated on the Ordinance can have access to these substances. Outside of that, Hong Kong has a zero-tolerance policy for cannabis and THC. However, CBD, which may contain THC, is not a regulated substance under the regulation.

Thus, the eligibility of food and non-food products containing CBD in Hong Kong is uncertain, because THC is a strictly controlled substance that can be found in CBD and CBD products, while CBD itself is not regulated. With the growing global popularity of CBD ingredients and the fact that CBD is not explicitly prohibited, the Hong Kong retail market has witnessed the emergence of CBD products in recent years. Hong Kong traders bring in CBD products, with or without THC free certificates.

However, the ambiguity may soon be dispelled. The Hong Kong administration has recently reported to the Legislative Council that it is preparing to amend the existing Dangerous Drug Ordinance by including CBD as a dangerous drug. Reportedly, the government aims to have the corresponding legislative work completed this year, at the earliest. The government has pledged to take proactive action to test CBD products in the markets against illegal substances such as THC.

According to local media reports, every now and then, law enforcement agencies launched operations at various locations to seize and test products claiming to contain CBD. Recently, Hong Kong staged a citywide operation that confiscated 25,000 CBD items, which were suspected of containing the regulated substance THC. The confiscated products including oil, skincare products, and pet foods were seized from warehouses and well-established retail chain outlets and were worth \$1.87 million. In addition, 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.

The Hong Kong administration reported to Legislative Council that since 2019, law enforcement agencies staged 120 operations covering restaurants, shops, warehouses and boundary control points and seized a variety of products, such as food, health supplements, oral oil, e-cigarette oil or additives, skin care products, personal care products (e.g. toothpaste, bath balls), massage products, pet food, etc. These products were sent to the Government Laboratory for testing, and among products for which testing had been completed, more than 3,800 of them were found containing THC.

Attachments:

No Attachments.