

**Decision of the Chinese Medicines Board made at a meeting held under
section 7(1) of the Chinese Medicines Traders (Regulatory) Regulation**

Name of the Chinese medicines trader : Lung Choy Shung Five Photos Brand Medicine
Fty

Flat/Room E2, 13/F, Phase II, Tsing Yi Ind Ctr,
Lot 65 Tsing Yi, New Territories

Manufacturer licence in proprietary : PM-2003-00009
Chinese medicines

Date of meeting of the Chinese Medicines : 23 November 2020
Board

According to information received from the Department of Health (hereinafter called “DH”), the DH found during a routine market surveillance in March 2018 that a product with a proprietary Chinese medicine (hereinafter called “pCm”) registration no. HKP-05141 on its package, named Tik Dak Win (batch no.: 330017), contained, upon testing, 40 mg of a Western drug ingredient “diclofenac” in each of its tablets. The batch of the products was suspected to be unregistered pharmaceutical products in contravention of the Pharmacy and Poisons Ordinance (hereafter called “PPO”).

The registration information of Tik Dak Win (pCm registration no. HKP-05141) revealed that its pCm registration holder was Lung Choy Shung Five Photos Brand Medicine Fty (hereinafter called “Lung Choy Shung”). The DH subsequently visited Lung Choy Shung for investigation and seized three boxes of control samples of Tik Dak Win (batch no.: 330017) for examination by the Government Laboratory. The testing result showed that each tablet contained either 94 milligram or 99 milligram “diclofenac”. Investigation of the DH revealed that Lung Choy Shung imported the above product from the Mainland for local sale after external packing. According to the DH’s information, the above product falls under the definition of a pharmaceutical product under the PPO but was not registered as such in Hong Kong. Hence, the DH alleged that Lung Choy Shung had violated the relevant regulations of the Practising Guidelines for Manufacturers of Proprietary Chinese Medicines (“the Guidelines”).

The Chinese Medicines Board considered that the allegations made by the DH against Lung Choy Shung were established. It was held that the company had violated the following regulations of the Guidelines:

- (i) section 3.1(3)viii, implement and comply with the prescribed codes of practice and relevant laws, namely the restrictions related to the control of medicines containing any western medicine as ingredients under the Pharmacy and Poisons Ordinance (Chapter 138 of the Laws of Hong Kong), including the provisions related to the registration of pharmaceutical products. Proprietary Chinese medicines should not contain any western medicine as ingredients ; and
- (ii) section 3.1(6), properly manage the business of manufacture of proprietary Chinese medicines.

In accordance with the power specified in section 139(2)(d) of the Chinese Medicine Ordinance, the Chinese Medicines Board decided that a warning be issued to Lung Choy Shung.