

LEGISLATIVE COUNCIL BRIEF

Public Health and Municipal Services Ordinance

(Cap. 132)

FOOD AND DRUGS (COMPOSITION AND LABELLING) (AMENDMENT)(NO.2) REGULATION 2004

INTRODUCTION

On 6 December 2004, the Director of Food and Environmental Hygiene, in exercise of the power under section 55(1) of the Public Health and Municipal Services Ordinance (Cap. 132), made the Food and Drugs (Composition and Labelling) (Amendment)(No.2) Regulation 2004 (herein after referred to as “the Amendment Regulation”) at Annex.

JUSTIFICATIONS

General Background

2. The Food and Drugs (Composition and Labelling) Regulations (hereafter referred to as “the Regulations”) stipulate the standards of composition of a number of food products, e.g. coffee, vinegar, honey, milk and milk products, etc. Paragraph 12 of the First Schedule of the

Regulations provide for, inter alia, restrictions on the inclusion of ingredients in cream. Paragraph 12(1) provides that no sterilized cream or ultra heat treated cream shall contain more than 0.2% of any one or, as the case may be, more than 0.2% of any combination of the following ingredients -

- (a) calcium chloride; and
- (b) sodium or potassium salts of-
 - (i) carbonic acid;
 - (ii) citric acid; and
 - (iii) orthophosphoric acid.

3. Paragraphs 12(2) and 12(3)(a) stipulate that no more than 13% of sugar is allowed in cream which is sold or delivered to a manufacturer for the purpose of his manufacturing business or to a caterer for the purpose of his catering business, whipped cream and cream in an aerosol container.

4. Paragraph 12(3)(b) stipulates that no whipping cream which is sold or delivered to a manufacturer for the purpose of his manufacturing business or to a caterer for the purpose of his catering business, whipped cream and cream in an aerosol container shall contain more than 0.3% of any one or, as the case may be, more than 0.3% of any combination of the following ingredients-

- (i) sodium alginate or a mixture of sodium bicarbonate, tetrasodium pyrophosphate and alginic acid;
- (ii) sodium carboxymethyl cellulose;
- (iii) carrageenan;
- (iv) gelatin.

5. Paragraph 12(4) provides that whipped cream and cream in an aerosol container may contain nitrous oxide. Paragraph 12(5) stipulates that no cream in an aerosol container shall contain more

than 0.5% of glyceryl monostearate. As for clotted cream, paragraph 12(6) stipulates that it may contain nisin.

6. We regularly review and update the food legislation by drawing reference to international standards, including those recommended by the Codex Alimentarius Commission¹ (herein after referred to as “Codex”). In 2003, Codex has updated the standard for cream and prepared creams, which in comparison with the Regulations, allows more types of ingredients and additives to be included in cream.

Proposed Amendments

7. As part of the Government’s effort to align our food control regime with prevailing international standards, we propose to expand the list of ingredients allowed to be included in cream by making reference to the Codex standards. Types of additives, including stabilizers, acidity regulators, thickeners, and emulsifiers and the corresponding amount to be allowed would be stipulated in the Amendment Regulation.

THE AMENDMENT REGULATION

8. The Amendment Regulation is expected to come into operation on 4 February 2005.

LEGISLATIVE TIMETABLE

9. The legislative timetable is as follows:-

Publication in the Gazette	10 December 2004
----------------------------	------------------

¹ The Codex Alimentarius Commission, created by the Food and Agricultural Organisation and the World Health Organisation, is recognized as the international authority for setting food related standards.

**FOOD AND DRUGS (COMPOSITION AND LABELLING)
(AMENDMENT)(NO. 2) REGULATION 2004**

(Made under section 55(1) of the Public Health and
Municipal Services Ordinance (Cap. 132))

1. Commencement

This Regulation shall come into operation on 4 February 2005.

2. Schedule 1 amended

Schedule 1 to the Food and Drugs (Composition and Labelling)
Regulations (Cap. 132 sub. leg. W) is amended -

(a) by adding immediately before Part I -

"PART IA

GOOD MANUFACTURING PRACTICE

For the purposes of this Schedule, "good
manufacturing practice" (優良製造規範) includes
a manufacturing practice which complies with
the following requirements -

(a) the quantity of the additive
added to food is limited to the
lowest possible level necessary
to accomplish its desired
effect;

(b) the quantity of the additive
that becomes a component of
food as a result of its use in

the manufacturing, processing or packaging of a food and which is not intended to accomplish any physical, or other technical effect in the food itself, is reduced to the extent reasonably possible; and

(c) the additive is prepared and handled in the same way as a food ingredient.”;

(b) in Part II, in item 12 -

(i) by repealing paragraph (1) and substituting -

“(1) Subject to paragraphs (1A), (1B), (1C), (1D), (1E), (3) and (6), cream shall not contain any ingredient except any additive specified in column 2 of Division 3 of Part III of this Schedule not exceeding the level specified in respect of the additive in column 3 of that Division.”;

(ii) by adding -

“(1A) There may be added into cream to serve as stabilizers or thickeners -

(a) ingredients derived exclusively from milk

or whey and
containing 35% or
more of any type of
milk protein; and

(b) milk powder.

The total quantity of the
ingredients and milk powder shall
not exceed 20 grams per kilogram of
cream.

(1B) Gelatin and starch may be
added into cream to serve as
stabilizers in amounts governed by
good manufacturing practice.

(1C) Whipped cream and cream in
an aerosol container may contain
carbon dioxide, nitrogen or nitrous
oxide as packing gases or
propellants.

(1D) Fermented cream may
contain starter cultures of harmless
micro-organisms.

(1E) Fermented cream and
acidified cream may contain -

- (a) sodium chloride;
- (b) rennet; or
- (c) other coagulating
enzymes which are
safe for human

consumption." ;

(iii) by repealing paragraph (2) ;

(iv) in paragraph (3) -

(A) by repealing "No whipping cream" and substituting "Cream" ;

(B) by repealing everything after "in an aerosol container" and substituting "may contain not more than 13% sugar." ;

(v) by repealing paragraphs (4) and (5) ;

(c) in Part III -

(i) by adding after Division 2 and before "For the purposes" -

"Division 3
Additives in cream

Item	Additive	Maximum Level
------	----------	---------------

Stabilizers

1.	Calcium carbonates	} Limited by good manufacturing practice
2.	Sodium lactate	
3.	Potassium lactate	
4.	Calcium lactate	
5.	Sodium citrates	
6.	Potassium citrates	
7.	Calcium citrates	
8.	Calcium sulphate	

- | | | | |
|-----|----------------------|---|------------------------|
| 9. | Sodium phosphates | } | 2 grams per |
| 10. | Potassium phosphates | | kilogram, whether |
| 11. | Calcium phosphates | | the additives are |
| 12. | Diphosphates | | used singly or in |
| 13. | Triphosphates | | combination, |
| 14. | Polyphosphates | | expressed as |
| | | | phosphorus |
| | | | pentaoxide(P_2O_5) |

Acidity Regulators

- | | | | | |
|-----|-----------------------------|---|-----------------|---------------|
| 15. | Sodium carbonates | } | Limited by good | |
| 16. | Potassium carbonates | | | manufacturing |
| 17. | Lactic acid (L, D, and DL-) | | | practice |
| 18. | Citric acid | | | |

**Thickeners and
Emulsifiers**

- 19. Lecithins
 - 20. Alginic acid
 - 21. Sodium alginate
 - 22. Potassium alginate
 - 23. Ammonium alginate
 - 24. Calcium alginate
 - 25. Agar
 - 26. Carrageenan and
its sodium,
potassium and
ammonium salts
 - 27. Carob bean gum
 - 28. Guar gum
 - 29. Gum Arabic
 - 30. Xanthan gum
 - 31. Gellan gum
- Limited by good
manufacturing
practice

- 32. Polyoxyethylene
(20) sorbitan
monolaurate
 - 33. Polyoxyethylene
(20) sorbitan
monooleate
 - 34. Polyoxyethylene
(20) sorbitan
monopalmitate
 - 35. Polyoxyethylene
(20) sorbitan
monostearate
 - 36. Polyoxyethylene
(20) sorbitan
tristearate
- } 1 gram per
kilogram

- 37. Pectins
- 38. Cellulose
- 39. Methyl cellulose
- 40. Hydroxypropyl
cellulose
- 41. Hydroxypropyl
methyl cellulose
- 42. Methyl ethyl
cellulose
- 43. Sodium
carboxymethyl
cellulose
- 44. Mono- and
diglycerides of
fatty acids
- 45. Acetic and fatty
acid esters of
glycerol
- 46. Lactic and fatty
acid esters of
glycerol
- 47. Citric and fatty
acid esters of
glycerol
- 48. Potassium chloride
- 49. Calcium chloride

Limited by good
manufacturing
practice

- 50. Monostarch phosphate
 - 51. Distarch phosphate esterified with sodium trimetaphosphate; distarch phosphate esterified with phosphorus oxychloride
 - 52. Phosphated distarch phosphate
 - 53. Acetylated distarch phosphate
 - 54. Starch acetate esterified with acetic anhydride
 - 55. Acetylated distarch adipate
 - 56. Hydroxypropyl starch
 - 57. Hydroxypropyl distarch phosphate
 - 58. Starch sodium octenyl succinate
- Limited by good manufacturing practice";

(ii) by repealing everything after Division 3.

3. Minor amendments

Schedule 1 is amended, in Part I -

- (a) in item 5, by repealing "grammes" and substituting "grams";
- (b) in item 8(a), by repealing "grammes" and substituting "grams".

Director of Food and Environmental
Hygiene

2004

Explanatory Note

The Codex Alimentarius Commission, created by the Food and Agricultural Organization and the World Health Organization, is a recognized international authority for setting food-related standards. The Commission has suggested that more types of ingredients could be included in cream. This Regulation amends the Food and Drugs (Composition and Labelling) Regulations (Cap. 132 sub. leg. W) to follow the recommendations of the Commission.

IMPLICATIONS OF THE PROPOSAL

10. The Amendment Regulation is in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the binding effect of the principal Ordinance. It has no financial, civil service, economic, productivity and environmental implications.

PUBLIC CONSULTATION

11. The amendment aims to bring the local regulations in line with international standard. The trade has been informed of the proposed amendment which would result in a relaxation of restrictions. As this is a technical exercise, public consultation is not considered necessary.

PUBLICITY

12. A press release will be issued. A spokesman will be made available to answer media enquiries.

ENQUIRIES

13. Any enquiry on this brief can be addressed to Miss SHEA Wing-man, Assistant Secretary for Health, Welfare and Food (Tel: 2136 3407).

Health, Welfare and Food Bureau
December 2004