

立法會
Legislative Council

LC Paper No. LS70/07-08

**Paper for the House Committee Meeting
on 11 April 2008**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 3 April 2008**

Date of tabling in LegCo : 9 April 2008

Amendment to be made by : 7 May 2008 (or 28 May 2008 if extended
by resolution)

**Public Health and Municipal Services Ordinance (Cap. 132)
Food and Drugs (Composition and Labelling) (Amendment: Requirements for
Nutrition Labelling and Nutrition Claim) Regulation 2008 (L.N. 69)**

L.N. 69 amends the Food and Drugs (Composition and Labelling) Regulations (Cap. 132 sub. leg. W) (the principal Regulations) to introduce a nutrition labelling scheme for prepackaged food and to impose controls over certain nutrition claims made on the label of, or in any advertisement for, prepackaged food. The nutrition labelling scheme does not apply to infant formula, food for infants and young children and other food for special dietary uses. The principal amendments are summarised below:

- (a) Under L.N. 69, all prepackaged food, other than items exempted, is required to be marked or labelled with a list of nutrients in a prescribed format. The list of nutrients is to set out the energy value of the food, the content of seven core nutrients, namely, protein, total carbohydrates excluding dietary fibre, total fat, saturated fatty acids, trans fatty acids, sodium and sugars, as well as the content of any nutrient for which a nutrition claim is made on the label of or in any advertisement for, the food.
- (b) Where a nutrition claim on the label of or in any advertisement for a prepackaged food is made in relation to any type of fat contained in the food, the content of cholesterol contained in the food is also required to be set out in the list of nutrients.

- (c) The items of prepackaged food that are exempt from the above nutrition labelling requirements are set out in Part I of Schedule 6 to the principal Regulations. These exempt items include prepackaged food sold at a catering establishment which is usually bought for immediate consumption, prepackaged food which is fresh or raw in nature without any addition of ingredient and prepackaged food packed in a container which has a total surface area of less than 100 cm².
- (d) L.N. 69 also provides for a small volume exemption scheme for food products under which the Director of Food and Environmental Hygiene (the Authority) may grant an exemption in respect of any prepackaged food from the nutrition labelling requirements if the Authority is satisfied that the annual sales volume of food of the same version in Hong Kong would not exceed 30,000 units.
- (e) In addition to the listing of energy plus seven core nutrients and the nutrients for which a nutrition claim is made, food traders may, on a voluntary basis, include in food labels information of other nutrients which are not required to be labelled under the law, provided that such information is not false, misleading or deceptive.

2. Under L.N. 69, a person commits an offence if he advertises for sale, sells or manufactures for sale any prepackaged food which does not comply with the nutrition labelling requirements, or which has on its label any nutrition claim which does not comply with the requirements relating to the making of nutrition claims. It is also an offence if a person advertises for sale any prepackaged food and the advertisement contains any nutrition claim that does not conform to the relevant requirements. The maximum penalty for the above offences is a fine at level 5 (\$50,000) and imprisonment for six months.

3. Members may refer to the LegCo Brief (File Ref.: FH CR 1/1886/05) issued by the Food and Health Bureau in April 2008 for background information. According to paragraph 27 of the LegCo Brief, the Administration has consulted the food trade and held discussions with representatives of the Consulates General and the Mainland authorities. According to the Administration, the views received have been taken into account in formulating the nutrition labelling scheme.

4. The proposal for introducing a mandatory nutrition labelling scheme for all prepackaged food had been the subject of discussion of the Panel on Food Safety and Environmental Hygiene (the Panel) since 2003 when the Administration first put forward its proposal. The Panel had also received views from deputations including the food trade, the medical sector and consumers/patients groups on the

proposed scheme. At its meeting held on 11 December 2007, the Panel was briefed on the legislative proposal to introduce the mandatory nutrition labelling scheme. While members in general were supportive of the introduction of the scheme, they had raised various issues relating to the implementation of the scheme. These issues include the format for expression of energy and nutrient value in food labels, the duration of the grace period before the commencement of the scheme and matters relating to the implementation of the small volume exemption. Members may refer to paragraphs 41 to 72 of the minutes of the Panel meeting held on 11 December 2007 (LC Paper No. CB(2)874/07-08) for details of the discussion.

5. L.N. 69 will come into operation on 1 July 2010.

6. The Legal Service Division is seeking clarification from the Administration on certain technical issues and will submit a further report, if necessary.

Pilotage Ordinance (Cap. 84)

Pilotage (Dues) (Amendment) Order 2008 (L.N. 70)

7. Under section 22 of the Pilotage Ordinance (Cap. 84), the Pilotage Authority, who is the Director of Marine, may after consultation with the Pilotage Advisory Committee, by order published in the Gazette, provide for the amount of pilotage dues to be paid for any pilotage service rendered by a licensed pilot.

8. L.N. 70 amends the Pilotage (Dues) Order (Cap. 84 sub. leg. D) —

- (a) to increase by 12.3% the basic pilotage due and the due payable where engagement of a pilot is cancelled respectively from \$3,650 to \$4,100 (both pilotage dues were last revised in 2005 (L.N. 111 of 2005)); and
- (b) to provide that the additional pilotage due payable for ships having a gross registered tonnage exceeding 120,000 tons is fixed at \$7,200.

9. Members may refer to the LegCo Brief (File ref: MA 50/1) issued by the Transport and Housing Bureau on 2 April 2008 for background information. According to paragraph 3 of the LegCo Brief, the Hong Kong Liner Shipping Association and the Hong Kong Pilots Association have agreed on the revision of pilotage dues contained in the Order, including the introduction of an additional due for ships of more than 120,000 gross tonnage.

10. At the meeting held on 17 March 2008, the Panel on Economic Development was consulted on the proposed revision of pilotage dues. Members of the Panel supported the proposal.

11. L.N. 70 will come into operation on 1 June 2008.

Employees Retraining Ordinance (Cap. 423)

Employees Retraining Ordinance (Amendment of Schedule 2) Notice 2008 (L.N. 71)

12. Schedule 2 to the Employees Retraining Ordinance (Cap. 423) (the Schedule) contains a list of training bodies that may provide or conduct retraining courses for the purposes of that Ordinance.

13. L.N. 71 amends the Schedule by deleting the Hong Kong Small and Medium Enterprises Association from the above list and adding 10 bodies to the list.

14. The Panel on Manpower has not been consulted on the Notice.

Tax Reserve Certificates (Fourth Series) Rules (Cap. 289 sub. leg. A)

Tax Reserve Certificates (Rate of Interest) (No. 3) Notice 2008 (L.N. 72)

15. By L.N. 72, the rate of interest payable on tax reserve certificates issued on or after 7 April 2008 is fixed at 0.4667% per annum.

Concluding Remarks

16. Except as stated in paragraph 6 above, no difficulties have been identified in the legal and drafting aspects of the above items of subsidiary legislation.

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