

立法會
Legislative Council

LC Paper No. CB(2)2780/07-08
(These minutes have been seen
by the Administration)

Ref : CB2/SS/3/07

Subcommittee on Food and Drugs
(Composition and Labelling) (Amendment: Requirements for Nutrition
Labelling and Nutrition Claim) Regulation 2008

Minutes of meeting
held on Monday, 5 May 2008, at 4:30 pm
in the Chamber of the Legislative Council Building

- Members present** :
- Hon Bernard CHAN, GBS, JP (Chairman)
 - Hon James TIEN Pei-chun, GBS, JP
 - Hon Fred LI Wah-ming, JP
 - Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
 - Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
 - Hon WONG Yung-kan, SBS, JP
 - Hon Howard YOUNG, SBS, JP
 - Hon Miriam LAU Kin-ye, GBS, JP
 - Hon Emily LAU Wai-hing, JP
 - Hon Abraham SHEK Lai-him, SBS, JP
 - Hon Tommy CHEUNG Yu-yan, SBS, JP
 - Hon Audrey EU Yuet-mee, SC, JP
 - Hon Vincent FANG Kang, JP
 - Hon WONG Kwok-hing, MH
 - Dr Hon Joseph LEE Kok-long, JP
 - Hon Jeffrey LAM Kin-fung, SBS, JP
 - Hon Alan LEONG Kah-kit, SC
 - Dr Hon KWOK Ka-ki
 - Hon WONG Ting-kwong, BBS
- Members absent** :
- Hon SIN Chung-kai, SBS, JP
 - Hon TAM Yiu-chung, GBS, JP
 - Hon Andrew LEUNG Kwan-yuen, SBS, JP

Public Officers attending : Food and Health Bureau

Ms Olivia NIP
Deputy Secretary for Food and Health (Food)

Mrs Angelina CHEUNG
Principal Assistant Secretary for Food and Health (Food)¹

Food and Environmental Hygiene Department

Dr Constance CHAN Hon-yea
Controller, Centre for Food Safety

Dr Philip HO Yuk-yin
Consultant (Community Medicine) (Risk Assessment and Communication)

Department of Justice

Ms Leonora IP
Senior Government Counsel

Miss Emma WONG
Government Counsel

Attendance by invitation : Item II

Ms CHAN Shu-ying
Member of Tuen Mun District Council

Civic Party

Mr Thomas YU Kwun-wai
Executive Committee Member

SUPERVALU International

Mr Charles K Witzleben
President

The American Chamber of Commerce in Hong Kong

Dr Richard R Vuylsteke
President

Hong Kong Food Science & Technology Association

Mr Albert P N CHAN
Chairman

Dietitian Local Registration Task Force

Miss June CHAN King-chi
Vice Chairman

Mr Eric CHOY

Committee on Home-School Co-operation

Professor WONG Po-choi
Chairperson

Mr Christopher YU Wing-fai
Hon Consultant

Alliance for Renal Patients Mutual Help Association

Miss CHAN Pui-nam
Community Relations Manager

Diabetes Hong Kong

Miss Eva LI
Center Nurse

The Hong Kong Health Food Association

Mr Perry SIT
Council Assistant

Professor Georgia S Guldan

Department of Biochemistry, Food and Nutritional
Sciences Programme, The Chinese University of
Hong Kong

Hong Kong General Chamber of Commerce

Ms Caroline MAK
Member, Retail and Distribution Committee

Mr CHIU Kam-lung

Good Food Watch

Dr Agnes KWONG
Chairperson

Ms Kim YIP
Vice Chairperson

Hong Kong College of Cardiology

Dr Patrick KO Tak-him
Past President

Dr Chris WONG Kwok-yiu
Hon Secretary

Clerk in attendance : Miss Flora TAI
Chief Council Secretary (2)2

Staff in attendance : Ms Connie FUNG
Assistant Legal Adviser 3

Ms Alice LEUNG
Senior Council Secretary (2)1

Ms Anna CHEUNG
Legislative Assistant (2)2

Action

I. Confirmation of minutes

[LC Paper No. CB(2)1783/07-08]

The minutes of the meeting held on 18 April 2008 were confirmed.

II. Future meeting arrangements

2. Members agreed that the Subcommittee would hold meetings on the following dates -

- (a) 2:30 pm to 4:30 pm on Tuesday, 6 May 2008;
- (b) 8:30 am to 10:30 am on Wednesday, 7 May 2008;
- (c) 8:30am to 10:30 am on Thursday, 8 May 2008; and
- (d) 4:30 pm to 6:30 pm on Thursday, 8 May 2008.

Action

III. Meeting with the deputations/individuals and the Administration

[LC Paper Nos. CB(2)1739/07-08(01), CB(2)1788/07-08(01) to (02), CB(2)1811/07-08(01) to (02), CB(2)1813/07-08(01), CB(2)1823/07-08(01) to (04), CB(2)1829/07-08(01), CB(2)1830/07-08(01) to (02), CB(2)1854/07-08(03) to (05)]

3. The Subcommittee noted that a total of 14 written submissions had been provided by organizations/individuals, of which 9 were provided by the 16 deputations attending the meeting and the rest was provided by organizations/individuals which/who did not attend the meeting.

(Post-meeting note: the Subcommittee received a written submission from HKU SPACE Human Nutrition and Dietetics Alumni after the meeting, which was restricted to members of the Subcommittee and issued vide LC Paper No. CB(2)1829/07-08 (English version only).)

4. The Subcommittee received views from 16 individuals and organizations attending the meeting (index of proceedings attached at **Annex**).

Admin

5. The Administration was requested to provide a written response to all the submissions made by the deputations, including their views expressed at the meeting and in writing. The Administration was also requested to follow up on whether the food products that were shown to the Subcommittee by Mr Vincent FANG and Ms Ellen Friedlander, one of the individuals attending the meeting held in the morning of the same day, could comply with the nutrition labelling requirements under the Amendment Regulation.

(Post-meeting note: the Administration's written response to the views and concerns raised by the deputations was tabled at the meeting on 6 May 2008 [LC Paper No. CB(2)1844/07-08(03).])

Admin

6. The Administration was further requested to compile a table setting out details of conditions for nutrition claims (e.g. trans fat free claim, low sugars claim, etc.) and comparisons on the conditions prescribed for the nutrition claims in other jurisdictions.

(Post-meeting note: the Administration's paper on the conditions for nutrition claims under the nutrition labelling scheme was issued to members on 8 May 2008 vide LC Paper No. CB(2)1866/07-08(02).)

Clerk

7. Having regard to the tight schedule for scrutiny of the Amendment Regulation, the Chairman suggested that members could forward their questions and requests for further information, if any, on the Amendment Regulation to the Clerk for onward referral to the Administration for its response.

Action

IV. Any other business

Date of next meeting

8. Members noted that the Subcommittee would hold another meeting with the Administration on 6 May 2008 at 2:30 pm.
9. There being no other business, the meeting ended at 8:20 pm.

Council Business Division 2
Legislative Council Secretariat
17 September 2008

**Proceedings of the meeting of the
Subcommittee on Food and Drugs (Composition and Labelling)
(Amendment: Requirements for Nutrition Labelling and Nutrition Claim)
Regulation 2008
on Monday, 5 May 2008, at 4:30 pm
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 000227	Chairman	Confirmation of minutes [LC Paper No. CB(2)1783/07-08]	
000228 - 002002	Chairman, members and Admin	Schedule of future meetings	Clerk to issue notices of meetings
002003 - 002351	Mr Tommy CHEUNG Chairman Mr Fred LI Mr Abraham SHEK	Mr Tommy CHEUNG's expression of dissatisfaction with the Administration's way of arranging press interview with some deputations at LegCo Bldg after the meeting held in the morning of the same day.	
002352 - 002839	Ms CHAN Shu-ying	Presentation of views [LC Paper No. CB(2)1788/07-08(01)]	
002840 - 003245	Civic Party	Presentation of views [LC Paper No. CB(2)1854/07-08(03)]	
003246 - 003807	SUPERVALU International	Presentation of views [LC Paper No. CB(2)1813/07-08(01)] (circulation restricted to members of the Subcommittee only)	
003808 - 004330	The American Chamber of Commerce in Hong Kong	Presentation of views [LC Paper No. CB(2)1854/07-08(04)]	
004331 - 004645	Hong Kong Food Science & Technology Association	Presentation of views	
004646 - 005115	Dietitian Local Registration Task Force	Presentation of views [LC Paper No. CB(2)1823/07-08(01)]	
005116 - 005252	Mr Eric CHOY	Presentation of views	
005253 - 005814	Committee on Home- School Co-operation	Presentation of views [LC Paper No. CB(2)1823/07-08(02)]	
005815 - 010319	Alliance for Renal Patients Mutual Help Association	Presentation of views	

Time marker	Speaker	Subject	Action required
010320 - 010628	Diabetes Hong Kong	Presentation of views	
010629 - 011144	Hong Kong Health Food Association	Presentation of views [LC Paper Nos. CB(2)1823/07-08(03) and CB(2)1854/07-08(05)]	
011145 - 011425	Professor Geogia S Guldán	Presentation of views	
011426 - 011812	Hong Kong General Chamber of Commerce	Presentation of views [LC Paper No. CB(2)1788/07-08(02)]	
011813 - 012253	Mr CHIU Kam-lung	Presentation of views	
012254 - 012550	Good Food Watch	Presentation of views	
012551 - 013023	Hong Kong College of Cardiology	Presentation of views	
013024 - 023033	Chairman, members and deputations	<p>Discussion on the following issues –</p> <ul style="list-style-type: none"> (a) the trade's suggestion of granting of exemption status to prepackaged food with nutrition claims; (b) the trade's query on why prepackaged food with nutrition labels that complied with the nutrition labelling requirements in other jurisdictions could not be accepted; (c) the trade's view that the "one plus seven" nutrition labelling scheme was unique to Hong Kong; (d) the trade's claim that about 15 000 food items would be withdrawn from Hong Kong market when the nutrition labelling scheme came into operation; (e) the trade's suggestion of extending the duration of grace period; (f) the trans fat level adopted by Hong Kong; and (g) the impact of the enactment of the Food and Drugs (Composition and Labelling) (Amendment) Regulation 2004 (i.e. labelling of allergenic substances and food additives) on the food choices. 	

Time marker	Speaker	Subject	Action required
		On the food products that were shown to the Subcommittee by Mr Vincent FANG and Ms Ellen Friedlander, one of the individuals attending the meeting held in the morning of the same day, the Administration was requested to follow up on whether these products could comply with the nutrition labelling requirements under the Amendment Regulation.	Admin to follow up (para. 5 of the minutes)
023034 - 023163	Admin	Administration's initial responses to deputations' views, and its explanation of the standards that adopted for setting the permitted nutrient content claims. [LC Paper No. CB(2)1830/07-08(01)]	Admin to provide written response to views expressed by deputations at the meeting and in their submissions (para. 5 of the minutes)
023164 - 025252	Mr Tommy CHEUNG Mr Vincent FANG Admin	Discussion on the following issues – (a) the meaning of "source" of nutrient content claim; (b) the trade's concern over the need for re-labelling of food products imported from other countries given that the conditions for nutrition claims under the Amendment Regulation did not follow fully Codex Alimentarius Commission (Codex) standards; and (c) whether Codex had set any standard on trans fat free claim. The Administration was requested to provide details of conditions for nutrition claims adopted by Hong Kong and other jurisdictions.	Admin to provide response (para. 6 of the minutes)
025253 - 025509	Mr Fred LI Admin	Discussion on the trans fat level adopted by the United States (the US) and Canada, and the exemption status of prepackaged food with nutrition claims under the small volume exemption scheme in the US.	
025510 - 030918	Chairman Admin Mr Tommy CHEUNG Ms Emily LAU SUPERVALU International Committee on Home-School Co-operation	Discussion on the concern that prepackaged food that had complied with the US nutrition labelling requirements could not meet the labelling requirements as stipulated in the Amendment Regulation, and re-labelling was required for prepackaged food with nutrition claims imported from the US.	

Time marker	Speaker	Subject	Action required
030919 - 031250	Admin Mr James TIEN	Administration's explanation that re-labelling of food products that met with the US nutrition labelling requirements might not be necessary, provided that the nutrition information provided was accurate and align with the requirement of the Amendment Regulation. The Administration's advice on its communication with the Mainland's General Administration of Quality Supervision, Inspection and Quarantine on the nutrition labelling scheme adopted by Hong Kong.	
031251 - 031727	Mr WONG Ting- kwong Ms Emily LAU Admin Mr James TIEN	Discussion on the concern that food products manufactured on the Mainland for export to the US could not meet Hong Kong's nutrition labelling requirements and the impact on the cost of the trade for re-labelling.	
031728 - 032346	Chairman Ms Emily LAU Mr WONG Ting- kwong Mr James TIEN Admin	Discussion on the Administration's communication with the trade in respect of the nutrition labelling scheme, in particular implementation details of the scheme. The Chairman's suggestion that members could forward their questions and requests for further information, if any, on the Amendment Regulation to the Clerk for onward referral to the Administration for its response.	Clerk to follow up (para. 7 of the minutes)
032347 - 032710	Mr Tommy CHEUNG Chairman Admin	Discussion on the trade's concern over the difference between the US and Hong Kong in respect of the labelling format of trans fat and conditions of trans fat free claim.	
032711 - 033139	Mr Vincent FANG Chairman Mr Tommy CHEUNG	Mr Vincent FANG's clarification on the trade's communication with the Administration in November 2007, in particular the trade's suggestion of granting exemption to small sales volume prepackaged food.	
033140 - 033543	Mr WONG Yung-kan	Mr WONG Yung-kan's remark that a motion on "Legislating against the use of artificial trans fat in food production" was carried at the Council meeting on 14 March 2007 and his expression of concern over the enforcement of the small volume exemption scheme.	
033544 - 034546	Mr WONG Ting- kwong Chairman Admin Mr Tommy CHEUNG	Further discussion on whether re-labelling would be required for those imported food products that were fully in compliance with the US's "one plus 14" nutrition labelling requirements.	

Council Business Division 2
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