

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2781/07-08  
(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 Tuesday, 6 May 2008, at 2:30 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 SIN Chung-kai, SBS, JP
  - Hon WONG Yung-kan, SBS, JP
  - Hon Howard YOUNG, SBS, JP
  - Hon Emily LAU Wai-hing, JP
  - Hon Tommy CHEUNG Yu-yan, SBS, JP
  - Hon Audrey EU Yuet-mee, SC, JP
  - Hon Vincent FANG Kang, JP
  - Hon Jeffrey LAM Kin-fung, SBS, JP
  - Hon Andrew LEUNG Kwan-yuen, SBS, JP
  - Hon Alan LEONG Kah-kit, SC
  - Dr Hon KWOK Ka-ki
  - Hon WONG Ting-kwong, BBS
- Members absent** :
- Hon Miriam LAU Kin-ye, GBS, JP
  - Hon TAM Yiu-chung, GBS, JP
  - Hon Abraham SHEK Lai-him, SBS, JP
  - Hon WONG Kwok-hing, MH
  - Dr Hon Joseph LEE Kok-long, 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-ye  
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

**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

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Action

**I. Meeting with the Administration**  
[LC Paper Nos. CB(2)1844/07-08(01), (02) and (03)]

The Subcommittee deliberated (index of proceedings attached at **Annex**).

Action

2. Given the diverse views on the possible impact on the food choices after the introduction of the mandatory nutrition labelling scheme, members reiterated their request that the Administration should follow up and advise the Subcommittee whether the food products that the Chairman, Mr Vincent FANG, and Ms Ellen Friedlander brought to the Subcommittee meetings could comply with the nutrition labelling requirements under the Amendment Regulation.

Admin

Information to be provided by the Administration

Admin

3. As regards the possible impact on the food choices, Mr Alan LEONG considered that the report of the Regulatory Impact Assessment (RIA) study on the nutrition labelling scheme conducted in 2005 would facilitate members to have a better understanding of the subject. He requested the Administration to provide the full report of the study to members for reference.

*(Post-meeting note: in view of the voluminous report, a hyperlink of the RIA report was provided to members on 7 May 2008 vide LC Paper No. CB(2)1866/07-08 to download the report from the website if they so wished.)*

Admin

4. At the request of Ms Emily LAU, the Administration undertook to provide a paper on the chronology of key events relating to the introduction of the mandatory nutrition labelling scheme since 2003.

*(Post-meeting note: the Administration's written response on the chronology of the nutrition labelling scheme was issued vide LC Paper No. CB(2)1866/07-08(01) to members on 8 May 2008.)*

5. Mr Tommy CHEUNG informed members that the Liberal Party would propose amendments to the Amendment Regulation and would make their best efforts to provide the proposed amendments on 8 May 2008.

**II. Any other business**

Scheduling of another meeting

6. Members agreed that the Subcommittee should arrange another meeting on 13 May 2008 from 10:45 am to 12:45 pm so as to provide an opportunity and sufficient time for the Subcommittee to consider the amendments to be proposed by members.

Action

Date of next meeting

7. Members noted that the Subcommittee would hold another meeting to meet with the Administration on 7 May 2008 at 8:30 am.
8. There being no other business, the meeting ended at 4:20 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 Tuesday, 6 May 2008, at 2:30 pm  
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 000453	Chairman	Opening remarks	
000454 - 001058	Ms Emily LAU Chairman Mr Fred LI Mr James TIEN	Members' reiteration of the request for the Administration to follow up on the food products brought by members and the individual attended at the meeting held in the morning of 5 May 2008 and advise the Subcommittee whether these products could meet the labelling requirements adopted by Hong Kong.  Ms Emily LAU's request for the Administration to provide a chronology of events relating to the introduction of nutrition labelling scheme.	<b>Admin to follow up and provide response</b> (paras. 2 and 4 of the minutes)
001059 - 002232	Mr Tommy CHEUNG Chairman Clerk Mr James TIEN Mr Andrew LEUNG	Discussion on the trade's concern about the cost of food test and the impact of the Amendment Regulation on the introduction of new products with nutrition claims into Hong Kong market.  Members' agreement to schedule another meeting on 13 May 2008 from 10:45 am to 12:45 pm to discuss the amendments to be proposed by members.	<b>Clerk to issue notice of meeting</b> (para. 6 of the minutes)
002233 - 002742	Admin	The Administration's account of its communication with the trade on the nutrition labelling scheme.	
002743 - 002907	Mr WONG Yung-kan	Mr WONG Yung-kan's query as to whether the food products imported from the Mainland with nutrition labels that were in compliance with the US requirements could comply with the labelling requirements.	
002908 - 003354	Mr Vincent FANG Admin	Mr Vincent FANG's clarification about the trade's communication with the Administration, in particular the trade's suggestions on the permitted sales volume for the small volume exemption scheme and the duration of grace period.  The Administration's explanation that inclusion of trans fat was a response to the motion relating to the regulation of trans fat passed at the LegCo Council meeting on 14 March 2007.	

Time marker	Speaker	Subject	Action required
003355 - 003751	Mr Andrew LEUNG Admin	Discussion on the concern about the design of the questionnaire of the public opinion survey on the nutrition labelling scheme commissioned by the Administration and the view that the interests of some sectors of the community had to be taken into account having regard to the fact that the nutrition labelling scheme adopted by Hong Kong was different from that adopted by Hong Kong's major importing countries.	
003752 - 004036	Ms Audrey EU Chairman	Ms Audrey EU's indication of the Civil Party's support for the introduction of a mandatory nutrition labelling scheme and the inclusion of trans fat into the scheme.	
004037 - 005422	Ms Emily LAU Admin Chairman Mr Alan LEONG	<p>Ms Emily LAU's enquiry as to whether the Administration would consider giving further flexibility to the implementation of the scheme, and concern over the sufficiency of information as well as time to facilitate members to scrutinize the Amendment Regulation.</p> <p>The Administration's reiteration that the granting of exemption to prepackaged food with nutrition claims would defeat the purpose of the legislation. Its explanation that, according to the report of the RIA study conducted in 2005, the product variety in the market ranged from about 20 000 to 30 000 items. The findings of the study showed that, under the most stringent scenario (i.e. energy plus nine core nutrients), 5% to 10% of the prepackaged food products currently available in Hong Kong might be withdrawn from the market. Changes in product variety were also a normal trade practice, and the average annual turnover rate of food products was about 14%. Taking into account the views of the food trade, the Administration had moderated the scope of the scheme and introduced relaxation and trade facilitation measures, e.g. the small volume exemption scheme.</p> <p>On the issue on the estimated number of food items that would be withdrawn from the market, Mr Alan LEONG's request for the Administration to provide the RIA report for members' information.</p>	<p><b>Admin to provide information</b> (para. 3 of the minutes)</p>
005423 - 010053	Mr James TIEN Admin	Discussion on the Administration's consultation of the Panel on Food Safety and Environmental Hygiene and the Consulate Generals in Hong Kong on the "one plus seven" nutrition labelling scheme.	

Time marker	Speaker	Subject	Action required
010054 - 011107	Mr Vincent FANG Chairman Admin	Mr Vincent FANG's reiteration of his earlier request made at the last meeting for information on the conditions for nutrient content claims and comparisons of the conditions prescribed in other jurisdictions.	
011108 - 011733	Mr Andrew LEUNG Admin Chairman	Discussion on the trade's concern that some 15 000 food items would be withdrawn from the market.  The Administration's response that the nutrition labelling scheme had struck a proper balance between the interests of the trade and the public, and the introduction of small volume exemption scheme could minimize the impact on the food choices.	
011734 - 011930	Chairman Admin	Discussion on the Chairman's enquiry relating to the information on the trans fat level provided in the nutrition facts panel of prepackaged food products.	
011931 - 012136	Mr Vincent FANG Admin	Mr Vincent FANG's request for the Administration to follow up on the food products that he brought to the meeting and advise the Subcommittee whether these products could be imported into Hong Kong without the need of re-labelling after the expiry of the two-year grace period.	<b>Admin to follow up</b> (para. 2 of the minutes)
012137 - 012535	Mr SIN Chung-kai Chairman Admin	Mr SIN Chung-kai's indication that the Democratic Party was in principle supportive of the Amendment Regulation.	
012536 - 013027	Chairman Mr Vincent FANG Admin	Discussion on the conditions for nutrient content claims adopted in Hong Kong and other jurisdictions and the number of food items to be withdrawn from the market	
013028 - 013753	Mr WONG Yung-kan Admin	Discussion on the concern raised by the trade about the impact on food choices and Mr WONG Yung-kan's view that he would not raise objection to extend the duration of grace period to three years should members reach a consensus on it.	
013754 - 013939	Mr Vincent FANG Admin	Mr Vincent FANG's query whether the findings of RIA that was conducted in 2005 could reflect the implications of the Amendment Regulation which would be in full implementation in 2010.	
013940 - 015009	Chairman Admin Mr SIN Chung-kai Mr Vincent FANG	The Administration's explanation as to why the suggestion of accepting nutrition labels that complied with the nutrition labelling requirements of other countries could not be accepted.	
015010 - 015050	Chairman	Next meeting to be held on 7 May 2008 at 8:30 am.	

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