

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2782/07-08  
(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 Wednesday, 7 May 2008, at 8:30 am**  
**in Conference Room B 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 WONG Yung-kan, SBS, JP  
Hon Howard YOUNG, SBS, 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 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 Mrs Selina CHOW LIANG Shuk-ye, GBS, JP  
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP  
Hon SIN Chung-kai, SBS, JP  
Hon Miriam LAU Kin-ye, GBS, JP  
Hon TAM Yiu-chung, GBS, JP  
Hon Jeffrey LAM Kin-fung, 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-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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**I. Examination of the provisions of the Amendment Regulation**

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

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2. The Administration was requested to provide the following information -

- (a) to explain the difference in the definition of "zero trans fat" under the laws of the United States (US) and Hong Kong; and

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- (b) to give details on the labelling requirements for prepackaged products under the small volume exemption and those without any exemption.

*(Post-meeting note: the Administration's written responses to the requests referred to in paragraph 2(a) and 2(b) were issued vide LC Paper Nos. CB(2)1902/07-08(03) and CB(2)1901/07-08(01) to members on 13 May 2008 and 8 May 2008 respectively.)*

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3. The Administration undertook to include the following into the technical guidelines on nutrition labelling scheme for the reference of the trade -

- (a) various common names of "trans fatty acids" as referred to in section 2 of the Amendment Regulation; and
- (b) the definition of the phrase "other food for special dietary uses" as referred to in the new regulation 4B(6)(c) of the Food and Drugs (Composition and Labelling) Regulations (the Principal Regulations), and examples of food products for special dietary uses.

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4. In response to Mr Tommy CHEUNG's question as to whether the standards and conditions set for nutrition claims under the Amendment Regulation were in line with Codex Alimentarius Commission (Codex), the Administration explained that, in regulating nutrient content claims, nutrient comparative claims and nutrient function claims, the Administration generally followed the standards and conditions stipulated in Codex guidelines. However, Codex presently did not have any conditions regarding nutrition claims for trans fat, sugars, protein and dietary fibre. In response to the request of the food trade and as facilitation to the trade, the Administration had also included the non-Codex nutrition claims that were most common in the market (i.e. "low sugars", "trans fat free" and "low protein"). At the request of Mr CHEUNG, the Administration undertook to keep watch of the development of Codex standards and propose relevant amendments to the Principal Regulations if Codex had set new standards and conditions for nutrition claims in future.

5. Mr Tommy CHEUNG shared the concern of the trade over the information on the trans fat level provided in the nutrition facts panel of prepackaged food products with an annual sales volume of over 30 000 units and without any nutrition claims. He pointed out that, given that the US's definition of "zero trans fat" (i.e. 0.5g per serving) was different from that of Hong Kong (i.e. 0.3g per 100g/ml), the US food products that were of large sales volume and without any nutrition claims would need to be re-labelled even though they were labelled with "one plus 14" core nutrients and had met the US

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nutrition labelling requirements. At the request of Mr CHEUNG, the Administration agreed that it would consider and study whether some flexibility could be accorded in implementing the nutrition labelling scheme in respect of the information on the trans fat level.

## **II. Any other business**

### Date of next meeting

6. Members noted that the Subcommittee would hold another two meetings to meet with the Administration on 8 May 2008 at 8:30 am and 4:30 pm respectively.

7. There being no other business, the meeting ended at 10:35 am.

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 Wednesday, 7 May 2008, at 8:30 am  
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 000527	Chairman	Opening remarks	
000528 - 000957	Chairman Admin Mr Tommy CHEUNG	Section-by-section examination of the Regulation -  <u>Section 1</u> Mr Tommy CHEUNG advised that Liberal Party (LP) would propose amendment to amend the commencement date of the Regulation to 1 July 2011.	
000958 - 005907	Admin Chairman Mr Tommy CHEUNG Ms Emily LAU Dr KWOK Ka-ki Dr Joseph LEE Ms Audrey EU Mr Andrew LEUNG	<u>Section 2</u>  At the request of Mr Tommy CHEUNG, the Administration's undertaking that it would keep watch of the development of Codex standards and propose relevant amendments to the Food and Drugs (Composition and Labelling) Regulations (the Principal Regulations) if Codex had set new standards and conditions for nutrition claims in future.  Members' request for the Administration's explanation on the difference in the definition of "zero trans fat" under the US and the Hong Kong's nutrition labelling laws.  Undertaking of the Administration to include the common names of "trans fatty acids" e.g. trans fat, in the technical guidelines for the trade.	<b>Admin's undertaking to keep watch of the development of Codex standards</b> (para. 4 of the minutes)  <b>Admin to provide response</b> (para. 2(a) of the minutes)  <b>Admin's undertaking to include the common names of "trans fatty acids" in the technical guidelines for the trade</b> (para. 3(a) of the minutes)
005908 - 010543	Mr Fred LI Admin Chairman	Mr Fred LI's enquiries and request for the information on the labelling requirements for the three categories of food-  (a) prepackaged food without any nutrition claims that had an annual sales volume above 30 000 units and;	<b>Admin to provide response</b> (para. 2(b) of the minutes)

Time marker	Speaker	Subject	Action required
		<p>(b) prepackaged food with nutrition claims that had an annual sales volume above 30 000 units; and</p> <p>(c) prepackaged food with nutrition claims but annual sales volume not exceeding 30 000 units.</p>	
010544 - 013152	<p>Mr Vincent FANG Admin Mr Tommy CHEUNG Chairman Mr Andrew LEUNG Mr Fred LI Mr WONG Ting- kwong</p>	<p>Discussion on the concerns about the difference in the trans fat level adopted by US and Hong Kong and the impact on cost of re-labelling of Mainland products that complied with nutrition labelling requirements of the US, and Mr Andrew LEUNG's suggestion of accepting products without nutrition claims that complied with source country's nutrition labelling requirements.</p>	
013153 - 013719	<p>Mr Andrew LEUNG Mr Fred LI Mr Tommy CHEUNG Chairman Admin</p>	<p>Discussion on the difference in the standards of "zero trans fat" adopted by Hong Kong and the US</p>	
013720 - 020457	<p>Chairman Admin Mr Tommy CHEUNG Mr WONG Yung-kan Mr Abraham SHEK Dr KWOK Ka-ki ALA3</p>	<p><u>Sections 3 and 4</u></p> <p>Mr Tommy CHEUNG's advice that LP would propose amendment to the new regulation 4B(2) of the Principal Regulations.</p> <p>Undertaking of the Administration to include the definition of "other food for special dietary uses" as referred to in the new regulation 4B(6)(c) in the technical guidelines.</p> <p><u>Schedule 5 - section (1)</u></p> <p>At the request of Mr Tommy CHEUNG, the Administration's advice that it would consider and study whether some flexibility could be accorded in implementing the nutrition labelling scheme in respect of the information on the trans fat level.</p> <p><u>Schedule 5 - section 4(3)</u></p> <p>Discussion on Dr KWOK Ka-ki's view that there should be a requirement that the labelling of prepackaged food should be in the Chinese language to facilitate consumers' understanding.</p>	<p><b>Admin's undertaking to include the definition of "other food for special dietary uses" in the technical guidelines for the trade</b> (para. 3(b) of the minutes)</p> <p><b>Admin to follow up</b> (para. 5 of the minutes)</p>

<b>Time marker</b>	<b>Speaker</b>	<b>Subject</b>	<b>Action required</b>
020458 - 020612	Chairman Mr Tommy CHEUNG	Next two meetings to be held on 8 May 2008 at 8:30 am and 4:30 pm respectively.	

Council Business Division 2  
Legislative Council Secretariat  
17 September 2008