

立法會
Legislative Council

LC Paper No. CB(2)2783/07-08
(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 Thursday, 8 May 2008, at 8:30 am
in Conference Room A 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 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 WONG Kwok-hing, MH
Dr Hon Joseph LEE Kok-long, JP
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Alan LEONG Kah-kit, SC
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 TAM Yiu-chung, GBS, JP
Hon Vincent FANG Kang, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Dr Hon KWOK Ka-ki

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

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. Examination of the provisions of the Amendment Regulation**
[L.N. 69 of 2008]
[Appendix III to LC Paper No. CB(2)1645/07-08(01)]
[File Ref : FH CR 1/1886/05]

Action

[LC Paper Nos. LS70/07-08, CB(2)1645/07-08(02)-(04) and CB(2)1667/07-08(01)]

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

2. In response to the concern raised by members over the implementation of the scheme, the Administration explained that, as a consensus reached with the food trade, when the sales volume of the food products concerned had reached 70% of the maximum permitted sales volume under the scheme (i.e. 21 000 units), the Food and Environmental Hygiene Department would issue a notice to all importers of the food products concerned in respect of which an exemption had been granted, notifying them of the sales volume. Once the total sales volume of the same version of the prepackaged food to which the exemption applied had exceeded the limit of 30 000 units per year, the exemption would be revoked and all food products currently being put on the market would have to be labelled in accordance with the legal requirements. A revocation of exemption would take effect on the expiry of 30 days from the date on which the decision to revoke the exemption was made.

Admin

3. As regards the new regulation 4B(4)(a) of the Food and Drugs (Composition and Labelling) Regulations (the Principal Regulations), both Mr Tommy CHEUNG and Ms Audrey EU expressed concern that the phrase "in the manner required by the Authority" in respect of exemption of small volume food products was too broad and imprecise. They considered that the Administration should state explicitly the conditions which the food traders were required to comply with under the exemption scheme. In light of members' concern, the Administration agreed to set out clearly the requirements relating to labelling of the food products that were exempted under the small volume exemption scheme and displaying of these exempted food products for sale at retail outlets.

Admin

4. In response to members' concern and at the suggestion of the legal adviser to the Subcommittee, the Administration agreed to move section 5 of Part 2 of the new Schedule 5 to the Principal Regulations, which set out the matters that did not constitute a nutrition claim, to section 2 of the Amendment Regulation.

Admin

5. As regards items exempted from the nutrition labelling requirements, members noted that fruit, vegetable, raw meat and fish packaged in a container which contained no other ingredient and to which no other ingredient had been added would be exempted under Part 1 of the new Schedule 6 to the Principal Regulations. Members, however, pointed out that some fruit packs might contain a small packet of sauce which was not mixed with the fruit. In the light of members' concern, the Administration agreed to amend sections 6 and 10 of Part 1 of the new Schedule 6 to the effect that fruit, vegetable, raw meat

Action

and fish would be exempted from the nutrition labelling requirements even if they were packed in a container which contained ingredients packed in a separate container having a total surface area of less than 100cm².

Admin

6. In response to Mr Tommy CHEUNG's question as to whether fruit yogurt was regarded as solid or liquid food, the Administration explained that, in line with international practice, semi-solid food was regarded as solid food. At the request of Mr CHEUNG, the Administration agreed to include examples of solid as well as liquid food, and explain clearly, in the technical guidelines for the trade that bottled water with special flavour without any nutrients would not be subject to the nutrition labelling requirements. The Administration also undertook to use layman terms in drawing up the technical guidelines.

II. Any other business

Date of next meeting

7. Members noted that the Subcommittee would hold another meeting to meet with the Administration on 8 May 2008 at 4:30 pm.

8. 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 Thursday, 8 May 2008, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 002419	Chairman Mr Tommy CHEUNG Admin Mr Jeffrey LAM Ms Emily LAU	Mr Tommy CHEUNG' expression of concern over Administration's communication with the trade at its technical meeting on 7 May 2008. In response to Mr CHEUNG's enquiry, the Administration advised that declaration of nutrient content provided in the nutrition facts panel of a prepackaged food product did not constitute a nutrition claim.	
002420 - 003040	Mr Tommy CHEUNG Admin Ms Audrey EU	Undertaking of the Administration to set out clearly the requirements relating to labelling of the food products that were exempted under the small volume exemption scheme	Admin's undertaking to set out clearly the requirements relating to labelling of the food products that were exempted under the small volume exemption scheme (para. 3 of the minutes)
003041 - 010158	Chairman Admin Mr Tommy CHEUNG	<u>Continuation of section-by-section examination</u> <u>Part 2 of Schedule 5</u> <u>Sections 5, 6 and 7</u> Administration would propose amendments to move section 5 of Part 2 of Schedule 5, which set out the matters that did not constitute a nutrition claim, to section 2 (Interpretation) of the Amendment Regulation. Undertaking of the Administration to use layman terms in respect of the meaning of "nutrition claim" in drawing up the technical guidelines on nutrition labelling for the trade.	Admin to propose amendment (para. 4 of the minutes) Admin's undertaking to use layman terms in drawing up the technical guidelines (para. 6 of the minutes)

Time marker	Speaker	Subject	Action required
010159 - 011515	Mr James TIEN Admin Chairman Ms Audrey EU Mr Tommy CHEUNG	<p>Mr James TIEN's relaying of Mr Vincent FANG's clarification that, when the food trade put forward its suggestion to the Administration in November 2007, the proposed nutrition labelling scheme did not include trans fat. The maximum limit of annual sales volume of the exemption scheme and the registration fee as suggested by the trade at that time were 100 000 units and about \$50 to \$100 respectively.</p> <p>Discussion on trans fat level and Administration's explanation on the trans fat level of US standard and WHO requirement.</p> <p>Ms Audrey EU's expression of view of Civic Party that it would not support the suggestion of accepting the US standard of "zero trans fat" level.</p>	
011516 - 012932	Chairman Admin Mr Tommy CHEUNG	<p><u>Part 2 of Schedule 5</u></p> <p><u>Section 8</u></p> <p>Undertaking of the Administration to include examples of solid and liquid food in the technical guidelines for the trade.</p>	<p>Admin's undertaking to include examples of solid, liquid or semi-liquid food in the technical guidelines. (para. 6 of the minutes)</p>
012933 - 015441	Mr Tommy CHEUNG Admin Ms Audrey EU Chairman ALA3	<p><u>Part 1 of Schedule 6</u></p> <p><u>Section 8</u></p> <p>Undertaking of the Administration to explain clearly in the technical guidelines for the trade that bottled water with special flavour without any nutrients would not be subject to the nutrition labelling requirements.</p>	<p>Admin's undertaking to explain clearly in the technical guidelines that bottled water with special flavour without any nutrients would not be subject to the nutrition labelling requirements (para. 6 of the minutes)</p>

Time marker	Speaker	Subject	Action required
		<u>Sections 6 and 10</u> The Administration's agreement to amend sections 6 and 10 of Part 1 of Schedule 6 to the effect that fruit, vegetable, raw meat and fish would be exempted from the nutrition labelling requirements even if they were packed in a container which contained ingredients packed in a separate container having a total surface area of less than 100cm ² .	Admin's agreement to amend sections 6 and 10 of Part 1 of the new Schedule 6 (para. 5 of the minutes)
015442 - 020638	Admin Mr WONG Yung-kan Mr Tommy CHEUNG	<u>Part 2 of Schedule 6</u> <u>Section 1(5)</u> The Administration's explanation on the implementation of the small volume exemption scheme.	
020639 - 020713	Chairman	Date of next meeting to be held on 8 May 2008 at 4:30 pm.	

Council Business Division 2
Legislative Council Secretariat
17 September 2008