

立法會
Legislative Council

LC Paper No. CB(2)2785/07-08
(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, 13 May 2008, at 10:45 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 Mrs Selina CHOW LIANG Shuk-ye, 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 TAM Yiu-chung, GBS, 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 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 Sophie LEUNG LAU Yau-fun, GBS, JP
 - Hon SIN Chung-kai, SBS, JP
 - Hon Abraham SHEK Lai-him, 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
- Ms Anna CHEUNG
Legislative Assistant (2)2

Action

- I. Meeting with the Administration**
[LC Paper Nos. CB(2)1879/07-08(03) and CB(2)1902/07-08(01)-(03)]
[L.N. 69 of 2008]
[File Ref : FH CR 1/1886/05]

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

Action

2. Members noted that a written submission from the Hong Kong Chinese Importers' & Exporters' Association was issued to members vide LC Paper No. CB(2)1914/07-08(01) on 13 May 2008.

3. Members were informed that, to address the needs of the minority sectors of the community, the Administration was considering to propose an exemption to food products with nutrition claims that had a low annual sales volume (i.e. with an annual sales volume not exceeding 30 000 units). To protect the interest of consumers, the Administration would propose to require these food products to be displayed for sale with a warning label informing consumers that the nutrition labels and nutrition claims for these products might not comply with the laws of Hong Kong. Members were also advised that the Administration would review the operation of the proposed warning label arrangement in one year's time after the implementation of the nutrition labelling scheme. The Administration considered that this proposal would strike a delicate balance between assisting the public to make an informed food choice and maintaining the variety of food in the market.

4. Members expressed diverse views on the Administration's proposal. Members belonging to the Liberal Party including Mr James TIEN, Mrs Selina CHOW, Mr Tommy CHEUNG and Mr Vincent FANG and also members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong including Mr TAM Yiu-chung and Mr WONG Ting-kwong considered the Administration's proposal acceptable.

5. Some other members including Mr Fred LI, Mr WONG Kwok-hing and Dr KWOK Ka-ki, however, expressed objection to the proposal as it would defeat the original legislative intent of the Amendment Regulation and render the Amendment Regulation ineffective.

6. Ms Audrey EU and Mr Alan LEONG also expressed reservation about the Administration's proposal. Mr LEONG said that he had proposed earlier an option similar to that of the Administration, but it was only meant to be a transitional arrangement whereby a longer grace period of three years would be given for the food trade to comply with the nutrition labelling requirements. He considered that the proposal of granting exemption to food products with nutrition claims that had a low annual sales volume (i.e. with an annual sales volume not exceeding 30 000 units) on a permanent basis would create a big loophole in the Amendment Regulation.

Admin

7. At members' request, the Administration undertook to provide a paper giving details of the implementation of its proposal to facilitate members' consideration and discussion before the next meeting.

Action

(Post-meeting note: the Administration's paper entitled "Small volume exemption for food products with nutrition claims" was issued to members vide LC paper No. CB(2)1970/07-08(01) on 16 May 2008.)

ALA3

8. As regards Dr KWOK Ka-ki's a query, the legal adviser to the Subcommittee was requested to provide information on whether there was any provision under the existing legislation under which the grant of exemption was based on the number of specified items.

(Post-meeting note: an extract of relevant provisions from the existing legislation under which the grant of exemption was based on the number of specified items was issued to members vide LC paper No. CB(2)1965/07-08 on 16 May 2008.)

9. In response to Mr WONG Ting-kwong's concern about the difficulties of small and medium sized enterprises (SMEs) in complying with the nutrition labelling requirements, the Administration explained that prepackaged food that was processed and sold to an ultimate consumer at the same premises, or processed at a place which was adjacent to, or in the immediate vicinity of, the premises where the food was sold to an ultimate consumer, and not offered for sale outside the premises referred to in section 14(a) and (b) of Part 1 of the new Schedule 6 to the Food and Drugs (Composition and Labelling) Regulations were exempted from compliance with the nutrition labelling requirements.

Admin

10. At the request of Mrs Selina CHOW, the Administration agreed to provide a paper to the Subcommittee on its proposal to give further flexibility for labelling the content of trans fat on the nutrition facts panel of a food product.

(Post-meeting note: the Administration's paper entitled "Labelling of trans fat on nutrition labels" was issued to members vide LC paper No. CB(2)1970/07-08(02) on 16 May 2008.)

Invitation for further submissions from deputations

Clerk

11. At the suggestion of Mr Fred LI, members agreed to invite deputations that had given views on the Amendment Regulation to provide further submissions on the Administration's latest proposal for consideration of all Legislative Council (LegCo) Members.

Report to the House Committee

Clerk

12. Members further agreed that, despite members' diverse views on the Administration's latest proposal to exempt food products with nutrition claims under the small volume exemption scheme, the Amendment Regulation should not be repealed. The Subcommittee would submit a written report on its

Action

discussions held so far to the House Committee (HC) on 16 May 2008, and further report to HC after it had completed scrutiny of the Amendment Regulation next week.

II. Any other business

Date of next meeting

13. Members further agreed that the Subcommittee would hold another meeting on 19 May 2008 at 1:00 pm.

14. There being no other business, the meeting ended at 1:00 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, 13 May 2008, at 10:45 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 000630	Chairman Admin	The Administration's presentation of its latest proposal to exempt food products with nutrition claims that had a low annual sales volume (i.e. with an annual sales volume not exceeding 30 000 units).	
000631 - 002614	Dr KWOK Ka-ki Admin Chairman ALA3 Mr Fred LI Mrs Selina CHOW Mr Tommy CHEUNG	Dr KWOK Ka-ki's and Mr Fred LI's expression of objection to grant further exemption to food products with nutrition claims under the small volume exemption scheme. Dr KWOK's request for the legal adviser to the Subcommittee to advise on whether there were any legislation under which a grant of exemption was based on the number of specified items. Mrs Selina CHOW's and Mr Tommy CHEUNG's expression of support for the Administration's latest proposal.	ALA3 to provide response (para. 8 of the minutes)
002615 - 003203	Mr Vincent FANG Chairman	Mr Vincent FANG's expression of trade's support for the Administration's proposal and his view that the Administration should step up its efforts in promotion and public education of nutrition labelling scheme.	
003204 - 003730	Ms Emily LAU Admin Chairman	Ms Emily LAU's concern that the Administration's proposal would open up a very large loophole in the Amendment Regulation.	
003731 - 005059	Ms Audrey EU Chairman Admin Mr Vincent FANG Mr Tommy CHEUNG Mr James TIEN	Ms Audrey EU's question about the implementation of the labelling of warning labels on food products with nutrition claims, in particular the requirements for warning labels (e.g. size and language of wordings). Mr James TIEN's view that the proposal could strike a balance between maintaining consumers' right to know and ensuring sufficient food choices.	
005060 - 005817	Mr WONG Ting- kwong Admin Chairman	The Administration's response to Mr WONG Ting-kwong's concern about the difficulties of SMEs in complying with the nutrition labelling requirements.	

Time marker	Speaker	Subject	Action required
005818 - 010545	Mr WONG Kwok-hing Chairman Admin	Mr WONG Kwok-hing's expression of dissatisfaction at the Administration's proposal. Undertaking of the Administration to provide a paper giving details of the implementation of its proposal.	Admin's undertaking to provide a paper on its latest proposal (para. 7 of the minutes)
010546 - 011051	Mr Fred LI Admin	Mr Fred LI's view that the small volume exemption scheme was already a compromise to address the food trade's concerns over the nutrition labelling scheme.	
011052 - 011831	Mr Tommy CHEUNG Admin	Mr Tommy CHEUNG's questions as to whether the Administration would accept food products that had complied with the labelling requirements of other jurisdictions in respect of the labelling of the content of trans fat on the nutrition facts panel; and whether the trade would be required to put a generic label of "exempted products" on the products without nutrition claims under the small volume exemption scheme. The Administration's presentation of its paper on further amendments to be proposed to the Amendment Regulation [LC Paper CB(2)1902/07-08(01)].	
011832 - 012332	Ms Emily LAU Admin	Ms Emily LAU's suggestion that deputations should be invited to give views on the Administration's latest proposal.	
012333 - 013204	Mr Alan LEONG Admin	Mr Alan LEONG's expression of reservation about the Administration's latest proposal and his view that the proposal would create a big loophole in the Amendment Regulation	
013205 - 014019	Mr Vincent FANG Admin Chairman	On Mr Vincent FANG's question, the Administration's response that proper nutrition labelling labels should be affixed on food products put on shelves for sale when the Regulation became effective on 1 July 2010.	
014020 - 015258	Chairman Admin Mr WONG Kwok-hing Mr Tommy CHEUNG Ms Emily LAU Mrs Selina CHOW Mr TAM Yiu-chung Mr Fred LI	Members' agreement that the Amendment Regulation should not be repealed. At the suggestion of Mr Fred LI, members' agreement to invite deputations that had given views on the Amendment Regulation to provide further submissions in writing on the Administration's latest proposal for consideration of all LegCo Members.	Clerk to follow up (para. 11 of the minutes)

Time marker	Speaker	Subject	Action required
015259 - 020550	Chairman Ms Emily LAU Mr Tommy CHEUNG Mrs Selina CHOW Admin Clerk Mr Fred LI Mr TAM Yiu-chung	Members' agreement to submit a written report on the discussions held so far and to further report to HC upon completion of the scrutiny work. Members' further agreement to hold another meeting on 19 May 2008 at 1:00 pm.	Clerk to follow up (para. 12 of the minutes)
020551 - 021214	Mr Tommy CHEUNG Mr Fred LI Chairman Admin Mrs Selina CHOW	Discussion on LC Paper CB(2)1907/07-08(03) At the request of Mrs Selina CHOW, the Administration's undertaking to provide a paper on its proposal to give further flexibility for labelling the content of trans fat on nutrition facts panel.	Admin to provide paper (para. 10 of the minutes)
021215 - 021230	Chairman	Date of next meeting	

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17 September 2008