

立法會
Legislative Council

LC Paper No. CB(2)2786/07-08
(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, 19 May 2008, at 1:00 pm
in the Chamber of the Legislative Council Building

- Members present** :
- Hon Bernard CHAN, GBS, JP (Chairman)
 - Hon Fred LI Wah-ming, JP
 - Hon WONG Yung-kan, 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 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
 - Hon WONG Ting-kwong, BBS
- Members absent** :
- Hon James TIEN Pei-chun, GBS, 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 Howard YOUNG, SBS, JP
 - Hon Abraham SHEK Lai-him, SBS, JP
 - Hon Audrey EU Yuet-mee, SC, 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-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
- 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

Action

- I. Meeting with the Administration**
[LC Paper Nos. CB(2)1902/07-08(01)-(03), CB(2)1965/07-08 and CB(2)1970/07-08(01)-(02)]
[L.N. 69 of 2008]
[File Ref : FH CR 1/1886/05]
- The Subcommittee deliberated (index of proceedings attached at **Annex**).
2. Members noted that, under the Administration's revised proposal for the labelling of the content of trans fat on the nutrition facts panel of a food product,

Action

food traders might comply with the labelling requirements of jurisdictions outside Hong Kong which required the marking and labelling of trans fat. Members also noted that, to give effect to this change, amendments would need to be made to section 1 of Part 1 of the new Schedule 5 to the Food and Drugs (Composition and Labelling) Regulations (the Principal Regulations) and the draft amendment was set out in the Administration's paper [LC Paper No. CB(2)1970/07-08(02)].

3. The Administration explained that the revised proposal was made in response to members' concerns about the difference in the requirements in the labelling of the content of trans fat in the nutrition facts panel between Hong Kong and other jurisdictions and taking into account that there was currently no Codex standard for "trans fat free" claim and no international standard on the labelling of trans fat. The Administration stressed that the revised proposal was confined to the labelling of the content of trans fat on the nutrition facts panel. The standard for making a trans fat free claim remained the same as set out in the new Schedule 8 to the Principal Regulations (i.e. 0.3 g per 100 g of food and met the condition for low saturated fat claim).

Admin

4. In response to Mr Tommy CHEUNG's enquiry, the Administration advised that, apart from the United States, Canada, Malaysia and Taiwan, other jurisdictions that also had legislation regulating the trans fat level included Argentina, Brazil, Israel and Uruguay. Mr CHEUNG suggested that the Administration should update the food trade on the countries that had put in place nutrition labelling requirements on trans fat whenever such information was available.

5. In response to Mr Alan LEONG's enquiries about the warning labels for the exempted food products under the small volume exemption scheme, the Administration confirmed that all prepackaged food (unless exempted) had to bear the required information as prescribed in the law, including information on ingredients, additives, allergen, use by date (or best before date), etc, for consumers' information. Such information, together with the nutrition information (or the warning label for exempted products), could be included in one single label, separate labels, or printed on the food container/packaging. The warning label, however, must in any case follow the design, form and size specified by the Authority in the conditions imposed upon the grant of exemption, including the font size of the text of the label, demarcation line, etc. The Administration further confirmed that section 61 of Public Health and Municipal Services Ordinance (Cap. 132) regarding false labelling would continue to apply to these exempted food products.

Admin

6. In response to Mr TAM Yiu-chung's enquiry, the Administration said that it would consider the suggestion of the Hong Kong Retail Management Association on the Chinese wordings of the warning label.

Action
Admin

7. At the request of Ms Emily LAU, the Administration undertook to provide a written response to the views raised by deputations in their further submissions on the Administration's proposals to grant exemption to prepackaged food products with nutrition claims that had a low sales volume (i.e. with annual sales volume not exceeding 30 000 units) and 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 response to the views raised by deputations in their further submissions on the Administration's latest proposals was issued to members vide LC Paper No. CB(2)2033/07-08(01) on 22 May 2008.)

Members' views on the Administration's proposals

8. Mr Vincent FANG and Mr TAM Yiu-chung expressed the view of the Liberal Party (LP) and the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) that, while the implementation details of the mandatory nutrition labelling scheme were not satisfactory, both LP and DAB found that the Administration's proposals on the "Small volume exemption for food products with nutrition claims" and the "Labelling of trans fat on nutrition labels" acceptable as they could strike a reasonable balance of the interests of the food trade and the public.

9. Mr Fred LI, however, reiterated his disagreement to any further relaxation of the "trans fat free" claim and to the suggestion of accepting the standard of the United States (the US) of no more than 0.5g of trans fat per serving for zero trans fat. Mr LI indicated that he would move a resolution to retain the mandatory nutrition labelling scheme originally put forward by the Administration and to incorporate the amendments to be introduced by the Administration only to improve the legal and drafting aspects of the Amendment Regulation.

10. On the duration of the grace period, Mr Vincent FANG informed members that he would propose to defer the commencement date of the Amendment Regulation to 1 July 2011. He also indicated that he would consider proposing amendments to reduce the registration fees for new applications and renewal of exemption for prepackaged food products under the small volume exemption scheme from \$345 and \$335 to \$80 and \$50 respectively.

Clerk

11. The Chairman concluded that the Subcommittee had completed scrutiny of the Amendment Regulation and would report its deliberations on the Amendment Regulation to the House Committee. Members agreed.

Action

II. Any other business

12. There being no other business, the meeting ended at 2:25 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, 19 May 2008, at 1:00 pm
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 000922	Chairman Admin	Presentation of Administration's paper [LC Paper No. CB(2)1970/07-08(01)]	
000923 - 001553	Mr WONG Kwok-hing Admin	Mr WONG Kwok-hing's concern that the Administration's proposal of affixing warning labels on exempted food products with nutrition content claims that had a low annual sales volume (i.e. with annual sales volume not exceeding 30 000 units) could not protect the interest of consumers effectively. His suggestion that the Administration should consider putting a warning symbol on the label to facilitate consumers' easy understanding.	
001554 - 001913	Chairman Admin	Presentation of Administration's papers [LC Paper No. CB(2)1902/07-08(03) and CB(2)1970/07-08(02)]	
001914 - 002212	Mr Vincent FANG	Mr Vincent FANG's expression of LP's support for the Administration's proposed amendments and resolutions.	
002213 - 002916	Mr Fred LI Chairman Admin	Mr Fred LI's view that exemption number assigned by the Authority should be marked clearly on the warning labels. Mr LI's indication that he would move a resolution to retain the mandatory nutrition labelling scheme originally put forward by the Administration and to incorporate the amendments to be introduced by the Administration only to improve the legal and drafting aspects of the Amendment Regulation.	
002917 - 003209	Mr TAM Yiu-chung Admin	Mr TAM Yiu-chung's expression of the DAB's support for the proposals. The Administration's agreement to consider the suggestion of the Hong Kong Retail Management Association on the Chinese wordings of the warning label.	Admin to follow up (para. 6 of the minutes)
003210 - 004156	Mr Alan LEONG Admin	Mr Alan LEONG's question about the legal responsibility of the various parties concerned in the display of exempted prepackaged food products for sale at retail outlets.	

Time marker	Speaker	Subject	Action required
004157 - 004643	Ms Emily LAU Admin Chairman	Ms Emily LAU's criticism about the Administration's way of using negative vetting procedure for introducing the Amendment Regulation and her request for the Administration to provide its response to the views expressed in the further written submissions on the Administration's proposals.	Admin to provide response (para. 7 of the minutes)
004644 - 005316	Mr WONG Ting-kwong Admin Mr Fred LI	Discussion on Mr WONG Ting-kwong's concern over the impact of the nutrition labelling requirements on small and medium sized enterprises, in particular small family businesses.	
005317 - 005939	Mr Tommy CHEUNG Admin Chairman	The Administration's response to Mr Tommy CHEUNG's question about the countries which had legislation regulating trans fat level. Mr Tommy CHEUNG's suggestion that the Administration should update the food trade on the countries that had put in place nutrition labelling requirements on trans fat whenever such information was available.	Admin to note (para. 4 of the minutes)
005940 - 010554	Dr Joseph LEE Admin	In response to Dr Joseph LEE's queries about the proposal to exempt food products with nutrition claims under the small volume exemption scheme, the Administration's reiteration that the proposal was made in response to the various views and concerns expressed by Subcommittee members and some members of the public and also to address the needs of the minority sectors of the community. The Administration's advice that the 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 and that a review on the operation of the proposed warning label arrangement for the small volume exemption products with claims would be made in one year's time after the implementation of the nutrition labelling scheme.	
010555 - 011054	Mr WONG Yung-kan Admin	Mr WONG Yung-kan's suggestion that the exemption number should also be marked on the warning labels.	
011055 - 011301	Chairman Mr Fred LI	Mr Fred LI's reiteration that "trans fat free" claim was not allowed under the US legislation and his enquiry as to whether the colour of the warning labels would be prescribed.	

Time marker	Speaker	Subject	Action required
011302 - 011540	Mr Alan LEONG	Mr LEONG's enquiries as to whether the food trade would be required to put separate labels on the food products, and whether section 61 of the Public Health and Municipal Services Ordinance (Cap. 132) regarding false labelling would apply to the exempted food products.	
011541 - 011739	Mr Vincent FANG	Mr Vincent FANG's advice that he would propose amendment to defer the commencement date of the Amendment Regulation to 1 July 2011. His indication that he would also consider proposing amendment to reduce the fees prescribed under the small volume exemption scheme.	
011740 - 011909	Mr Tommy CHEUNG	Mr Tommy CHEUNG's request for the Administration to explain the standard for making a "trans fat free" claim as referred to in paragraph 7 of its paper entitled "Labelling of trans fat on nutrition labels". [LC Paper No. CB(2)1970/07-08(02)]	
011910 - 011949	Ms Emily LAU	Ms Emily LAU's view on the length of the grace period.	
011950 - 012525	Chairman Admin Mr Tommy CHEUNG	The Administration's responses to members' views and suggestions. Concluding remarks by the Chairman.	The Clerk to follow up (para. 11 of the minutes)

Council Business Division 2
Legislative Council Secretariat
 17 September 2008