

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1645/07-08(05)

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**Subcommittee on Food and Drugs (Composition and Labelling)**  
**(Amendment: Requirements for Nutrition Labelling and Nutrition Claim)**  
**Regulation 2008**

**Background Brief prepared by Legislative Council Secretariat**

**Purpose**

This paper provides a summary of the issues and concerns raised by the Panel on Food Safety and Environmental Hygiene (the Panel) on the Administration's proposal to introduce a mandatory nutrition labelling scheme for prepackaged food.

**Background**

2. The existing legislation in Hong Kong does not provide for any specification on nutrition information on food labels. At present, the formats of nutrition information presented on the labels of prepackaged food available in the local market are not consistent.

3. In March 2003, the Administration briefed the Panel on its proposal on nutrition labelling. A public consultation paper on the proposed scheme was published in November 2003. Under the Administration's proposal, the mandatory labelling scheme on nutrition information would be implemented in two phases. In Phase I, food suppliers who chose on a voluntary basis to carry nutrient-related claims and other nutrition information on their prepackaged food would be required to list out the contents of energy plus nine core nutrients (i.e. protein, carbohydrates, total fat, saturated fat, cholesterol, sugars, sodium, dietary fibre and calcium). Other nutrition information might be listed on the labels voluntarily, but the amounts of any such nutrients listed must be declared. A two-year grace period would be allowed for the implementation of Phase I. In Phase II, the statutory requirements would be extended to all prepackaged food regardless of whether they carried nutrient-related claims or not. Implementation of Phase II would take place three years after the implementation of Phase I. The Panel met with representatives of the food trade, the medical sector and consumers/patients

groups on 29 April 2003 and 2 February 2004 to gauge their views on the proposal. The Administration subsequently engaged a consultant to conduct a Regulatory Impact Assessment (the RIA) to study the various options for implementing nutrition labelling in Hong Kong.

4. On 15 April 2005, the Administration briefed the Panel on the results of the public consultation exercise and the RIA, together with a revised proposal for nutrition labelling. Under the revised proposal, the nutrition labelling scheme would still be implemented in two phases. In Phase I, prepackaged food with nutrient-related claims would need to label energy plus five core nutrients (i.e. protein, carbohydrates, total fat, saturated fat and sodium) on their packages, as well as any nutrient for which a claim was made. Food products that carried nutrition information but without such claim would be excluded from Phase I. There would be a two-year grace period before the implementation of Phase I. In Phase II, mandatory nutrition labelling would be implemented, and all prepackaged food, except those exempted, would have to label energy plus nine core nutrients (i.e. protein, carbohydrates, total fat, saturated fat, cholesterol, sugars, sodium, dietary fibre and calcium), as well as any nutrient for which a claim was made. Phase II would be implemented two years after the implementation of Phase I. The Panel had also gauged the views of the food trade and organizations concerned on the revised proposal.

5. For the deliberations of the Panel on the Administration's original and revised proposals, members may wish to refer to paragraphs 7 to 12 below.

6. On 11 December 2007, the Panel was briefed on the Administration's legislative proposal to introduce the mandatory nutrition labelling scheme for prepackaged food. While members in general were supportive of the introduction of the scheme, they raised various issues relating to the implementation of the proposed scheme with the Administration. The Panel's discussion of these issues are set out in paragraphs 13 to 17 below.

### **Deliberations of the Panel on the Administration's original and revised proposals on nutrition labelling**

7. When the Panel discussed the Administration's original proposal in 2003, members noted that most deputations from the food trade requested a longer grace period for the implementation of Phase I (voluntary nutrition labelling) and considered the proposed requirement of labelling energy and nine core nutrients in Phase II (mandatory nutrition labelling) too stringent. Some of these deputations preferred a voluntary labelling scheme, and did not consider it necessary to implement Phase II.

8. When discussing the Administration's revised proposal in 2005, members noted that the majority of submissions received during the public consultation exercise were in support of the proposed labelling scheme on food nutrition and the results of the RIA also showed that there would be net economic benefits to Hong Kong in implementing the proposed nutrition

labelling scheme. Most members considered it unnecessary to adopt a two-phased approach for full implementation of nutrition labelling scheme. Some members considered that delaying the implementation of the "energy plus nine core nutrients" labelling requirements to Phase II was undesirable and contrary to the interest of consumers. They urged the Administration to adopt a one-step approach to require the labelling of energy and nine core nutrients, subject to a grace period of two or three years.

9. Most deputations from the food trade, however, considered the Phase II requirements too stringent, as other countries such as Australia and Japan only required the labelling of five to seven core nutrients. Some of these deputations had expressed the view that Hong Kong should accept the source countries' food labels if such countries had put in place nutrition labelling requirements, so that the manufacturers/importers would not need to re-package and re-label the food exporting to Hong Kong.

10. The Administration had explained that it was both an international practice and the requirement of current food labelling regulations to require food manufacturers or importers to label their food in compliance with the labelling legislation of the importing countries/places. To enact legislation to adopt or accept overseas nutrition information standards would give rise to enforcement difficulties.

11. On the enforcement of the nutrition labelling scheme, some deputations from the food trade requested the inclusion of specific defence for breaching nutrition labelling requirements. The Administration's view was that the current defences available under the Public Health and Municipal Services Ordinance (Cap. 132) already provided adequate and appropriate protection for the local trade. The Administration explained that the labelling of nutrition information was entirely different from the labelling of allergenic substances. While allergenic substances might be introduced to the food inadvertently during the manufacturing process, manufacturers should know the ingredients present in their products and thus, their nutrient contents.

12. Some members including Mr Tommy CHEUNG and Mr Vincent FANG pointed out that it would be easier for the food trade to support implementation of the labelling scheme if it followed largely the one adopted on the Mainland which was a much larger market than Hong Kong. On the implementation timetable of the nutrition labelling scheme, the Administration advised the Panel that, if there was a general support from the community to implement the scheme in one go, the Administration had no objection to its full implementation in one sweep.

### **The Administration's legislative proposal**

13. On 11 December 2007, the Administration informed the Panel of its proposal to introduce the mandatory nutrition labelling scheme for prepackaged food in Hong Kong. Under the Administration's proposed scheme, all

prepackaged food is required to label energy plus seven core nutrients, namely protein, carbohydrates, total fat, saturated fat, trans fat, sodium and sugars on their food labels, as well as any nutrient for which a claim is made. When a claim is made on the amount of cholesterol or the amount and/or type of fat, then the amount of cholesterol should also be declared.

14. While members in general were supportive of the introduction of the nutrition labelling scheme, they raised various issues relating to its implementation with the Administration. On labelling of core nutrients, some members including Dr Joseph LEE and Dr KWOK Ka-ki welcomed the inclusion of trans fat in the proposed scheme, but were disappointed that cholesterol, calcium and dietary fibre would not be included. The Administration explained that, while the adverse health effect of trans fat had been internationally recognized, only the United States and Canada required the labelling of cholesterol in food. In addition, cholesterol was not on the agenda for nutrition labelling of the Codex Alimentarius Commission.

15. Some members welcomed the Administration's proposal of allowing the labelling of energy in either kilocalorie or kilojoule format, and the labelling of nutrients in either per 100 g/ml or per serving format. Some other members including Mr Fred LI and Mr Alan LEONG, however, considered that imposing the requirement to label nutrients in both per 100g/ml and per serving formats would facilitate the public in making a food choice and make it easier for consumers to understand the nutrition information. The Administration explained that there was no standard format for expression of energy and nutrient value in food labels among different jurisdictions. To minimize impact on food choice, it was considered appropriate to allow some flexibility in the labelling format.

16. While some members considered that the proposed two-year grace period should be reduced to one year or six months, some other members including Mr Tommy CHEUNG and Mr Vincent FANG expressed concern that the food trade might have difficulties to comply with the labelling requirements. The Administration explained that the proposed two-year grace period would allow the trade to have sufficient time to liaise with their trading partners and prepare for re-labelling of their products if necessary. The Administration also undertook to issue guidelines for reference of the food trade when the relevant Amendment Regulation came into operation.

17. On the Administration's proposal for implementing a small volume exemption for food products, members had expressed different views. While some members were supportive of the proposed scheme, some other members, however, considered that the proposed 30 000 units of annual sales volume for import exemption was too lax. They also queried whether it was feasible to monitor the annual sales volume and implement the exemption scheme. The Administration advised that the food trade had proposed an annual sales volume of 70 000 units which would cover about 90% of small-volume imported food products. The proposed limit of 30 000 units was considered appropriate. The Administration explained that small volume exemption

would be subject to approval by the Director of Food and Environmental Hygiene under a pre-registration system. The food traders would have to report to the Food and Environmental Hygiene Department the sales volume of the food items on a monthly basis. Once the sales volume had exceeded the limit of 30 000 units per year, all food products currently being put on the market would have to be labelled in strict accordance with the legal requirements.

18. After the announcement of the Administration's legislative proposal of a "one plus seven" mandatory nutrition labelling scheme, the Panel had received written views from the medical sector, the food trade, the Consumer Council and the Retail Task Force of the Business Facilitation Advisory Committee. Both the Consumer Council and the medical sector expressed support of the Administration's original proposal for a mandatory labelling of energy plus nine core nutrients. They also considered that the labelling format for the nutrient content should be standardized and expressed in per 100g/ml of food. The food trade associations, however, urged the Administration to extend the small volume exemption to products that make nutrition claims and to extend the proposed grace period from two to three years.

### **Relevant papers**

19. A list of relevant documents and relevant motions/questions moved/raised at Council meetings is in the **Appendix** for members' easy reference. The relevant documents and Council questions are available on the Council's website at <http://www.legco.gov.hk/english/index.htm>.

Council Business Division 2  
Legislative Council Secretariat  
17 April 2008

## Relevant Documents/Motions/Questions

<u>Meeting</u>	<u>Meeting Date</u>	<u>Documents/Motions/Questions</u>
Legislative Council	5 November 2003	Motion on "Regulating health foods" moved by Hon WONG Yung-kan
	17 December 2003	Motion on "Labelling scheme on nutrition information" moved by Hon Fred LI
	8 June 2005	Motion on "Labelling Scheme on Nutrition Information for prepackaged food" moved by Dr Hon Joseph LEE
	31 January 2007	Oral question on "Health risk of food containing artificial trans fats" raised by Hon Albert Jinghan CHENG
	14 March 2007	Motion on "Legislating against the use of artificial trans fats in food production" moved by Hon Albert Jinghan CHENG
Panel on Food Safety and Environmental Hygiene	20 March 2003	Administration's paper – Paragraphs 2-3 & 6-9 of LC Paper No. CB(2) 1511/02-03(04)  Minutes of meeting LC Paper No. CB(2) 1835/02-03
	29 April 2003	Summary of views of deputations – LC Paper No. CB(2) 2521/02-03(01)  Minutes of meeting LC Paper No. CB(2) 2169/02-03
	25 November 2003	Consultation paper on labelling scheme on nutrition information  Administration's paper - Paper No. CB(2) 407/03-04(03)  Minutes of meeting LC Paper No. CB(2) 888/03-04

	2 February 2004	Minutes of meeting LC Paper No. CB(2) 1989/03-04
	15 April 2005	Administration's paper - Paper No. CB(2) 1230/04-05(05)  Background brief prepared by LegCo Secretariat - Paper No. CB(2) 1263/04-05(01)  Minutes of meeting LC Paper No. CB(2) 1474/04-05
	10 May 2005	Mainland's consultation document on food nutrition labelling requirements - Paper No. CB(2) 1449/04-05(01)  Summary of views and suggestions expressed/made by deputations on the proposed labelling scheme on food nutrition at the meeting - Paper No. CB(2) 1794/04-05(01)
	14 June 2005	Administration's paper - Paper No. CB(2) 1860/04-05(06)  Background brief prepared by LegCo Secretariat - Paper No. CB(2) 1860/04-05(07)  Minutes of meeting LC Paper No. CB(2) 2563/04-05
	12 October 2007 (Policy Briefing)	Administration's paper - Paper No. CB(2) 53/07-08(01)  Minutes of meeting LC Paper No. CB(2)514/07-08
	11 December 2007	Administration's paper - Paper No. CB(2) 516/07-08(03)  Background brief prepared by LegCo Secretariat - Paper No. CB(2) 516/07-08(04)

		<p>Minutes of meeting LC Paper No. CB(2)873/07-08</p> <p>An email dated 10 December 2007 from the Consumer Council on the Administration's proposed nutrition labelling scheme LC Paper No. CB(2)601/07-08(01)</p> <p>An email dated 11 December 2007 from the Hong Kong Medical Association on the nutrition labelling scheme LC Paper No. CB(2)601/07-08(02)</p>
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