

FOOD AND DRUGS (COMPOSITION AND LABELLING) (AMENDMENT: REQUIREMENTS FOR NUTRITION LABELLING AND NUTRITION CLAIM) REGULATION 2008

Proposed Amendments

1. This paper sets out the proposed amendments to the Food and Drugs (Composition and Labelling) (Amendment: Requirements for Nutrition Labelling and Nutrition Claim) Regulation 2008 (Amendment Regulation).

Section 5 of Amendment Regulation

2. For the sake of consistency, we propose to amend the Chinese text of regulation 5(3) of the Food and Drugs (Composition and Labelling) Regulations (Cap. 132W), the principal Regulations, by substituting “遵照上述規定” for “依照上述方式”. This is only a textual amendment and no amendment is needed for the English text.

New section 4(3) of Part 1 of Schedule 5

3. To enhance the clarity of the new section 4(3) of Part 1 of Schedule 5, we propose to amend that section by substituting “this Part” for “this Schedule”. This is a technical amendment.

New section 1 of Part 2 of Schedule 6

4. Having considered Members’ views as well as the Assistant Legal Advisor’s comment on the new section 1 of Part 2 of Schedule 6, we propose to add a new subsection (1A) to section 1 of Part 2 of Schedule 6. In determining whether certain prepackaged foods are of the same version for the purpose of small volume exemption, regard shall be had to all relevant matters including –

- (a) the ingredient of the foods;

- (b) the volume, weight and packing size of the foods;
- (c) the flavour of the foods;
- (d) the manufacturer and packer of the foods; and
- (e) the container of the foods.

New section 1(4) and section 2 of Part 2 of Schedule 6

5. Having discussed with the Assistant Legal Advisor, we propose to amend the new section 1 of Part 2 of Schedule 6 (regarding the small volume exemption scheme). We propose that when a new exemption is granted for small volume products, the Authority may impose such conditions as the Authority thinks fit. The Authority may in respect of a renewed exemption for small volume products impose any condition in addition to or instead of any condition previously imposed during the initial exemption.

Draft Resolution

6. The draft Resolution which sets out the proposed amendments are attached.

Food and Health Bureau
May 2008

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

RESOLUTION OF THE LEGISLATIVE COUNCIL

FOOD AND DRUGS (COMPOSITION AND LABELLING)
(AMENDMENT: REQUIREMENTS FOR NUTRITION
LABELLING AND NUTRITION CLAIM)
REGULATION 2008

Resolution made and passed by the Legislative Council under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) on May 2008.

RESOLVED that the Food and Drugs (Composition and Labelling) (Amendment: Requirements for Nutrition Labelling and Nutrition Claim) Regulation 2008, published in the Gazette as Legal Notice No. 69 of 2008 and laid on the table of the Legislative Council on 9 April 2008, be amended -

(a) in section 5, by adding -

“(6A) Regulation 5(3) is amended, in the Chinese text, by repealing “依照上述方式” and substituting “遵照上述規定”.”;

- (b) in section 10, in the new section 4(3) of Part 1 of Schedule 5, by repealing "Schedule" and substituting "Part";
- (c) in section 10, in the new section 1 of Part 2 of Schedule 6, by adding -
 - "(1A) In determining whether certain prepackaged foods are of the same version for the purposes of subsection(1), regard shall be had to all relevant matters including -
 - (a) the ingredient of the foods;
 - (b) the volume, weight and packing size of the foods;
 - (c) the flavour of the foods;
 - (d) the manufacturer and packer of the foods; and
 - (e) the container of the foods.";
- (d) in section 10, by repealing the new section 1(4) of Part 2 of Schedule 6 and substituting -
 - "(4) When an exemption is granted under subsection (1), the Authority may impose such conditions as the Authority thinks fit.";
- (e) in section 10, in the new section 2 of Part 2 of Schedule 6, by adding -
 - "(3A) The Authority may in respect of a renewed exemption impose any condition in addition to or instead of any condition previously imposed under section 1(4).";

- (f) in section 10, in the new section 3(1)(a) of Part 2 of Schedule 6, by adding "or 2(3A)" after "section 1(4)";
- (g) in section 10, in the new section 3(2) of Part 2 of Schedule 6, by adding "or 2(3A)" after "section 1(4)";
- (h) in section 10, in the new section 3(3)(a) of Part 2 of Schedule 6, by adding "or 2(3A)" after "section 1(4)".

Clerk to the Legislative Council

May 2008