

**立法會**  
**Legislative Council**

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Tel : 2869 9205

Date : 20 November 2008

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

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**Council meeting of 26 November 2008**

**Proposed resolution under section 34(2) of the  
Interpretation and General Clauses Ordinance**

I forward for Members' consideration a proposed resolution which the Secretary for Food and Health will move at the Council meeting of 26 November 2008 under section 34(2) of the Interpretation and General Clauses Ordinance relating to the Harmful Substances in Food (Amendment) Regulation 2008. The President has directed that "it be printed in the terms in which it was handed in" on the Agenda of the Council.

2. The speech, in both English and Chinese versions, which the Secretary for Food and Health will deliver when moving the proposed resolution, is also attached.

( Mrs Justina LAM )  
for Clerk to the Legislative Council

Encl.

INTERPRETATION AND GENERAL CLAUSES  
ORDINANCE

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**RESOLUTION**

(Under section 34(2) of the Interpretation and General Clauses  
Ordinance (Cap. 1))

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HARMFUL SUBSTANCES IN FOOD (AMENDMENT)  
REGULATION 2008

RESOLVED that the Harmful Substances in Food (Amendment) Regulation 2008, published in the Gazette as Legal Notice No. 215 of 2008 and laid on the table of the Legislative Council on 8 October 2008, be amended by adding –

**“2. Interpretation**

Regulation 2 is amended by adding –

““milk” (奶類) means cows milk, buffaloes milk and goats milk, and includes cream, separated milk and milk beverage, but does not include dried milk, condensed milk or reconstituted milk;

“milk beverage” (奶類飲品) means any beverage resulting from combining liquid milk fat with other solids derived from milk,

whether exclusive of any food additive or otherwise;”.”.

**Speech by the Secretary for Food and Health on his Amendments to  
the Harmful Substances in Food (Amendment) Regulation 2008  
at the Legislative Council meeting on 26 November 2008 (Wednesday)**

Mr President,

I move that the Resolution under my name be passed to amend the Harmful Substances in Food (Amendment) Regulation 2008 (“Amendment Regulation”) to include definitions for the terms “milk” and “milk beverage” in the Harmful Substances in Food Regulations (Cap. 132AF). The details have been set out in the Agenda circulated to Members.

The Harmful Substances in Food Regulations (Cap. 132AF) govern, among other things, the presence of harmful substances in food imported to and sold in Hong Kong. To ensure food safety and protect public health, since the detection of melamine in dairy products, the Government has proceeded immediately to make the Amendment Regulation for the purpose of amending Cap. 132AF to prohibit inappropriate level of melamine in food.

The Harmful Substances in Food (Amendment) Regulation 2008 was gazetted on 23 September 2008 and came into effect on the same date. The Amendment Regulation was tabled at the Legislative Council on 8 October 2008.

The standard set for melamine in food intended to be consumed principally by children under the age of 36 months, pregnant and lactating women is a maximum concentration of 1 milligram per kilogram of the food (1 ppm). The standard for any other food is 2.5 milligrams per kilogram of the food (2.5 ppm).

In relation to milk, it has always been our policy intention that all liquid milk and milk beverage should comply with the 1mg/kg requirement. This includes liquid

milk in bottles, paper-boxes and plastic-boxes, etc which are commonly available in the market. It also includes those products which are made from milk solids (e.g. high-cal low-fat milk) and milk with other ingredients, like flavourings, added (e.g. chocolate-flavoured milk). All these liquid milk products should comply with the 1mg/kg requirement.

At the briefing session to introduce the requirements on melamine to the trade, we have clearly explained the coverage of the Regulation, in particular the legal limit of melamine in milk and milk beverage, which is set at 1mg/kg of the food.

To ensure that the public and the trade would have a clear understanding of the requirements in the legislation and to facilitate compliance by the trade, we propose to amend the Harmful Substances in Food Regulations to include definitions for “milk” and “milk beverage”, to ensure that “milk” covers all “milk beverage”. The new definitions would apply to all harmful substances listed in Cap. 132AF.

The Legislative Council Subcommittee on the Amendment Regulation has no objection to the amendments. I hope Members would give their support to the Resolution.

Thank you, Mr President.