

LEGISLATIVE COUNCIL BRIEF

Sweeteners in Food Regulations (Cap.132U)

SWEETENERS IN FOOD (AMENDMENT) REGULATION 2010

INTRODUCTION

1. On 6 May 2010, the Secretary for Food and Health, in exercise of the power under section 55 of the Public Health and Municipal Services Ordinance (Cap.132), made the Sweeteners in Food (Amendment) Regulation 2010 (“the Amendment Regulation”) at Annex.

JUSTIFICATIONS

Background

2. Sweeteners are food additives which are in general on a weight basis substantially sweeter than the common natural sugars. Accordingly, they can be used at much lower concentrations in foods. Besides, sweeteners contribute little or no caloric value to the normal diet. Hence, they may assist in weight management. They may also be used to provide sweet-tasting foods and beverages for people who have to restrict carbohydrates intake, such as people with diabetes, as they do not affect insulin or glucose levels.

3. To protect public health, sweeteners have to undergo stringent evaluation by the Joint Food and Agriculture Organisation/World Health Organisation Expert Committee on Food Additives (JECFA). Sweeteners that are evaluated by JECFA and are found to be safe for use are listed in the General Standard for Food Additives (GSFA) published by the Codex Alimentarius Commission (Codex).

Sweeteners in Food Regulations

4. In Hong Kong, the use of sweeteners in food is regulated by Cap.132 and the Sweeteners in Food Regulations (Cap.132U). Cap.132U stipulates that only sweeteners specified in the Schedule to Cap.132U as “permitted sweeteners”, or food which contains such a sweetener, may be sold, consigned, delivered or imported for human consumption. At present, there are a total of eight types of sweeteners listed in the Schedule to Cap.132U, namely-

- i. acesulfame potassium;
- ii. alitame;
- iii. aspartame;
- iv. aspartame-acesulfame salt;
- v. cyclamic acid (and sodium, potassium, calcium salts);
- vi. saccharin (and sodium, potassium, calcium salts);
- vii. sucralose; and
- viii. thaumatin.

5. In order to align Cap.132U with the latest international and scientific developments, the Amendment Regulation adds (a) neotame¹ and (b) steviol glycosides² which have been determined to be safe by JECFA to the list of permitted sweeteners specified in the Schedule to Cap.132U.

Neotame

6. Neotame is a permitted food additive in various food categories under the GSFA, and is currently permitted for use in Mainland China, Australia, New Zealand, the U.S. and Canada. It will also be permitted in all European Union member states by 12 October 2010.

Steviol Glycosides

7. Steviol glycosides are permitted for use in Mainland China, Japan, Korea, Australia, New Zealand, and the U.S. Steviol glycosides have been evaluated and determined to be safe by JECFA. The Codex

¹ Neotame is a dipeptide methyl ester which is manufactured from aspartame and 3,3-dimethylbutyraldehyde in a one-step chemical synthesis. Neotame has a sweetness potency of 7 000 – 13 000 times that of sucrose.

² Steviol glycosides are natural constituents of the plant *Stevia rebaudiana* Bertoni, a member of the Compositae family. The leaves of this plant contain at least ten different glycosides, the major constituents being stevioside and rebaudioside A. Stevio glycosides are about 200-300 times sweeter than sucrose.

Committee on Food Additives is taking steps for the inclusion of the uses of steviol glycosides in the GSFA.

THE AMENDMENT REGULATION

8. The Amendment Regulation adds neotame and steviol glycosides to the Schedule to Cap.132U. Subject to negative vetting by the Legislative Council, the Amendment Regulation will come into operation on 1 August 2010.

LEGISLATIVE TIMETABLE

9. The legislative timetable is as follows –

Publication in the Gazette	20 May 2010
Tabling at LegCo	26 May 2010

IMPLICATIONS OF THE PROPOSAL

10. The Amendment Regulation is in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the binding effect of the principal Ordinance. Additional staffing and funding requirements, if any, arising from the implementation of the proposal will be absorbed from within the existing manpower and financial resources of the Food and Health Bureau and the Food and Environmental Hygiene Department. It has no economic, productivity, environmental and sustainability implications.

PUBLIC CONSULTATION

11. The proposal to add neotame and steviol glycosides to the list of permitted sweeteners under Cap.132U was discussed at the meeting of the Expert Committee on Food Safety³ on 13 January 2010 and was endorsed by the Expert Committee.

³ The Expert Committee on Food Safety is set up under the Centre for Food Safety and is responsible for advising the Director of Food and Environmental Hygiene on the formulation of food safety measures, review of food safety standards in light of international practices, trends and developments, as well as risk communication strategies. The Expert Committee consists of academics, professionals, food experts, members of the trade and consumer groups, and other experts.

12. The proposal was also discussed at the Trade Consultation Forum organised by the Centre for Food Safety on 22 February 2010 and was supported by trade representatives at the Forum.

13. The Legislative Council Panel on Food Safety and Environmental Hygiene was briefed on 9 March 2010 and generally supported the proposal.

PUBLICITY

14. A spokesman from Food and Health Bureau will be made available to answer media enquiries.

ENQUIRIES

15. Any enquiry on this brief can be addressed to Miss Victoria TSE, Assistant Secretary for Food and Health Bureau (Tel: 2973-8241).

Food and Health Bureau

May 2010

**SWEETENERS IN FOOD (AMENDMENT)
REGULATION 2010**

(Made by the Secretary for Food and Health under section 55(1A) of the
Public Health and Municipal Services Ordinance (Cap. 132))

1. Commencement

This Regulation comes into operation on 1 August 2010.

2. Interpretation

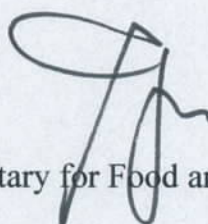
(1) Regulation 2 of the Sweeteners in Food Regulations (Cap. 132 sub. leg. U) is amended, in the English text, in the definition of “sugar”, by repealing the full stop and substituting a semicolon.

(2) Regulation 2 is amended, in the English text, in the definition of “sweetener”, by repealing the semicolon and substituting a full stop.

3. Permitted sweeteners

The Schedule is amended by adding –

- “9. Neotame
- 10. Steviol Glycosides”.


Secretary for Food and Health

6 May 2010

Explanatory Note

This Regulation –

- (a) adds 2 substances to the list of permitted sweeteners in the Schedule to the Sweeteners in Food Regulations (Cap. 132 sub. leg. U) (“principal Regulations”) so that the sale, consignment, delivery and import of those substances as sweeteners for human consumption, or of food intended for human consumption containing those substances as sweeteners, are no longer prohibited under the principal Regulations; and
- (b) rectifies a punctuation mistake in the English text of regulation 2 of the principal Regulations.