

**香港兒童權利委員會  
THE HONG KONG COMMITTEE ON CHILDREN'S RIGHTS**

**Submission to the Legislative Council**

**Panel on Food Safety and Environmental Hygiene and Panel on Health Services on  
Regulation of formula products and foods for infants and young children**

**20 November 2012**

The mission of Hong Kong Committee on Children's Rights (HKCCR) is to promote, advance and ensure the rights of the child in Hong Kong. As the Convention on the Rights of the Child (CRC) has been extended to Hong Kong in 1994, Hong Kong has the obligation to uphold the rights of the child according to the Convention.

Every child has the basic rights to survival, development, protection and participation. Ensuring each child can breastfeed upholds all these rights. Breastfeeding saves lives, provides the nutrition for the optimal growth and development of the child, protects the child from illnesses, neglect and mental health concerns, and being an infant-led means of feeding, truly participatory for the child.

Article 24 of the Convention states that the government should recognize "the right of the child to the enjoyment of the highest attainable standard of health..." There is no doubt that the use of formula milk compromises the child's chance of achieving the highest attainable standard of health putting the child at a higher risk of numerous diseases including diarrhoea, pneumonia, middle ear infection, asthma, diabetes, and obesity. In fact breastfeeding's contribution to health is more than the "absence of disease or infirmity" but is towards "complete physical, mental and social wellbeing" as defined by the World Health Organization's Constitution through the maternal infant interaction and bonding.

To enable mothers to breastfeed free from undue commercial influence to use formula milk, the United Nations Committee on the Rights of the Child in the Concluding Observations on the China's Report (including Hong Kong and Macau SARs) in 2005 stressed the importance of strengthening the implementation of the International Code of Marketing of Breastmilk Substitutes. Therefore the introduction of a Hong Kong Code to regulate the marketing and quality of formula milk and related products and foods for infants and young children is a step in the right direction and a positive point to report to the UN Committee in the coming Geneva hearing in 2013.

Our major concern is that the proposed Hong Kong Code is voluntary when even the names of manufacturers and distributors cannot be released. Therefore Hong Kong should move on quickly to implementation of the Code by legislation with appropriate penalties and transparency.

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When the concerns of different parties are being balanced, the government is reminded that with the extension of the Convention of the Rights of the Child to Hong Kong, the government has the obligation in “all actions concerning children”, to make “the best interests of the child” “a primary consideration”. There can be no denial that the protection of breastfeeding by implementing a strong and effective code of marketing of formula products and foods for infants and young children is in the best interests of each and every child.

**Hong Kong Committee on Children's Rights**

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