

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1392/14-15  
(These minutes have been seen  
by the Administration)

Ref : CB2/PL/FE

**Panel on Food Safety and Environmental Hygiene**

**Minutes of meeting**  
**held on Tuesday, 10 February 2015, at 2:00 pm**  
**in Conference Room 3 of the Legislative Council Complex**

- Members present** : Hon Tommy CHEUNG Yu-yan, SBS, JP (Chairman)  
Hon Vincent FANG Kang, SBS, JP  
Hon WONG Kwok-hing, BBS, MH  
Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN  
Hon Cyd HO Sau-lan, JP  
Hon Starry LEE Wai-king, JP  
Dr Hon LEUNG Ka-lau  
Hon WONG Kwok-kin, SBS  
Hon Alan LEONG Kah-kit, SC  
Hon Claudia MO  
Hon CHAN Chi-chuen  
Hon CHAN Han-pan, JP  
Dr Hon Kenneth CHAN Ka-lok  
Hon Alice MAK Mei-kuen, JP  
Dr Hon KWOK Ka-ki  
Dr Hon Helena WONG Pik-wan  
Dr Hon CHIANG Lai-wan, JP  
Hon CHUNG Kwok-pan  
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
- Members absent** : Hon Steven HO Chun-yin (Deputy Chairman)  
Hon CHAN Hak-kan, JP  
Hon CHEUNG Kwok-che  
Hon WONG Yuk-man  
Hon Michael TIEN Puk-sun, BBS, JP

**Public Officers : Item IV  
attending**

Professor Sophia CHAN Siu-chee, JP  
Under Secretary for Food and Health

Mr Jeff LEUNG Wing-yan  
Principal Assistant Secretary for Food and Health (Food) 1

Dr HO Yuk-yin, JP  
Consultant (Community Medicine) (Risk Assessment  
and Communication)  
Centre for Food Safety, Food and Environmental  
Hygiene Department

**Item V**

Professor Sophia CHAN Siu-chee, JP  
Under Secretary for Food and Health

Mr Christopher WONG Kwok-bun, JP  
Deputy Secretary for Food and Health (Food) 1

Miss Jeanne CHENG Kin-ying  
Assistant Secretary for Food and Health (Food) 1

Mr FORK Ping-lam  
Assistant Director (Operations) 3  
Food and Environmental Hygiene Department

Ms Rita YEUNG Yuk-ip  
Senior Superintendent (Licensing)  
Food and Environmental Hygiene Department

Dr Jeffrey JAI Man-ho  
Senior Veterinary Officer (Slaughterhouse (Veterinary))  
Food and Environmental Hygiene Department

Mr YIM Ka-yee  
Superintendent (Slaughterhouse)  
Food and Environmental Hygiene Department

Mrs Claudia TSANG YIM Yuen-wa  
Chief Treasury Accountant  
Food and Environmental Hygiene Department

Item VI

Professor Sophia CHAN Siu-chee, JP  
Under Secretary for Food and Health

Mr Christopher WONG Kwok-bun, JP  
Deputy Secretary for Food and Health (Food) 1

Miss Vinci CHAN  
Assistant Secretary for Food and Health (Food) 7

Mr YEUNG Chun-hoi  
Assistant Director (Grade Management and  
Development) (Acting)  
Food and Environmental Hygiene Department

Mr LAI Chun-kwong  
Senior Superintendent (Operations) 3  
Food and Environmental Hygiene Department

Mr LEUNG Yat-king  
Superintendent (Cemeteries and Crematoria)  
Food and Environmental Hygiene Department

Mrs Claudia TSANG YIM Yuen-wa  
Chief Treasury Accountant  
Food and Environmental Hygiene Department

**Attendance** : Item IV  
**by invitation**

The Lion Rock Institute

Miss AU Tsz-wun  
Intern

Liberal Party

Mr Peter SHIU  
Vice Party Chair

Hong Kong Suppliers Association Company Limited

Mr Albert TANG  
Chairman

Individual

Mr Martin OEI

Fonterra Brands (Hong Kong) Limited

Mr Henry CHENG  
Regulatory and Nutrition Manager

Hong Kong Catholic Breastfeeding Association

Ms Connie CHAN  
Vice-President (External Affairs)

Nestle Hong Kong Limited

Ms Eleanor CHAN  
Director - Legal and Corporate Affairs, Hong Kong

Mead Johnson Nutrition (Hong Kong) Limited

Dr LEE Hsiung-yung  
Director, Pediatric Nutrition Institute, China

Democratic Alliance for the Betterment and Progress of  
Hong Kong

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Mr Benny C B POON  
Deputy Spokesperson on Food Safety and Environment  
Hygiene Affair

Snow Brand Hong Kong Company Limited

Miss Virginia MO  
General Manager - Sales and Marketing

Catholic Messengers of Green Consciousness

Rev. Earl Anthony CHANG  
Chairperson

Hong Kong Infant and Young Child Nutrition Association

Mr Clarence CHUNG  
President

Wyeth (Hong Kong) Holding Company Limited

Ms Veronica SZE  
Associate Director, Public Affairs and Communications

Individual

Ms Lydia LING

FrieslandCampina (Hong Kong) Limited

Mr Arnoud van den Berg  
Managing Director

The Democratic Party

Ms Josephine CHAN Shu-ying  
Spokesperson

Abbott Laboratories Limited

Mr Andrew K C WONG  
Regulatory Affairs Manager

Against Child Abuse

Dr Jessica HO  
Director

Danone Nutricia Early Life Nutrition (Hong Kong) Limited

Miss TSE Siu-cho  
Senior Medical and Public Affairs Manager

Hong Kong Academy of Medicine / Hong Kong  
College of Obstetricians and Gynaecologists

Dr LEUNG Wing-cheong  
Senior Vice-President

Individual

Ms Eliza CHAN

Baby Friendly Hospital Initiative Hong Kong Association

Ms Patricia IP  
Vice-Chairman

Individual

Ms Vicky TSANG Pui-yu

Association of Hong Kong Nursing Staff

Mr PANG Chak-hau  
Vice-Chairman

Natural Parenting Network

Ms Sharon TSUI Ying  
Representative

The Hong Kong Committee on Children's Rights

Ms Billy WONG  
Executive Secretary

Civic Party

Miss Sunshine CHIU Sin-har  
District Developer

Department of Paediatrics, Faculty of Medicine,  
The Chinese University of Hong Kong

Mr NELSON Edmund Anthony Severn Professor

**Clerk in attendance** : Ms Alice LEUNG  
Chief Council Secretary (2) 2

**Staff in attendance** : Miss Carrie WONG  
Assistant Legal Adviser 4

Ms Wendy LO  
Senior Council Secretary (2) 2 (Acting)

Mr Richard WONG  
Council Secretary (2) 2

Miss Emma CHEUNG  
Legislative Assistant (2) 2

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**I. Confirmation of minutes**

(LC Paper No. CB(2)771/14-15)

The minutes of the meeting held on 9 December 2014 were confirmed.

**II. Information paper(s) issued since the last meeting**

(LC Paper Nos. CB(2)668/14-15(01), CB(2)709/14-15(01) and CB(2)754/14-15(01))

2. Members noted that the following papers had been issued since the last meeting -

- (a) Administration's response to Dr Helena WONG's letter dated 8 December 2014 on issues relating to the implementation of the Pesticide Residues in Food Regulation (Cap. 132CM);
- (b) Submission dated 22 January 2015 from FrieslandCampina (Hong Kong) Limited on issues relating to milk formula supply; and
- (c) Administration's response to Dr Helena WONG's letter dated 9 January 2015 regarding the food safety incidents in McDonald's Japan.

**III. Date of next meeting and items for discussion**

(LC Paper Nos. CB(2)773/14-15(01) and (02))

3. Members agreed to discuss the following items at the next regular meeting scheduled for Tuesday, 10 March 2015 at 2:30 pm -

- (a) Report on the Food Surveillance Programme for 2014;
- (b) Update on the latest development on the supply of public niches and regulation of private columbaria; and
- (c) Review on fees and charges for certain services provided by the Agriculture, Fisheries and Conservation Department.

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4. The Chairman said that some Panel members and some organizations had suggested that the Panel should consider arranging a public hearing on the Administration's consultation paper on the new agricultural policy. The Chairman suggested that the public hearing could be arranged at a meeting in May or June 2015, depending on the outstanding items for discussion on the agenda of the Panel. Members would be informed of the arrangements should a public hearing be held. Members agreed to the suggestion.

**IV. Public consultation on the proposed regulation of nutrition and health claims on formula products and prepackaged foods for infants and young children under the age of 36 months in Hong Kong**

(LC Paper Nos. CB(2)568/14-15(04) and (05))

Presentation of views by deputations/individuals

5. The Chairman reminded the deputations/individuals attending the meeting that they were not covered by the protection and immunity provided under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) when addressing the Panel. At the invitation of the Chairman, 28 deputations/individuals presented their views on the proposed regulation of nutrition and health claims on formula products (i.e. infant formula and follow-up formula) and prepackaged foods for infants and young children under the age of 36 months ("IYC foods") in Hong Kong. A summary of their views is in the **Appendix**. Members also noted that 12 written submissions from organizations/individuals not attending the meeting were received by the Panel.

Discussion

6. With the aid of power-point presentation, Under Secretary for Food and Health ("USFH") briefed members on the proposed regulatory framework on nutrition and health claims on formula products and IYC foods, as detailed in the Administration's paper (LC Paper No. CB(2)568/14-15(04)).

*(Post-meeting note: The softcopy of the power-point presentation materials was issued to members vide LC Paper No. CB(2)834/14-15(01) on 10 February 2015.)*

7. Members also noted the background brief on the subject (LC Paper No. CB(2)568/14-15(05)) prepared by the Legislative Council ("LegCo") Secretariat.

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Proposed regulatory framework on nutrition and health claims

8. Dr KWOK Ka-ki expressed strong disappointment that the proposed regulatory framework on nutrition and health claims on formula products and IYC foods did not provide sufficient protection to infants and young children. Dr KWOK pointed out that according to the Codex Alimentarius Commission ("Codex"), nutrition and health claims were not permitted for formula products and IYC foods. However, the Administration proposed that certain product-claim combinations would be allowed in Hong Kong, and sought the public's views on the different regulatory options for other product-claim combinations through the consultation document. Dr KWOK was concerned that consumers might not be able to differentiate if the claims made in formula products advertisements complied with the relevant requirements. He considered that the Administration should address the problem of marketing malpractice of the trade of making exaggerated or misleading claims in advertisements when proposing the regulatory framework.

9. USFH responded that the regulatory framework was proposed to seek public views on the regulation of claims on formula products and IYC foods through legislation to protect the health of infants and young children. The Administration understood that there were different views on this controversial subject. In coming up with the five overarching principles for the regulatory framework, the Administration had taken into account various factors, including the Codex principles, practices of other jurisdictions and opinions of the Expert Committee on Food Safety. The regulatory options for various product-claim combinations proposed in the consultation document were open for discussion. USFH emphasized that under the current proposal, any nutrition and health claims eventually allowed must still meet specific content conditions, and that health claims must be scientifically substantiated and had undergone credible evaluation process by the relevant authority.

10. Mr CHAN Han-pan said that some claims made in the advertisements of formula products were exaggerated and misleading. He welcomed the proposed regulatory framework to regulate the marketing practices of the trade. Noting from the consultation document that the Administration proposed to develop a mechanism for establishing and revising a list of approved claims to provide guidance for the trade to make nutrition and health claims on the relevant products legally, Mr CHAN sought details of the proposed mechanism, such as the considerations in approving claims.

11. Mr Vincent FANG said that while he and the trade supported in principle the proposed regulatory framework, he shared the trade's concerns

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that the introduction of a series of legislative proposals on formula products and IYC foods would cause them undue burden in complying with the new requirements. There was currently legislation prohibiting false and misleading information on goods and regulating the advertising of specified claims for orally consumed products (i.e. Trade Descriptions Ordinance (Cap. 362) ("TDO") and Undesirable Medical Advertisements Ordinance (Cap. 231) ("UMAO") respectively). He enquired whether claims that had been accepted by a recognized authority in their country of origin would be considered for adoption in Hong Kong.

12. Consultant (Community Medicine) (Risk Assessment and Communication) of Centre for Food Safety ("Consultant(CM)(RAC)/CFS") advised that for nutrition claims, the Administration would make reference to overseas practices to establish certain conditions under which some nutrient content claims and nutrient comparative claims were permitted. As regards health claims, the Centre for Food Safety ("CFS") would establish a list of approved claims by way of application of the trade. USFH and Consultant(CM)(RAC)/CFS advised that for claims that had been accepted in other jurisdictions, as long as the applicant was able to produce adequate documentary proof that the claim in question had already been accepted by a recognized authority in their country of origin or another country, and that relevant claim conditions had been set by the relevant authority, the claim would be considered for adoption in Hong Kong through a "fast-track" assessment mechanism. Once a claim had been included in the list of approved claims, the applicant and other traders might make the claim on the relevant product as well as products in the same product category, so long as the specified conditions had been fulfilled. As regards claims that had never been approved by a recognized authority, traders would need to submit relevant documents on the scientific substantiation of the claims for assessment by CFS and a longer approval process might be required in such cases.

13. Consultant(CM)(RAC)/CFS added that in developing the above mechanism for approving claims, the Administration would make reference to the practices of overseas jurisdictions (e.g. the European Union, the United States, Australia and New Zealand, and Singapore) and also the Mainland China where there were recognized authorities to approve claims under established mechanisms.

14. Mr CHAN Han-pan considered it important to allow a reasonable grace period for the trade to prepare for the new compliance requirements. He enquired about the Administration's stance on this issue. USFH advised that subject to the finalized proposal on the regulatory framework, the Administration would propose the length of the grace period taking into

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account the time required for processing applications relating to claims, the time required by the trade for compliance, etc. The Administration would consult the trade of their views in this respect.

15. Mr Vincent FANG asked whether and how the Administration would regulate the sale of formula products and IYC foods on the Internet in view of the increasing trend of online purchase of food products. Principal Assistant Secretary for Food and Health (Food) 1 ("PASFH(F)1") advised that the relevant provisions concerning false labelling and advertisement of food in the Public Health and Municipal Services Ordinance (Cap. 132) would cover online sale of formula products and IYC foods. The current legislative proposal on claims would be formulated along this direction.

Regulating the advertising of formula products and IYC foods

16. Mr WONG Kwok-hing said that he shared the majority view of the deputations that the Administration should regulate the nutrition and health claims on formula products and IYC foods. However, he was concerned that the advertisements of formula products would probably be more misleading by using graphics and images to associate the products with the healthy growth and achievement of children if claims were prohibited on formula products and IYC foods after implementation of the proposed regulatory framework. He enquired how the Administration would ensure the accuracy of information in the advertisements of formula products. Expressing similar concern, Ms Cyd HO considered that the sensational way of advertising of formula products and IYC foods in media might have greater influence than their claims on the decisions of parents on whether to breastfeed.

17. USFH advised that the Administration would regulate the provision of information about formula products and IYC foods. The Food and Drugs (Composition and Labelling) (Amendment) (No. 2) Regulation 2014, after coming into operation, would better regulate the nutritional composition of infant formula and nutrition labelling of formula products and IYC foods. The Hong Kong Code of Marketing and Quality of Formula Milk and Related Products, and Food Products for Infants and Young Children ("the Hong Kong Code") (the compliance of which was voluntary) drafted by the Department of Health ("DH") aimed to protect breastfeeding and to contribute to the provision of safe and adequate nutrition for infants and young children. The relevant articles of the Hong Kong Code would serve as guidelines with respect of the marketing practices of formula products, including advertisements on these products. The Administration would promulgate the revised Hong Kong Code in due course upon completion of the legislative exercises on nutritional composition, nutrition labelling and claims relating to formula products and IYC foods. At the present stage, the

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Administration aimed to introduce regulatory control over claims on formula products and IYC foods, as well as to promote breastfeeding to help consumers to make informed choices.

18. Dr Helena WONG asked whether the proposed regulatory framework would regulate other function claims made in the advertisements on formula products and IYC foods. USFH advised that the proposed regulatory framework would govern not only the nutrition and health claims (including nutrient comparative claims and other function claims) made on the labelling or packaging of formula products and IYC foods, but also those in the advertisements relating to these products. The Administration would seek public views on the regulatory options over nutrition claims and health claims on formula products and IYC foods. She reiterated that nutrition and health claims should meet specific content conditions and health claims would be allowed only if they were scientifically substantiated and had undergone credible evaluation process.

Legislative plan

19. Dr Helena WONG asked whether the Administration would enact a new piece of legislation or make amendments to the existing legislation to effect the proposed regulatory framework on nutrition and health claims on formula products and IYC foods. Noting that TDO, under the purview of the Customs and Excise Department, prohibited, inter alia, false trade descriptions, false, misleading or incomplete information, false marks and misstatements in respect of goods provided in the course of trade, Dr WONG enquired whether the nutrition and health claims on formula products and IYC foods could be governed by TDO.

20. USFH advised that the Administration intended to make amendments to the existing legislation to provide for the new regulatory framework. PASFH(F)1 explained that as stated in the consultation document, while there were legislation governing the labelling and advertisement of food products, there was currently no legislation capable of specifically regulating the nutrition and health claims made on formula products and IYC foods. The recently made Food and Drugs (Composition and Labelling) (Amendment) (No. 2) Regulation 2014 would amend the Food and Drugs (Compositional and Labelling) Regulations (Cap. 132W) ("the Regulations") to better regulate the nutritional composition of infant formula, as well as nutrition labelling of formula products and IYC foods. Subject to the outcome of the current public consultation exercise and the finalized regulatory framework, the Administration would decide whether to make amendments to the Regulations to provide for the regulatory framework on nutrition and health claims on formula products and IYC foods. PASFH(F)1 added that the

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threshold for prosecution under TDO was high and nutrition and health claims on formula products and IYC foods were generally not covered by UMAO as these products did not fall within the definition of medicine or that orally consumed products under UMAO. Therefore, the Administration considered it more suitable to amend the existing legislation under the purview of the Food and Health Bureau ("FHB") to provide for the new regulatory requirements.

21. Ms Cyd HO commented that if those sensational advertisements of formula products and IYC foods were not to be covered by the proposed regulatory framework, there was no point in introducing new legislation for specifically regulating claims as TDO had already imposed prohibitions against false, misleading or incomplete information in respect of goods provided in the course of trade.

22. The Chairman considered it important for the Administration to address the concerns of the trade when formulating the legislative proposal on regulation of claims on formula products and IYC foods. He urged the Administration to introduce the legislative proposal into LegCo earlier to allow sufficient time for its scrutiny before the end of the current LegCo term.

Promotion of breastfeeding

23. Mr WONG Kwok-hing enquired whether the Government would allocate more resources to enhance promotion of breastfeeding. Dr KWOK Ka-ki criticized that the Government failed to provide adequate support facilities for breastfeeding. He said that the publicity efforts made in this regard were also insufficient, as there seemed no advertisements on promotion of breastfeeding compared with the aggressive marketing campaigns on formula products. Ms Cyd HO said that the short mandatory maternity leave and paternity leave, as well as the inadequate baby care facilities in public places in Hong Kong had made it difficult for working mothers to breastfeed. She considered that the Administration should enhance its efforts to promote breastfeeding.

24. USFH advised that the Government had allocated resources to promote breastfeeding. The Committee on Promotion of Breastfeeding ("the Committee") set up by FHB in early April 2014 had undertaken a number of initiatives to promote breastfeeding, including providing breastfeeding-friendly environment in healthcare institutions and promoting the provision of breastfeeding facilities in public places. DH had also been undertaking various measures to enhance public acceptance of breastfeeding. USFH assured members that the Government would continue to step up promotional efforts in this regard.

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25. Mr Vincent FANG was of the view that while breastfeeding was considered paramount to the healthy growth of infants, the provision of breastfeeding facilities in Hong Kong was inadequate to facilitate mothers to breastfeed children until two years of age or older as recommended by the World Health Organization. He suggested the Administration to conduct a survey to collect mothers' views on sustaining breastfeeding. USFH assured members that the Committee would endeavour to promote breastfeeding in the light of the situation in Hong Kong. The Chairman considered that the Administration should address members' concerns regarding support facilities for breastfeeding and promote the provision of baby care facilities in public places, particularly in shopping malls.

**V. Review on fees for slaughterhouse services provided by the Food and Environmental Hygiene Department**  
(LC Paper Nos. CB(2)773/14-15(05) and (06))

26. USFH briefed members on the Administration's proposal to revise the fees for slaughterhouse licences and related services provided by the Food and Environmental Hygiene Department ("FEHD"), details of which were set out in the Administration's paper (LC Paper No. CB(2)773/14-15(05)).

27. Members also noted the background brief entitled "Review on fees and charges for facilities and services provided by the Food and Environmental Hygiene Department" (LC Paper No. CB(2)773/14-15(06)) prepared by the LegCo Secretariat.

28. In response to the Chairman's enquiry, USFH advised that the fees for slaughterhouse licences and related services provided by FEHD had remained unchanged since the previous revision of fees conducted by the ex-Regional Council in 1997. The Administration's proposal sought to revise the fees to reflect their respective costs in accordance with the "user pays" principle. Under the current proposal, the fees for new issue and renewal of slaughterhouse licences would be reduced by about 80% to 95%.

29. Dr Helena WONG considered that the Administration should provide justifications to support the proposed increase of fees. She sought information on the slaughtering capacities of the existing three licensed slaughterhouses, the actual number of food animals slaughtered at the slaughterhouses and the business situation of the slaughterhouses. Superintendent (Slaughterhouse) advised that taking swine as an example, the slaughtering capacities of Sheung Shui Slaughterhouse, Tsuen Wan Slaughterhouse and Cheung Chau Slaughterhouse each day were 5 000, 2 000 and 500 respectively. The actual number of swine slaughtered at Sheung

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Shui Slaughterhouse, Tsuen Wan Slaughterhouse and Cheung Chau Slaughterhouse each day was about 4 250, 450 and 15 respectively with a sum of around 4 700. The Administration had no information on the financial situations of the slaughterhouse operators which were business entities operating on a commercial basis.

30. Dr Helena WONG said that the figures indicated that the slaughtering capacities of some slaughterhouses were not fully utilized. She was concerned whether there was monopolization of slaughterhouse services by Sheung Shui Slaughterhouse as there was uneven distribution of swine handled by the slaughterhouses. She asked whether the Administration had assessed the impact of the revised fees on individual slaughterhouses. Deputy Secretary for Food and Health (Food) 1 ("DSFH(F)1") observed that the number of swine that were sent to different slaughterhouses for slaughtering was determined largely by market forces. Most of the swine were imported from the Mainland. The Sheung Shui Slaughterhouse, located close to the boundary entry point, would naturally be the preferred choice for wholesalers who wanted to minimize possible loss to stock inflicted by travelling distance. It was up to the operators of the slaughterhouses to compete for business, based on their own commercial considerations.

31. DSFH(F)1 further explained that the proposed fees revision aimed to recover the cost of the services provided by FEHD. Under the current proposal, while the examination fees to be paid by the operators would increase, the licences renewal fees would be reduced by about 80% to 95%. Assuming that the three operators continued to slaughter the same number of swine (about 1.8 million each year), for instance, and that all the estimated fees increase (i.e. \$46 million) were passed on to retail customers, the estimated effect of the fee revision on the retail price of swine would be an increase of \$0.24 per catty. Such a magnitude of increase was, in the Administration's view, moderate. USFH supplemented that the slaughterhouse operators were briefed on the fee revision proposal and they did not object to the "user pays" principle in determining the fees for slaughterhouse services. The Administration also took this opportunity to restructure the fees to reflect more appropriately the actual operation of the slaughterhouses.

32. In response to Dr Helena WONG's enquiry, USFH and DSFH(F)1 advised that to give effect to the fee revision, amendments to the relevant subsidiary legislation were required. The Administration planned to table the legislative amendments before LegCo under the negative vetting procedure within the 2014-2015 legislative session.

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33. The Chairman invited the views of members on the fee revision proposal. Members noted that the Hong Kong Federation of Trade Unions had no particular views on the proposal. Dr Helena WONG said that the Democratic Party had reservation on the proposal. Ms Claudia MO and Mr CHAN Chi-chuen said that they had no particular views on the proposal. The Chairman said that the Liberal Party had strong reservation on the proposal as the Government had large fiscal surpluses and the proposed fees increase would probably have a larger effect on the retail price than anticipated.

**VI. Review on fees for cemeteries and crematoria services provided by the Food and Environmental Hygiene Department**  
(LC Paper Nos. CB(2)773/14-15(06) and (07))

34. USFH briefed members on the Administration's proposal to revise the fees for cemeteries and crematoria services provided by FEHD, as detailed in the Administration's paper (LC Paper No. CB(2)773/14-15(07)). Members also noted the background brief prepared by the LegCo Secretariat on the subject (LC Paper No. CB(2)773/14-15(06)).

35. Referring to the proposed fees revision in the Administration's paper, Mr WONG Kwok-hing criticized that the proposed amount of increase in fees for cremation of human and skeletal remains was too high and unreasonable. The fees increase proposed by the Administration in respect of burial of human remains in public cemeteries and permission for placing of plaques in garden of remembrance was substantial too. Mr WONG opined that the Administration should have adjusted the fees in accordance with the annual inflation rate to avoid increasing the fees for such services substantially in one go. He said that the Hong Kong Federation of Trade Unions was opposed to the proposed fees revision and the funeral trade was also against the proposal.

36. USFH explained that the charges for cremation of human remains or skeletal remains in government crematorium remained low in the past because the Government wanted to encourage the public to adopt cremation instead of burial. The fees of cremation services had remained at the same level since 1997 and the current cost recovery rate was only 18%. The Administration therefore proposed to adjust the fees by phases over three years to recover the cost and reduce the deficit recorded arising from the provision of cremation services.

37. Mr CHAN Chi-chuen expressed strong opposition to the drastic increase in fees for cremation services. While he did not oppose to the recovery of costs of providing Government services under the "user pays"

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principle, he considered that the cost recovery principle should only apply to those services used by commercial operators. He asked whether the Administration would exempt or lower the fees for cremation services if people chose to use green burial.

38. Dr CHIANG Lai-wan said that the proposed increase in fees for cremation services from between \$90 and \$1 220 to \$6 560 within three years was too high. She considered that a gradual increase of the fees in accordance with inflation rate would be more reasonable. She also queried the need for the fee revision when the Government had a huge fiscal surplus. Dr CHIANG said that the Democratic Alliance for the Betterment and Progress of Hong Kong considered that the Administration should re-examine its proposal for fees revision and address the concern on whether the grassroots who had financial difficulties would be exempted from the fees increase before re-submitting the proposal to LegCo.

39. USFH stressed that the cost recovery rate for cremation services had been on the low side. Instead of recovering full cost in one go, the Administration proposed to adjust the fees by phases. The Administration also proposed to reduce the fees for some services taking into account the actual operating situation. USFH advised that recipients of Comprehensive Social Security Assistance were entitled to burial grant. FHB would continue to liaise with the Social Welfare Department on the need to adjust the burial grant if the fee revision was implemented.

40. Dr Kenneth CHAN and Dr Helena WONG said that the Civic Party and the Democratic Party were against the proposed drastic increase of fees for cremation services. Dr CHAN said that the adoption of the "user pays" principle in reviewing cemeteries and crematoria services was unacceptable. Anticipating that the fee revision proposal would meet strong opposition from members of the public, he opined that the Administration should shelve the proposal. Dr WONG said that as members of the public had to wait a long time for allocation of public niches, they had no choice but to purchase private niches at high prices. She considered that the proposed fee increase for cremation services was unacceptable and unreasonable particularly when the Administration failed to provide sufficient public niches to meet the strong public demand.

41. The Chairman said that he had reservation about the "user pays" principle under which the charges for some Government services could be very high after revision. He anticipated that the fee revision proposal would meet opposition from Members as the fees for cremation service had not been adjusted in years even when a deficit budget was recorded in 2003. He said that the Liberal Party did not support the proposal.

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**VII. Any other business**

42. There being no other business, the meeting ended at 4:58 pm.

Council Business Division 2  
Legislative Council Secretariat  
11 May 2015

**Panel on Food Safety and Environmental Hygiene  
Meeting on Tuesday, 10 February 2015, at 2:00 pm  
in Conference Room 3 of the Legislative Council Complex**

**Item IV - "Public consultation on the proposed regulation of nutrition and health claims on formula products and prepackaged food for infants and young children under the age of 36 months in Hong Kong"**

**Summary of views and concerns expressed by deputations/individuals**

No.	Name of deputation / individual	Submission / Major views and concerns
1.	The Lion Rock Institute	<ul style="list-style-type: none"> <li>● The deputation was strongly opposed to the proposed regulatory framework on nutrition and health claims on formula products and prepackaged foods for infants and young children under the age of 36 months ("IYC foods") as the proposal would undermine women's right to access information on formula products and IYC foods to make informed choice.</li> <li>● Women should have the right to decide on whether to breastfeed. Some women might have difficulties to breastfeed their children for various reasons. The Administration should shelve the proposal immediately.</li> </ul>
2.	Liberal Party	<ul style="list-style-type: none"> <li>● The proposed regulatory framework on nutrition and health claims on formula products and IYC foods was supported.</li> <li>● Pointing out that the Food and Drugs (Composition and Labelling) (Amendment) (No. 2) Regulation 2014 ("the Amendment Regulation"), which set out requirements on nutritional composition and nutrition labelling for formula products and IYC foods, was gazetted in June 2014, the deputation opined that the Administration should consider introducing legislative proposals on regulation of formula products and IYC foods in one go to avoid causing undue burden to the trade in complying with the new requirements, such as modifying the packaging of their products.</li> <li>● The trade considered that formula products should be categorized into one group only (i.e. products for consumption of children under the age of 24 months) to simplify the compliance requirements.</li> </ul>
3.	Hong Kong Suppliers Association Company Limited	<ul style="list-style-type: none"> <li>● LC Paper No. CB(2)827/14-15(01)</li> </ul>

No.	Name of deputation / individual	Submission / Major views and concerns
4.	Mr Martin OEI	● LC Paper No. CB(2)793/14-15(01)
5.	Fonterra Brands (Hong Kong) Limited	● LC Paper No. CB(2)814/14-15(01)
6.	Hong Kong Catholic Breastfeeding Association	● LC Paper No. CB(2)884/14-15(01)
7.	Nestle Hong Kong Limited	● LC Paper No. CB(2)827/14-15(02)
8.	Mead Johnson Nutrition (Hong Kong) Limited	● LC Paper No. CB(2)814/14-15(02)
9.	Democratic Alliance for the Betterment and Progress of Hong Kong	<ul style="list-style-type: none"> <li>● Reduction of disease risk claims should be prohibited in formula products and IYC foods.</li> <li>● Nutrition claims (i.e. nutrient content claims and nutrient comparative claims) should be prohibited in infant formula for age 0 to six months.</li> <li>● Nutrition and health claims should be permitted in follow-up formula for age six months to 36 months if certain requirements were met (e.g. nutrition and health claims must be scientifically substantiated and had undergone the evaluation process of the Food and Health Bureau).</li> <li>● The Government should take measures to promote breastfeeding and step up the relevant publicity work.</li> </ul>
10.	Snow Brand Hong Kong Company Limited	● LC Paper No. CB(2)814/14-15(03)
11.	Catholic Messengers of Green Consciousness	● LC Paper No. CB(2)939/14-15(01)
12.	Hong Kong Infant and Young Child Nutrition Association	● LC Paper No. CB(2)814/14-15(04)
13.	Wyeth (Hong Kong) Holding Company Limited	● LC Paper No. CB(2)814/14-15(05)
14.	Ms Lydia LING	● LC Paper No. CB(2)827/14-15(03)
15.	FrieslandCampina (Hong Kong) Limited	● LC Paper No. CB(2)814/14-15(06)
16.	The Democratic Party	● LC Paper No. CB(2)827/14-15(04)
17.	Abbott Laboratories Limited	● LC Paper No. CB(2)814/14-15(07)

No.	Name of deputation / individual	Submission / Major views and concerns
18.	Against Child Abuse	● LC Paper No. CB(2)814/14-15(08)
19.	Danone Nutricia Early Life Nutrition (Hong Kong) Limited	● LC Paper No. CB(2)793/14-15(03)
20.	Hong Kong Academy of Medicine / Hong Kong College of Obstetricians and Gynaecologists	<ul style="list-style-type: none"> <li>● The proposed regulatory framework on nutrition and health claims on formula products and IYC foods was supported as a way to promote breastfeeding which was conducive to the healthy growth of infants.</li> <li>● The deputation was open-minded on the approaches (inclusive or restrictive) of regulating nutrition claims and health claims but considered that nutrition and health claims should be allowed only if they were scientifically substantiated.</li> </ul>
21.	Ms Eliza CHAN	● LC Paper No. CB(2)827/14-15(05)
22.	Baby Friendly Hospital Initiative Hong Kong Association	● LC Paper No. CB(2)814/14-15(09)
23.	Ms Vicky TSANG Pui-yu	● LC Paper No. CB(2)814/14-15(10)
24.	Association of Hong Kong Nursing Staff	● LC Paper No. CB(2)773/14-15(03)
25.	Natural Parenting Network	● LC Paper No. CB(2)814/14-15(11)
26.	The Hong Kong Committee on Children's Rights	● LC Paper No. CB(2)773/14-15(04)
27.	Civic Party	● LC Paper No. CB(2)827/14-15(06)
28.	Department of Paediatrics, Faculty of Medicine, The Chinese University of Hong Kong	● LC Paper No. CB(2)814/14-15(12)