

Tel No : 3919 3401

Fax No: 2543 9197

MEMO

To : CCS(2)2  
CCS(2)5

From : CCS(4)1

Ref : CB4/PAC/R63

Date : 12 February 2015


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**Public Accounts Committee**

**Food labeling and nutrition labeling of infant and special dietary foods**

The Public Accounts Committee ("PAC") Report No. 63 was tabled in the Council on 11 February 2015. In Part 5 of the Report on the "Report of the Public Accounts Committee on the Reports of the Director of Audit on the Accounts of the Government of the Hong Kong Special Administration Region for the year ended 31 March 2013 and the Results of Value for Money Audits", the latest progress of implementing the Director of Audit's recommendations in relation to food labeling and nutrition labeling of infant and special dietary foods was reported (see the **Appendix** attached).

2. While PAC will keep in view of further development on the subject, PAC has recommended that the three outstanding issues in respect of the Hong Kong Code, regulation of nutrition information on special dietary foods and regulation of nutrition and health claims be referred to Panel on Food Safety and Environmental Hygiene and Panel on Health Services for necessary follow-up actions.

  
(Anthony CHU)  
CCS(4)1

Encl.

including legal, environment and land use planning issues which required careful examination; and

- at the same time, the Administration would maintain dialogue with key stakeholders as well as the community at large.

16. The Committee wishes to be kept informed of further development on the subject.

17. The Committee also recommends that the issue be continued to be followed up by LegCo Panel on Development.

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**Food labeling and nutrition labeling of infant and special dietary foods**  
(Paragraphs 17 to 19 of Part 4 of P.A.C. Report No. 61)

18. The Committee was informed that:

Legislative proposals relating to formula products and foods intended for infants and young children

- on 9 June 2014, the Director of Food and Environmental Hygiene, in exercise of the power under section 55(1) of the Public Health and Municipal Services Ordinance (Cap. 132), made the Food and Drugs (Composition and Labelling) (Amendment) (No.2) Regulations 2014 ("The Amendment Regulation"). The Amendment Regulation aimed to regulate nutritional composition and nutrition labelling of formula products and prepackaged food for infants and young children under the age of 36 months. On 18 June 2014, the Amendment Regulation was tabled at LegCo for negative vetting. It would come into operation on the expiry of 18 months commencing on the day on which it was published in the Gazette (i.e. 13 June 2014) except the provisions relating to the follow-up formula and prepackaged food for infants and young children, which would come into operation on the expiry of 24 months after gazettal;

Development of the Hong Kong Code of Marketing of Breast-milk Substitutes ("Hong Kong Code")

- the Administration conducted a four-month public consultation on the Hong Kong Code from 26 October 2012 to 28 February 2013. Briefing sessions and meetings with manufacturers, distributors, importers, retailers and other relevant parties were arranged. The Administration had consolidated the views and comments received from various sectors of the community. Apart from commenting on the draft Hong Kong Code itself, the respondents also made suggestions on ways to promote breastfeeding and related facilities;
- LegCo Panel on Health Services was briefed on the results of the public consultation and the way forward for the Hong Kong Code on 21 July 2014. Taking into account the findings of the public consultation, the latest legislative exercise on the nutrition labelling of formula products and foods for infants and young children under the age of 36 months as well as the study on the regulation of nutrition and health claims of these formula products and foods, the Administration would need some time to refine the draft Hong Kong Code and would announce the revised Hong Kong Code in due course;
- as regards nutrition labelling of special dietary foods, the Centre for Food Safety ("CFS") had just completed studies on the relevant standards of the Codex Alimentarius Commission and the regulatory approaches adopted by other jurisdictions in respect of nutrition labelling of special dietary foods, and was now conducting the relevant analysis. CFS would take into account the local situation and the latest international development in mapping out the way forward;

Nutrition claims and health claims

- CFS was studying the local and international situation on the use of nutrition and health claims in formula products and foods for infants and young children under the age of 36 months. The Administration had also discussed with traders and stakeholders with a view to examining the possible strategies to strengthen the regulation of such claims. Upon completion of the legislative exercise on nutritional composition and nutrition labeling of formula products and foods for infants and young children under the age of 36 months, the Administration would proceed to handle the regulation of nutrition and health claims of these

products. The Administration launched a public consultation on this subject in January 2015 and would brief LegCo Panel on Food Safety and Environmental Hygiene on the public consultation at its meeting on 10 February 2015. The Panel would also receive views from deputations and trades on the subject at the meeting.; and

Follow-up actions taken by CFS on cases

*Chapter 4 "Nutrition labeling of infant and special dietary foods" of the Audit Report*

- CFS had investigated the 12 cases involving 30 products identified by Audit. The labels of 20 products were considered to be in order, and one product was found not for sale. The labels of the remaining 9 products had been revised and were being vetted by CFS.

19. The Committee wishes to be kept informed of further development on the subject.

20. The Committee also recommends that the three outstanding issues in respect of the Hong Kong Code, regulation of nutrition information on special dietary foods and regulation of nutrition and health claims be referred to LegCo Panel on Food Safety and Environmental Hygiene and Panel on Health Services for necessary follow-up actions.

~~**Records management work of the Government Records Service**  
(Paragraphs 20 and 21 of Part 4 of P.A.C. Report No. 61)~~

~~21. The Committee was informed in the Government Minute which was laid before LegCo in May 2014 that the Government Records Service was actively clearing the backlogs of records pending appraisal of archival value and archival records pending accessioning. The Government Records Service was on target to clear the backlogs of records by May 2015.~~

~~22. The Committee wishes to be kept informed of further development on the subject.~~