LC Paper No. CB(2) 1642/00-01(05)

Extract of minutes of the meeting of the LegCo Panel on Food Safety and Environmental Hygiene on 26 February 2001

X X X X X X X X

Action

III. Genetically modified (GM) food
(LC Paper No. CB(2) 920/00-01(05) and (06))

4. The Chairman welcomed Secretary for the Environment and Food (SEF) to the meeting. SEF said that it was the first time for her to attend a meeting of the Panel since its formation. She said that the Environment and Food Bureau (EFB), the Food and Environmental Hygiene Department (FEHD) and the Agriculture, Fisheries and Conservation Department (AFCD) would fully cooperate with the Panel and consult the Panel on important policy issues under its purview. The Bureau and the departments would also provide information on any matters of concern to Panel members.

5. SEF said that following a motion debate in the Legislative Council on "Establishing a labelling system for genetically-modified foods" in January 2000, the Administration had further studied the feasibility of introducing a GM food labelling system. The Administration had held two public forums to gauge the views of the experts, the food business industry and the public, and had researched on the international experience of regulating GM food. SEF said that a public consultation paper on Labelling of Genetically Modified Food had been completed and was tabled at the meeting. The consultation paper set out the factors to be taken into account in determining a labelling system for GM food and proposed three possible options for the labelling system. SEF said that the Administration had an open mind as to which option should be adopted for the proposed labelling system and hoped that the consultation paper would stimulate public discussion and enhance public understanding of the matter.

6. SEF said that that there would be a three-month consultation period on the paper. The Administration would report to the Panel the outcome of the consultation and seek members' views on the way forward.

7. Consultant (Community Medicine)(Risk Assessment and Communication) of FEHD (Consultant/FEHD) gave a PowerPoint presentation on the consultation paper. He explained that the following factors would have to be taken into consideration in determining a labelling system for Hong Kong-

(a) implications on supply of food;

Action

(b) cost for food trade;

(c) information for customers;

(d) practical consideration in enforcement.

8. Consultant/FEHD said that three options were proposed in the paper-

(a) to encourage the food trade to label GM food voluntarily following a set of guidelines issued by Government;

(b) to provide for mandatory labelling by introducing legislative amendments ; and

(c) as a first step, to encourage the food trade to label GM food voluntarily following guidelines issued by Government and to provide for mandatory labelling by legislative amendments at a later stage taking into account development on the international front.

9. Consultant/FEHD added that public views were specifically sought on the following -

(a) to adopt an approach that requires the presence of GM content of any ingredients of a food product above a threshold and "any significantly different characteristic" of the GM content to be labelled;

(b) to set the threshold at 5%;

(c) to define "significantly different characteristics" of the GM content of the food to be labelled;

(d) any negative claim in a food label should be substantiated by certifying documents; and

(e) a labelling system for GM food should cover only pre-packaged food at the present stage.

(*Post-meeting note*: The presentation materials were circulated to members vide LC Paper No. CB(2) 980/00-01 (01).)

Discussion

10. Dr LO Wing-lok asked whether the Administration had estimated when an international consensus could be reached on GM food labelling or on a GM food testing protocol. SEF said that the Codex Alimentarius Commission (Codex) had been discussing the introduction of an international standard on GM food labelling and the

Action

testing protocol for some time. However, it was not yet known when an international consensus could be reached.

11. Dr LO further asked about the implementation plan for option C which proposed a voluntary labelling system in the first phase, followed by a mandatory one. SEF said that the merit of option C was that in the initial phase, Hong Kong could take account of the deliberations of Codex and the experience of overseas countries in implementing their GM food labelling systems before deciding on a mandatory labelling system. SEF further said that if the public consultation showed that option C was considered feasible, the Administration would consider the timetable for the mandatory labelling system. The Administration had estimated that even if preparation work commenced immediately after the consultation exercise, a mandatory labelling system for GM food would take at least two years to come into being because legislation would have to be in place for the system to take effect.

12. Mr James TO said that the consultation paper seemed to suggest that GM food labelling had nothing to do with public health. He reminded the Administration that there was a relatively large number of consumers who were cautious about GM food and would choose not to eat it if they had the choice. He urged the Administration to take into account these views when deciding the way forward.

13. Noting that the European Union (EU) had adopted a labelling system based on a threshold of 1% GM content, Mr James TO asked about the extent our food supply would be affected if Hong Kong adopted the same threshold. He also asked about the lowest percentage of GM content in food that could be tested given the current level of laboratory technology in Hong Kong.

14. SEF said that at the present stage, a GM food labelling system would only cover pre-packaged food. She said that given the limited space available on food labels, only information which was most useful and had the greatest benefit to consumers should be shown on the labels. As regards the health effect of GM food, Deputy Director (Food and Public Health) (DD(FPH)) of FEHD said that the World Health Organization and the Food and Agriculture Organization had concluded that the use of genetic modification did not result in food becoming inherently less safe than that produced by conventional techniques. The purpose of a GM food labelling system was more for consumer information than for health concerns.

15. DD(FPH) further said that the current approach was proposed to incorporate the concept of "substantial equivalence" in the labelling system. Under the proposal, any significantly different characteristics (in terms of the nutritional value, level of toxicants, allergenic properties and so on) of the GM content would have to be labelled. As regards the current laboratory technology in testing GM content, DD(FPH) said that it would be difficult to obtain accurate test results if a very low percentage of GM content was to be tested. However, for soya bean and corn, a very small amount of GM content (0.1%) in these crops could now be tested with accuracy.

Action

16. DD(FPH) said that the most common GM food products currently available in the market were soya bean, corn and tomato. In Asia, a threshold of 5% was adopted for GM food labelling in Japan and that for the Republic of Korea was 3%, while other countries did not have a labelling system for GM food. He said that if a threshold of 5% was adopted for GM food labelling in Hong Kong, there would not be much impact on food supply in Hong Kong. However, if a lower threshold, such as 1%, was to be adopted in Hong Kong, it would pose a barrier to import GM food from those countries which could not meet such a stringent labelling requirement. In this connection, DD(FPH) reminded members that while EU comprised largely exporting countries, Hong Kong relied heavily on imported food.

17. DD(FPH) added that the proposed threshold at 5% had taken into account the fact that unintentional mixing of GM and non-GM crops in the production process was unavoidable and that there was no reliable system yet to ensure a complete segregation of non-GM and GM crops along the food supply chain.

18. Mr LAU Kong-wah considered that voluntary labelling was not workable. He was of the view that if the labelling system was made voluntary, it would mean that there was no GM food labelling requirement at all and consumers would find it confusing to distinguish GM food products from those which were not. He believed that consumers' right to know could be protected only with a compulsory labelling system. He also said that information on the GM content of a food product was as important as its "use by" date (or "best before" date) and both information should be shown on food labels. He disagreed that the limited space available on food labels should be a reason for not showing information on the GM content of the food. He considered that Hong Kong could make reference to the experience of overseas countries which had implemented GM food labelling for some time.

19. SEF responded that the voluntary approach was one of the options provided for public consultation. She said that there was a need for the Administration to set out all options, together with their merits and demerits, for the public to consider. The technical point concerning the limited space on food labels was only a factor for consideration.

20. Mr LAU Kong-wah requested the Administration to explain the basis of setting the threshold at 5% and how to ensure accuracy of the declared GM content of food products on their labels. DD(FPH) said that the Administration had made reference to overseas experience. However, labelling systems for GM food were introduced only recently in other countries. For example, EU implemented its GM food labelling system in April 2000, and Australia and New Zealand in 2001. The Government Laboratory staff had made visits to their counterparts in the United Kingdom and learnt that it was very difficult to accurately detect a very small amount of GM material in processed food. Generally speaking, the testing of 5% GM content in processed food would produce more accurate results. Director of Food and

Action

Environmental Hygiene added that in the absence of an international testing protocol on GM food and the limitations of laboratory technology in testing GM content, the Administration did not want to set a threshold which might lead to problems in enforcement and compliance in Hong Kong. She pointed out that if a mandatory labelling system was to be adopted, the threshold would have to be specified in legislation to enable enforcement.

21. Mr LAU Kong-wah asked which party would be responsible for false or inaccurate information about the GM content on a food label as several parties were involved in the food supply chain. DD(FPH) replied that it would be the responsibility of the food seller to ensure the accuracy of information on the GM content of the food. If false or inaccurate information was detected, the enforcement agency would investigate so as to identify which party along the food supply chain such as the retailer or importer should be held legally liable. Prosecution would depend on whether the parties concerned could prove that they had taken all reasonable steps to ensure that the information given in the label was accurate and truthful. He said that the Administration would formulate guidelines for enforcement procedures after a decision was taken on the future labelling system for GM food.

22. Ms Cyd HO considered that the Administration should maintain impartiality and refrain from making any judgment on the value of GM food. Noting that some local universities were growing GM crops in open space for research studies, Ms HO asked whether the Administration would consider requiring these institutions to conduct their GM crop studies indoor to prevent cross-pollination. Ms Cyd HO pointed out that there had been lawsuits in the United States of America (USA) concerning cross-pollination of GM crops with non-GM crops in neighbouring farms. She urged the Administration to look at those cases and take prompt actions to prevent recurrence of similar incidents in Hong Kong. SEF responded that the Administration had an open-mind on GM food. As regards university studies on GM food, SEF said that Government should respect academic freedom and should not impose restrictions on university research activities. There was no evidence to date that research studies on genetic engineering had caused any adverse impact on the environment. The Administration would maintain close liaison with the universities on their research studies and keep a close watch on the developments.

23. Mr YEUNG Yiu-chung asked about the primary considerations for determining the approach for GM food labelling in Hong Kong. SEF said that the consultation paper had set out the factors for consideration and the three options which were considered viable by Government. She said that Government would carefully consider the views received from the public and the food trade before making a decision.

24. Mr SIN Chung-kai said that since it would take time to implement a mandatory labelling system, he agreed that a voluntary one be introduced in the initial phase. On the legislative timetable, he suggested that Government should consider issuing a

Action

White Bill to gauge public views well in advance. He said that there were far more people giving views to a bills committee than giving views on a consultation paper on a subject matter. He also considered that Government should now start considering the implementation details in addition to a conceptual framework. SEF said that she hoped members of the public and the food industry would give their views on the consultation paper as a lot of research and discussion had already been conducted in the past year. She would consider the suggestion of a White Bill on GM food labelling after the consultation exercise.

Admin

25. On the threshold of GM content for labelling purpose, Mr SIN Chung-kai said that if a threshold of 1% was adopted for Hong Kong, the food of Asian countries would be unable to be imported and Hong Kong people would have to buy more expensive food from other countries. He said that at the present stage, he accepted that the threshold should be set at 5% at the beginning and more stringent requirements could be introduced later.

26. Mr WONG Yung-kan said that the development of GM food might be caused by insufficient agricultural land. He disagreed that GM food had no adverse impact on human health. In response, SEF emphasised that there was no scientific or medical evidence to date to suggest that GM food was unsafe for human consumption. She said that this point should be made clear to avoid causing unnecessary confusion to the public.

27. Dr YEUNG Sum asked whether the purpose of introducing a GM food labelling system was to address public concern about the health effect of GM food. SEF said that the public concern about GM food arose from views expressed by certain groups. It was important for Government to disseminate accurate and objective information on GM food to the public to enhance consumer understanding, and this was particularly necessary when a GM food labelling system was introduced in Hong Kong. DD(FPH) added that the introduction of a GM food labelling system was mainly to provide more information for consumers to enable them to make informed choices. It was also proposed that any food products which, as a result of genetic modification, were changed to bear significantly different characteristics as compared with their conventional counterparts, would have to be labelled. This was important especially for GM food that contained an allergen that consumers did not normally expect in that food.

28. Referring to paragraph 15 of the Administration's paper, Mr Tommy CHEUNG asked what types of food would be covered by the GM food labelling system to be introduced in Hong Kong. DD(FPH) said that the present proposal only covered pre-packaged food initially, having regard to the enforcement problems encountered by the very few countries which had introduced labelling requirements for other types of food as well. SEF further pointed out that the existing food labelling legislation only applied to pre-packaged food.

Action

29. Mr Michael MAK expressed support for introducing legislation on GM food labelling. As the health effect of GM food was not known at the present stage and people in general were cautious about GM food, he considered that at least the food label should show the presence of GM content in a food product. He also suggested that information on the health effect of the GM food should be shown on the packages of GM food products to enhance consumer protection. SEF noted Mr MAK's suggestions.

30. Referring to paragraph 4.4 of the consultation paper, Dr LO Wing-lok sought clarification on the meaning of the sentence " 'GM free' and similar labels would have to be used with caution by the food trade". DD(FPH) explained that it was very difficult to ensure that there was not even a small trace of GM content in food products since there was the possibility of unintentional mixing of GM and non-GM crops. However, when a voluntary or a compulsory labelling system was introduced in the future, any food product labelled as GM free but was found to contain a trace of GM content in laboratory testing would constitute a breach of the law and the manufacturer concerned would have committed an offence. Therefore, the food trade was advised to be careful in using "GM free" and similar labels.

31. Mr LAU Kong-wah requested the Administration to provide information on the kinds of allergy people would be exposed to if they unknowingly consumed GM food products containing the genes of tomato, corn or soya bean. He also wanted to know the number of people falling ill after consuming such food over the past year. DD(FPH) explained that some food products (such as soya bean) were known to cause allergy in some individuals even if they were produced by conventional methods. It was now proposed that labelling should be required for a GM food product which contained an allergen that was not found in its conventional counterpart. He said that there was not a mechanism for reporting the number of people falling ill after consuming GM food that contained an allergen.

32. Referring to option C in the consultation paper, Ms Cyd HO asked how the Administration, during the first phase of implementing a voluntary labelling system, would disseminate information on any GM food products which had been recalled in overseas countries. SEF replied that there were established procedures for the management of food-related incidents. A notification system was in place and Government would coordinate with the trade in case a food recall was necessary. She said that the Administration would also follow-up on any complaint on food as necessary.

33. Dr YEUNG Sum considered that the Administration should take a cautious approach in dealing with GM food as it would take time to prove the long-term health effect of GM food. He reminded the Administration that scientists had also taken a long time to prove the adverse health effect of smoking. He considered that voluntary labelling was not workable and expressed support for introducing legislation for a labelling system. The Chairman agreed with Dr YEUNG that the Administration

Action

should be cautious about this matter, since there was no scientific or medical evidence to prove that GM food did not have any negative impact on people's health. He considered that labelling should be required for GM food as some people might not want to consume GM food for religious or other personal reasons.

34. SEF said that the overall objective of food safety control was to ensure that food products were fit for human consumption and this was the rationale behind the regulatory framework for food safety in Hong Kong. She considered that a pragmatic approach was to require labelling of those GM food which had any significantly different characteristics of the GM content in any ingredient of a food product. For example, when the GM content of an ingredient of a food product contained an allergen that was not found in its conventional counterpart, labelling of this significant modification should be required.

35. As the consultation period of the proposed GM food labelling system would end on 31 May 2001, the Chairman suggested that the Panel should discuss the subject again in May 2001 and provide its views on the consultation paper to the Administration. Members agreed.

Clerk

X X X X X X X X