

# OFFICIAL RECORD OF PROCEEDINGS

Thursday, 26 June 2003

The Council continued to meet at Nine o'clock

## MEMBERS PRESENT:

THE PRESIDENT

THE HONOURABLE MRS RITA FAN HSU LAI-TAI, G.B.S., J.P.

THE HONOURABLE KENNETH TING WOO-SHOU, J.P.

THE HONOURABLE JAMES TIEN PEI-CHUN, G.B.S., J.P.

DR THE HONOURABLE DAVID CHU YU-LIN, J.P.

THE HONOURABLE CYD HO SAU-LAN

IR DR THE HONOURABLE RAYMOND HO CHUNG-TAI, J.P.

THE HONOURABLE LEE CHEUK-YAN

THE HONOURABLE ERIC LI KA-CHEUNG, J.P.

THE HONOURABLE FRED LI WAH-MING, J.P.

DR THE HONOURABLE LUI MING-WAH, J.P.

THE HONOURABLE NG LEUNG-SING, J.P.

THE HONOURABLE MARGARET NG

THE HONOURABLE MRS SELINA CHOW LIANG SHUK-YEE, G.B.S., J.P.

THE HONOURABLE CHEUNG MAN-KWONG

THE HONOURABLE HUI CHEUNG-CHING, J.P.

THE HONOURABLE CHAN KWOK-KEUNG

THE HONOURABLE BERNARD CHAN, J.P.

THE HONOURABLE CHAN KAM-LAM, J.P.

THE HONOURABLE MRS SOPHIE LEUNG LAU YAU-FUN, S.B.S., J.P.

THE HONOURABLE LEUNG YIU-CHUNG

THE HONOURABLE SIN CHUNG-KAI

THE HONOURABLE HOWARD YOUNG, J.P.

DR THE HONOURABLE YEUNG SUM

THE HONOURABLE LAU CHIN-SHEK, J.P.

THE HONOURABLE LAU WONG-FAT, G.B.S., J.P.

THE HONOURABLE MIRIAM LAU KIN-YEE, J.P.

THE HONOURABLE AMBROSE LAU HON-CHUEN, G.B.S., J.P.

THE HONOURABLE EMILY LAU WAI-HING, J.P.

THE HONOURABLE CHOY SO-YUK

THE HONOURABLE ANDREW CHENG KAR-FOO

THE HONOURABLE SZETO WAH

DR THE HONOURABLE LAW CHI-KWONG, J.P.

THE HONOURABLE TAM YIU-CHUNG, G.B.S., J.P.

DR THE HONOURABLE TANG SIU-TONG, J.P.

THE HONOURABLE ABRAHAM SHEK LAI-HIM, J.P.

THE HONOURABLE LI FUNG-YING, J.P.

THE HONOURABLE HENRY WU KING-CHEONG, B.B.S., J.P.

THE HONOURABLE TOMMY CHEUNG YU-YAN, J.P.

THE HONOURABLE MICHAEL MAK KWOK-FUNG

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE LEUNG FU-WAH, M.H., J.P.

DR THE HONOURABLE LO WING-LOK

THE HONOURABLE WONG SING-CHI

THE HONOURABLE IP KWOK-HIM, J.P.

THE HONOURABLE LAU PING-CHEUNG

THE HONOURABLE AUDREY EU YUET-MEE, S.C., J.P.

THE HONOURABLE MA FUNG-KWOK, J.P.

**MEMBERS ABSENT:**

THE HONOURABLE ALBERT HO CHUN-YAN

THE HONOURABLE MARTIN LEE CHU-MING, S.C., J.P.

DR THE HONOURABLE DAVID LI KWOK-PO, G.B.S., J.P.

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE CHAN YUEN-HAN, J.P.

THE HONOURABLE ANDREW WONG WANG-FAT, J.P.

DR THE HONOURABLE PHILIP WONG YU-HONG

THE HONOURABLE WONG YUNG-KAN

THE HONOURABLE JASPER TSANG YOK-SING, G.B.S., J.P.

THE HONOURABLE YEUNG YIU-CHUNG, B.B.S.

THE HONOURABLE LAU KONG-WAH

THE HONOURABLE TIMOTHY FOK TSUN-TING, S.B.S., J.P.

THE HONOURABLE FREDERICK FUNG KIN-KEE

**PUBLIC OFFICER ATTENDING:**

DR THE HONOURABLE YEOH ENG-KIONG, J.P.  
SECRETARY FOR HEALTH, WELFARE AND FOOD

**CLERK IN ATTENDANCE:**

MR RICKY FUNG CHOI-CHEUNG, J.P., SECRETARY GENERAL

**MEMBERS' MOTIONS**

**PRESIDENT** (in Cantonese): Members' motions. Second motion: Establishing a labelling system for genetically modified food.

**ESTABLISHING A LABELLING SYSTEM FOR GENETICALLY MODIFIED FOOD**

**MR FRED LI** (in Cantonese): Madam President, good morning. I move that the motion printed on the Agenda be passed.

Madam President, more than three years ago at the beginning of the year 2000, Dr TANG Siu-tong moved a motion demanding for the establishment of a labelling system for genetically modified (GM) food and it was passed without opposition at that time. Nowadays, we still do not have a labelling system, and we still remain at the starting point three years ago, not having made any progress. While most members of the public supporting the establishment of a mandatory labelling system, the Government still insists on refusing to listen to people's views. Therefore, I have proposed a similar motion to make the most solemn appeal to the Government, demanding it to establish a labelling system for GM food by adopting a "voluntary first, and then mandatory" approach.

After the motion debate three years ago, the Government published the Labelling of GM Food Consultation Paper, about which most opinions were very explicit — more explicit than the consultation on Article 23 of the Basic Law, that is, the Government has to implement mandatory labelling of GM food. Having learnt of the public opinion, the Government suddenly remembered that it should consult the industry and look into the economic impact assessment. After publishing the assessment report, the Government quoted it out of context that labelling would increase the costs of the industry and suggested using food safety tests instead of a labelling system, and allowing food manufacturers to label food voluntarily. Recently, the Panel on Food Safety and Environmental Hygiene has consulted the public on the latest position of the Government, and it is evident from the consultation that most concerned groups are still demanding the establishment of a mandatory labelling system. These groups include the Consumer Council, WWF Hong Kong, Produce Green, Green Peace, "Green Women Current", the Hong Kong Organic Farming Association (HOFA) and the Hong Kong Organic Resource Centre. From the several consultations, it is

evident that despite repeated procrastinations by the Government, the public opinion is still very clear. Unless the Government does not attach importance to public health, and unless the Government makes light of the public's right to know and to choose, I fail to see why the Government can rigidly suppress voices demanding for a mandatory labelling system. In fact, no group opposes a food safety test system, but a sole reliance on a safety test system is not enough because: first, safety tests are arranged by producers on their own and the authenticity and reliability of the relevant information submitted to the Government are questionable; second, even though food can be consumed safely, food producers can still decide on their own whether they are going to label GM food. Therefore, we think that a labelling system which is not mandatory is after all an incomplete system, which is dispensable.

The Consumer Council has recently tested a food product called "Taiwan Yong He Original Flavour Soya Milk", which uses soyabeans that carry a 70% GM ingredient but the whole label has not mentioned anything about GM ingredients. Certainly, my point here is not whether this particular food is safe. What is important is that I only wish to know whether the food product has GM ingredients. If there are such ingredients, I can choose whether or not to take it, but I fail to see the relevant ingredients, as much as 70% of which is GM. This food product has passed the safety tests, but the GM ingredients have not been labelled, thus depriving consumers of their rights to know and to choose.

In Hong Kong, there are thousands of prepackaged food products for consumers to choose from, but the latter have to rely on the information indicated on the food products to choose suitable food products. Now, we know that the Government has prescribed labelling the date by which food products should be used and their ingredients to protect consumers. A few months ago, the Government recommended to this Council that a nutrition labelling system be established as a further step in future, so that consumers would know the carbohydrates, calories and fat contents of food products. Modern people are concerned about such contents, especially cholesterol, and so on. The Government has taken the initiative to make it a mandatory requirement on food producers to indicate such information, but it has precisely failed to make it a mandatory requirement on food producers to indicate whether food products carry GM ingredients. Actually, there is only one step to go before the Government can establish a more complete food labelling system. I hope that the Government can ultimately make this one step. It is very puzzling how vegetarians can tell whether GM food products will have animal genes implanted in the future. Would this upset their vegetarian eating habits? If the

relevant ingredients are not indicated, how can they know what are the ingredients of the food products? It is a very normal question. Can Muslims who do not eat pork drink soya milk produced with soya beans implanted with pig genes? Thus, I think that the public has the right to know insofar as these matters are concerned.

The Government has given the reason that various countries have not reached a relevant consensus and Codex Alimentarius Commission (Codex) under the United Nations has not made a unanimous decision on mandatory labelling.

Codex is specifically tasked to co-ordinate food standards employed by governments, thereby establishing a complete system of international food standards. However, a consensus can be reached only after years. In particular, the United States is one of the member states and it is the biggest exporter of GM food products in the world. Therefore, even President BUSH had to travel to Europe to lobby the European Union to change its policy because the business of the United States would be affected. That is an issue of vested interests. So, President BUSH has tried every means possible to stonewall the reaching of a consensus by Codex. Everybody can see that the United States will certainly not support the implementation of a mandatory labelling system, and the United States does not have a mandatory labelling system for it exports most GM food products. The Government has stated that the relevant system is not implemented because a consensus has yet to be reached. However, we know that some 30 countries or regions including China have implemented mandatory labelling legislation. It is anticipated that at least 40 countries and regions will have implemented mandatory labelling legislation by the year 2004. We have been procrastinating, waiting for a consensus to be reached but other countries have not procrastinated or waited for a consensus. Are the health and rights to choose of their nationals more important than those of Hong Kong people?

There is another question. If our neighbouring countries have mandatory labelling systems for GM food products while there is none in Hong Kong, will Hong Kong become a dumping ground for GM food products? Will Hong Kong be affected? Why has the Government not considered these questions? The assessment report of the Government has quoted out of context that such a system will affect costs. Yet, the report has indicated that the annual turnover of the food industry from imports and exports and wholesales exceeds \$10.4 billion. If a labelling system is implemented, the costs of the industry will

increase by \$16 million to \$91 million depending on the type of mandatory labelling system adopted. If the most stringent system is adopted, the industry costs will increase by \$91 million, but the costs will only increase by \$91 million in the first year and they will decrease afterwards. Compared to \$10.4 billion, an \$91 million increase in costs is actually a small amount.

The report also points out that the conclusion of industry discussions is that the costs of labelling will not be shifted onto consumers and after labelling, the overall food prices will account for only 0.03% of the total household expenditure on food. Evidently, labelling will only put a very limited economic burden on the industry and consumers. Thus, the Government should not delay the implementation of a mandatory labelling system on such a pretext.

The Democratic Party and I hope Honourable colleagues will understand that we have not demanded for the implementation of mandatory labelling today, for we would make it voluntary as a start. We already made this proposal three years ago, but we are still encountering strong obstruction three years down the line. We have demanded for the implementation of voluntary labelling and to give the industry one year to one and a half years to adapt to the relevant system. Why is our proposal still being objected to?

Lastly, back in 1995, there was an oral question in the Legislative Council about GM food products. Let me quote the reply given by the then Secretary for Health and Welfare: "So far, we do not have evidence to prove that GM food is harmful to human beings. Though we do not have the evidence for the time being, it does not mean that it is utterly safe to consume such food products ..... At least we have to let people know which food products are GM food products .....". The Government at that time was aware of the need to protect people's health and right to know. It is inconceivable that, eight years later, our Government has not made efforts in this direction and it is conversely back-peddalling. It is hardly acceptable indeed.

With these remarks, I beg to move.

**Mr Fred LI moved the following motion: (Translation)**

"That this Council urges the Government to expeditiously establish a genetically modified food labelling system for prepackaged food products by adopting a "voluntary first, and then mandatory" approach in order to safeguard consumers' right to know and to choose."



**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That Mr Fred LI's motion be passed.

**PRESIDENT** (in Cantonese): Mrs Selina CHOW will move an amendment to this motion, as printed on the Agenda. The motion and the amendment will now be debated together in a joint debate.

I now call upon Mrs Selina CHOW to speak and move her amendment.

**MRS SELINA CHOW**: Madam President, I move my amendment to Mr Fred LI's motion standing in my name on the Agenda.

This is not the first time that a motion of similar effect has been moved in this Council. In the year 2000, Dr TANG Siu-tong moved a motion calling on the Government to set up a labelling system for genetically modified (GM) food through legislation, and in fact gained the majority support of this Council, in spite of a decision on the part of the Liberal Party to abstain.

In December 2001, the Honourable CHAN Kam-lam moved a similar motion. That time, however, both the Liberal Party and the Breakfast Group objected, while the Hong Kong Progressive Alliance abstained, so it was not passed. Mr Fred LI has conveniently left out the second motion.

For this debate, we have consulted the trade widely, and have come to the conclusion that it is right for us to oppose the mandatory labelling of GM food through legislation. I do not know whom Mr LI has in fact consulted in the trade, but he has actually mentioned a lot of groups which seem to represent consumer interests. But I would very much like to know who in the trade has actually advised him to go ahead with mandatory labelling by legislation. However, the trade, and this view we in the Liberal Party share, would support voluntary labelling with a view to better informing consumers.

We have discussed the issue with manufacturers, wholesalers and retailers of food products, and representative bodies of the trade, including the Retail Management Association (RMA) and the Hong Kong Food Council. Among all the views that they have put forward, one very clear message enjoys strong consensus. And that is: That Hong Kong should not jump into legislating for

mandatory labelling at this point in time. We should not, and cannot afford to, rush into uncharted territory ahead of other more technologically advanced markets.

Let us first look at what the world is doing and why.

Europe, Australia and New Zealand have now regulated for labelling, while Japan and Korea are requiring GM bean products to be labelled.

The United States and Canada, on the other hand, are relying on a voluntary system of labelling.

The food trade and industries in Hong Kong look at the issue this way.

They believe the jury is still out as far as whether GM food poses any damage to the environment or health. Codex of the World Health Organization has no standard recommendation on GM food. If GM food does pose a danger to public health, then it should be banned from sale altogether. No one can prove that it does pose a threat, and therefore it is not banned.

The fact of the matter is that there is neither international consensus nor conclusive evidence that it is harmful to health. In other words, it is not yet a public health issue. It is more an issue about the consumers' right to know.

But what can the consumer gain from the information, and what conclusion can he draw from such information? Would it help him to decide whether to buy or to consume the product? Would he be able to judge from the information given whether the product in question is in fact acceptable health-wise? Would he be able to tell how the GM proportion would indeed affect his health, if at all?

Hong Kong, being a relative small market of nearly 7 million people, is in no position to support tests to enable mandatory labelling for every GM product on the market, unless the manufacturer is able to supply the labelling. We do not have the laboratories to do the job. To obligate the mandatory labelling of all GM food would result in the exclusion of imports from some markets which are currently not requiring such labelling, including the United States and Canada. It would also place a heavy burden on local manufacturers who are supplying the domestic market. We are told that the additional cost to such

manufacturers could be as high as 30% to 40% for some daily food products. It goes without saying that all such costs will be passed onto the consumer ultimately.

According to the RMA, \$90 billion of food was sold in Hong Kong, \$53 billion from restaurants, and the rest, \$37 billion through retail. Of the latter, \$14 billion is fresh foods and \$13 billion is prepackaged. In other words, only 14% of food consumption in Hong Kong comes from prepackaged sources. This means that even if legislation requires 100% compliance of mandatory labelling on prepackaged food, 86% of the food consumed here would have ingredients with unknown GM content and proportion. The RMA also argues that any legislation on mandating the labelling of GM food would pose hardship to small and medium enterprises (SMEs). The Liberal Party is always wary of the impact of over-legislation on business as a whole, and on SMEs in particular. We share the view that legislation on GM food labelling is bound to be complex, given the variety of products and the multiplicity of ingredients, and would render compliance extremely complicated, difficult and costly for the large number of small businesses in the food trade.

In the absence of any clear consensus on the effect of GM food on health, the Liberal Party considers it premature to mandate its labelling. We of course welcome any voluntary effort to keep consumers informed. We believe that the market will determine the value of information, and traders will want to provide as much information as they can reasonably put forward. In other words, labelling for GM food should be looked upon as an economic tool that is preferable, rather than a public health safeguard that is indispensable.

**Mrs Selina CHOW moved the following amendment: (Translation)**

"To delete "establish a genetically modified food labeling system for" after "That this Council urges the Government to expeditiously" and substitute with "formulate guidelines to encourage food manufacturers to label"; to add "genetically modified" after "prepackaged"; and to delete "by adopting a voluntary first, and then mandatory approach" after "food products" and substitute with "on a voluntary basis"."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the amendment moved by Mrs Selina CHOW to Mr Fred LI's motion be passed.

**MISS CHOY SO-YUK** (in Cantonese): Madam President, we have discussed the mandatory labelling system for GM food for many years and the community has reached a consensus long ago. But the Government has only indicated after a review that it does not want the labelling system to seriously affect the operation of the food industry and thus announced that the relevant system will only be implemented on a voluntary basis. In other words, years of discussions have been shelved and no progress has been made insofar as the policy is concerned, depriving consumers of the rights to know and to choose and running counter to the world trend.

Even if we analyse the issue from the Government's angle, we will arrive at an opposite conclusion. The consultants appointed by the Government have pointed out that after the implementation of a mandatory labelling system, the overall costs of the whole food industry including raw material suppliers, producers and retailers will increase not more than \$90 million. The figure is quite huge on the surface, but considering the fact that the relevant costs are actually shared over a rather long period, the additional costs of individual enterprises are actually very little and it is impossible for that to be unaffordable.

Moreover, since the community has shown strong concern for the GM food issue, quite a few producers and agents have reduced using and even given up GM raw materials. A recent survey by the Consumer Council shows that, as compared with a similar survey in the year 2000, GM ingredients are not found in the food samples under random check this time. Even if there are GM ingredients, their contents are lower than those during the 2000 survey. In that case, even if a mandatory labelling system is fully implemented, it is estimated that it will not have significant impact on the food industry as a whole.

Nevertheless, the most crucial point is that in the absence of an explicit labelling system, there is no explicit channel to trace the GM food products sold on the market. So in case a full recall becomes necessary once there are problems, the costs of the tracing and recall procedures will be very high and the losses will outweigh the gains at the end. Let me cite an example. The industry incurred a loss of US\$30 million in the incident of the full recall of Starlink GM corn in the United States in the year 2000. Therefore, the implementation of a labelling system actually puts in place a safety valve for the industry and avoids incurring losses that can hardly be estimated in case of accidents.

We have no intention of uniformly defining all GM food products as harmful and not beneficial at all. Actually, many GM food products are really superior to traditional food products and the public are sceptical and even regard GM food products as unsafe and inferior food products just because they have insufficient understanding of their safety and there is not a suitable labelling system. Therefore, to promote GM food products, the Government and the industry should more vigorously introduce a mandatory labelling system and set up a GM food databank, as well as perfecting the tracing system, publishing food information and conducting safety evaluation, so that the public can be provided with sufficient information to make sensible choices. This is a right approach that can help remove the negative image of GM food and benefit the industry and the public.

Thus, the Democratic Alliance for Betterment of Hong Kong (DAB) thinks that the mandatory labelling system for GM food is absolutely feasible and it is essential to implement it expeditiously.

In fact, the Government has obviously lagged behind. GM food products have quietly landed in Hong Kong long ago. The Consumer Council has discovered since the year 2000 that some food products have used GM raw materials. The survey this year also discovers that some 30 food products have GM ingredients. Hence, the public has unknowingly swallowed many GM food products. It is expected that the implementation of a suitable labelling system is the common wish of most people. The DAB thinks that it is unrealistic for the Government to insist that adopting a voluntary labelling system and safety inspections can protect consumer interests.

Madam President, I wish to give an example. The DDT inventor considered it a great invention in the world and he even won the Nobel Prize. However, in recent years, we know very clearly that DDT is very harmful and the harm it has done will not fully disappear from the world. We have to spend a lot of money on the removal of DDT, so, it has very significant impact on people's health and the Earth. Thus, we do not know how harmful many new technology products will be in the future at the very beginning. If there are new technology products, there should at least be a labelling system to enable consumers to have the relevant knowledge.

A voluntary labelling system has negligible effects and it fails to match the system in advanced countries in the world, and there is even certain distance

from the mainland and Taiwanese Governments. The European Union has already implemented a mandatory labelling system and it will further introduce legislation by the end of this year to require food traders to establish a sound tracing system to assure that there are strict monitoring and control systems at such stages as production, processing and transportation, and that there will be clear information on whether the products may have GM ingredients and the sources of raw materials to facilitate verification of the contents claimed on the labels. In view of the supervision trend of the international community, a mandatory labelling system is more or less the minimum monitoring requirements. Besides, the monitoring of GM food products will only become increasingly stringent.

Even the United States and Canada have such requirements that if there are differences between GM food products and the original food products in terms of quality, there should be labels to aid identification. Nevertheless, the proposal of the SAR Government has not taken these requirements into account and it really makes us worry about whether the system is merely nominal and deficient.

With these remarks, Madam President, I support the original motion and oppose the amendment.

**DR RAYMOND HO:** Madam President, Hong Kong is a major food importer in Asia. Every year, we import various kinds of prepackaged food from the Mainland as well as overseas countries. In order to protect the health of our people, our Government has set up a food labelling system. For instance, the expiry date or manufacture date of prepackaged food must be printed on the packing. However, in my opinion, the existing labelling system is not sound enough, nor is it adequate. It must be improved in order to offer further protection to the Hong Kong people.

As biotechnology advances, more and more food is now genetically modified. Generally speaking, this kind of food is cheaper than organic food, but whether it will cause any ultimate health hazards is still unknown. We must take note that many countries, including mainland China, Japan, Australia and European community have already established a mandatory food labelling system on GM food in order to protect their people. Regrettably, Hong Kong lags behind these countries in this area and it is imperative that we should catch up with them immediately.

In the year 2000, we had a motion debate in the Legislative Council at a meeting session on the same topic as today's. Although the motion on setting up the food labelling system on GM food was passed, no mandatory but only a voluntary system has been established so far. I would consider that a mandatory food labelling system is necessary. It is because most food distributors, in order to avoid costs and unnecessary liabilities, will opt for not stating the GM ingredients on the packing of the food that they are selling if the food labelling system is a voluntary one. In fact, as reported, according to the research of the Consumer Council carried out recently, it was found that 30% to 40% of the food samples were genetically modified, but none of them was labelled accordingly.

In my opinion, for the sake of our citizens' health, it is necessary to establish a mandatory food labelling system for GM food. With this system, consumers will have full knowledge of the food that they are going to buy and will be able to make their own decisions accordingly. I would agree that we could continue with the current voluntary system for a defined short period prior to the mandatory labelling requirement.

Food is important for us to sustain our lives. However, not all food is good for our health. For example, food that is too salty, sweet or greasy is unhealthy. Fortunately we can distinguish that it is so after we have tried it and we will be able to decide next time if we should buy it or not. However, this situation is not applicable to GM food. We will need, in the long run, nothing less than a mandatory label indicating its nature.

Madam President, I so submit. Thank you.

**MR KENNETH TING** (in Cantonese): Madam President, in recent years, GM food labelling has almost become the subject of our debate every one to two years, and although Mr Fred LI has proposed the "voluntary first and then mandatory" principle today to deal with the issue of GM food labelling, the problems arising from mandatory labelling as proposed in recent years have basically not been solved. Therefore, the Liberal Party and the Federation of Hong Kong Industries oppose this approach of development towards mandatory labelling.

First of all, for several years, a consensus has not yet been reached in the international community on the GM food labelling system and there are still enormous discrepancies. For example, the European Union and such countries as, Australia, New Zealand, the United States, Canada, Japan and Korea have specified various criteria for GM ingredients in food products, with some being not more than 0.9%, some 3% and some others 5%. Besides, some countries will only regard food products that are not substantively the same as the original traditional food products as GM food products. They have also adopted either mandatory or voluntary labelling.

Secondly, there are no consistent criteria on the testing methods and inspection requirements for GM food products in the international community and the countries are only conducting preliminary tests. If Hong Kong wishes to implement a mandatory labelling system, it has to develop the relevant criteria on its own. There is no authoritative research results in Hong Kong so far and rash actions may affect the effects of the control through labelling. Since the above technical problems remain to be solved, there are realistic difficulties in respect of the implementation of a mandatory labelling system in Hong Kong.

Madam President, back in the year 2001 when the Government consulted the public on the question of whether or not GM food products should be regulated, the food industry already pointed out that implementing a mandatory labelling system would only increase the operating costs, with the greatest impact falling on small and medium enterprises such as food traders. It is because food products in Hong Kong are mainly imported and, under a mandatory labelling system, they have to obtain test reports and certification from the suppliers or manufacturers of raw materials.

Nevertheless, we cannot say that all raw materials have now been labelled and in view of the fact that various countries enforce inconsistent standards, the importers and producers can hardly conduct laboratory tests on their own. Even if they do so with an effort, the industry has estimated that the costs will suddenly increase by \$16 million to \$91 million. At present, there are no scientific reports that prove that GM food products are harmful to human beings. In addition, given a weak economy, food manufacturers have substantially cut their profit margins in order to maintain their competitiveness. In particular, for some small proprietors, additional costs will only mean additional burdens which make operation difficult. The introduction of mandatory labelling is also contrary to the spirit of revitalizing our economy that is now actively advocated by the Government and this Council.



Madam President, I oppose the original motion and support Mrs Selina CHOW's amendment. Thank you.

**DR TANG SIU-TONG** (in Cantonese): Madam President, in early 2000, this Council passed the motion moved by me, demanding the Government to expeditiously establish a mandatory labelling system for GM food products. At that time, only a dozen or so countries in the world, mostly European countries, had mandatory labelling systems in place. However, when we look around at the Asian-Pacific Region that we are in today, three years since then, we will see that almost all major countries and regions from North to South have mandatory requirements or intend to make legislation to require labelling of GM food products. Today, when 2 billion consumers are protected by labelling legislation, the Government still advocates a voluntary labelling system, which is not a must. Not only has it neglected the rights of all consumers in Hong Kong to know and to choose, it has also defied the motions passed by this Council and the results of the opinion polls over the years.

The Government and other people oppose adopting a mandatory food labelling system mainly because of three arguments: first, a consensus has not been reached on a labelling system in the international community and countries with labelling systems have proprietary requirements; second, the labelling system forces the industry to increase operating costs, causing some suppliers to give up the local market, which adversely affects the business of importers and gives the public fewer choices; and third, the establishment of a GM food safety evaluation mechanism proposed by the Government can ensure food safety, and renders labelling unimportant.

In regard to the argument that there is a lack of consensus and criteria, 35 countries and regions in the world have already implemented labelling legislation, and the population concerned accounts for one third of the world population. It is projected that there will at least be 45 countries and regions with labelling legislation by the year 2004. If the international community has really not reached a consensus, why will there be a continuous increase in the number of countries and regions that have legislation to implement labelling systems? Although the criteria adopted by various places differ, the European Union model is the mainstream, that is, the allowed quantity of GM ingredients in food products is fixed at 1% and other countries have adopted this standard one after another. Thus, we cannot say that there is no legislation as reference when we

wish to make our own laws. Australia is one of the countries that make reference to the European Union model. One of the reasons why the Australian Food Standard Committee has chosen the 1% criterion is that if the GM ingredients of food products exceed the permitted quantity, it can be reliably tested whether the products contain new DNA or protein. Food manufacturers can observe the standard and enforcement agencies can take reasonable legal actions against manufacturers who have violated the provisions. We may know from foreign experience that the Government basically wishes to fish in troubled waters and mislead the public under the pretext of "no consensus and no standard".

Madam President, another argument of the Government is the so-called argument about heavy costs and small market. It considers that once a labelling system is implemented, it will increase the economic costs of the industry and drive foreign suppliers away. However, the consultants appointed by the Government have pointed out that even calculated on the basis of the highest costs, since the costs will be shared by the whole industry and paid within the first year, thus, for most manufacturers, the costs so increased will not be too high and the effects will be short-lived. Besides, the Government also intends to require the provision of safety evaluation documents and proof for GM food products by the industry. The relevant work is similar to the procedure of affixing labels and will equally increase industry costs. Now that it is inevitable to increase costs and the actual and marginal costs will not be too high, why can the Government not require the industry to make another step in the interest of the consumers' rights to know and to choose and in line with public opinion?

It is undeniable that though local food products are mainly imported, we cannot say that the market is big. Therefore, foreign importers will not put in capital for evaluation and packaging merely for compliance with the local legislation on labelling. Yet, I can hardly imagine why a food manufacturer will give up the vast China market with 1.2 billion population, and even the European and Asia-Pacific markets as a result of the problem of labelling. The United States and Canada are main opponents of labelling legislation. After the implementation of labelling legislation in Hong Kong, would United States importers and manufacturers especially affix labels for Hong Kong? Certainly not! Nevertheless, the major traders with the United States and Canada are China, Japan and the European Union that have already established the labelling legislation. Will businessmen give up these big markets?

In addition, the surveys conducted by the Consumer Council and green groups as well as the Government's consultant report show that food manufacturers incidentally are inclined towards giving up the use of GM raw materials or strictly controlling the proportion of GM ingredients in order to tie in with the global trend of labelling legislation. In other words, food manufacturers all over the world are already prepared to welcome labelling legislation at any time. Provided that Hong Kong follows the international trend, we do not need to worry about food supply at all. The Government is worried about the lack of food varieties in Hong Kong. Has it worried too much or does it wish to pass off the sham as the genuine?

Madam President, I know the Government intends to make it mandatory for GM food traders to submit safety reports and conduct random checks in the market every now and then to prevent the sale of GM food products that have not been approved on the market. However, I wish to say that there are major loopholes in the safety evaluation mechanism that the Government is prepared to implement because the Government will not conduct independent safety evaluation on food products. In fact, the evaluation method of the Government is similar to the United States system. It basically upholds a *laissez-faire* policy and it in principle depends on manufacturers to submit evaluation reports before determining whether food products are safe. Unless there are evidence to the contrary (such as reports by the regulatory agencies in other countries), the evaluation of manufacturers will be accepted. This method that allows manufacturers to make evaluations on their own has been subject to criticisms in the United States and the Consumer Council also opposes the adoption of similar methods by the Government. It has also pointed out that the Global Consumer Protection Organization also thinks that this practice is inappropriate. Madam President, since the Government has abandoned the first line of defence in respect of food safety, consumers should hold fast to the last line of defence and choose food products on their own with the benefit of labelling.

Lastly, I already opposed a voluntary labelling system three years ago because I think that an arbitrary voluntary labelling system that is not a must cannot in essence protect consumers' rights to know and to choose. Nevertheless, I do not intend to repeat the relevant arguments today. I hope Honourable colleagues will especially consider whether self-evaluation and voluntary labelling can adequately protect consumer interests? After the

Government has abandoned the first line of defence in respect of food safety, should we still insist that voluntary labelling is feasible?

With these remarks, Madam President, I support the original motion.

**DR LO WING-LOK** (in Cantonese): Madam President, genetic changes are nothing new and the evolution of animals and plants is a process of genetic changes. The genes of modern man are greatly different from those of our remote ancestors. The mating of animals and plants for the production of the next generation is a process of realignment of genes. A man and a woman get married and have children, and some of them will look like their father and some like their mother. All these are the results of the realignment of genes. The flower produced by the mating of a red flower and a yellow flower has yellow petals with red beams, and that makes the world more beautiful.

Therefore, the evolution of human beings relies totally on the realignment of genes, that is, the mutation of genes. Genetic mutations also cause problems for human beings and the most commonly known problem often discussed by us recently is the resistance to the actions of drugs of germs and viruses. If there are errors or realignment of genes in the process of reproduction and breeding, germs and viruses develop new features.

As regards antibiotics, if a certain germ has gathered many drug-resistant genes, it may become a super germ that cannot be killed by any antibiotics. All these are the advantages and disadvantages of genetic mutations to human beings. There are grounds for our worries about genetic modification. Human beings nowadays are gradually evolved from our remote ancestors over thousands or even tens of thousands of years. Nevertheless, if human beings grasped some technologies that could enable rapid genetic mutations and rapid modifications, thus turning monkeys into human beings within a very short time, it would be very terrible. Therefore, scientific research personnel conducting the relevant researches have to consider the ethical and moral consequences. So, the discussion has given rise to controversies all over the world. The European Union (EU) handles GM food products in the strictest manner.

There is no specific evidence in the world so far to prove that GM food products are harmful to health, but the EU view is that the absence of evidence to prove that such food products are harmful does not mean that they are harmless.

We have to look farther because some impact on our health can only be seen 10, 20 or 30 years later. This is a very prudent practice and many medical organizations in Europe including the British Medical Association accept the practice and advocate a system for the mandatory labelling of GM food products.

In North America, on the contrary, the United States holds different attitudes. North America is the largest producer of GM food products in the world and it is understandable that their views would be less strict because the issue involves very big economic interests. I also believe that the lobbying efforts of the relevant food manufacturers will be made all over the world. The United States is of the view that such food products are harmless if there is no evidence to prove that they are harmful, which is entirely different from that of Europe.

What about Hong Kong? Hong Kong is in the middle of the two. It is not a food exporter and it is even not a bigger food manufacturer. We rely on the import of food and raw materials from foreign countries to supply our food manufacturing industry of a smaller scale. Thus, Hong Kong may be more passive in this respect. Will the local food manufacturers encounter difficulties and incur higher costs if we adopt some very strict labelling regulations? There is such a possibility. Will our small market be supplied with fewer varieties of food products? There is also such a possibility though the impact may not necessarily be very great.

In my opinion, we Hong Kong people may not share the views of the EU, the United States or food manufacturers. Actually, we wish to have the right to know. People all over the world are in pursuit of high transparency and we have the right to know about our food. Although there is no evidence to prove that some food products are harmful, we wish to know and then choose whether to eat them or not. There is also no evidence to prove that some additives in food products are harmful, but some people have said that human beings should not eat artificial additives, thus, I do not choose them and I will first read the labels. For this reason, I think that the appeals of ordinary people in this respect are entirely reasonable and worth support. Thus, I have always supported a mandatory labelling system.

Mr LI has proposed a "voluntary first and then mandatory" approach today, but I think that it is not explicit enough. If I were to propose the motion, I

would only propose a "mandatory" but not "voluntary" approach. If it is done on a voluntary basis, there will not be any time limit, so there should be a timetable for implementation. If the industry has difficulties and worries, the time limit can be extended a bit to two to three years and there will not be any problems. We should only implement such a system when everybody is fully prepared. Yet, if a "voluntary first" approach is adopted, it will be voluntary for eight to 10 years and our goal cannot be realized in the foreseeable future. I will vote in favour of the original motion but not the amendment. Thank you, Madam President.

**MS CYD HO** (in Cantonese): Madam President, a consultation was already conducted three years ago on whether a labelling system for GM food should be implemented, so perhaps I do a little recap for Members. The consultation at that time covered mainly three points. First, should labelling be made voluntary or mandatory? Second, how high should the threshold be if labelling was required? Should labelling be made when food products contain more than 1% GM ingredients or up to 5% GM ingredients? Third, should there be an 18-month transition period or should it be implemented immediately, or should labelling be made voluntary rather than mandatory in future?

The outcome of the consultation was that most respondents supported the implementation of labelling on a mandatory basis because they wanted to have the rights to know and to choose. The majority also supported using 1% as the threshold for labelling. It could be regarded as an unexpected surprise for Green Peace because it turned out that the public had even higher requirements. In fact, Green Peace had indicated when lobbying Members that they would be very happy even if the standard was 5%, yet, the public wanted to know more and had more accurate information on the relevant ingredients.

Three years ago, some said that an 1% content could hardly be inspected, but there are genetic engineering experts in Hong Kong and the sector has confirmed to us that it is actually not difficult and definitely practicable in terms of technology to test 1% GM content given the current state of the art. The Consumer Council has also indicated that if we have a system for tracing the origins of such contents and a certification system, we do not need to examine all food products after the systems have come into operation for we only need to conduct random inspections to ensure the smooth operation of the systems. Thus, the relevant costs are not as high as have been imagined.

As to the transition period, we all thought that an 18-month period was very reasonable. Certainly, I will be very happy and support the suggestion if somebody suggests immediate mandatory implementation as Dr LO Wing-lok has done.

Nevertheless, the Government turned down the relevant proposal on the ground that Hong Kong was a small market and it was impossible for food manufacturers to specially print packages labelling GM ingredients for such a small market as ours. As a result, Nestle sells to the European Union food products without GM ingredients because there is legislation that products without labelling are illegal, and sells food products with GM ingredients in Hong Kong.

In fact, many countries including China have already enacted legislation on mandatory labelling, so I wonder how much longer Hong Kong should wait. After the last consultation, though most people supported a labelling system, the authorities did not follow public opinion by adopting the relevant measures and conversely indicated that an economic impact assessment should be conducted. This Council subsequently invited some groups and the industry to express their views, including people from provision stores, retailers and wholesalers. They indicated support for a labelling system, but hoped that there could be a longer transition period ranging from three years to five years. I found it strange why they supported the system but asked for such a long transition period. I found after enquiring the industry about the reasons that they would normally order certain quantities of packaging materials as stock, and it would take three to five years to use up such materials. Thus, they wished to use up their stock before placing new orders so that no new costs would be incurred. Having learnt about that, I was happy that the sector did not resist the system for it was only an issue of costs. However, I was also very sad because the Government could spend hundreds of millions of dollars in subsidizing minibuses and taxis in vehicle replacement in order to reduce air pollution, but it has not made corresponding consideration at all about the right to know in respect of food safety. It also does not have explicit views on the implementation of a mandatory labelling system after a transition period of three years or five years.

GM food products are actually not 100% safe. Last year, Starlink corn gave rise to a large-scale recall of potato chips and beer in Japan. It was because it contained that would cause health problems. GM salmon really grow fast but they have hump-like flesh on their back. Human genes will also change

slowly every 1 000 years. When we are slowly changing, a person who suddenly has an extra lump of flesh will not attract discrimination. I am gravely concerned that we may find something bulging out of our body one day after we have eaten Starlink corn flakes, for it may cause discrimination against us. In that event, it would be bad indeed.

Price is a delicate issue. Actually, modified genes are cold-resistant, drought-resistant and pest-resistant and so the prices of GM food should be adjusted downwards, but I do not think these factors are reflected in the retail prices for the benefit of consumers. Mrs Selina CHOW said earlier that labelling would conversely cause prices to increase by 30% to 40%. Why do we have to make so much effort? If we revert to simplicity, genetic modification will not exist at all and we will not need labelling and prices do not have to rise by 30% to 40%.

Of course, there is no consensus in the international community. The United States is the largest exporter and its interests matter. The European Union has proposed implementing a trade barrier for five years in the interest of safety; as a result, the United States loses around HK\$2.3 billion per annum in terms of sales to the European Union. The total loss is almost HK\$10 billion, which is a very large amount insofar as business and trade are concerned. There will certainly not be any consensus when we are on the verge of a trade war.

In regard to the relief of famine, the global food production is uneven rather than inadequate. Very often, the United States destroys crops to maintain the income level of American farmers. At the end, economic supremacy causes trouble and spending is controlled by capitalists.

Madam President, we like to tell people earlier on that we eat game as food casually. Nature will revenge if we do not treat it well. I do not want to see one day people whose appearance and looks are different from most of us when we are strolling on the streets, people who will be discriminated against. Therefore, I support the original motion.

**MR HUI CHEUNG-CHING** (in Cantonese): Madam President, back in January 2000, Dr TANG Siu-tong initiated a debate on the motion on "Establishing a Labelling System for Genetically-Modified Food" on behalf of the Hong Kong Progressive Alliance. I also spoke in support of his motion, urging the



Government to implement a labelling system through legislation. One of the reasons was that if the Government could implement a labelling system before GM food was found all over the market, the costs would certainly be lower and it could minimize the disturbance to the public. More importantly, a labelling system could give consumers more information, one more option. This should help allay consumers' worries and save them the trouble of distinguishing GM food products, and it should also help wholesalers and retailers restore consumer confidence in certain food products. Therefore, the two large supermarket chains, Park'n Shop and Wellcome, both expressed the hope that the Government could expeditiously implement a labelling system. Three years since then, my position still remains the same and I support implementing a labelling system through legislation.

Actually, the popularity of GM food is a general tendency and the people are naturally interested in and have the right to know more about such food products. While some colleagues in this Council wish to know which are GM food products and which are natural food products, some colleagues may think that it does not matter because the modified genes of the food concerned come from nature after all. Some colleagues also think that we should from now on stop eating GM food which goes against the law of nature, yet, some colleagues think that it is no big deal. All these are choices founded on the right to know. Nevertheless, do Honourable colleagues as consumers have the rights to know and to choose? We do not know and we cannot choose. A major reason is that the Government has all along failed to provide consumers with information and education relating to GM food products. Another reason that is more important is that the Government has been reluctant about establishing a GM food labelling system through legislation. Food manufacturers do not have the statutory responsibility to give an account of the nature of food products, and we basically cannot identify the true colours of GM food products. Nor can we have any idea about whether our lunch and dinner today contain GM food products. It is most important for a labelling system to be established to show respect for the due interests of consumers. This is especially important to people with specific diets and religious beliefs. They do not want to break the rules without knowledge or choice and eat food products that look like plants but are actually animal products.

Of course, the experience of other countries show that a labelling system may impede the sale of GM food products, but the problem lies not in the labelling system itself but in the serious lack of consumer knowledge about GM food products, which cause unnecessary worries and misunderstandings.

Actually, scientists have so far failed to determine whether GM food products are beneficial or detrimental to human beings and the environment. Who knows, GM food products will become Q mark products in the future. For this reason, while the Government implements a labelling system through legislation, it must enable consumers to understand the relevant technologies and products in a more objective manner through neutral publicity and education.

Madam President, I so submit.

**MR TOMMY CHEUNG** (in Cantonese): Madam President, in recent years, advancements in technology have enabled us to alter the genetic make-up of conventional food with the application of modern biotechnology. The primary purpose of so doing is to enhance crops' resistance to pest for better yields, so that food production can become more stable and less vulnerable to weather or pests. This may not be a bad idea considering its contribution to solving the problem of food shortage faced by human beings.

I understand that members of the public have become increasingly concerned about GM food in recent years, particularly about the safety of GM food, such as whether the consumption of GM food will result in allergic reactions. In fact, as pointed out by the World Health Organization in its report last year, GM food available on the international market has basically passed risk assessments. In other words, this kind of food is safe for consumption.

In this connection, the Liberal Party supports the proposal put forward by the Government in March of conducting safety assessments first, to be supplemented by the implementation of voluntary labelling. We support this proposal because in future, food traders will only need to obtain the proof of safety assessments on materials or food containing GM ingredients imported or manufactured by them, without having to expend enormous manpower, resources and funds to conduct tests on their own. So, there should not be any major problem with this. Indeed, foreign governments also attach great importance to the safety standards and they have certain benchmarks for compliance. So, on this premise, it should be appropriate to implement voluntary labelling for GM food.

However, if food imported into Hong Kong is mandatorily required to be labelled to specify the presence of any GM ingredients, as suggested by the

original motion today, I am afraid many problems will arise in implementation. The Liberal Party has reservations all along about this, because even the Codex Alimentarius Commission (Codex) of the United Nations does not have clear criteria for the definition of GM food to date. As pointed out by Mrs Selina CHOW earlier, different countries have adopted different practices with regard to the mandatory labelling of GM food. Even in the United States and Canada where more stringent standards are adopted for the regulation of food, only voluntary labelling is implemented.

Another example is the European Union where the standards relating to GM food have been changing in a way that the threshold of GM ingredients for any kind of food to be considered GM food has been revised from 1% in the beginning to 0.9% at present, and labelling is thus required for such food. But behind all this, is a trade war actually going on as a result of these countries deliberately tightening their standards in order to protect their local food industry? I think this may not be totally unfounded. In view of these changing standards which have yet to be finalized, what standards should we in Hong Kong follow?

Madam President, food supply in Hong Kong basically relies on imports, and local production only takes up an insignificant share. Once there are changes in the system in foreign countries, the local testing criteria, labelling requirements, and so on, have to change accordingly, and this will entail substantial costs. Furthermore, to food importers, the local market is but a small market. Will they give up the entire forest for this tree of Hong Kong and specifically work out a set of labelling criteria for food imports into Hong Kong? Food traders may eventually choose not to import food here. This will mean less choices for the people and may even cause the prices of food to rise as a result of reduced competition.

According to a study conducted by the Government, if mandatory labelling is introduced for GM food on a threshold of 1%, it is estimated that some 270 food importers and manufacturers would be affected, affecting the livelihood of a total of over 2 000 workers. This, I am afraid, would further push up the already record-high unemployment rate, resulting in inconceivable consequences.

Madam President, Hong Kong has always been the gourmets' paradise. If the varieties of food imported into Hong Kong dwindles because of the requirement of mandatory labelling for GM food, this would somehow create an

adverse impact on the territory's reputation as the gourmets' paradise. And if food traders, in order to meet the requirement of mandatory labelling, pass the additional costs onto the public, it would add to the burden of the public in their living. Those who would suffer in the end would only be members of the general public.

Moreover, some food traders have now specified the presence of GM ingredients on prepackaged food to allow choices by consumers. I think a voluntary system is the best arrangement, for we must have confidence in the judgement and choices of the people. What the Government must protect is public health, as well as food hygiene and safety. It is inappropriate for the Government to intervene in and control everything through legislation, for this would inhibit the market from bringing its own mechanism into play.

With these remarks, Madam President, I support the amendment and oppose the original motion.

**MR WONG SING-CHI** (in Cantonese): Madam President, Mr Fred LI mentioned earlier that the same motion had been debated in this Council three years ago. He also pointed out that the progress of the Government's policy on the labelling of GM food had been at a standstill. Similarly, three years ago, there were only a dozen countries or so, such as the European Union, Korea and Australia, where mandatory labelling was implemented or planned to be implemented. But today, over 40 countries have implemented mandatory labelling, and the number is increasing. To use the most popular expression to describe the Government, I would say that the Government has failed to keep abreast of the times. This has exactly reflected the Government's attitude towards the labelling of GM food.

Madam President, the Democratic Party is not advocating for a complete ban on the sale of all GM food. In fact, a full ban is simply impossible. Having said that, however, tests are still being carried out as to whether the consumption of GM food is harmful to human beings. It is for this reason that we call on the Government to adopt a more careful strategy and set up a labelling system for such food.

Ever since GM food began to give cause to public concern, a primary issue of concern has been whether the consumption of GM food is unsafe. This issue

has remained contentious in the science community. The position of the Government on GM food is that there is no evidence suggesting that GM food is unsafe and so, such food is only required to pass a safety assessment which covers the toxicity, allergens and nutritional content of the food. However, GM food actually involves far more aspects.

Take some corn snacks that have been put on sale in the territory recently as an example. This pack is a case in point. According to the results of many tests, it contains "maximizer", an antibiotic-resistance substance. Based on the Government's standards, this product is very likely to pass the safety tests. In its reply to a written question raised in the Legislative Council on this issue last week, the Government stated that the transfer of antibiotic-resistance genes to human was rare and that the health impact of such transfer on humans was negligible. The Government has, as usual, told us just half of the truth, not the whole truth.

The Codex has pointed out that "the possibility of such events cannot be completely discounted". According to the recommendations of the Codex, antibiotic resistance genes should be banned if used for medical purposes. The British Medical Association and European parliaments also consider that GM crops and food containing antibiotic resistance substance should be banned for human consumption. The Governments of Austria, Norway and Luxembourg have also banned the sale of food with maximizer. Yet, our Government appears to be turning a blind eye and a deaf ear to GM food that may contain harmful ingredients.

Madam President, I believe our children have already eaten lots of corn snacks of this sort, and Members who like to eat snacks have also eaten these snacks before. We do not know whether there will be sequels after eating these food products. But had I known the presence of GM ingredients in them, I would have been more careful in choosing this kind of food for my son. So, I have stopped my son from eating this kind of food casually as far as possible. I trust that Members present here will do likewise. But we are not given any choice at all, because I cannot find any GM label on the packing of this corn snack after looking at it many times. There is no description whatsoever about the presence of maximizer. These food products, which have passed safety tests, do not provide such a description. But other tests have clearly confirmed the presence of maximizer. I do not know what reaction there will be inside our body after consuming these GM food products.

Colleagues of the Liberal Party, particularly Mr Tommy CHEUNG, said earlier that we could encourage the food trade to adopt voluntary labelling and in fact, it is already being done. He added that the trade would do this with more encouragement. But we have already been giving them such encouragement. Mr CHEUNG also said that this is what being done now. But I hope that Members of the Liberal Party will join us in looking for GM food products on the market that are labelled voluntarily. If they can find such products, would Mr CHEUNG or Mrs Selina CHOW please let us know. Mr Fred LI and I will write to those companies to commend them for being scrupulous and for their willingness to assume social responsibility. But the fact is that virtually none of the companies have labelled their products voluntarily. We cannot find any, no matter how hard we have tried. How can we possibly expect them to label their products voluntarily?

On the question of labelling, we conducted two surveys in May 2001 and March 2003 respectively and found a significant increase in the percentage of respondents who called on the Government to implement mandatory labelling. The figure has increased from 52.1% in May 2001 to 62.5% in March 2003, representing an increase of over 10%. The result is clear. So is the aspiration of the people. I hope the Government can eventually pay heed to good advice and return to the people their rights to know and to choose.

With these remarks, Madam President, I support the original motion.

**PRESIDENT** (in Cantonese): Mr WONG Sing-chi and Mr Fred LI, I suggest you put away those two packs of commercial products, unless you wish to do a commercial for them here. Thank you.

**MR ABRAHAM SHEK:** Madam President, as the old saying goes, "you are what you eat". Look at me, I do have a problem, probably overeating, probably consuming a lot of genetically modified (GM) food, or both. Jokes aside, it is only natural that we are concerned with the nutritional content of what appears on our dinner table.

The calls that have come for wider information disclosure on GM products — or "Frankenfoods" or "Biofoods" as dubbed by some people — are highly understandable. People naturally want to know if there is any strange

protein or new DNA present in their corn bread, soybean milk or ketchup. We all want to be informed consumers, making informed choices about our food.

Unfortunately, the decision on what information gets disclosed — and how much gets disclosed — often takes into consideration commercial interests far more than the interests of the consumers. It is no coincidence that across the developed world, where one country stands on the issue of GM food regulation often corresponds closely with whether its agricultural production has vested interests in GM farming. The United States, for instance, does not support mandatory labelling and they happen to be one of the largest GM crops suppliers in the world. The Europeans and the Japanese, on the other hand, favour mandatory labelling because few of their farmers grow GM crops.

Hong Kong, though, has a very different situation. Our agricultural export trade is very small, and the number of voters from this sector is equally minor. In devising labelling rules, the Government's primary concern thus centred around enhancing food safety and better protecting the consumers.

Regrettably, the labelling proposal recently put forth fails in a way. The proposal's call for mandatory pre-market food safety assessment to be supplemented by a voluntary labelling system has not convinced me how this particular option will safeguard our right to know what appears on our supermarket shelves. But the greatest flaw of this proposal is showing a one-sided bias for the interests of the food import industry, while not properly or adequately addressing the public's concern for better access to information on GM food.

Sadly, voluntary labelling is not a new policy initiative. Instead, it seems to be the regulatory framework already practised in Hong Kong.

Put it simply, allowing labelling to be voluntary would just mean maintaining the *status quo*. And in the present situation, food manufacturers can choose on their own if they want to reveal their products' GM ingredients or not. But more and more consumers and consumer groups have complained that they can only get fragmented, non-standardized or, frequently, no information at all. In a way, the food industry's secrecy is no surprise. According to a government consultancy report, some food manufacturers admitted that they would rather change their food formulas than publish details of their recipes or GM ingredients used due to the fear of losing market shares. Bluntly put,

voluntary labelling would suit the food manufacturers fine, but it is unlikely to improve the public's access to GM information.

Furthermore, I find the Government's argument that it should sit back and wait for an international consensus on mandatory GM labelling questionable.

After all, it seems doubtful how so many countries with inherently contrasting and different positions could ever agree on a universal set of labelling and testing criteria. We could be in for a long, long and futile wait! In this case, I would say that being passive seems not to be as wise and logical a strategy as the Government claims.

I suspect that their real concern is the possible negative impact that a labelling system will bring on the food industry as well as the economy. Admittedly, mandatory labelling may increase costs slightly for locally-based food importers and manufacturers, who will inevitably pass the burden on to consumers. But the importance of the issue demands that we strike a balance between commercial and consumer interests. Individual shoppers can decide for themselves if they are willing to pay a little bit more for tighter control and regulation on their food.

A second round of public consultation is expected to begin later this year. If the public — even with the Government's warning of significant cost implications — still voice their support for stricter control, the Government must revise its present proposal and promptly endorse the public opinion.

With these words, I support the original motion.

**MR LEUNG YIU-CHUNG** (in Cantonese): Madam President, a few days ago, many people were happy as Hong Kong was finally removed from the list of infected areas by the World Health Organization (WHO). After being tormented by SARS for a hundred days or so, we are finally delivered. Certainly, there is nothing worthy of celebration given such heavy casualties. But the battle against SARS has indeed reflected the need for us to think deeply and reflect on ourselves over many issues. What exactly was the problem that had led to such heavy casualties? We can see that the kernel of the problem is our failure to properly handle the relationship between human beings and Mother Nature. This is very important indeed. This motion today, which concerns the modification of genes, also has to do with this question.



Should human beings alter the genes of plants by artificial means? Or should human beings consume GM food? These are issues that we must discuss.

On the question of whether we should consume GM food, this may be a question of personal choice. Today's motion does not seek to entirely negate the consumption of GM food. The question only lies in whether we have access to sufficient information for an informed choice. So, the thrust of the motion is a labelling system. Indeed, as many colleagues said earlier, we already discussed a similar question three years ago, and the motion was carried by a vast majority vote at that time with no Member voting in opposition. Regrettably, the Government has not in the least respected our views. It has not introduced legislation on GM food to implement a labelling system. This has made us very angry indeed.

At that time, the main question at issue was whether legislation should be made on the implementation of a labelling system. Similar to the proposal in their amendment today, the Liberal Party stressed that legislation should not be made and that we should only formulate guidelines to encourage implementation. However, most of us consider legislation necessary, because only when legislation has been made that our right to know can be protected. Let me cite a simple example. When we buy a piece of clothing at a shop, surely we would like to know what material it is made of, and whether it can be washed in warm water, whether it will shrink or whether it is colour fast. All this is information we want to know. There is so much that we want to know even when we buy a piece of clothing, let alone things that we actually put into our mouths and go into our stomachs. Should we not know anything about them? This is indeed ridiculous.

The setting up of a labelling system will serve to protect our safety and health. Why do we not go ahead with it? Some people may question the need to make labelling mandatory, though they may agree that consumers' right to know should be protected. Some people think that a food company may label its products voluntarily as a means to entice business and attract consumers to buy its products, and they consider this a better option. They think that companies not labelling their products will be eliminated as a matter of course. This sounds appealing and reasonable. But a major question remains: Who will be willing to make a start?

As Mr WONG Sing-chi said clearly earlier on, this issue has been discussed for three years. But how many people have adopted a labelling system? Another survey may perhaps be conducted, and I dare not hazard a guess. By intuition, I feel that not many people are willing to implement this system. Had there been many people willing to do so, Mr Fred LI would not have proposed this motion today. We have been talking about this for three years, but how many people are willing to practise a labelling system? Even if we carry on with the discussion, for how many three years do we still have to wait before a review will be conducted? This is precisely the crux of the question.

Some people said that so long as there are people doing this voluntarily, companies not doing it will be eliminated. While this argument sounds pleasant to the ear, this is destined to be of no avail. Therefore, we should support the original motion today.

Certainly, some people may argue that mandatory labelling may, as stated by some colleagues earlier, lead to an increase in costs which will eventually be passed onto consumers. Mr Tommy CHEUNG even stressed earlier that under the prevailing economic conditions, mandatory labelling, if implemented, will push up the unemployment figure. This is most scaring. But as explained by Mr Fred LI earlier, the additional costs incurred are actually minimal. Let us not frighten the people with these "false, exaggerated and empty" figures.

From the SARS outbreak we have drawn a clear inspiration. How should we choose between money and health? Should we go for health or money? We really have to make that choice. I certainly do not think that we should become misers. We should not set eyes only on money, because money brought into the grave is useless. Only when we are healthy will our lives be valuable and meaningful. Therefore, even if the costs will really be pushed up, does it matter? Do we choose not to cherish our health and not to cherish our lives?

Some people consider that the labelling system should not be implemented in haste. Many colleagues also said earlier that legislation is not made even in such developed countries as the United States. So why should we have to set up a labelling system so hastily? I wish to point out that Mr Fred LI is very intelligent by leaving room for manoeuvre today. His motion reads in part "voluntary first, and then mandatory". That means he has made some

concessions to give us an opportunity. He provides the timetable and the leeway, so that the system can be implemented voluntarily first and then mandatorily. In that case, people can be given time to adapt to this system. On the argument that this system is not implemented even in the United States and so, we should not be implementing it in Hong Kong, I think this attitude of a copycat is really not something that we should go after. Indeed, many countries and world-class metropolises have signed agreements on such labelling system. Mr TUNG has always said that we must integrate with today's world. Then why should we not integrate with the world in this respect?

I remember that three years ago when we discussed the setting up of a labelling system, one of the opposing views was that there was neither standardized universal labelling criteria nor an international consensus. Mr Kenneth TING also raised this argument earlier in the debate. It was therefore concluded that implementation would be difficult even with legislation in place. But is that true? As a matter of fact, the Cartagena Protocol on Biosafety was endorsed internationally in January 2001 and there are already 103 signatories to the Protocol to date. Some 50 countries have been admitted to the Protocol which will come into effect on 11 September 2003. This shows that international consensus is getting bigger and bigger, and there are also more and more such consensus. I think we can no longer sit by and do nothing.

With these remarks, Madam President, I support the motion.

**MR MICHAEL MAK** (in Cantonese): Madam President, technological development is advancing rapidly. The 1990s saw the beginning of the application of biotechnology to the production and manufacturing of food. As there have not been adequate studies and clinical experiments to prove the effects of GM food on human health and the environment, the labelling system for GM food has become an issue of international concern. Hong Kong must therefore address this issue squarely.

In fact, different organizations have all pointed out the potential hazards posed by GM food to human health and the environment. For instance, the Codex Alimentarius Commission, a food safety organization of the United Nations, pointed out that random insertion of DNA into the plant genome may result in unintended effects. The policy of the United States Food and Drug Administration has also pointed out explicitly that GM food may constitute risks to public and animal health.

If the DNA in GM food has undergone changes, the negative impact that this will bring certainly remains unknown. Consumption of GM food with problems might cause different sequels. For example, it might affect the functioning of human organs. GM food has been introduced to the market only for a short time. Even general medicines are required to go through clinical experiments and tests for a long time before their efficacy and side effects can be confirmed. But GM food has not gone through long periods of clinical experiments. We must anticipate problems even when problems have not actually arisen, so that our medical system would be capable of dealing with the pressure of GM food in future. Health means wealth. We must try our best to minimize the hazards of GM food. So, why do we not make the best preparation?

In February 2001, the Government conducted a public consultation on the labelling of GM food. Over 6 000 submissions were received from members of the public, the food trade, green groups and professional bodies. Most were in favour of mandatory labelling for all GM food and agreed on the setting of a threshold for GM content.

Therefore, in order to protect consumers' rights to know and to choose, the Government should expeditiously adopt the "voluntary first, and then mandatory" approach, draw up guidelines and implement a labelling system for GM food. If consumers still choose to buy such food in full knowledge of the GM ingredients, then the consumers will have to bear the risks themselves. However, if there is no mandatory labelling, what is there to speak of about consumers' right to know? How will the manufacturers take up their responsibility?

Businessmen will certainly wish to maximize their profit with the lowest cost input. The labelling of GM food will inevitably affect their profit in the short term. Owing to business considerations, food manufacturers may not necessarily follow their conscience and normally, they will only set eyes on profits. Therefore, without mandatory labelling and without the necessary legislation to make labelling mandatory, it is basically impossible to protect consumers' right to know and their health. So, it is necessary for the Government to introduce mandatory labelling for GM food. Indeed, the implementation of such a labelling system in phases can already take account of the impact on the trade and the market. During the phase of voluntary labelling, food manufacturers, agents and retailers can make the necessary adjustments in order to reduce the impact to a minimum.

Indeed, mandatory labelling of GM food is already implemented in many countries, including our Motherland, the European Union countries, Australia and Japan, with a view to protecting the health of their people. The Hong Kong Government should also attach importance to public health and act decisively to set up a mandatory labelling system for GM food expeditiously. In a nutshell, Madam President, even if the Government ignores the health of the people, the people themselves must in the interest of their own health choose food that is free of genetic modification. Madam President, I so submit.

**PRESIDENT** (in Cantonese): Does any other Member wish to speak?

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): Mr Fred LI, you may now speak on Mrs Selina CHOW's amendment. You have up to five minutes.

**MR FRED LI** (in Cantonese): Madam President, Mrs Selina CHOW's amendment is actually the same amendment moved by Mr Howard YOUNG to Dr TANG Siu-tong's motion three years ago. However, it seems that there are very few Members in this Chamber, and those Members mentioned by me earlier are not listening to my speech here. In fact, the main problem with the amendment proposed by the Liberal Party is the lack of progress, for it still emphasizes a voluntary labelling system. The fact is, just as many colleagues have said, and similarly by Mrs Selina CHOW, a consensus has not been reached globally and Hong Kong has adopted the same reason.

Let me casually give an example. There was an incident in Hong Kong earlier on. The use of a sweetener called Stevioside is prohibited in Hong Kong but it is allowed in Japan. Therefore, a consensus has not been reached globally in respect of certain situation or food products and the Hong Kong Government has not waited until a global consensus has been reached to do something and Hong Kong can make a decision on its own. Thus, I cannot help asking why we have to wait until a consensus has been reached in respect of certain matters but not some other matters.

Mrs Selina CHOW has also said that no laboratories in Hong Kong can conduct precision tests, which is actually wrong. That might be the case three years ago, but a number of laboratories in Hong Kong have proven to us that they can conduct very accurate tests to ascertain a 1% or over 0.5% (GM) content in food. Thus, she has failed to consider the development of Hong Kong in making that point.

According to Mrs Selina CHOW, a labelling system will increase costs by 30% to 40%. In fact, as Mr LEUNG Yiu-chung has just said, I think that she was effectively trying to threaten us, and this I feel very sorry. The consultant survey conducted by the Government also shows that the costs will increase by \$91 million at the most in the first year and will surely decrease in the second to third years. As compared to the whole food industry of more than \$10 billion, how can this figure cause the costs to increase by 30% to 40%? I hope Members can consider the facts and be reasonable.

The amendment proposed by Mrs Selina CHOW on behalf of the Liberal Party has not considered the consumers' health and their rights to choose and to know at all, and it has purely looked at the issue from the perspective of the interest of the industry. It is 100% tilted towards the industry that does not wish to see any increase in costs and refuse to take the trouble lest it should affect their business and profits. I am very much disappointed by such an attitude.

Mr Abraham SHEK was right in saying that we have to strike a balance between the interests of consumers and the industry, but the amendment proposed by the Liberal Party is completely tilted. My motion is not fully tilted in favour of consumers and we still think that there should be voluntary input and a study should be conducted. As Mr LEUNG Yiu-chung has said, he does not wish to achieve everything in one go. After all, we do not wish to do so and we have already discussed the matter for three years. How many more three years do we have to wait?

With the exception of colleagues of the Liberal Party who have spoken in support of the relevant amendment, I trust the other Members will not support it. I hope Members will continue to do so and oppose Mrs Selina CHOW's amendment. Thank you.

**SECRETARY FOR HEALTH, WELFARE AND FOOD:** Madam President, I would like to thank Honourable Members for expressing their views on many aspects of the motion debate. Genetically modified (GM) food is a subject which has generated considerable public debate. But before I go into today's motion, I would like to talk briefly about the principles of our current food regulatory regime and its implementation.

The main objective of our food regulatory regime is to ensure that foods available on the market for human consumption are wholesome, hygienic, safe and properly labelled. The Public Health and Municipal Services Ordinance (the Ordinance) (Cap. 132) provides the legislative framework for food safety control in Hong Kong. Section 54 of the Ordinance provides that food manufacturers or sellers have the legal obligation to ensure that all kinds of foods prepared or sold are fit for human consumption. To ensure compliance by the trade, the Food and Environmental Hygiene Department (FEHD) conducts tests on different food items (especially items of high risk) when they are imported or introduced into the Hong Kong market. In terms of implementation, the FEHD and the Agriculture, Fisheries and Conservation Department conduct food surveillance at various points along the food chain (including farming, manufacturing, processing, importing, slaughtering, transportation, wholesaling, retailing and cooking) to ensure food safety. We have established working relationships with our major trading partners to enable the control of foods exported to us at source. As a long-term strategy, the FEHD encourages the food business to adopt the "Hazard Analysis Critical Control Point" system to enhance the safety of their products. The FEHD also provides the public with information on food safety.

The food labelling system is integral to our food regulatory regime, the primary purpose of which is to protect public health. It is, therefore, important to note that any food labelling system must be firmly rooted in the cardinal principle of public health protection and foods safety. Section 61 of the Ordinance provides that no person shall give any food sold by him or display with any food exposed for sale by him, a label, which falsely describes the food. In addition, the Food and Drugs (Composition and Labelling) Regulations require that any prepackaged food for sale shall be marked and labelled in accordance with the provisions of the Regulations. The ingredients, durability, names and addresses of manufacturers or packers, as well as special conditions for storage or instruction for use should be listed. We regularly review our food labelling system to ensure that it is adequate for the purpose of protecting

public health and ensuring food safety. It is for this reason that we have recently proposed to introduce regulations on nutrition labelling and the labelling of allergenic substances.

The subject of today's motion debate is GM food, in particular, the labelling of GM food. GM food refers to any food or food ingredient that is, or is derived from, an organism in which the genetic material has been altered in a way that does not occur naturally. Altering the genetic composition of organisms is not something new, as some Members have already said, although modern biotechnology only emerged several decades ago. For thousand of years, human beings have been using new ways of growing and producing food. Probably without knowing the exact mechanism, farmers centuries ago have already been interbreeding crops to alter genes for getting products with the desired characteristics and better yields. With the increase in knowledge of the genetic make-up and biochemistry of living organisms, scientists are now able to apply this knowledge through modern biotechnological techniques in a more precise manner to animals and plants to improve agricultural and food products.

In formulating our proposed framework for the regulation of GM food, we must consider first and foremost the safety aspects of GM food. A number of Honourable Members who have spoken on the motion today have expressed their fears on the safety of GM food and its untold and unknown effects on the next generation and the generations beyond. Such fears are understandable because we, as human mortals, are naturally apprehensive of the unknown. The use of biotechnology as a means to improve agricultural products and yields is something new and would certainly need to be closely monitored and refined.

According to the World Health Organization (WHO), GM food currently available on the international market has passed risk assessments and is not likely to present risks for human health. The risk assessments conducted have already looked into the possibility of long-term health effects. In addition, no effects on human have been shown as a result of the consumption of such food by the general population in countries where it has been approved. To give some reassurance to the Honourable Michael MAK, in fact, many of the food safety issues resulting from the application of biotechnology are equally applicable to foods produced by conventional means. As far as we know, GM food available in the international market today has all undergone stringent pre-market safety assessments by the regulatory authorities of the places of origin, and that the principles of safety assessment have been endorsed by the Food and Agriculture



Organization of the United Nations and the WHO. The health effects upon long-term consumption of conventional foods should be the same as their GM counterparts.

The other concern that Members may have is relating to the incorporation of these gene products either into bacteria in the gastrointestinal tract or into human itself. In fact, the probability of transfer of genes from GM food, the body cells or bacteria is extremely low. It is because the presence of novel DNA or genes in the GM food consumed in the human diet represents only a very small amount of the total amount of DNA consumed in the dietary intakes. In addition, the transfer of this DNA either into mammalian or microbial cells under normal circumstances of dietary exposure is only possible after going through a series of complex events during the digestion process. Obviously, these genes also need to survive the digestion process. In the very unlikely event that the gene was incorporated into a bacterial genome, it would still need these specific promoters to initiate translation in order to produce the enzyme or other changes that are conferred by the genes.

Nevertheless, to ensure the safety of GM food and to address the community's apprehension, we are proposing a regulatory framework for GM food. We propose to implement a mandatory pre-market safety assessment to ensure the safety of GM food. The WHO and the Codex Alimentarius Commission (Codex) have recommended their Member Governments to set up regulatory framework for the pre-market evaluation of GM food. The pre-market safety assessment of GM food is currently applied by regulatory agencies around the world in countries such as the European Union member states, Australia, New Zealand, Japan, Canada and the United States. Our proposed pre-market safety assessment will be based on the scientific principles and guidelines developed by Codex and it will ensure the safety of new GM food before it is permitted to be put on the market. Under the proposed scheme, only foods containing GM ingredients that have passed the safety assessment will be allowed to be sold in Hong Kong. Local food importers and manufacturers will have the responsibility to ensure that their products contain only approved GM ingredients. There will, therefore, not be a need at this stage for introducing a mandatory labelling requirement for GM food on food safety grounds.

I am aware that a number of countries have already implemented or are in the process of implementing a mandatory food labelling system for GM food. Indeed, a number of Honourable Members have made compelling arguments for

the implementation of such a labelling system on the basis that it is already an established international trend.

But, Madam President, there is no best international practice on the subject of mandatory labelling of GM food. There is as yet no international consensus on the regulatory details of a mandatory labelling scheme. Different countries have different notions on the particular thresholds that they consider necessary for GM food to be labelled. For all intents and purposes, all those advanced economies that have implemented stringent mandatory labelling laws for GM food are invariably countries with significant agricultural productions so that each has its own reasons and perspectives for adopting a slightly different threshold than others. Some Honourable Members have also argued that we should adopt our own standard and this standard should be based on the most stringent one. It sounds as if this is the safest way and the best way in dealing with a public health issue.

With due respect, we do not share this view. In the first place, Hong Kong is not an agricultural exporting economy and our considerations are primarily based on public health grounds. Secondly, since Hong Kong is only a very small place where most of our foodstuffs are imported, any labelling system implemented will need to be examined in the context of global practice and risk assessment.

It has been our practice to follow the standards and guidelines of Codex which is the international standards setting body for food. As the food supply in Hong Kong relies on imports and that the Codex standards have been recognized by the World Trade Organization as a basis for trade agreements, it is very important that we take into account the development of international standards when we develop our own food labelling system. Given the lack of international consensus in the details of a labelling system for GM food, the introduction of a mandatory GM food labelling system in Hong Kong that does not align with any international agreements might lead to subsequent legislative changes to the labelling regime when international consensus is reached, if it is reached. There will obviously be severe consequences for the food trade, particularly for the small and medium enterprises, and might even cause consumer confusion.

However, we recognize the consumers' wishes for product information. This need can be met by producers as part of the information needed by the

market. We, therefore, consider it appropriate that we should encourage the trade to adopt a system of voluntary labelling as a practical means to address some consumers' demand for making informed choices. To facilitate the trade in adopting voluntary labelling, we propose to issue a set of guidelines for further discussion with the trade in due course.

Madam President, there is no scientific or medical evidence to demonstrate that GM food is inherently harmful to the human body. Nevertheless, we have carefully balanced all the relevant factors, upon consideration, and are proposing to formulate a new regulatory framework for GM food. Hence, there is no need at this stage to implement a mandatory labelling system for GM food.

I believe that our current proposal of implementing a mandatory pre-market safety assessment, to be supplemented by a system of voluntary labelling, is the most practical solution as this could address the consumers' need for products information relating to the presence of GM food and also address potential food safety issues.

Small and medium enterprises are already required to shoulder the additional costs required for implementing a mandatory labelling scheme on nutrition foods and allergenic substances. We believe that our proposal has struck the right balance under the present economic climate in enhancing consumer information without adding unnecessary burden on the trade.

Thank you, Madam President.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the amendment, moved by Mrs Selina CHOW to Mr Fred LI's motion, be passed. Will those in favour please raise their hands?

(Members raised their hands)

**PRESIDENT** (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Mr Fred LI rose to claim a division.

**PRESIDENT** (in Cantonese): Mr Fred LI has claimed a division. The division bell will ring for three minutes.

**PRESIDENT** (in Cantonese): Will Members please proceed to vote.

**PRESIDENT** (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr James TIEN, Mrs Selina CHOW, Mrs Sophie LEUNG, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Abraham SHEK, Mr Henry WU, Mr Tommy CHEUNG and Mr LAU Ping-cheung voted for the amendment.

Dr Raymond HO, Mr Eric LI, Mr CHEUNG Man-kwong, Mr CHAN Kwok-keung, Mr SIN Chung-kai, Mr Michael MAK, Dr LO Wing-lok and Mr IP Kwok-him voted against the amendment.

Ms LI Fung-ying abstained.

Geographical Constituencies and Election Committee:

Ms Cyd HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr CHAN Kam-lam, Mr LEUNG Yiu-chung, Dr YEUNG Sum, Mr LAU Chin-shek, Ms Emily LAU, Mr Andrew CHENG, Mr SZETO Wah, Mr Albert CHAN, Mr WONG Sing-chi, Ms Audrey EU, Dr David CHU and Mr MA Fung-kwok voted against the amendment.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 19 were present, 10 were in favour of the amendment, eight against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 16 were present and 15 against it. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the amendment was negatived.

**PRESIDENT** (in Cantonese): Mr Fred LI, you may now reply and you have five minutes 29 seconds.

**MR FRED LI** (in Cantonese): Madam President, first of all, I wish to thank the 12 Honourable colleagues who have spoken on this subject. The amendment is supported mostly by Members of the Liberal Party, not by the other Members. I also wish to thank the other Members for this.

I wish to respond to a point made by Mr Kenneth TING, that is, implementing the proposal of the motion is contrary to the objective of revitalizing the economy. If the labelling of such food is considered defeating the objective of revitalizing the economy, then I think this charge against me is much too heavy. Moreover, insofar as the costs are concerned, when compared to a business turnover of more than \$10 billion, I cannot see why the Liberal Party would consider an amount between \$16 million to \$91 million a very, very heavy burden. Just do some simple calculations and one will know how heavy the burden will be on the industry. We are talking about an amount between \$16 million and \$91 million against a business turnover exceeding \$10 billion. Furthermore, that is only the costs for the first year. The costs involved in the first year are the highest and they will decrease substantially in the subsequent years.

Dr LO Wing-lok opined that my motion is a bit soft and that I should demand mandatory labelling right at the start while providing at the same time a grace period. That is exactly my point. I suggested voluntary implementation so as to provide a period of one year to one and a half year for the industry to

adapt to this system and make the necessary logistics arrangements, for it is impossible to achieve mandatory labelling in one step and instead, the industry should be given some time. Be this period called a grace period or voluntary period, it will serve the same purpose.

Mr Tommy CHEUNG spoke of the gourmets' paradise, making a wild boast of the situation. But I think his account of the situation was exaggerated and incorrect. In fact, if we encourage the industry to label their food on a voluntary basis, we will find that while over 70% of such an enormous amount of products on the market contain GM ingredients, none of them are labelled. The businessmen will not label their products on their own initiative. So, this is nothing more than a good intention. I have been to supermarkets to try to find one product with a label specifying the presence of GM ingredients but in vain. So, I hope Members can let me know if they do find such products. The good intention of Mr CHEUNG is to encourage the industry in the hope that it could do so voluntarily. But no one will do so. They will not do so if they are not required to do it mandatorily. Besides, Members must think about this: If mandatory labelling is implemented in our neighbouring countries, an influx of food produced by the biggest suppliers of GM food, such as the United States, Argentina and Canada, would flood into Hong Kong, because Hong Kong would be the paradise for this kind of food as no labelling is required. If labelling is required for such food in other places, we will certainly become a dumping ground for GM food.

Let us not debate the safety of food containing GM ingredients. I am greatly disappointed because the Secretary, who mentioned public safety and food safety time and again earlier, considered that no one could prove that there were problems with GM food. However, the Secretary did not tell the other side of the story, that is, no one can prove that such food is free of problems in future either. He only told one side of the story. But the problem is it is still unknown as to whether GM food is safe or otherwise. Should more studies be conducted in order to play safe and out of caution? Unfortunately, the Secretary, Dr YEOH Eng-kiong, has made his considerations only from the health viewpoint, thinking that he has no responsibility on this issue since there is no problem. He has never considered it from the angle of consumers' rights to know and to choose. This may actually come under the purview of Secretary Stephen IP, because the policy on consumption and consumers' rights are within the portfolio of Secretary Stephen IP. It is therefore wrong for Dr YEOH to assume command insofar as this issue is concerned, for this area, which is

outside his policy ambit, is not given due regard. So, it transpires that the whole issue has been considered only from a health and safety viewpoint. But there are still questions with regard to health and safety. Dr YEOH considered that there is no problem and that the right balance has been struck, holding that the conduct of safety tests on food before import will suffice.

However, the home truth is: Take this box of soya milk which has passed safety assessments as an example. Its consumption is considered problem free, but 70% of it consists of GM ingredients. Even though a voluntary labelling system is implemented, this food product is not labelled voluntarily. Nor is the presence of GM ingredients specified. As a consumer, I do not bother to find out whether the food is safe. I only wish to choose food that is free of GM ingredients. But how could I be in the know? Without such protection, could it be that I do not have the right to know? I think the Government cannot shirk its responsibility in this regard.

In any case, Madam President, the Liberal Party will not support my original motion. But I still hope that colleagues will exert more pressure on the Government and keep up with their efforts in this regard. I so submit.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the motion moved by Mr Fred LI, as set out on the Agenda, be passed. Will those in favour please raise their hands?

(Members raised their hands)

**PRESIDENT** (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Mr Fred LI rose to claim a division.

**PRESIDENT** (in Cantonese): Mr Fred LI has claimed a division. The division bell will ring for three minutes.

**PRESIDENT** (in Cantonese): Will Members please proceed to vote.

**PRESIDENT** (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Dr Raymond HO, Mr Eric LI, Mr CHEUNG Man-kwong, Mr HUI Cheung-ching, Mr CHAN Kwok-keung, Mr SIN Chung-kai, Mr Abraham SHEK, Ms LI Fung-ying, Mr Michael MAK, Dr LO Wing-lok and Mr IP Kwok-him voted for the motion.

Mr James TIEN, Mrs Selina CHOW, Mrs Sophie LEUNG, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Tommy CHEUNG and Mr LAU Ping-cheung voted against the motion.

Mr Henry WU abstained.

Geographical Constituencies and Election Committee:

Ms Cyd HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr CHAN Kam-lam, Mr LEUNG Yiu-chung, Dr YEUNG Sum, Mr LAU Chin-shek, Ms Emily LAU, Mr Andrew CHENG, Mr SZETO Wah, Mr Albert CHAN, Mr WONG Sing-chi, Ms Audrey EU, Dr David CHU, Mr NG Leung-sing and Mr MA Fung-kwok voted for the motion.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 20 were present, 11 were in favour of the motion, eight against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 17 were



present and 16 were in favour of the motion. Since the question was agreed by a majority of each of the two groups of Members present, she therefore declared that the motion was carried.

#### **NEXT MEETING**

**PRESIDENT** (in Cantonese): I now adjourn the Council until 3.00 pm today.

*Adjourned accordingly at eight minutes past Eleven o'clock in the morning.*