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(These minutes have been seen by the Administration)

Panel on Food Safety and Environmental Hygiene

Minutes of meeting
held on Thursday, 20 March 2003 at 10:45 am
in Conference Room A of the Legislative Council Building

Members present	:	Hon Fred LI Wah-ming, JP (Chairman) Hon Tommy CHEUNG Yu-yan, JP (Deputy Chairman) Dr Hon David CHU Yu-lin, JP Hon James TO Kun-sun Hon WONG Yung-kan Hon Andrew CHENG Kar-foo Hon Michael MAK Kwok-fung Dr Hon LO Wing-lok Hon WONG Sing-chi
Member attending	:	Hon Cyd HO Sau-lan
Members absent	:	Hon CHAN Yuen-han, JP Hon LEUNG Fu-wah, MH, JP
Public Officers Attending	:	Mr Eddy CHAN Deputy Secretary (Food and Environmental Hygiene) Health, Welfare and Food Bureau Miss Vivian KO Principal Assistant Secretary (Food and Environmental Hygiene)1 Health, Welfare and Food Bureau Dr S P MAK Deputy Director (Food and Public Health) Food and Environmental Hygiene Department

		Dr Y Y HO Consultant (Community Medicine) (Risk Assessment and Communication) Food and Environmental Hygiene Department
Attendance by invitation	:	Mr SZE Pang-cheung Campaigner Greenpeace
Clerk in Attendance	:	Mrs Constance LI Chief Assistant Secretary (2)5
Staff in Attendance	:	Mr Watson CHAN Head, Research and Library Services
		Ms Diana WONG Research Officer 2
		Ms Joanne MAK Senior Assistant Secretary (2)2

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I. Confirmation of minutes of meeting
[LC Paper No. CB(2)1513/02-03]

The minutes of the meeting on 25 February 2003 were confirmed.

II. Date of next meeting and items for discussion
[LC Paper Nos. CB(2)1511/02-03(01) and (02)]

2. Members agreed to discuss "Progress report on outside seating accommodation" at the next regular meeting scheduled for 29 April 2003 at 10:45 am.

3. The Chairman suggested that representatives of the food trade, the Consumer Council and academics should be invited to the next regular meeting to give views on the Administration's proposals on the regulation of genetically modified (GM) food and nutrition labelling. Members agreed

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III. Information paper(s) issued since last meeting
[LC Paper No. CB(2) 1308/02-03(01) and CB(2) 1344/02-03(01)]

4. Members noted that the Administration had provided the following information papers since the last meeting -

(a) Control of uncovered roast meat during transportation [LC Paper No. CB(2) 1308/02-03(01)]; and

(b) Follow-up actions arising from the meeting on 19 December 2002 [LC Paper No. CB(2) 1344/02-03(01)]

IV. Food labelling
[LC Paper No. CB(2) 1511/02-03(04)]

(a) Regulation of GM food
[LC Paper Nos. CB(2) 1511/02-03(03) & (05) and RP05/02-03]

Meeting with deputation

5. Members noted that the Hong Kong Food Council and the Democratic Party had each provided submissions to the Panel. Members also noted that the Greenpeace's submission included a paper jointly signed by 27 organisations demanding for the implementation of a mandatory labelling system for GM food.

6. Mr SZE Pang-cheung from Greenpeace gave his views on the Administration's proposal of introducing a voluntary labelling system for GM food. Mr SZE was of the view that food importers would not voluntarily label their GM food products, and a voluntary labelling system could not protect consumers' right to know.

7. Mr SZE Pang-cheung further said that the Administration's reasons for not introducing a mandatory labelling system, namely, the financial impact on the food trade and the lack of international consensus on the labelling of GM food, were not justified. He criticised the Administration for making little progress in taking this matter forward in the past three years. He said that the Administration's current proposal failed to take into account the strong demands of the public for implementing a mandatory GM food labelling system. He pointed out that surveys conducted by Greenpeace had found that Hong Kong had become a dumping ground for GM food not approved to be sold in other countries such as the European Union (EU) countries. He urged the Administration to introduce legislation to implement a mandatory labelling system for GM food to safeguard public health as soon as possible. Mr SZE Pang-cheung added that mandatory GM food labelling had already been implemented in 39 places.

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8. With reference to the regulatory impact assessment (RIA) on the labelling of GM food, Mr SZE Pang-cheung said that the consultant had suggested that the financial implications to the food trade in implementing mandatory labelling would only range from HK$16 million to HK$91 million. He pointed out that even the most costly option (HK$91 million) was justifiable because the costs were not substantial when shared among different sectors of the food trade. He added that the RIA report had pointed out that "for most manufacturers these costs were unlikely to be significant and if the costs could be diluted over a longer period of time (more than one year), then the actual impact on the company's revenues and profits might not be significant" and "it is unlikely that the costs incurred will be recoverable from retailers". Mr SZE considered that the implementation of mandatory GM food labelling should not have serious impact on people's livelihood according to the RIA report findings.

9. Mr SZE Pang-cheung further said that the pre-market safety assessment for food containing GM ingredients as proposed by the Government could not address the concern about safety of GM foods. He pointed out that there was no conclusion at the moment about the safety of human consumption of GM foods in the long term. Mr SZE considered that the Administration's proposal of introducing voluntary GM food labelling was not based on sound justifications.

10. Ms Cyd HO said that the Administration's current proposal was a retrograde step as it was even worse than those options outlined in its consultation paper issued in 2001. She said that in the 2001 consultation paper, the Administration had included the option of implementing a voluntary labelling system first to be followed by a mandatory system. She also pointed out that during the 2001 consultation exercise, members of the public had expressed the views that it was important to protect their right to know and had suggested a threshold of 1% for the labelling system.

11. Ms Cyd HO further said that as there was no conclusive evidence about the safety of human consumption of GM food, the best way to safeguard public health was to introduce a mandatory labelling system for GM food. If this could not be introduced immediately, the Administration should at least implement a voluntary labelling system to be followed by a mandatory system about two years later.

12. Ms Cyd HO considered that mandatory GM food labelling was necessary because some people were allergic to certain food ingredients and they needed to know whether any GM food products contained such ingredients. She questioned whether the proposed pre-market safety assessment could address such concerns.

13. Ms Cyd HO questioned whether political considerations had affected the objectivity of the labelling guidelines issued by the Codex Alimentarius Commission (Codex). Mr SZE Pang-cheung from Greenpeace responded that Codex was an organisation governed by consensus and it was difficult to reach a consensus on the labelling of GM food. However, he pointed out that at a recent meeting of Codex

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held in Japan, the stringent approach adopted by EU for GM food labelling had not been queried.

14. Mr SZE Pang-cheung further said that one way to prevent unsafe GM food from entering into the market was to conduct tests on its ingredients to ascertain whether it was significantly different from its conventional counterpart in terms of allergenicity, nutrition values, etc. However, the long-term effect of the mixing of genes of different organisms on human health had yet to be seen, since some GM food also introduced genes of organisms which were not conventional food consumed by human beings.

15. Mr Michael MAK said that while it was possible to conduct tests on GM food to ascertain its short-term effects such as allergenicity, it would take a very long time to ascertain its long-term health risk to human beings especially pregnant women and infants. He asked whether there were any reliable findings in this regard.

16. Mr SZE Pang-cheung responded that infants were the high-risk group and they were vulnerable to food allergies because they consumed food with very little variety over a long period of time. Therefore, baby food which contained GM ingredients should be tested very carefully to ensure their safety for consumption. However, Mr SZE said that the safety assessment tests conducted on GM food at present were not stringent as many of these tests were conducted by scientists engaged by the relevant biotechnology companies. Such tests often only studied the effect of the consumption of GM food for a short period of time and animals were used as the subjects of these tests. Mr SZE said that the long-term effect on human health as a result of consumption of GM food was still unknown.

17. Ms Cyd HO said that some GM salmon were found to have some abnormalities such as humps at the back. She asked whether Greenpeace had information on deformity in organisms after genetic modification. Mr SZE Pang-cheung responded that studies commissioned by the Canadian Government had found that some GM salmon were deformed. He further said that most GM food was only at the experimental stage and there was no scientific evidence that GM food was safe for human consumption. He added that scientists in Belgium also discovered unidentifiable genes in some GM soya beans two years ago.

18. Mr Michael MAK asked Mr SZE Pang-cheung whether he considered the financial implications to the food trade, as estimated in the RIA report, in implementing mandatory labelling too expensive.

19. Mr SZE Pang-cheung responded that even if the financial costs to the trade were in the region of HK$91 million, the costs were not substantial and were worth spending for safeguarding public health. He said that the social costs and costs to the food trade could be much more than $91 million should serious problems be found with GM food. Mr SZE pointed out that the five options of GM food labelling approach discussed in the RIA report had excluded minor ingredients such as lecithin,

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which probably had also been genetically modified and should be covered in any GM food labelling system to be introduced.

Research report prepared by the Research and Library Services Division (LC Paper No. RP05/02-03)

20. At the invitation of the Chairman, Head, Research and Library Services Division (H(RL)) gave a Powerpoint presentation on the research report on GM food labelling in the United States (US), Australia and Japan.

(*Post-meeting note* : The presentation materials were subsequently issued to members vide LC Paper No. CB(2)1565/02-03 (02) dated 21 March 2003.)

21. Noting that different GM food labelling systems were adopted by different countries, Mr WONG Yung-kan asked whether the GM food labelling policy of a country were directly related to its economic interest. H(RL) responded that in the research study conducted by his Division, it was found that most countries growing GM crops had introduced a voluntary labelling system for GM food, while most of the other countries which did not grow GM crops had introduced a mandatory labelling system for GM food. However, there was no conclusive evidence that GM food labelling policies were directly related to the economic interest of the countries concerned.

22. Mr WONG Yung-kan said that since Hong Kong mainly relied on imported food, reference should be made to the practice of those countries which also relied on imported food. H(RL) responded that the research study only looked at the GM food labelling systems in the three said jurisdictions, but not the implementation details of their labelling systems.

23. Mr Michael MAK asked about the penalties imposed on food manufacturers or importers who failed to comply with the relevant legislation on GM food labelling in these three countries. He also asked whether there were loopholes in their GM food labelling systems, such as the sample tests conducted on such food. H(RL) said that

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he could provide information on the penalty, but there was no information on the loopholes in the enforcement of their labelling systems. The Chairman suggested that the information requested by Mr MAK could also be obtained during the Panel's duty visit to Australia and Japan later in 2003.

Meeting with the Administration

24. Deputy Secretary (Food and Environmental Hygiene) (DS(FEH)) said that the Administration intended to consult members, the trade and related organisations on its proposal on the regulation of GM food [LC Paper No. CB(2) 1511/02-03(04)]. He explained that in drawing up the proposal, the Administration had taken into account the conclusion drawn by the World Health Organization that the use of modern

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biotechnology did not result in food becoming inherently less safe than that produced by conventional means. Moreover, GM food currently available on the international market had already passed risk assessments and were not likely to be harmful to human health. Therefore, the Administration was of the view that GM food did not pose an acute risk to public health and food safety. However, as new varieties of GM food from different places of origin might appear in the market in future, the Administration considered that it was also necessary to put in place measures to ensure the safety of new GM food before they were allowed to be put on the market.

25. DS(FEH) further said that the Administration had carefully considered the financial implications and other issues relating to the implementation of mandatory GM food labelling and had also made reference to overseas experience. The Administration noted that there was no international consensus on the labelling of GM food. DS(FEH) explained that there would be practical difficulties in implementing a mandatory labelling system, as there was no international consensus on the approach, standards and testing methods to be adopted. The Administration was also concerned that if an international consensus on GM food labelling was reached after Hong Kong had put in place GM labelling regulations, Hong Kong would then have to change its labelling system in order to align it with international practice. In that case, there would be serious impact on the food trade especially the small and medium sized importers.

26. DS(FEH) said that the Administration proposed to introduce legislation to impose a requirement of pre-market safety assessment for food containing GM ingredients. Under the proposed scheme, prior to importing the food to Hong Kong, importers or manufacturers of food containing GM ingredients would be required to submit documents and certificates to the Food and Environmental Hygiene Department (FEHD), providing details on the safety assessments that had been conducted by the developer of the GM ingredients. The results of evaluations conducted on the ingredients by overseas regulatory authorities should also be submitted, which FEHD would take into account in the pre-market safety assessment. Food containing GM ingredients that had passed the safety assessment could then be sold in Hong Kong.

27. DS(FEH) said that the Administration well recognised consumers' right to know and the public concern about the safety of GM food. He pointed out that the research report conducted by the LegCo Secretariat also reflected that labelling systems for GM food were mostly implemented in countries which exported agricultural products. As Hong Kong mainly relied on imported food, the Administration considered it appropriate to introduce a pre-market safety assessment requirement for GM ingredients, supplemented by a system of voluntary labelling. He said that the proposal could address the concern about the safety of GM foods and avoid causing great impact to the food trade especially the small and medium sized importers.

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28. DS(FEH) invited members to note that the Administration had also planned to introduce nutrition labelling by phases. In addition, it would introduce legislation requiring the labelling of allergenic substances and details of food additives used. The relevant amendment regulation would be introduced into LegCo for negative vetting in 2003. DS(FEH) said that the proposed legislation on the labelling of allergenic substances would address the issue of food allergies, as the presence of substances known to cause allergies would have to be declared in the list of ingredients of food labels. The requirement on the labelling of allergenic substances would cover all pre-packaged food, no matter whether it was GM or non-GM. DS(FEH) pointed out that as these additional labelling requirements would also have financial implications to the food trade, the Administration considered it more appropriate to adopt a "gradual approach" to address the public's concern about the safety of GM food without adding further burden to the trade.

29. Consultant (Community Medicine) (C(CM)) supplemented that the proposed pre-market safety assessment would be mandatory. Under the proposed scheme, safety assessment of GM ingredients would be based on scientific principles and guidelines developed by Codex. The food trade would be required to evaluate whether a hazard, nutritional, toxic, allergenic or other safety concern was present in their GM ingredients. The trade would have to submit the supporting documents and certificates to FEHD for assessment. In response to the Chairman, DS(FEH) said that the requirement of pre-market safety assessment would apply to all kinds of food containing GM ingredients irrespective of their amounts.

30. Mr Tommy CHEUNG expressed support for the direction and priorities proposed by the Administration on the matter. He said that Members did not have a consensus on the level of threshold which should be adopted for a mandatory labelling system if it was to be introduced. He added that Hong Kong market was a small one to overseas food manufacturers, and they might choose not to supply goods to Hong Kong if it put in place a mandatory GM food labelling system which would bring about high costs for compliance. He asked whether the Administration had evaluated such an impact if a mandatory GM food labelling system was to be introduced.

31. C(CM) responded that according to the RIA report, if mandatory labelling of all GM foods at 1% threshold was implemented, it was estimated that 134 importers and 511 employees would be significantly affected. There would be a potential loss of between 58 and 134 food products. On the manufacturing side, it was also estimated that 149 manufacturers and 2 177 employees would be significantly affected.

32. Mr Michael MAK expressed concern about the measures to be put in place under the proposed pre-market safety assessment scheme to protect consumers' right to know and to prevent importers from deliberately withholding information on the GM ingredients contained in their food products.

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33. DS(FEH) responded that the Administration would implement the pre-market safety assessment by legislation. To ensure that food containing unapproved GM ingredients would not be sold in the local market, FEHD would take food samples from the market for testing of any unapproved GM varieties from time to time. Food containing unapproved GM ingredients would be required to be removed from the market and the importers would be prosecuted. DS(FEH) stressed that FEHD would ensure that only food containing GM ingredients which had passed the safety assessment would be put on the market. Importers would have a legal obligation to comply with the requirements imposed under the pre-market safety assessment scheme.

34. DS(FEH) reiterated that the consumers' right to know was well recognised. To enable consumers to make informed choices, the Administration would encourage the trade to adopt a voluntary labelling system in accordance with a set of guidelines to be issued by the Administration. As regards the timetable of implementing the proposed pre-market safety assessment, DS(FEH) said that the Administration would first consult the trade and related organisations on the proposal. If the overall response to the proposal was supportive, the Administration would draft the relevant legislation as soon as possible.

35. Mr Michael MAK said that during the public consultation exercise on labelling of GM food conducted by the Administration in 2001, the public had already expressed overwhelming support for implementing mandatory GM food labelling in Hong Kong. Similar feedback had also been obtained in the respective surveys conducted by the Democratic Party and the Greenpeace. Mr MAK queried why the Administration still decided not to implement mandatory GM food labelling. DS(FEH) responded that the Administration had fully considered the views collected in the public consultation exercise. He explained that the current proposal was a balanced approach which sought to address consumers' concerns and minimise the impact on the food trade.

36. Mr WONG Yung-kan said that since Hong Kong relied heavily on imported food, the Administration should introduce a mandatory GM food labelling system in Hong Kong to safeguard public health. He critisised the Administration for having procrastinated on the matter. He stressed that it was important to ensure the safety of all food for human consumption. He considered that the Administration should also conduct assessments on the social costs if any of the GM food products was found to be harmful to human health. He said that the Administration should have proposed a mandatory labelling system together with the pre-market safety assessment if its priority was really to safeguard public health and to ensure food safety. He added that it was not necessary to wait for the international consensus because some countries which growed GM crops would remain opposed to the mandatory labelling of GM food.

37. DS(FEH) responded that the labelling of GM food only served the purpose of providing more information to consumers, but not informing them whether or not a

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particular food product was safe for consumption. Hence, the Administration had proposed a mandatory pre-market safety assessment which would address the safety issue of GM food.

38. Ms Cyd HO said that the estimated cost of $91 million to the food trade was not that significant when compared to the amount of spending by people of Hong Kong across the border. She said that it would be worth spending $91 million for implementing a mandatory labelling system if it could instill public confidence in the food they consumed. She asked whether the Administration would revisit the option of a mandatory GM food labelling system if, in the new round of consultation, respondents still expressed overwhelming support for introducing mandatory GM food labelling again. DS(FEH) clarified that the Administration would conduct consultation on the current proposal of introducing a mandatory pre-market safety assessment requirement for GM ingredients to be supplemented by a system of voluntary labelling. He added that any other views and comments on labelling matters would be welcomed.

39. In response to Ms Cyd HO, DS(FEH) said that the Administration had not conducted any studies on the world trend of claiming of patents by developers of GM ingredients.

40. Mr Andrew CHENG considered that the Administration should introduce mandatory GM food labelling since 90% of respondents in previous surveys had expressed support for this option. He said that the financial implications to the trade should not be the prime consideration. He was of the view that the Administration should not rely on the initiative of importers or manufacturers to label their GM products. He believed that only a mandatory GM food labelling system could effectively safeguard public health.

41. Referring to paragraph 12 of the Administration's paper, the Chairman asked whether those countries which had implemented the proposed pre-market safety assessment had also introduced mandatory GM food labelling or not. He requested the Administration to clarify whether other safeguards had been put in place in these countries.

42. In response, DS(FEH) provided the following information -

(a) US implemented both a voluntary pre-market safety assessment and a voluntary GM food labelling system;

(b) Canada implemented a voluntary pre-market safety assessment in 1994, followed by a mandatory pre-market safety assessment in 1997. It had also implemented a voluntary GM food labelling system, except that mandatory labelling was required if the food concerned was significantly different from its conventional counterpart in terms of composition, nutritional content and allergenicity;

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(c) EU had implemented a mandatory pre-market safety assessment and a mandatory GM food labelling system in 1997;

(d) Australia and New Zealand had implemented a mandatory pre-market safety assessment in 1999 and a mandatory GM food labelling system in 2001;

(e) Japan had implemented a voluntary pre-market safety assessment in 1991, followed by a mandatory pre-market safety assessment and a mandatory GM food labelling system in 2001;

(f) South Korea had implemented a voluntary pre-market safety assessment in 1999 and a mandatory GM food labelling system in 2001; and

(g) Mainland China would be implementing a mandatory pre-market safety assessment and a mandatory GM food labelling system in 2003.

43. The Chairman said that the proposed pre-market safety assessment to be supplemented by voluntary GM food labelling could not address consumers' concern about their right to know. For example, it would be completely lawful under the proposed scheme for an importer not to label his food products as "GM food" provided that the products had passed the pre-market safety assessment. In this case, consumers would not be aware that such products actually contained GM ingredients. The Chairman further said that the RIA report had pointed out that consumers had raised various concerns regarding GM food, such as cultural/religious concerns and personal/ethical concerns. However, the Administration's current proposal had failed to address these concerns.

44. DS(FEH) responded that the Administration attached great importance to safeguarding public health and ensuring food safety, and was of the view that the proposed mandatory pre-market safety assessment could address these concerns. He said that while consumers' right to know was well recognised, the Administration preferred to adopt a "gradual approach" by introducing a voluntary GM food labelling system first before considering alternative systems. DS(FEH) reiterated that the Administration had to balance the interests of all concerned parties.

45. Mr Michael MAK proposed that the following motion be moved for a decision of the Panel -

> "鑒於基因改造食物是否安全至今未有國際公論，爲保障公眾健康、消費者的知情權及選擇權，本事務委員會促請政府參考歐盟國家的經驗，盡快立法設立強制性的基因改造食物標籤制度。"

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[English translation
"That, as there is still no international consensus on the safety of genetically modified (GM) food, and for the sake of safeguarding public health and the consumers' right to know and choose, this Panel urges the Government to draw reference from the experience of the European Union countries and expeditiously introduce legislation to set up a mandatory GM Food labelling system."]

46. The Chairman put the motion to vote. Three out of the four members present voted in favour of the motion. Ms Cyd HO, who was not a member of the Panel, also expressed support for the motion. The Chairman said that the motion was passed by the Panel. He added that the Panel would listen to the views of the deputations at the next meeting scheduled for 29 April 2003.

(b) Nutrition labelling
[LC Paper No. CB(2) 1511/02-03(06)]

47. At the invitation of the Chairman, C(CM) gave a Powerpoint presentation on the Administration's proposal on nutrition labelling. He said that the Administration proposed to implement a mandatory labelling scheme on nutrition information by phases to alleviate the economic impact on the trade. In the initial stage, food suppliers who chose on a voluntary basis to carry nutrition information, nutrition claims and function claims on their products would be required to follow a prescribed format. After a reasonable period of time of about five to ten years for food suppliers and consumers to familiarize with the new regulations, the requirements for nutrition labelling would be made mandatory and cover all prepackaged food products.

48. C(CM) said that under the proposed labelling scheme, a nutrition label should list out the set of core nutrients, such as energy, protein, fat and carbohydrate, and their absolute amounts per 100 g or 100 ml of food. As regards nutrition claims, both nutrient content and comparative claims would be allowed but these claims would be limited to those relating to the set of core nutrients to be prescribed by FEHD.

49. As regards nutrient function claims, C(CM) said that only those nutrients that were included in the list as laid down in the Codex guidelines could be the subjects of function claims. Offences of false labelling of food which was calculated to mislead as to its nature, substance or quality would continue to be dealt with under section 61 of the Public Health and Municipal Services Ordinance (Cap. 132).

50. C(CM) further said that the Administration proposed to consult the public, the trade and other organisations on its nutrition labelling proposal in the second half of 2003. The Department of Health (DH) and FEHD would launch a public education programme on nutrition and nutrition information on food labels.

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(*Post-meeting note* : The Administration's presentation materials were subsequently issued to members vide LC Paper No. CB(2)1565/02-03 (03) dated 21 March 2003.)

51. Mr Michael MAK said that although the level of core nutrients would be indicated on food labels, it was also necessary for the Administration to educate consumers the appropriate amount of daily intake of the core nutrients. He asked whether the Administration had planned to include such information in its public education programme.

52. C(CM) responded that the Administration would launch a public education programme on nutrition and nutrition information on food labels by phases. It would cover the relationship between health and nutrition, usefulness of food labels and how information on food labels could help consumers make informed choices. FEHD would conduct the public education programme in collaboration with DH, the Education and Manpower Bureau and related organisations, and the programme would span over a few years.

53. Mr WONG Yung-kan said that the Administration should re-consider the timeframe for implementing a mandatory nutrition labelling system, if the outcome of the consultation exercise was in favour of advancing the introduction of such a system. The Chairman said that the proposed period of five to ten years for implementing a mandatory nutrition labelling system was unreasonably long. He drew the attention of members and the Administration to the Democratic Party's submission which urged the Administration to introduce legislation to implement nutrition labelling.

54. The Chairman also expressed concern that cholesterol was not required to be listed out on food labels under the current proposal. He said that while Codex recommended only four kinds of core nutrients to be listed out, US required 13 kinds of core nutrients to be listed on food labels.

55. C(CM) responded that the public consultation would start in the second half of 2003 and would take about two to three months to complete. The scope of the consultation exercise would include the kinds of core nutrients required to be listed on food labels and the proposed implementation timetable.

56. There being no other business, the meeting ended at 12:45 pm.

Council Business Division 2
Legislative Council Secretariat
25 April 2003