

**立法會**  
***Legislative Council***

Ref : CB2/SS/7/03

LC Paper No. CB(2)3212/03-04  
(These minutes have been seen by  
the Administration)

**Subcommittee on  
Food and Drugs (Composition and Labelling)  
(Amendment) Regulation 2004**

**Minutes of meeting  
held on Monday, 14 June 2004 at 2:30 pm  
in the Chamber of the Legislative Council Building**

**Members present** : Dr Hon LO Wing-lok, JP (Chairman)  
Hon Fred LI Wah-ming, JP  
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP  
Hon WONG Yung-kan  
Dr Hon TANG Siu-tong, JP  
Hon Michael MAK Kwok-fung

**Member attending** : Hon Emily LAU Wai-hing, JP

**Member absent** : Hon Tommy CHEUNG Yu-yan, JP

**Public officers attending** : Mr Eddy CHAN  
Deputy Secretary for Health, Welfare and Food  
(Food & Environmental Hygiene)

Miss Vivian KO  
Principal Assistant Secretary for Health, Welfare and Food  
(Food and Environmental Hygiene) 1

Dr MAK Sin-ping  
Deputy Director (Food and Public Health)  
Food and Environmental Hygiene Department

Mr Stanley NG  
Senior Administrative Officer (Food and Public Health)

Ms Carmen CHU  
Senior Government Counsel

**Clerk in attendance** : Mrs Constance LI  
Chief Council Secretary (2)5

**Staff in attendance** : Miss Kitty CHENG  
Assistant Legal Adviser 5

Miss Lolita SHEK  
Senior Council Secretary (2)7

---

Action

**I. Confirmation of minutes of meeting**  
[LC Paper No. CB(2)2740/03-04]

The minutes of the meeting on 31 May 2004 were confirmed.

**II. Meeting with Administration**  
[LC Paper Nos. CB(2)2626/03-04(04), CB(2)2755/03-04(01), &  
CB(2)2770/03-04(01) and (03)]

2. The Subcommittee deliberated (Index of proceedings attached at **Annex**).
3. Members noted that the Administration had further discussed the new labelling requirements in the Amendment Regulation with representatives of the relevant trades after the meeting on 3 June 2004. The trades had proposed that a disclaimer which contained a statement that the food in question "may contain nuts (example)" should be provided in the legislation on the accidental mixing and presence of traces of allergenic substances in food as such information might not be available to manufacturers/retailers.
4. Members also noted that the Administration would consider proposing the following amendments to the Amendment Regulation in response to concerns raised -
  - (a) to extend the grace period allowed for the new labelling requirements on additives, allergens, alcoholic drinks and date marking format to 30 months;

- (b) to continue to exempt drinks with alcoholic strength by volume of 10% or more, wines and fruit wines, from all labelling requirements in the Amendment Regulation, and
- (c) to exempt drinks with alcoholic strength by volume of more than 1.2% but less than 10% from all labelling requirements in the Amendment Regulation, except that on durability.

5. On paragraph 3 above, the Administration said that sections 70 and 71 of the Public Health and Municipal Services Ordinance (Cap. 132) and Regulation 5(3) of the Food and Drugs (Composition and Labelling) Regulations (Cap. 132. sub. leg. W) readily provided defences to the trade, and it would be a defence against non-compliance with labelling requirements in the legislation if a person could show that he had taken all reasonable steps to ensure compliance. Mrs Selina CHOW noted that the above provisions only provided specific defences in well defined circumstances, and it would also be for the Court to decide whether or not to accept any such defence. Mrs CHOW further expressed reservation whether the provision for a disclaimer could adequately address the trade's concerns about practical difficulties in complying with the new labelling requirement relating to allergenic substances and additives.

6. Mrs Selina CHOW suggested the Administration to consider amending the Regulation to the effect that the new labelling requirements on additives and allergens would apply to pre-packaged food imported from countries/places which had already implemented similar labelling requirements, while food imported from other countries/places would be subject to the requirements as and when they had implemented similar labelling requirements.

7. Some members considered that as the Mainland was Hong Kong's largest importer of pre-packaged food, the Administration should seek clarification from the Mainland authorities whether it would also implement similar labelling requirements in the near future. The Administration responded that it would continue to liaise with the Mainland authorities and keep in view the Mainland's intention to implement such requirements.

Admin 8. The Subcommittee requested the Administration to revert to the Subcommittee on the following at the next meeting on 17 June 2004 -

- (a) the Administration's decision on the trade's proposal in paragraph 3 above;
- (b) the Administration's decision on Mrs Selina CHOW's suggestion in paragraph 6 above;
- (c) the Administration's proposed way forward if it could not reach agreement with the trade on how to solve the practical problems in

complying with the Amendment Regulation;

- (d) outcome of the consultation with the trade on the Administration's proposal to extend the grace period in paragraph 4(a) above;
- (e) the Administration's decision on the Chairman's proposal to amend the commencement date of the Amendment Regulation to a date to be appointed by the Secretary for Health, Welfare and Food by notice in the Gazette; and
- (f) the Mainland authorities/organizations which had been consulted by the Administration on the new labelling requirements, and their response.

Admin 9. Referring to the submissions provided to the Administration on the new labelling requirements in the Amendment Regulation during the consultation exercise in 2000, Mr MAK Kwok-fung requested the Administration to seek consent from the organizations/individuals concerned that the information therein would be used for the deliberation of the Subcommittee.

### **III. Any other business**

10. The Subcommittee agreed to hold the next meeting on Thursday, 17 June 2004 at 10:45 am to continue discussion with the Administration.

11. There being no other business, the meeting ended at 4:05 pm.

Council Business Division 2  
Legislative Council Secretariat  
9 August 2004

**Subcommittee on  
Food and Drugs (Composition and Labelling)  
(Amendment) Regulation 2004  
Meeting on Monday, 14 June 2004 at 2:30 pm  
in the Chamber of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject</b>	<b>Action Required</b>
000000 - 000155	Chairman	Confirmation of minutes of meeting on 31 May 2004	
000156 - 000918	Chairman Mr Michael MAK Administration ALA5 Mrs Selina CHOW	Consent for disclosing the submissions provided to the Administration during the consultation exercise in 2000	<b>Admin to seek consent from the organizations/ Individuals concerned as per paragraph 9 of the minutes</b>
000919 - 001033	Chairman Administration	Administration's response to the Assistant Legal Adviser's letter dated 7 June 2004	
001034 - 002325	Mrs Selina CHOW Administration Chairman	Impact of the new labelling requirements on pre-packaged food in Hong Kong	
002326 - 004114	Administration Mrs Selina CHOW ALA5	Defence clause in sections 70 and 71 of the Public Health and Municipal Services Ordinance (Cap. 132) and Regulation 5(3) of the Food and Drugs (Composition and Labelling) Regulations (Cap. 132 sub. leg. W)	
004115 - 005447	Chairman Administration ALA5 Mrs Selina CHOW	Proposal to provide for a disclaimer on the presence of traces of allergenic substances in food due to accidental mixing or cross-contamination	<b>Admin to revert to the Subcommittee on its decision as per paragraph 8(a) of the minutes</b>
005448 - 010220	Dr TANG Siu-tong Administration	Implementation of the new labelling requirements and proposed nutrition labelling requirements	

Time marker	Speaker	Subject	Action Required
		Consultation with Mainland authorities on its timetable for implementing similar labelling requirements	
010221 - 010309	Chairman Dr TANG Siu-tong Mr WONG Yung-kan Mrs Selina CHOW	Date of next meeting	
010310 - 010816	Mr WONG Yung-kan Administration Chairman	The Administration's proposed way forward  Administration to clarify with Mainland authorities whether the Mainland would implement similar labelling requirements	<b>Admin to revert to the Subcommittee on its decision as per paragraph 8(c) of the minutes</b>
010817 - 011316	Mr WONG Yung-kan Administration Chairman	Extension of the grace period	<b>Admin to consult the relevant trades as per paragraph 8(d) of the minutes</b>
011317 - 012449	Mrs Selina CHOW Administration Chairman ALA5	The Mainland authorities/ organizations which had been consulted by the Administration on the new labelling requirements and their response  Proposal on applying the new labelling requirements on the basis of source countries	<b>Admin to revert to the Subcommittee on its decision, and to provide additional information as per paragraph 8(b) and (f) of the minutes</b>
012450 - 013210	Chairman Administration	Commencement date of the Amendment Regulation  New Labelling requirements on alcoholic drinks	<b>Admin to revert to the Subcommittee on its decision as per paragraph 8(e) of the minutes</b>