立法會 CB(2) 2626/03-04(01)號文件
LC Paper No. CB(2) 2626/03-04(01)

Mrs. Constance Li
Clerk to Panel
Legislative Council Secretariat
3/F Citibank Tower
3 Garden Road
Central, Hong Kong

2 June 2004

Attention: Miss Lolita Shek
(By Fax: 25090775)

Dear Mrs. Li,

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

Meeting on 3 June 2004

Thank you for your letter of 2 June 2004 inviting the Academy to send representatives to attend the captioned meeting on 3 June 2004.

Regrettably, due to the shortage of time, we will not be able to send in a deputation.

Enclosed please find the Hong Kong Academy of Medicine's submission on the captioned regulation, which we have forwarded to the then relevant Government departments in 2000 and 2001. They represent the views of the Academy.

Yours sincerely,

CH Leong
President

Attach.

10/F, HKAM Jockey Club Building, 99 Wong Chuk Hang Road, Aberdeen, Hong Kong
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URGENT

18 December 2000

Senior Health Inspector (Food Labelling)
Food and Environmental Hygiene Department
43/F, Queensway Government Offices
66 Queensway
Hong Kong

By fax : 2521 4784 and mail

Dear Sir,

With reference to the Proposals to amend the Food and Drugs (Composition and Labelling) Regulations, our comments are as follows :

1. We support the proposals on labelling of allergenic substance and details of food additives used.

2. However, these proposals do not include labelling of genetically modified food and we would like to know what the position of the government in this issue is.

3. We support the proposal on more flexible date marking format.

   However, consumers often have difficulties to find or read the labelling. Is there any requirement on the size and position of the labelling?

4. As for the labelling of alcoholic drinks :

   a) Do the regulations, existing or to be proposed, require labelling of the alcoholic strength by volume?

   b) Some countries have introduced a health warning such as warning on drinking and driving. In the US there are statutory warnings on consumption of alcohol during pregnancy. The International Agency for Research on Cancer has classified alcoholic beverages as a Type I human carcinogen. Could we ask what the government's position on this is?

Yours sincerely,

Dr. K.W. Chu
Honorary Secretary

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delivered by hand
23/5/01

Mrs. Lily Yam, JP
Secretary for the Environment and Food
The Environment and Food Bureau
10/F Citibank Tower
3 Garden Road
Hong Kong
Attn. Mr. David Leung Chee-kay

23 May 2001

Dear Mrs. Yam,

Consultation Paper
Labelling of Genetically Modified Food

I refer to your letter of 27 February 2001, seeking the views of the Academy on the above.

The Academy Council had discussed the matter and noted the input from the Hong Kong College of Community Medicine. Please find enclosed a Position Paper stating the Academy and the College's views for your Bureau's consideration.

Should you have any queries or require further information, please feel free to contact our General Secretary, Mr. Elmer Wan, at 2871 8888.

Thank you for your attention.

Yours sincerely,

Dr. CHU Kin Wah
Honorary Secretary

c.c. Prof. T.H. Lam, President, HKCCM

Encl.

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Labelling of Genetically Modified Food

1. From the public health point of view, good nutrition at low cost to the world population, which may be achieved through GM food technology should be welcomed, provided there is adequate safeguard to potential harmful effects.

2. However, it is not clear to the public, in Hong Kong and elsewhere, what benefits have so far been enjoyed by consumers, and what are the future benefits. People who are concerned about the less developed countries are also not certain what the populations there can gain now and in the future. If GM technology is monopolised by big companies in developed countries, it is likely that the GM industry will be the main profit makers, possibly at the expense of the populations in both developed and developing countries.

3. At the moment, there are many concerns among different sectors, some of which are arising from lack of understanding of the nature of GM foods which are present today and those which would be created in the future. There is also a lack of confidence on the various sectors with vested interests in GM food, including scientists, the food industry and the regulating agencies.

4. In the Consultation Paper (3.4) it is stated that GM crops do not require the use of as much pesticide as conventional groups. This may be the case now but it is contentious as GM crops may promote selective resistance among pests quite rapidly. As GM crops become more widespread, engineered resistance is likely to be matched by selective pressure on pest species, and such pest resistance may result in more pesticide spraying. GM crops may also require special pesticides which are produced by the same companies holding licences of the GM crops. Farmers will become more dependent on these companies on both GM seeds and other related products, and the costs of growing GM food may increase. Also, the table in Annex A (p.21) shows that with the exception of tomato, the advantage of the majority of GM crops such as GM soya bean and corn is herbicide tolerance, and this can result in the use of larger amount of more toxic herbicide to kill weeds, thus killing at the same time the traditional crops and other plants. This can have more far-reaching damages in the fields and the environment.

5. Lack of evidence of an (adverse) effect is <u>not</u> evidence of a lack of (adverse) effect. The recent problems in CJD/BSE have aroused much concern about the potential risks from foods which have been produced through "unnatural" means. There is strong suspicion whether governments or the food industry can be relied upon as safeguards of public health when new clues or evidence on the adverse health effects of GM food appear some time in the future somewhere in the world. It is too soon to determine whether exposure to GM foods has or has no significant health implications directly from human or animal consumption or indirectly via environmental degradation.

6. The HKSAR Government must recognise the concerns of the many who totally oppose GM food, and the majority of the public who do not understand the complexity of the matter. The public are concerned about safety, health and costs of GM food and their opinions on GM food, on the food industry and on governments often change. Any incidents, whether (scientifically) substantiated or not, can easily change public opinion to the extreme.

7. There is certainly an urgent need to inform the public the pros and cons of GM foods, the scientific principles and findings, and the regulatory policies and measures as well as the politics surrounding GM food, and to update these frequently. The knowledge, attitude and practice of the public concerning GM food, as well as sentiments and concerns, be these rational or irrational, must be monitored regularly.

8. The public do expect that the main role of the HKSAR Government should be the safeguard of public health and public health should be the sole justification for government intervention. However, a government may face conflicting roles, especially when a government is lobbied by a powerful industry or commercial sector or when a government is inclined towards short-term economic interests. When a government tries to balance public health and short-term economic gains, public health may suffer.

9. We recognise that this consultation is focussed on the labelling of GM food, which is only one aspect of the many issues surrounding GM food, including those mentioned above.

10. We welcome the Consultation Paper as a first step to tackle this very sensitive and dynamic issue and we hope that the consultation process, formal or informal, must continue, as any consensus reached today may be rapidly out-dated when new knowledge emerges and new events occur.

11. The HKSAR Government needs to build up its own expertise in this area with specialised and independent public health professionals and GM food-related scientists, and to support development of such experience, skills and expertise in non-government sectors, such as universities, other health, consumer and environmental organisations. There is clearly an inadequate infrastructure and a lack of expertise in Hong Kong to study and monitor the situation locally and elsewhere, and to inform and involve the public regularly.

12. There is a belief that labelling of GM food is the first step towards the death of GM food, as many consumers would choose products without GM food in the ingredients and the market will quickly shrink. This will adversely affect scientific research on GM food technology and the real and potential benefits of GM food. At present we do not have the data and facts to assess these, and the Consultation Paper does not help to enlighten us on these issues. In 3.5, it says "The labelling of GM food may not make much difference to consumers who are solely concerned with the safety of the food they consume". We would like to know on what data is this statement based. Even if this is true, it may be so because consumers are not yet aware of the complexity of the problems and their opinions may change radically and unpredictably in the near future. Labelling is only one small aspect for informed decision and there is no real informed decision if consumers have no information to weight the benefits and risks. We do not have any information about the benefits (such as the reduction of cots, if any) after GM foods have been introduced in Hong Kong so far and we are likely to face more uncertainties in the future.

13. We do appreciate that it is most difficult, if not impossible, to prove scientifically, that GM food is absolutely safe or without adverse health effects. But do we have any mechanism or research in place to study or monitor this? We cannot only rely on scientists and the industry involved in producing GM food to take up such roles. We need governments, epidemiologists, public health, medical and health care professionals, consumer and other organisations, as well as the mass media to take up such roles. However, by the time when new events and real adverse health effects are discovered, it may be too late and the whole world population may face a disaster of unmeasurable magnitude.

14. We can accept that labelling is the reasonable and practicable step at the moment. However, we would like to suggest that the HKSAR Government should adopt the Precautionary Principle, which should form the basis for any regulatory measures. We cannot see such Precautionary Principle in the Consultation Paper. Instead, the main concerns are focussed on technicalities, and a minimalist approach seems to be favoured by the Government with preference for less rather more stringent control measures.

15. In terms of coverage, labelling of loose food items and food prepared at food establishments is excluded because of practical difficulties (3.6 and 3.7). Does the Government consider, as a precautionary principle, that these should be labelled? We submit that in principle, all foods including those mentioned above should be labelled. The EU and some other countries have such labelling requirements, despite the practical difficulties. We understand that wet market produce is now routinely controlled and checked for pesticide in Hong Kong and sources of import can often be identified. If so, labelling of wet market produce does not seem to be an insurmountable difficulty. If upstream food sources are labelled, the consumers would expect that these informations should be disclosed by restaurants through labelling or other means.

16. In terms of timing, a long grace period of at least 18 months in considered necessary in the Consultation Paper taking into account the shelf life of prepackage foods. If legislation is the approach adopted and the law can be amended within a few months and will take effect in about 2 years including the grace period of 18 months, this is acceptable. But if it takes a few years before such legislation can be enacted, this intervening period from now to then should be a long enough grace period, and a further grace period of 18 months would put such legislation into effect in 2004-5. In the latter case, we suggest that a grace period of 3-6 months should be sufficient.

17. When faces with the choice of the threshold of 1% and 5% for pan-labelling, the Consultation Paper prefers the conservative approach of 5%, again based on technical difficulties. If the EU, Australia and New Zealand adopt a threshold of 1%, why Hong Kong should not or cannot? If the technicalities are too difficult to resolve now, we can accept the threshold of 5% so as not to delay the legislation process. However, with rapid advances in laboratory testing methods, we believe that the threshold of 1% will become achievable in a few years from now. The threshold, if adopted in any legislation, must be subject to review, as technology in this field is advancing rapidly, or when Codex has come up with an international standard.

18. As for "significantly different characteristic", it is imperative that a clear and precise definition of "significant" and the specific methods of measuring the characteristics need to be established in this context (4.3). How is it to be determined that composition or nutritional value is significantly different from that of its conventional counterpart? In the absence of full nutritional labelling, what monitoring will be put in place by Government to monitor composition and nutritional content? The other conditions (4.3, b to e) are supported but again, who will determine if these conditions are met or breached and what constitutes significant?

19. We support the caution regarding negative labelling and this approach is responsible and reassuring.

20. Voluntary self-regulation (Option A) has not worked in other industries (such as the armaments, tobacco and chemical industries), and is not adopted by EU, Australia, New Zealand and some other countries. We believe that this may be supported by the food trade, but this is not what the pubic want. If this is the interim measure before the formal enactment, this can be accepted. If certain foods are not yet included due to real practical difficulties, such as loose food items this option can also be accepted for such food items.

21. We support mandatory labelling but we are not sure what is the meaning of legislative amendments. We suggest that the new legislation must be "enabling legislation" which allows efficient amendments or subsidiary regulations to take into account new trends, standards or advances. As the process of legislation is long, there must be no further delay. If there is delay, the grace period should be shorter. We can support Option C if the legislation is not delayed by the initial voluntary measures, and if this interim period is to serve as a grace period.

22. To conclude, we welcome the Consultation Paper. With regard to 5.1, we support (a). With regard to (b) and (c) we support that the threshold should be 5%, subject to review to further lowering to 1% with advances in technology or deliberations of Codex. We support (d) and (e). As for (f), we recommend that other foods should be covered at the same time of or 1-2 years after the mandatory labelling of pre-package food if practicable, and if not, other means of informing the public should be considered. As for (g), we support mandatory labelling and the grace period of 18 months, if the effective date of the new legislation is within 2 years. The new legislation should have provision for efficient amendments to take into account new developments.

23. Hong Kong has started late, and it should not be late and slow forever. Government should be the safe guard of public health, and public health should not be compromised by short-term economic gains and vested commercial interests. We are not against all forms of GM food but much needs to be done to address the concerns of the absolute opposers and to inform the public. Hong Kong is in urgent need of expertise and resources for research and monitoring of such an important public health issue, and there is a lack of information on what benefits have we enjoyed from GM foods since they have been introduced here. Meanwhile, the Precautionary Principle should be the guiding principle as lack of evidence of risk is not evidence of no risk.