

**L.N. 85 of 2004****FOOD AND DRUGS (COMPOSITION AND LABELLING)  
(AMENDMENT) REGULATION 2004**

(Made under section 55(1) of the Public Health and  
Municipal Services Ordinance (Cap. 132))

**1. Commencement**

This Regulation shall come into operation on 9 July 2004.

**2. Interpretation**

Regulation 2(1) of the Food and Drugs (Composition and Labelling) Regulations (Cap. 132 sub. leg. W) is amended by adding—

““Codex Alimentarius Commission” (食品法典委員會) means the body created in 1963 by the World Health Organization and the Food and Agriculture Organization to develop food standards, guidelines and related texts;

“International Numbering System for Food Additives” (食物添加劑國際編碼系統) means the numbering system adopted by the Codex Alimentarius Commission for identifying food additives in a list of ingredients of prepackaged food;”.

**3. Schedule 1 amended**

Schedule 1 is amended, in Part II—

- (a) in item 14, by adding “, salt (sodium chloride) and any additive specified in column 2 of Division 1 of Part III of this Schedule not exceeding the level specified opposite to the additive in column 3 of that Division” after “except sugar”;
- (b) in item 15, by adding “, salt (sodium chloride) and any additive specified in column 2 of Division 1 of Part III of this Schedule not exceeding the level specified opposite to the additive in column 3 of that Division” after “than sugar”;
- (c) in item 16, by adding “except salt (sodium chloride) and any additive specified in column 2 of Division 1 of Part III of this Schedule not exceeding the level specified opposite to the additive in column 3 of that Division” after “substance”;

- (d) in item 18, by repealing “and permitted colouring matter” and substituting “, permitted colouring matter and any additive specified in column 2 of Division 2 of Part III of this Schedule not exceeding the level specified opposite to the additive in column 3 of that Division”;
- (e) by adding—

### “PART III

#### ADDITIVES IN CERTAIN MILK PRODUCTS

##### Division 1

##### **Additives in sweetened condensed or evaporated milk, sweetened condensed skimmed or separated milk and unsweetened condensed or evaporated milk**

Item	Additive	Maximum Level
<b>Firming Agents</b>		
1.	Potassium chloride	2 grams per kilogram
2.	Calcium chloride	singly or 3 grams per kilogram in combination, expressed as anhydrous substances
<b>Stabilizers</b>		
3.	Sodium citrates	2 grams per kilogram
4.	Potassium citrates	singly or 3 grams per kilogram in combination, expressed as anhydrous substances
5.	Calcium citrates	
<b>Acidity Regulators</b>		
6.	Calcium carbonates	2 grams per kilogram
7.	Sodium phosphates	singly or 3 grams per kilogram in combination,
8.	Potassium phosphates	

Item	Additive	Maximum Level
9.	Calcium phosphates	expressed as anhydrous substances
10.	Diphosphates	
11.	Triphosphates	
12.	Polyphosphates	
13.	Sodium carbonates	
14.	Potassium carbonates	
<b>Thickener</b>		
15.	Carrageenan	150 milligrams per kilogram
<b>Emulsifier</b>		
16.	Lecithins	Limited by good manufacturing practice

## Division 2

### Additives in butter

Item	Additive	Maximum Level
<b>Acidity Regulators</b>		
1.	Sodium phosphates	2 grams per kilogram
2.	Sodium carbonate	
3.	Sodium hydrogen carbonate	Limited by good manufacturing practice
4.	Sodium hydroxide	
5.	Calcium hydroxide	

For the purposes of this Part, “good manufacturing practice” (優良製造規範) includes a manufacturing practice which complies with the following requirements—

- (a) the quantity of the additive added to food is limited to the lowest possible level necessary to accomplish its desired effect;
- (b) the quantity of the additive that becomes a component of food as a result of its use in the manufacturing, processing or packaging of a food and which is not intended to accomplish any physical, or other technical effect in the food itself, is reduced to the extent reasonably possible; and

- (c) the additive is prepared and handled in the same way as a food ingredient.”.

#### **4. Marking and labelling of prepackaged foods**

Schedule 3 is amended—

(a) in paragraph 2—

(i) by adding—

“(4E)(a) If a food consists of or contains any of the following substances—

- (i) cereals containing gluten (namely wheat, rye, barley, oats, spelt, their hybridized strains and their products);
  - (ii) crustacea and crustacean products;
  - (iii) eggs and egg products;
  - (iv) fish and fish products;
  - (v) peanuts, soyabeans and their products;
  - (vi) milk and milk products (including lactose);
  - (vii) tree nuts and nut products,
- the name of the substance shall be specified in the list of ingredients.

(b) If a food consists of or contains sulphite in a concentration of 10 parts per million or more, the functional class of the sulphite and its name shall be specified in the list of ingredients.”;

(ii) in sub-paragraph (5), by repealing everything after “additive” and substituting—

“(except an additive specified in sub-paragraph (7)) constituting one of the ingredients of a food shall be listed by its functional class and—

- (a) its specific name; or
- (b) its identification number under the International Numbering System for Food Additives; or
- (c) its identification number under the International Numbering System for Food Additives with the prefix “E” or “e”.”;

(iii) in sub-paragraph (6)—

(A) by repealing “categories” and substituting “functional classes”;

- (B) by repealing “Flavour enhancer (味道強化劑)”, “Flavouring (調味劑)”, “Flour improver (麵粉改良劑)” and “Modified starch (改性澱粉)”;
- (C) by adding—
  - “Bulking agent (增體劑)
  - Colour retention agent (護色劑)
  - Firming agent (固化劑)
  - Flavour enhancer (增味劑)
  - Flour treatment agent (麵粉處理劑)
  - Foaming agent (發泡劑)
  - Humectant (水分保持劑)
  - Propellant (推進劑)”;
- (iv) by adding—
  - “(7) An additive which constitutes one of the ingredients of a food and falls in any of the following classes shall be listed by the appropriate class title—
    - (a) flavour and flavouring (調味料及調味劑);
    - (b) modified starch (改性澱粉),
  - and the expression “flavour” may be qualified by “natural”, “natural identical”, “artificial” or a combination of these words as appropriate.”;
- (b) in paragraph 4—
  - (i) in sub-paragraph (4)—
    - (A) by repealing “, in that order,”;
    - (B) in sub-sub-paragraph (a), by repealing “, in that order”;
    - (C) in sub-sub-paragraphs (b) and (c), by repealing “, in that order,”;
  - (ii) in sub-paragraph (5)—
    - (A) by repealing “, in that order,”;
    - (B) by repealing “, in that order”;
  - (iii) by repealing sub-paragraph (7) and substituting—
    - “(7) Where the “best before” (此日期前最佳) date or the “use by” (此日期前食用) date is shown in Arabic numerals—
      - (a) the day shall be indicated by the words “DD”, “dd”, “D” or “d” in English lettering and “日” in Chinese character;
      - (b) the month shall be indicated by the words “MM”, “mm”, “M” or “m” in English lettering and “月” in Chinese character; and

- (c) the year shall be indicated by the words “YY”, “yy”, “Y” or “y” in English lettering and “年” in Chinese character, and the day, month and year can appear in any order.”;
- (c) in paragraph 8(1), by repealing “and (5)” and substituting “, (5) and (7)”.

## 5. Items exempt from Schedule 3

Schedule 4 is amended—

- (a) by repealing the first item and substituting—  
“Drinks with an alcoholic strength by volume of more than 1.2% but less than 10% as determined under section 53 of the Dutiable Commodities Ordinance (Cap. 109) Paragraph 2”;
- (b) by adding—  
“Wines, liqueur wines, sparkling wines, aromatised wines, fruit wines, sparkling fruit wines and other drinks with an alcoholic strength by volume of 10% or more as determined under section 53 of the Dutiable Commodities Ordinance (Cap. 109) Paragraphs 2 and 4”.

## 6. Transitional provision

It shall not be an offence under regulation 5(1) of the Food and Drugs (Composition and Labelling) Regulations (Cap. 132 sub. leg. W) (“principal Regulations”) to advertise for sale, sell or manufacture for sale on or before 9 January 2006 any prepackaged food which is not labelled in accordance with paragraphs 2 and 4 of Schedule 3 to the principal Regulations as amended by this Regulation, if that prepackaged food is labelled in accordance with what would have been the requirements of paragraphs 2 and 4 of Schedule 3 to the principal Regulations had this Regulation not come into operation.

Gregory LEUNG  
Director of Food and  
Environmental Hygiene

10 May 2004

### **Explanatory Note**

This Regulation amends the Food and Drugs (Composition and Labelling) Regulations (Cap. 132 sub. leg. W) in a number of ways. It—

- (a) relaxes the restrictions on the inclusion of additives in certain milk products in line with the new guidelines adopted by the Codex Alimentarius Commission;
- (b) requires food labels to declare the presence of certain substances which are known to cause allergy (new paragraph 2(4E) of Schedule 3);
- (c) requires food labels to list both the functional class (i.e. the category) of the food additive used and its specific name (or its identification number under the International Numbering System for Food Additives);
- (d) updates the functional class of additives for labelling purposes in line with the new guidelines adopted by the Codex Alimentarius Commission;
- (e) requires the “best before” and “use by” dates shown in Arabic numerals to indicate their sequences in English letterings and Chinese characters and removes the requirement for the dates to be listed in the strict order of the day, the month and the year;
- (f) exempts drinks with an alcoholic strength by volume of more than 1.2% but less than 10% from the requirements in respect of a list of ingredients but requires other prepackaged food which was previously exempted to comply with the requirements in Schedule 3; and
- (g) exempts wines and other drinks with an alcoholic strength by volume of 10% or more from certain requirements in Schedule 3.