The Administration's Responses to Issues Raised in the Letter from LegCo's Legal Service Division dated 6 December 2004

(Para. 2,3)   As mentioned in our previous reply, there is no universally accepted legal definition for conventional food. In coming up with the definition for "orally consumed product", we have made reference to the way "food" is described in the laws in Hong Kong and other jurisdictions. We consider that by excluding products which are customarily consumed only as food or drink, and products which are customarily consumed to satisfy a desire for taste, texture or flavour, from the definition of orally consumed product, the Bill can already achieve its intended purposes effectively. Nonetheless, as our policy intent is to regulate advertisements for the so-called "health food" products, which are mostly presented in dosage form of pills, tablets, capsules, powders, sachets, liquid, etc., we are considering possible adjustments to the proposed definition in order to better reflect our policy intention.

(Para. 4)   Please refer to our response to Para. 2(g) of the minutes of Bills Committee meeting held on 9 December 2004.

(Para. 5)   The purpose of the UMAO is to prevent the adverse effects inflicted upon members of the public through self-medication and delayed proper treatment of diseases. In considering the claims to be regulated, a risk-based approach is adopted, i.e. the risk of delayed proper treatment of bodily conditions which a particular claim aims to regulate/treat. Under this approach, six groups of prohibited or restricted claims are stipulated in the Bill, which relate to either treatment of diseases or regulation of bodily conditions potentially symptomatic to diseases which may warrant proper medical consultation. We consider that people with such diseases and bodily conditions should seek proper medical consultation rather than relying on self-medication. We therefore consider the concerned health claims, which may delay some people from going to doctors, undesirable.