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**Meeting of Panel on Food Safety and Environmental Hygiene
on 15 April 2005**

Background Brief prepared by Legislative Council Secretariat

Nutrition Labelling

Purpose

This paper briefs Members on the discussions held by the Panel on Food Safety and Environmental Hygiene on the Administration's proposals on nutrition labelling.

Background

2. The existing legislation in Hong Kong does not provide for any specification on nutrition information on food labels. At present, the formats of nutrition information presented on the labels of pre-packaged food products currently available in the local market are not consistent.

3. In 2001 and 2002, the Food and Environmental Hygiene Department (FEHD) conducted a feasibility study on nutrition labelling and examined a range of options for implementation. The feasibility study also looked into the different international practices in overseas jurisdictions as well as labelling guidelines issued by the Codex Alimentarius Commission (Codex). A market survey was conducted at the same time to determine the prevalence of nutrition labels and related claims and to examine the contents of nutrition labels.

4. After the completion of the feasibility study, the Administration came to the conclusion that the policy objective of protecting public health and ensuring food safety could best be achieved through implementation of a mandatory nutrition labelling scheme by phases.

5. The Administration briefed the Panel on Food Safety and Environmental Hygiene on the proposal on nutrition labelling on 20 March 2003 together with the proposal for genetically modified food labelling. The Administration further briefed

the Panel on 25 November 2003 on its intention to launch a public consultation exercise on nutrition labelling. The Panel invited representatives of the food trade and concerned organisations to give views on the Administration's proposal on nutrition labelling on 29 April 2003 and 2 February 2004.

The Administration's proposal on nutrition labelling in 2003

6. According to the Administration's papers to the Panel in 2003, the proposed mandatory labelling scheme on nutrition information would be implemented in two phases. In Phase I, food suppliers who chose on a voluntary basis to carry nutrient-related claims and other nutrition information on their pre-packaged food products would be required to follow the labelling requirements set out in the proposed legislation. A **two-year grace period** would be allowed for implementation of Phase I after enactment of the legislation. As for Phase II, the statutory requirements would be extended to all pre-packaged food products regardless of whether they carried nutrient-related claims. Implementation of Phase II would take place **three years** after implementation of Phase I.

7. In the 2003 proposal, the Administration proposed that the labels should list out the contents of **energy plus nine core nutrients** including protein, available carbohydrates, total fat, saturated fat, cholesterol, sugars, sodium, dietary fibre and calcium. Other nutrition information might be listed on the labels voluntarily, but the amounts of any such nutrients listed must be declared.

8. The presentation of nutrition information would also be standardised to facilitate easy understanding by consumers. The content of energy and nutrients would be expressed in absolute amounts in kilocalories³ per metric units per 100g (per 100ml) of food, or per package if the package contained only a single portion of food. There would also be specific requirements on the format of the nutrition labels. The different requirements applicable to different categories of nutrient-related claims were described in paragraphs 10 to 13 in the Administration's paper for the Panel meeting on 25 November 2003 [LC Paper No. CB(2) 407/03-04(03)].

Discussions by the Panel

Members' concerns

Implementation timetable

9. At the meetings on 20 March and 25 November 2003, most members considered that the Administration's proposed timetable to implement the mandatory labelling scheme five years after the enactment of legislation was too long. These members pointed out that the community was generally in support of the nutrition labelling scheme, and the trade should not need five years to sell their existing stocks

before they could comply with the labelling requirements. They urged the Administration to introduce the mandatory labelling scheme as soon as possible.

Costs on trade

10. Hon Tommy CHEUNG and Hon Mrs Selina CHOW were of the view that Hong Kong should not move ahead of other countries in implementing labelling requirements for food products, as Hong Kong depended largely on imported foods. The importers or manufacturers might have to conduct laboratory tests for food products imported from places which had not adopted similar labelling requirements. This would lead to additional costs, and extra time would have to be allowed for laboratory tests if there were insufficient laboratory facilities in Hong Kong. This would also result in a reduction of the varieties of food for sale in Hong Kong. Hon Mrs Selina CHOW urged the Administration to conduct a Regulatory Impact Assessment before implementation of the proposed labelling requirements. Hon Tommy CHEUNG requested for a comparison of the proposed labelling requirements for Hong Kong with those adopted by other countries.

Public education

11. Panel members in support of the proposed labelling requirements requested the Administration to strengthen publicity and public education on nutrition information, to enable consumers to better understand the nutrition information listed on food labels and the impact of food choices on their health. Hon WONG Yung-kan suggested that there should also be education programmes on nutrition information in schools.

12. The Administration responded at the Panel meeting on 25 November 2003 that a series of public education programmes, such as seminars, would be organised to promote consumers' understanding of nutrition information. Since 2001, nutrition information had been uploaded onto the website of FEHD, and leaflets and educational materials had also been distributed to schools. The Administration also informed the Panel after the meeting that a VCD on nutrition labelling had been produced jointly with Education Television and would be broadcast to secondary school students starting early 2004.

Coverage of the proposed labelling scheme

13. Some Panel members requested the Administration to clearly specify the scope of food products to be included in the mandatory system, for example, whether seasoning products were to be included. The Administration advised at the Panel meeting on 25 November 2003 that flavourings would be exempted.

Views of deputations

14. The medical sector, dietitians/nutrition associations, patients' groups and the Consumer Council supported the proposed nutrition labelling scheme, as it would facilitate consumers and patients to decide on the choice of food which was best to their health. They pointed out that nutrition labelling would help reduce the medical hazard of diet-related health conditions such as diabetes, high blood cholesterol and kidney disease, and reduce the related medical costs.

15. The medical sector and dietitians also proposed that –

- (a) foods for infants and young children, foods for special dietary uses and health foods should also be included in the proposed labelling scheme;
- (b) potassium and food iodine should be included in the list of core nutrients; and
- (c) the Administration should shorten the time required for full implementation of the mandatory labelling requirements.

16. The Consumer Council suggested that those foods of low health risk and low nutrition value could be considered for exemption.

17. The dietitians/nutrition associations suggested that there should be a standardised format, and also standardised terminology or expression of amounts of nutrients for food labels.

18. The food trade expressed diverse views on the proposed nutrition labelling scheme. While the Hong Kong Retail Management Association supported in principle that a labelling guideline could help consumers to make informed choices on food products, it objected to a mandatory labelling scheme for all pre-packaged food items. The Association suggested a reduced scope for the scheme, and that imported food should only be required to comply with those requirements implemented in the country of manufacture.

19. The Hong Kong Suppliers Association was in full support of the proposed labelling scheme as it would help the public to identify nutritious diets. However, the Association urged the Administration to fully consult the trade to make the scheme as practical and effective as possible, having regard to the different labelling requirements adopted by other countries and the Mainland.

20. Some other food trade representatives commented that it would be difficult for the trade to comply with the proposed labelling requirements, and it would add costs to the trade because of the need for re-packaging and laboratory testing. These representatives preferred a voluntary scheme.

Public consultation and Regulatory Impact Assessment

21. The Administration informed the Panel in November 2003 that a public consultation exercise on the proposed nutrition labelling scheme would be conducted from 25 November 2003 to 31 January 2004. The Administration would also conduct a Regulatory Impact Assessment on the proposal before reverting to the Panel.

Motions on the subject

22. Hon WONG Yung-kan moved a motion on “Regulating health foods” for debate at the Council meeting on 5 November 2003. Hon Fred LI moved a motion on “Labelling scheme on nutrition information” for debate at the Council meeting on 17 December 2003.

Relevant papers

23. A list of relevant papers and documents is in the **Appendix** for members’ easy reference. The papers and documents are available on the Council’s website at <http://www.legco.gov.hk/english/index.htm>.

Council Business Division 2
Legislative Council Secretariat
13 April 2005

Relevant Papers/Documents

<u>Meeting</u>	<u>Meeting Date</u>	<u>Papers/Motion Passed/Council Question</u>
Legislative Council	5 November 2003	Motion on “Regulating health foods” moved by Hon WONG Yung-kan
	17 December 2003	Motion on “Labelling scheme on nutrition information” moved by Hon Fred LI
Panel on Food Safety and Environmental Hygiene	20 March 2003	Administration's paper – Paragraphs 2-3 & 6-9 of LC Paper No. CB(2) 1511/02-03(04) Minutes of meeting (LC Paper No. CB(2) 1835/02-03)
	29 April 2003	Summary of views of deputations – LC Paper No. CB(2) 2521/02-03(01) Minutes of meeting (LC Paper No. CB(2) 2169/02-03)
	25 November 2003	Consultation paper on labelling scheme on nutrition information Administration's paper - Paper No. CB(2) 407/03-04(03) Minutes of meeting (LC Paper No. CB(2) 888/03-04)
	2 February 2004	Minutes of meeting (LC Paper No. CB(2) 1989/03-04)