

To: Chairman of the Bills Committee

Dear Sir or Madam,

Nutrition Labelling Regulations

The British Chamber of Commerce in Hong Kong wish to express the concerns of our members about the reduction of healthy food choices in Hong Kong arising from the implementation of the Government's proposed nutrition labelling scheme.

Specifically, we urge you to exempt from the proposed nutrition labelling scheme products sold in small volume that make nutritional claims (i.e "low fat" products). Otherwise, a trade barrier will be created unintendedly that will prevent the importation of healthier and more nutritious products to Hong Kong.

To be truly international, a city needs to have international food. Hong Kong currently has a wide variety of food products that caters to the tastes of many ethnic groups. Consumers are demanding healthier food products ("low fat", "cholesterol-free", "sugar-free") in increasing quantities and they expect the range of healthier food choices to grow.

Everyone sees value in a sensible nutrition labelling scheme but Hong Kong is a small city market that imports 90% of its food and most of this food is imported in packaging that is not specifically designed for Hong Kong, and comes from territories, such as China, the European Union and Japan, where nutrition labelling is not mandatory.

We believe that it is important that Hong Kong's food labelling laws are consistent with its major trading partners. If Hong Kong introduces labelling laws that are stricter or different to its trading partners, this would lead to an unnecessary and unwelcome reduction in the choice of products in Hong Kong and to an increase in the price of products (due to high nutrient testing and re-labelling costs). The scheme as currently proposed by Government is unique in the World and is far more strict than the Codex guidelines on nutrition labelling.

We believe that the Administration's proposal to include a small volume exemption for products selling less than 30,000 units per year is sensible as it ensures that the vast majority of products sold in Hong Kong in terms of volume will contain Hong Kong specific nutrition labelling, while ensuring that the large number of products that are imported in small volume remain available for sale.

It is strongly believed that the small volume exemption should also apply to products that make nutrition claims.

We also urge you to reconsider your proposal to ban products from sale that make specific nutrition claims (such as “rich in Omega-3”) as it will prevent more nutritious products from being sold in Hong Kong.

The Government is rightly concerned about misleading claims, but we see this as an enforcement issue. Under existing legislation it is an offence to provide misleading nutritional information on food labels, and hence we consider that there is no additional need to specify an exhaustive list in the proposed nutrition regulations of what nutrition claims can be made.

We believe the flexibility we have suggested will ensure Hong Kong preserves its international reputation for fine food by keeping on sale a wider variety of food product choices for consumers in Hong Kong that are nutritious and healthy.

It is hoped that these comments will be viewed as a constructive contribution to what we recognize as being a difficult and highly technical area in which to frame legislation.

Our principal concern focuses on the issue that it is the small volume area, which could deny members of the local and international community products that they are used to buying and eating.

Thank you for your consideration of our views.

Yours sincerely,

On Behalf of the British Chamber of Commerce in Hong Kong