

立法會 CB(2)1823/07-08(03)號文件
LC Paper No. CB(2)1823/07-08(03)

To the Honorable Members of the Sub-committee on Nutrition Information Regulation,

Representation of the Hong Kong Health Food Association
On the Nutrition Information Labeling Regulation

Background

Hong Kong has lagged behind the worldwide norm by failing to recognize the category of Health Food (Health Supplement, Dietary Supplement etc. are synonymous terms used in other countries). In China, Taiwan, ASEAN, and the major health food importing countries like USA, Canada, Australia, New Zealand, and the EU Countries all have the category present. Orally consumed products in Hong Kong are either food or drug. There is not a transition category in between the two.

Therefore, health food in Hong Kong is inappropriately and unfairly treated as food or drug unable to reflect its unique position in bridging the two. Being forced to be food or drug, health food is being improperly and unreasonably regulated by the food law or the pharmacy law. This situation is not to the best interest of the consumer and the industry in long run.

We urge the Government to take suitable action to rectify the skew situation bringing Hong Kong to the right track in health food development.

Nutrition Information Labeling

Regarding the nutrition labeling requirements, the Hong Kong Health Food Association has the following demands and counter-proposals:

- (1) Prepackaged food presented in the form of capsule or table or equivalent forms and with specific daily intake recommendation should be exempted from the food labeling law and the nutrition information regulation. This is because the ingredients in health food products are not intended and not sufficient to provide nutrition such as fat, carbohydrate, or protein for human beings. Their purpose is just for maintaining the health of the users. Even a non-user would not think health food is conventional food. The food labeling law applied to health food will not give any benefits to the consumer but instead cause confusion to them.
- (2) Grace period should be extended to 3 years. Our Association has conducted a

survey by sending questionnaires to members and related companies in early January this year. The results indicated that over 40 types of health food have shelf life from 3 to 4 years. All these 3 to 4 years shelf life products will have to be recalled and destroyed on the date the Nutrition Information Labeling becomes effective if the grace period is 2 years. This is not surprising that unlike conventional food health food is less perishable and is stable for years.

- (3) Our Association holds the view that when the Government sets standards for core nutrition values taking reference from other countries, Hong Kong should then adopt the least stringent standards as high proportion of prepackaged foods are imported from these countries so as to ensure imported products are accessible to consumers.

Last but not least, Hong Kong Health Food Association would request the Government and Legislative Council to establish a mechanism to periodically assess the impact of this Legislation on product choice to the consumer and the business volume changes of the prepackaged food industry and make amendments to the regulations whenever appropriate.

The Hong Kong Health Food Association
May 2008



22 October 2007

Mrs. Stella Hung Kwok Wai-ching, JP
 Permanent Secretary for Food and Health (Food)
 Food and Health Bureau
 19/F, Murray Building, Garden Road
 Hong Kong

Dear Mrs. Hung,

The Health Food Industry in Hong Kong

Pursuant to your letter dated 12 September 2007 replying our letter of 23 July 2007, we are writing again to reiterate the deep concern of industry about the imminent Nutrition Information Labeling Scheme upon collecting further information and opinions from the industry.

The industry firmly believes consumers will not benefit from a "health food product" nutrition information label bearing nutrition values of no significance, i.e. the ZERO value expression of the "1+6" nutrition information as mandated by the forthcoming regulation. Consumers traditionally know that this type of product does not provide any of the "1+6" nutrition values as opposed to conventional food. On the other hand, SME importers have to pay for extra production cost for revising the labels in order to comply with the new regulation, as the health food products imported are not food in the country of origin. Although time and money have been spent, yet it does not add any value to the customer and is simply wastage of resources.

Health Food, Health Supplement, Dietary Supplement, Food Supplement, etc. are basically different terms to describe the same type of product category. In many overseas countries, health food is exempted from nutrition information labeling because the authorities understand that "health food" delivers solely health benefits and it is intended to provide any nutrition at all.

Evidences of exemption are quoted from (1) The Chapter V – Nutrition Labeling within the "A Food Labeling Guide" of the Centre for Food Safety and Applied Nutrition, US FDA; (2) The "Council Directive on nutrition labeling for foodstuffs", the Council of the European Communities; (3) The "Food and Drugs Act" of Canada. Please refer to appendix 1 -3 for details of the aforesaid Labeling Guide and Regulation. Please also kindly note that majority of health food products are imported from these countries.

Owing to the fact that Hong Kong has not yet defined the "Health Food" category, the industry has reached the consensus that it would be more convenient and workable to describe the exemption as "Prepackaged food presented in the form of capsule or tablet or the equivalent forms and with specific dosage instructions printed on the label".

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In the circumstances, the industry sincerely wish the Food and Health Bureau would consider granting exemption to prepackaged food in the fore-mentioned dosage forms by including the exemption in the Nutrition Information Labeling Regulation before putting it forward to the Legislative Council for vetting. On behalf of the industry, the Hong Kong Health Food Association is more than happy to discuss with the Bureau about the exemption.

Look forward to hearing from you soon.

Yours respectfully,

Angela Lau
President

CC: Dr. Ho Yuk-yin, Consultant (Community Medicine)



23 July 2007

Mrs Stella Hung Kwok Wai-ching, JP
Permanent Secretary for Food and Health (Food)
Food and Health Bureau
19/F, Murray Building, Garden Road
Hong Kong

Dear Mrs Hung,

The Health Food Industry in Hong Kong

I am writing on behalf of Hong Kong Health Food Association, which consists of 32 members coming from the various sectors of the health food industry spanning across R & D, manufacturing, wholesale, retailing and import/export.

Probably owing to insufficient understanding of the Health Food industry and lack of opportunity to exchange ideas, HKSAR Government seems failing to recognize that health food is an integral part of the healthcare system. Local law making has lagged behind the global trend of health food legislation and neglected the growing demand for health food in the mass market.

While the industry has to bitterly bear the fact that health food products are inappropriately regulated by food laws in Hong Kong, their product labels are mandated to comply with the food labeling regulations. As more new regulations coming on board, industry will anticipate more difficulties in satisfying the new labeling requirements.

A vivid example is the forthcoming nutrition information labeling scheme. To our understanding the aforesaid scheme will require product label of prepackaged food (health food) to display conspicuously 10 types of nutrition information. This is helpful and convenient for consumers to clearly know the product's nutrition value and thus can make the right choice. On the other hand, they will get confused and annoyed by health food product labels, which will have to show all zero nutrition

information. Moreover, the health information they want to know will be crowded in the limited space left behind. Revealing something that is naturally absent is an unnecessary redundant. Consumers conceive no added value from the disclosure of such information on health food label.

Whilst we support Government's belief that the nutrition information labeling scheme would cut medical expenses, prevent loss of productivity and minimize early deaths, bringing considerable benefits to Hong Kong in the long run, as stated in the 2nd issue 2005 of the Food Safety Express published by Centre for Food Safety; we also believe that information given to consumers in the correct and effective manner is equally important.

For the sake of providing clear and necessary health information to consumers, the Hong Kong Health Food Association would firmly appeal to the policy and law makers; first of all for full exemption of health food from food (conventional food) labeling regulations and then for a comprehensive plan to establish an appropriate monitoring mechanism for the health food industry in Hong Kong.

The Association looks forward to meeting with you in the near future at your earliest convenience.

Yours respectfully,



Angela Lau
President, the Hong Kong Health Food Association

C.C. Dr. York Y.N. Chow, SBS, JP, Secretary for Food & Health