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**Meeting of Panel on Food Safety and Environmental Hygiene
on 11 December 2007**

Background Brief prepared by Legislative Council Secretariat

Labelling scheme on nutrition information

Purpose

This paper summarises the discussions held by the Panel on Food Safety and Environmental Hygiene (the Panel) on the Administration's proposals regarding the labelling scheme on nutrition information since 2003.

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 prepackaged food products available in the local market are not consistent.

3. On 20 March 2003, the Administration briefed the Panel on its proposal on nutrition labelling together with the proposal for genetically modified food labelling. A public consultation paper on the proposed scheme was published on 25 November 2003. The Panel met with representatives of the food trade and organizations concerned on 29 April 2003 and 2 February 2004 to gauge their views on the proposal. The Administration subsequently engaged a consultant to conduct a Regulatory Impact Assessment (RIA) to study the various options for implementing nutrition labelling in Hong Kong.

4. On 15 April 2005, the Administration briefed the Panel on the results of the public consultation exercise and the RIA, and a revised proposal for nutrition labelling. The Panel gauged the views of the food trade and organizations concerned on the revised proposal again at the meeting on 10 May 2005. On 14 June 2005, the Administration provided a paper setting out its responses to the concerns and issues raised by members and deputations at the Panel meetings held on 15 April and 10 May 2005 [LC Paper No. CB(2)1860/04-05(06)].

The Administration's proposal on nutrition labelling in 2003

5. Under the Administration's original proposal in 2003, the 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 prepackaged food products would be required to 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. A two-year grace period would be allowed for implementation of Phase I. **In Phase II**, the statutory requirements would be extended to all prepackaged food products regardless of whether they carried nutrient-related claims. Implementation of Phase II would take place three years after implementation of Phase I.

6. The presentation of nutrition information would be standardized to facilitate easy understanding by consumers. The content of energy and nutrients would be expressed in absolute amount in kilocalories³/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, and different requirements on different categories of nutrient-related claims (namely, nutrition claims and nutrient function claims).

The Administration's revised proposal in 2005

7. Having considered the local health situation, views collected during the consultation exercise and the results of RIA, the Administration put forward a revised proposal for discussion at the Panel meeting on 15 April 2005. Under the revised proposal, the nutrition labelling scheme would still be implemented in **two phases** –

- (a) in **Phase I**, prepackaged food with nutrient-related claims would need to label **energy plus five core nutrients**, namely protein, carbohydrate, total fat, saturated fat and sodium on their packages, as well as any nutrient for which a claim was made. Food products that carried nutrition information but without claims would be excluded from Phase I. There would be a two-year grace period before the implementation of Phase I; and
- (b) in **Phase II**, mandatory nutrition labelling would be implemented, and all prepackaged food, except those exempted, would have to label **energy plus nine core nutrients**, namely protein, carbohydrate, total fat, saturated fat, sodium, cholesterol, sugars, dietary fibre and calcium, as well as any nutrient for which a claim was made. Phase II would be implemented two years after the implementation of Phase I.

Discussions by the Panel

Benefits to the community

8. The Panel noted that the majority of submissions received during public consultation were in support of the proposed labelling scheme on food nutrition. The medical sector, dietitians/nutrition associations, patients' groups and the Consumer Council were in support of nutrition labelling, as it would facilitate consumers and patients to make food choices best to their health. They pointed out that the implementation of a nutrition labelling scheme would reduce the medical hazard of diet-related health conditions such as diabetes, high blood cholesterol and kidney disease, and reduce the related medical costs.

9. The RIA also showed that there would be net economic benefits to Hong Kong in implementing the proposed nutrition labelling scheme. Such benefits included savings in health care, avoided productivity losses and reduction in premature deaths.

Implementation timetable

10. When discussing the proposed nutrition labelling scheme at the Panel meetings in 2003 and on 15 April 2005, most members urged the Administration to introduce the mandatory labelling scheme as early as possible. As many of the prepackaged food for sale in Hong Kong already had labels with nutrition information, and the community was generally in support of the nutrition labelling scheme, most members considered that it would not be necessary to take four to five years to fully implement nutrition labelling. They also did not consider it necessary to adopt a phased approach for implementation as there would be additional costs on the trade for complying with the Phase II requirements.

11. Most deputations from the food industry, however, requested a longer grace period for implementation of Phase I, and a review of the timing for implementation of Phase II one year after implementation of Phase I. They considered the proposed requirement of labelling energy and nine core nutrients in Phase II very stringent, as Hong Kong would only be second to the United States and Canada in nutrition labelling requirements after implementation of Phase II. These deputations were of the view that Hong Kong should not move ahead of the Mainland and the European Union (EU) in introducing nutrition labelling requirements. Some other food associations preferred a voluntary labelling scheme, and did not consider it necessary to implement Phase II which would be a mandatory scheme.

12. On the suggestion that Hong Kong should delay implementing the labelling scheme on nutrition information until EU had implemented a mandatory nutrition labelling scheme for all prepackaged food, the Administration pointed out that the nutrition labelling requirement of EU was

not truly "voluntary" in the sense that prepackaged food with nutrient-related claims could not be sold in EU unless they were labelled with relevant nutrition information.

Labelling requirements

13. When the original proposal was discussed in 2003, most members expressed support for the proposed requirement of labelling energy plus nine core nutrients in Phases I and II. As the Administration subsequently revised the proposal to require only the labelling of energy plus five core nutrients in Phase I, some members expressed concern that delaying the implementation of the more stringent labelling requirements to Phase II was undesirable and contrary to the interest of consumers. They urged the Administration to adopt a one-step approach to require the labelling of energy and nine core nutrients, subject to a grace period of two or three years.

14. The medical sector, dieticians' associations and consumers'/patients' groups preferred more stringent labelling requirements to enable consumers and people in need of special diet to make informed food choices. The medical sector and dieticians had suggested that infants' food and foods for special dietary purposes should be covered by the mandatory labelling scheme, and that the amounts of potassium and food iodine should also be labelled.

15. With regard to the dietary requirements of particular groups of people, such as infants, children and those with special dietary needs different from ordinary people, the Administration explained that Codex Alimentarius Commission (Codex) had developed different labelling guidelines and standards for them. The Administration would review whether it was necessary to introduce nutrition labelling requirements covering these products to cater for special dietary needs in the future.

16. As regards the suggestion that iodine and potassium should also be regulated, the Administration's response was that no overseas jurisdictions had included iodine and potassium in their labelling requirements either under their relevant regulations or guidelines. The Administration also advised that most countries did not require the labelling of trans fat. The Administration, however, would keep a close watch on the international development in this respect.

17. Most deputations from the food industry, however, considered the Phase II requirements too stringent, as other countries such as Australia and Japan only required the labelling of five to seven core nutrients. Some deputations suggested that the Codex guidelines (i.e. energy plus protein, available carbohydrate and fat) should be adopted, and the declaration of other nutrients should only be required when there was a claim on such nutrients. Some other deputations suggested that Hong Kong's labelling requirements should follow the Mainland proposed requirements (i.e. energy plus eight core nutrients) when the latter was promulgated. Some deputations had expressed the view that Hong Kong should accept the source countries' food labels if such

countries had put in place nutrition labelling requirements, so that the manufacturers/importers would not need to re-package and re-label the food products concerned.

18. The Administration explained that it was both an international practice and the requirement of current food labelling regulations to require food manufacturers or importers to label their food in compliance with the labelling legislation of the importing countries/places. To enact legislation to adopt or accept overseas nutrition information standards would give rise to enforcement difficulties.

19. At the Panel meeting on 14 June 2005, some members including Mr Tommy CHEUNG and Mr Vincent FANG pointed out that it would be easier for the food industry to support implementation of the labelling scheme if it followed largely the one adopted on the Mainland which was a much larger market than Hong Kong.

Costs on trade

20. The Panel noted that according to RIA, the introduction of a nutrition labelling scheme would likely impose costs on importers, manufacturers and retailers mainly because of the need to undertake testing and to re-label the products. There would also be economic losses because some low volume, low profit niche foods would no longer be imported. According to RIA's estimate, about 191 small and medium enterprises (SMEs) might have to close down when Phase II was implemented, and the total costs for implementing Phase II requirements would be \$244 million. RIA also revealed that if the option of labelling "energy plus five core nutrients" was adopted for Phase I, the initial compliance costs would be significantly lower.

21. Some deputations from the food trade expressed reservations about RIA's estimation on the economic losses and the impact on SMEs. They urged the Administration to provide financial and technical assistance to the food industry, especially SMEs, in complying with the new requirements. They pointed out that small enterprises would face hardship when Phase II was implemented, because of the high costs for testing and re-labelling the products.

22. On the deputations' views, the Administration's response was that there would be an exemption list to exclude from the scheme certain prepackaged food that might have practical difficulties in complying with the proposed nutrition labelling requirements. In addition, the Food and Environmental Hygiene Department would draw up guidelines and organize workshops to help the trade comply with the labelling requirements.

23. Hon Tommy CHEUNG held the view that the Administration should let the public know that the scheme would possibly increase the costs of food products and such costs would eventually be transferred to consumers.

24. On members' suggestion to implement nutrition labelling in one go in order to reduce the costs for re-labelling, the Administration advised the Panel at its meeting on 14 June 2005 that, if there was general support from the community to implement the nutrition labelling scheme in one go, the Administration had no objection to full implementation of the scheme in one sweep.

Public education

25. The Panel and deputations urged the Administration to enhance public education on the use of nutrition information. Some deputations considered that if the consumers could not understand or make use of the nutrition information on food labels, it would be a waste of resources to introduce the nutrition labelling scheme.

26. The Administration informed members that the Administration had already launched a public education programme to enhance public awareness and knowledge on nutrition and the importance of nutrition labels of food. A special task force comprising representatives from various professional organizations and government departments had been set up to coordinate public education and promotion activities on nutrition labelling and nutrients. The task force would assist professional and non-governmental organizations to organize related education activities for the public.

Laboratory facilities

27. Some deputations from the food industry expressed concern about the availability of laboratory facilities for conducting testing and the costs for such tests. The Administration advised that the laboratories in Hong Kong had indicated that they could cope with the demand following implementation of the labelling scheme. Moreover, test results from accredited laboratories overseas would also be accepted. It was estimated that the food tests would cost about a few thousand dollars, and that the charge could be lowered if there was greater demand in the market.

Enforcement of the nutrition labelling scheme

28. Some deputations from the food industry requested the inclusion of specific defence for breaching nutrition labelling requirements. The Administration's view was that the current defences available under the Public Health and Municipal Services Ordinance (Cap. 132) already provided adequate and appropriate protection for the local trade. The labelling of nutrition information was entirely different from the labelling of allergenic substances. While allergenic substances might be introduced to the food inadvertently during the manufacturing process, manufacturers should know the ingredients present in their products and thus, their nutrient contents.

Latest developments

29. At the briefing by the Secretary of Food and Health on the Chief Executive's Policy Address 2007-2008 on 12 October 2007, members expressed concern over some newspapers reports that the Administration would propose a one plus six mandatory nutrition labelling scheme, with a two-year grace period before implementation. Some members including Mr Tommy CHEUNG, Mr Vincent FANG and Dr KWOK Ka-ki were dissatisfied that the Administration had not consulted the Panel on its revised proposal. Mr Tommy CHEUNG pointed out that, in working out the proposed nutrition labelling scheme, the Administration should strike a balance between facilitating consumers to make informed food choices, maintaining the variety of food choices, stabilizing prices of food products, and reducing the impact of the proposed scheme on the food trade, particularly SMEs.

30. The Administration responded that the Administration planned to consult the Panel on the proposal for nutrition labelling scheme in December 2007. Given that Hong Kong relied heavily on imported food, the nutrition labelling scheme to be introduced should be in line with the international practice. Over the past year, the Administration had held discussions with the trade concerned and consulates in Hong Kong about the proposed labelling scheme. The Administration stressed that due consideration had been given to maintaining the variety of food choices and facilitating consumers' right to know. Members were also advised that, according to international practice, the nutrition label of prepackaged food with claim of "low cholesterol" must list the contents of the nutrients cited claims. In respect of nutrition information on trans fat, the Administration would take into account the result of the study on trans fat, which was conducted by the Centre for Food Safety in collaboration with the Consumer Council, in considering the issue.

31. The Administration would brief the Panel on 11 December 2007 on the proposed labelling scheme on nutrition information.

Relevant papers

32. 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>.

Relevant Papers/Documents

<u>Meeting</u>	<u>Meeting Date</u>	<u>Papers/Motion Passed</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
	8 June 2005	Motion on "Labelling Scheme on Nutrition Information for prepackaged food" moved by Dr Hon Joseph LEE
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
	15 April 2005	Administration's paper - Paper No. CB(2) 1230/04-05(05) Background brief prepared by LegCo Secretariat - Paper No. CB(2) 1263/04-05(01)

		Minutes of meeting LC Paper No. CB(2) 1474/04-05
	10 May 2005	Mainland's consultation document on food nutrition labelling requirements - Paper No. CB(2) 1449/04-05(01) Summary of views and suggestions expressed/made by deputations on the proposed labelling scheme on food nutrition at the meeting - Paper No. CB(2) 1794/04-05(01)
	14 June 2005	Administration's paper - Paper No. CB(2) 1860/04-05(06) Background brief prepared by LegCo Secretariat - Paper No. CB(2) 1860/04-05(07) Minutes of meeting LC Paper No. CB(2) 2563/04-05
	12 October 2007 (Policy Briefing)	Administration's paper - Paper No. CB(2) 53/07-08(01) Minutes of meeting LC Paper No. CB(2)514/07-08