

LEGISLATIVE COUNCIL BRIEF

**Public Health and Municipal Services Ordinance
(Cap. 132)**

**FOOD AND DRUGS (COMPOSITION AND LABELLING)
(AMENDMENT: REQUIREMENTS FOR
NUTRITION LABELLING AND NUTRITION CLAIM)
REGULATION 2008**

INTRODUCTION

1. On 31 March 2008, the Director of Food and Environmental Hygiene (DFEH), in exercise of the power under section 55(1) of the Public Health and Municipal Services Ordinance (Cap. 132), made the Food and Drugs (Composition and Labelling) (Amendment: Requirements for Nutrition Labelling and Nutrition Claim) Regulation 2008 (the Amendment Regulation) at Annex A.

BACKGROUND AND JUSTIFICATIONS

2. Provision of nutrition information on food labels is an important public health tool to promote a balanced diet. At present, our food labelling legislation does not provide for any specifications on nutrition information on food labels. The nutrition information on the labels of prepackaged food, if such is given, is provided in varying formats. It is noticed that some nutrition information fails to meet the needs of consumers for making informed food choice, not to mention that there are nutrition claims which are potentially misleading or even deceptive. We therefore propose to introduce a nutrition labelling scheme for prepackaged food in Hong Kong with the following aims –

- (a) to assist consumers in making informed food choices;
- (b) to encourage food manufacturers to apply sound nutrition principles in the formulation of foods; and
- (c) to regulate misleading or deceptive labels and claims.

Overseas experience shows that labelling of nutrition information can have positive impact on food consumption behavior. In many countries,

it also helped to save healthcare costs and human lives.

3. Hong Kong imports some 60% of prepackaged food from overseas. We are mindful that our nutrition labelling scheme should be a balanced one so that we can, on the one hand, provide useful nutrition information to assist consumers in making informed food choices and regulate misleading or deceptive labels and nutrition claims, and on the other hand minimize the effect on food choice for our consumers.

THE NUTRITION LABELLING SCHEME

4. The nutrition labelling scheme for prepackaged food is to cover nutrition labelling¹ and nutrition claim (which includes nutrient content claim², nutrient comparative claim³ and nutrient function claim⁴).

5. In formulating the nutrition labelling scheme, we have taken into consideration various factors, including the principles adopted by the Codex Alimentarius Commission⁵ (Codex), local health and disease patterns, overseas regimes, impact on the food trade, implications on food choice, views collected during the consultation exercise and the results of the Regulatory Impact Assessment (RIA), so as to come up with a scheme appropriate for our local situation.

(a) Labelling of Core Nutrients

6. Under the Codex Guidelines on Nutrition Labelling, nutrition labelling is mandatory when a nutrition claim is made for a food. The Codex Guidelines require that a nutrition label should include energy, protein, carbohydrates⁶ and fat, and any other nutrients that are relevant for maintaining a good nutritional status in the population concerned. Different countries have adopted different requirements on nutrition

¹ Nutrition labelling refers to the listing of the nutrient content of a food in a standardized manner. When nutrition labelling is applied, energy content and the nutrient content of a core list of nutrients (i.e. core nutrients) and claimed nutrients are required to be affixed on the nutrition label.

² A nutrient content claim describes the energy value or the level of a nutrient contained in a food, e.g. 'High calcium'; 'Low fat'; 'Sugar-free'.

³ A nutrient comparative claim compares the energy value or the nutrient levels of two or more different versions of the same food or similar food, e.g. 'Reduced fat – 25% less than the regular product of the same brand'.

⁴ A nutrient function claim describes the physiological role of a nutrient in growth, development and normal functions of the body, e.g. "Calcium aids in the development of strong bones and teeth".

⁵ The Codex Alimentarius Commission was created in 1963 by the United Nations Food and Agriculture Organisation (FAO) and the World Health Organisation (WHO) as an international authority to develop food standards, guidelines and related texts such as codes of practice under the Joint FAO/WHO Food Standards Programme.

⁶ Available carbohydrates.

labelling having regard to their own public health needs. A table comparing the requirements on nutrition labelling in overseas jurisdictions is at [Annex B](#).

7. The Amendment Regulation⁷ requires all prepackaged food⁷ to label *energy plus seven core nutrients*, namely (i) protein, (ii) carbohydrates⁸, (iii) total fat, (iv) saturated fat, (v) trans fat, (vi) sodium and (vii) sugars, as well as any nutrient for which a claim is made. When a nutrition claim is made on the different types of fat, then the amount of cholesterol should also be declared. In addition to the Codex requirements on energy, protein, carbohydrates and fat, we have included saturated fat, sodium, sugars and trans fat as core nutrients because they are closely associated with cardiovascular diseases and strokes, the major causes of deaths in Hong Kong.

8. The adverse health effect of trans fat has been internationally recognized. Trans fat elevates low-density cholesterol (“bad” cholesterol) and lowers high-density lipoprotein cholesterol (“good” cholesterol). Excessive intake of trans fat may lead to clogging of arteries and increase the risk of coronary heart disease and strokes. This is particularly the case for Hong Kong where our diet commonly includes food with high trans fat (e.g. Chinese pastries, fast food, etc). The World Health Organisation has recommended that trans fat intake should be limited to less than 1% of overall daily energy intake. An increasing number of countries like the US, Canada, Brazil, Argentina and Israel have also required the labelling of trans fat in food. The inclusion of trans fat in our nutrition labelling scheme will bring about health benefits to the public in the long run and align our scheme with international trend in this respect.

9. Our “one plus seven” scheme is in line with the recommendation put forward by the World Health Organisation to the Codex Committee on Food Labelling meeting in April 2007.

(b) Voluntary Labelling of Nutrients

⁷ The nutrition labelling scheme will not apply to infant/follow-up formulae, foods for infants and young children and other foods for special dietary use as these foods are regulated under different Codex standards.

⁸ For labelling of nutrients, some countries require the labelling of total carbohydrates (e.g. Canada, US and Japan) while others require the labelling of available carbohydrates (e.g. Australia, New Zealand, European Community, Singapore and the Mainland). The value of available carbohydrates is derived by subtracting dietary fibre from total carbohydrates. Under the Amendment Regulation, food traders may choose to label either available carbohydrates or total carbohydrates but if the latter is labelled, the value of dietary fibre must be listed out to facilitate comparison by consumers.

10. In addition to the listing of energy plus seven core nutrients and the nutrients for which a claim is made, food traders may include in the food labels information of other nutrients which are not required to be labelled under the law in a flexible manner. There will be no need for the food traders to blacken out the existing nutrition information in the food labels, provided that they are true, accurate and not misleading.

(c) Labelling Format

11. The Amendment Regulation allows the labelling unit of energy to be in either kilocalorie or kilojoule and the nutrition labels in either per 100 g/ml or per serving format. Allowing such flexibility in energy unit and labelling format would minimize the need for re-labelling of the food products, without reducing consumers' right to make informed choices.

(d) Nutrition Claims

12. In regulating nutrient content claims, nutrient comparative claims and nutrient function claims, we propose to follow generally the standards and conditions stipulated in the Codex Guidelines. For nutrient comparative claims, the main principle is that there must be at least 25% difference in the levels of the nutrient claimed between the two products being compared. Nutrient function claims can be made for nutrients with local Nutrient Reference Values (NRV)⁹ or required levels prescribed in the Amendment Regulation.

13. Under the Amendment Regulation, nutrition claims that are most common in the market, including some non-Codex claims (e.g. low sugar, trans fat free), are already covered. On top of these, we remain open to the inclusion of other non-Codex nutrition claims once they are widely adopted internationally. However, we consider it inappropriate to adopt claims that are not widely accepted at the international level or do not have a common international standard. Nutrition claim directly or by implication characterises the level of a nutrient in the food. If there is no objective standard on what is meant by "high" or "low" in the context of a balanced diet, then it could be misleading to consumers if a food product claims that it has high (or low) content of a particular nutrient. For instance, food products claiming high content of a nutrient

⁹ NRVs are a set of values used for labelling purpose and consist of one single value for each individual nutrient. NRVs are intended to assist consumers to evaluate the contribution of a food to their daily nutrient intake and to compose a diet suitable for their individual needs.

may have less amount of that nutrient than a regular food product without such a claim.

14. Food traders are nevertheless free to set out in quantitative terms the amount of any nutrient in the food labels for the consumers' information, provided that they do not emphasise the high/low content or presence/absence of that nutrient as such claim may mislead consumers.

FACILITATION FOR THE TRADE

15. In addition to the flexibility concerning labelling format, the Amendment Regulation has included the following facilitation measures for the trade with a view to minimizing the impact on food choice.

(a) Exemptions

16. The Amendment Regulation has exempted certain types of prepackaged food from the nutrition labelling requirements. The principles of exemption are as follows –

- (a) there is practical difficulty for the trade to provide the nutrition information (e.g. prepackaged food packed in a container which has a total surface area of less than 100 cm²);
- (b) the food does not contain any value of energy and core nutrients (e.g. tea leaves, spices, distilled water); and
- (c) the food is fresh or raw in nature without any addition of ingredient (e.g. raw meat, fresh fruits and vegetables).

It should be noted that where a prepackaged food is marked or labelled with its energy value or nutrient content, or any nutrition claim is made, the exemption status of the food concerned will be removed.

(b) Small Volume Exemption

17. The Amendment Regulation has also included a small volume exemption scheme for food products with annual sales volume of 30 000 units or below. With small volume exemption, many ethnic food, organic food, or niche food products that are mostly imported or manufactured in small volume would be exempted from the nutrition labelling requirements. In addition, we will be able to cater for the

staging of food fair and trade promotion events held usually for market testing purpose.

18. Under the Amendment Regulation, small volume exemption should be subject to prior approval and conditions set by DFEH. The exemption status of the food concerned will be removed if a nutrition claim is made. The food traders will have to report to the Food and Environmental Hygiene Department (FEHD) the sales volume of the food items on a monthly basis. Traders will be required to keep transaction records related to the exempted products for inspection by FEHD. Once the sales volume has exceeded the limit, i.e. 30 000 units per year, then all food items currently being put on the market will have to be labelled in accordance with the legal requirements. Food items exempted under the small volume exemption scheme will have to be separately identified when they are put on the market to show to the consumers that the food labels of these items may not comply with the legal requirements.

(c) Grace Period

19. To allow the trade to make necessary adjustments, the Amendment Regulation shall come into operation on 1 July 2010 after a grace period of two years.

PUBLIC EDUCATION

20. We recognize the importance of promoting to the public the benefits to be derived from food labels and educating them on how to read the nutrition information on the labels. A special Task Force on Nutrition Labelling Education comprising representatives from various professional organizations (e.g. the Hong Kong Medical Association) and Government Departments has been set up to coordinate public education and promotion activities on nutrition labelling. The Task Force will provide support to professionals and non-government organisations in organising related education activities for the public, particularly during the grace period to prepare for the introduction of nutrition labelling in Hong Kong. In particular, given the flexibility we have allowed in the labelling format of nutrition information, we will prepare publicity materials such as posters and pamphlets to educate consumers on how to read the food labels. In addition, we plan to conduct workshops to further assist the trade in adapting to the changes once the Amendment Regulation is passed by the Legislative Council.

THE AMENDMENT REGULATION

21. The Amendment Regulation at Annex A amends the Food and Drugs (Composition and Labelling) Regulations (Cap. 132W) (the principal Regulations). The main provisions of the Amendment Regulation are as follows –

- (a) Section 1 provides for the commencement of the Amendment Regulation.
- (b) Section 2 deals with definitions.
- (c) Section 3 provides for a technical amendment to regulation 4A of the principal Regulations.
- (d) Section 4 adds a new regulation 4B to the principal Regulations which –
 - (i) requires prepackaged food to be marked or labelled with its energy value and nutrient content in compliance with Part 1 of Schedule 5;
 - (ii) exempts certain items from the requirements of Part 1 of Schedule 5; and
 - (iii) requires any nutrition claim made on the label of, or in any advertisement for, a prepackaged food to comply with Part 2 of Schedule 5.
- (e) Section 5 amends regulation 5 of the principal Regulations to provide that any person who advertises for sale, sells or manufactures for sale any prepackaged food which does not comply with regulation 4A or 4B of the principal Regulations commits an offence.
- (f) Section 8 amends Schedule 3 to the principal Regulations to clarify that paragraph 2(4B) of Schedule 3 does not apply to any nutrient and provide for certain textual amendments.
- (g) Part 1 of Schedule 5 –

- (i) sets out the nutrients that are required or allowed to be set out in a list of nutrients;
 - (ii) provides for the manner in which the energy value and nutrient content should be expressed in a list of nutrients; and
 - (iii) provides for the format of a list of nutrients.
- (h) Part 2 of Schedule 5 sets out the conditions for making nutrient content claims, nutrient comparative claims and nutrient function claims.
- (i) Schedule 6 –
- (i) lists out the items that are exempt from Part 1 of Schedule 5; and
 - (ii) provides that DFEH may grant an exemption from complying with Part 1 of Schedule 5 in respect of a prepackaged food with total annual sales volume not exceeding 30 000 units.
- (j) Schedule 7 lists out the nutrient reference values for different nutrients for the purpose of nutrition labelling.
- (k) Schedule 8 lists out the descriptions that can be used in nutrient content claims and sets out the conditions for using such descriptions.

LEGISLATIVE TIMETABLE

22. The legislative timetable is as follow :-

Publication in the Gazette	3 April 2008
Tabling at LegCo	9 April 2008

IMPLICATIONS OF THE PROPOSAL

23. The Amendment Regulation is in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the binding effect of the principal Ordinance.

24. In line with the sustainability principle of pursuing policies which promote and protect the physical health of the people of Hong

Kong, the nutrition labelling scheme would regulate misleading or deceptive labels and claims and provide useful nutrition information for consumers to make informed food choices, thereby encouraging them to adopt a balanced diet.

25. The RIA study conducted in 2005 for the nutrition labelling scheme showed that under the most stringent scenario (i.e. energy plus nine core nutrients), 5% to 10% of the prepackaged food products currently available in Hong Kong may be withdrawn from the market. We have, thereafter, taken into account the views of the trade in moderating the scope of the scheme and introducing relaxation and facilitation measures. The impact on the food trade would be reduced with the flexibility we have proposed for labelling format and other facilitation measures like the small volume exemption scheme. The resultant financial cost on the food trade on a stand-alone basis would not be significant. There might, however, be cumulative effect on cost for the food trade arising from the series of regulatory changes which are aimed at ensuring food safety. It must be noted that we have made it clear during public consultation that the nutrition labelling scheme might have impact on food price and food choice. While the community is fully aware about the possible impact, there is general support for the nutrition labelling scheme from the public.

26. A fee of \$345 and \$335 per food product will be charged for the issue and renewal of permit under the small volume exemption scheme respectively on the basis of full cost recovery. On the assumption that some 10 000 food products will apply for small volume exemption, the revenue in the first year of implementation and the annual revenue thereafter are expected to be around \$3.5 million and \$2.7 million respectively.

PUBLIC CONSULTATION

27. We have consulted the Legislative Council Panel on Food Safety and Environmental Hygiene on several occasions and relevant stakeholders on the proposal. In addition, we have consulted the food trade through technical meetings and held discussions with representatives of the Consulates General and the Mainland authorities. The views received have been taken into account in formulating the nutrition labelling scheme.

PUBLICITY

28. A press release will be issued. A spokesman will be available to handle press enquiries.

ENQUIRIES

29. Enquiries on this brief can be addressed to Mrs Angelina Cheung, Principal Assistant Secretary for Food and Health, on 2973 8297, or Dr YY Ho, Consultant (Community Medicine) (Risk Assessment and Communication) of the Centre for Food Safety of FEHD, on 2867 5600.

Food and Health Bureau
April 2008

**FOOD AND DRUGS (COMPOSITION AND LABELLING)
(AMENDMENT: REQUIREMENTS FOR NUTRITION
LABELLING AND NUTRITION CLAIM)
REGULATION 2008**

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**FOOD AND DRUGS (COMPOSITION AND LABELLING)
(AMENDMENT: REQUIREMENTS FOR NUTRITION
LABELLING AND NUTRITION CLAIM)
REGULATION 2008**

(Made by the Director of Food and Environmental Hygiene under section 55(1) of the Public Health and Municipal Services Ordinance (Cap. 132))

1. Commencement

This Regulation shall come into operation on 1 July 2010.

2. Interpretation

(1) Regulation 2(1) of the Food and Drugs (Composition and Labelling) Regulations (Cap. 132 sub. leg. W) is amended, in the English text, in the definition of “ultimate consumer”, in paragraph (c), by repealing the full stop and substituting a semicolon.

(2) Regulation 2(1) is amended, in the Chinese text, in the definition of “輻照食物”, by repealing the full stop and substituting a semicolon.

(3) Regulation 2(1) is amended by adding –

““advertisement” (宣傳品) means any form of advertising intended for the general public which is published by any means including –

- (a) newspaper or other publication;
- (b) television or radio broadcast;
- (c) electronic messages;
- (d) display of notices, signs, labels, showcards or goods;
- (e) distribution of samples, circulars, catalogues, price lists or other materials; or
- (f) exhibition of pictures, models or films,

and “advertise” (宣傳) shall be construed accordingly;

“available carbohydrates” (可獲得的碳水化合物) means total carbohydrates excluding dietary fibre;

“dietary fibre” (膳食纖維) means any fibre analyzed by means of any official methods adopted by the independent organization internationally recognized as regards validating and approving analytical methods for foods and agriculture known as AOAC INTERNATIONAL;

“energy” (能量), in relation to any food, means the energy provided by the food which is –

- (a) calculated as the total amount of energy contributed by available carbohydrates, protein, total fat, ethanol and organic acids contained in the food; and
- (b) calculated according to the Guidelines on Nutrition Labelling adopted by the Codex Alimentarius Commission;

“list of nutrients” (營養素表) means a list of nutrients required by section 1 of Schedule 5;

“nutrient” (營養素) means any substance present in food which –

- (a) belongs to, or is a component of, one of the following categories –
 - (i) protein;
 - (ii) carbohydrates;
 - (iii) fat;
 - (iv) dietary fibre;
 - (v) vitamins;
 - (vi) minerals; and

- (b) satisfies any of the following conditions –
- (i) the substance provides energy;
 - (ii) the substance is needed for growth, development and normal functions of the body;
 - (iii) a deficit of the substance will cause characteristic bio-chemical or physiological changes to occur;

“nutrient comparative claim” (營養素比較聲稱) means a nutrition claim that compares the energy value or the content level of a nutrient in different versions of the same food or similar foods;

“nutrient content claim” (營養素含量聲稱) means a nutrition claim that describes the energy value or the content level of a nutrient contained in a food;

“nutrient function claim” (營養素功能聲稱) means a nutrition claim that describes the physiological role of a nutrient in growth, development and normal functions of the body;

“nutrient reference value” (營養素參考值) means any reference value set out in Schedule 7;

“nutrition claim” (營養聲稱) –

- (a) means any representation which states, suggests or implies that a food has particular nutritional properties including –
- (i) the energy value;
 - (ii) the content of protein, available carbohydrates, total fat, saturated fatty acids, trans fatty acids, sodium and sugars; or

(iii) the content of vitamins and minerals; and

(b) includes nutrient content claim, nutrient comparative claim and nutrient function claim;

“sugars” (糖) means all mono-saccharides and di-saccharides present in food;

“trans fatty acids” (反式脂肪酸) means the sum of all unsaturated fatty acids which contains at least one nonconjugated and trans double bond;

“vitamin A” (維他命 A) means a nutrient calculated as the sum of the following components contained in the food –

(a) retinol; and

(b) beta-carotene calculated in terms of Retinol Equivalent (with 6 µg of beta-carotene as being equivalent to 1 µg of Retinol Equivalent).”.

3. Labelling of prepackaged food

Regulation 4A(1) is amended by repealing “regulation 4” and substituting “regulations 4 and 4B”.

4. Regulation added

The following is added –

“4B. Nutrition labelling of prepackaged food and nutrition claim

(1) Without prejudice to regulations 4 and 4A but subject to paragraphs (2) and (6), prepackaged food shall be marked or labelled with its energy value and nutrient content in compliance with Part 1 of Schedule 5.

(2) Subject to paragraphs (3) and (4), the following items shall be exempt from the requirement of paragraph (1) –

- (a) any item prescribed in Part 1 of Schedule 6; or
- (b) any item in respect of which an exemption has been granted under Part 2 of Schedule 6.

(3) If –

- (a) any item prescribed in Part 1 of Schedule 6 is marked or labelled with its energy value or any nutrient content; or
- (b) any nutrition claim is made on the label of, or in any advertisement for, any item prescribed in Part 1 of Schedule 6,

paragraph (1) shall apply in relation to such item.

(4) If –

- (a) any item in respect of which an exemption has been granted under Part 2 of Schedule 6 is labelled or displayed for sale otherwise than in the manner required by the Authority; or
- (b) any nutrition claim is made on the label of, or in any advertisement for, any item in respect of which an exemption has been granted under Part 2 of Schedule 6,

paragraph (1) shall apply in relation to such item.

(5) Subject to paragraph (6), any nutrition claim made on the label of, or in any advertisement for, a prepackaged food shall conform to Part 2 of Schedule 5.

(6) This regulation does not apply to –

- (a) formula intended to be consumed by children under the age of 36 months;

- (b) food intended to be consumed principally by children under the age of 36 months; and
- (c) other food for special dietary uses.”.

5. Offences and penalties

- (1) Regulation 5(1) is amended by repealing “or Schedule 3”.
- (2) Regulation 5 is amended by adding immediately after paragraph

(1) –

“(1AA) Any person who advertises for sale, sells or manufactures for sale any prepackaged food which –

- (a) is not marked or labelled in compliance with regulation 4A(1) or 4B(1); or
- (b) has on its label any nutrition claim that does not conform to regulation 4B(5),

commits an offence and is liable to a fine at level 5 and to imprisonment for 6 months.

(1AB) If –

- (a) any person advertises for sale any prepackaged food; and
- (b) the advertisement contains any nutrition claim that does not conform to regulation 4B(5),

the person commits an offence and is liable to a fine at level 5 and to imprisonment for 6 months.”.

(3) Regulation 5(1B) is amended by repealing “Schedule 2 or Schedule 3” and substituting “regulation 4, 4A or 4B”.

(4) Regulation 5(2) is amended by repealing “paragraph (1)” and substituting “paragraph (1), (1AA) or (1AB)”.

(5) Regulation 5(2) is amended by repealing everything after “publication of an advertisement,” and substituting –

“it shall be a defence for the defendant to prove –

- (a) that before publishing, or arranging for the publication of, the advertisement, the defendant had taken all reasonable steps to ensure that all nutrition claims in the advertisement conform to regulation 4B(5); or
- (b) that, being a person whose business is to publish, or arrange for the publication of, advertisements, the defendant received the advertisement for publication in the ordinary course of business.”.

(6) Regulation 5(3) is amended by repealing “paragraph (1)” and substituting “paragraph (1) or (1AA)”.

(7) Regulation 5(3) is amended by repealing “in the manner prescribed in Schedule 2 or Schedule 3” and substituting “in compliance with regulation 4, 4A(1) or 4B(1)”.

(8) Regulation 5(3A) is amended by repealing “paragraph (1)” and substituting “paragraph (1AA)”.

(9) Regulation 5(3A) is amended by repealing “paragraph 2(4E)” and substituting “section 2(4E)”.

(10) Regulation 5(3A)(a) is amended by repealing “sub-paragraph” and substituting “section”.

6. Schedule 1 amended

Schedule 1 is amended by repealing “[reg. 3]” and substituting “[regs. 3 & 5 & Sch. 2]”.

7. Marking and labelling of foods and drugs

Schedule 2 is amended by repealing “[reg. 4]” and substituting “[regs. 4 & 5]”.

8. Marking and labelling of prepackaged foods

(1) Schedule 3 is amended by repealing “[reg. 4A]” and substituting “[regs. 4A & 5 & Schs. 4 & 5]”.

(2) Paragraph 2(2) of Schedule 3 is amended by repealing “sub-paragraphs” and substituting “subsections”.

(3) Paragraph 2(4), (4A), (4B) and (4C)(a) of Schedule 3 is amended by repealing “sub-paragraph” and substituting “subsection”.

(4) Paragraph 2(4C)(b) of Schedule 3 is amended –

(a) by repealing “sub-paragraph” and substituting “subsection”;

(b) by repealing “paragraph” and substituting “section”.

(5) Paragraph 2(4D) of Schedule 3 is amended –

(a) by repealing “sub-paragraph” and substituting “subsection”;

(b) in sub-subparagraph (b), by repealing the full stop and substituting “; and”;

(c) by adding –

“(c) “ingredient” (配料) does not include a nutrient.”.

(6) Paragraph 2(5) and (6) of Schedule 3 is amended by repealing “sub-paragraph” and substituting “subsection”.

(7) Paragraph 3 of Schedule 3 is amended by repealing “paragraph” and substituting “section”.

(8) Paragraph 4(1)(a) of Schedule 3 is amended by repealing “sub-sub-paragraph” and substituting “paragraph”.

(9) Paragraph 4(4) and (5) of Schedule 3 is amended by repealing “sub-paragraph” and substituting “subsection”.

(10) Paragraph 5(3) of Schedule 3 is amended by repealing “paragraph” and substituting “section”.

(11) Paragraph 6(1) of Schedule 3 is amended by repealing “sub-paragraph” and substituting “subsection”.

(12) Paragraph 6(2) and (3) of Schedule 3 is amended by repealing “Sub-paragraph” and substituting “Subsection”.

(13) Paragraph 8(1) of Schedule 3 is amended –

(a) by repealing “paragraph” and substituting “section”;

(b) by repealing “sub-paragraph” and substituting “subsection”.

9. Items exempt from Schedule 3

(1) Schedule 4 is amended by repealing “paragraphs 3 and 4” and substituting “sections 3 and 4”.

(2) Schedule 4 is amended by repealing “paragraph 3” where it twice appears and substituting “section 3”.

(3) Schedule 4 is amended by repealing “Paragraphs 2, 5 and 6” and substituting “Sections 2, 5 and 6”.

(4) Schedule 4 is amended by repealing “Paragraphs 2 and 4” where it twice appears and substituting “Sections 2 and 4”.

(5) Schedule 4 is amended by repealing “Paragraph 2” wherever it appears and substituting “Section 2”.

(6) Schedule 4 is amended by repealing “Paragraph 4” wherever it appears and substituting “Section 4”.

10. Schedules added

The following are added –

“SCHEDULE 5

[regs. 2 & 4B
& Sch. 6]

NUTRITION LABELLING AND NUTRITION CLAIM

PART 1

NUTRITION LABELLING

1. **List of nutrients**

(1) Prepackaged food shall be legibly marked or labelled with a list of nutrients setting out –

- (a) the energy value of the food;
- (b) the content of the following nutrients contained in the food –
 - (i) protein;
 - (ii) available carbohydrates;
 - (iii) total fat;
 - (iv) saturated fatty acids;
 - (v) trans fatty acids;
 - (vi) sodium; and
 - (vii) sugars; and
- (c) if applicable, the content of any other nutrient contained in the food for which a nutrition claim is made on the label of, or in any advertisement for, the food.

(2) Without prejudice to subsection (1), the content of any other nutrient contained in the food may also be set out in the list of nutrients.

(3) Without prejudice to subsection (1), if a prepackaged food has on its label, or in its advertisement, a nutrition claim which is made in relation to any type of fat contained in the food, the content of cholesterol contained in the food shall also be set out in the list of nutrients.

(4) For the purposes of subsection (1)(b)(ii) –

(a) available carbohydrates may be marked or labelled on a list of nutrients as “carbohydrates” or “碳水化合物”;

(b) the content of total carbohydrates contained in a prepackaged food may be set out in a list of nutrients in substitution of the content of available carbohydrates provided that the content of dietary fibre contained in the food is also set out in the list of nutrients.

(5) Other information may be set out in a list of nutrients provided that such information is not false, misleading or deceptive in any respect as to the nutritional or dietary value of the food.

2. **Energy value expression**

(1) Subject to subsection (2), the energy value to be set out in a list of nutrients shall be expressed –

(a) in kilocalorie (kcal) per 100 g or 100 mL of food;
or

(b) in kilojoule (kJ) per 100 g or 100 mL of food.

(2) The energy value to be set out in a list of nutrients may be expressed –

- (a) where the package contains a single serving, in kilocalorie (kcal) or kilojoule (kJ) per package;
- (b) where the package contains a single serving, in kilocalorie (kcal) or kilojoule (kJ) per serving if –
 - (i) the single serving is quantified in gram (g) or millilitre (mL) and is specified to be so on the package; and
 - (ii) it is specified on the package that the package contains one serving;
- (c) where the package contains more than one serving, in kilocalorie (kcal) or kilojoule (kJ) per serving if –
 - (i) a single serving is quantified in gram (g) or millilitre (mL) and is specified to be so on the package; and
 - (ii) the number of servings contained in the package is specified on the package.

(3) Without prejudice to subsections (1) and (2), the energy value may further be expressed as the ratio (as a percentage) of the energy value to –

- (a) the nutrient reference value of energy; or
- (b) any other reference value of energy adopted by any national or international health authority.

3. **Nutrient content expression**

(1) Subject to subsection (2), the content of nutrients referred to in section 1(1)(b) and (c) and (3) to be set out in a list of nutrients shall be expressed –

- (a) in gram (g) per 100 g or 100 mL of food;
- (b) in milligram (mg) per 100 g or 100 mL of food; or
- (c) in microgram (μg) per 100 g or 100 mL of food.

(2) The content of nutrients referred to in section 1(1)(b) and (c) and (3) to be set out in a list of nutrients may be expressed –

- (a) where the package contains a single serving, in gram (g), milligram (mg) or microgram (μg) per package;
- (b) where the package contains a single serving, in gram (g), milligram (mg) or microgram (μg) per serving if –
 - (i) the single serving is quantified in gram (g) or millilitre (mL) and is specified to be so on the package; and
 - (ii) it is specified on the package that the package contains one serving;
- (c) where the package contains more than one serving, in gram (g), milligram (mg) or microgram (μg) per serving if –
 - (i) a single serving is quantified in gram (g) or millilitre (mL) and is specified to be so on the package; and
 - (ii) the number of servings contained in the package is specified on the package.

(3) Without prejudice to subsections (1) and (2), the content of a nutrient may further be expressed as the ratio (as a percentage) of the content of that nutrient to –

- (a) the nutrient reference value of that nutrient; or
- (b) any other reference value of that nutrient adopted by any national or international health authority.

(4) If the content of any other nutrient is expressed as a percentage in a list of nutrients, the content of that nutrient shall be expressed in the manner specified in subsection (3).

4. **Format of list of nutrients**

(1) Subject to subsection (2), a list of nutrients shall be presented in tabular form in a conspicuous place of the package with an appropriate heading.

(2) A list of nutrients may be presented in linear form if the total surface area of the package is smaller than 200 cm².

(3) The marking or labelling of prepackaged food for the purposes of this Schedule shall be in –

- (a) the English language;
- (b) the Chinese language; or
- (c) both languages,

but numbers may be expressed in Arabic numerals.

(4) Without prejudice to section 8(2) of Schedule 3, a list of nutrients shall be in both the English and Chinese languages if both languages are used in the marking or labelling of prepackaged food.

(5) Unless the Authority otherwise requires in any particular case, any prepackaged food may, if it is national or traditional to the country of its manufacture and is not generally manufactured in any other country, be marked or labelled in accordance with this Schedule in the language of the country of its manufacture.

PART 2

NUTRITION CLAIM

5. **Nutrition claim**

For the purposes of these regulations, the following do not constitute a nutrition claim –

- (a) mention of any nutrient content in a list of ingredients required by section 2 of Schedule 3;
- (b) any quantitative or qualitative declaration of any nutrient content specified in section 2(4E)(a) of Schedule 3;
- (c) other quantitative or qualitative declaration of energy value or any nutrient content required by law;
- (d) any quantitative or qualitative declaration of change in nutritional value due to genetically modified process;
- (e) any claim forming part of the name, brand name or trade mark of a prepackaged food; and
- (f) any quantitative declaration of energy value or any nutrient content contained in a prepackaged food which –
 - (i) is expressed –
 - (A) as an actual amount; or
 - (B) in any manner specified in section 2 or 3; and
 - (ii) does not place any special emphasis on the high content, low content, presence or absence of energy or that nutrient contained in the food.

6. Nutrient content claim

A nutrient content claim shall not be made on the label of, or in any advertisement for, a prepackaged food unless –

- (a) the claim is made for energy or a nutrient specified in column 2 of Schedule 8 contained in the food;
- (b) the claim uses any of the descriptions specified in column 3 of Schedule 8 that applies to energy or that nutrient; and
- (c) the food satisfies the applicable condition set out in column 4 of Schedule 8 opposite to –
 - (i) the word “Energy” or the name of the nutrient concerned specified in column 2 of that Schedule; and
 - (ii) the relevant description specified in column 3 of that Schedule.

7. Nutrient comparative claim

(1) A nutrient comparative claim shall not be made on the label of, or in any advertisement for, a prepackaged food unless the claim –

- (a) compares the energy value or the content level of a nutrient specified in column 2 of Schedule 8;
- (b) compares different versions of the same food or similar foods;
- (c) compares foods of the same quantity;
- (d) conforms to subsection (2); and
- (e) satisfies the conditions prescribed in subsection (3), (4), (5), (6), (7), (8) or (9), as applicable.

(2) The following information shall appear in close proximity to a nutrient comparative claim –

- (a) a description of the foods being compared;
- (b) the difference in the energy value or the content level of a nutrient between the foods being compared expressed –
 - (i) as an absolute value in the manner specified in (as applicable) –
 - (A) section 2(1) or (2); or
 - (B) section 3(1) or (2); or
 - (ii) as a percentage or fraction.

(3) If energy value is compared in a nutrient comparative claim –

- (a) the relative value of the difference in the energy value between the foods being compared shall not be less than 25%; and
- (b) the absolute value of the difference shall not be less than the maximum amount set out in column 4 of Schedule 8 opposite to the description of “Low” content specified for energy in column 3 of that Schedule.

(4) If the content level of total fat, sugars or sodium is compared in a nutrient comparative claim –

- (a) the relative value of the difference in the nutrient content between the foods being compared shall not be less than 25%; and

- (b) the absolute value of the difference shall not be less than the maximum amount set out in column 4 of Schedule 8 opposite to –
 - (i) the name of the nutrient concerned specified in column 2 of that Schedule; and
 - (ii) the description of “Low” content specified for that nutrient in column 3 of that Schedule.

(5) If the content level of saturated fatty acids or cholesterol is compared in a nutrient comparative claim –

- (a) the relative value of the difference in the nutrient content between the foods being compared shall not be less than 25%; and
- (b) the absolute value of the difference shall not be less than the maximum amount set out in paragraph (a)(i) or (b)(i) of column 4 of Schedule 8 opposite to –
 - (i) the name of the nutrient concerned specified in column 2 of that Schedule; and
 - (ii) the description of “Low” content specified for that nutrient in column 3 of that Schedule.

(6) If the content level of trans fatty acids is compared in a nutrient comparative claim –

- (a) the relative value of the difference in the content of trans fatty acids between the foods being compared shall not be less than 25%; and
- (b) the absolute value of the difference shall not be less than the maximum amount set out in paragraph (a)(i) or (b)(i) of column 4 of Schedule 8 opposite to the description of “Free” content specified for trans fatty acids in column 3 of that Schedule.

(7) If the content level of protein is compared in a nutrient comparative claim –

- (a) the relative value of the difference in the content of protein between the foods being compared shall not be less than 25%; and
- (b) the absolute value of the difference shall not be less than –
 - (i) in the case of solid food, the minimum amount set out in paragraph (a) or (c) of column 4 of Schedule 8 opposite to the description of “Source” content specified for protein in column 3 of that Schedule;
 - (ii) in the case of liquid food, the minimum amount set out in paragraph (b) or (c) of column 4 of Schedule 8 opposite to the description of “Source” content specified for protein in column 3 of that Schedule.

(8) If the content level of dietary fibre is compared in a nutrient comparative claim –

- (a) the relative value of the difference in the content of dietary fibre between the foods being compared shall not be less than 25%; and
- (b) the absolute value of the difference shall not be less than the minimum amount set out in column 4 of Schedule 8 opposite to the description of “Source” content specified for dietary fibre in column 3 of that Schedule.

(9) If the content level of any vitamin or mineral provided with a nutrient reference value (except sodium) is compared in a nutrient comparative claim –

- (a) the relative value of the difference in the nutrient reference value of such vitamin or mineral between the foods being compared shall not be less than 10%; and
- (b) the absolute value of the difference shall not be less than –
 - (i) in the case of solid food, the minimum amount set out in paragraph (a) or (c) of column 4 of Schedule 8 opposite to the description of “Source” content specified for vitamins and minerals provided with nutrient reference values (except sodium) in column 3 of that Schedule;

- (ii) in the case of liquid food, the minimum amount set out in paragraph (b) or (c) of column 4 of Schedule 8 opposite to the description of “Source” content specified for vitamins and minerals provided with nutrient reference values (except sodium) in column 3 of that Schedule.

8. **Nutrient function claim**

(1) A nutrient function claim shall not be made on the label of, or in any advertisement for, a prepackaged food unless –

- (a) the claim conforms to subsection (2); and
- (b) subject to subsection (3), the content of the nutrient concerned is not less than the minimum amount set out in column 4 of Schedule 8 opposite to –
 - (i) the name of that nutrient specified in column 2 of that Schedule; and
 - (ii) the description of “Source” content specified for that nutrient in column 3 of that Schedule.

(2) A nutrient function claim shall –

- (a) not be made for a nutrient which is not –
 - (i) provided with a nutrient reference value; or
 - (ii) specified in column 2 of Schedule 8;
- (b) be based on scientific substantiation and scientific consensus; and

(c) contain information on the physiological role of the nutrient concerned.

(3) Subsection (1)(b) does not apply to a nutrient function claim made for a nutrient which –

(a) is not specified in column 2 of Schedule 8; or

(b) is specified in column 2 of Schedule 8 but no description of “Source” content has been specified for that nutrient in column 3 of that Schedule.

SCHEDULE 6

[reg. 4B]

ITEMS EXEMPT FROM PART 1 OF SCHEDULE 5

PART 1

ITEMS EXEMPT FROM PART 1 OF SCHEDULE 5 UNDER REGULATION 4B(2)(a) OF THESE REGULATIONS

1. Prepackaged food with an alcoholic strength by volume of more than 1.2% as determined in the manner described in the definition of “alcoholic strength” in section 53 of the Dutiable Commodities Ordinance (Cap. 109).
2. Prepackaged food sold at a catering establishment which is usually bought for immediate consumption.
3. Individually wrapped confectionery products in a fancy form intended for sale as single items.
4. Individually wrapped preserved fruits which are not enclosed in any further packaging and which are intended for sale as single items.

5. Prepackaged food packed in a container which has a total surface area of less than 100 cm².
6. Fruit or vegetable, whether fresh, chilled, frozen or dried –
 - (a) packed in a container which contains no other ingredient; and
 - (b) to which no other ingredient has been added.
7. Carbonated water –
 - (a) to which no ingredient other than carbon dioxide has been added; and
 - (b) the marking or label of which indicates that it has been carbonated.
8. Spring water and mineral water (including water to which minerals have been artificially added and which is described as mineral water).
9. Prepackaged food which does not have any energy value or contain any content of any nutrient referred to in section 1(1)(b) of Schedule 5.
10. Meat, marine or fresh water fish or any other form of aquatic life commonly used for human consumption –
 - (a) which is in a raw state;
 - (b) packed in a container which contains no other ingredient; and
 - (c) to which no other ingredient has been added.
11. Prepackaged food containing assorted ingredients which is –
 - (a) prepared and sold to an ultimate consumer at the same premises;

- (b) not intended for sale for immediate consumption;
and
 - (c) intended to be subjected to a process of cooking
for the purpose of rendering it fit for human
consumption.
- 12. Soup pack containing assorted ingredients –
 - (a) which has not been subjected to any process of
heating in the course of manufacture;
 - (b) which is not intended for sale for immediate
consumption; and
 - (c) which is intended to be subjected to a process of
cooking for the purpose of rendering it fit for
human consumption in the form of soup.
- 13. Prepackaged food sold –
 - (a) by a charitable institution or trust of a public
character which is exempt from tax under section
88 of the Inland Revenue Ordinance (Cap. 112);
and
 - (b) in an event held for charitable purposes.
- 14. Prepackaged food –
 - (a) processed and sold to an ultimate consumer at the
same premises; or
 - (b) processed at a place which is adjacent to, or in the
immediate vicinity of, the premises where the
food is sold to an ultimate consumer,and not offered for sale outside the premises referred to in paragraph (a) or
(b).

15. Prepackaged food sold to a catering establishment as a single item.

Note: In this Part –

“prepared” (製備) includes boning, paring, grinding, cutting, cleaning, trimming, flavouring or packaging, but does not include processing;

“processed” (加工處理) includes any treatment or process resulting in a substantial change in the natural state of any food, and “processing” (加工處理) in the definition of “prepared” in this Note shall be construed accordingly.

PART 2

PREPACKAGED FOOD WITH ANNUAL SALES VOLUME NOT EXCEEDING 30 000 UNITS MAY BE EXEMPT FROM PART 1 OF SCHEDULE 5 UNDER REGULATION 4B(2)(b) OF THESE REGULATIONS

1. **Exemption from Part 1 of Schedule 5**

(1) Upon an application made under subsection (2), the Authority may, subject to section 3(1), grant an exemption in respect of any prepackaged food from the requirements of Part 1 of Schedule 5 if the Authority is satisfied that the annual sales volume of food of the same version in Hong Kong would not exceed 30 000 units.

(2) Any importer or manufacturer of a prepackaged food may apply to the Authority for exemption under subsection (1) in such manner as the Authority may determine.

(3) An applicant for exemption shall pay to the Authority \$345 upon approval of the application.

(4) The Authority may –

- (a) impose such conditions as the Authority may deem fit; and
 - (b) require the applicant to give an undertaking to comply with such conditions as the Authority may from time to time impose with regard to the prepackaged food to which the exemption applies.
- (5) An exemption granted under subsection (1) shall be valid –
- (a) (where no other exemption granted under that subsection is for the time being in force in relation to the version of the prepackaged food concerned) for one year;
 - (b) (where only one other exemption granted under that subsection is for the time being in force in relation to the version of the prepackaged food concerned) until the expiry date of that other exemption; or
 - (c) (where 2 or more other exemptions granted under that subsection are for the time being in force in relation to the version of the prepackaged food concerned) until the expiry date of the first of such exemptions.

2. **Renewal of exemption**

(1) Upon an application made under subsection (2), the Authority may, subject to section 3(2), renew an exemption granted under section 1(1) if the Authority is satisfied that –

- (a) (where no other exemption granted under section 1(1) is for the time being in force in relation to the version of the prepackaged food concerned) the total sales volume of the version of the prepackaged food in Hong Kong within the validity period of the exemption would not exceed 30 000 units;
- (b) (where only one other exemption granted under section 1(1) is for the time being in force in relation to the version of the prepackaged food concerned) the total sales volume of the version of the prepackaged food in Hong Kong within the validity period of that other exemption would not exceed 30 000 units; or
- (c) (where 2 or more other exemptions granted under section 1(1) are for the time being in force in relation to the version of the prepackaged food concerned) the total sales volume of the version of the prepackaged food in Hong Kong within the validity period of the first of such exemptions would not exceed 30 000 units.

(2) A person to whom an exemption has been granted may, before the expiration of the exemption, apply to the Authority for renewal of the exemption in such manner as the Authority may determine.

(3) An applicant for renewal shall pay to the Authority \$335 upon approval of the application.

(4) A renewal under subsection (1) takes effect –

- (a) on the day following the expiration of the exemption; and

- (b) for a period of one year or such lesser period as may be specified by the Authority.

3. **Refusal to grant, refusal to renew or revocation of exemption**

(1) The Authority may refuse to grant an exemption under section 1(1) if –

- (a) the applicant has, in relation to the prepackaged food to which the application relates, failed to comply with any condition imposed under section 1(4) within the past 2 years; or
- (b) the annual sales volume of the version of the prepackaged food to which the application relates in Hong Kong exceeded 30 000 units in any one of the past 2 years.

(2) The Authority may refuse to renew an exemption under section 2(1) if the applicant has, in relation to the prepackaged food to which the application relates, failed to comply with any condition imposed under section 1(4) within the past 2 years.

(3) The Authority may revoke an exemption granted under section 1(1) or renewed under section 2(1) (“the exemption”) if –

- (a) the importer or manufacturer to whom the exemption has been granted (“the grantee”) has failed to comply with any condition imposed under section 1(4); or
- (b) the total sales volume of the version of the prepackaged food to which the exemption applies in Hong Kong within the validity period of the exemption exceeds 30 000 units.

(4) The Authority shall not revoke an exemption unless the Authority –

- (a) notifies the grantee in writing of –
 - (i) his intention to revoke the exemption; and
 - (ii) the grounds upon which the Authority proposes to revoke the exemption;
- (b) permits the grantee to make representations to the Authority in writing within the period specified in the notice; and
- (c) considers the representations, if any, made by the grantee.

(5) If the Authority revokes an exemption, the Authority shall, as soon as practicable, notify the grantee in writing and specify in the notice –

- (a) the grounds for the revocation; and
- (b) the date on which the revocation is to take effect.

(6) A revocation takes effect on the expiry of 30 days from the date on which the decision to revoke the exemption is made.

SCHEDULE 7

[reg. 2]

NUTRIENT REFERENCE VALUES FOR DIFFERENT NUTRIENTS FOR PURPOSE OF NUTRITION LABELLING

Item	Energy / Nutrient	Nutrient reference value
1.	Energy (kcal) (kJ)	2 000 8 400
2.	Protein (g)	60
3.	Total fat (g)	60
4.	Dietary fibre (g)	25
5.	Saturated fatty acids (g)	20
6.	Cholesterol (mg)	300

7.	Total carbohydrates (g)	300
8.	Calcium (mg)	800
9.	Phosphorus (mg)	700
10.	Potassium (mg)	2 000
11.	Sodium (mg)	2 000
12.	Iron (mg)	15
13.	Zinc (mg)	15
14.	Copper (mg)	1.5
15.	Iodine (μg)	150
16.	Selenium (μg)	50
17.	Magnesium (mg)	300
18.	Manganese (mg)	3
19.	Chromium (μg)	50
20.	Molybdenum (μg)	40
21.	Fluoride (mg)	1
22.	Vitamin A (μg RE)	800
23.	Vitamin C (mg)	100
24.	Vitamin D (μg)	5
25.	Vitamin E (mg α -TE)	14
26.	Vitamin K (μg)	80
27.	Vitamin B1 (mg)	1.4
28.	Vitamin B2 (mg)	1.4
29.	Vitamin B6 (mg)	1.4
30.	Vitamin B12 (μg)	2.4
31.	Niacin (mg)	14
32.	Folic acid (μg DFE)	400
33.	Pantothenic acid (mg)	5
34.	Biotin (μg)	30
35.	Choline (mg)	450

SCHEDULE 8

[Sch. 5]

CONDITIONS FOR NUTRIENT CONTENT CLAIM

Item	Energy / Nutrient	Description of the claim	Condition
1.	Energy	(1) The word or words “Low” or “低”, “Little” or “少”, “Low source” or “提供少量” or “Contains a small amount of” or “含量低” or any other word or words of similar meaning or symbol denoting a similar meaning	(a) The food is solid food and contains not more than 40 kcal (170 kJ) of energy per 100 g of food. OR (b) The food is liquid food and contains not more than 20 kcal (80 kJ) of energy per 100 mL of food.

- | | | | |
|----|-----------|--|---|
| | (2) | The word or words “Free” or “不含”, “Zero” or “零”, “No” or “無” or “Without” or “沒有” or any other word or words of similar meaning or symbol denoting a similar meaning | The food is liquid food and contains not more than 4 kcal (17 kJ) of energy per 100 mL of food. |
| 2. | Total fat | (1) The word or words “Low” or “低”, “Little” or “少”, “Low source” or “提供少量” or “Contains a small amount of” or “含量低” or any | (a) The food is solid food and contains not more than 3 g of total fat per 100 g of food. OR
(b) The food is liquid food and contains not more than 1.5 g of total fat per 100 mL of food. |

other word or
words of
similar
meaning or
symbol
denoting a
similar
meaning

- (2) The word or words “Free” or “不含”, “Zero” or “零”, “No” or “無” or “Without” or “沒有” or any other word or words of similar meaning or symbol denoting a similar meaning
- (a) The food is solid food and contains not more than 0.5 g of total fat per 100 g of food. OR
- (b) The food is liquid food and contains not more than 0.5 g of total fat per 100 mL of food.

3. Saturated fatty acids
- (1) The word or words “Low” or “低”, “Little” or
- (a) The food is solid food and contains –
- (i) not more than 1.5 g of saturated

“少”, “Low source” or “提供少量” or “Contains a small amount of” or “含量低” or any other word or words of similar meaning or symbol denoting a similar meaning

fatty acids and trans fatty acids combined per 100 g of food; and
 (ii) saturated fatty acids and trans fatty acids, the sum of which contributes not more than 10% of energy. OR

(b) The food is liquid food and contains –

- (i) not more than 0.75 g of saturated fatty acids and trans fatty acids combined per 100 mL of food; and
 (ii) saturated fatty acids and trans fatty acids, the sum of which contributes not more than 10% of energy.

- (2) The word or words “Free” or “不含”, “Zero” or “零”, “No” or “無” or “Without” or “沒有” or any other word or words of similar meaning or symbol denoting a similar meaning
4. Cholesterol
- (1) The word or words “Low” or “低”, “Little” or “少”, “Low source” or “提供少量” or “Contains a small amount of” or “含量低” or any
- (a) The food is solid food and contains not more than 0.1 g of saturated fatty acids and trans fatty acids combined per 100 g of food. OR
- (b) The food is liquid food and contains not more than 0.1 g of saturated fatty acids and trans fatty acids combined per 100 mL of food.
- (a) The food is solid food and contains –
- (i) not more than 0.02 g of cholesterol per 100 g of food;
- (ii) not more than 1.5 g of saturated fatty acids and trans fatty acids combined per 100 g of food; and

- other word or words of similar meaning or symbol denoting a similar meaning
- (iii) saturated fatty acids and trans fatty acids, the sum of which contributes not more than 10% of energy. OR
- (b) The food is liquid food and contains –
- (i) not more than 0.01 g of cholesterol per 100 mL of food;
- (ii) not more than 0.75 g of saturated fatty acids and trans fatty acids combined per 100 mL of food; and
- (iii) saturated fatty acids and trans fatty acids, the sum of which contributes not more than 10% of energy.
- (2) The word or words “Free”
- (a) The food is solid food and contains –

or “不含”,
 “Zero” or
 “零”, “No” or
 “無” or
 “Without” or
 “沒有” or any
 other word or
 words of
 similar
 meaning or
 symbol
 denoting a
 similar
 meaning

- (i) not more than 0.005 g of cholesterol per 100 g of food;
 - (ii) not more than 1.5 g of saturated fatty acids and trans fatty acids combined per 100 g of food; and
 - (iii) saturated fatty acids and trans fatty acids, the sum of which contributes not more than 10% of energy. OR
- (b) The food is liquid food and contains –
- (i) not more than 0.005 g of cholesterol per 100 mL of food;
 - (ii) not more than 0.75 g of saturated fatty acids and trans fatty acids combined per 100 mL of food;

- and
- (iii) saturated fatty acids and trans fatty acids, the sum of which contributes not more than 10% of energy.
5. Trans fatty acids
- The word or words “Free” or “不含”, “Zero” or “零”, “No” or “無” or “Without” or “沒有” or any other word or words of similar meaning or symbol denoting a similar meaning
- (a) The food is solid food and contains –
- (i) not more than 0.3 g of trans fatty acids per 100 g of food;
- (ii) not more than 1.5 g of saturated fatty acids and trans fatty acids combined per 100 g of food; and
- (iii) saturated fatty acids and trans fatty acids, the sum of which contributes not more than 10% of energy. OR

- (b) The food is liquid food and contains –
- (i) not more than 0.3 g of trans fatty acids per 100 mL of food;
 - (ii) not more than 0.75 g of saturated fatty acids and trans fatty acids combined per 100 mL of food; and
 - (iii) saturated fatty acids and trans fatty acids, the sum of which contributes not more than 10% of energy.
6. Sugars
- (1) The word or words “Low” or “低”, “Little” or “少”, “Low source” or “提供少量” or “Contains a
 - (a) The food is solid food and contains not more than 5 g of sugars per 100 g of food. OR
 - (b) The food is liquid food and contains not more than 5 g of sugars per 100 mL of food.

small amount
of” or “含量
低” or any
other word or
words of
similar
meaning or
symbol
denoting a
similar
meaning

- (2) The word or words “Free” or “不含”, “Zero” or “零”, “No” or “無” or “Without” or “沒有” or any other word or words of similar meaning or symbol denoting a similar meaning
- (a) The food is solid food and contains not more than 0.5 g of sugars per 100 g of food. OR
- (b) The food is liquid food and contains not more than 0.5 g of sugars per 100 mL of food.

7. Sodium
- (1) The word or words “Low” or “低”, “Little” or “少”, “Low source” or “提供少量” or “Contains a small amount of” or “含量低” or any other word or words of similar meaning or symbol denoting a similar meaning
- The food (whether solid or liquid) contains not more than 0.12 g of sodium per 100 g or mL of food.
- (2) The words “Very low” or “很低”, “Extremely low” or “極低” or “Super low” or “超低” or any other word or words of
- The food (whether solid or liquid) contains not more than 0.04 g of sodium per 100 g or mL of food.

similar
 meaning or
 symbol
 denoting a
 similar
 meaning

- (3) The word or words “Free” or “不含”, “Zero” or “零”, “No” or “無” or “Without” or “沒有” or any other word or words of similar meaning or symbol denoting a similar meaning
- The food (whether solid or liquid) contains not more than 0.005 g of sodium per 100 g or mL of food.

8. Protein (1) The word or words “Low” or “低”, “Little” or “少”, “Low
- The food (whether solid or liquid) contains protein which contributes not more than 5% of energy.

source” or “提供少量” or “Contains a small amount of” or “含量低” or any other word or words of similar meaning or symbol denoting a similar meaning

- | | |
|--|---|
| <p>(2) The word or words “Source” or “來源”, “Contains” or “含”, “Provides” or “提供” or “Has” or “有” or any other word or words of similar meaning or symbol</p> | <p>(a) The food is solid food and contains not less than 10% of the nutrient reference value of protein per 100 g of food. OR</p> <p>(b) The food is liquid food and contains not less than 5% of the nutrient reference value of protein per 100 mL of food. OR</p> <p>(c) The food (whether solid or liquid) contains not less than –</p> |
|--|---|

- denoting a similar meaning
- (i) 5% of the nutrient reference value of protein per 100 kcal of food; or
- (ii) 12% of the nutrient reference value of protein per 1 MJ of food.
- (3) The word or words “High” or “高”, “Rich in” or “含豐富” or “Good source of” or “含大量” or any other word or words of similar meaning or symbol denoting a similar meaning
- (a) The food is solid food and contains not less than 20% of the nutrient reference value of protein per 100 g of food. OR
- (b) The food is liquid food and contains not less than 10% of the nutrient reference value of protein per 100 mL of food. OR
- (c) The food (whether solid or liquid) contains not less than –
- (i) 10% of the nutrient reference value of protein per 100 kcal of food; or

- (ii) 24% of the nutrient reference value of protein per 1 MJ of food.
9. Dietary fibre
- (1) The word or words “Source” or “來源”, “Contains” or “含”, “Provides” or “提供” or “Has” or “有” or any other word or words of similar meaning or symbol denoting a similar meaning
- (2) The word or words “High” or “高”, “Rich in” or “含豐富” or “Good source of” or
- (a) The food is solid food and contains not less than 3 g of dietary fibre per 100 g of food. OR
- (b) The food is liquid food and contains not less than 1.5 g of dietary fibre per 100 mL of food.
- (a) The food is solid food and contains not less than 6 g of dietary fibre per 100 g of food. OR
- (b) The food is liquid food and contains not less than 3 g of dietary fibre

“含大量” or
any other word
or words of
similar
meaning or
symbol
denoting a
similar
meaning

10. Vitamins and minerals provided with nutrient reference values (except sodium)
- (1) The word or words “Source” or “來源”, “Contains” or “含”, “Provides” or “提供” or “Has” or “有” or any other word or words of similar meaning or symbol denoting a similar meaning
- (a) The food is solid food and contains not less than 15% of the nutrient reference value of the vitamin or mineral concerned per 100 g of food. OR
- (b) The food is liquid food and contains not less than 7.5% of the nutrient reference value of the vitamin or mineral concerned per 100 mL of food. OR
- (c) The food (whether solid or liquid) contains not less than –
- (i) 5% of the nutrient reference value of

- the vitamin or mineral concerned per 100 kcal of food; or
- (ii) 12% of the nutrient reference value of the vitamin or mineral concerned per 1 MJ of food.
- (2) The word or words “High” or “高”, “Rich in” or “含豐富” or “Good source of” or “含大量” or any other word or words of similar meaning or symbol denoting a similar meaning
- (a) The food is solid food and contains not less than 30% of the nutrient reference value of the vitamin or mineral concerned per 100 g of food. OR
- (b) The food is liquid food and contains not less than 15% of the nutrient reference value of the vitamin or mineral concerned per 100 mL of food. OR
- (c) The food (whether solid or liquid) contains not less than –
- (i) 10% of the nutrient reference

value of the
vitamin or mineral
concerned per
100 kcal of food;
or

- (ii) 24% of the
nutrient reference
value of the
vitamin or mineral
concerned per
1 MJ of food.”.

Director of Food and Environmental
Hygiene

2008

Explanatory Note

This Regulation amends the Food and Drugs (Composition and Labelling) Regulations (Cap. 132 sub. leg. W) (“the principal Regulations”). The main purposes of the Regulation are to –

- (a) introduce a mandatory nutrition labelling scheme in relation to prepackaged food; and
- (b) impose controls over certain nutrition claims made on the label of, or in any advertisement for, a prepackaged food.

2. Section 1 provides for the commencement of the Regulation.
3. Section 2 deals with definitions.
4. Section 3 amends regulation 4A of the principal Regulations to provide for a textual amendment.
5. Section 4 adds a new regulation 4B to the principal Regulations which –
 - (a) requires prepackaged food to be marked or labelled with its energy value and nutrient content in compliance with Part 1 of Schedule 5 to the principal Regulations;
 - (b) exempts certain items from the requirements of Part 1 of Schedule 5 to the principal Regulations; and
 - (c) requires any nutrition claim made on the label of, or in any advertisement for, a prepackaged food to conform to Part 2 of Schedule 5 to the principal Regulations.
6. Section 5 amends regulation 5 of the principal Regulations to –
 - (a) provide that any person who advertises for sale, sells or manufactures for sale any prepackaged food which does not comply with regulation 4A or 4B of the principal Regulations commits an offence; and
 - (b) provide for certain textual amendments.
7. Sections 6 and 7 respectively amend Schedules 1 and 2 to the principal Regulations to provide for certain textual amendments.
8. Section 8 amends Schedule 3 to the principal Regulations to –
 - (a) clarify that section 2(4B) of Schedule 3 to the principal Regulations does not apply to any nutrient; and
 - (b) provide for certain textual amendments.
9. Section 9 amends Schedule 4 to the principal Regulations to provide for certain textual amendments.
10. Section 10 adds new Schedules 5, 6, 7 and 8 to the principal Regulations.

11. Part 1 of Schedule 5 to the principal Regulations –

- (a) lists out the energy value and nutrient content that are required to be set out in a list of nutrients;
- (b) provides for the manner in which the energy value and nutrient content should be expressed in a list of nutrients; and
- (c) provides for the format of a list of nutrients.

12. Part 2 of Schedule 5 to the principal Regulations sets out the conditions for making nutrient content claims, nutrient comparative claims and nutrient function claims.

13. Part 1 of Schedule 6 to the principal Regulations lists out the items that are exempt from Part 1 of Schedule 5 to the principal Regulations under regulation 4B(2)(a) of the principal Regulations.

14. Part 2 of Schedule 6 to the principal Regulations provides that the Director of Food and Environmental Hygiene (“the Authority”) may grant an exemption in respect of any prepackaged food from the requirements of Part 1 of Schedule 5 to the principal Regulations if the Authority is satisfied that the annual sales volume of food of the same version in Hong Kong would not exceed 30 000 units.

15. Schedule 7 to the principal Regulations lists out the nutrient reference values for different nutrients for the purpose of nutrition labelling.

16. Schedule 8 to the principal Regulations lists out the descriptions that can be used in nutrient content claims and sets out the conditions for using such descriptions.

International Nutrition Labelling Requirements on Core Nutrients

Countries/ Places	Energy, Protein, & Fat	Carbohydrates ⁽⁶⁾	Saturated Fat	Sodium	Sugars	Cholesterol	Dietary Fibre	Calcium	Other Core Nutrients	Total	Specified Energy Value & Nutrient Content Expression	
											Per 100 g/ml vs. Per serving	kilo-calories (kcal) vs. kilo-joules (kJ)
Codex	•	• (Available)								4	Per 100 g/ml	kcal and kJ
<i>Mandatory Labelling for all pre-packaged food</i>												
Australia/NZ	•	• (Available)	•	•	•					7	Per 100 g/ml <u>and</u> Per serving	kJ
Canada⁽¹⁾	•	• (Total)	•	•	•	•	•	•	4	14	Per serving	kcal
USA⁽²⁾	•	• (Total)	•	•	•	•	•	•	5	15	Per serving	kcal
<i>Claim-based Labelling</i>												
EC⁽³⁾	•	• (Available)	•	•	•		•			8	Per 100 g/ml	kcal and kJ
Japan	•	• (Total)		•						5	Per 100 g/ml <u>or</u> Per serving	kcal
Singapore⁽⁴⁾	•	• (Available)								4	Per 100 g/ml <u>and</u> Per serving	kcal or kJ
Malaysia	•	• (Available)								4	Per 100 g/ml <u>and</u> Per serving	kcal or kJ
Mainland⁽⁵⁾	•	• (Available)		•						5	Per 100 g/ml <u>or</u> Per serving	kJ

Notes:

(1) **Canada** : Other 4 core nutrients required for mandatory labelling are iron, vitamin A, vitamin C, and trans fat.

(2) **US** : Other 5 core nutrients required for mandatory labelling are iron, vitamin A, vitamin C, trans fat, and fat calories.

(3) **European Community (EC)** : The labelling for sugars, saturated fat, dietary fibre and sodium are only required if nutrition claims for any of these 4 nutrients is made. EC announced on 30.1.2008 its proposal to introduce a mandatory nutrition labelling scheme which will require the labelling of energy, fat, saturated fat, carbohydrates, sugars and salt (sodium) on the nutrition labels.

(4) **Singapore** : The nutrition labelling voluntary guidelines further recommend the listing of 4 other core nutrients (saturated fat, sodium, cholesterol, dietary fibre).

(5) **The Mainland** : The new scheme will take effect on 1 May 2008.

(6) The value of available carbohydrates is derived by subtracting dietary fibre from total carbohydrates