

(Translation)

**Motion on
“Urging the Government to regulate health food products”
moved by Dr Hon Joseph LEE
at the Council meeting of 12 December 2012**

**Motion as amended by Hon Alice MAK, Hon Vincent FANG and
Hon Alan LEONG**

That, given that at present, there are countless and multifarious health food products in the market, the number of people consuming health food products also increases gradually, and different practices of selling health food products come up incessantly, but the existing legislation is neither comprehensive nor stringent, failing to effectively regulate health food products in many respects, such as safety, efficacy and ingredients, etc., as well as the sales practices for health food products; moreover, members of the public do not know much about health food products, and health food products not up to standard are definitely no less harmful to the human body than drugs, and even pose direct threat to public health; in this connection, this Council urges the Government to:

- (1) expeditiously and comprehensively regulate health food products and ensure that their safety and efficacy, etc. are assessed, tested and monitored comprehensively before their introduction to the market, and at the same time, to enhance public awareness of health food products, so as to protect public health more effectively;
- (2) review the existing legislation to strengthen the regulation of sales advertisements of health food products, for example, sellers must submit relevant reports or proofs regarding health claims in product advertisements to avoid the public being misled; and
- (3) regarding the increase in complaints received by the Consumer Council in recent years about business operators promoting and selling health food products to the public in the form of lecture, physical check-up and celebrity sharing, etc., and that there were elderly persons feeling unwell due to consumption of health food products and needed treatment in hospital, strengthen the regulation of the sales practices for health food products to protect public health;
- (4) formulate a definition of health food products, and separately categorize health food products from ‘medicine’ and ‘food’ to facilitate regulation;

- (5) comprehensively consult the relevant industries to explore the introduction of 'claim requirements' for health food products, i.e. products must be provided with empirical proofs such as inspection and test reports, etc.; and
- (6) conduct 'regulation risk assessment' beforehand if the Government plans to regulate health food products to ensure that small and medium enterprises will not be affected; and
- (7) step up prosecution against counterfeit health food products, and conduct sample tests on health food products in the market to ensure that such products contain the health ingredients as claimed and do not contain bacteria or harmful substances such as heavy metals.