

立法會
Legislative Council

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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 12 December 2012

**Amendments to motion on
“Urging the Government to regulate health food products”**

Further to LC Paper No. CB(3) 190/12-13 issued on 29 November 2012, three Members (Hon Alice MAK, Hon Vincent FANG and Hon Alan LEONG) have respectively given notices of their intention to move separate amendments to Dr Hon Joseph LEE’s motion on “Urging the Government to regulate health food products” scheduled for the Council meeting of 12 December 2012. As directed by the President, the respective amendments will be printed in the terms in which they were handed in on the Agenda of the Council.

2. The President will order a joint debate on the above motion and amendments. To assist Members in debating the motion and amendments, I set out below the procedure to be followed during the debate:

- (a) the President calls upon Dr Hon Joseph LEE to speak and move his motion;
- (b) the President proposes the question on Dr Hon Joseph LEE’s motion;
- (c) the President calls upon the three Members who intend to move amendments to speak in the following order, but no amendment is to be moved at this stage:
 - (i) Hon Alice MAK;

- (ii) Hon Vincent FANG; and
- (iii) Hon Alan LEONG;
- (d) the President calls upon the designated public officer(s) to speak;
- (e) the President invites other Members to speak;
- (f) the President gives leave to Dr Hon Joseph LEE to speak for the second time on the amendments;
- (g) the President calls upon the designated public officer(s) to speak again;
- (h) in accordance with Rule 34(5) of the Rules of Procedure, the President has decided that he will call upon the three Members to move their respective amendments in the order set out in paragraph (c) above. The President invites Hon Alice MAK to move her amendment to the motion, and forthwith proposes and puts to vote the question on Hon Alice MAK's amendment;
- (i) after Hon Alice MAK's amendment has been voted upon, the President deals with the other two amendments; and
- (j) after all amendments have been dealt with, the President calls upon Dr Hon Joseph LEE to reply. Thereafter, the President puts to vote the question on Dr Hon Joseph LEE's motion, or his motion as amended, as the case may be.

3. For Members' ease of reference, the terms of the original motion and of the motion, if amended, are set out in the **Appendix**.

(Odelia LEUNG)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on
“Urging the Government to regulate health food products”
to be held at the Council meeting of 12 December 2012**

1. Dr Hon Joseph LEE’s original motion

That at present, there are countless and multifarious health food products in the market, and the number of people consuming health food products also increases gradually, 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.; 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 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. Motion as amended by Hon Alice MAK

That, *given that* at present, there are countless and multifarious health food products in the market, ~~and~~ 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.*

Note: Hon Alice MAK's amendment is marked in *bold and italic type* or with deletion line.

3. Motion as amended by Hon Vincent FANG

That, *given that the efficacy of many health food products in the market has been empirically proven, and* at present, there are countless and multifarious health food products in the market, and the number of people consuming health food products also increases gradually, but the existing legislation *only divides orally consumed products into two categories of 'medicine' and 'food', and its regulation on health food products* is neither comprehensive nor stringent, failing to effectively regulate health food products in many respects, such as safety, efficacy and ingredients, etc.; 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 expeditiously ~~and comprehensively regulate health food products and ensure that their safety and efficacy, etc.:~~

- (1) *formulate a definition of health food products, and separately categorize health food products from 'medicine' and 'food' to facilitate regulation;*
- (2) *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. to ensure that the safety and efficacy, etc. of health products* are assessed, tested and monitored comprehensively before their introduction to the market, ~~and at the same time, to;~~

- (3) *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*
- (4) enhance public awareness of health food products, so as to protect public health more effectively.

Note: Hon Vincent FANG’s amendment is marked in *bold and italic type* or with deletion line.

4. Motion as amended by Hon Alan LEONG

That, *in view of Hong Kong’s ageing population and the increasing number of Mainland visitors coming to Hong Kong to purchase health food products*, at present, there are countless and multifarious health food products in the market, and the number of people consuming health food products also increases gradually, 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~~, *ingredients and combating counterfeit health food products*, etc.; 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 expeditiously and comprehensively regulate health food products and ensure that their safety, *ingredients* and efficacy, etc. are assessed, tested and monitored comprehensively before their introduction to the market, *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*, and at the same time, to enhance public awareness of health food products, so as to protect public health more effectively.

Note: Hon Alan LEONG’s amendment is marked in *bold and italic type* or with deletion line.