

立法會
Legislative Council

LC Paper No. CB(2)742/12-13(04)

Ref : CB2/PL/FE

Panel on Food Safety and Environmental Hygiene

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 12 March 2013**

**Legislative proposals relating to formula products and foods intended for
infants and young children under the age of 36 months in Hong Kong**

Purpose

This paper summarizes the concerns of the members of the Panel on Food Safety and Environmental Hygiene ("the Panel") on the legislative proposals relating to formula products and foods intended for infants and young children under the age of 36 months in Hong Kong.

Background

2. As revealed by the survey of the Centre for Food Safety ("CFS") conducted from May to September 2012, some infant formula products were found to contain iodine at a level not only lower than that prescribed by the Codex Alimentarius Commission ("Codex"), but also below the intake level recommended by the World Health Organization. As iodine deficiency may affect the functioning of the thyroid gland, which may in turn affect the brain development of infants, the survey results have aroused wide public concern over the safety and regulation of formula products.

3. Currently, the safety of infant formula is regulated by section 54 of the Public Health and Municipal Services Ordinance (Cap. 132), which stipulates

that all food for sale must be fit for human consumption. However, there is no regulation governing the nutritional composition or labelling of formula products and foods for infants and young children under the age of 36 months. The Food and Drugs (Composition and Labelling) Regulations (Cap. 132W) has introduced a mandatory nutrition labelling scheme for prepackaged foods since July 2010 to, inter alia, regulate misleading or deceptive labels and claims, but it does not apply to formula or food products intended to be consumed by infants and young children under the age of 36 months due to their special nutritional requirements and the separated requirements on nutrition labelling for the above types of food stated in the guidelines published by Codex.

4. To protect the health of infants and young children and assist parents in making informed food choices, the Administration has proposed to regulate the nutritional composition and labelling of formula products and foods intended for infants and young children under the age of 36 months. The Administration has proposed to stipulate in law that the Codex requirement on energy and 33 nutrients for infant formula must be followed. In particular, the level of energy and each nutrient must fall within the range specified by Codex. It is also proposed that infant formula, follow-up formula as well as foods intended for infants and young children under the age of 36 months must comply with the respective nutrition labelling requirements set out by Codex. A two-month public consultation exercise on the legislative proposals was launched in mid November 2012 to solicit views from the trade and the public.

Deliberations of the Panel

5. The Panel held a joint meeting with the Panel on Health Services in November 2012 to discuss the legislative proposals relating to formula products and foods intended for infants and young children under the age of 36 months and received the views of deputations on the subject. The deliberations and concerns of members are summarized below.

6. Noting that most formula products and foods intended for infants and young children available on the local market were imported from overseas, members were concerned as to whether these products could meet the proposed nutritional composition and labelling requirements as set out in the legislative proposals.

7. According to the Administration, to ensure that the legislative proposals were on par with the international standards, it had adopted the Codex principles as well as made reference to the international practices when developing the legislative proposals. Such approach would also strike a balance between the protection of the health of infants and young children and the need to maintain a stable supply of formula products and foods for them. Citing the results of the surveys conducted by CFS and the Consumer Council to test the nutritional composition and review the labelling of formula products available in Hong Kong, the Administration was of the view that the manufacturers and suppliers of formula products should be able to comply with the nutritional composition and labelling requirements as set out in the legislative proposals. In addition, a grace period would be suitably provided for before the implementation of the legislative proposals to ensure their smooth operation.

8. Stressing the need to safeguard the health of infants and young children, some members considered the proposed legislation long overdue. They urged its early implementation. The Administration advised that subject to the views received during the public consultation exercise and the time required for drafting the proposed legislation, it planned to introduce the legislative proposals into the Legislative Council ("LegCo") in 2013.

9. Concern was raised over the length of the grace period. There was a suggestion that the grace period should not exceed three months. According to the Administration, in determining the suitable length of the grace period, regard would be given to factors such as the current level of compliance of formula products with the proposed nutritional composition and labelling requirements, the availability of laboratory facilities for testing the nutritional composition of formula products and the views collected from the public consultation exercise.

10. Pointing out that the legislative proposals would have impact on the supply of a wide variety of formula products for infants and young children, members urged the Administration to consult the stakeholders, including manufacturers and suppliers of formula products, mothers as well as organizations advocating breastfeeding on the legislative proposals. Some members further requested the Administration to extend the consultation period in order to allow sufficient time for the public and the stakeholders to give views on the subject.

11. Members were gravely concerned about the misleading and exaggerated claims made in some formula milk advertisements. They expressed disappointment at the absence of regulatory proposals to regulate the sale and marketing practices of formula products. They urged the Administration to introduce as early as possible legislation regulating the misleading and exaggerated health and nutritional claims made in formula milk advertisements.

Relevant papers

12. A list of the relevant papers on the LegCo website is in the **Appendix**.

Council Business Division 2
Legislative Council Secretariat
7 March 2013

**Relevant papers on the legislative proposals relating to
formula products and foods intended for infants and young children
under the age of 36 months in Hong Kong**

Committee	Date of meeting	Paper
Panel on Food Safety and Environmental Hygiene	20.11.2012 (Item II)	Agenda

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