

立法會
Legislative Council

LC Paper No. CB(2)521/14-15
(These minutes have been seen
by the Administration)

Ref : CB2/SS/8/13

Subcommittee on Food and Drugs (Composition and Labelling)
(Amendment) (No. 2) Regulation 2014

Minutes of meeting
held on Monday, 20 October 2014, at 10:45 am
in Conference Room 2B of the Legislative Council Complex

- Members present** : Hon Alice MAK Mei-kuen, JP (Chairman)
Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN
Hon WONG Ting-kwong, SBS, JP
Hon Cyd HO Sau-lan, JP
Dr Hon LEUNG Ka-lau
Hon Alan LEONG Kah-kit, SC
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung
Dr Hon Helena WONG Pik-wan
- Members absent** : Hon Vincent FANG Kang, SBS, JP
Hon Steven HO Chun-yin
Dr Hon Elizabeth QUAT, JP
Hon TANG Ka-piu, JP
- Public Officers attending** : Item I
Professor Sophia CHAN Siu-chee, JP
Under Secretary for Food and Health

Mr Jeff LEUNG Wing-yan
Principal Assistant Secretary for Food and Health (Food) 1

Dr HO Yuk-yin, JP
Consultant (Community Medicine) (Risk Assessment
and Communication)
Centre for Food Safety, Food and Environmental
Hygiene Department

Dr Raymond HO Lei-ming
Principal Medical Officer (Risk Management)
Centre for Food Safety, Food and Environmental
Hygiene Department

Dr Allen CHAN Chi-wai
Senior Medical Officer (Risk Assessment)
Centre for Food Safety, Food and Environmental
Hygiene Department

Mr HO Kwok-wai
Scientific Officer (Nutrition Labelling)
Centre for Food Safety, Food and Environmental
Hygiene Department

Mr NG Ping-wah
Senior Superintendent (Centre for Food Safety) 2
Centre for Food Safety, Food and Environmental
Hygiene Department

Miss Elaine NG Pui-kei
Senior Government Counsel
Department of Justice

Miss Shirley LI Kwan-ting
Government Counsel
Department of Justice

**Clerk in
attendance** : Ms Alice LEUNG
Chief Council Secretary (2) 2

**Staff in
attendance** : Miss Winnie LO
Assistant Legal Adviser 7

Miss Karen LAI
Council Secretary (2) 6

Miss Emma CHEUNG
Legislative Assistant (2) 2

Action

I. Meeting with the Administration

[LC Paper Nos. CB(2)96/14-15(01), CB(2)96/14-15(02), CB(2)2070/13-14(06), CB(2)2345/13-14(01), Legislative Council Brief File Ref: FH CR 4/3231/13, L.N. 90 of 2014 and CB(2)1933/13-14(02)]

1. The Subcommittee deliberated (index of proceedings attached at **Annex**).
2. The Chairman said that the Subcommittee had completed the examination of the provisions of the Food and Drugs (Composition and Labelling) (Amendment) (No. 2) Regulation 2014 ("the Amendment Regulation").

Follow-up actions required of the Administration

Admin

3. The Subcommittee requested the Administration to -
 - (a) advise whether the Centre for Food Safety ("CFS") had initiated any prosecutions against non-compliance with the legibility requirement of food labels under the Food and Drugs (Composition and Labelling) Regulations (Cap. 132W) over the past three years. If so, the Administration would provide details, including the penalties imposed;
 - (b) consider and respond to a member's request that CFS should conduct a study on the fluoride content of infant formula products on sale in Hong Kong;
 - (c) advise whether the present drafting of the proposed new section 1(2) of Schedule 6A could reflect the Administration's intent that CFS would use distilled water for constituting infant formula for measuring the fluoride content of the infant formula concerned when taking enforcement actions against non-compliance cases; and
 - (d) respond to a member's view that the maximum penalty level provided under the proposed new subsection (1AC) of regulation 5 should be raised from level 5 to level 6 so as to achieve a higher deterrent effect.

Action

(*Post-meeting note:* The Chinese version of the Administration's written response [LC Paper CB(2)165/14-15(02)] was tabled at the meeting held on 29 October 2014.)

Clerk

4. At the request of Hon Cyd HO, the Chairman asked the Clerk to retrieve relevant papers regarding the Public Accounts Committee Report and the Administration's response on the legibility requirements for nutrition labels for circulation to members for reference.

(*Post-meeting note:* The relevant papers were circulated to members via LC Paper CB(2)159/14-15(01)-(04) on 24 October 2014.)

II. Any other business

5. Members noted that if the motion to extend the scrutiny period of the Amendment Regulation could be dealt with at the Council meeting of 22 October 2014, the scrutiny period of the Amendment Regulation could be extended to the Council meeting of 12 November 2014 and, if not, the period for amending the Amendment Regulation would expire at the Council meeting of 22 October 2014. Members agreed that even if the scrutiny period of the Amendment Regulation could not be extended, the Subcommittee should hold another meeting to invite the Administration to respond to members' views and concerns raised and to discuss on how to follow up the issues of concerns raised by members. Members noted the Chairman's advice that the Subcommittee could refer to the Panel on Food Safety and Environmental Hygiene to follow up issues relating to the Amendment Regulation.

(*Post-meeting note:* The motion to extend the scrutiny period of the Amendment Regulation was not dealt with at the Council meeting of 22 October 2014 due to heavy agenda for the meeting. The Subcommittee held another meeting on 29 October 2014 to meet with the Administration.)

6. There being no other business, the meeting ended at 12:21 pm.

**Proceedings of the meeting of the
Subcommittee on Food and Drugs (Composition and Labelling)
(Amendment) (No. 2) Regulation 2014 on Monday, 20 October 2014, at 10:45 am
in Conference Room 2B of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action Required
000854 - 000909	Chairman	The Chairman's opening remarks.	
<i>Examination of the provisions of the Food and Drugs (Composition and Labelling) (Amendment) (No. 2) Regulation 2014 ("the Amendment Regulation")</i>			
000910 - 001323	Chairman Admin	Section 3 of the Amendment Regulation - interpretation of the terms "follow-up formula" and "prepackaged food for infants and young children".	
001324 - 002757	Chairman Admin Ms Cyd HO Dr Helena WONG	<p><u>Section 13 of the Amendment Regulation</u></p> <p>Ms Cyd HO's concerns and the Administration's response about the legibility of nutrition labels.</p> <p>At the request of the Chairman, the Administration agreed to advise whether the Centre for Food Safety ("CFS") had initiated any prosecutions against non-compliance with the legibility requirements of food labels under the Food and Drugs (Composition and Labelling) Regulations (Cap. 132W) over the past three years. If so, the Administration would provide details, including the penalties imposed.</p> <p>Ms Cyd HO requested the Legislative Council Secretariat to retrieve relevant papers regarding the Public Accounts Committee Report and the Administration's response on the legibility requirements for nutrition labels. The Chairman asked the Clerk to circulate the information requested by Ms HO for members' reference.</p> <p>Completion of examination of the provisions of the Amendment Regulation.</p>	<p>Admin (paragraph 3(a) of the minutes refers)</p> <p>Clerk (paragraph 4 of the minutes refers)</p>
002758 - 003348	Chairman Admin	Briefing by the Administration on its written reply to members' concerns raised at the meeting on 14 October 2014 [LC Paper No. CB(2)96/14-15(02)]	

Time marker	Speaker	Subject(s)	Action Required
003349 - 004124	Chairman Dr Helena WONG Ms Cyd HO Admin	<p>Concerns of Dr Helena WONG and Ms Cyd HO about the regulation on the presentation of fluoride content on nutrition labels of infant formula products and the Administration's response that -</p> <p>(a) according to the Codex Alimentarius Commission ("Codex"), fluoride should not be added to infant formula. However, fluoride was naturally present and in any case its level should not exceed 100 µg per 100 kcal or 24 µg per 100 kJ in infant formula prepared ready for consumption as prescribed by Codex;</p> <p>(b) in drafting the Amendment Regulation, CFS had sought advice from the Dental Service under the Department of Health, which advised that there was no international recommendation for the maximum intake level of fluoride by infants, and most of the adolescents and children in Hong Kong did not have dental fluorosis; and</p> <p>(c) the proposed requirements in the new section 1(2) of Schedule 6A followed the practice of Australia and New Zealand.</p>	
004125 - 004551	Chairman Admin	<p>Concerns of the Chairman regarding whether excessive fluoride intake might occur when infant formula combined with fluoridated tap water in Hong Kong, and her enquiry about the fluoride content in the tap water of overseas countries.</p> <p>The Administration's response about the expected fluoride dosage when infant formula combined with fluoridated tap water in Hong Kong; and the fluoride content of tap water in Australia, New Zealand, Singapore, and the United States.</p>	
004552 - 004657	Chairman Ms Cyd HO Admin	Ms Cyd HO's enquiry and the Administration's reply on the importance of fluoride on the health of infants.	
004658 - 005305	Chairman Dr Helena WONG Admin	Dr Helena WONG's suggestion that given the presence of fluoride in the tap water of Hong Kong, infant formula products should be	

Time marker	Speaker	Subject(s)	Action Required
		<p>required to be marked or labelled with a recommended daily dosage limit of fluoride to alert consumers about the risk of dental fluorosis and her request that CFS should conduct a study on the fluoride content of infant formula on sale in Hong Kong.</p> <p>The Administration's response regarding the regulation of fluoride content in infant formula.</p>	
005306 - 011006	<p>Chairman Mr Alan LEONG Admin Mr WONG Ting-kwong Dr Helena WONG</p>	<p>Discussion on the new section 1(2) of Schedule 6A and the need to provide consumers with more information regarding the fluoride content of infant formula.</p> <p>The Administration's agreement to consider and respond to Dr Helena WONG's request that CFS should conduct a study on the fluoride content of infant formula products on sale in Hong Kong.</p> <p>At the request of Mr Alan LEONG, the Administration agreed to advise whether the present drafting of the said new section 1(2) of Schedule 6A could reflect the Administration's intent that CFS would use distilled water for constituting infant formula for measuring the fluoride content of the infant formula concerned when taking enforcement actions against non-compliance cases.</p>	<p>Admin (paragraph 3(b) of the minutes refers)</p> <p>Admin (paragraph 3(c) of the minutes refers)</p>
011007 - 011407	<p>Chairman Admin</p>	<p>The Administration's reiteration of its responses to members' concern about the fluoride content on nutrition labels of infant formula and suggestion of conducting a study on the fluoride content of infant formula products on sale in Hong Kong.</p>	
011408 - 012100	<p>Chairman Ms Cyd HO Admin</p>	<p>Discussion on the legislative timetable.</p> <p>The Chairman's advice that the Subcommittee could refer to the Panel on Food Safety and Environmental Hygiene to follow up issues relating to the Amendment Regulation.</p>	

Time marker	Speaker	Subject(s)	Action Required
012101 - 013055	Chairman Dr Helena WONG Admin	<p>Dr Helena WONG's views and the Administration's response on the proposed penalty level under the Amendment Regulation. Dr WONG's indication that she would consider proposing an amendment to raise the maximum penalty level to level 6.</p> <p>The Administration agreed to respond to Dr WONG's view that the maximum penalty level provided under the proposed new subsection (1AC) of regulation 5 should be raised from level 5 to level 6 so as to achieve a higher deterrent effect.</p>	<p>Admin (paragraph 3(d) of the minutes refers)</p>
013056 - 013415	Chairman Ms Cyd HO Admin	<p>Ms Cyd HO's enquiry and the Administration's response regarding the importance of iodine on the health of infants and the proposed regulation of iodine in the nutrition composition of infant formula products.</p>	
013416 - 014142	Chairman Ms Cyd HO Admin Dr Helena WONG	<p>Discussion on the legislative timetable and related arrangements regarding the need for the Subcommittee to hold another meeting.</p> <p>Members' discussion on how to follow up the issues of concerns raised by members if the motion to extend the scrutiny period of the Amendment Regulation could not be dealt with at the Council meeting of 22 October 2014.</p>	
014143 - 014205	Chairman	The Chairman's closing remarks	