

**立法會**  
**Legislative Council**

LC Paper No. CB(2)522/14-15  
(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 Wednesday, 29 October 2014, at 9:00 am**  
**in Conference Room 2A of the Legislative Council Complex**

**Members present** : Hon Alice MAK Mei-kuen, JP (Chairman)  
Hon WONG Ting-kwong, SBS, JP  
Hon Cyd HO Sau-lan, JP  
Hon Steven HO Chun-yin  
Dr Hon KWOK Ka-ki  
Dr Hon Helena WONG Pik-wan  
Dr Hon Elizabeth QUAT, JP  
Hon TANG Ka-piu, JP

**Members absent** : Hon Vincent FANG Kang, SBS, JP  
Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN  
Dr Hon LEUNG Ka-lau  
Hon Alan LEONG Kah-kit, SC  
Hon KWOK Wai-keung

**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

**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

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**I. Meeting with the Administration**

[LC Paper Nos. CB(2)165/14-15(01), CB(2)165/14-15(02), CB(2)2070/13-14(06), CB(2)2345/13-14(01), CB(2)96/14-15(02) and L.N. 90 of 2014]

1. The Subcommittee deliberated (index of proceedings attached at **Annex**).

Follow-up actions required of the Administration

2. Members noted that the motion to extend the scrutiny period was not dealt with at the Council meeting of 22 October 2014 due to heavy agenda of the Council meeting, and the period for amending the Food and Drugs (Composition and Labelling) (Amendment) (No. 2) Regulation 2014 ("the Amendment Regulation") expired at the said Council meeting.

3. Members noted the Administration's response [LC Paper CB(2)165/14-15(02)] to members' concerns raised at the last meeting on 20 October 2014. Dr Helena WONG maintained her view that the nutrition labels of infant formula products should provide the maximum level of fluoride allowed to alert consumers about the risk of dental fluorosis.

Admin

4. The Subcommittee requested the Administration to provide supplementary information on -

- (a) the justifications for not setting the maximum level of fluoride allowed in infant formula products and not requiring the labelling of the fluoride content of infant formula products; and
- (b) the current practices adopted by other overseas jurisdictions such as the European Union, the United States, and Singapore regarding the labelling requirements of fluoride content of infant formula products.

*(Post-meeting note: The Chinese version of the Administration's response was issued to members vide LC Paper CB(2)244/14-15(02) on 10 November 2014.)*

Admin

5. At the request of the Subcommittee, the Administration undertook to revert to the Panel on Food Safety and Environmental Hygiene ("the FSEH Panel") on its progress of work on the following -

- (a) the results of the sampling tests on the fluoride content in infant

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formula to be conducted by the Centre for Food Safety upon the implementation of the Amendment Regulation;

- (b) the enforcement actions to be taken by the Administration against non-compliance cases relating to nutritional composition and nutrition labelling requirements for formula products and prepackaged food for infants and young children under the age of 36 months; and
- (c) the outcome of the comprehensive review of the food-safety-related penalties under the Public Health and Municipal Services Ordinance (Cap. 132) and its subsidiary legislation, as well as the Food Safety Ordinance (Cap. 612) to be conducted by the Administration in 2015.

6. The Subcommittee agreed to refer the issues referred in paragraph 5 above to the FSEH Panel for follow up. The Subcommittee completed the scrutiny work and would report to the House Committee on members' deliberations.

**II. Any other business**

7. There being no other business, the meeting ended at 9:37 am.

Council Business Division 2  
Legislative Council Secretariat  
23 December 2014

**Proceedings of the meeting of the  
Subcommittee on Food and Drugs (Composition and Labelling)  
(Amendment) (No. 2) Regulation 2014 on Wednesday, 29 October 2014, at 9:00 am  
in Conference Room 2A of the Legislative Council Complex**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
000520 - 000757	Chairman	The Chairman's opening remarks	
000758 - 001602	Chairman Admin	Briefing by the Administration on its written reply to members' concerns raised at the meeting on 20 October 2014 [LC Paper No. CB(2)165/14-05(02)]	
001603 - 002529	Chairman Dr Helena WONG Admin	<p>Dr Helena WONG's dissatisfaction about the Administration's response on the timetable for conducting the fluoride study after the expiry of the grace period of the Food and Drugs (Composition and Labelling) (Amendment) (No. 2) Regulation 2014 ("the Amendment Regulation") and her view that the nutrition labels of infant formula products should provide information on the maximum level of fluoride allowed.</p> <p>The Administration's response that -</p> <p>(a) according to 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; and</p> <p>(b) in its survey conducted in 2012, the Centre for Food Safety ("CFS") found that 10 products were provided with nutrition labels showing their fluoride content and the fluoride content of all these 10 products were found to have complied with the Codex Standard.</p>	
002530 - 002908	Chairman Admin	The Chairman's remarks regarding the expiry of scrutiny period and her request that the Administration should follow up on the following issues and revert to the Panel on Food Safety and Environmental Hygiene ("the FSEH Panel") on its progress of work -	<b>Admin</b> (paragraph 5 of the minutes refers)

Time marker	Speaker	Subject(s)	Action Required
		<p>(a) the results of the sampling tests on the fluoride content in infant formula to be conducted by CFS upon the implementation of the Amendment Regulation;</p> <p>(b) the enforcement actions to be taken by the Administration against non-compliance cases relating to nutritional composition and nutrition labelling requirements for formula products and prepackaged food for infants and young children under the age of 36 months; and</p> <p>(c) the outcome of the comprehensive review of the food-safety-related penalties under the Public Health and Municipal Services Ordinance (Cap. 132) and its subsidiary legislation, as well as the Food Safety Ordinance (Cap. 612) to be conducted by the Administration in 2015.</p>	
002909 - 003820	Chairman Dr Helena WONG Admin	<p>Dr Helena WONG agreed that the issues should be followed up by the FSEH Panel, but the Administration should provide further information regarding the regulation on the labelling requirements in respect of fluoride content in infant formula.</p> <p>The Administration agreed to provide supplementary information on -</p> <p>(a) the justifications for not setting the maximum level of fluoride allowed in infant formula products and not requiring the labelling of the fluoride content of infant formula products; and</p> <p>(b) the current practices adopted by other overseas jurisdictions such as the European Union, the United States, and Singapore regarding the labelling requirements of fluoride content of infant formula products.</p> <p>The Chairman's advice that the Subcommittee had completed the scrutiny work and would report to the House Committee on members' deliberations. Members agreed that the Subcommittee would write to the FSEH Panel requesting the Panel to follow up the issues concerned.</p>	<p><b>Admin</b> (paragraphs 4(a) and 4(b) of the minutes refer)</p>

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
003821 - 004132	Chairman	The Chairman's closing remarks	

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