



中華人民共和國香港特別行政區政府總部食物及衛生局  
Food and Health Bureau, Government Secretariat  
The Government of the Hong Kong Special Administrative Region  
The People's Republic of China

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Ms Alice LEUNG  
Clerk to Subcommittee on Food and Drugs  
(Composition and Labelling) (Amendment) (No. 2) Regulation  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong  
(Fax: 2509 9055)

Dear Ms Leung,

**Food and Drugs (Composition and Labelling)  
(Amendment) (No. 2) Regulation**

I refer to your letter of 13 August. Regarding the views expressed by deputations at the meeting on 22 July, our consolidated response is as follows:

Grace period

2. Deputations had diverse views on the grace period proposed by the Administration, with some demanding for an across-the-board grace period. We would like to reiterate that in setting the proposed grace periods, we have considered the fact that we imposed a two-year grace period for launching the Nutrition Labelling Scheme, and thus suggested introducing

the same grace period of two years for follow-up formula and prepackaged food for infants and young children, so that the trade would have sufficient time to prepare for the commencement of the Food and Drugs (Composition and Labelling) (Amendment) (No. 2) Regulation (the Amendment Regulation). We consider the proposed grace period to be suitable.

3. As for infant formula, given the fact that where breastfeeding is not feasible, infant formula is the only processed foodstuff which wholly fulfils the nutritional requirements of infants during their first months of life until the introduction of appropriate complementary feeding<sup>1</sup>, a shorter grace period of 18 months is proposed for infant formula for better protection of infants' health. We hope the trade would deploy resources to accord priority to the compliance of their infant formula products with the Amendment Regulation.

4. In order to protect the health of infants and young children, we are of the view that if an across-the-board grace period is required, the shorter one (i.e. 18 months) would be suggested.

#### Testing method, tolerance limit and technical guidance note

5. At the meeting, some deputations urged for expeditious issue of the technical guidance note on the Amendment Regulation by the Centre for Food Safety (CFS) to facilitate the trade in commencing its preparatory work as soon as possible. In this connection, the CFS had maintained close liaison with the trade in the course of drafting the Amendment Regulation and discussed with its members the implementation details of the Amendment Regulation, including testing methods and tolerance limits. The CFS will issue draft technical guidance note to the trade at the earliest opportunity and will publish the formal technical guidance note upon enactment of the Amendment Regulation.

Health and nutrition claims relating to formula products and prepackaged food for infants and young children under the age of 36 months, and the Hong Kong Code of Marketing and Quality of Formula Milk and Related Products, and Food Products for Infants and Young Children (the HK Code)

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<sup>1</sup> Complementary feeding is normally introduced at 6 months of age.

6. At the meeting, some deputations called on the Government to introduce legislation to regulate the captioned health and nutrition claims and to implement the HK Code expeditiously. As there is currently still a lack of international consensus on the regulation of health and nutrition claims relating to the relevant products, and in view of the complexity and controversies concerning the issue, we are studying the local and international situations with a view to consulting the public on the regulation of health and nutrition claims relating to the relevant products by end 2014.

7. Regarding implementation of the HK Code, we briefed the Legislative Council (LegCo) Panel on Health Services at its meeting of 21 July 2014 on the results of the public consultation and the way forward for the draft HK Code. Since the scrutiny of the Amendment Regulation by the LegCo is underway, the Administration will need to refine the draft HK Code and delete its coverage of nutrition labelling and nutritional composition such that it would not overlap with the concerned legislation.

#### Promotion of breastfeeding

8. Some deputations pointed out at the meeting that public facilities supporting breastfeeding are inadequate, thus causing inconvenience to breastfeeding mothers. In this connection, we have set up a Committee on Promotion of Breastfeeding comprising members from different sectors, to provide professional advice on aspects such as improving public facilities, strengthening public education, enhancing support from hospitals and clinics for breastfeeding, and the implementation of the HK Code. The Government hopes to take the lead in encouraging its staff to breastfeed in the workplace by providing support facilities, and will cooperate with other organisations to protect, support and promote breastfeeding.

Yours sincerely,



( Jeff LEUNG )

for Secretary for Food and Health