



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

Our ref. : FHB/F/5/1/22/2
Your ref. :

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Clerk to Panel on Food Safety and Environmental Hygiene
Legislative Council
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Attn.: Mr Richard WONG)
(Fax: 2509 9055)

Dear Mr WONG,

**Legislative Council Panel on Food Safety and Environmental Hygiene
Implementation of the Nutrition Labelling Scheme**

When the Legislative Council Panel on Food Safety and Environmental Hygiene discussed the captioned matter in its meeting held on 13 May 2014, Members requested the Administration to provide supplementary information. Our reply is set out below.

A breakdown (by type of action) of the law enforcement actions taken by the Administration against the 399 non-compliant cases found between 1 July 2010 and 4 April 2014

2. In respect of the 399 cases, when the cases were found not complying with the Nutrition Labelling Scheme (“the Scheme”), the Centre for Food Safety (“CFS”) issued letters to the food traders concerned in accordance with the internal enforcement guidelines. The food traders were required, within a specified period, to comply with the requirements or

provide an explanation¹. Of the 399 cases, the food traders of 215 cases rectified the nutrition labels according to the requirements of the Scheme within the specified periods, while the products concerned in 169 cases were withdrawn from the shelf within the specified periods and were no longer found on sale in the market. The remaining 15 cases were being followed up by CFS at the time when we were preparing this reply as the respective periods allowed for compliance had not yet expired.

In respect of the 198 non-compliant cases which were found by chemical analysis to have discrepancy between the nutrient contents and the claims made on the nutrition labels, whether and how many of them had been laboratory tested before traders affixed nutrition labels on the prepackaged food

3. To facilitate the trade in preparing accurate nutrition labels, CFS has issued guidelines and provided a list of accredited laboratories for traders' reference. Besides, according to the current practice, if discrepancy between the actual nutrient content based on test results and the stated value on the nutrition label is detected, CFS will issue a letter to the food trader concerned, requiring an explanation within the explanation period. If the explanation is not accepted by CFS and the food concerned is still found on sale, a warning letter will then be issued requiring the trader concerned to take actions to comply with the requirements of the Scheme within a specified period. In case the food item with detected discrepancy remains on sale after the said period, CFS will initiate prosecution.

4. Of the 399 non-compliant cases mentioned above, 198 were cases in which discrepancy between the nutrient content and the information declared on the label was identified through chemical analysis. The food traders of 36 of these 198 cases furnished CFS with laboratory reports in respect of the tests on the relevant nutrient contents upon receipt of letters from CFS. For the remaining cases, the traders concerned did not submit such information. They had either rectified the labels or withdrawn the non-compliant products from the shelf within the specified periods.

¹ According to the current practice of CFS, except in cases involving discrepancy between the actual nutrient content and that declared on the label (please refer to paragraph 3 of this letter for details), a warning letter will be issued immediately to the food trader found not complying with the requirements of the Scheme, requiring compliance within a specified period.

As there was presently no specific legibility requirement in the Food and Drugs (Composition and Labelling) (Amendment: Requirements for Nutrition Labelling and Nutrition Claim) Regulation 2008 (“the Amendment Regulation”), whether and when the Administration would review the Amendment Regulation in this respect; and whether the Administration would introduce relevant legislative amendments to regulate the legibility of nutrition labels

5. We have consulted the Department of Justice. Under the existing Food and Drugs (Composition and Labelling) Regulations (Cap. 132W) (“the Regulations”), all prepackaged food shall be legibly labelled unless otherwise exempted. Failure to provide legible labels in accordance with the statutory requirements is an offence for which the maximum penalty is a fine of \$50,000 and imprisonment for 6 months. According to the advice of the Department of Justice, in enforcing the relevant provisions of the Regulations, the department concerned should apply the general rule of statutory interpretation and the word “legible” must be construed in its ordinary and natural meaning, i.e. clear enough to read. Hence, we consider that the existing provisions are sufficient for the department concerned to take effective enforcement action.

6. As mentioned above, according to the current practice, upon detection of non-compliance with the requirements of the Scheme in prepackaged food, including the failure to provide legible nutrition labels, CFS will issue a warning letter to the food trader concerned requiring compliance within a specified period. If the food trader fails to comply with the statutory requirements within that period, CFS will initiate prosecutions.


7. The Scheme under the Regulations has come into full operation for nearly four years, the trade should be very familiar with and capable of strictly abiding by the requirements stipulated in the relevant provisions. Besides, CFS also issued the “Trade Guidelines on Preparation of Legible Food Label” in May 2012 to assist the trade in providing clear and legible information on the food labels. In view of this, CFS has decided to tighten up its enforcement by doing away with the aforementioned explanation period, as well as the practice of issuing warning letters and allowing time for rectifying any irregularities. If CFS identifies any non-compliance with the requirements, including failure to provide labels meeting the legibility requirement, CFS will initiate prosecutions immediately without allowing

any time for compliance. The new practice will come into effect as soon as possible after CFS has notified the trade.

8. CFS will continue to adopt a risk-based enforcement approach in order to strengthen enforcement against non-compliance.

9. CFS will also keep in view how traders comply with the requirements of the Scheme and will report to the Panel accordingly.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Jeff Leung', with a long, sweeping flourish extending to the right.

(Jeff LEUNG)

for Secretary for Food and Health

c.c. Food and Environmental Hygiene Department
(Attn.: Mr WONG Tun-ming, Donald) (Fax: 2530 1368)