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Panel on Food Safety and Environmental Hygiene

Background brief prepared by the Legislative Council Secretariat for the meeting on 11 July 2017

Labelling system for genetically modified food and proposed introduction of pre-market safety assessment scheme

Purpose

This paper provides background information on the Administration's proposal to introduce a pre-market safety assessment scheme ("PMSAS") for genetically modified ("GM") food in Hong Kong, and summarizes major views and concerns of members of the Panel on Food Safety and Environmental Hygiene ("the Panel") on the subject.

Background

2. GM food is any food or food ingredient that is, or is derived from, an organism in which the genetic material has been modified using modern biotechnology. According to the World Health Organization, GM foods currently traded on the international market are not likely, nor have been shown, to present risks for human health. However, there have been studies highlighting the uncertainty involved in the long-term effect of GM food on human health and the environment.

Voluntary labelling of genetically modified food

3. Following a public consultation exercise on GM food labelling and a regulatory impact assessment conducted respectively in 2001 and 2002, the Administration considered that, in the circumstances then prevailing, encouraging the trade to adopt a voluntary labelling system would be a practical

alternative to a mandatory labelling system. Subsequently, the Centre for Food Safety ("CFS") issued in July 2006 the "Guidelines on Voluntary Labelling of Genetically Modified Food" ("the Guidelines") which set out the principles underlying the recommended labelling approaches for GM food and provided reference for the trade to make truthful and informative labels for consumers. In brief, the Guidelines recommend the trade:

(a) to label food items with 5% or more GM materials in their food ingredients as "genetically modified" (positive labels);

(b) to provide additional information on the label if the GM food concerned has undergone significant modifications in specific aspect (e.g. animal gene introduced into food of plant origin);

(c) to avoid the use of negative labels in absolute terms (e.g. "GM free"); and

(d) to use other forms of negative labels only when the declaration is substantiated by documentation.

4. The Guidelines are advisory in nature. Members of the trade are encouraged to adopt the Guidelines on a voluntary basis. In 2008, CFS evaluated the effectiveness of adopting voluntary GM food labelling. The findings revealed that there was no pressing need for mandatory labelling, as measured by the level of GM materials used in the food samples collected for testing. As there was no major development in the international arena on GM food labelling standards and the new legislation on nutrition labelling had been introduced in Hong Kong and was set to commence with effect from July 2010, the Administration considered it prudent to continue its efforts in promoting voluntary labelling for GM food before considering any further changes.

5. In 2011, after years of debate among relevant regulatory bodies in the international community, the Codex Alimentarius Commission ("Codex") came to a view that governments were free to decide whether to label foods derived from modern biotechnology, including foods containing GM organisms. However, labelling, if pursued, should be carried out in conformity with the texts approved by Codex to avoid potential trade issues.

Proposed introduction of the pre-market safety assessment scheme

6. In 2013, the Administration proposed to introduce a mandatory PMSAS underpinned by law, with a view to enhancing the food safety control over GM foods and providing the legal basis for preventing unauthorized GM products from entering the local market. Under the proposed PMSAS, GM food which consists of, or is derived from GM microorganisms, plants and animals, must pass a safety assessment before it may be sold in Hong Kong. A GM food developer who intends to place a GM food on the local market would be required to submit an application together with the necessary supporting documentation to CFS for evaluation. CFS will determine whether the GM food developer has adequately addressed the safety issues based on Codex principles and guidelines. The proposed assessment procedures are as follows:

(a) for GM food that has already been approved for food use by other food safety regulatory authorities, the applicants (i.e. GM food developers or biotechnology companies) would be required to submit approval certificates from other food safety regulatory authorities (including the country of origin of the GM food concerned), if any, and the detailed findings of their evaluation. CFS would evaluate the application by making reference to the approach and principles adopted by Codex and the safety assessment conducted by the relevant regulatory authorities; and

(b) for GM plants/animals/microorganisms that have not been approved for food use by other food safety authorities, CFS will need to conduct a complete assessment of the safety of the GM organisms and go through detailed evaluation (including the transgenic information) in accordance with the Codex principles.

7. According to the Administration, suitable transitional arrangements will be devised for GM foods that are already available on the market at the time when PMSAS comes into operation. During the course of CFS' evaluation of the applications for safety assessment, the GM food concerned can continue to be put on sale in Hong Kong.

Members' views and concerns

8. Members' major views and concerns on GM food labelling are summarized below.

Implementation of a mandatory GM food labelling system

9. There were repeated calls from some members that the Administration should put in place a mandatory GM food labelling system. In these members' view, it was important to enable consumers to make informed food choices and a mandatory GM food labelling system was essential for the effective regulation of GM food. The absence of internationally agreed standards should not be used as an excuse for not implementing such a system in Hong Kong. They urged the Administration to devise a mandatory GM food labelling system as soon as possible and provide a concrete timetable for its implementation.

10. The Administration advised that other than the lack of international consensus on GM food labelling standards, the labelling requirements for GM food varied to a great extent among different countries and places (be they mandatory or voluntary in nature). Given that Hong Kong relied predominantly on imported food, if a mandatory labelling scheme was to be implemented, it would be costly and difficult for the food trade to come up with labels for all GM ingredients in respect of GM foods coming from all over the world in order to comply with Hong Kong's labelling requirements. There would also be impact on food choices to members of the public as well as the food trade.

11. The Administration further advised that it was primarily concerned with public health and food safety. The legislative framework for regulating food safety in Hong Kong was laid down in the Public Health and Municipal Service Ordinance (Cap. 132). Section 54 of the Ordinance stipulated that all food for sale must be fit for human consumption, applicable both to GM and conventional food. In deciding on a policy relating to food labelling, the Administration had to strike a balance between the interests of the public and the trade so as to minimize impact on food costs and food choices. Although a mandatory GM food labelling system could address consumers' demand for more product information and facilitate the making of informed food choices, the Administration did not consider it opportune to introduce a mandatory labelling scheme having regard to the prevailing circumstances.

Proposed introduction of PMSAS

12. Some members were supportive of the proposed introduction of a mandatory PMSAS underpinned by law to further enhance the system for regulating food safety in Hong Kong. Noting that the Administration planned to launch a public consultation exercise on the subject, these members urged the Administration to expeditiously conduct the consultation. Information was also sought on principles to be adopted for the proposed food safety assessments under PMSAS.

13. According to the Administration, the food safety assessments under PMSAS would adopt the criteria laid down by Codex to examine whether the alteration in GM food would have affected the nutrients in food, toxicity, as well as the existence of allergen. For GM plants/animals/microorganisms that had not been approved for food use by other food safety authorities, applicants would be required to provide their own results of laboratory tests.

14. In response to enquiries about the relationship between mandatory GM food labelling and PMSAS and how the food safety assessments under PMSAS could facilitate the future development of a mandatory labelling system, the Administration advised that the proposed PMSAS was essential for the introduction of a mandatory GM food labelling requirement as it provided a legal basis for preventing unauthorized GM food products from entering the local market. Under PMSAS, the Administration would be able to identify the types of GM food, and build up the capacity for taking actions on GM foods that were labelled as being free of GM content. All these would facilitate the enforcement of a mandatory GM food labelling system in the future.

15. Concern was raised about the transitional arrangements for GM foods which were already available on the market at the time when PMSAS came into operation. Some members expressed dissatisfaction that the Administration adopted double standards for GM food that had been approved for food use by other food safety regulatory authorities and those without such approval, as only the former would be allowed for sale before obtaining the official approval from the Administration.

16. The Administration advised that PMSAS primarily sought to assess the safety of GM food before it was introduced to the market. While the proposal under discussion allowed GM food that was already available on the market before PMSAS came into operation to continue its sale on the market upon

submission of relevant approval certificates to CFS, the GM food concerned was still required to go through the mandatory safety assessment in accordance with the principles laid down by Codex.

Recent development

17. The Administration will brief members on the way forward for the labelling of GM food at the Panel meeting on 11 July 2017.

Relevant papers

18. A list of relevant papers on the Legislative Council website is in the **Appendix**.

Council Business Division 2
Legislative Council Secretariat
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Appendix

Relevant papers on labelling system for genetically modified food and proposed introduction of pre-market safety assessment scheme

Committee	Date of meeting	Paper
Panel on Food Safety and Environmental Hygiene	13.6.2006 (Item VI)	Agenda Minutes
	8.7.2008 (Item III)	Agenda Minutes
	12.3.2013 (Item V)	Agenda Minutes

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