

**For discussion
on 14 June 2005**

LegCo Panel on Food Safety and Environmental Hygiene

**Response to Views Expressed on the
Proposed Labelling Scheme on Nutrition Information**

PURPOSE

This paper updates members on the Administration's response to the issues raised by Members and deputation representatives on the labelling scheme on nutrition information at the meetings held on 15 April and 10 May 2005 respectively.

ISSUES RAISED

Implementing the Labelling Scheme on Nutrition Information

2. To promote public health, the Government has proposed to introduce a Labelling Scheme on Nutrition Information for prepackaged food. Around the world, more and more countries/areas have implemented labelling schemes on nutrition information. At present, more than 40 countries or areas have implemented labelling schemes on nutrition information in various forms. Hong Kong is lagging behind the global trend in this regard.

3. The Guidelines on Nutrition Labelling of Codex Alimentarius Commission (Codex) requires that, as a basic requirement, the nutrition label should include declaration of energy, protein, carbohydrate and fat. In addition, the countries or areas may require the labelling of any other nutrients considered to be relevant for maintaining a good nutritional status in the local population. There are views that Hong Kong should not implement its own "unique" labelling scheme on nutrition information. However, in practice, different countries or areas all develop, with reference to the Codex Guidelines, their own labelling schemes on nutrition information that meet their own public health needs.

4. Our proposed labelling scheme on nutrition information is developed with reference to the internationally accepted standard, i.e. the

Guidelines on Nutrition Labelling of Codex and relevant schemes of other areas as well as local public health situation. A labelling scheme on nutrition information tailor-made for Hong Kong will provide consumers with the necessary information to facilitate them to choose food based on their needs and health condition.

Fully Accepting the Nutrition Labelling Requirements of Source Countries

5. There are suggestions that Hong Kong is not comparable with the United States, Canada or Australia/New Zealand, which have large scale local food production industries. They suggested that Hong Kong, being a small market, should adopt the “practical lowest common denominator” of the labelling programmes prevailing in the international arena. There are also views that we should accept the nutrition labels of the source countries without requiring their products to be re-labelled.

6. Food manufacturers or importers are required to label their food in compliance with the labelling legislation of the importing areas. This is both an international practice as well as the requirement of our current food labeling regulations. We cannot accept nutrition labels from all source countries. The existing nutrition labels of food for sale in Hong Kong, which vary in contents, expression method and formats, have caused confusion to consumers and make it difficult for them to compare nutrient contents among different products. Besides, some nutrient information on the labels fails to meet the need of consumers, while some are even misleading. Clearly, it would not be adequate to solely rely on market force to prompt food manufacturers to provide nutrition information. There is a genuine need to develop our own labelling scheme on nutrition information that fits our needs. To enact legislation to adopt or accept overseas nutrition information standards would give rise to enforcement difficulties, such as local enforcement authorities would have to interpret and enforce the laws of other jurisdictions. It would also be extremely difficult to collate evidence to institute prosecution actions against those who breach the requirements.

7. There are views that prepackaged food only makes up a small part of our diet and the Government should not just regulate the nutrition labels of prepackaged foods to promote public health. While much work is needed to improve the eating habits of the public, implementing the labelling scheme on nutrition information is an important step forward in this area.

Implementation Timetable

8. The proposed labelling scheme on nutrition information will be implemented in two phases to provide the trade, in particular the Small and Medium-sized Enterprises (SMEs), with sufficient time to cope with the changes brought about by the scheme. There will be a grace period of two years after the enactment of the legislation before Phase I is implemented. Phase II will then be implemented two years after Phase I has been implemented. In other words, before the implementation of Phase II, the trade will have a grace period of four years after legislative enactment. Views expressed by Members and deputations on this issue are divided. There are suggestions that the labelling scheme on nutrition information should be implemented as soon as possible, say, in one go (instead of in phases). As for the grace period, there are suggestions that the grace period should be extended for the trade to adapt to the changes and allow them to clear their inventory of food items with longer shelf life. However, others point out that most food items have a durability of two to three years and should have been sold before the grace period ends. As such, the grace period should be shortened to three years. If there is general support from the community to implement the labelling scheme on nutrition information in one go, we have no objection to implement the full scheme in one sweep. However, the implementation timetable must be reasonable and practicable.

9. Hong Kong is already lagging behind some 40 countries or areas, including both developed and developing countries, in the implementation of labelling schemes on nutrition information. We should work to catch up with the global trend. Moreover, given the strong demand from the community for a labelling scheme on nutrition information, further deferral of its implementation would hardly be defensible in the eyes of the public.

10. There are views that Hong Kong should delay implementing the labelling scheme on nutrition information until the Mainland has implemented a similar scheme or after the European Union (EU) has required all prepackaged food to be labelled with nutrition information. As the development of food laws vary in different places, we should not link ours with that of other jurisdictions. When updating our regulations, we would, however, make reference to international standards as well as the development of our major trading partners, including the Mainland. A point to note is that the nutrition labelling requirement of the EU is not

truly “voluntary” in the sense that prepackaged food with nutrient-related claims cannot be sold in the EU unless they are labeled with relevant nutrition information.

11. There are also views that the pace of implementing the labelling scheme on nutrition information in Hong Kong is too hasty as compared with the United States, which has taken a long time to develop its own labelling scheme on nutrition information. We would like to point out again that Hong Kong is lagging behind the international trend in this respect. In any case, the experience of other areas in implementing nutrition labelling can help us implement our scheme at a quicker pace. Under our proposal, there is a grace period of four years between the enactment of the relevant legislation and the full implementation of the scheme, and the trade would have ample time to prepare for the changes. In considering the length of the grace period, we have fully taken the practical needs of the trade into consideration.

12. There are views that Phase II should be implemented only after a review of the implementation of Phase I is conducted and that the development of the labelling schemes on nutrition information in other countries or areas should also be taken into account. As discussed, each country or place has its own health needs, we should not tie our timetable for implementing the labelling scheme on nutrition information with that of other areas. In addition, a clear implementation timetable will facilitate the trade to prepare its future plans.

Labelling Requirements

13. Members and deputations also have different views on the nutrients to be labelled. Some considered that the labelling of energy plus carbohydrates, protein and fat would be sufficient while others suggested that energy plus five core nutrients should be labelled. Some even suggested that more than nine core nutrients should be labelled.

14. Under Phase I of our proposed labelling scheme on nutrition information, we propose to regulate the labelling of energy and the three basic core nutrients as recommended by Codex, as well as saturated fat and sodium. The latter two nutrients are included because they are closely associated with cardiovascular diseases and are also the most common nutrients required to be labelled other than the four basic core nutrients required by Codex. We propose to add cholesterol, sugars, dietary fibre and calcium to the list in Phase II. If there are claims on

any other nutrients, information of those nutrients should also be declared. We will monitor the local health and disease situation closely before considering whether additional core nutrients should be regulated.

15. For instance, there are suggestions that iodine, potassium and transfat should also be regulated. We understand that most food composition databases do not contain information on transfat. At present, most countries do not require the labelling of transfat. Therefore, we do not intend to require the mandatory labelling of transfat at this stage. However, we will keep a close watch on the international development in this regard. As for iodine and potassium, we understand that no overseas jurisdictions have included them in their labeling requirements either under their relevant regulations or guidelines. In view of the vast array of nutrients closely associated with human health, it is a balancing act in deciding the number of core nutrients to be labelled compulsorily. In the process of selection, we have taken the following factors into consideration: (1) local public health problems; (2) impact on the food trade, as the more nutrients to be labelled, the greater the impact; and (3) the acceptance and knowledge level of the local population. We do not consider it appropriate to include water-soluble fibre and potassium in our scheme at this stage.

16. According to the Regulatory Impact Assessment (RIA), the Net Present Value (NPV) of the net benefits of the original option (in 20 years) of labelling energy plus 9 core nutrients is \$9.06 billion (the NPV of benefits is \$11.08 billion and the NPV of total economic costs is \$2.01 billion). The NPV of the net benefits of the option of labelling energy plus 7 core nutrients will decrease by \$3.55 billion to \$5.52 billion (Whilst NPV of the total economic cost will only decrease by \$70 million, the NPV of benefits for the whole society will be reduced by \$3.62 billion). We would like to reiterate that the NPV of benefits include the benefits from the avoidance of premature deaths, reduced lost productivity due to sickness and health care costs. In the interests of the whole society and for the promotion of public health in the long run, we propose to implement a labelling scheme on nutrition information that will ultimately require the labelling of energy plus 9 core nutrients. As the benefits of improved diets take a long time to materialize, the RIA has adopted 20 years as the timeframe in the analysis.

17. The RIA also shows that the implementation of the latest proposal will create a net benefit (NPV) of \$8.57 billion in 20 years.

The trade cost (NPV) is estimated to be \$1.69 billion, while the estimated total economic cost is about \$1.94 billion (NPV). It is estimated that trade cost of about \$38 million would be incurred during the first year of implementing Phase I and an additional trade cost of about \$202 million would be incurred in the first year of implementing Phase II.

Impact of the Proposed Scheme

18. Members and deputation representatives generally agree that the implementation of a labelling scheme on nutrition information will benefit the consumers as they will be provided with information to choose the food according to their needs and health condition. However, some point out that consumers may not be aware that the implementation of the scheme may entail rises in food price and reduction of food choices. The RIA estimated that even if all the increased trade cost is shifted onto consumers, the costs added should not exceed \$1 for every \$100 spent on prepackaged food. In the worst scenario, 5% to 10% of food products currently available in Hong Kong would be withdrawn from our market. We have made it clear in the public consultation document issued in November 2003 that the price of prepackaged food might rise due to repackaging or testing after the implementation of the labelling scheme on nutrition information. In addition, the consultation document also stated that some food products that did not conform to our labelling requirements might be withdrawn from the Hong Kong market. We also pointed out the implication of price increase and choice reduction at the public forums. While the community understood that it might need to pay a price for implementing the labelling scheme on nutrition information, it was prepared to pay the additional cost, and generally supported the introduction of the scheme in Hong Kong. Some even urged the Government to implement the scheme as soon as possible. Amongst the written submissions we received, a majority of the respondents, about 74%, supported the scheme. Most of the views expressed at the 15 District Councils we visited also supported the implementation of the labelling scheme on nutrition information in Hong Kong. Overseas experience also indicates that whenever certain food items are withdrawn from the market, healthier new food products would enter the market to fill the gap.

19. According to the RIA, up to 191 SMEs involved in the import and retail of low volume products (including niche food products) might be affected under the worst scenario. We would like to point out that the labelling scheme on nutrition information is just an extension of the

existing labelling regulations. At present, niche food products for sale in Hong Kong also need to comply with the labelling requirements as required under the law of Hong Kong. Evidently, the argument that nutrition labelling requirements will drive niche products out of the market is misplaced. To give the trade ample time to adapt to the changes, we have already provided a relatively long grace period in the revised proposal. We will also add an exemption list to exclude from the scheme certain prepackaged food that may have practical difficulties in complying with the proposed nutrition labelling requirements. In addition, the Food and Environmental Hygiene Department (FEHD) will draw up guidelines and organize workshops to help the trade comply with the labelling requirements. We hope that these measures will provide the SMEs with the time and technical support to prepare for the changes.

Regulatory Impact Assessment (RIA)

20. Some challenged that the RIA has overestimated the benefits, underestimated the costs and overlooked the impact of the labelling scheme on niche products. We must point out that the RIA adopted an internationally accepted methodology and the analysis was conducted on the basis of reasonable assumptions. The overall approach in assessing the overall benefits was inclined to be conservative than otherwise. The RIA has neither underestimated the impact of the scheme on the trade nor overestimated the benefits to the community.

21. Some questioned the effectiveness of the labelling schemes on nutrition information in other countries, like the United States. According to reports of World Health Organization, many countries that have implemented labelling schemes on nutrition information have recorded positive results.

22. Some representatives enquired about the reasons behind the substantial differences in the benefits under the various options to label different number of core nutrients. The RIA showed that the benefits gained from labelling energy plus 3 nutrients could not offset the associated costs in 20 years' time. This is partly due to the fact that, as identified through the market survey, nearly 50 percent of current prepackaged foods with nutrient information already included information on energy plus 3 core nutrients on their labels. Thus, the additional information provided to consumers, and hence benefits available, is limited and cannot offset the compliance costs for adopting this option. We have already submitted a full set of the RIA report to the Secretariat of the Legislative Council. Any person interested may refer

to the details of the RIA report.

Nutrient Testing

23. There is also concern about the capacity of the laboratories in Hong Kong to cope with the heavy workload of laboratory testing and the level of fees they may charge. There are at least six laboratories in Hong Kong that can provide nutrient testing services for the public. FEHD has already started to hold technical meetings with representatives of these laboratories to discuss the details of nutrient testing. We understand that the cost of testing energy plus 9 core nutrients ranges between some \$4,000 and \$8,000.

24. The trade also enquired whether the results of tests conducted in the laboratories in other countries or areas would be accepted. There were also enquiries as to whether nutrient information obtained indirectly was acceptable. The results would be acceptable provided that the relevant testing methods are in line with international standards. We do not intend to designate specified locations or laboratories for conducting nutrient tests. The proposed scheme also does not require that the nutrient information must be obtained from testing. Currently, it is a common practice to calculate the nutrient information on the basis of the data provided in food composition databases. In this regard, the Administration will issue testing guidelines as reference for the trade in future.

Enforcement and Monitoring the Results

25. FEHD will include the inspection work of labels for nutrition information in its food surveillance programme. The staff of FEHD will conduct regular inspections, as well as random sampling when needed, on the contents of labels. FEHD will take follow-up actions based on the results of inspection and testing, including issuing verbal or written warnings to offenders or even to institute prosecution. Any person who sells food that is not in compliance with the food labelling regulations is liable for a maximum fine of \$50,000 and imprisonment of six months. FEHD will also conduct surveys to study the effects of the labelling scheme on nutrition information.

26. Some trade representatives requested for the inclusion of specific defense for breaching nutrition labelling requirements. We would like to emphasise that the current defences available under the Public Health and Municipal Services Ordinance have already provided adequate and

appropriate protection for the local trade. The labelling of nutrition information is entirely different from the labelling of allergenic substances. While allergenic substances may be introduced to the food inadvertently during the manufacturing process, manufacturers should know the ingredients present in their products and thus, their nutrient contents. Therefore, we will not introduce a specific defence for the labelling scheme on nutrition information.

Public Education

27. Many people have urged the Government to enhance public education to ensure that the public can fully reap the benefits of the labelling scheme on nutrition information. There are also views that the public may not know how to use the nutrition information. The Administration has already launched a public education programme for the scheme. Education materials are distributed via a multitude of channels, including the homepage of FEHD, publication issued by FEHD, such as the Food Safety Bulletins and pamphlets, education television and other media programmes. A special task force comprising representatives from various professional organizations and Government Departments has also been set up to coordinate public education and promotion activities on nutrition labelling and nutrients. The task force will also assist professional and non-governmental organizations to organize related education activities for the public. We plan to launch a full-ranged education programme shortly. However, without a complementary labelling scheme on nutrition information, public education alone cannot achieve the desired effect. How can the public choose amongst different products when there is no clear nutrition information on the food packages? Hence, the assertion that there is no need for the Government to legislate for nutrition labelling is not defensible. By the same token, if the labelling scheme on nutrition information only applies to certain types of prepackaged food (e.g. those with nutrition claims), it would greatly reduce the benefits of the scheme.

The Proposed Labelling Scheme on Nutrition Information in the Mainland

28. The Ministry of Health issued a consultation document on the “Regulation of Nutrition Labels for Food” (《食品營養標籤管理辦法》) in October 2004. It proposed to regulate the labelling of energy plus protein, total fat, cholesterol, total carbohydrate, sugars, sodium and

calcium in prepackaged food. We understand that the Ministry of Health will map out its way forward after considering the views received.

Other Views

29. Our response to the other views expressed by the trade and other representatives are summarized below: -

Nutrient claims must be supported with scientifically sound evidence

- All food with nutrient claims must comply with the relevant Guidelines of Codex.

Labelling of nutrient content

- Under our proposal, the nutrition label should adopt a particular way for expressing nutrient content (the basic format is to express in absolute amount in kilocalories/metric unit per 100g (or per 100 ml) of food. If the package contains only a single portion, energy/nutrients may be expressed in absolute amount in kilocalories/metric unit per package). In addition, the nutrition labels should be displayed at a visible location on the package and the information should be presented in a tabulated format. As for the other requirements of the labelling format, such as the order of information to be displayed and font size, the Administration will consult the trade at the technical meetings before finalizing the details. At present, there is no plan to regulate the format of the labels except the method of expressing the nutrient contents.

Language on the Label

- The proposed labelling scheme on nutrition information will form part of the existing Foods and Drugs (Composition and Labelling) Regulations. Unless otherwise specified (e.g. if both English and Chinese are used in the labelling or marking of prepackaged food, the name of the food and the list of ingredients should appear in both languages), labelling in either English or Chinese (simplified or traditional) or both is allowed.

Setting up Nutrient Reference Values (NRVs) with the Mainland

- We have established an ad-hoc expert group on NRVs. Members are drawn from professionals with expertise in the area of nutrition and medicine, representatives from universities, Hospital Authority and Department of Health. The panel has conducted an initial discussion on the principles of deriving the local NRVs. The expert group will also work with the experts of the Mainland on the

development of local NRVs applicable to the whole country to facilitate the public to understand the information contained in nutrition labels.

Regulation of Labelling of Foods for Infants, Follow-up Formulae / Food for People with Special Dietary Needs

- As the dietary requirements of particular groups of people, such as infants, children and those with special dietary needs are different from ordinary people, Codex has developed different labelling guidelines and standards for them. The issue is not covered in this legislative exercise as a matter of priority. We will review whether it is necessary to introduce nutrition labelling requirements covering these products in the future. Food for people with special dietary needs (special dietary uses) are those foods which are specially processed or formulated to satisfy particular dietary requirements because of a particular physical or physiological condition and/or specific diseases and disorders and which are presented as such. The composition of these foodstuffs differs significantly from the composition of ordinary foods of comparable nature.

Changes in Labelling Requirements

- The Government will continue to consult the trade on the necessary changes on labelling requirements of prepackaged food.

Summary of Our Response

30. The summary of our response to issues raised by deputations at the meeting on 10 May 2005 is attached at Annex.

WAY FORWARD

31. We will continue to discuss implementation issues, such as the development of testing methods for nutrients (including tolerance limits), the exemption list and local NRVs, with the trade and professional sectors. We have commenced drafting the legislation. Our aim is to present the amendment regulation to the Legislative Council in 2006.

ADVICE SOUGHT

32. Members are invited to comment on the response outlined above, and, in particular, the implementation timeframe mentioned in paragraph 8.

**Health, Welfare and Food Bureau
Food and Environmental Hygiene Department
June 2005**

Panel on Food Safety and Environmental Hygiene

**Views and suggestions expressed/made by deputations
on the proposed labelling scheme on food nutrition
at the meeting on 10 May 2005**

Organisations (LC Paper No. of submission if applicable)	Views and/ or suggestions	Administration's response
I Implementation timetable		
Consumer Council [CB(2)1507/04-05(01)]	It supported early implementation of nutrition labelling, and should not be later than 2008 (Phase I) and 2010 (Phase II) respectively as proposed by the Administration. The two-year grace period for implementing each Phase should be sufficient for the trade to make necessary adjustments to meet the labelling requirements.	Noted
Hong Kong Retail Management Association [CB(2) 1513/04-05(01)]	It considered that Hong Kong should not move ahead of the European Union and the Mainland in implementing labelling requirements where nutrition labelling was not mandatory. It requested that the implementation plan should be developed jointly	Hong Kong is lagging behind many countries of the world in terms of nutrition labelling. After closely examining the local public health conditions, as well as taking into consideration the principles of the Codex guidelines and the developments overseas, our proposed labelling scheme on nutrition information would safeguard public health through promoting healthy eating.

Organisations (LC Paper No. of submission if applicable)	Views and/ or suggestions	Administration's response
	with the retail and wholesale trades. Issues relating to the format, location and wording to be used on the labels, testing protocols, provision of defence clause to retailers, ongoing measurement of positive and negative consequences, future labelling requirement changes, etc. should be resolved before the proposed scheme was implemented.	We will continue our discussion with the trade on various implementation details at technical meetings.
Federation of Hong Kong Industries [CB(2) 1507/04-05(02)]	It considered that the shortest possible time for implementing the proposal should be five years (i.e. a two-year grace period before the implementation of Phase I, and Phase II would be implemented three years after the implementation of Phase I).	For products without nutrient-related claims, there will be a four-year grace period from the enactment of the regulation.
Hong Kong Suppliers Association Limited [CB(2) 1465/04-05(04)]	Phase II should be implemented at least five years after the implementation of Phase I.	For products without nutrient-related claims, there will be a four-year grace period from the enactment of the regulation.
The Hong Kong Food Council Limited [CB(2) 1507/04-05(03)]	The Administration should review whether Phase II should be implemented one year after the implementation of Phase I. Nutrition labelling for all prepackaged foods should be implemented on a voluntary basis.	Implementing mandatory nutrition labelling for all prepackaged foods will promote public health in the long run. A clear and definite timeframe on implementing the scheme will facilitate the trade in planning for the changes. Implementing Phase I only (i.e., mandatory nutrition labelling for prepackaged foods with claims only) will grossly limit the potential benefits of the scheme.

Organisations (LC Paper No. of submission if applicable)	Views and/ or suggestions	Administration's response
Hong Kong Federation of Restaurants and Related Trades [CB(2) 1456/04-05(02)]	One-step approach should be adopted. A longer grace period should be allowed for the industry to make necessary preparation.	If there is general support from the community that the scheme should be implemented by a one-step approach, we would have no objection to implement the scheme in one go.
Hong Kong and Kowloon Sauce and Preserved Fruits Amalgamated Employers Association	<p>It agreed that nutrition labelling would have positive impact on the food industry in the long term, but voluntary nutrition labelling should be implemented.</p> <p>The implementation date for Phase I and Phase II should not be applied across the board for all food products, as some niche and low volume products would take longer time to clear their existing stock.</p>	<p>Voluntary nutrition labelling will grossly limit the potential benefits of the scheme. At present, only about half of the prepackaged food products voluntarily provide nutrition information on their packages. However, they do so in various formats.</p> <p>Allowing different grace periods for different products will create significant enforcement problems and may cause confusion to the public and the trade.</p>
Hong Kong Medical Council	It supported the proposed labelling scheme which would help consumers make informed choices on food. While it supported the introduction of the labelling requirements in phases to allow time for the industry to make adjustments to the proposed requirements, the proposed grace period for implementing Phase I and Phase II was longer than necessary. The Administration should expedite the implementation timetable.	To allow sufficient time for the trade to prepare for the changes and for the laboratories to acquire the necessary equipment and technique, a two-year grace period is provided before implementing Phase I. As the number of food products affected will increase markedly during the transition

Organisations (LC Paper No. of submission if applicable)	Views and/ or suggestions	Administration's response
		from Phase I to Phase II, an additional grace period is provided for the trade, in particular the Small and Medium Enterprises (SMEs), to prepare for the changes.
Hong Kong Doctors Union [CB(2) 1456/04-05(03)]	<p>It supported the proposal as it would help people to better understand the nutritional value of products with nutrition claims.</p> <p>It considered that the grace period for full implementation of mandatory labelling should be shortened to three years.</p>	<p>Noted.</p> <p>If there is general support from the community that the scheme should be implemented by a one-step approach, we would have no objection to implement the scheme in one go. Nevertheless, the implementation timetable should be reasonable and practicable.</p>
Association of Hong Kong Nursing Staff [CB(2) 1456/04-05(04)]	It strongly opposed implementing the proposal in phases, as nutrition labelling was an important tool of disease prevention and health promotion. It strongly urged that a one-step approach for mandating labelling of energy plus nine core nutrients for all prepacked foods, with a grace period of three years, should be implemented as soon as possible.	Implementing mandatory nutrition labelling by phases is in line with international practices. Providing the trade with ample time to fulfill the new labelling requirements will also minimize the financial impact on them. If there is general support from the community that the scheme should be implemented by a one-step approach, we would have no objection to implement the scheme in one go.

Organisations (LC Paper No. of submission if applicable)	Views and/ or suggestions	Administration's response
		Nevertheless, the implementation timetable should be reasonable and practicable.
Care For Your Heart [CB(2) 1456/04-05(05)]	<p>It supported the implementation of nutrition labelling requirements which facilitated consumers to make healthier choices.</p> <p>Since the consultation of the proposal had been launched in November 2003, the food industry already had sufficient preparatory time, and it was not necessary to extend the proposed grace period. It urged for implementing nutrition labelling as soon as possible.</p>	<p>Noted.</p> <p>If there is general support from the community that the scheme should be implemented by a one-step approach, we would have no objection to implement the scheme in one go. Nevertheless, the implementation timetable should be reasonable and practicable.</p>
The Hong Kong Dietitians Association Limited [CB(2)1517/04-05(01)]	It supported the implementation timetable on the condition that Phase I would include labelling of energy plus nine core nutrients for prepackaged foods with nutrient-related claims. It also supported that Phase II would be implemented two years after the implementation of Phase I.	Phase I requires the labelling of energy plus 5 core nutrients. It helps reduce the initial trade compliance cost.
The Hong Kong Nutrition Association Limited [CB(2) 1507/04-05(04)]	It agreed to the proposed implementation timetable for Phase I and Phase II.	Noted.
Hong Kong Academy of Medicines [CB(2)1456/04-05(06)]	It supported to proposal in general, and considered that the timing for implementation should be sped up.	If there is general support from the community that the scheme should be implemented by a one-step approach,

Organisations (LC Paper No. of submission if applicable)	Views and/ or suggestions	Administration's response
<i>(written submission only)</i>		we would have no objection to implement the scheme in one go. Nevertheless, the implementation timetable should be reasonable and practicable.
The Confectioners and Bakers Association of Hong Kong and Kowloon [CB(2)1456/04-05(07)] <i>(written submission only)</i>	It supported the implementation of Phase I but strongly opposed the implementation of Phase II. There was no need for mandatory nutrition labelling as most of the imported food products already had nutrient information. Food products without nutrient information would be eliminated if consumers did not buy such products.	If only Phase I of the labelling scheme on nutrition information is implemented, it would grossly limit the potential benefits of the scheme. Our aim is to promote public health in the long run. As such, there is a need to implement mandatory nutrition labelling for all prepackaged foods. A standardized requirement on nutrition information on prepackaged food would provide consumers with sufficient information for making purchasing decision.
Hong Kong Association of Study on Obesity [CB(2)1465/04-05(05)] <i>(written submission only)</i>	It supported staged implementation of labelling requirements for prepackaged food products, which should be enforced through legislative amendment to the regulations made under Cap. 132.	Noted.
Hong Kong College of Community Medicine [CB(2) 1507/04-05(05)]	It strongly supported the introduction of a mandatory nutrition labelling scheme as early as practicable. The scheme should cover energy plus nine core nutrients.	Noted. If there is general support from the

Organisations (LC Paper No. of submission if applicable)	Views and/ or suggestions	Administration's response
<i>(written submission only)</i>		community that the scheme is to be implemented by a one-step approach, we would have no objection to implement the scheme in one go. Nevertheless, the implementation timetable should be reasonable and practicable.
II Labelling requirements		
Consumer Council [CB(2)1507/04-05(01)]	<p>It strongly supported the labelling requirements for prepackaged food with nutrient-related claims in Phase I.</p> <p>It supported standardisation of format of nutrition labels for easy reference by consumers.</p> <p>To facilitate compliance, it suggested that the Administration should discuss with the food industry types of food products to be exempted from labelling requirements.</p>	<p>Noted.</p> <p>The Administration will continue her discussion with the trade before finalizing the exemption list.</p>
Hong Kong Retail Management Association [CB(2) 1513/04-05(01)]	It supported a labelling guideline that would help consumers make informed decisions about the food they purchased. However, the proposed labelling requirements were different from overseas requirements, and were too stringent. It considered that adaptation of the source countries' labelling requirements could equally serve the purpose.	The relevant guidelines of the Codex Alimentarius Commission (Codex), as a basic requirement, require that the nutrition label should include declarations of energy, protein, carbohydrate and fat. In addition, individual country or area could require the labelling of any other

Organisations (LC Paper No. of submission if applicable)	Views and/ or suggestions	Administration's response
		<p>nutrients which are considered to be relevant for maintaining a good nutritional status in the population concerned. Different countries or areas will, making reference to the Codex guidelines, develop their own labelling schemes on nutrition information meeting their own public health needs. Adapting the nutrition labels from source countries is not an international practice. Not only will it cause confusion to the consumers, there will also be problems on enforcement.</p>
<p>Federation of Hong Kong Industries [CB(2) 1507/04-05(02)]</p>	<p>The labelling requirements should synchronise with the requirements of Hong Kong's major trading partners, notably the Mainland. Moreover, the source countries' labelling requirements should be acceptable.</p> <p>The Codex Guidelines on nutrition labelling (i.e. energy plus carbohydrate, protein and fat) should be adopted. The declaration of the amount of any other nutrients should be required only when a nutrient-related claim was made.</p> <p>It suggested that no separate nutrient testing should be carried out for the same product which were sold under different packages.</p>	<p>The relevant guidelines of Codex, as a basic requirement, require that the nutrition label should include the declarations of energy, protein, carbohydrate and fat. In addition, individual country or area could require the labelling of any other nutrients which are considered to be relevant for maintaining a good nutritional status in the population concerned. Different countries or areas will, making reference to the Codex guidelines, develop their own labelling schemes on nutrition</p>

Organisations (LC Paper No. of submission if applicable)	Views and/ or suggestions	Administration's response
		<p>information meeting their own public health needs. Adapting the nutrition labels from source countries is not an international practice. Not only will it cause confusion to the consumers, there will also be difficulties in enforcement.</p> <p>Repetitive nutrient testing is not necessary for the same product sold in different packages.</p>
<p>Hong Kong Suppliers Association Limited [CB(2) 1465/04-05(04)]</p>	<p>The labelling requirements in Hong Kong would only be second to US and Canada after Phase II was implemented. As over 90% of foods were imported, the labelling requirements were too stringent.</p>	<p>Phase II of the scheme will be implemented 4 years after legislative enactment. The situations in other countries and areas would likely be changed by then. The current international trend requires the labelling of an increased number of nutrients. Our proposed labelling requirements are not too stringent.</p>
<p>The Hong Kong Food Council Limited [CB(2) 1507/04-05(03)]</p>	<p>For food products imported from countries which had put in place labelling requirements, they should not be required to be re-labelled.</p>	<p>The relevant guidelines of Codex, as a basic requirement, require that the nutrition label should include the declarations of energy, protein, carbohydrate and fat. In addition, individual country or area could require the labelling of any other</p>

Organisations (LC Paper No. of submission if applicable)	Views and/ or suggestions	Administration's response
		<p>nutrients which are considered to be relevant for maintaining a good nutritional status in the population concerned. Different countries or areas will, making reference to the Codex guidelines, develop their own labelling schemes on nutrition information meeting their own public health needs. Adapting the nutrition labels from source countries is not an international practice. Not only will it cause confusion to the consumers, there will also be difficulties in enforcement.</p>
<p>Hong Kong Food Science and Technology Association Limited</p>	<p>For food products imported from countries which had put in place labelling requirements, they should not be required to be re-labelled.</p>	<p>The relevant guidelines of Codex, as a basic requirement, require that the nutrition label should include the declarations of energy, protein, carbohydrate and fat. In addition, individual country or area could require the labelling of any other nutrients which are considered to be relevant for maintaining a good nutritional status in the population concerned. Different countries or areas will, making reference to the Codex guidelines, develop their own labelling schemes on nutrition</p>

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	<p>The labelling requirements should synchronise with that in the Mainland.</p>	<p>information meeting their public health needs. Adapting the nutrition labels from source countries is not an international practice. Not only will it cause confusion to the consumers, there will also be difficulties in enforcement.</p> <p>The Ministry of Health in the Mainland issued a consultation document on the "Management of Nutrition Labels For Food" (《食品營養標籤管理辦法》) in October 2004. It proposed to regulate the labelling of energy plus protein, total fat, cholesterol, total carbohydrate, sugar, sodium and calcium in prepackaged food. We understand that the Ministry of Health will formulate its way forward after considering the views received. The Mainland and Hong Kong are two separate jurisdictions and our pace of development in the area of food law is different. We cannot link up the timetables for introducing food law in the two places.</p>

Organisations (LC Paper No. of submission if applicable)	Views and/ or suggestions	Administration's response
<p>Hong Kong Federation of Restaurants and Related Trades [CB(2) 1456/04-05(02)]</p>	<p>The proposal was too stringent, as most overseas countries required labelling of energy plus five to seven core nutrients. It suggested that the labelling requirements should cover energy plus five core nutrients. The Administration could encourage food manufacturers or importers to add other nutrient information to the food products. Moreover, food products from those countries which had put in place labelling requirements should be exempted.</p>	<p>The relevant guidelines of Codex, as a basic requirement, require that the nutrition label should include the declarations of energy, protein, carbohydrate and fat. In addition, individual country/area could require the labelling of any other nutrients which are considered to be relevant for maintaining a good nutritional status in the population concerned. Different countries or areas will, making reference to the Codex guidelines, develop their own labelling schemes on nutrition information meeting their public health needs. Adapting the nutrition labels from source countries is not an international practice. Not only will it cause confusions to the consumers, there will also be difficulties in enforcement.</p>
<p>Hong Kong and Kowloon Sauce and Preserved Fruits Amalgamated Employers Association</p>	<p>Labelling requirements should vary according to the nutrient values of food products. Mathematical calculation of nutrient information in addition to laboratory testing should be acceptable for nutrition labelling.</p>	<p>Apart from conducting tests, manufacturers can apply data from food composition databases to calculate the nutrient contents of the food products. However, it is the responsibility of the trade to ensure the accuracy of the nutrition information derived from these food composition</p>

Organisations (LC Paper No. of submission if applicable)	Views and/ or suggestions	Administration's response
		databases.
Hong Kong Medical Council	<p>Standardisation of nutrient labelling prevented confusion and made it easier for consumers to make comparison.</p> <p>Potassium should be included as one of the core nutrients to be labelled.</p>	<p>Noted.</p> <p>It is not an international practice to provide the content value of potassium on nutrition labels. We have to take various factors into consideration when determining the number of nutrients to be labelled. At this stage, we do not consider it appropriate to include potassium as one of the core nutrients.</p>
Hong Kong Doctors Union [CB(2) 1456/04-05(03)]	<p>It suggested adding potassium content to the core nutrients to be listed for labelling.</p> <p>Any nutrient-related claims must be supported with scientifically accepted evidence.</p>	<p>It is not an international practice to provide the content value of potassium on nutrition labels. We have to take various factors into consideration when determining the number of nutrients to be labelled. At this stage, we do not consider it appropriate to include potassium as one of the core nutrients.</p> <p>Any food with nutrient claims must comply with the relevant guidelines of Codex.</p>
The Hong Kong Dietitians	It suggested that both Phase I and Phase II should require labelling of	Phase I requires the labelling of energy

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Association Limited [CB(2)1517/04-05(01)]	energy plus nine nutrients. The food industry should be encouraged to include additional nutrients such as potassium, soluble fibre, monounsaturated fat, trans fatty acids as optional label items.	plus 5 core nutrients. It helps reduce the initial trade compliance cost. The food industry is welcomed to provide other nutrition information in addition to those required under the scheme.
The Hong Kong Nutrition Association Limited [CB(2) 1507/04-05(04)]	It expressed agreement with the labelling requirements in Phase I and Phase II. The Association suggested that nutrient contents be expressed in both 100g and per serving of normal consumption.	Given the current inadequacy of food consumption data for determining the standard portion size for various foods, we do not recommend to mandate expressing nutrition information in the unit of "per serving".
Hong Kong Academy of Medicines [CB(2)1456/04-05(06)] <i>(written submission only)</i>	<p>It strongly supported the proposal of making it mandatory to declare the amount of any nutrient for which a claim was made. The manufacturers must have solid scientific base on the nutrient claim.</p> <p>The format of labelling should be standardised, clear and easy to understand. Nutrients should be expressed in absolute amount per 100g or 100 ml, per serving, and in terms of the percentage of Nutrient Reference Values per serving.</p>	<p>Noted.</p> <p>We do not recommend making it a mandatory requirement for nutrition information to be expressed in the unit of "per serving". There is inadequate food consumption data to determine the standard portion size for various foods. We would need to take various practical factors into consideration, e.g. the compliance cost, when considering the formats for labelling nutrition information (e.g., whether it should be mandatory for</p>

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	Food iodine content should be added to the list of labelled items.	<p>nutrition information to be expressed in the unit of “per serving” or as “a percentage of the Nutrition Reference Value”). The basic format is to express energy level or nutrient content in absolute amount in kilocalories/metric unit per 100g (or per 100 ml) of food.</p> <p>It is not an international practice to provide the content value of iodine on nutrition labels. We have to take various factors into consideration when determining the number of nutrients to be labelled. At this stage, we do not consider it appropriate to include iodine as one of the core nutrients.</p>
III Impact of the proposed scheme		
Hong Kong Retail Management Association [CB(2) 1513/04-05(01)]	The proposal would have a significant impact on Hong Kong in terms of jobs, price increase and the availability of foreign goods.	Even if all the trade cost is shifted onto consumers, it is estimated that the increase in the cost of prepackaged food, as a result of implementing the labelling scheme on nutrition information, would be less than 1%. In the worst-case scenario, 5% to 10% of the prepackaged foods (mainly

Organisations (LC Paper No. of submission if applicable)	Views and/ or suggestions	Administration's response
		<p>niche food products) might be withdrawn from the Hong Kong market and up to 191 SMEs might be affected.</p> <p>A public opinion survey conducted in early 2004 indicated that 89% of the respondents supported the implementation of the labelling scheme on nutrition information, despite price increases of some foods. More than 81% of the respondents indicated that they would support the implementation of the scheme, even though the import of certain foods into Hong Kong might be decreased.</p>
<p>Federation of Hong Kong Industries [CB(2) 1507/04-05(02)]</p>	<p>The proposed scheme would increase the costs of food products which would eventually transfer to consumers. Phase II requirements were only less stringent than that in US and Canada. As food products imported from US and Canada represented about 15% to 18% of imported prepackaged food products in Hong Kong, nearly all the imported prepackaged food products would need re-labelling and repackaging.</p> <p>As Hong Kong was a small market, overseas manufacturers would be unwilling to re-package their foods and give up the Hong Kong market. This would also reduce food choices for local consumers.</p>	<p>Even if all the trade cost is shifted onto consumers, it is estimated that the increase in the cost of prepackaged food, as a result of implementing the labelling scheme on nutrition information, would be less than 1%.</p> <p>The public opinion survey conducted in early 2004 indicated that 89% of the respondents supported the implementation of the labelling scheme on nutrition information,</p>

Organisations (LC Paper No. of submission if applicable)	Views and/ or suggestions	Administration's response
		<p>despite price increases of some foods. More than 81% of the respondents indicated that they would support the scheme, even though the import of certain foods into Hong Kong might be decreased.</p> <p>According to the Regulatory Impact Assessment (RIA), 73% of all the prepackaged foods sold locally are in "Hong Kong packaging". The burden on the trade could be minimized as a sufficient grace period has been provided for them to prepare for the changes.</p>
<p>Hong Kong Suppliers Association Limited [CB(2) 1465/04-05(04)]</p>	<p>It expressed concern about the estimated closure of 191 small and medium-sized enterprises (SMEs) according to the Regulatory Impact Assessment (RIA).</p> <p>It also advised that the nutrient laboratory testing costs would amount to \$7,000 for one product.</p>	<p>Only under the worst-case scenario would 191 SMEs be affected.</p> <p>The testing cost depends on the number of parameters to be tested. It is learnt that discounts could be offered for testing multiple parameters. To our understanding, the cost for testing energy plus 9 core nutrients ranges from some \$4,000 to \$8,000.</p>
<p>The Hong Kong Food</p>	<p>The extent of closure of SMEs was underestimated in RIA.</p>	<p>Only under the worst case scenario</p>

Organisations (LC Paper No. of submission if applicable)	Views and/ or suggestions	Administration's response
Council Limited [CB(2) 1507/04-05(03)]	To minimise the costs to SMEs, the Administration should accept the laboratory test results of overseas laboratories.	would 191 SMEs be affected. The Administration imposes no restriction on where the tests should be conducted. That said, internationally recognized/validated nutrient testing methods should be used.
Hong Kong Food Science and Technology Association Limited	It supported in principle the labelling scheme. However, it expressed concern about the impact on the industry which could lead to closure of SMEs, especially food products trading companies.	Only under the worst case scenario would 191 SMEs be affected. The provision of a sufficient grace period, the inclusion of an exemption list, as well as the issue of implementation guidelines and organisation of workshops for the trade would all provide the necessary time and technical assistance for SMEs to prepare for the changes.
Hong Kong Federation of Restaurants and Related Trades [CB(2) 1456/04-05(02)]	The proposal would incur additional testing and re-packaging costs to the trade. The costs might eventually be transferred to consumers. It was estimated that the implementation of Phase II would incur additional costs of \$150 million on the trade. Hence, the total number of SMEs to be closed down would exceed 191. Some SMEs might need to cut staff costs so as to meet the increased costs. The local consumers would have fewer food choices as some products	According to the RIA, even if all the trade cost is transferred to consumers, for every \$100 spent on prepackaged food, there would be a price increase of less than \$1. Only under the worst case scenario would 191 SMEs be affected. According to overseas experience, the

Organisations (LC Paper No. of submission if applicable)	Views and/ or suggestions	Administration's response
	might disappear from Hong Kong market.	lost products might be replaced by healthier foods.
Hong Kong and Kowloon Sauce and Preserved Fruits Amalgamated Employers Association	The proposal might result in closure of SMEs, hence unemployment problems. It requested the Government to provide assistance to SMEs.	Only under the worst case scenario would 191 SMEs be affected. The provision of a sufficient grace period, the inclusion of an exemption list, as well as the issue of implementation guidelines and the organisation of workshops for the trade would provide the necessary time and technical assistance for the SMEs to prepare for the changes.
The Confectioners and Bakers Association of Hong Kong and Kowloon [CB(2)1456/04-05(07)] (written submission only)	SMEs expressed concern about the expensive nutrient testing costs. The Association urged the Administration to provide guidelines on the testing costs and consider providing financial assistance to the industry in this respect.	The Government will produce guidelines on the details of the scheme and reference laboratory testing methods/indirect nutrient analysis. Moreover, training workshops will be organized for the trade on how they could comply with the scheme. At present, the Administration will not consider providing financial subsidies for the trade to conduct nutrient testing.
IV Laboratory facilities		
Federation of Hong Kong	It worried that the existing laboratory facilities were unable to cope	The testing cost depends on the

Organisations (LC Paper No. of submission if applicable)	Views and/ or suggestions	Administration's response
Industries [CB(2) 1507/04-05(02)]	with the upsurge demand for nutrient testing. The Administration should devise a set of standardised testing method and make known to the food industry the testing standards. It suggested that a deviation of 20% from the standards should be allowed.	<p>number of parameters to be tested. It is learnt that discounts could be offered for testing multiple parameters. To our understanding, the cost for testing energy plus 9 core nutrients ranges from some \$4,000 to \$8,000. The Administration had explored this issue with the laboratory services providers at technical meetings and learned that quite a number of them are already capable of performing nutrient tests. With the implementation of a local labelling scheme on nutrition information, they would consider expanding the service.</p> <p>The tolerance limits will be defined after further consultation with the trade.</p>
V Public education		
	Consumer Council, Hong Kong Food Science and Technology Association Limited, Hong Kong and Kowloon Sauce and Amalgamated Employers Association, Care For Your Heart, The Hong Kong Dietitians Association Limited and The Hong Kong Nutrition Association Limited were of the views that Government should enhance public education on nutrition information.	Nutrition education has been an integral part of health education. The Administration has already launched a public education programme to enhance public awareness and knowledge on nutrition and the importance of nutrition labels of food.

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		<p>Education materials are available from a multitude of channels, including the homepage of FEHD and publication issued by FEHD, such as the food safety bulletins and pamphlets, media publication and programmes, etc. For example, useful information on a healthy diet can be found at FEHD's Nutrient Information Inquiry System (http://www.fehd.gov.hk/niis).</p> <p>Relevant Government Departments will also participate in the public education programme. Workshops will be organized for the trade when the details of the labelling scheme are finalized.</p>
VI Other views		
Hong Kong Retail Management Association [CB(2) 1513/04-05(01)]	As food consumption from restaurants and non-packaged food represented 75% of food consumption, Government should educate the public about changes in diet that would improve health. Nutrition information on food packaging would have a relatively small impact on improving public health.	Nutrition education has been an integral part of health education. The Government has already launched a public education programme to enhance public awareness and knowledge on nutrition and the importance of adopting of a balanced and healthy diet. For example, the Department of Health (DH) has published a wide variety of pamphlets

Organisations (LC Paper No. of submission if applicable)	Views and/ or suggestions	Administration's response
		<p>on nutrition and health.</p> <p>The proposed labelling scheme on nutrition information for prepackaged food will benefit the public in the following manner: -</p> <ul style="list-style-type: none"> (1) facilitate consumers to make healthy food choices; (2) encourage food manufacturers to apply sound nutrition principles in the formulation of foods which would benefit public health; and (3) regulate misleading or deceptive nutrition labels and claims. <p>Without a labelling scheme on nutrition information, public education alone cannot achieve the desired effect. Clear nutrition information on food packaging will facilitate the public in making their choice.</p>
<p>Hong Kong Suppliers Association Limited [CB(2) 1465/04-05(04)]</p>	<p>A control and verification system should be put in place to monitor if the benefit claimed would realise in 20 years after implementation of the scheme.</p>	<p>The Administration will conduct serial surveys to monitor changes in the prepackaged food market as well as the knowledge, attitude and behaviour of consumers in the utilization of nutrition information.</p>

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	<p>Prepackaged foods only accounted for 25% of food consumed locally. It questioned what course of actions would the Administration take regarding nutrient information of the remaining 75%.</p>	<p>Much work is called for to improve the eating habits of the public. Implementing the labelling scheme on nutrition information is an important step forward. Other organizations, including the Hospital Authority and health professionals in the private sector, also provide advice on balanced diet.</p>
<p>The Hong Kong Food Council Limited [CB(2) 1507/04-05(03)]</p>	<p>The Administration should consult the food industry its overall plan on food-related regulations.</p>	<p>The trade would be consulted on changes to be made to food regulations.</p>
<p>Hong Kong Food Science and Technology Association Limited</p>	<p>It was concerned that traditional Chinese food products would disappear from the market, as it was not cost effective to undergo nutrient testing and labelling for these products.</p> <p>The Administration should take into account local conditions in making reference to overseas experience.</p>	<p>A number of manufacturers of traditional Chinese food products have already had the required nutrition information, especially those manufacturers who are exporting their products to countries where nutrition labelling requirements are already in place.</p> <p>The labelling scheme on nutrition information is an extension of the existing labelling regulations. Traditional Chinese food products on sale in Hong Kong presently also need to be labelled properly to comply with</p>

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		the requirements set out by our law. The argument that the implementation of the labelling scheme on nutrition information will force traditional Chinese food out of the Hong Kong market is misplaced.
Hong Kong Federation of Restaurants and Related Trades [CB(2) 1456/04-05(02)]	The direct relationship between nutrition information and public health was yet to be established.	The relationship between nutrition information and public health is well established. The World Health Organization encourages member countries to use nutrition labelling as a public health tool to promote healthy eating and public health.
The Hong Kong Nutrition Association Limited [CB(2) 1507/04-05(04)]	The Association suggested that when setting up a local Nutrient Reference Value, the Administration should seek views from different nutritional professionals and use the dietary reference intake from the Mainland. The Administration should also ensure the accuracy of nutrition information by putting in place a monitoring system and requiring food manufacturers to report on the method of food analysis.	We have established an ad-hoc expert group on Nutrient Reference Values (NRVs). Members are drawn from professionals with expertise in the area of nutrition and medicine, as well as representatives from universities, the Hospital Authority and Department of Health. The panel has conducted an initial discussion on the principles of deriving local NRVs. The expert group will also work with the experts in the Mainland on the development of local NRV applicable to the whole country to facilitate public

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		<p>understanding of the information contained in nutrition labels.</p> <p>The Food and Environmental Hygiene Department (FEHD) will include the inspection of labels of nutrition information in its food surveillance programme. The staff of FEHD will conduct regular inspections, as well as random sampling when needed, on the content of food labels. FEHD will take follow-up actions on the basis of the results of inspection and testing, including issuing warnings verbally or in writing to offenders. Prosecution actions may also be instituted.</p>

Health, Welfare and Food Bureau
Food and Environmental Hygiene Department
June 2005