Centre for Food Safety
Food and Environmental Hygiene Department
Notes of the Thirty-ninth Meeting of the Trade Consultation Forum
held on 7 March 2013 at 2:30 p.m.
in Conference Room at Room 102, 1/F, New Wan Chai Market,
258 Queen's Road East, Wan Chai, Hong Kong

Present

Government Representatives

Dr. Y. Y. HO	Consultant (Community Medicine) (Risk Assessment & Communication)	(Chairman)
Dr. Samuel YEUNG	Principal Medical Officer (Risk Assessment & Communication)	
Dr. Allen CHAN	Senior Medical Officer (Risk Assessment)	
Mr. WONG Sek Kei	Superintendent (Import/Export)1	
Mr. CHENG Wai Kit	Superintendent (Food Surveillance)2	
Dr. Ken CHONG	Scientific Officer (Biotechnology)	
Ms. Melissa LIU	Scientific Officer (Nutrition Labelling)	
Ms. Janny MA	Scientific Officer (Microbiology)	
Ms. LAM Wai Ki	Senior Health Inspector (Food Labelling)2	
Ms. CHUNG Sau Wai	Superintendent (Risk Communication)	(Secretary)

Trade Representatives

Mr. Andrew WONG	Abbott Laboratories Ltd.
Ms. Tobby LAI	Abbott Laboratories Ltd.
Ms. Caroline YUEN	American Consulate General HK Agricultural Trade Office
Ms. CHAN Siu Yim	Amway Hong Kong Limited
Mr. LAM Pak Wah	Best Harvest Food Limited
Mr. TSANG Wah Him	Calbee Four Seas Co. Ltd.
Mr. WONG Kai Man	Calbee Four Seas Co. Ltd.
Mr. Alan KWOK	Campbell Soup Asia Ltd.
Ms. Grace YEE	City Super Ltd.
Ms. Tracy CHAU	City Super Ltd.
Ms. May KAN	Coca-cola China Ltd.

Ms. Marina NG	Consulate General of The Netherlands
Mr. Sam CHAN	Dah Chong Hong, Ltd.
Ms. Karina LAM	Dah Chong Hong, Ltd.
Ms. Bell CHENG	Danone Baby Nutrition
Ms. LEE Yan Kiu	DCH Food Mart
Ms. CHENG Kei Wai	Eaton Hotel Hong Kong
Ms. Doris CHAN	Friesland Campina (Hong Kong) Limited
Mr. Dias LEE	Friesland Campina (Hong Kong) Limited
Ms. Fiona LEUNG	GlaxoSmithKline
Ms. Sally LEUNG	Godiva Chocolatier
Ms. B. HO	Gourmet House Limited
Ms. Ada WONG	Herbalife
Mr. Peter Johnston	Hong Kong Retail Management Association
Ms. Frenda WONG	Hong Kong Suppliers Association Ltd.
Mr. Albert TANG	Hong Kong Suppliers Association Ltd.
Mr. Gray LO	Hong Kong Yakult Co., Ltd.
Ms. Alice WONG	Lee Kum Kee International Holdings Ltd.
Mr. Stephen LAM	Mannings
Ms. Rita HO	Maxim's Caterers Ltd.
Ms. Eva POON	McDonald's Restaurants (Hong Kong) Ltd.
Ms. Regina TAM	Mead Johnson Nutrition (HK) Ltd.
Ms. Amy CHU	Mead Johnson Nutrition (HK) Ltd.
Ms. Haymann LAU	New Zealand Consulate-General
Ms. Lucy LO	New Zealand Product (HK) Ltd.
Mr. Rayson NG	New Zealand Product (HK) Ltd.
Mr. Kirk HUI	New Zealand Product (HK) Ltd.
Mr. Nam HO	Nine to Five
Mr. LAM Tsz Mau	Nissin Foods Co., Ltd.
Mr. Herbert LEE	Nissin Foods Co., Ltd.
Ms. Mandy CHAN	Orient Europharma Co., Ltd.
Ms. Yuki KONG	Orient Europharma Co., Ltd.
Ms. German CHEUNG	Pappagallo Pacific Ltd.
Ms. Yuki WONG	Pappagallo Pacific Ltd.
Ms. Cactus LAI	ParknShop
Mr. Hob LAU	Profit Concept Ltd.
Mr. Eric YEUNG	Sharpwell Technology Ltd.
Ms. Doris CHAN	Sino Group of Hotels
Mr. Antonia Martinez	Spanish Trade Commission

Ms. Kennie SIU	Starbucks (Coffee Concepts HK Ltd.)
Ms. Tess WONG	The Garden Co., Ltd.
Ms. Kammy YEUNG	The HK Standards and Testing Centre Ltd.
Ms. Abby WONG	Tingyi-Asahi Beverages Holding Co., Ltd.
Mr. Sidney NG	Vital Production Ltd.
Mr. CHAN Chi Kong	Vitasoy Int'l Holdings Ltd.
Ms. LAW Wai Chi	Winner Food Products Ltd.
Mr. Philip KWAN	Wrigley Asia Pacific
Mr. Tony CHOW	Wyeth (HK) Holding Co., Ltd.
Ms. Amy FU	Wyeth (HK) Holding Co., Ltd.
Ms. Dorothy MAK	Wyeth (HK) Holding Co., Ltd.

Opening Remarks

The Chairman welcomed all trade representatives to the 39th meeting and introduced government representatives to the meeting.

Confirmation of the Notes of Last Meeting

2. The notes of last meeting were confirmed without amendments.

Agenda Item 1

Public Consultation on Legislative Proposals relating to Formula Products and Foods Intended for Infants and Young Children under the Age of 36 Months in Hong Kong

3. Ms. Melissa LIU introduced to the meeting the legislative proposals relating to formula products and foods intended for infants and young children under the age of 36 months in Hong Kong. The proposed legislation was aimed at protecting the health of infants and young children and enhancing the local legislative control on the nutritional composition and

labelling of formula products and foods intended for them. The proposals would introduce the requirements on nutritional composition of and nutrition labelling (NL) for infant formula and the NL requirement for follow-up formula and foods intended for infants and young children, with reference to the principles adopted by Codex Alimentarius Commission (Codex). The legislation was proposed to commence only after a suitable grace period.

4. Ms. Melissa LIU advised that public consultation on the legislative proposals lasting two months from 20 November 2012 until 21 January 2013 had ended. A total of 11 written submissions were received from the food trade at the end of the consultation. Taking the opportunity of this public consultation, the public was also consulted on other related issues. In general, traders and members of the public welcomed and supported the legislative proposals basing on the Codex-based approach. The views collected during the public consultation would be reported to the Legislative Council (LegCo) Panel on Food Safety and Environmental Hygiene (Panel) on 12 March 2013. Thereafter, Government would proceed with drafting the legislation for tabling at LegCo in 2013.

5. Ms. Melissa LIU briefed the meeting that the proposed legislation would adopt the Codex requirement for nutritional composition of infant formula but would not regulate the nutritional composition of follow-up formula and foods intended for infants and young children. For NL, the proposed legislation would adopt the following requirements:

a) Infant formula – labelling of "1+33" which are required to be present in infant formula as specified by CODEX STAN 72 - 1981;
b) Follow-up formula – labelling follow-up formula with energy and 25 nutrients ("1+25"), following the Codex requirements laid down in CODEX STAN 156 - 1987; and
c) Foods for infants and young children under the age of 36 months – follow the Codex requirements laid down in CODEX STAN 73 - 1981 and CODEX STAN

74 - 1981 to require:

i) All food categories – to be labelled with energy, protein, fat and carbohydrates;

ii) Certain food categories – also to be labelled with other specified nutrients applicable to them; and

iii) In addition, to propose requiring the label of sodium for cereal-based and non-cereal-based foods for infants and young children under the age of 36 months.

On the other hand, whether formula for special medical purposes intended for infants and ready-to-feed formula should be exempted from the NL requirements would be studied. Regarding the regulation of nutrition and health claims, this would be handled at a later stage. Concerning the length of grace period, there were diverse views. This would be looked into with regard to the trade and laboratories' readiness for the proposed changes, aspiration of the general public, etc. before finalizing the duration of the grace period. For various technical issues, additional technical meetings would be conducted to tackle these with the trade and laboratory service providers.

6. A trade representative opined that the grace period should last at least two years. The Chairman advised that the trade might continue to convey their opinions to the LegCo for consideration. However, he pointed out that the public responders preferred a grace period of at most one year. Meanwhile, technical meetings would continue to be held to resolve various technical issues. Nevertheless, the trade should take early actions on the affected products as the nutrition label on these products might require revisions upon enactment of the legislation.

7. Noting that there were no further views on the matter, the Chairman remarked that the legislative proposals would be discussed at the LegCo on 12 March 2013. He expected that the legislative process on the issue would be completed in 2013.

Agenda Item 2

Import and Export (General) (Amendment) Regulation 2013 – Definition of Powdered Formula

8. Dr. Allen CHAN briefed the meeting on the new definition of powdered formula under Import and Export (General) (Amendment) Regulation 2013 (Amendment Regulation). The Amendment Regulation came into force on 1 March 2013. It amended the Import and Export (General) Regulations (Cap. 60) with a view to prohibiting the export of powdered formula from Hong Kong, except under an export licence or an exemption. Under the Amendment Regulation, powdered formula was defined as substance in powder form that (a) is or appears to be for consumption by a person aged under 36 months; and (b) is or appears to be milk or milk-like substances in powder form to satisfy wholly or partly the nutritional requirement of a person aged under 36 months. He advised that, according to the relevant definition, the Amendment Regulation was applicable to formula milk powder, soya milk powder and general milk powder for consumption by infants and young children under 36 months. However, the definition did not cover the types of powder which, after preparation, did not appear to be milk-like substance.

9. The Chairman reminded that traders should pay attention to the definition for powdered formula as stipulated in the Amendment Regulation. The definition covered powdered formula intended for the consumption of persons aged under 36 months. For those products that clearly stated that they were not suitable for persons aged under 36 months would not come under the regulation of the Amendment Regulation. In other words, powdered formula that stated clearly it was for consumption of adults would not come under the regulation. If there were views on this matter, they should be conveyed to Customs and

Excise Department and other departments responsible for enforcing the Amendment Regulation.

Agenda Item 3

Relaxation on Import of United States Beef

10. Mr. WONG Sek Kei briefed the meeting on the relaxation of importing beef from the United States (US) to Hong Kong. In Hong Kong, the legal framework of food safety control was laid down in Public Health and Municipal Services Ordinance (Cap. 132) and the import control of meat was governed by the Imported Game, Meat and Poultry Regulations (Cap. 132AK). Under the legislation, imported meat must be accompanied by a health certificate issued by a competent authority, which should certify that the meat was fit for human consumption.

11. Mr. WONG Sek Kei explained to the meeting about Bovine Spongiform Encephalopathy (BSE). BSE was commonly known as Mad-cow Disease. It was a fatal disease in cattle that caused disease of the brain and spinal cord and the protein was difficult to be destroyed or denatured. Research demonstrated that the most dangerous tissues of cattle with BSE were found in brain, spinal cord and retina. These parts were designated as "Specified Risk Materials" and were removed or destroyed during slaughtering to prevent them from entering the food and feed chain. To prevent potentially BSE-infected tissues from entering into the human food supply chain, control measures had been put in place in many countries, particularly in those with indigenous cases of confirmed BSE. Such measures in the exporting country were assessed prior to giving permission to the importation of beef to Hong Kong to ensure confidence in the proper implementation of the applied public health measures in BSE affected countries.

12. Mr. WONG Sek Kei advised that the import of US beef into Hong Kong had been temporarily suspended since 24 December 2003 after the detection of BSE in the State of Washington on 23 December 2003. The import of US beef into Hong Kong resumed on 29 December 2005 after a thorough assessment and Food and Environmental Hygiene Department (FEHD) was satisfied with the enhanced control measures implemented by the US against BSE. The import of US beef was partially relaxed on 15 February 2013 after a thorough assessment and FEHD was satisfied with the enhanced control measures implemented by the US against BSE. Beef rib cuts and other bone-in beef, except vertebral column cuts, from cattle less than 30 months old were allowed to be imported from the US. In addition, boneless beef from cattle of all ages were also allowed to be imported from the US. Each and every consignment of beef products must have the Centre for Food Safety (CFS)'s prior permission and be accompanied by a health certificate.

13. In reply to enquiry of a trade representative, Mr. WONG Sek Kei advised that beef from Canada, the United Kingdom, the US and Japan had been prohibited from importing to Hong Kong due to the occurrence of Mad-cow Disease in these countries. Importation of boneless beef from these countries had been relaxed after the implementation of measures to control the disease. Importation of beef, boneless or not, from these countries would be further reviewed in future after there were adequate measures implemented to prevent the transmission of BSE into the human food supply chain.

14. The Chairman advised that the regulatory authority of food safety in countries where beef had been prohibited from importing to Hong Kong might apply for resumption of importation. Application would be considered against measures implemented in these countries to control the disease and their measures would be studied thoroughly before

permission was given.

Agenda Item 4

Guidelines on Voluntary Labelling of Genetically Modified Food

15. Dr. Ken CHONG briefed the meeting on the "Guidelines on Voluntary Labelling of Genetically Modified Food" (the Guidelines) which sets out principles underlying the recommended voluntary labelling approaches for Genetically Modified (GM) food. Although the Guidelines were advisory in nature, Cap. 132 stipulated that food label should not state false claims. There were two types of GM labelling:

(a) positive labelling to indicate that food or food ingredient containing GM materials; and

(b) negative labelling to indicate food or food ingredient coming from non-GM source.

16. Dr. Ken CHONG recapitulated the labelling principles for positive labelling and negative labelling of prepackaged food. Positive GM labelling should be applied to prepackaged food items with 5% or more GM materials in their food ingredient(s). Additional declaration on label was required for GM food with significant modifications such as significant differences in the compositional or nutritional value and the level of anti-nutritional factors or natural toxicants from the conventional counterpart, presence of new allergen, change in intended use of the food or introduction of an animal gene into food of plant origin.

17. Dr. Ken CHONG continued that negative labelling was not recommended for food

without GM counterparts. It was also not recommended to use absolute terms for negative labelling. Negative labelling should be supported by documentation. In addition, it was not recommended to indicate or imply food as a whole was from non-GM source, unless all of the concerned ingredients in the product were derived from non-GM sources and with documents to support the claim.

18. The Chairman indicated that the recapitulation of the Guidelines was a corresponding step to the plan of Government to introduce a mandatory pre-market safety assessment scheme (PMSAS) in Hong Kong. The PMSAS would be discussed at the LegCo Panel meeting on 12 March 2013. He expected that public awareness on GM food would rise in the coming months. He also advised traders to apply GM labelling in accordance with the Guidelines to facilitate consumers' choice on GM food.

Agenda Item 5

Safety of Genetically Modified Food

19. Dr. Ken CHONG introduced to the meeting on the proposal to consider enhancing the regulation of GM food by introduction of a mandatory PMSAS in Hong Kong. According to the World Health Organization (WHO), GM foods currently traded in the international market had passed safety assessment and were not likely to be harmful to human health. However, the situation might change in the future.

20. Dr. Ken CHONG continued that the Government proposed to introduce a mandatory PMSAS which assessed the safety of a GM food by comparison with its conventional counterpart. The proposed PMSAS in Hong Kong would be applied to GM food which consisted of, or was derived from, GM microorganisms, plants and animals. The

application under the PMSAS would be submitted by biotechnology companies instead of general food traders and the impact to trade would be minimal. The application process would be simplified for GM food approved by other food safety authorities, provided that the principles and approach similar to those of Codex were adopted. GM food that had not been approved for human consumption by any food safety authority would take a longer evaluation period. CFS would devise suitable transitional arrangement for GM food that was already in the market at the time when the PMSAS came into operation. CFS would draw up a list of approved GM food and upload the list on website of CFS for public and trade's reference. Food manufacturers and importers were responsible for ensuring that their products contain only approved GM foods. Traders were welcomed to offer views on the proposal. It was planned to launch public consultation on the issue in the second half of 2013.

21. The Chairman supplemented that producers of GM food would be invited to discuss on the PMSAS. He reiterated that the application for approval should be submitted by producers or biotechnology companies developing the GM food but not by the food traders.

22. A trade representative suggested that the list of approved GM food should be updated timely to keep abreast of the development of GM food in countries that were the main sources of food supply to Hong Kong. There was a tendency for a GM food to enter into the market in different food products once it had been approved in a developed country. He did not foresee traders in Hong Kong would sell GM food that had not been approved. The Chairman replied that CFS would process an application in a timely manner and the procedure would be simplified especially when a GM food had been approved by other food safety authorities in accordance with the Codex principles and relevant documents, in which the approval and the relevant evaluation report prepared by the approving authority were

available for examination. However, in the absence of experience in this respect, it was not yet certain about the actual length of time required to process such an application. He shared the view that traders were not interested in selling unapproved GM food but there was a risk of contamination with unapproved GM food.

23. A trade representative sought advice on the fee chargeable for processing such application. The Chairman replied that the fee would be on a cost recovery basis but it was premature to estimate the cost on this. He did not anticipate a very high cost for applications that would be processed in simplified way, where there would be an evaluation report provided with these applications. However, for an application with no existing approval from any authorities, it would take a long evaluation period as well as a higher cost. Two different charge rates for application of GM food, with or without previous approval, might be considered.

24. A trade representative sought advice on whether there were additional procedures for internationally approved GM food to enter Hong Kong. The Chairman replied that there was not yet any internationally approved GM food due to the differences in the approving system among various countries. CFS concerned with GM food that had not been approved by other food safety authorities as such food had not gone through any safety assessment. It was therefore recommended that producers of GM food should apply for approval for their products before they were sold in Hong Kong. On the other hand, food traders should ensure that GM food for sale in Hong Kong had been approved in the producing country before the introduction of the PMSAS.

25. A trade representative sought advice on whether food additives produced by GM microorganisms or GM microorganisms for processing aid would be required to apply for

approval. The Chairman advised that this would require further discussion with the trade after reviewing the regulation of GM food in other countries.

26. Trade representatives enquired whether it was the raw materials of GM food product or the food product itself requiring approval, and whether all traders, including retailers, would be liable for not seeking approval to sell GM food product in Hong Kong. Dr. Ken CHONG replied that it was the raw materials that required the approval and there were currently more than 70 types of GM raw materials approved and commericalised internationally. The Chairman supplemented that individual food products containing GM materials did not require additional approval but traders should clarify with the producers on whether GM raw materials were approved, especially for those with GM counterparts. In addition, all food traders, including retailers, would be liable for not observing the legislation in Hong Kong but it would be depended on how the legislation on GM food would be drafted.

27. The Chairman summarised that, under the PMSAS, producers of GM food would be required to seek approval prior to exporting food products that contained any GM ingredients to Hong Kong. Traders would be required to ensure that GM food products they imported for sale in Hong Kong had been approved and informed consumers about the GM contents on the food label.

28. A trade representative was concerned about the food supply in Hong Kong in light that certain GM foods that were being sold accounted for a relatively high portion of the whole supply of such foods in Hong Kong. The Chairman replied that GM food currently available for sale in Hong Kong had already been approved by an overseas authority. After the PMSAS coming into operation, application for approval to sell such GM foods in Hong

Kong would simply be a matter of procedure. The PMSAS was intended to deter GM foods without approval by food safety authorities from entering into the local market.

29. Trade representatives enquired on the time for turning the voluntary labelling scheme for GM food to a mandatory one. The Chairman replied that it was not yet the right time to introduce a mandatory labelling scheme for GM food in Hong Kong. He stressed that, to ensure the successful implementation of a mandatory labeling scheme for GM food, the PMSAS had to be in place. Besides, there would be needs to enhance laboratory support on GM food detection with the use of reference materials obtained through the PMSAS. Until the availability of sufficient laboratory support, it was not feasible to introduce a mandatory labelling scheme for GM food in Hong Kong.

30. A trade representative asked on whether there was any major incident that prompted the introduction of PMSAS. The Chairman replied that the first proposal of PMSAS could be traced back to 2003. WHO was aware of the safety concern on GM food and suggested its member states to consider introducing safety assessment for GM food for the protection of public health. However, there was not yet any evidence to suggest that GM foods that were already for sale in the market would affect human health but the risk could not be ruled out.

31. The Chairman noted that there were many questions and concerns on the issue. He would consider explaining more on the issue at the next meeting.

Agenda Item 6

Safety Concerns on Raw Dairy Products

32. Ms. Janny MA briefed the meeting about the safety concerns on raw dairy products. In

general, raw (unpasteurised) dairy products referred to non-heat treated milk as well as other dairy products made from milk that had not been heat-treated. According to the Milk Regulation (Cap. 132AQ), any milk or milk beverage, which had not been heat-treated could not be sold for human consumption. However, there was no specific subsidiary legislation to prohibit the sale of other raw dairy products. Nevertheless, Section 54 of Cap. 132 stipulated that food for sale must be fit for human consumption. She advised that safety concerns over raw dairy products were due to contamination of raw milk, such as from animal faeces, infection of animal's udder, animal disease, bacteria that lived on animals' skin, environment and humans. Raw milk contained microorganisms and some of which were harmful to humans.

33. Ms. Janny MA advised that the public should note the inherent food safety risk with the consumption of raw dairy products. The elderly, young children, pregnant women, immuno-compromised individuals and those members of the public who wished to reduce their risk of foodborne infection should not consume dairy products made from raw milk. She suggested that the public should look for the word "pasteurised", or related words, on the dairy labels before buying, especially for soft, fresh, un-aged cheeses. On the other hand, she advised that aged cheeses made from raw milk were generally safer because bacteria usually died off during the aging process. She advised that traders should not sell raw milk for human consumption. They should obtain supplies of milk from local licensed milk factories, import milk from manufacturers approved by the FEHD, provide adequate information on label, i.e. whether the dairy products were made from raw milk or heat-treated milk, so that consumers could make informed food choice.

34. A trade representative sought advice on whether it was mandatory for cheese made from unpasteurised milk to carry a warning label in other countries. Mr. WONG Sek Kei advised

that there was no information on hand with him on whether there was regulation on the sale of unpasteurised cheese in other countries. The Chairman shared his observation in the meeting that some cheeses made from raw milk available in the local market were labeled as "from unpasteurised milk", however, he was not aware that any warning label was in place. However, he suggested traders selling raw dairy products might consider displaying warning notice to alert the consumers, especially the high risk population regarding the associated health risk with the consumption of raw dairy products.

Any Other Business

Reduction of Sodium in Food

35. Dr. Allen CHAN advised that sodium was an essential nutrient to human body but the prolonged excessive intake of sodium would increase the risk of hypertension and other cardiovascular diseases. It was recommended by WHO in a set of guidelines published at the end of 2012 that the daily intake of sodium should be reduced to less than 2 g of sodium, or equivalent to about 5 g of salt, in adults and even lower level in children. According to a past study in Hong Kong published in 1995-96, there was still much room to reduce sodium taken by adult in Hong Kong to reach the lower level recommended by WHO. The preliminary results of Total Diet Study in Hong Kong indicated that sodium in local diet was mainly contributed by condiment and sauce. In addition, sodium also came from other types of food. Reduction of taking in salt could therefore reduce the intake of sodium. He invited the trade to offer views on which type of food might be started with the reduction of salt.

36. The Chairman advised that WHO had set 7 April 2013 as the World Health Day and "High Blood Pressure", or hypertension, as the theme. In view that there was a direct

relationship between hypertension and the intake of sodium. Promotional activities would be organised to arouse the awareness of the public on hypertension and the need of reducing the intake of salt. In this connection, there was a plan to implement measures to reduce sodium in the local diet and to discuss with the trade on the suitable measures for the purpose. Traders would be invited to join in the formulation of measures. Based on overseas experience, reduction of sodium could take bread as a start. A trade representative echoed that bread and noodle could be the first type of food for starting with the reduction of salt as it was from such food where salt was taken in inadvertently. The Chairman noted the views and undertook to further discuss this matter with the trade.

Date of Next Meeting

37. The next meeting would be held in May 2013.

38. There being no other business, the meeting was adjourned at 4:30 p.m.