

Centre for Food Safety
Food and Environmental Hygiene Department
Notes of the Fiftieth Meeting of the Trade Consultation Forum
held on 29 July 2015 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. HO Yuk Yin	Consultant (Community Medicine) (Risk Assessment & Communication)	(Chairman)
Mr. WONG Hon Meng	Assistant Director (Waste Reduction and Recycling), Environmental Protection Department	
Dr. Duncan TUNG	Senior Medical Officer (Risk Communication)	
Dr. Carole TAM	Head (Risk Assessment Section)	
Dr. Andrew LAU	Senior Medical Officer (Risk Assessment) ²	
Dr. Christopher BRACKMAN	Senior Veterinary Officer (Risk Assessment)	
Ms. Rita YEUNG	Senior Superintendent (Licensing)	
Mr. Arthur YAU	Scientific Officer (Contaminant)	
Ms. CHUNG Ho Yan	Scientific Officer (Pesticide Residues)	
Ms. Jacqueline FUNG	Scientific Officer (Nutrition)	
Ms. Melissa LIU	Scientific Officer (Standard Settings)	
Ms. Michelle CHAN	Scientific Officer (Food Additive)	
Mr. LEE Yum Hung	Superintendent (Import/Export) ¹	
Ms. Barbara CHAN	Chief Health Inspector (Communication and Response)	
Mr. WONG Cheuk Ho	Superintendent (Risk Communication)	(Secretary)

Trade Representatives

Ms. May LAU	A & W Food Service Ltd
Ms. Lina LIM	A.S. Watson Industries
Ms. Christy CHEUNG	A.S. Watson Industries
Ms. Toby LAI	Abbott Laboratories Limited
Ms. Wendy WONG	AJI-No- Chinmi Co (HK) Ltd
Ms. Caroline YUEN	American Consulate General Hong Kong Agricultural Trade Office
Ms. Joan KWAN	Amoy Food Limited

Ms. Carrie HUI	Asana (Hong Kong) Limited
Mr. Eric LEE	Ausino Food Holdings
Mr. Wilson TANG	Australian Trade Commission
Mr. LAM Pak Wah	Best Harvest Company Limited
Ms. Yolanda CHOW	Best Key Consultants
Ms. Ivy WONG	Bio-Gene Technology Ltd.
Mr. Albert CHAN	Biostrategy & Consultants
Mr. Philip WANG	Blast Imports
Ms. Carrie CHAN	Business Sweden
Mr. Tommy NG	Café de Coral Holdings Limited
Mr. TSANG Wah Him	Calbee Four Seas Co. Ltd.
Ms. Wing LAU	Campbell Soup Asia Ltd.
Ms. Wendy GAO	Cargill Hong Kong Ltd.
Mr. WONG Chun Kit	Castco Testing Centre Limited
Ms. Jessica OU YANG	Catalo Natural Health Foods
Ms. CHEUNG Yin Chun	Cathay Pacific Catering Services
Ms. Leona WONG	Cerebos (Hong Kong) Limited
Mr. Gary LAM	CFSS Co. Ltd.
Mr. Elvis CHOY	Chemical Laboratory (HK) PTE. Limited
Mr. Chi WONG	China Inspection Co Ltd.
Mr. Jack TSE	China Resources Ng Fung International Distribution Company Limited
Ms. Samantha TSANG	China Resources Vanguard (Hong Kong) Co., Ltd.
Ms. Vienna SUEN	City Super Limited
Ms. Patience CHOI	CMA Industrial Development Foundation Ltd.
Ms. May KAN	Coca-Cola China Ltd.
Mr. Houston WONG	Consulate General of Canada
Ms. Christina TO	Consulate General of India
Ms. WONG Pui Ying	Dah Chong Hong Ltd
Ms. Kit TSOI	Danone Nutricia Early Life Nutrition (HK) Ltd.
Mr. TSANG Lok Wah	DCH Food Marts - Food Processing Centre
Mr. Carlo Catingan	Dole HK Ltd.
Mr. WONG Wai Chun	EDO Trading Co.
Mr. Steven Horton	Enjoi Ltd.
Ms. Joey LAU	Eurofins Food Testing Hong Kong Limited
Ms. CHAN Sok Meng	Fairwood Holdings Limited
Mr. Henry CHENG	Fonterra Brands (Hong Kong) Ltd.
Ms. Doris CHAN	Friesland Campina (Hong Kong) Ltd.
Ms. Sally LEUNG	Godiva Chocolatier (Asia)

Mr. Anson POON	GS1 Hong Kong
Mr. Timothy CHAN	Hago Limited
Ms. Connie KUNG	Heinz Hong Kong Limited
Ms. Ada WONG	Herbalife
Mr. Charles KUI	HK Kids Food Factory Ltd.
Mr. Simon TAM	Hong Kong Federation of Restaurants & Related Trades Limited
Mr. Billy TANG	Hong Kong Food Science & Technology Association
Ms. Peggie YAU	Hong Kong Health Food Association
Ms. Linda YAN	Hong Kong Infant and Young Child Nutrition Association
Mr. YU Chung Him	Hong Kong Institute of Vocational Education
Mr. Peter Johnston	Hong Kong Retail Management Association
Ms. Frenda WONG	Hong Kong Suppliers Association Ltd.
Mr. Joshua SUEN	Hong Kong Suppliers Association Ltd.
Mr. Gary LO	Hong Kong Yakult Co., Ltd.
Ms. Sim FUNG	Hop Fat Company
Mr. Ronald CHOW	Hung Fook Tong (Herbal Tea) Ltd.
Ms. Katrina NG	Hutchison China MediTech Limited
Mr. Marco LO	Institution of Dining Art
Ms. Becky CHEUNG	International Food Safety Association
Mr. Dominic LUN	International Food Safety Association
Dr. Miro Smriga	International Glutamate Technical Committee & Ajinomoto Co.
Mr. FUNG Kam Lun	Intertek Testing Services H.K. Ltd.
Ms. AU Wing Sum	Island Shangri-la hotel
Ms. HIKOSAKA KUMIKO	Japan External Trade Organization
Mr. CHOW Tin Yam	Japan External Trade Organization
Ms. Gigi WONG	Kampery Development Limited
Ms. Maria HO	Lam Soon HK Group
Ms. Sylvia YU	Lee Kum Kee Co. Ltd.
Ms. Alice WONG	Lee Kum Kee International Holdings Ltd.
Ms. Faye LEUNG	Mannings
Ms. Maggie CHU	Marks and Spencer (Asia Pacific) Ltd.
Ms. Rita HO	Maxims's Caterers Ltd.
Ms. Juliana CHAN	Maxims's Food Factory
Ms. Debbie CHAU	McDonald's
Ms. Amy CHU	Mead Johnson Nutrition (Hong Kong) Ltd.
Ms. LAW Hoi Ying	MUJI (Hong Kong) Co., Ltd.
Ms. MARILYN A.LI	Mushroom Bakery @ café

Mr. WONG Pui Sum	Natural Alliance Co., Ltd.
Mr. Joseph MA	Nestle Hong Kong Ltd.
Ms. Haymann LAU	New Zealand Consulate-General
Ms. Vien POON	New Zealand Focus (HK) Ltd.
Mr. Ferbert LEE	Nissin Foods Co., Ltd.
Ms. Christine WONG	Nutrifarm Food Trading Co. Ltd.
Ms. LO Wai King	Oil Procurement Limited
Ms. Jessica TONG	Panway Corporation Limited
Ms. German CHEUNG	Pappagallo Pacific Ltd.
Ms. Cactus LAI	Parkshop (HK) Limited
Ms. LO Kar Man	Pizza Express (HK) Ltd.
Mr. Anthony LAM	Pizza Hut Hong Kong
Ms. Ming LAM	Power Mark Development Limited
Ms. Vivian KWOK	Prime SeaSalt International Ltd.
Ms. Queenie LAU	Secretariat of Economy of Mexico
Ms. Carol LAI	SGS Hong Kong Limited
Ms. Amy YIP	Sims Trading Co. Ltd.
Mr. Raymond ON	Sino Group of Hotels
Mr. Rayson NG	Smileygrowth
Mr. Nick LEUNG	Snow Brand HK Co., Ltd.
Ms. Antonia Martinez Ferreras	Spanish Consulate Trade Commission
Ms. Kandy CHEUNG	Squina Eu- Health Centre
Mr. WONG Kam Chuen	Swire Coca-Cola HK Ltd.
Mr. LAI Shing Hin	The Association for Hong Kong Catering Services Management Ltd.
Ms. Anna LEUNG	The Dairy Farm Group
Ms. Candy SZETO	The Garden Co. Ltd.
Mr. Alex AU	Truth & Faith International Ltd.
Ms. HUNG Wing Yee	Tsit Wing Coffee Co., Ltd.
Mr. Woce WU	TUV Rheinland (Shenzhen) Co., Ltd.
Ms. Wing CHEUNG	Unilever Hong Kong Limited
Mr. Attlee LAU	URC Hong Kong Co., Ltd.
Mr. LE Van Nghia	Vietnam Trade Office
Mr. Sidney NG	Vital Production Limited
Mr. CHAN Chi Kong	Vitasoy International Holdings Ltd.
Ms. Sheena TAM	Wellcome Fresh Food Centre
Mr. Philip KWAN	Wrigley Asia Pacific Ltd.
Mr. Tony CHOW	Wyeth (Hong Kong) Holding Company Ltd.
Ms. Sandy TSE	Zuelling Pharma

In Attendance

Mr. Kenneth CHAN	Principal Assistant Secretary for Food & Health (Food)1 / Food and Health Bureau
Dr. Steven YEUNG	Assistant Secretary for Food & Health (Food)SD2 / Food and Health Bureau

Opening Remarks

The Chairman welcomed all trade representatives to the 50th 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

Microbiological Quality of Sushi and Sashimi in Hong Kong (2014)

3. Dr. Andrew LAU briefed the meeting about the result of a Risk Assessment Study conducted by the Centre for Food Safety (CFS) on the Microbiological Quality of Sushi and Sashimi in Hong Kong. Sushi and sashimi were popular food items in Hong Kong but they were also high risk food items. Previous local studies suggested that there was room for improvement in the hygienic quality of the items. The objectives of the current study were to provide an update of the microbiological quality of sushi and sashimi available in the local market, and to provide an overview on the pH value of rice from sushi. Sampling was conducted from July to October 2014 and a total of 98 sushi samples and 99 sashimi samples

were collected. Testing result indicated that only 4 samples (or 2%) were found unsatisfactory in microbiological quality, and two samples (or 2%) of sushi rice portions had a pH value above the acceptable level of 4.6. It was considered that the hygienic quality of sushi and sashimi sold in Hong Kong was generally satisfactory. Regarding the unsatisfactory samples, the CFS had given advice to the relevant parties and took follow-up samples which were subsequently found satisfactory. The trade was recommended to measure the pH value of the acidified sushi rice from time to time, especially when new staff were engaged and when new recipes were used, to ensure a value of 4.6 or below. Finished sushi should be kept at 4°C or below or be consumed within 4 hours. Sashimi, except for live shellfish intended for raw consumption, should be kept at 4°C or below during display. The public was advised to check if sashimi and sushi were fresh and kept under suitable temperature at time of consumption; consume take-away sashimi or sushi soon after purchase, or keep them at 4°C or below to minimise risk; and that people with weakened immunity, elderly, pregnant women and young children should avoid raw or partially cooked food.

Agenda Item 2

Legislative Proposals on Regulation of Edible Fats and Oils and Recycling of “Waste Cooking Oils”

4. Regarding the import and export of edible fats and oils, Mr. LEE Yum Hung gave an introduction of the current situation in Hong Kong and the legislative proposals. Currently, there was no specific legislation to regulate the import and export of edible fats and oils. The legislation regulating food safety in general was also applicable to edible fats and oils for human consumption. Edible fats and oils for export were only required to meet the statutory requirements of the authorities of the export destinations. Under the proposed regulatory framework, “waste cooking oils” and “substandard fats and oils” not intended for human

consumption should not be used as ingredients for the production of edible fats and oils. Importers of edible fats and oils would be required to provide an official certificate or a certificate issued by an officially recognised independent testing institution certifying that edible fats and oils meet the proposed statutory standards and are fit for human consumption. The requirement of provision of certificate would also be applicable to edible fats and oils manufactured in Hong Kong for export. Importers of edible fats and oils would also be required to provide copies of certificates or other supporting documents to their downstream distributors, retailers or food premises.

5. Mr. Arthur YAU briefly introduced the proposed amendments to the standards for edible fats and oils under the legislative proposals. The proposed definition of edible fats and oils was made with reference to the definition of the Codex Alimentarius Commission. Proposed safety standards for edible fats and oils would be introduced with maximum levels set for five elements: arsenic, lead, erucic acid, aflatoxins and benzo[a]pyrene. It was also proposed to set statutory standards for peroxide value and acid value in lard to enhance the quality of relevant products in the market. The Expert Committee on Food Safety had been consulted in December 2014 and they supported the direction of the proposed standards.

6. Mr. WONG Hon Meng of Environmental Protection Department (EPD) introduced to the meeting the legislative proposals on strengthening regulation of recycling of waste cooking oils (WCO). WCO, if properly recycled, could be converted into commodities like biofuel and soap. This would help not just to protect our environment but also prevent them from being re-used for human consumption or as raw materials for food production. Under the proposed regulation, the definition of WCO encompassed cooking oils abandoned from any cooking process, regardless whether they had been used for their original purpose, and included used cooking oil, cooking oil which has passed its expiry date and grease trap waste,

other than those from household. The Waste Disposal Ordinance, Cap. 354 (WD Ord., Cap. 354) would be amended with the introduction of licences for the collection, disposal and import / export of WCO. WCO collectors had to hold a collection licence and WCO would only be sold or handed over to another collector / disposer / exporter who held a licence issued under the WD Ord., Cap. 354. WCO disposers had to hold a disposal licence and all disposal facilities in operation had to comply with the applicable permit / licence requirements and WCO could only be recycled for legitimate industrial re-use. Importers / exporters of WCO had to obtain a WCO import / export licence and would also be required to obtain a permit issued under the WD Ord., Cap. 354 for all shipments of WCO import / export. All collectors, disposers, importers / exporters would be required to keep all transaction, storage, disposal and / or import / export records of WCO. Prior to the amendment of the WD Ord., Cap. 354, some new administrative measures would be implemented. The Food and Environmental Hygiene Department (FEHD) proposed that an additional licensing condition be imposed on the food premises such that any WCO produced during the cooking process had to be handed over to a collector, disposer or exporter, who was registered by the EPD and the relevant transaction records had to be kept properly. The EPD would accept voluntary registration from WCO collectors, disposers and exporters.

7. Ms. Rita YEUNG supplemented that the said administrative measures were to regulate the recycling of WCO to ensure that such oils upon disposal would not be used as ingredients for edible oils. Firstly, EPD would register local collectors, disposers and exporters of WCO. FEHD would impose additional licensing conditions to require all restaurants, factory canteens, food factories and bakeries to hand over their WCO to a collector, disposer or exporter registered by EPD for disposal and keep proper records. FEHD would issue warning to any licence holders found to be in breach of the relevant licensing conditions. For repeated breaches, FEHD would consider cancelling their licences.

8. One trade representative remarked that he supported in principle in terms of the disposal control of waste oil but had major concern with the certification scheme of imported edible oils. However, he opined that exemption should be granted for some small volume, expensive, specialist oils imported from overseas as the cost of certification would be disproportionate to the sales volume and amount. Otherwise the cost would be prohibitive and would result in considerable food inflation. Or such products would be removed from the counter and the choice of consumers would be restricted. He remarked that the same issue also occurred in the implementation of nutrition labelling. He added that the gutter oil incidents only confined to Mainland, Hong Kong and Taiwan and were not reported in other countries.

9. Another trade representative supported the proposed regulation of edible fats and oils after the occurrence of the substandard lard and gutter oil incidents. He enquired whether the suppliers and distributors of edible oils would provide the relevant certification documents to the retailers and food premises. He proposed that the regulation on the use of edible oils should not be too strict as some cooking oils could be used twice without deterioration in quality. He also supported the strengthening of regulation on the recycling of WCO. He was concerned whether the number of licensed WCO collectors would be reduced in future and resulting in higher costs on the part of food premises. The requirement of keeping transaction records on handing over WCO produced to WCO collectors would be too harsh for the small food retailers which produced minimal amounts of WCO. He also proposed to allow a grace period of six months to one year in enacting the law such that the small food premises could have enough time for adaptation. The Chairman clarified that there was currently no proposal to regulate that edible oils could only be used once. Nevertheless, they had to be of good quality and met the statutory standards.

10. Another trade representative remarked that a number of bakeries / food factories produced only minimal quantities of WCO. She suggested to set a minimum target level of WCO below which collection by licensed WCO collectors would not be required.

11. In response to an enquiry from a trade representative whether further laboratory testing was required for edible oils with certification from importers, Mr. LEE Yum Hung clarified that the proposed regulation would require importers to provide certificate certifying that edible fats and oils have met the proposed statutory standards and are fit for human consumption.

12. Another trade representative supported the proposed regulation of edible fats and oils in that the food safety issue and the concerns of the public could be addressed. He pointed out that the costs of the products would inevitably increase. He proposed the Government to encourage the suppliers of edible oils to introduce more diversified varieties as it would be likely that some of the existing brands would not be able to meet the revised standards. He remarked that the trade was already very experienced in the re-use of cooking oils but it would be useful for the Government to issue guidelines for the trade's reference. He also enquired that for chained stores, whether the Government would accept collection of WCO from a central depot instead of from individual stores. Consideration should be given to the number of licensed WCO collectors such that demand could be met and no extra cost would be incurred by the trade. The Chairman clarified that re-used cooking oil was covered by the definition of edible oil under the proposed regulation.

13. In response to an enquiry from a trade representative, the Chairman replied that there was currently no specific testing method for discerning whether edible oil was originated from gutter oil. In response to an enquiry from another trade representative, the Chairman replied that the current ban on the import of certain edible oils from Taiwan was still valid.

The trade representative further asked whether it was legal for an edible oil product manufactured in Taiwan and packaged in Singapore with country of origin stated as Singapore to be imported to Hong Kong.

14. A trade representative enquired about whether health supplements like DHA, lecithins, fish oil would be regulated under the proposed regulations. The Chairman asked Mr. Arthur YAU to reiterate the proposed definitions of the fats and oil in response.

15. A trade representative remarked that when foreign countries were required to certify that edible fats and oils meet the proposed statutory standards and are fit for human consumption, they would not specify that the products meet Hong Kong's legislative requirement. The Chairman said that the matter would be discussed in the coming meeting with Consulate Generals. Another trade representative remarked that when foreign products were required to meet the standards set in Hong Kong, foreign exporters / authorities would have to do a specific range of tests catering the local requirements. This would eventually raise costs and the choice of the Hong Kong citizens would inevitably be limited.

16. In response to an enquiry from a trade representative, Ms. Rita YEUNG informed her of the definition of WCO as mentioned in paragraph 6 above. When a contractor was hired to dispose of the grease trap waste, the contractor should be a WCO collector registered by EPD, and records had to be kept. Another trade representative asked whether the requirement for testing and certification of imported edible oils could be relaxed for organic edible oils which were of good quality. The Chairman replied that for requests for special treatment, ample justifications had to be provided.

17. One trade representative enquired that for an edible oil product exported from one country but manufactured and packaged in other countries, which country should be

responsible for certification. The Chairman considered that it would be more simple for the certification to be done by the manufacturing country. Another trade representative asked whether a certificate issued by an accredited laboratory of the exporting country was acceptable. Mr. LEE Yum Hung replied that the certificate had to be issued by an officially recognized independent testing institution. If there was doubt on the status of the laboratory concerned, clarification would be sought from the exporting country. For products exported from Hong Kong, a list of accredited laboratories recognized by the Government was available. One trade representative remarked that for products exported from Hong Kong, every consignment had to be tested and certified, which would create much inconvenience and extra costs. She suggested that for export products it would only be necessary to abide by the regulations of the importing country / place.

18. Another trade representative opined that it would be very difficult for other countries to certify that their products meet the specific regulatory requirements of Hong Kong since Hong Kong was only a small market for them. It would also be difficult to explain why only edible oils, but not other food products, had to meet the specific regulatory requirements. A better alternative was for the importers to be held responsible for the quality of the imported products instead of requiring foreign countries' certification.

19. In response to an enquiry from another trade representative, the Chairman replied that for imported 'mixed' edible oil, certification had to be obtained from the exporting country.

20. The Chairman informed the meeting that the public consultation on the proposals would last until 6 October 2015. Two public forums would be held on 30 July 2015 and 8 September 2015 respectively and interested parties were welcome to attend.

Agenda Item 3

Revision of “Guidelines on Food Classification for the Pesticide Residues in Food Regulation”

21. Ms. CHUNG Ho-yan briefed the meeting of the revision of “Guidelines on Food Classification for the Pesticide Residues in Food Regulation”. “Guidelines on Food Classification for the Pesticide Residues in Food Regulation” (the Guidelines) was intended to facilitate the trade in identifying the appropriate pesticide residue limits (i.e. MRLs / EMRLs) that were relevant to the food commodities concerned. The Guidelines was prepared by making reference to the Codex Classification of Foods and Animal Feeds. Only food commodities of local interest / relevance were included in the Guidelines. Traders were recommended to refer to the original Codex Classification for a complete Codex list of food commodities if necessary. In the current revision, the Chinese common name of the food commodity code VL0483 was changed from “葉用萵苣(包括唐生菜、油麥菜、A菜)” to “葉用萵苣(包括唐生菜)”, and the Chinese common name of the food commodity code VL0490 was changed from “芭蕉葉” to “車前草 / 田貫草”. The MRLs / EMRLs for the food group “Leafy vegetables” were applicable to Indian lettuce (油麥菜). The Guidelines had been uploaded to the CFS website and the trade had been briefed of the revision in the Technical Meeting held on 2 July 2015. The Guidelines would be subject to periodic review and might be amended or supplemented as necessary from time to time.

Agenda Item 4

Latest Development on Trans Fats

22. Ms. Jacqueline FUNG briefed the meeting of the latest development on trans fats. Trans fat raised the level of low-density lipoprotein (LDL) cholesterol (also called the “bad” cholesterol), lowered the level of high-density lipoprotein (HDL) cholesterol (also called the

“good” cholesterol), and increased the risk of coronary heart disease. Dietary trans fat could be classified into natural trans fat and artificial trans fat: natural trans fat was found in milk and fat of sheep and cattle, such as whole milk and butter; artificial trans fat was produced during the process of hydrogenation of vegetable oil. The main dietary trans fat was artificial trans fat, which was from intake of food made with partially hydrogenated vegetable oil (PHVO) or cooked with partially hydrogenated vegetable oil, such as fried food and bakery products. WHO recommended 'national policies that virtually eliminate PHVO in the food supply' as one of the global indicators for monitoring of the achievement of WHO's global target of prevention and control of non-communicable diseases. The U.S. Food and Drug Administration had recently announced that Partially Hydrogenated Oils (PHOs), the primary dietary source of trans fats, would be subject to regulation as food additives. There were also regulatory controls in other countries. In Hong Kong, the CFS produced the “Trade Guidelines on Reducing Trans Fats in Food” in 2008 for the reference of the food trade, and conducted four risk assessment studies on trans fat content in food during the period from 2007 to 2012. The result of the 2012 study indicated that it was practically feasible for the trade to reduce trans fats in food without raising the saturated fat content. According to the Hong Kong nutrition labelling requirements, content of trans fat in prepackaged food should be listed on the nutrition label. The claim of “Free of trans fat” could be made provided that the prepackaged food met the conditions stipulated for this nutrition claim. The amount of trans fatty acids in infant formulae could not exceed 3% of the total content of fatty acids. The CFS would examine from time to time the need to regulate the use of PHOs, in the light of the latest international developments, including the regulatory approaches and recommendations of other countries/regions. The CFS would continue to work with the trade to further lower trans fat content in food to safeguard food safety and public health.

Agenda Item 5

Sampling Plan for Nutrition Labelling Compliance Testing

23. Ms. Barbara CHAN informed the meeting of CFS' sampling plan for nutrition labelling compliance testing. She first remarked that it was the responsibility of the trade to ensure that the nutrition label and claims were compliant with the Food and Drugs (Composition and Labelling) Regulations, Cap. 132W and that the label values accurately reflected the nutrient content of the product. The CFS would take samples of the food items and conduct chemical analysis for nutrient content of the prepackaged food. The current sampling plan, based on overseas practice, was to take twelve individually prepackaged consumer units randomly from the same food lot in question and then combined to make a composite sample. The composite sample would be divided into three parts, analyzed, and the result of the analysis would be the estimate of the lot nutrient content. The laboratory analysis results of a composite sample would be interpreted according to the standards given in the Technical Guidance Notes on Nutrition Labelling and Nutrition Claims. Nevertheless, for the local situation, difficulty was sometimes encountered in taking twelve individually prepackaged consumer units from the same food lot at a retail outlet. By virtue of Section 62(1)(b) of the Public Health and Municipal Services Ordinance, Cap. 132 (PH&MS Ord., Cap. 132) where any food was kept for retail sale in unopened packages, no such sample should consist of less than the whole of the contents of any one such package. Hence it would be sufficient to take only one package of food as sample provided that a fair sample of the bulk of the food in question was taken. The Chairman remarked that the CFS would take twelve units of food as sample for analysis as far as possible and would take less if the practical situation at retail outlets did not warrant the taking of twelve samples.

Agenda Item 6

Nutrition and Health Claims on Infant Formula, Follow-up Formula and Prepackaged Foods for Infants and Young Children under the Age of 36 Months

24. Ms. Melissa LIU briefed the meeting of the result of the public consultation exercise on the proposed regulatory framework on nutrition and health claims on infant formula (IF), follow-up formula (FF), and prepackaged foods for infants and young children (IYC) under the age of 36 months in Hong Kong. The consultation period was from 6 January 2015 to 17 April 2015 and a total of 131 written comments were received. The Overarching Principles (OP) of the proposed regulatory framework was that: (a) nutrition claims (i.e. nutrient content claims and nutrient comparative claims) should be prohibited in IF; (b) reduction of disease risk claims should be prohibited in formula products (i.e. IF, FF) and IYC foods; (c) nutrition claims (i.e. nutrient content claims and nutrient comparative claims), nutrient function claims and other function claims should be permitted in IYC foods; (d) nutrients or constituents permitted to be subjects of claims should be of high importance to the health of infants and young children; and (e) nutrition and health claims should meet specific content conditions, and health claims must be scientifically substantiated and have undergone credible evaluation process. Overarching principles (a) to (c), if accepted, would allow certain claims on certain formula products/IYC foods while prohibiting others. Within this boundary, there were product-claim combinations which regulatory options were open for discussion. A larger portion of the respondents (including healthcare professionals, academia, interest groups, general public) urged for a restrictive approach, while the trade and the media generally supported an inclusive approach. In particular, 8 submissions (out of a total of 31) did not support OP (c). Stakeholders generally supported the development of a mechanism for approving claims. Some stakeholders were concerned that the Government would likely encounter problems in evaluation of health claims. Interest groups and healthcare professionals preferred a short grace period while the trade preferred a longer grace period.

25. Ms. Melissa LIU said that with careful consideration of the local situation, overseas practice, result of the public consultation and the breastfeeding policy, the proposed regulatory approaches were devised after discussion at the Expert Committee on Food Safety and Advisory Council on Food and Environmental Hygiene in June 2015. It was proposed not to allow nutrition and health claims on IF and FF, but to allow nutrition claims, nutrient function claims and other function claims on IYC foods. Also, currently some products bearing medicinal claims were not regulated as medicine/ proprietary Chinese medicines or controlled by Undesirable Medical Advertisements Ordinance. It was proposed to take the opportunity to specify the prohibition of medicinal claims on formula products and IYC foods in the proposed regulatory framework. Other proposals included exemption of Foods for Special Medical Purposes for infants and young children from the regulation on nutrition and health claims, provided that specific labelling requirements had been fulfilled; allowing a grace period of 18 months for infant and follow-up formula for the trade to clear their existing stocks; for IYC foods, time would be needed to process the claim applications and a minimum of two years' grace period should be allowed for traders to adequately prepare themselves for the new compliance requirements. Stakeholders would be further consulted regarding the grace period for advertisements.

26. Ms. Melissa LIU added that the consultation report together with the proposed regulatory directions had been submitted to the Legislative Panel on 14 July 2015 for comments. It was planned to table the legislative proposal to the Legislative Council for discussion in the coming year. The first technical meeting to discuss technical issues of the proposal had been held on 8 July 2015. More technical meetings would be held in due course and interested trade representatives were welcome to attend.

27. One trade representative enquired whether and how the Government would respond to different opinions from the trade and Legislative Council Members. The Chairman replied that it was not possible to provide an immediate response since the representatives from FHB had left the meeting. Another trade representative remarked that nutrition and health claims were not banned in the USA and the proposed restriction would deprive Hong Kong consumers of the right of knowledge. She said that the Government should provide scientific evidence of the benefits of breastfeeding over the consumption of formula products to convince the trade. She added that the grace period for advertisement should be longer than the grace period of products in order to avoid confusion.

28. In response to an enquiry from a trade representative, the Chairman replied that the proposed regulation was not a “one size fits all” measure as some claims of IYC foods would still be allowed. The counting of number of comments received had been separately presented as number by head and also by subgroups. Another trade representative remarked that the existing environment and situation in Hong Kong was not facilitating the practice of breastfeeding, and mothers still had to depend on formula products. To limit their right of knowledge would divert them to search for information on the internet and the result would be chaotic.

Agenda Item 7

Import or Sale of Vegetables Supplied from the Mainland to Hong Kong

29. Ms. Barbara CHAN briefed the meeting of the regulation on the import and sale of vegetables supplied from the Mainland to Hong Kong. The CFS operated a Food Surveillance Programme and based on risk assessment regularly took food samples (including vegetables) at import, wholesale and retail levels for analysis to ensure the food was fit for

human consumption and complied with local regulations. Under the existing administrative arrangements between the Hong Kong SAR Government and the Mainland regulatory authorities, all imported vegetables had to be sourced from registered farms and processing plants, and each vegetable consignment should be accompanied with export document such as certificates of vegetables supplied to Hong Kong together with identification tags on the containers showing the source of vegetables. All vegetable consignments from the Mainland via land transport should be imported through the Man Kam To land border and checked by CFS at the Food Control Office. For importers and traders engaged in the import and sale of vegetable supplied from the Mainland, they should import vegetables from farms and processing establishments registered with the State General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China Mainland authority.

30. Ms. CHAN further said that with a view to protecting public health, the Pesticide Residues in Food Regulation, Cap. 132CM came into operation on 1 August 2014. Under the Regulation, it would be an offence if the laboratory test result showed that the level of pesticide residues in the vegetables for sale or import exceeded the prescribed limits. Under the Food Safety Ordinance, Cap. 612 (FS Ord., Cap. 612), all food importers and food distributors were required to register with the Director of Food and Environmental Hygiene (DFEH). For retail traders engaged in sale and also import of vegetables supplied from the Mainland, they were also required to register with DFEH. The FS Ord., Cap. 612 required any person who, in the course of business, imported, acquired or supplied by wholesale food in Hong Kong to keep transaction records of the business from which it acquired the food and the business to which it supplied the food. The law had also conferred powers to FEHD officers for demanding food importers and distributors to provide food transaction records upon request.

Agenda Item 8

Labelling of Prepackaged Food

31. Ms. Barbara CHAN informed the meeting of the current regulation on the labelling of prepackaged food. The definition of prepackaged food was introduced. According to the Food and Drugs (Composition and Labelling) Regulations, Cap. 132W, all prepackaged food had to be labelled with appropriate food labelling. Food labelling would list out the following information: name of the food; list of ingredients; indication of durability; statement of special conditions for storage or instructions for use; name and address of manufacturer or packer; count, weight or volume; nutrition label. Regarding nutrition labelling, the trade was required to provide information of energy plus seven core nutrients of the food (i.e. protein, carbohydrates, total fat, saturated fat, trans fat, sodium, sugars) on the label. Nutrition claims might also be made but the label and advertisement were subject to control. General exemption for nutrition labelling was granted for practical difficulty (e.g. prepackaged food packed in a container which has a total surface area of less than 100cm²), for food not containing energy or any content of any core nutrient, for certain food which was fresh in nature without any addition of ingredient (e.g., fresh and dried fruits and vegetables), and for prepackaged food with small sales volume (i.e. annual sales volume not exceeding 30,000 units). The rules and application procedures for the Small Volume Exemption Scheme were mentioned.

Agenda Item 9

Registration of Internet Food Traders under Food Safety Ordinance, Cap. 612

32. Ms. Barbara CHAN briefed the meeting of the registration scheme for food importers

and distributors which was also applicable to internet food traders. Section 4 and 5 of the FS Ord., Cap. 612 required any person who carried on a food importation/distribution business to register with DFEH as a food importer / food distributor, regardless of whether the person acquired the food through electronic or other means. For the purpose of FS Ord., Cap. 612, food was acquired when the person acquiring it took possession or control of the food, even though the food might not be under his / her custody. Food importers / food distributors who had already registered or had obtained a licence under other Ordinances were exempted from complying with the registration requirement but needed to provide supplementary information concerning the business of food importation / distribution. The registration scheme assisted DFEH in identifying and contacting a more defined group of food traders speedily in a food incident. Any person who, without reasonable excuse, carried on a food importation / distribution business without registering as food importer / food distributor committed an offence and would be liable to a maximum fine of \$50,000 and to imprisonment for 6 months. The registration cycle for food importers and food distributors would be valid for a period of 3 years, subject to renewal. The “Guide to the Registration Scheme for Food Importers and Food Distributors” had been uploaded to the ordinance website for reference.

Any Other Business

33. The topic of MSG (sodium glutamate) label on food was raised by Dr. Miro Smriga, Scientific Advisor of the International Glutamate Technical Committee (IGTC). He introduced that MSG was just one form of glutamate and glutamate was the most abundant amino acid in food / nature. Glutamate stimulated savory taste and savory sauces were very rich in glutamate. Human body would not distinguish MSG from other glutamates and would metabolize all glutamates identically. Food glutamates had important roles of

reducing sodium intake (by approximately 30% when replacing salt), improving salivary secretion, and serving as the key source of energy for intestines. MSG was recognized as natural by the US Department of Agriculture under certain conditions and the US Food and Drug Administration did not permit “No MSG” claims on food labels for food with naturally occurring free glutamate. Other countries also considered “No MSG” claims as misleading / not acceptable on a product with detectable glutamate. In Hong Kong, food companies were using “No MSG” or “No additive” as aggressive marketing tools. The PH&MS Ord., Cap. 132 stipulated that food labels should not mislead as to food nature, substance or quality. IGTC proposed to ban the “No MSG” claims on food with detectable glutamate.

34. Ms. Michelle CHAN shared with the meeting a legal case in which a popular brand of soya sauce advertised in the newspaper that the product did not contain MSG. Eventually the product was tested and found to contain MSG and the manufacturer was found guilty of making false claim on advertisement. The Chairman remarked that although it was not stipulated in our regulation that “No MSG” claims could not be made, if the trade wanted to make such claims they should be very careful that their products should not contain MSG, as revealed in the previous court case. The CFS had published an article on MSG earlier this month to arouse the awareness of the community on the subject.

35. In response to a question from the Chairman, Dr. Miro Smriga commented that even if some restaurants in Hong Kong claimed that they did not use MSG in their foods, glutamates would still exist in the food items since they were the basic savory components.

36. In response to an enquiry from a trade representative, the Chairman remarked that there was still no scientific evidence to prove that consumption of MSG was linked to poor health or adverse body reactions apart from idiosyncratic reactions developed by some individuals.

Date of Next Meeting

37. The next meeting would be held in September 2015. The date of the meeting was to be determined.

38. There being no other business, the meeting was adjourned at 5:30 p.m.