Centre for Food Safety  
Food and Environmental Hygiene Department  
Notes of the Nineteenth Meeting of the Trade Consultation Forum  
held on 27 August 2009 at 2:30 p.m.  
in Conference Room at Room 102, 1/F, 258 Queen's Road East, Wan Chai, Hong Kong

Present

Government Representatives

Dr. Y. Y. HO  Consultant (Community Medicine) (Chairman)  
(Risk Assessment & Communication)  
Dr. Anne FUNG  Principal Medical Officer (Risk Assessment & Communication)  
Dr. Janet KWAN  Senior Medical Officer (Risk Assessment)  
Mr. C. W. TAM  Senior Superintendent (Centre for Food Safety)  
Mr. K. M. LIU  Superintendent (Import/Export)  
Mr. K. W. CHUNG  Chief Health Inspector (Food Labelling)  
Dr. Anna TANG  Scientific Officer (Technical Publication)  
Ms. Janny MA  Scientific Officer (Food Additive)  
Mr. H. M. WONG  Superintendent (Risk Communication) (Notes-taker)

MVA Hong Kong Limited Representatives

Mr. Wayne YEH  Research Director  
Mr. Kenny TAM  Research Manager

Trade Representatives

Mr. Justin WONG  7-Eleven  
Mr. Brain CHEUNG  A. S. Watson Industries  
Ms. Lina LIM  A. S. Watson Industries  
Mr. Peter JOHNSTON  A. S. Watson Group (HK) Limited  
Ms. Janice WONG  Aeon Stores (Hong Kong) Co., Ltd.  
Ms. Caroline YUEN  American Consulate General Hong Kong, Agricultural Trade Office  
Mr. Philip SHULL  American Consulate General Hong Kong, Agricultural
Ms. Michelle HAU Amoy Food Ltd.
Mr. Ali FUNG Amway Hong Kong Ltd.
Mr. Alan KWOK Campbell Soup Asia Limited
Ms. Ming CHEUNG Campbell Soup Asia Limited
Mr. Alain YIP CHAN YEE JAI
Ms. Grace YEE City Super Ltd.
Mr. Dennis CHAN City Super Ltd.
Ms. May KAN Coca-Cola China Ltd.
Mr. LEUNG Chin Kin DCH Food Mart
Ms. Emily LAM DCH Food Mart
Mr. Stephen CHOI Food Safety Services International
Mr. CHAN Kin Wai Four Seas Mercantile Ltd.
Mr. LIU Hao Four Seas Mercantile Ltd.
Mr. Albert Pak Nam CHAN Hong Kong Food Science & Technology Association Ltd.
Ms. Joey CHAN Hong Kong Retail Management Association
Ms. Frenda WONG Hong Kong Suppliers Association
Mr. Albert TANG Hong Kong Suppliers Association
Mr. Gary LO Hong Kong Yakult Co., Ltd.
Ms. Corine LIU Hong Kong Yakult Co., Ltd.
Ms. NG Pui Kay Kee Wah Bakery
Ms. Fiona AU YEUNG Kee Wah Bakery
Ms. Jessica CHUI Kjeldsen & Co. (Hong Kong) Ltd.
Mr. LEE Kwong Lam Kowloon Chamber of Commerce
Mr. LEUNG Kam Tong Kowloon Chamber of Commerce
Mr. Philip KWAN Lee Kum Kee
Ms. Kate NG Lucullus Food and Wines Co., Ltd.
Mr. LAM Sze Kwan Mannings
Ms. Jam TING Master Kong (HK) Trading Company Limited
Ms. Gloria LIU Maxim's Caterers Ltd.
Ms. Caroline HO Maxim's Caterers Ltd.
Mr. Eugene WONG McDonald's Restaurants (HK) Limited
Ms. Doris CHAN Nestle Hong Kong Ltd.
Mr. Jonathan CHOW Nikkens Japanese Food Co., Ltd.
Ms. Mabel LEUNG Parknshop
Mr. Chris CHAN Pat Chun Int'l Ltd.
Ms. Nicole CHAN Pat Chun Int'l Ltd.
Ms. Zoe LIU Pepsi Co International, China Beverage Region (Hong
Opening Remarks

The Chairman welcomed all trade representatives to the meeting and introduced Government Representatives and representatives of MVA Hong Kong Limited (MVA) to the meeting.

Confirmation of the Notes of Last Meeting

2. The notes of last meeting were confirmed without amendments.
Agenda Item 1

Matters Arising from Notes of Last Meeting

Small Volume Exemption Application

3. Mr. K. W. CHUNG briefed the meeting on the finalised application procedures of the Small Volume Exemption (SVE) under the Nutrition Labelling (NL) Scheme. The SVE was applicable to prepackaged foods of the same version with an annual sales volume in Hong Kong not exceeding 30,000 units. With prior approval from the Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department, these prepackaged foods might be exempted from providing nutrition label on the package. When certain nutrition information was already provided on the label, exemption could still be granted. However, such information should be accurate and not misleading. On the other hand, when there was nutrition claim on the label or in any advertisement, exemption would not be granted. Hardcopies of “A Guide to Application for SVE (Draft)” were tabled at the meeting for reference of representatives.

4. Mr. K. W. CHUNG continued that application for SVE could be made in the name of an individual or a company. For imported products, it should be made by importers; for local products, it should be made by manufacturers. Application from more than one importer or manufacturer for the same product would be accepted. Traders might submit applications starting 1 September 2009 using the standard application form. Both manual and electronic application forms ((FEHB 233 and e.FEHB 233) could be downloaded from the CFS website. Manual form could also be obtained from the following CFS offices:
a) CFS Headquarter at 43/F, Queensway Government offices;

b) Food Labelling Office at 4 Hospital Road, Sai Ying Pun; and

c) SVE Office at M/F, Middle Road Carpark Building, Tsim Sha Tsui (operation would start on 1 September 2009).

5. Mr. K. W. CHUNG reminded that each application form should be used for one product only. Applicant should complete separate forms when applying for exemption for more than one product. Alternatively, applicant might reproduce Parts D & E or download such supplementary sheets from CFS website for filling the relevant particulars of additional products and attach to the first application form without the need of submitting sheets for Parts A to C. Applicant should provide personal/company particulars in Parts A & B and submit a copy of valid Business Registration Certificate. For application made in the name of an individual, the applicant should also submit a copy of Hong Kong Identity Card.

6. Mr. K. W. CHUNG advised that applicant should submit photos or scanned images of the product showing its food name and brand name, and the bar code that appeared on the product package or an empty box or wrapper of the product as an alternative. Information such as the bar code and any presentation which might constitute a nutrition claim could be provided in the “Other relevant information” box in Part D. Completed application form and supplementary sheets of Parts D & E, together with prerequisite documents should be sent to SVE Office by post, by fax or in person. For electronic form, if there was no digital signature, a scanned image of page 6 of the form (Declaration with signature and company chop) should be sent together with the form. The digital photos of the product(s) should be compressed before sending as far as possible to limit the overall size of email under 5 MB.
7. Mr. K. W. CHUNG expected that a large number of applications would be received at the beginning of the application period of the SVE scheme. CFS would try its best to inform applicants of the outcome of application before 18 December 2009 for applications submitted before end of October 2009. The approval letter would provide the exemption number (the format of exemption number adopted would be the same as stated in item (j) in paragraph 18 of the notes of 18th meeting of the Trade Consultation Forum held on 22 July 2009) assigned to the product and this number would remain unchanged for the same exempted product. Applicant might choose 1 July 2010 or the first day of any month from August to December 2010 as the effective date for the exemption. If more than one applicant applied for exemption for a certain product at different times, the exemption granted to any subsequent applicant would only be valid up to the expiry date of the exemption granted to the first applicant or until the annual sales volume of the product exceeding 30,000 units, whichever was earlier. For exemption to take effect on 1 July 2010, applicant should pay the annual exemption fee of $345 within the period from 2 to 24 July 2010. For exemption to take effect from August to December 2010, payment should be made within a specified period before the effective date of exemption. Applicant would be informed of details of payment arrangement later.

8. Trade representatives said that there was great difficulty in providing information on “Province/State/County” and “City” as such information was not readily available. They pointed out that the List of Distribution of the Product could be an extremely long one and enquired whether the information was mandatory. Mr. C. W. TAM confirmed that the information was mandatory requirement under the SVE. Applicant should provide the information as far as possible. If any mandatory information could not be provided, the space provided therein on the form might be left blank or be inserted “Not Available” or “N.
A.”. He clarified that only the particulars of the first-tier level of distributors would be required to be provided in the list of distribution of the product. The name and address of distributors/retailers should be provided where these were available. These applied to those who operated under a direct sales mode.

9. The meeting noted that, in case more than one applicant applying for exemption for a certain product, the trade found it acceptable that the validity of subsequent exemptions granted would be expired on the same expiry date granted to the first applicant.

10. There was suggestion on that the provision of filling the “proposed effective date of exemption” should be filled in Parts D & E instead of on page 2 of the form in front of Part A as different products might require different effective dates. It would save the efforts of the trade to complete different pages 2 for different products applying for exemption on different effective dates. Printing “effective date of exemption” in Parts D & E could save the need of completing many pages 2 when there were many products applying for exemption at the same time. Mr. C. W. TAM advised that separate application forms should be submitted for different products with different effective dates. The suggestion of printing “effective date of exemption” in Parts D & E would be considered when the form was reviewed.

11. Mr. C. W. TAM informed the meeting that an online information technology system would be set up to provide the trade with information on the name, effective date of exemption, sales volume, etc. of exempted products. However, particulars of individual applicant would not be released to the public.

12. The meeting noted that the label showing the SVE status should be independent and
separated from other labels already placed on the package. However, it was acceptable for the SVE status label being printed on a large label with other labelling information provided that the SVE status label being demarcated clearly from other information on the large label.

**Agenda Item 2**

**Nutrition Labelling Market Survey**

**Introduction**

13. **Dr. Janet KWAN** introduced to the meeting the market survey on NL for prepackaged food. She said that the survey was a response to the concerns of the food trade on the impacts over prepackaged food after implementing the NL regulation in Hong Kong. It was intended to find out the number of prepackaged food supplied in Hong Kong before and after implementation of the NL Scheme and their compliance rate to the mandatory labelling requirements. The survey was generally supported by the food trade. MVA was commissioned to conduct the survey. She invited representatives of MVA to brief the meeting on details of the survey.

14. **Mr. Wayne YEH and Mr. Kenny TAM** told the meeting about the background, scope, objectives and other details of the survey.

**Background**

15. The NL regulation would become effective on 1 July 2010. Starting the same date, energy plus seven core nutrients: Protein, Carbohydrates, Total Fat, Saturated Fatty Acids,
Trans Fatty Acids, Sodium and Sugars, would become mandatory information on label of prepackaged food. The survey aimed at assessing the change in number of prepackaged food in the Hong Kong market before and after the implementation of the NL regulation.

Scope and Objectives

16. The scope of the survey comprised two main parts: total number of prepackaged food in Hong Kong and compliance rate assessment of prepackaged food with basic NL requirement. In the survey, compliance with basic NL requirement was defined as prepackaged food containing label with nutrition information on energy plus seven core nutrients. Where carbohydrate was labelled as “total carbohydrates”, the amount of dietary fiber should also be stated. In this respect, there were three objectives with the survey as follows:

   a) To estimate the total number of prepackaged food products in Hong Kong before and after the implementation of the NL regulation and the percentage change in food availability over this period;

   b) To estimate the total number and proportion of prepackaged food products in Hong Kong that comply or do not comply with the mandatory NL requirement before the commencement of the NL regulation; and

   c) To analyse the results of objective (b) by different food groups and country of origin.

Schedule

17. A total of three surveys would be carried out. Among the three surveys, two would be
conducted before the commencement of the NL regulation and one after. The schedule of conducting the three surveys was as follows:

a) 1st survey in September 2009 – to find out the current situation.

b) 2nd survey in March 2010 – to find out the change on approaching the effective date of the NL regulation.

c) 3rd survey in April 2011 – to find out the impacts after the NL regulation taking effect.

In all three surveys, the number of prepackaged food products available in all surveyed shops and their changes during the survey period, and the number and proportion of prepackaged food products that were not covered by or were exempted from the NL requirement would be collected. In the first two surveys, the number of sampled prepackaged food products that complied or did not comply with the mandatory NL requirement would be collected. Results would be presented as total number, as breakdown into different food groups and different countries of origin. Target retailers would include supermarkets (popular, high-end & Japanese supermarket), specialty shops (health food, organic products & snacks) and ethnic food shops (Filipino, Indonesian, Indian, Thai and Nepalese/Pakistani).

Sample Design and Methodology

18. In the sample design, supermarkets were separated into three categories, namely popular supermarket, high-end products supermarket and Japanese supermarket. In each category, the shop selling the largest varieties of prepackaged food products would be chosen. For specialty or ethnic food shops, one major shop from each specialty category, i.e. health
food, organic products and snacks and one major shop from each ethnic group would be chosen. Shops that belonged to different trading groups shall be chosen in different category. There were two survey visits for each selected participating shop. Invitation letters would be sent to each of the selected participating shop before surveys. In the first survey visit, enumerators would take photos of the price tag of the prepackaged food product to record product information, whereas in the second one, they would record the details of the packages of some selected products through photo-taking to assess their compliance with the NL requirement.

Comments from Trade

19. Mr. Wayne YEH said that previous comments from trade had been taken into account in the sample design and devising the methodology for the survey. He said that the survey would be representative as the coverage of prepackaged food was estimated to reach 20% of the total number of pre-packaged food in the market. This sample percentage was comparable to other credible surveys. He welcomed traders to provide the number of prepackaged food products directly to MVA and such information provided would be incorporated into the report as a reference to supplement the findings of the survey. The proposed methodology was also able to cover a representative range of food products in the market. Nevertheless, traders were welcomed to suggest any other major categories of shops to be included in the survey to increase its representativeness. On the suggestion of including the number of products exempted from the NL requirement under SVE in the market and the cost of repackaging, the impact could be assessed once enough information was collected from the database of SVE applications. He welcomed traders to provide the information on the cost of repackaging directly to MVA and such information provided could
be incorporated into the report. He assured that all information collected would be kept strictly confidential and appealed for full support from the trade to the survey.

20. Views from trade representatives and replies from Government representatives on the market survey exchanged at the meeting were summarized as follows:

a) The Chairman advised that there were two levels of checking on compliance of nutrition label with the NL requirement: the first level on compliance with basic information “1+7” as required under the NL regulation and the second level on the accuracy of nutrition values through laboratory test. The current survey would focus on the first level and a separate survey planned for early 2010 would study the second level. It was expected that survey reports would be available before the NL regulation came into effect.

b) The current survey would be able to find out the compliance of prepackaged food imported from overseas countries, where there was different NL requirements with those adopted in Hong Kong.

c) It was suggested that a new category "may not comply", in addition to “comply” and “not comply”, should be added in the methodology of the current survey to cater for products with value of "0" in any of the "1+7" nutrients and products with nutrition claims, of which values labelled were not confirmed through laboratory test. The Chairman agreed to consider that suggestion. In this connection, some traders reminded that attention should be paid to the way media interpreting the addition of the new category in the survey to prevent them from conveying any negative message to the public.

d) It was suggested that prepackaged food with nutrition claims imported from
overseas countries should be grouped under the new category “may not comply; otherwise enumerators would have to check whether the claim condition in the overseas countries was the same as that adopted in Hong Kong before deciding if the products were complied or not. The Chairman agreed that that would be considered.

e) It was commented that the 1st survey in September 2009 was too rush as cooperation and support of major groups of traders was critical to the success of the survey but it was not yet confirmed that all these major groups would participate in the survey. On the other hand, attention should be paid on the period for 2nd survey in March 2010 to avoid counting the festive food for the Lunar New Year.

f) It was suggested that the current survey should include the number of prepackaged food products with claims blackened-out. The Chairman replied that it was not possible for enumerators to survey the number of products with blackened-out nutrition claims due to the difficulty for them to judge whether the blackened-out information was nutrition claim or not. He considered it more appropriate for traders to provide such information to MVA and requested traders to provide samples with blackened-out nutrition claims to MVA for reference.

g) The suggestion of collecting consumers’ views on the NL scheme had been implemented by means of a baseline survey conducted in May 2008. The result of the survey was released in March 2009. It was planned to conduct a similar survey one year after implementation of the NL Scheme.

h) It was suggested to include the number of products with nutrition claims in the market before and after the implementation of the NL scheme, to find out the number of products that might be eliminated from the market after the NL regulation taking effect.
21. The Chairman stressed that support from the trade to the survey was crucial to the success of the survey. He appealed to traders for their full support to the survey and their provision of supplementary information to MVA to enhance the creditability of the survey.

Agenda Item 3
Draft Guidelines to the Trade on Reducing the Level of Ethyl Carbamate in Alcoholic Beverages during Storage and Transport

22. Dr. Anna TANG briefed the meeting about the draft guidelines on reducing the level of Ethyl Carbamate (EC) in alcoholic beverages during storage and transport. The guidelines were intended to provide recommendations to the trade to help minimizing the level of EC in alcoholic beverages during storage and transport pursuant to the brief on a risk assessment study on EC in local fermented foods delivered at the 18th meeting of the Trade consultation Forum held on 22 July 2009, and a technical meeting with alcoholic beverage and wine associations and trade held on 14 August 2009. The recommendations were applicable to importers, distributors, wholesalers and retailers of alcoholic beverages. Hardcopies of the draft guidelines were tabled at the meeting for reference of representatives.

23. Dr. Anna TANG told the meeting that EC was a contaminant naturally formed in fermented foods and alcoholic beverages during processing and storage. The level contained would depend on the amount of precursors and its break-down products, and would increase with elevated temperature, presence of light and duration of storage. Public health concern of EC in foods was related to its carcinogenic potential. In 2007, the International Agency for Research on Cancer upgraded its classification from Group 2B
“possibly carcinogenic to humans” to Group 2A “probably carcinogenic to humans”. In 2005, the Joint Food and Agriculture Organization/World Health Organization Expert Committee on Food Additives evaluated EC and concluded that intake of EC from foods excluding alcoholic beverages would be of low concern. However, dietary exposure to EC from both food and alcoholic beverages was of concern and measures to reduce the level of EC in alcoholic beverages were recommended.

24. Dr. Anna TANG added that there were no international standards to regulate the maximum level of EC in food and beverages. However, some countries established maximum levels of EC in alcoholic beverages. In Hong Kong, there was no subsidiary legislation governing the maximum levels of EC in alcoholic beverages and foods. The 32nd session of the Codex Alimentarius Commission (Codex) held in July 2009 approved the development of a Code of Practice on EC as a new area of work with a view to preventing or reducing EC in stone fruit distillates. In wine, EC was formed as a spontaneous reaction between ethanol and urea whereas in distilled spirit, particularly spirits made from stone fruits (e.g. cherries, apricots or plums), it was formed as a reaction between ethanol and isocyanate. It was known that EC would continue to be formed in wine during storage. In grape wine, the rate of formation has been observed to increase significantly above 38°C while less increment was expected below 20°C, the usual temperature of wine cellars.

25. Dr. Anna TANG advised that importers of wine/distilled spirit should obtain products from reliable suppliers and might consider importing products that met the relevant EC standards of the exporting countries, if applicable. From production throughout shipment to storage and retail, they should also take measures to prevent products from light exposure by means of proper containers and covering boxes; and to minimise heat exposure by
maintaining the correct cold chain, preferably at or below 20°C and critically not above 38°C, by means of appropriate insulated containers, to be coupled with shipping schedules and storage facilities; and to keep stock according to the first-in-first-out principle.

26. The Chairman welcomed the trade to inform CFS of any views on the issue.

**Agenda Item 4**

**Any Other Business**

**Melamine Incident**

27. Dr. Anne FUNG told the meeting that there was an application under the Code on Access to Information seeking information from CFS on the quantity of melamine detected in food samples with satisfactory results during the melamine in Mainland’s Milk Powder incident which started in September 2008. During that time, the quantity of melamine detected from food samples with unsatisfactory results and the product details were made public but not the quantity of melamine detected in food samples with satisfactory results. In early October 2008, a member of the public requested information under the Code on Access to Information on the quantity of melamine of food samples tested between 22 September and 9 October 2008 with satisfactory results. The request was being considered by CFS. To avoid confusing the public, CFS had turned down this request.

28. Dr. Anne FUNG continued that the same member of the public then lodged a complaint in November 2008 to the Ombudsman against the decision of CFS. On 23 July 2009, the Ombudsman reported that the complaint was substantiated and the member of the public
should be provided with the requested information. Pursuant to the advice in the report of
the Ombudsman, the member of the public was provided with the information subsequently
and the trade was informed before the provision. That Ombudsman case was covered by
the media. In late July 2009, information on the quantities of melamine in all 32
satisfactory food samples with positive reading was uploaded on the CFS website for
reference of the public.

29. The Chairman said that, based on the advice in the report of the Ombudsman, the
possibility of announcing the quantity of substance detected from food samples tested with
satisfactory result could not be ruled out, though CFS was of the view that it would not help
to protect public health more with the announcement of the quantity of substance detected
from samples tested with satisfactory result. The issue would be presented to the Expert
Committee on Food Safety for discussion. Indeed, there was no plan with CFS to announce
details of samples tested with satisfactory result and such details would be considered to be
released upon request on an individual basis. He told the meeting that the trade would be
informed prior to announcement on details of samples tested with satisfactory result.
However, due to the limited capacity of CFS, that might not apply to the situation when it
was decided that details of all samples tested with satisfactory result would be announced.
Dr. Anne FUNG supplemented that overseas countries normally announced details of
samples tested with unsatisfactory result and some provided details on those with satisfactory
result to the enquirer upon enquiry.

Points to Note when Exporting Foods from Hong Kong

30. Ms. Janny MA briefed the meeting that the CFS had noted some food products exported
from Hong Kong failed to comply with various standards stipulated in the importing countries/places. At present, there were no specific requirements to export food from Hong Kong. However, food imported to other countries/places must comply with relevant standards stipulated in the importing countries/places, which might be different from those in Hong Kong. Three cases were quoted to illustrate the differences. The trade was advised to ensure all exported food products complied with standards stipulated in the importing countries/places. In case of doubt, traders should seek advice from the authorities.

31. The Chairman appealed to traders exporting food products to pay attention to the food standards in importing countries and to comply with these standards as there were different standards in different countries and they might differ from those in Hong Kong. This applied to packaging materials as European Commission commented that Hong Kong did not exercise adequate regulation on those products for export. In Hong Kong, there was no regulation on food products for export. Traders exporting food products should initiate their own action to ensure compliance with overseas standards. The concerted efforts of traders should help to uphold the reputation of Hong Kong products.

32. The meeting noted that food standards in European Commission developed rapidly. It was difficult for traders alone to update themselves with the development. There was enquiry on whether Government would provide assistance or resources to assist traders in updating with importing standards of other countries. There was also suggestion that CFS should provide more useful links on its website to facilitate traders to search for related information. The Chairman said that he was not aware of any direct assistance offered by the Government in this respect but Hong Kong food trade associations might provide support to traders. One trade representative said that his association mainly dealt with academic
issues and would not be able to provide any direct assistance to traders to resolve their trading problems. However, members of the association were ready and willing to provide suitable contacts to traders for them to discuss the way forward with these contacts in resolving their problems encountered from their trade in food products.

33. **Dr. Anne FUNG** undertook to follow up on the suggestion of providing more hyperlinks on the CFS website to facilitate traders in searching information from websites of other overseas regulatory bodies.

**Regulation of Pesticide Residues in Food**

34. **The Chairman** pointed out to the meeting that the recent incident of an environmental protection organisation reporting the detection of pesticide residues in fruits for sale in supermarkets did not represent the stance of CFS. CFS did not find it a problem in the incident as the pesticides detected were permitted and their levels fell within the maximum limits set out by Codex. CFS was of the view that pesticide might be used in growing fruits subject to compliance with the standards set out by Codex. On the other hand, the Government aimed to introduce a new piece of regulation to regulate pesticide residues in food. Indeed, the forthcoming Food Safety Seminar for Trade to be held on 17 September 2009 would discuss on the progress of developing the regulatory framework on pesticide residues in food.

**Food Safety Seminar for Trade**

35. **Dr. Anne FUNG** reminded the meeting that the Food Safety Charter 2009 Presentation
Ceremony would be held on the same day as the Food Safety Seminar for Trade on 17 September 2009. Full information of the seminar was available on the CFS website. Enrolment to the seminar had started. The Chairman invited trade representatives to enrol to the seminar, which was a major event of the CFS that held once every two years.

Date of Next Meeting

36. Trade representatives would be notified of the date of next meeting.

37. There being no other business, the meeting was adjourned at 5:00 p.m.