

資料文件

二〇〇四年六月三日

立法會《2004年食物及藥物（成分組合及標籤）
（修訂）規例》小組委員會

目的

本文件旨在向委員闡述《2004年食物及藥物（成分組合及標籤）（修訂）規例》小組委員會在二〇〇四年五月三十一日會議上所提出的問題。

食物敏感和臨床徵狀

2. 食物敏感是由於人體免疫系統對某些原本無害的食物或食物配料產生不正常反應。食物敏感可以是由不同的食物所引起。一般相信只要微量(百萬分之一至千分之一克)的致敏物就足以令容易受影響人士引起食物敏感。食物敏感的反應可以是即時或延遲發生的。很多時症狀都是輕微的，但致命的結果亦會偶而發生。食物敏感症狀可以在接觸到致敏物後很快就出現，包括了口部及喉嚨腫脹，流眼水和鼻水，呼吸困難或引發哮喘，隨着出現皮膚或腸道過敏。食物敏感人士通常會往急症室或家庭醫生求醫。他們會出現不同的徵狀，例如皮膚出現紅疹、胸口發悶或可聞的喘鳴等。若不進行醫治，嚴重的患者可能會出現窒息、呼吸系統衰竭，甚至死亡。

3. 西方的估計，約百分之三至四的兒童及百分之一至二的成人有食物過敏的病徵。世界衛生組織指出八類最常引起敏感的物质，即含有麩質的穀物、介殼類動物及介殼類動物製品、蛋類及蛋類產品、魚類及魚類製品、

花生、大豆及兩者的製品、奶類及奶類製品、木本堅果及堅果製品、以及百萬分之十或以上分量的亞硫酸鹽等是超過百分之九十的食物敏感個案的成因。美國每年因食物敏感而引致三萬宗過敏反應，二千宗留診個案及二百人死亡。英國食物標準局報稱該國每年有十人因食物敏感而引致死亡。

修訂規例

4. 食物過敏人士須掌握食物配料的足夠資料，方可避免進食對身體產生不良反應的食物。修訂規例的其中一項要求是食物標籤必須標示在第三段所提到的八種已知可能引致個別人士敏感的物质。由於這些原料及配料都是由製造商加入，他們一般都會有這些配料的資料。修訂規例亦要求明確標示所使用的食物添加劑的類別和名稱（或識別編號），讓消費者掌握更多資料，這是跟上現時國際的做法。

外地有關致敏物和添加劑的法例

5. 根據一所連鎖超級市場提供的數字，香港百分之三十六的預先包裝食物是由本地公司供應。內地為最主要的進口地區，佔總數的百分之三十一。北美、泰國、澳洲及紐西蘭和歐洲各約佔進口預先包裝食物的百分之五。以上地區和國家標示有關致敏物和添加劑的法例見下表。

要求標示添加劑和致敏物的法例

| | 內地 | 美國 | 加拿大 | 泰國 | 澳洲/ 紐西蘭 | 歐盟 | 日本 |
|-------------------|----------------------|--|--|-------------------------|--|---|---|
| 標示 添加劑 | 自 1994 年起須標示名稱或種類名稱。 | 自 1977 年起須標示所有配料。 容許使用形容詞。 | 自 1988 年起須標示所有配料。 | 自 1985 年起須標示若干類配料的種類名稱。 | 自 1987 年起須標示類別及名稱或添加劑編號。 | 自 1978 年起須標示類別及名稱或 E 編號。 | 10 類添加劑須標示種類名稱及名稱；14 類只須標示種類名稱。 |
| 標示 敏感物 | 沒有有關法例。 | 致敏物須按現行的法例如配料標示。參議院在 2004 年 3 月 9 日已通過要求標示致敏物的特定法例。若獲得眾議院通過，有關法例預計會於 2006 年 1 月生效。 | 敦促致敏物按現行的法例如配料標示。計劃在 2004 年修訂食物與藥物法例特定要求標示致敏物。 | 沒有有關法例。 | 自 2002 年 12 月起要求標示 12 類致敏物（8 種致敏物加芝麻、蜂皇漿、花粉及蜂蠟）。 | 2005 年 11 月 25 日起標示 11 類致敏物（8 種致敏物加西芹、芥末和芝麻）。 | 自 2002 年 4 月起標示 5 種致敏物，可自願標示另外 19 類致敏物。 |

6. 上表顯示了大部分的發展國家和地區(同時亦是香港的預先包裝食物主要供應地)都已訂立或正在訂立要求標示致敏物和添加劑詳細資料的法例。這些法例大多按照食品法典委員會(一個由世界衛生組織和聯合國糧食及農業組織共同建立釐定與食物有關標準的國際機構)在這方面的制定的建議。這些法例除了為消費者提供有關食物的更多資料外,亦有助於減少有敏感症人士因進食致敏物引致不良反應,與及減輕有關的整體醫療和社會成本。

含酒精飲料的標籤規定

7. 含有根據《應課稅品條例》(第 109 章)第 53 條釐定以容積計算的酒精濃度超過 1.2% 的酒類飲品,現時一律豁免遵從所有關於食物標籤的規定,即名稱、配料表及添加劑、訂明「此日期前最佳」或「此日期前食用」、特別的貯存方式或使用指示、數量、重量或體積;以及製造商或包裝商的姓名及地址等。由於酒類屬於食物,消費者應可從標籤上獲得足夠的資料,因此修訂規例規定以容積計算的酒精濃度在 1.2% 至 10% 之間的飲料(例如啤酒),必須遵守標籤法的所有規定,但可獲豁免標明配料表。葡萄酒、甜酒、有氣葡萄酒、加香葡萄酒、水果酒、有氣水果酒和其他含有以容積計算的酒精濃度達 10% 或以上的飲料(例如拔蘭地及威士忌),則可豁免標明配料表和保質期。

公眾諮詢

8. 平衡公眾健康和業界利益是成功推行修改規例的一項重要因素。食物環境衛生署(食環署)在二〇〇〇年十月至十二月期間就四項修訂內容(即標示八種致敏物、標示添加劑的名稱或編號、更具彈性的標示日期格式和加強含酒飲料的標籤規定)諮詢公眾,並發出約 1 200 封附詳細建議的函件給所有主要的利益相關人士,包括相關商會、食物進口商及製造

商、連鎖超級市場集團和百貨公司，領事館、醫療專業團體，以及消費者委員會。詳細的建議亦在食環署的網址及刊物「食物安全通訊」中刊登。本地傳媒亦刊登了有關的訪問及報導。在諮詢期內，我們一共收到 29 份書面意見，其中包括了香港零售管理協會在二〇〇〇年十二月二十一日及後來該會在二〇〇一年二月九日給環境食物局的函件。這些函件及政府在二〇〇〇年十二月二十七日及二〇〇一年二月二十七日的覆函見附件 A 至 D。

9. 爲了與零售業界進一步探討他們的憂慮和讓政府解釋有關法例的背景，當年的工商局、環境食物局和食環署與香港零售管理協會在二〇〇一年五月十日見面（有關的會議紀錄見附錄 E）。香港零售管理協會主要關注以下問題：

- (a) 建議的標籤法例會令消費者付出更多；
- (b) 由於有些產品是在美國及澳洲等國家大批包裝，因此需要另外加上標籤；
- (c) 由於內地和東南亞國家尚沒有標示致敏物的法例，香港的標示致敏物要求會阻礙從這些國家進口食品；
- (d) 零售業界不會知道製造商是否有更改配料；
- (e) 由於當時測試技術上的不足，入口商可能因未能辨認出所加入的添加劑而有被檢控的風險；
- (f) 雖然他們原則上支持更具彈性的標示日期格式，但擔心修改法例的具體內容。

10. 政府在二〇〇一年一月二十二日向立法會食物安全及環境衛生委

員會滙報建議修訂的法例內容。在沒有接到反對後，政府即開始有關修改法例的草擬工作。政府在不同的場合之中曾向市民大眾重申有關修改法例的草擬工作仍在進行，一經完成後會儘快提交立法會（有關的日程見附件 F）。但由於在草擬工作的過程中，政府需要進行其他的重要工作，例如進行基因食物標籤的規管影響評估、營養資料標籤的可行性研究。政府亦在同期修訂其他不同的法例，其中包括了公眾衛生(動物及禽鳥)條例、海魚養殖條例和漁業保護條例的預備工作。而在該段期間，本港發生了一些前所未有的事故，例如禽流感和嚴重急性呼吸系統綜合症的爆發等，政府需要投入大量資源去應付，以致延誤了有關法例的草擬進度。

時間表

11. 修訂規例預定於二〇〇四年七月九日生效，在生效後有 18 個月寬限期，讓業界遵從標示添加劑和過敏物質、靈活的標示日期和含酒精飲料標籤的規定。至於放寬奶類產品和牛油添加劑限制的條文則即時生效。

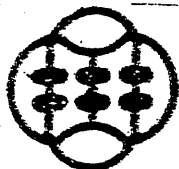
結論

12. 政府的政策方針是致力提高食物安全，以保障公眾健康和讓消費者作出健康的選擇。修改規例按照法典委員會的建議，亦跟隨國際間要求預先包裝食物標示更多的資料(尤其是有關致敏物)的大趨勢。

衛生福利及食物局

食物環境衛生署

二〇〇四年六月



HONG KONG RETAIL MANAGEMENT ASSOCIATION
香港零售管理協會

21 December 2000

Mr W T Wong
Food and Environmental Hygiene Department
45/F Queensway Government Offices
66 Queensway
Hong Kong

By fax: 2521 4784 & mail

Dear Mr Wong,

CONSULTATION PAPER ON PROPOSED AMENDMENT TO FOOD AND
DRUGS (COMPOSITION AND LABELLING) REGULATIONS
PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE, CAP.132

Thank you for your letter dated 16 October 2000 inviting our Association to comment on the captioned subject.

Please find below our comments as follows:

1. General

Mandatory labelling of products should only be required where there are good consumer safety or consumer choice reasons to do so. Furthermore, mandatory labelling requirements carry a compliance cost, which ultimately the consumer has to partly bear. Accordingly, additional labelling requirements therefore have to be fully justified based on the above factors.

We therefore feel that the proposed legislation is impractical and costly.

2. Hong Kong

Hong Kong imports almost all of its food from many different parts of the world. While reference should be taken from Codex on food labelling standards, it is most important that Hong Kong's labelling laws are consistent with its major trading partners. If Hong Kong has stricter labelling laws than its trading partners, this would lead to:

- (a) restricted choice of products available in Hong Kong (overseas manufacturers would not be willing to export products to Hong Kong because the additional costs would outweigh potential benefits in such a competitive market); and

(b) increase in the price of products (resulting from the compliance costs).

3. Labelling of Allergenic Substances

Although Codex has recommended that 8 allergen categories should be declared, we are unaware of which Hong Kong's main trading partners have to date imposed this specific requirement. In EU, for example, there are presently no specific mandatory labelling requirements for these allergens. Again, any requirements should not be more onerous than those which are set by our trading partners. To impose it in Hong Kong would place an enormous cost on retailers in terms of checking ingredients. It is therefore impracticable and would be very costly to control and label.

4. Food Additives

The consultative paper states that the proposal to declare the category and exact name of the additives on the food labels is "to provide consumers with more information". Although we believe that there is a benefit to the consumer in knowing the functional class of food additives (colour, preservative, etc), we believe the compliance costs outweighs any benefit for the consumer if it is mandatory to include details of food additives used in products.

E numbers are a requirement in Europe and Australia but not in the USA and other countries such as PRC and South Asia in general. To impose a requirement where every pack from these countries be labelled with a list of ingredients would be a nightmare. This would limit consumer choice and add a cost burden.

5. More Flexible Date Marking Format

Already, goods that are imported from overseas require re-labelling to comply with Hong Kong's bilingual labelling requirements for the "best before" or "use by" dates. Accordingly, using the example used in the Consultation Paper, even if the products imported from the United States followed the same marking sequence as in Hong Kong, those products must be re-labelled anyway to comply with the bilingual requirements. Hence this provision will not prevent the need to re-label imported products.

Furthermore, consumers in Hong Kong are aware of the day, month, and year sequence required by existing regulations and any change would only serve to confuse customers.

Again, we believe that the compliance costs outweigh any perceived benefit to the consumers.

6. **Date Coding – Add bi-lingual characters/bigger labels required**

The use of Chinese characters as well as roman numerals on sell-by-dates will impose a bit of problem for overseas labelers and ink jet machines which are not programmed for Chinese characters. This means hand-labels for every single imported product at a massive cost.

7. **Responsibility**

The question of responsibility when a product infringes the legislation should be looked into - whether a retailer should also be held responsible in addition to the manufacturer.

I hope the above comments will be useful in assisting the Government's review on the subject.

In the meantime, should you have any queries, please do not hesitate to contact the undersigned at 2866 8311.

Yours sincerely,



Anita Bagaman (Miss)
Executive Director

食物環境衛生署

FOOD AND ENVIRONMENTAL HYGIENE DEPARTMENT

食物及公共衛生部

Food and Public Health Branch

香港金鐘道六十六號，金鐘道政府合署四十三樓

43/F, Queensway Government Offices, 66 Queensway, Hong Kong

電話Tel: (852) 2867 5577

傳真Fax: (852) 2521 4784

本署檔號 Our Ref. :

來函檔號 Your Ref. :

27 December 2000

To: Hong Kong Retail Management Association
Unit B, 22/F, United Centre,
95 Queensway,
Hong Kong
(Attn: Miss Anita Bagaman, Executive Director)

Dear Sir

**Proposed Amendments to
the Food and Drugs (Composition and Labelling) Regulations**

Thank you for your letter of 21 December 2000 providing resourceful information regarding the captioned subject. We note its content and we will duly consider your valuable comments upon reviewing of the legislation in this respect.

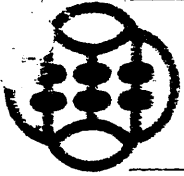
For further enquiry, you are welcome to contact the undersigned on 2867 5581.

Yours faithfully



(CHEUNG Sui-chun)

for Director of Food and Environmental Hygiene

**HONG KONG RETAIL MANAGEMENT ASSOCIATION****香港零售管理協會**

9 February 2001

Mrs Lily Yam
Secretary for Environment and Food
Environment and Food Bureau
9-10/F Citibank Tower
3 Garden Road
Central
Hong Kong

Dear Mrs Yam

**PROPOSED AMENDMENTS TO THE FOOD AND DRUGS (COMPOSITION
AND LABELLING) REGULATIONS
PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE, CAP.132**

I am writing on behalf of the Hong Kong Retail Management Association to draw your attention to the captioned proposed amendments which has gained much concern amongst our industry. The proposals bring about much impact to operators within our trade. We have earlier responded to the consultation paper of the proposed amendments and a copy of our letter is attached hereto for your reference.

We sincerely hope that you could grant us your attention to the subject which warrants vital importance to its progress. Your attention and input will be much highly appreciated.

In anticipation of your favourable reply, I thank you.

Yours sincerely,

Yu Pang Chun
Chairman

c.c. Mrs Rita Lau, Director of Food and Environmental Hygiene, FEHD.
Mrs Selina Chow, JP, Legislative Councillor, Wholesale & Retail.

環境衛生部
食物安全處



Environment and Food Bureau
Government Secretariat

Tel : 2136 3336
Fax : 2136 3328

Ref : EFB 5/1/8

27 February 2001

Mr Yu Pang-chun
Chairman
Hong Kong Retail Management Association
Unit B 22/F United Centre
95 Queensway
Hong Kong

Dear Mr Yu

**Proposed Amendments to the Food and Drugs
(Composition and Labelling) Regulations
Public Health and Municipal Services Ordinance, Cap 132**

Thank you for your letter dated 9 February 2001 to Mrs Yam on the above.

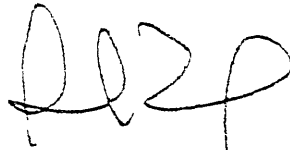
I note that your Association has written to the Food and Environmental Hygiene Department (FEHD) who will no doubt consider your comments carefully before finalizing legislative amendments to the Food and Drugs (Composition and Labelling) Regulations, Public Health and Municipal Services Ordinance, Cap 132.

You may also wish to note that FEHD has received a total of 29 sets of written comments, including that of your Association, on the proposed amendments. Most of the views expressed are in support of the proposals. We have also notified the World Trade Organization (WTO) and through its notification system consulted the international community on our proposals and have not received any objections from members of the WTO within the notification period.

香港中環花園道三號英國實業銀行大廈十樓
10TH FLOOR CITIBANK TOWER 3 GARDEN ROAD CENTRAL HONG KONG

Thank you for your attention.

Yours sincerely



(Paul Tang)

for Secretary for the Environment and Food

cc - Hon Mrs Selina Chow, JP

→ - Mrs Rita Lau, Director, FEHD

(25301368)



香港特別行政區政府工總局
工商服務業推廣處
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本署檔號 Our Ref.: CIB/BSPU/3/1/2 Pt.6

來函檔號 Your Ref.:

6 June 2001

Miss Anita Bagaman
Executive Director
Hong Kong Retail Management Association
Unit B, 22/F, United Centre
95 Queensway
Hong Kong

By Fax : 2866 8380

[Total Pages : 4]

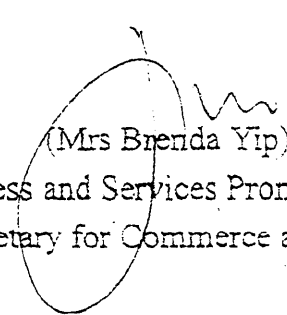
Dear Anita,

**Proposed Amendments to
Food and Drugs (Composition and Labelling) Regulations**

Further to our meeting of 10 May, I attach the notes of meeting for your reference.

We hope that you and your members have found the discussion session useful. Please let me know if we could be of further assistance.

Yours sincerely,


(Mrs Brenda Yip)

Business and Services Promotion Unit
for Secretary for Commerce and Industry

Encl.

c.c.

Director of Food and Environmental Hygiene
(Attn.: Dr P Y Leung, Fax : 2536 9731)
Secretary for Environment and Food
(Attn.: Mr David Leung, Fax : 2136 3281)

**Notes of Meeting with
Hong Kong Retail Management Association on
Proposed Amendment to Food and
Drugs (*Composition and Labeling*) Regulations held on 10 May 2001**

Present:

| | | |
|-------------------|-----------------------|----------------------|
| Mr Kenneth Mak | CIB | |
| Mrs Brenda Yip | BSPU/CIB | |
| Mr David Leung | EFB | |
| Dr PY Leung | FEHD | |
| Miss Linda Law | FEHD | |
| Ms Caroline Luk | CRS (HK) Co. Ltd. | |
| Mr Steve Fitten | Dairy Farm - Wellcome | |
| Mr David Bound | Dairy Farm - Wellcome | |
| Mr Keith Bartlett | Parknshop | |
| Mr Peter Johnston | Parknshop | |
| Mrs Medea Chiu | BSPU, CIB | <i>(notes-taker)</i> |

Purpose of the Meeting

Mr Mak explained the purpose of the meeting was to:

- bring the retail industry and the government department/bureau together to exchange views; and
- provide a forum for allow government representatives to explain the thinking behind the proposed legislation.

Proposed Amendments

2. Dr Leung explained that the proposed amendments had four proposals:

- Requiring food labels to declare the presence of eight types of substances which are known to cause allergy in some individuals;
- Requiring food labels to declare the specific name or code of any food additive used;
- Making the labelling of date marking clearer and more flexible; and
- Requiring the labelling of certain alcoholic drinks.

Comments from the Trade

3. Trade representatives commented that the proposed legislation was impractical and costly to implement. Their concerns were as follows:

Labelling Requirement

- Proposed labelling requirement would mean extra cost to consumers. The average cost of a label being \$0.50, the annual cost to consumers could amount to \$150 million. This would be an undue burden on low-income consumers.
- Some products were packed in large quantities in countries like USA, Australia. Hong Kong was not a big market to warrant a separate labelling job.
- Some products were too small for bilingual labelling.

Labelling of Allergenic substances

- Food in Hong Kong was mainly imported from China and some Southeast Asia countries like Malaysia. These countries did not have such labelling requirement. The proposed labelling of allergenic substances would prevent them supply food products to Hong Kong, thus this restricting the choice of products of Hong Kong consumers.
- Ingredients were considered trade secret by some suppliers, food manufacturers might change the ingredients from time to time and the retail trade was not in a position to know.
- Importer would face the risk of prosecution as the present technological tests might not find out the very details of products ingredients.

Date marking Format

- Flexibility was welcome but the trade was concerned about how the legislation would be written.

FEHD's response

4. Dr Leung agreed that whilst the labelling might lead to additional cost to be borne by the trade, there was medical cost if not done so. The proposed legislative amendments were intended to ensure food safety and to provide consumers with as much information as possible about the food they consumed.

5. Dr Leung also made reference to overseas experience. Hong Kong was following the practices of its trading partners. The Compliance Policy Guide issued by US Food and Drug Administration specifically required labelling of allergenic substances. EU would have the same directive by December 2001. Australia and New Zealand had already had legislation in place and implementation would take place in late 2002. Mainland China was well aware of Hong Kong's stance in this regard.

6. Dr Leung said that the Government was aware of the trade's concern. To facilitate the transition, a grace period of 18 to 24 months to be followed by a warning period of considerable length would be considered.

Other issues

7. The trade representatives said that it was very difficult to obtain a licence to import dairy products. The following issues were raised -

- documentation requirement on factory origin; some factories were not keen to provide the required documentation; and
- the 2-week quarantine period taking up costly storage space.

8. Dr Leung explained that dairy products were perishable food. Documentation was important for tracing the origin. Noting the trade's concern, FEHD would examine the feasibility of a sampling strategy.

Follow-up action

9. FEHD would -

- arrange a meeting between the trade and Government Laboratory to discuss the methodology used to test ingredients and work out testing guidelines;
- review the prosecution procedure;
- brief frontline staff on enforcement action; and
- meet the trade as and when required.

| 日期 | 事項 | 摘要 |
|-----------------|-----------------------------|---|
| 二零零一年 十二月五日 | 動議辯論 「檢討預先包裝食品 的標籤制度」 | 環境食物局局長說政府正進行法例 草擬工作，估計明年(二零零二年) 便會把成分及標籤修訂法例的建議 提交立法會。 |
| 二零零二年 三月二十八日 | 食物安全及環境衛生 事務委員會 | 就勞永樂議員對改善食物監察計劃 的建議，副署長(食物及公共衛生) 回應說根據食物標籤的擬議立法修 訂，食物標籤應訂明含有已知會令 部分人敏感的物質、食物添加劑的 全名或識別編號、靈活的日期標示 及加強酒精類飲品的標籤規定。 |
| 二零零三年 三月二十日 | 立法會食物安全及環 境衛生事務委員會 | 副秘書長(食物及環境衛生)說政府 將於二零零三年把修訂規則提交立 法會，進行先訂立後審議的程序。 |
| 二零零三年 四月二十九日 | 立法會食物安全及環 境衛生事務委員會 | 副秘書長(食物及環境衛生)說政 府正計劃立法強制規定標明食物所 含的過敏物質，以及所使用的食物 添加劑。 |
| 二零零三年 六月二十六日 | 動議辯論 「設立基因改造食品 標籤制度」 | 衛生福利及食物局局長在回應中指 出政府已計劃訂定規定標明食物所 含的過敏物質及營養標籤的法例。 |