



中華人民共和國香港特別行政區政府總部食物及衛生局  
Food and Health Bureau, Government Secretariat  
The Government of the Hong Kong Special Administrative Region  
The People's Republic of China

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16 April 2013

Miss Betty MA  
Clerk to Subcommittee on  
Import and Export (General)(Amendment) Regulation 2013  
Legislative Council Complex,  
1 Legislative Council Road,  
Central, Hong Kong

Dear Miss Ma,

**Import and Export (General)(Amendment) Regulation 2013**

Thank you for your letter of 9 April. With regard to the enquiries made by the Hon James TO and the Hon Vincent FANG, our reply is as follows:

**Enquiries by the Hon James TO**

(1) & (2) Regarding the enquiries made by the Hon James TO on the export control on infant formula imposed by the New Zealand Government, we have, through the Hong Kong Economic and Trade Office, Sydney, obtained information from the Ministry for Primary Industries (MPI) of the New Zealand Government that under New Zealand law (Animal Products Act 1999), only registered exporters can export dairy products, including infant formula. These rules are in place to ensure that infant formula exported from New Zealand is safe and suitable for consumption.

Since the MPI and the New Zealand Customs Service have noted a substantial growth in the amount of infant formula exported without complying with the above-mentioned law, it was announced in September 2012 that action would be taken to stop unlawful exports of infant formula through enforcement of the said law. The New Zealand Government hoped that the action would maintain the confidence of New Zealand's international trading partners in her exported goods, and at the same time ensure a level playing field for exporters.

Under the relevant legislation, the offence for exporting infant formula without registration attracts a penalty of NZ\$300,000 (around HK\$2,000,000) for corporations and NZ\$50,000 (around HK\$333,000) for individuals. The legislative provision can be found at [http://www.legislation.govt.nz/act/public/1999/0093/latest/DLM33502.html?search=ts\\_act\\_animal+products+act\\_resel&p=1&sr=1](http://www.legislation.govt.nz/act/public/1999/0093/latest/DLM33502.html?search=ts_act_animal+products+act_resel&p=1&sr=1).

Travellers who carry in their accompanied personal baggage infant formula not intended for commercial use are exempted from this legislative provision.

According to MPI, these regulatory measures are still in force.

- (3) Details of the powdered formula products involved in cases prosecuted and heard in court since the commencement of the Import and Export (General)(Amendment) Regulation 2013 (Amendment Regulation) on 1 March up to 9 April are at the Annex.

The Administration considers that the definition of powdered formula in the Amendment Regulation has fully and effectively reflected our policy intent in regulating powdered formula. In response to the Subcommittee's views, however, the Administration has decided to refine the definition in order to make the provisions clearer. The scope of regulation on the export of powdered formula and our policy intent remain unchanged despite the refinement of the definition. Therefore, the scope of the powdered formula products subject to regulation is not affected.

**Enquiries by the Hon Vincent FANG**

In judging whether or not certain powdered formula products fall within the regulatory ambit of the Amendment Regulation, the Administration will take into consideration a host of factors, including the labels on the container of the powdered formula, such as the product descriptions and users instructions, as well as the information provided by powdered formula suppliers. Since only the brand names of the powdered formula are provided by the Hon Vincent FANG, to avoid misleading the public, the Administration cannot conclude whether these products are subject to the Amendment Regulation.

We understand the concern of the Hon Vincent FANG that the definition of powdered formula may cover some formula products intended for adults which may also be consumed by persons under 36 months. As far as the Administration is concerned, some manufacturers of the relevant products have amended or are prepared to amend the labels of the products by specifying persons above 36 months as the target group, with a view to reflecting more clearly their target customers.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Jeff Leung', with a long horizontal flourish extending to the right.

( Jeff LEUNG )

for Secretary for Food and Health



Annex

**Details of powdered formula products  
involved in prosecution cases heard in court  
(From 1 March to 9 April)**

<b>Brand</b>	<b>Type</b>	<b>Kg</b>
Karihome	Stage 3	1.8
Nutricia Neocate	Hypoallergenic amino-acid-based infant formula with iron	9.6
Nutricia	Karicare Gold + 2	1.8
Nutralon	Nutralon 4	14.4
	Nutralon 2	3.6
	Nutralon 3	3.4
	Nutralon Met Pronutra + 3	3.2
	Nutralon 5	1.6
Dutch Lady	Instant full cream milk powder	5
Cow & Gate	Stage 2	9
	Stage 3	8.2
	Stage 1	7.2
	Pepti-Junior	1.6
Friso	Stage 3	30.6
	Stage 2	14.3
	Stage 1	3.6
Mead Johnson	Stage 3	48.1
	Stage 1	32.49
	Enfagrow Premium Toddler Stage 2	9.52
	Stage 2	6.3
	Enfamil Premium Infant Stage 1	2.88
Nestle	Stage 3	8.1
	Stage 2	4
	Nido Kinder 1+	3.2
Snow Brand	Stage 3	7.2
	Stage 2	1.8
Wyeth	Stage 1	13.5
	Stage 2	7.2
	Stage 3	3.6

<b>Brand</b>	<b>Type</b>	<b>Kg</b>
Abbott	Stage 3	20.7
	Stage 1	3.6
	PediaSure Complete	3.6
	Stage 2	0.9
	Similac Go & Grow	0.624
Organic Echo	Pure Goat Milk	2.4