

**Submission to the Subcommittee on Food and Drug (Composition and Labelling)  
(Amendment) (No 2) Regulation 2014  
From La Leche League Hong Kong  
10 July 2014**

La Leche League Hong Kong (LLLHK) thanks the Subcommittee for the opportunity to comment on the draft legislation.

LLLHK welcomes the draft legislation as it recognises the importance of ensuring optimal nutrition for infants and young children. Labelling and composition of formula and prepackaged food is one small part of this. We recognise the issues that have arisen in relation to contamination and poor levels of essential nutrients in some formula products which is driving this legislation.

Originally however this was part of the broader legislation tabled as the draft of the Hong Kong Code of Marketing and Quality of Formula and Related Products, and Food Products for Infants and Young Children ("the Hong Kong Code") This legislation was submitted for public consultation in Nov 2012 and we provided feedback on this in Dec 2012. This public consultation which was completed in March 2013 is referred to in discussion of the above regulation, however since then nothing further appears to have done to implement this essential legislation, despite much of the feedback emphasising the urgency of the need for such legislation.

Can the Subcommittee please advise why the composition and labelling aspects of this legislation – originally covered in Sections 8 and 9 of the draft Hong Kong Code - have progressed but not the remaining 8 sections? LLLHK believes that all elements of the draft Code are of equal importance and all parts should be implemented with recommended amendments as a matter of urgency. In fact, as outlined below, it is highly likely that this aspect of the legislation will be circumvented by the marketing practices of manufacturers and distributors.

Secondly, can the Subcommittee please comment why an 18 month grace period is needed for this given that 70% of current formula products already comply with the legislation? It seems that a much shorter period would be sufficient for implementation with 12 months as a maximum.

Thirdly, as exemptions are given to packaging under a certain size and to infant formula available via medical professionals only, can the Subcommittee please advise how this is to be monitored and how will the penalties be applied? Based on existing marketing practices, without the rest of the Hong Kong Code, manufacturers will now increase their range of products that fall within these exemptions and offer incentives to medical professionals to recommend these specialist products.

We reiterate that without implementing the HK Code as drafted (with recommended amendments especially around monitoring and enforcement) in reality little will change as the majority of manufacturers already comply with the requirements in this draft legislation.

La Leche League Hong Kong  
10 July 2014