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**FOOD AND DRUGS (COMPOSITION AND LABELLING)
(AMENDMENT: REQUIREMENTS FOR NUTRITION
LABELLING AND NUTRITION CLAIM)
REGULATION 2008**

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(AMENDMENT: REQUIREMENTS FOR NUTRITION
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REGULATION 2008**

(Made by the Director of Food and Environmental Hygiene under section 55(1) of the Public Health and Municipal Services Ordinance (Cap. 132))

1. Commencement

This Regulation shall come into operation on 1 July 2010.

2. Interpretation

(1) Regulation 2(1) of the Food and Drugs (Composition and Labelling) Regulations (Cap. 132 sub. leg. W) is amended, in the English text, in the definition of “ultimate consumer”, in paragraph (c), by repealing the full stop and substituting a semicolon.

(2) Regulation 2(1) is amended, in the Chinese text, in the definition of “輻照食物”, by repealing the full stop and substituting a semicolon.

(3) Regulation 2(1) is amended by adding—

““advertisement” (宣傳品) means any form of advertising intended for the general public which is published by any means including—

(a) newspaper or other publication;

(b) television or radio broadcast;

(c) electronic messages;

(d) display of notices, signs, labels, showcards or goods;

(e) distribution of samples, circulars, catalogues, price lists or other materials; or

(f) exhibition of pictures, models or films,

and “advertise” (宣傳) shall be construed accordingly;

“available carbohydrates” (可獲得的碳水化合物) means total carbohydrates excluding dietary fibre;

“dietary fibre” (膳食纖維) means any fibre analyzed by means of any official methods adopted by the independent organization internationally recognized as regards validating and approving analytical methods for foods and agriculture known as AOAC INTERNATIONAL;

“energy” (能量), in relation to any food, means the energy provided by the food which is—

- (a) calculated as the total amount of energy contributed by available carbohydrates, protein, total fat, ethanol and organic acids contained in the food; and
- (b) calculated according to the Guidelines on Nutrition Labelling adopted by the Codex Alimentarius Commission;

“list of nutrients” (營養素表) means a list of nutrients required by section 1 of Schedule 5;

“nutrient” (營養素) means any substance present in food which—

- (a) belongs to, or is a component of, one of the following categories—
 - (i) protein;
 - (ii) carbohydrates;
 - (iii) fat;
 - (iv) dietary fibre;
 - (v) vitamins;
 - (vi) minerals; and
- (b) satisfies any of the following conditions—
 - (i) the substance provides energy;
 - (ii) the substance is needed for growth, development and normal functions of the body;
 - (iii) a deficit of the substance will cause characteristic bio-chemical or physiological changes to occur;

“nutrient comparative claim” (營養素比較聲稱) means a nutrition claim that compares the energy value or the content level of a nutrient in different versions of the same food or similar foods;

“nutrient content claim” (營養素含量聲稱) means a nutrition claim that describes the energy value or the content level of a nutrient contained in a food;

“nutrient function claim” (營養素功能聲稱) means a nutrition claim that describes the physiological role of a nutrient in growth, development and normal functions of the body;

“nutrient reference value” (營養素參考值) means any reference value set out in Schedule 7;

“nutrition claim” (營養聲稱)—

- (a) means any representation which states, suggests or implies that a food has particular nutritional properties including—
 - (i) the energy value;
 - (ii) the content of protein, available carbohydrates, total fat, saturated fatty acids, trans fatty acids, sodium and sugars; or
 - (iii) the content of vitamins and minerals; and

- (b) includes nutrient content claim, nutrient comparative claim and nutrient function claim;
- “sugars” (糖) means all mono-saccharides and di-saccharides present in food;
- “trans fatty acids” (反式脂肪酸) means the sum of all unsaturated fatty acids which contains at least one nonconjugated and trans double bond;
- “vitamin A” (維他命 A) means a nutrient calculated as the sum of the following components contained in the food—
- (a) retinol; and
 - (b) beta-carotene calculated in terms of Retinol Equivalent (with 6 µg of beta-carotene as being equivalent to 1 µg of Retinol Equivalent).”.

3. Labelling of prepackaged food

Regulation 4A(1) is amended by repealing “regulation 4” and substituting “regulations 4 and 4B”.

4. Regulation added

The following is added—

“4B. Nutrition labelling of prepackaged food and nutrition claim

(1) Without prejudice to regulations 4 and 4A but subject to paragraphs (2) and (6), prepackaged food shall be marked or labelled with its energy value and nutrient content in compliance with Part 1 of Schedule 5.

(2) Subject to paragraphs (3) and (4), the following items shall be exempt from the requirement of paragraph (1)—

- (a) any item prescribed in Part 1 of Schedule 6; or
- (b) any item in respect of which an exemption has been granted under Part 2 of Schedule 6.

(3) If—

- (a) any item prescribed in Part 1 of Schedule 6 is marked or labelled with its energy value or any nutrient content; or
- (b) any nutrition claim is made on the label of, or in any advertisement for, any item prescribed in Part 1 of Schedule 6,

paragraph (1) shall apply in relation to such item.

- (4) If—
- (a) any item in respect of which an exemption has been granted under Part 2 of Schedule 6 is labelled or displayed for sale otherwise than in the manner required by the Authority; or
 - (b) any nutrition claim is made on the label of, or in any advertisement for, any item in respect of which an exemption has been granted under Part 2 of Schedule 6,
- paragraph (1) shall apply in relation to such item.
- (5) Subject to paragraph (6), any nutrition claim made on the label of, or in any advertisement for, a prepackaged food shall conform to Part 2 of Schedule 5.
- (6) This regulation does not apply to—
- (a) formula intended to be consumed by children under the age of 36 months;
 - (b) food intended to be consumed principally by children under the age of 36 months; and
 - (c) other food for special dietary uses.”.

5. Offences and penalties

- (1) Regulation 5(1) is amended by repealing “or Schedule 3”.
- (2) Regulation 5 is amended by adding immediately after paragraph (1)—
- “(1AA) Any person who advertises for sale, sells or manufactures for sale any prepackaged food which—
- (a) is not marked or labelled in compliance with regulation 4A(1) or 4B(1); or
 - (b) has on its label any nutrition claim that does not conform to regulation 4B(5),
- commits an offence and is liable to a fine at level 5 and to imprisonment for 6 months.
- (1AB) If—
- (a) any person advertises for sale any prepackaged food; and
 - (b) the advertisement contains any nutrition claim that does not conform to regulation 4B(5),
- the person commits an offence and is liable to a fine at level 5 and to imprisonment for 6 months.”.
- (3) Regulation 5(1B) is amended by repealing “Schedule 2 or Schedule 3” and substituting “regulation 4, 4A or 4B”.
- (4) Regulation 5(2) is amended by repealing “paragraph (1)” and substituting “paragraph (1), (1AA) or (1AB)”.

(5) Regulation 5(2) is amended by repealing everything after “publication of an advertisement,” and substituting—

“it shall be a defence for the defendant to prove—

- (a) that before publishing, or arranging for the publication of, the advertisement, the defendant had taken all reasonable steps to ensure that all nutrition claims in the advertisement conform to regulation 4B(5); or
- (b) that, being a person whose business is to publish, or arrange for the publication of, advertisements, the defendant received the advertisement for publication in the ordinary course of business.”.

(6) Regulation 5(3) is amended by repealing “paragraph (1)” and substituting “paragraph (1) or (1AA)”.

(7) Regulation 5(3) is amended by repealing “in the manner prescribed in Schedule 2 or Schedule 3” and substituting “in compliance with regulation 4, 4A(1) or 4B(1)”.

(8) Regulation 5(3A) is amended by repealing “paragraph (1)” and substituting “paragraph (1AA)”.

(9) Regulation 5(3A) is amended by repealing “paragraph 2(4E)” and substituting “section 2(4E)”.

(10) Regulation 5(3A)(a) is amended by repealing “sub-paragraph” and substituting “section”.

6. Schedule 1 amended

Schedule 1 is amended by repealing “[reg. 3]” and substituting “[regs. 3 & 5 & Sch. 2]”.

7. Marking and labelling of foods and drugs

Schedule 2 is amended by repealing “[reg. 4]” and substituting “[regs. 4 & 5]”.

8. Marking and labelling of prepackaged foods

(1) Schedule 3 is amended by repealing “[reg. 4A]” and substituting “[regs. 4A & 5 & Schs. 4 & 5]”.

(2) Paragraph 2(2) of Schedule 3 is amended by repealing “sub-paragraphs” and substituting “subsections”.

(3) Paragraph 2(4), (4A), (4B) and (4C)(a) of Schedule 3 is amended by repealing “sub-paragraph” and substituting “subsection”.

- (4) Paragraph 2(4C)(b) of Schedule 3 is amended—
 - (a) by repealing “sub-paragraph” and substituting “subsection”;
 - (b) by repealing “paragraph” and substituting “section”.
- (5) Paragraph 2(4D) of Schedule 3 is amended—
 - (a) by repealing “sub-paragraph” and substituting “subsection”;
 - (b) in sub-subparagraph (b), by repealing the full stop and substituting “; and”;
 - (c) by adding—
 - “(c) “ingredient” (配料) does not include a nutrient.”.
- (6) Paragraph 2(5) and (6) of Schedule 3 is amended by repealing “sub-paragraph” and substituting “subsection”.
- (7) Paragraph 3 of Schedule 3 is amended by repealing “paragraph” and substituting “section”.
- (8) Paragraph 4(1)(a) of Schedule 3 is amended by repealing “sub-sub-paragraph” and substituting “paragraph”.
- (9) Paragraph 4(4) and (5) of Schedule 3 is amended by repealing “sub-paragraph” and substituting “subsection”.
- (10) Paragraph 5(3) of Schedule 3 is amended by repealing “paragraph” and substituting “section”.
- (11) Paragraph 6(1) of Schedule 3 is amended by repealing “sub-paragraph” and substituting “subsection”.
- (12) Paragraph 6(2) and (3) of Schedule 3 is amended by repealing “Sub-paragraph” and substituting “Subsection”.
- (13) Paragraph 8(1) of Schedule 3 is amended—
 - (a) by repealing “paragraph” and substituting “section”;
 - (b) by repealing “sub-paragraph” and substituting “subsection”.

9. Items exempt from Schedule 3

- (1) Schedule 4 is amended by repealing “paragraphs 3 and 4” and substituting “sections 3 and 4”.
- (2) Schedule 4 is amended by repealing “paragraph 3” where it twice appears and substituting “section 3”.
- (3) Schedule 4 is amended by repealing “Paragraphs 2, 5 and 6” and substituting “Sections 2, 5 and 6”.
- (4) Schedule 4 is amended by repealing “Paragraphs 2 and 4” where it twice appears and substituting “Sections 2 and 4”.
- (5) Schedule 4 is amended by repealing “Paragraph 2” wherever it appears and substituting “Section 2”.
- (6) Schedule 4 is amended by repealing “Paragraph 4” wherever it appears and substituting “Section 4”.

10. Schedules added

The following are added—

“SCHEDULE 5

[regs. 2 & 4B
& Sch. 6]

NUTRITION LABELLING AND NUTRITION CLAIM

PART 1

NUTRITION LABELLING

1. List of nutrients

(1) Prepackaged food shall be legibly marked or labelled with a list of nutrients setting out—

- (a) the energy value of the food;
- (b) the content of the following nutrients contained in the food—
 - (i) protein;
 - (ii) available carbohydrates;
 - (iii) total fat;
 - (iv) saturated fatty acids;
 - (v) trans fatty acids;
 - (vi) sodium; and
 - (vii) sugars; and
- (c) if applicable, the content of any other nutrient contained in the food for which a nutrition claim is made on the label of, or in any advertisement for, the food.

(2) Without prejudice to subsection (1), the content of any other nutrient contained in the food may also be set out in the list of nutrients.

(3) Without prejudice to subsection (1), if a prepackaged food has on its label, or in its advertisement, a nutrition claim which is made in relation to any type of fat contained in the food, the content of cholesterol contained in the food shall also be set out in the list of nutrients.

(4) For the purposes of subsection (1)(b)(ii)—

- (a) available carbohydrates may be marked or labelled on a list of nutrients as “carbohydrates” or “碳水化合物”;
- (b) the content of total carbohydrates contained in a prepackaged food may be set out in a list of nutrients in substitution of the content of available carbohydrates provided that the content of dietary fibre contained in the food is also set out in the list of nutrients.

(5) Other information may be set out in a list of nutrients provided that such information is not false, misleading or deceptive in any respect as to the nutritional or dietary value of the food.

2. Energy value expression

(1) Subject to subsection (2), the energy value to be set out in a list of nutrients shall be expressed—

- (a) in kilocalorie (kcal) per 100 g or 100 mL of food; or
- (b) in kilojoule (kJ) per 100 g or 100 mL of food.

(2) The energy value to be set out in a list of nutrients may be expressed—

- (a) where the package contains a single serving, in kilocalorie (kcal) or kilojoule (kJ) per package;
- (b) where the package contains a single serving, in kilocalorie (kcal) or kilojoule (kJ) per serving if—
 - (i) the single serving is quantified in gram (g) or millilitre (mL) and is specified to be so on the package; and
 - (ii) it is specified on the package that the package contains one serving;
- (c) where the package contains more than one serving, in kilocalorie (kcal) or kilojoule (kJ) per serving if—
 - (i) a single serving is quantified in gram (g) or millilitre (mL) and is specified to be so on the package; and
 - (ii) the number of servings contained in the package is specified on the package.

(3) Without prejudice to subsections (1) and (2), the energy value may further be expressed as the ratio (as a percentage) of the energy value to—

- (a) the nutrient reference value of energy; or
- (b) any other reference value of energy adopted by any national or international health authority.

3. Nutrient content expression

(1) Subject to subsection (2), the content of nutrients referred to in section 1(1)(b) and (c) and (3) to be set out in a list of nutrients shall be expressed—

- (a) in gram (g) per 100 g or 100 mL of food;
- (b) in milligram (mg) per 100 g or 100 mL of food; or
- (c) in microgram (μg) per 100 g or 100 mL of food.

- (2) The content of nutrients referred to in section 1(1)(b) and (c) and (3) to be set out in a list of nutrients may be expressed—
- (a) where the package contains a single serving, in gram (g), milligram (mg) or microgram (μg) per package;
 - (b) where the package contains a single serving, in gram (g), milligram (mg) or microgram (μg) per serving if—
 - (i) the single serving is quantified in gram (g) or millilitre (mL) and is specified to be so on the package; and
 - (ii) it is specified on the package that the package contains one serving;
 - (c) where the package contains more than one serving, in gram (g), milligram (mg) or microgram (μg) per serving if—
 - (i) a single serving is quantified in gram (g) or millilitre (mL) and is specified to be so on the package; and
 - (ii) the number of servings contained in the package is specified on the package.
- (3) Without prejudice to subsections (1) and (2), the content of a nutrient may further be expressed as the ratio (as a percentage) of the content of that nutrient to—
- (a) the nutrient reference value of that nutrient; or
 - (b) any other reference value of that nutrient adopted by any national or international health authority.
- (4) If the content of any other nutrient is expressed as a percentage in a list of nutrients, the content of that nutrient shall be expressed in the manner specified in subsection (3).

4. **Format of list of nutrients**

(1) Subject to subsection (2), a list of nutrients shall be presented in tabular form in a conspicuous place of the package with an appropriate heading.

(2) A list of nutrients may be presented in linear form if the total surface area of the package is smaller than 200 cm².

(3) The marking or labelling of prepackaged food for the purposes of this Schedule shall be in—

- (a) the English language;
- (b) the Chinese language; or
- (c) both languages,

but numbers may be expressed in Arabic numerals.

(4) Without prejudice to section 8(2) of Schedule 3, a list of nutrients shall be in both the English and Chinese languages if both languages are used in the marking or labelling of prepackaged food.

(5) Unless the Authority otherwise requires in any particular case, any prepackaged food may, if it is national or traditional to the country of its manufacture and is not generally manufactured in any other country, be marked or labelled in accordance with this Schedule in the language of the country of its manufacture.

PART 2

NUTRITION CLAIM

5. Nutrition claim

For the purposes of these regulations, the following do not constitute a nutrition claim—

- (a) mention of any nutrient content in a list of ingredients required by section 2 of Schedule 3;
- (b) any quantitative or qualitative declaration of any nutrient content specified in section 2(4E)(a) of Schedule 3;
- (c) other quantitative or qualitative declaration of energy value or any nutrient content required by law;
- (d) any quantitative or qualitative declaration of change in nutritional value due to genetically modified process;
- (e) any claim forming part of the name, brand name or trade mark of a prepackaged food; and
- (f) any quantitative declaration of energy value or any nutrient content contained in a prepackaged food which—
 - (i) is expressed—
 - (A) as an actual amount; or
 - (B) in any manner specified in section 2 or 3; and
 - (ii) does not place any special emphasis on the high content, low content, presence or absence of energy or that nutrient contained in the food.

6. Nutrient content claim

A nutrient content claim shall not be made on the label of, or in any advertisement for, a prepackaged food unless—

- (a) the claim is made for energy or a nutrient specified in column 2 of Schedule 8 contained in the food;
- (b) the claim uses any of the descriptions specified in column 3 of Schedule 8 that applies to energy or that nutrient; and

- (c) the food satisfies the applicable condition set out in column 4 of Schedule 8 opposite to—
 - (i) the word “Energy” or the name of the nutrient concerned specified in column 2 of that Schedule; and
 - (ii) the relevant description specified in column 3 of that Schedule.

7. Nutrient comparative claim

(1) A nutrient comparative claim shall not be made on the label of, or in any advertisement for, a prepackaged food unless the claim—

- (a) compares the energy value or the content level of a nutrient specified in column 2 of Schedule 8;
- (b) compares different versions of the same food or similar foods;
- (c) compares foods of the same quantity;
- (d) conforms to subsection (2); and
- (e) satisfies the conditions prescribed in subsection (3), (4), (5), (6), (7), (8) or (9), as applicable.

(2) The following information shall appear in close proximity to a nutrient comparative claim—

- (a) a description of the foods being compared;
- (b) the difference in the energy value or the content level of a nutrient between the foods being compared expressed—
 - (i) as an absolute value in the manner specified in (as applicable)—
 - (A) section 2(1) or (2); or
 - (B) section 3(1) or (2); or
 - (ii) as a percentage or fraction.

(3) If energy value is compared in a nutrient comparative claim—

- (a) the relative value of the difference in the energy value between the foods being compared shall not be less than 25%; and
- (b) the absolute value of the difference shall not be less than the maximum amount set out in column 4 of Schedule 8 opposite to the description of “Low” content specified for energy in column 3 of that Schedule.

(4) If the content level of total fat, sugars or sodium is compared in a nutrient comparative claim—

- (a) the relative value of the difference in the nutrient content between the foods being compared shall not be less than 25%; and

- (b) the absolute value of the difference shall not be less than the maximum amount set out in column 4 of Schedule 8 opposite to—
 - (i) the name of the nutrient concerned specified in column 2 of that Schedule; and
 - (ii) the description of “Low” content specified for that nutrient in column 3 of that Schedule.
- (5) If the content level of saturated fatty acids or cholesterol is compared in a nutrient comparative claim—
 - (a) the relative value of the difference in the nutrient content between the foods being compared shall not be less than 25%; and
 - (b) the absolute value of the difference shall not be less than the maximum amount set out in paragraph (a)(i) or (b)(i) of column 4 of Schedule 8 opposite to—
 - (i) the name of the nutrient concerned specified in column 2 of that Schedule; and
 - (ii) the description of “Low” content specified for that nutrient in column 3 of that Schedule.
- (6) If the content level of trans fatty acids is compared in a nutrient comparative claim—
 - (a) the relative value of the difference in the content of trans fatty acids between the foods being compared shall not be less than 25%; and
 - (b) the absolute value of the difference shall not be less than the maximum amount set out in paragraph (a)(i) or (b)(i) of column 4 of Schedule 8 opposite to the description of “Free” content specified for trans fatty acids in column 3 of that Schedule.
- (7) If the content level of protein is compared in a nutrient comparative claim—
 - (a) the relative value of the difference in the content of protein between the foods being compared shall not be less than 25%; and
 - (b) the absolute value of the difference shall not be less than—
 - (i) in the case of solid food, the minimum amount set out in paragraph (a) or (c) of column 4 of Schedule 8 opposite to the description of “Source” content specified for protein in column 3 of that Schedule;
 - (ii) in the case of liquid food, the minimum amount set out in paragraph (b) or (c) of column 4 of Schedule 8 opposite to the description of “Source” content specified for protein in column 3 of that Schedule.

(8) If the content level of dietary fibre is compared in a nutrient comparative claim—

- (a) the relative value of the difference in the content of dietary fibre between the foods being compared shall not be less than 25%; and
- (b) the absolute value of the difference shall not be less than the minimum amount set out in column 4 of Schedule 8 opposite to the description of “Source” content specified for dietary fibre in column 3 of that Schedule.

(9) If the content level of any vitamin or mineral provided with a nutrient reference value (except sodium) is compared in a nutrient comparative claim—

- (a) the relative value of the difference in the nutrient reference value of such vitamin or mineral between the foods being compared shall not be less than 10%; and
- (b) the absolute value of the difference shall not be less than—
 - (i) in the case of solid food, the minimum amount set out in paragraph (a) or (c) of column 4 of Schedule 8 opposite to the description of “Source” content specified for vitamins and minerals provided with nutrient reference values (except sodium) in column 3 of that Schedule;
 - (ii) in the case of liquid food, the minimum amount set out in paragraph (b) or (c) of column 4 of Schedule 8 opposite to the description of “Source” content specified for vitamins and minerals provided with nutrient reference values (except sodium) in column 3 of that Schedule.

8. Nutrient function claim

(1) A nutrient function claim shall not be made on the label of, or in any advertisement for, a prepackaged food unless—

- (a) the claim conforms to subsection (2); and
- (b) subject to subsection (3), the content of the nutrient concerned is not less than the minimum amount set out in column 4 of Schedule 8 opposite to—
 - (i) the name of that nutrient specified in column 2 of that Schedule; and
 - (ii) the description of “Source” content specified for that nutrient in column 3 of that Schedule.

(2) A nutrient function claim shall—

- (a) not be made for a nutrient which is not—

- (i) provided with a nutrient reference value; or
 - (ii) specified in column 2 of Schedule 8;
 - (b) be based on scientific substantiation and scientific consensus; and
 - (c) contain information on the physiological role of the nutrient concerned.
- (3) Subsection (1)(b) does not apply to a nutrient function claim made for a nutrient which—
- (a) is not specified in column 2 of Schedule 8; or
 - (b) is specified in column 2 of Schedule 8 but no description of “Source” content has been specified for that nutrient in column 3 of that Schedule.

SCHEDULE 6

[reg. 4B]

ITEMS EXEMPT FROM PART 1 OF SCHEDULE 5

PART 1

ITEMS EXEMPT FROM PART 1 OF SCHEDULE 5 UNDER REGULATION 4B(2)(a) OF THESE REGULATIONS

1. Prepackaged food with an alcoholic strength by volume of more than 1.2% as determined in the manner described in the definition of “alcoholic strength” in section 53 of the Dutiable Commodities Ordinance (Cap. 109).
2. Prepackaged food sold at a catering establishment which is usually bought for immediate consumption.
3. Individually wrapped confectionery products in a fancy form intended for sale as single items.
4. Individually wrapped preserved fruits which are not enclosed in any further packaging and which are intended for sale as single items.
5. Prepackaged food packed in a container which has a total surface area of less than 100 cm².
6. Fruit or vegetable, whether fresh, chilled, frozen or dried—
 - (a) packed in a container which contains no other ingredient; and
 - (b) to which no other ingredient has been added.

7. Carbonated water—
 - (a) to which no ingredient other than carbon dioxide has been added; and
 - (b) the marking or label of which indicates that it has been carbonated.
8. Spring water and mineral water (including water to which minerals have been artificially added and which is described as mineral water).
9. Prepackaged food which does not have any energy value or contain any content of any nutrient referred to in section 1(1)(b) of Schedule 5.
10. Meat, marine or fresh water fish or any other form of aquatic life commonly used for human consumption—
 - (a) which is in a raw state;
 - (b) packed in a container which contains no other ingredient; and
 - (c) to which no other ingredient has been added.
11. Prepackaged food containing assorted ingredients which is—
 - (a) prepared and sold to an ultimate consumer at the same premises;
 - (b) not intended for sale for immediate consumption; and
 - (c) intended to be subjected to a process of cooking for the purpose of rendering it fit for human consumption.
12. Soup pack containing assorted ingredients—
 - (a) which has not been subjected to any process of heating in the course of manufacture;
 - (b) which is not intended for sale for immediate consumption; and
 - (c) which is intended to be subjected to a process of cooking for the purpose of rendering it fit for human consumption in the form of soup.
13. Prepackaged food sold—
 - (a) by a charitable institution or trust of a public character which is exempt from tax under section 88 of the Inland Revenue Ordinance (Cap. 112); and
 - (b) in an event held for charitable purposes.
14. Prepackaged food—
 - (a) processed and sold to an ultimate consumer at the same premises; or

(b) processed at a place which is adjacent to, or in the immediate vicinity of, the premises where the food is sold to an ultimate consumer,
and not offered for sale outside the premises referred to in paragraph (a) or (b).

15. Prepackaged food sold to a catering establishment as a single item.

Note: In this Part—

“prepared” (製備) includes boning, paring, grinding, cutting, cleaning, trimming, flavouring or packaging, but does not include processing;

“processed” (加工處理) includes any treatment or process resulting in a substantial change in the natural state of any food, and “processing” (加工處理) in the definition of “prepared” in this Note shall be construed accordingly.

PART 2

PREPACKAGED FOOD WITH ANNUAL SALES VOLUME NOT EXCEEDING 30 000 UNITS MAY BE EXEMPT FROM PART 1 OF SCHEDULE 5 UNDER REGULATION 4B(2)(b) OF THESE REGULATIONS

1. Exemption from Part 1 of Schedule 5

(1) Upon an application made under subsection (2), the Authority may, subject to section 3(1), grant an exemption in respect of any prepackaged food from the requirements of Part 1 of Schedule 5 if the Authority is satisfied that the annual sales volume of food of the same version in Hong Kong would not exceed 30 000 units.

(2) Any importer or manufacturer of a prepackaged food may apply to the Authority for exemption under subsection (1) in such manner as the Authority may determine.

(3) An applicant for exemption shall pay to the Authority \$345 upon approval of the application.

(4) The Authority may—

- (a) impose such conditions as the Authority may deem fit; and
- (b) require the applicant to give an undertaking to comply with such conditions as the Authority may from time to time impose with regard to the prepackaged food to which the exemption applies.

(5) An exemption granted under subsection (1) shall be valid—

- (a) (where no other exemption granted under that subsection is for the time being in force in relation to the version of the prepackaged food concerned) for one year;
- (b) (where only one other exemption granted under that subsection is for the time being in force in relation to the version of the prepackaged food concerned) until the expiry date of that other exemption; or
- (c) (where 2 or more other exemptions granted under that subsection are for the time being in force in relation to the version of the prepackaged food concerned) until the expiry date of the first of such exemptions.

2. **Renewal of exemption**

(1) Upon an application made under subsection (2), the Authority may, subject to section 3(2), renew an exemption granted under section 1(1) if the Authority is satisfied that—

- (a) (where no other exemption granted under section 1(1) is for the time being in force in relation to the version of the prepackaged food concerned) the total sales volume of the version of the prepackaged food in Hong Kong within the validity period of the exemption would not exceed 30 000 units;
- (b) (where only one other exemption granted under section 1(1) is for the time being in force in relation to the version of the prepackaged food concerned) the total sales volume of the version of the prepackaged food in Hong Kong within the validity period of that other exemption would not exceed 30 000 units; or
- (c) (where 2 or more other exemptions granted under section 1(1) are for the time being in force in relation to the version of the prepackaged food concerned) the total sales volume of the version of the prepackaged food in Hong Kong within the validity period of the first of such exemptions would not exceed 30 000 units.

(2) A person to whom an exemption has been granted may, before the expiration of the exemption, apply to the Authority for renewal of the exemption in such manner as the Authority may determine.

(3) An applicant for renewal shall pay to the Authority \$335 upon approval of the application.

(4) A renewal under subsection (1) takes effect—

- (a) on the day following the expiration of the exemption; and
- (b) for a period of one year or such lesser period as may be specified by the Authority.

3. **Refusal to grant, refusal to renew or revocation of exemption**

(1) The Authority may refuse to grant an exemption under section 1(1) if—

- (a) the applicant has, in relation to the prepackaged food to which the application relates, failed to comply with any condition imposed under section 1(4) within the past 2 years; or
- (b) the annual sales volume of the version of the prepackaged food to which the application relates in Hong Kong exceeded 30 000 units in any one of the past 2 years.

(2) The Authority may refuse to renew an exemption under section 2(1) if the applicant has, in relation to the prepackaged food to which the application relates, failed to comply with any condition imposed under section 1(4) within the past 2 years.

(3) The Authority may revoke an exemption granted under section 1(1) or renewed under section 2(1) (“the exemption”) if—

- (a) the importer or manufacturer to whom the exemption has been granted (“the grantee”) has failed to comply with any condition imposed under section 1(4); or
- (b) the total sales volume of the version of the prepackaged food to which the exemption applies in Hong Kong within the validity period of the exemption exceeds 30 000 units.

(4) The Authority shall not revoke an exemption unless the Authority—

- (a) notifies the grantee in writing of—
 - (i) his intention to revoke the exemption; and
 - (ii) the grounds upon which the Authority proposes to revoke the exemption;
- (b) permits the grantee to make representations to the Authority in writing within the period specified in the notice; and
- (c) considers the representations, if any, made by the grantee.

(5) If the Authority revokes an exemption, the Authority shall, as soon as practicable, notify the grantee in writing and specify in the notice—

- (a) the grounds for the revocation; and
- (b) the date on which the revocation is to take effect.

(6) A revocation takes effect on the expiry of 30 days from the date on which the decision to revoke the exemption is made.

SCHEDULE 7

[reg. 2]

NUTRIENT REFERENCE VALUES FOR DIFFERENT NUTRIENTS
FOR PURPOSE OF NUTRITION LABELLING

Item	Energy/Nutrient	Nutrient reference value
1.	Energy (kcal)	2 000
	(kJ)	8 400
2.	Protein (g)	60
3.	Total fat (g)	60
4.	Dietary fibre (g)	25
5.	Saturated fatty acids (g)	20
6.	Cholesterol (mg)	300
7.	Total carbohydrates (g)	300
8.	Calcium (mg)	800
9.	Phosphorus (mg)	700
10.	Potassium (mg)	2 000
11.	Sodium (mg)	2 000
12.	Iron (mg)	15
13.	Zinc (mg)	15
14.	Copper (mg)	1.5
15.	Iodine (µg)	150
16.	Selenium (µg)	50
17.	Magnesium (mg)	300
18.	Manganese (mg)	3
19.	Chromium (µg)	50
20.	Molybdenum (µg)	40
21.	Fluoride (mg)	1
22.	Vitamin A (µg RE)	800
23.	Vitamin C (mg)	100
24.	Vitamin D (µg)	5
25.	Vitamin E (mg α-TE)	14
26.	Vitamin K (µg)	80
27.	Vitamin B1 (mg)	1.4
28.	Vitamin B2 (mg)	1.4
29.	Vitamin B6 (mg)	1.4
30.	Vitamin B12 (µg)	2.4
31.	Niacin (mg)	14

Item	Energy/Nutrient	Nutrient reference value
32.	Folic acid (μg DFE)	400
33.	Pantothenic acid (mg)	5
34.	Biotin (μg)	30
35.	Choline (mg)	450

SCHEDULE 8

[Sch. 5]

CONDITIONS FOR NUTRIENT CONTENT CLAIM

Item	Energy/ Nutrient	Description of the claim	Condition
1.	Energy	<p>(1) The word or words “Low” or “低”, “Little” or “少”, “Low source” or “提供少量” or “Contains a small amount of” or “含量低” or any other word or words of similar meaning or symbol denoting a similar meaning</p> <p>(2) The word or words “Free” or “不含”, “Zero” or “零”, “No” or “無” or “Without” or “沒有” or any other word or words of similar meaning or symbol denoting a similar meaning</p>	<p>(a) The food is solid food and contains not more than 40 kcal (170 kJ) of energy per 100 g of food. OR</p> <p>(b) The food is liquid food and contains not more than 20 kcal (80 kJ) of energy per 100 mL of food.</p> <p>The food is liquid food and contains not more than 4 kcal (17 kJ) of energy per 100 mL of food.</p>

Item	Energy/ Nutrient	Description of the claim	Condition
2.	Total fat	<p>(1) The word or words “Low” or “低”, “Little” or “少”, “Low source” or “提供少量” or “Contains a small amount of” or “含量低” or any other word or words of similar meaning or symbol denoting a similar meaning</p> <p>(2) The word or words “Free” or “不含”, “Zero” or “零”, “No” or “無” or “Without” or “沒有” or any other word or words of similar meaning or symbol denoting a similar meaning</p>	<p>(a) The food is solid food and contains not more than 3 g of total fat per 100 g of food. OR</p> <p>(b) The food is liquid food and contains not more than 1.5 g of total fat per 100 mL of food.</p> <p>(a) The food is solid food and contains not more than 0.5 g of total fat per 100 g of food. OR</p> <p>(b) The food is liquid food and contains not more than 0.5 g of total fat per 100 mL of food.</p>

Item	Energy/ Nutrient	Description of the claim	Condition
3.	Saturated fatty acids	(1) The word or words “Low” or “低”, “Little” or “少”, “Low source” or “提供少量” or “Contains a small amount of” or “含量低” or any other word or words of similar meaning or symbol denoting a similar meaning	<p>(a) The food is solid food and contains—</p> <p>(i) not more than 1.5 g of saturated fatty acids and trans fatty acids combined per 100 g of food; and</p> <p>(ii) saturated fatty acids and trans fatty acids, the sum of which contributes not more than 10% of energy. OR</p> <p>(b) The food is liquid food and contains—</p> <p>(i) not more than 0.75 g of saturated fatty acids and trans fatty acids combined per 100 mL of food; and</p>

Item	Energy/ Nutrient	Description of the claim	Condition
			(ii) saturated fatty acids and trans fatty acids, the sum of which contributes not more than 10% of energy.
		(2) The word or words “Free” or “不含”, “Zero” or “零”, “No” or “無” or “Without” or “沒有” or any other word or words of similar meaning or symbol denoting a similar meaning	(a) The food is solid food and contains not more than 0.1 g of saturated fatty acids and trans fatty acids combined per 100 g of food. OR (b) The food is liquid food and contains not more than 0.1 g of saturated fatty acids and trans fatty acids combined per 100 mL of food.

Item	Energy/ Nutrient	Description of the claim	Condition
4.	Cholesterol	(1) The word or words “Low” or “低”, “Little” or “少”, “Low source” or “提供少量” or “Contains a small amount of” or “含量低” or any other word or words of similar meaning or symbol denoting a similar meaning	<p>(a) The food is solid food and contains—</p> <ul style="list-style-type: none"> (i) not more than 0.02 g of cholesterol per 100 g of food; (ii) not more than 1.5 g of saturated fatty acids and trans fatty acids combined per 100 g of food; and (iii) saturated fatty acids and trans fatty acids, the sum of which contributes not more than 10% of energy. OR <p>(b) The food is liquid food and contains—</p> <ul style="list-style-type: none"> (i) not more than 0.01 g of cholesterol per 100 mL of food;

Item	Energy/ Nutrient	Description of the claim	Condition
			<ul style="list-style-type: none"> (ii) not more than 0.75 g of saturated fatty acids and trans fatty acids combined per 100 mL of food; and (iii) saturated fatty acids and trans fatty acids, the sum of which contributes not more than 10% of energy.
		<p>(2) The word or words “Free” or “不含”, “Zero” or “零”, “No” or “無” or “Without” or “沒有” or any other word or words of similar meaning or symbol denoting a similar meaning</p>	<p>(a) The food is solid food and contains—</p> <ul style="list-style-type: none"> (i) not more than 0.005 g of cholesterol per 100 g of food; (ii) not more than 1.5 g of saturated fatty acids and trans fatty acids combined per 100 g of food; and

Item	Energy/ Nutrient	Description of the claim	Condition
			(iii) saturated fatty acids and trans fatty acids, the sum of which contributes not more than 10% of energy. OR
			(b) The food is liquid food and contains—
			(i) not more than 0.005 g of cholesterol per 100 mL of food;
			(ii) not more than 0.75 g of saturated fatty acids and trans fatty acids combined per 100 mL of food; and
			(iii) saturated fatty acids and trans fatty acids, the sum of which contributes not more than 10% of energy.

Item	Energy/ Nutrient	Description of the claim	Condition
5.	Trans fatty acids	The word or words “Free” or “不含”, “Zero” or “零”, “No” or “無” or “Without” or “沒有” or any other word or words of similar meaning or symbol denoting a similar meaning	<p>(a) The food is solid food and contains—</p> <ul style="list-style-type: none">(i) not more than 0.3 g of trans fatty acids per 100 g of food;(ii) not more than 1.5 g of saturated fatty acids and trans fatty acids combined per 100 g of food; and(iii) saturated fatty acids and trans fatty acids, the sum of which contributes not more than 10% of energy. OR <p>(b) The food is liquid food and contains—</p> <ul style="list-style-type: none">(i) not more than 0.3 g of trans fatty acids per 100 mL of food;

Item	Energy/ Nutrient	Description of the claim	Condition
6.	Sugars	(1) The word or words “Low” or “低”, “Little” or “少”, “Low source” or “提供少量” or “Contains a small amount of” or “含量低” or any other word or words of similar meaning or symbol denoting a similar meaning	<p>(ii) not more than 0.75 g of saturated fatty acids and trans fatty acids combined per 100 mL of food; and</p> <p>(iii) saturated fatty acids and trans fatty acids, the sum of which contributes not more than 10% of energy.</p> <p>(a) The food is solid food and contains not more than 5 g of sugars per 100 g of food. OR</p> <p>(b) The food is liquid food and contains not more than 5 g of sugars per 100 mL of food.</p>

Item	Energy/ Nutrient	Description of the claim	Condition
		(2) The word or words “Free” or “不含”, “Zero” or “零”, “No” or “無” or “Without” or “沒有” or any other word or words of similar meaning or symbol denoting a similar meaning	(a) The food is solid food and contains not more than 0.5 g of sugars per 100 g of food. OR (b) The food is liquid food and contains not more than 0.5 g of sugars per 100 mL of food.
7.	Sodium	(1) The word or words “Low” or “低”, “Little” or “少”, “Low source” or “提供少量” or “Contains a small amount of” or “含量低” or any other word or words of similar meaning or symbol denoting a similar meaning	The food (whether solid or liquid) contains not more than 0.12 g of sodium per 100 g or mL of food.

Item	Energy/ Nutrient	Description of the claim	Condition
		(2) The words “Very low” or “很低”, “Extremely low” or “極低” or “Super low” or “超低” or any other word or words of similar meaning or symbol denoting a similar meaning	The food (whether solid or liquid) contains not more than 0.04 g of sodium per 100 g or mL of food.
		(3) The word or words “Free” or “不含”, “Zero” or “零”, “No” or “無” or “Without” or “沒有” or any other word or words of similar meaning or symbol denoting a similar meaning	The food (whether solid or liquid) contains not more than 0.005 g of sodium per 100 g or mL of food.
8.	Protein	(1) The word or words “Low” or “低”, “Little” or “少”, “Low source” or “提供少量” or “Contains a small amount of” or “含量低” or any other word or words of similar meaning or symbol denoting a similar meaning	The food (whether solid or liquid) contains protein which contributes not more than 5% of energy.

Item	Energy/ Nutrient	Description of the claim	Condition
		(2) The word or words “Source” or “來源”, “Contains” or “含”, “Provides” or “提供” or “Has” or “有” or any other word or words of similar meaning or symbol denoting a similar meaning	<p>(a) The food is solid food and contains not less than 10% of the nutrient reference value of protein per 100 g of food. OR</p> <p>(b) The food is liquid food and contains not less than 5% of the nutrient reference value of protein per 100 mL of food. OR</p> <p>(c) The food (whether solid or liquid) contains not less than—</p> <p>(i) 5% of the nutrient reference value of protein per 100 kcal of food; or</p> <p>(ii) 12% of the nutrient reference value of protein per 1 MJ of food.</p>

Item	Energy/ Nutrient	Description of the claim	Condition
		(3) The word or words “High” or “高”, “Rich in” or “含豐富” or “Good source of” or “含大量” or any other word or words of similar meaning or symbol denoting a similar meaning	<p>(a) The food is solid food and contains not less than 20% of the nutrient reference value of protein per 100 g of food. OR</p> <p>(b) The food is liquid food and contains not less than 10% of the nutrient reference value of protein per 100 mL of food. OR</p> <p>(c) The food (whether solid or liquid) contains not less than—</p> <p>(i) 10% of the nutrient reference value of protein per 100 kcal of food; or</p> <p>(ii) 24% of the nutrient reference value of protein per 1 MJ of food.</p>

Item	Energy/ Nutrient	Description of the claim	Condition
9.	Dietary fibre	<p>(1) The word or words “Source” or “來源”, “Contains” or “含”, “Provides” or “提供” or “Has” or “有” or any other word or words of similar meaning or symbol denoting a similar meaning</p> <p>(2) The word or words “High” or “高”, “Rich in” or “含豐富” or “Good source of” or “含大量” or any other word or words of similar meaning or symbol denoting a similar meaning</p>	<p>(a) The food is solid food and contains not less than 3 g of dietary fibre per 100 g of food. OR</p> <p>(b) The food is liquid food and contains not less than 1.5 g of dietary fibre per 100 mL of food.</p> <p>(a) The food is solid food and contains not less than 6 g of dietary fibre per 100 g of food. OR</p> <p>(b) The food is liquid food and contains not less than 3 g of dietary fibre per 100 mL of food.</p>

Item	Energy/ Nutrient	Description of the claim	Condition
10.	Vitamins and minerals provided with nutrient reference values (except sodium)	(1) The word or words “Source” or “來源”, “Contains” or “含”, “Provides” or “提供” or “Has” or “有” or any other word or words of similar meaning or symbol denoting a similar meaning	<p>(a) The food is solid food and contains not less than 15% of the nutrient reference value of the vitamin or mineral concerned per 100 g of food. OR</p> <p>(b) The food is liquid food and contains not less than 7.5% of the nutrient reference value of the vitamin or mineral concerned per 100 mL of food. OR</p> <p>(c) The food (whether solid or liquid) contains not less than—</p> <p>(i) 5% of the nutrient reference value of the vitamin or mineral concerned per 100 kcal of food; or</p> <p>(ii) 12% of the nutrient reference value of the vitamin or mineral concerned per 1 MJ of food.</p>

Item	Energy/ Nutrient	Description of the claim	Condition
		(2) The word or words “High” or “高”, “Rich in” or “含豐富” or “Good source of” or “含大量” or any other word or words of similar meaning or symbol denoting a similar meaning	<p>(a) The food is solid food and contains not less than 30% of the nutrient reference value of the vitamin or mineral concerned per 100 g of food. OR</p> <p>(b) The food is liquid food and contains not less than 15% of the nutrient reference value of the vitamin or mineral concerned per 100 mL of food. OR</p> <p>(c) The food (whether solid or liquid) contains not less than—</p> <p>(i) 10% of the nutrient reference value of the vitamin or mineral concerned per 100 kcal of food; or</p> <p>(ii) 24% of the nutrient reference value of the vitamin or mineral concerned per 1 MJ of food.”.</p>

CHEUK Wing-hing
Director of Food and
Environmental Hygiene

31 March 2008

Explanatory Note

This Regulation amends the Food and Drugs (Composition and Labelling) Regulations (Cap. 132 sub. leg. W) (“the principal Regulations”). The main purposes of the Regulation are to—

- (a) introduce a mandatory nutrition labelling scheme in relation to prepackaged food; and
 - (b) impose controls over certain nutrition claims made on the label of, or in any advertisement for, a prepackaged food.
2. Section 1 provides for the commencement of the Regulation.
3. Section 2 deals with definitions.
4. Section 3 amends regulation 4A of the principal Regulations to provide for a textual amendment.
5. Section 4 adds a new regulation 4B to the principal Regulations which—
 - (a) requires prepackaged food to be marked or labelled with its energy value and nutrient content in compliance with Part 1 of Schedule 5 to the principal Regulations;
 - (b) exempts certain items from the requirements of Part 1 of Schedule 5 to the principal Regulations; and
 - (c) requires any nutrition claim made on the label of, or in any advertisement for, a prepackaged food to conform to Part 2 of Schedule 5 to the principal Regulations.
6. Section 5 amends regulation 5 of the principal Regulations to—
 - (a) provide that any person who advertises for sale, sells or manufactures for sale any prepackaged food which does not comply with regulation 4A or 4B of the principal Regulations commits an offence; and
 - (b) provide for certain textual amendments.
7. Sections 6 and 7 respectively amend Schedules 1 and 2 to the principal Regulations to provide for certain textual amendments.

8. Section 8 amends Schedule 3 to the principal Regulations to—
 - (a) clarify that section 2(4B) of Schedule 3 to the principal Regulations does not apply to any nutrient; and
 - (b) provide for certain textual amendments.
9. Section 9 amends Schedule 4 to the principal Regulations to provide for certain textual amendments.
10. Section 10 adds new Schedules 5, 6, 7 and 8 to the principal Regulations.
11. Part 1 of Schedule 5 to the principal Regulations—
 - (a) lists out the energy value and nutrient content that are required to be set out in a list of nutrients;
 - (b) provides for the manner in which the energy value and nutrient content should be expressed in a list of nutrients; and
 - (c) provides for the format of a list of nutrients.
12. Part 2 of Schedule 5 to the principal Regulations sets out the conditions for making nutrient content claims, nutrient comparative claims and nutrient function claims.
13. Part 1 of Schedule 6 to the principal Regulations lists out the items that are exempt from Part 1 of Schedule 5 to the principal Regulations under regulation 4B(2)(a) of the principal Regulations.
14. Part 2 of Schedule 6 to the principal Regulations provides that the Director of Food and Environmental Hygiene (“the Authority”) may grant an exemption in respect of any prepackaged food from the requirements of Part 1 of Schedule 5 to the principal Regulations if the Authority is satisfied that the annual sales volume of food of the same version in Hong Kong would not exceed 30 000 units.
15. Schedule 7 to the principal Regulations lists out the nutrient reference values for different nutrients for the purpose of nutrition labelling.
16. Schedule 8 to the principal Regulations lists out the descriptions that can be used in nutrient content claims and sets out the conditions for using such descriptions.