

7 April, 2017
Our Ref: S170407JY

Prof Hon Joseph LEE Kok-long, SBS, JP
Chairman of Health Services Panel
Legislative Council
1 Legislative Road
Central, Hong Kong

Dear Prof Lee,

Views on Latest Draft of Hong Kong Code of Marketing of Formula Milk and Related Products, and Food Products for Infants & Young Children

1. The Hong Kong General Chamber of Commerce (“the Chamber”) welcomes the opportunity to comment on the Government’s latest draft of the Hong Kong Code of Marketing of Formula Milk and Related Products, and Food Products for Infants & Young Children (“Draft Code”), which is being considered by the Legislative Council Panel on Health Services (“Panel”). Our views on the Draft Code are set out below for the Panel’s consideration.

Regulating the marketing of breast milk substitutes while respecting parents’ right to informed choices

2. The benefits of breastfeeding for both mother and child are widely recognized, and the Chamber supports breastfeeding and its continued promotion in Hong Kong. The Chamber notes that the World Health Organization (“WHO”) recommends that infants should be exclusively breastfed for the first 6 months of life to achieve optimal growth, development and health, and thereafter, to meet their evolving nutritional requirements, infants should receive nutritionally adequate and safe complementary foods while breastfeeding continues for up to 2 years of age or beyond. In line with the foregoing, we agree with the proposal to restrict marketing practices of breastmilk substitutes, which is consistent with practices in other developed economies such as Singapore, New Zealand and Australia where product regulations are applicable to infants up to 6 and 12 months respectively.

3. The above notwithstanding, there are parents who welcome and/or actively seek information on complementary foods (including follow-on formula milk and various prepackaged foods) in making educated choices for supporting the growth of their children. Therefore, the Chamber regards the current Draft Code's proposed coverage for children aged 0-36 months to be overly aggressive, especially when compared with other economies such as Singapore, Australia and New Zealand mentioned above. We believe that parents' right to receive information on complementary foods should be respected to allow them to make better decisions appropriate to their own circumstances and to reduce the risk of selecting unsuitable products which may inflict damage on the healthy growth of children.

Respecting manufacturers' freedom to deliver evidence-based product information

4. The majority of manufacturers who supply infant and young child formula milk and prepackaged foods to Hong Kong are committed to a scientific approach to the research and development of their products. It is to the benefit of consumers that such scientifically substantiated information be allowed to be disseminated freely in the market. It is noteworthy that while the Chamber and other stakeholders expressed the view that the proposal was overly restrictive in both the 2012 and 2014 consultations, there have been minimal changes to the latest Draft Code in this respect. We are disappointed that little has been done to address or alleviate our concerns on the proposed regulatory approach, as well as impacts to the industries concerned and parents.

5. As pointed out in our previous submissions, the Chamber does not consider it necessary to impose a uniform ban on marketing practices for relevant products of up to 36 months because in the event of violations in advertising or claims, these could be addressed effectively through current regulations such as the Trade Descriptions Ordinance (Cap. 362) and the Broadcasting Ordinance (Cap. 562). Furthermore, a universal ban on promotion can potentially create knock-on effects that do not only affect the formula products trade but other associated industries such as advertising, retail, exhibition and magazines.

Upholding Hong Kong's free economy

6. In the course of finalizing the Draft Code, the Government should subject it to a proper and detailed regulatory impact assessment so as to identify and pre-empt the likelihood of introducing over-zealous regulation. Central to our reputation as a free economy is the freedom of information, which includes access to product details by consumers.

7. The Chamber sincerely hopes that the Panel will consider the aforementioned views. We believe that a win-win situation can be achieved by striking a balance between the views and interests of different sectors in the society, and we look forward to an effective Code that is relevant to and effective in addressing local needs.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'Shirley Yuen', with a long horizontal flourish extending to the right.

Shirley Yuen
CEO

cc Dr Ko Wing Man, Secretary for Food & Health, Food and Health Bureau