

LCQ14: Regulation of ingredients and labelling of personal care products and cosmetics

Following is a question by the Dr Hon Chiang Lai-wan and a written reply by the Secretary for Commerce and Economic Development, Mr Edward Yau, in the Legislative Council today (June 27):

Question:

It has been reported that some facial cleansing products available for sale in Hong Kong contain dyes that have been banned by the European Union (EU). In the past, some sunscreen lotions and hair dye products were found after tests to contain estrogenic endocrine disruptors which were carcinogenic and allergens respectively. On the other hand, personal care products and cosmetics for sale in Hong Kong are now required to comply only with "the general safety requirement" in the Consumer Goods Safety Ordinance (Cap 456). In this connection, will the Government inform this Council:

(1) whether the authorities will, by making reference to the relevant practices applied in EU or internationally, formulate product safety standards applicable to personal care products and cosmetics, so as to enhance the protection for consumers; if so, of the details; if not, the reasons for that; and

(2) as some personal care products and cosmetics available in the market either do not have their ingredients labelled or have their ingredients labelled only in the language of the place of origin (neither Chinese nor English), and those products may contain ingredients that may cause allergies or even deaths, whether the authorities will amend the legislation to require that those products must have their ingredients labelled in both Chinese and English, so as to enhance the protection for consumers?

Reply:

President,

Having consulted the Food and Health Bureau, my reply to the two parts of the question is as follows:

(1) The safety of consumer goods which are ordinarily supplied for private use or consumption in Hong Kong, including personal care products and cosmetics, if not covered by other legislation, is subject to the regulation of the Consumer Goods Safety Ordinance (Cap 456) (CGSO) and its subsidiary legislation, Consumer Goods Safety Regulation (Cap 456A) (CGSR). According to the CGSO, manufacturers, importers and suppliers should ensure that the consumer goods comply with the "general safety requirement", which means that they are reasonably safe. In determining whether consumers goods are

reasonably safe, one should have regard to all of the circumstances, including the use of any mark in relation to the consumer goods and instructions or warnings given for the keeping, use or consumption of the consumer goods; and reasonable safety standards published by a standards institute or similar body for consumer goods of the description which applies to the consumer goods or for matters relating to consumer goods of that description.

Customs and Excise Department (C&ED) is responsible for enforcing the CGSO. For regulating the safety of personal care products and cosmetics, C&ED will, in accordance with the CGSO, consider relevant reasonable safety standards, including the standards or requirements published by the European Union, the United States and the Mainland to determine whether a product is reasonably safe. If unsafe products are found, C&ED will take appropriate enforcement actions to protect consumers.

(2) The relevant standards or regulations published by the European Union, the United States and the Mainland all require that personal care products and cosmetics be marked with precautions if they contain ingredients with health hazards. Besides, CGSR stipulates that, where consumer goods are marked with any warning or caution with respect to their safe keeping, use, consumption or disposal, such warning or caution should be in both the English and the Chinese languages, as well as legible and conspicuous.

To ensure that personal care products and cosmetics available for sale in the market comply with relevant requirements under the CGSO and CGSR, in addition to investigating into complaints, C&ED will proactively conduct spot checks on wholesalers and retailers and test-purchase products for testing. C&ED will also monitor relevant reports as well as alerts issued by organisations related to product safety. When necessary, C&ED will seek advice from the Department of Health (DH) to examine the products' impact on human health and the risks involved in order to take appropriate enforcement actions, including the issue of prohibition notices or recall notices and initiating prosecution.

Moreover, personal care products and cosmetics which fall within the definition of "pharmaceutical products" under the Pharmacy and Poisons Ordinance (Cap 138) (PPO), must satisfy the criteria of safety, quality and efficacy and be registered with the Pharmacy and Poisons Board before they can be legally sold in Hong Kong.

In addition, hair dye preparations containing phenylne diamines, toluene diamines or other alkylated benzene diamines or their salts are Part 2 poisons under the PPO and should only be sold at registered premises of Authorized Sellers of Poisons (commonly known as pharmacies or dispensaries) or Listed Sellers of Poisons (commonly known as medicine companies). When selling these hair dye preparations, they are also required to comply with the relevant labelling requirements under the PPO including displaying the name of the poison on the container and its proportion in the total composition of the preparation, together with the text of "Caution. This preparation may cause serious inflammation of the skin in certain persons and

should be used only in accordance with expert advice.", etc.

Products which fall within the definition of proprietary Chinese medicines under the Chinese Medicine Ordinance (Cap 549) must fulfil the requirements set by the Chinese Medicine Council of Hong Kong (CMCHK) in terms of safety, quality and efficacy, and be registered with the Chinese Medicines Board under the CMCHK before they can be imported, locally manufactured and sold.

To ensure the safety and quality of pharmaceutical products and proprietary Chinese medicines, DH has put in place a regular market surveillance system under which samples of these products are regularly collected from the market for testing. DH has also established a mechanism for adverse incident reporting relating to drugs and Chinese medicines, so as to conduct risk assessment, management and reporting. If substandard pharmaceutical products or proprietary Chinese medicines are found, DH may take actions such as requesting the traders concerned to recall the products, prosecuting the traders concerned and referring the cases to the relevant board/council for follow-up actions, and issuing relevant press statements.