

Voluntary Report – Voluntary - Public Distribution

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Report Name: Hong Kong Proposes to Amend the Harmful Substances in Food Regulations

Country: Hong Kong

Post: Hong Kong

Report Category: WTO Notifications, Agriculture in the News, Sanitary/Phytosanitary/Food Safety

Prepared By: Caroline Yuen

Approved By: Alicia Hernandez

Report Highlights:

The Hong Kong government (HKG) has launched a public consultation on its proposed amendments to the Harmful Substances in Food Regulations. Comments are to be submitted before March 15, 2021. The HKG has already notified the World Trade Organization (WTO) of the proposed amendments.

The Hong Kong government (HKG) has recently conducted a public consultation inviting the industry to comment on its proposed amendments to the Harmful Substances in Food Regulations. This report will provide a summary of the proposed changes. Comments should be submitted to the Centre for Food Safety on or before March 15, 2021 at harmful-sub-consultation@fehd.gov.hk. U.S. exporters are welcome to copy ATO Hong Kong at atohongkong@usda.gov on their submissions.

The HKG has already notified the World Trade Organization (WTO) of this regulation amendment exercise. With that, the WTO has issued notification SPS/N/HKG/45 on the subject alerting WTO members.

Hong Kong’s control of harmful substances is regulated by the [Harmful Substances in Food Regulations](#), which contains two schedules. Schedule One lists the maximum concentration of 39 substances allowed in specified foods and Schedule Two¹ specifies seven substances which are prohibited in foods.

With regard to amending the regulation, the HKG indicated that their proposed changes are based on risk assessments with reference to local diets and the General Standard for Contaminants and Toxins in Food and Feed of the Codex Alimentarius Commission. In the absence of Codex standards for certain substances considered to pose a risk to Hong Kong people because of dietary habits, the HKG has proposed respective maximum levels (ML) by referencing those from other countries.

The Proposed Changes

The HKG intends to update and strengthen the regulatory control of harmful substances in food with respect to three types of mycotoxins (aflatoxin, deoxynivalenol, and patulin) and five types of other harmful substances in three specified food groups: namely edible fats and oils, condiments, and formula products intended for infants. The proposed changes also will prohibit the use of partially hydrogenated oils which are the main source of industrially-produced trans fatty acids.

A) Setting/Revising Maximum Levels of Three Mycotoxins:

| Substance | Food / Food group | Proposed ML | ML under existing regulation | Notes |
|--------------------|---|-------------|--------------------------------------|-------------------|
| 1 Aflatoxin | | | | |
| Aflatoxins, total | Non-ready-to-eat peanuts, almonds, Brazil nuts, hazelnuts, and pistachios | 15 µg/kg | Peanuts or peanut products: 20 µg/kg | Referencing Codex |
| | Non-ready-to-eat | | Any other food: | Referencing Codex |

¹ Dienoestrol; Diethylstilboestrol; Hexoestrol; Avoparcin; Clenbuterol; Chloramphenicol, Salbutamol

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| | products of the above food | | 15 µg/kg | | | |
| | Spices | | | | Draft Codex ML is 20/30 µg/kg; keeping existing ML | |
| | Ready-to-eat peanuts, almonds, Brazil nuts, hazelnuts, and pistachios | | | | 10 µg/kg | Referencing Codex |
| | Ready-to-eat products of the above food | | | | | Referencing Codex |
| | Dried figs | | | | | Referencing Codex |
| | Any other food | | | | 5 µg/kg | Referencing the standard other countries |
| Aflatoxin B1 | Any food intended to be consumed principally by persons under the age of 36 months | 0.1 µg/kg | nil | Referencing the standard other countries | | |
| Aflatoxin M1 | Infant formula and follow-up formula intended to be consumed principally by persons under the age of 12 months | 0.025 µg/kg | nil | Referencing the standard of other countries | | |
| | Any other milk and dried milk | 0.5 µg/kg | nil | Referencing Codex | | |

2 Deoxynivalenol

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|------------------|--|-----------|-----|-------------------|
| Deoxynivalenol | Any food containing cereal intended to be consumed principally by persons under the age of 36 months | 200 µg/kg | nil | Referencing Codex |
| 3 Patulin | | | | |
| Patulin | Apple juice and other beverages to which apple juice has been added | 50 µg/kg | nil | Referencing Codex |

B) Setting Maximum Levels of Harmful Substances in Three Specified Food Groups

| Substance | Food / Food group | Proposed ML | ML under existing regulation | Notes |
|---|--|--|---|---|
| 1 Setting Maximum Levels (MLs) of Two Harmful Substances in Edible Fats and Oils | | | | |
| Benzo[a]pyrene | Any oil or fat or any mixture of oil and fat | 5 µg/kg | Nil (HK set an action level of 10 µg/kg in 2013) | Referencing the standard of other countries |
| Erucic acid | Low-erucic acid rapeseed oil | 2 per centum by weight of their fatty acid content | Any oil or fat or any mixture thereof: 5 per centum by weight of their fatty acid content | Referencing Codex |
| | Any other oil or fat or any mixture of oil and fat | 5 per centum by weight of their fatty acid content | | Keeping existing standard |
| 2 Setting Maximum Level (ML) of A Harmful Substance in Condiments | | | | |
| 3-monochloropropane 1,2-diol | Solid condiments | 1 mg/kg | nil | Referencing the standard of China |
| | Any other condiments | 0.4 mg/kg | | Referencing Codex |

3 Setting Maximum Levels (MLs) of Three Harmful Substances in Formula Products Intended for Infants

| | | | | |
|--|---|------------|--|---|
| Benzo[a]pyrene | Infant formula and follow-up formula intended to be consumed principally by persons under the age of 12 months | 1 µg/kg | Nil | Referencing the standards of EU and Korea |
| Glycidyl fatty acid esters (expressed as glycidol) | Powdered infant formula and follow-up formula intended to be consumed principally by persons under the age of 12 months | 50 µg/kg | Nil | Referencing the standard of the EU |
| | Liquid infant formula and follow-up formula intended to be consumed principally by persons under the age of 12 months | 6 µg/kg | | |
| Melamine ² | Liquid infant formula and follow-up formula intended to be consumed principally by persons under the age of 12 months | 0.15 mg/kg | Milk and any food intended to be consumed principally by persons of an age group into which children under the age of 36 months fall: 1mg/kg | Referencing Codex |
| | Milk other than liquid infant formula and follow-up formula intended to be consumed principally by persons under the age of 12 months | 1 mg/kg | | Keeping existing standard |

² The MLs of melamine in “any food intended to be consumed principally by pregnant or lactating women” at 1 mg/kg and “any other food” at 2.5 mg/kg stipulated under the existing Regulations would remain unchanged.

| | | | | |
|--|--|--|--|---------------------------|
| | Any other food intended to be consumed principally by persons under the age of 36 months | | | Keeping existing standard |
|--|--|--|--|---------------------------|

C) Banning Partially Hydrogenated Oils (PHOs)

Based on the World Health Organization’s recommendation, the HKG proposed to regard PHOs as a prohibited substance banning the import of any edible fats and oils containing “PHOs” and the sale of any food (including edible fats and oils) containing “PHOs”.

In addition, in line with the listing PHOs as a prohibited substance, the HKG is proposing to stipulate the labeling requirements for hydrogenated oils under the labelling regulation. If hydrogenated oils are contained in prepackaged foods, they have to be indicated in the ingredient list.

Timeframe

The public consultation will end on March 15, 2021. The HKG did not indicate when it will announce the result of the consultation and present the legislative proposal to Legislative Council for approval. However, the HKG promised in the consultation paper to grant a grace period of 18 months after the enactment of the amended regulation for the industry to cope with all the changes.

Details

Detailed information on the proposed amendments is contained in the consultation paper which could be retrieved at this [link](#).

Attachments:

No Attachments.