Legislation and Regulations on Food Safety in Hong Kong

Seminar on Food Testing and Certification
4 December 2012
Outline

- Regulatory framework for food in Hong Kong
- Current local food safety standards and their recent amendments
- On-going food standard reviewing exercises
- Implication of food safety regulatory initiative on local testing and certification industry
Regulatory framework for food in Hong Kong
Regulatory framework for food in Hong Kong (I)

Local food laws

Public health and municipal services ordinance (Cap.132) Part V

- Section 52: General protection for food purchasers
- Section 54: Offences in connection with the sale of unfit food
- Subsidiary legislation

Food safety ordinance (Cap. 612)*

- Registration scheme for food importers and distributors
- Requirement for food traders to maintain proper records
- Empowerment of the authorities to tighten import control on specific food types/ make orders to prohibit the import and supply of problem food and order the recall

* Came into full operation on 1.2.2012
Regulatory framework for food in Hong Kong (II)

Subsidiary legislation under Part V of Cap. 132

Food additives
- Colouring matter in food regulations
- Sweeteners in food regulations
- Preservatives in food regulations

Contaminants
- Food adulteration (metallic contamination) regulations
- Harmful substances in food regulation
- Pesticide residues in food regulation
- Mineral oil in food regulations

Composition & Labelling
- Food and drugs (composition and labelling) regulations

Microbiological quality
- Milk regulation
- Frozen confections regulation
- Microbiological guidelines for ready-to-eat food & its supplementary information
Current local food safety standards and their recent amendments
Regulatory control on food additives and its recent amendments

- Colouring matter in food regulations (Cap. 132H)
  - Currently covers 32+ permitted colouring matters
  - Amendment came into operation on 1.12.2008: Removed red 2G from the permitted list

- Sweeteners in food regulations (Cap. 132U)
  - Currently covers 10 permitted sweeteners
  - Amendment came into operation on 1.8.2010: Added two permitted sweeteners i.e. neotame and steviol glycosides

- Preservatives in food regulation (Cap. 132BD)
  - Currently covers 29 permitted preservatives and antioxidants with maximum permitted level
  - Amendment came into operation on 1.7.2010: Harmonised with Codex standards i.e. Codex General Standard for Food Additives (GSFA)
Regulatory control on contaminants in food and its recent amendments (I)

- **Food Adulteration (Metallic Contamination) Regulations (Cap. 132V)**
  - Currently covers 7 metallic contaminants with maximum level

- **Harmful Substances in Food Regulation (Cap. 132AF)**
  - Currently covers 38 veterinary drugs, aflatoxin, erucic acid, and melamine with maximum concentration + 7 prohibited substances
  - Amendment came into operation on 1.3.2012: Extended the prohibition of import and sale of food containing prohibited substances to dried milk, condensed milk and reconstituted milk

- **Mineral Oil in Food Regulations (Cap. 132AR)**
  - Prohibited to use mineral oil unless exempted
Regulatory control on contaminants in food and its recent amendments (II)

- Pesticide Residues in Food Regulation (Cap. 132CM)
  - Passed by LegCo in June 2012
  - Will come into operation on 1.8.2014, after a grace period of about 2 years
  - Covers ~360 pesticides
  - Except for exempted pesticides, import and sale of food containing pesticide residues with no Maximum Residue Limits (MRLs) / Extraneous Maximum Residue Limits (EMRLs) in Schedule 1 is only allowed if the consumption of the food concerned is not dangerous or prejudicial to health
Regulatory control on composition and labelling and its recent amendments

- **Food and drugs (composition and labelling) regulations (Cap. 132W)**
  - Covers standards of composition and labelling of prepackaged food
  - Amendment came into operation on 1.7.2010: Introduced a “1+7” Nutrition Labelling Scheme and regulation of nutrition claims
Regulatory control on microbiological quality of food (I)

- Legal microbiological standards for some specified foods
  - Frozen confections regulation (Cap. 132AC)
    - Total bacterial count (TBC) and coliform bacteria in frozen confection
  - Milk Regulation (Cap. 132AQ)
    - TBC and coliform bacteria in milk and milk beverage
Regulatory control on microbiological quality of food (II)

- Microbiological guidelines for ready-to-eat food (MBGL)
  - Established in 2002 and revised in 2007
  - Covers criteria indicating the microbiological condition of the ready-to-eat food so as to reflect its safety and hygienic quality
    - Aerobic colony count (ACC), indicator organism i.e. *E. coli* as well as 9 specific pathogens
  - Supplementary information to MBGL introduced in 2009 recommending microbiological criteria for bottled waters, edible ice and non-bottled drinks
On-going food standard reviewing exercises
Latest development on food safety standards

- **Continuous review and update of local standards**
  - To keep abreast of international development and advancement in food technologies
  - To protect public health and facilitate international food trading

- **Factors to be considered**
  - Public health concerns
  - Stakeholders’ concerns
Nutritional composition & nutrition labelling of formula and foods for infants & young children (I)

- Current regulation
  - Section 61 of the Public health and municipal services ordinance (Cap. 132):
    - Requires information provided on the label and advertisement of foods to be factual and not misleading
- Proposed approach
  - Make reference to relevant Codex standards
Nutritional composition & nutrition labelling of formula and foods for infants & young children (II)

- Legislative proposal
  - **Codex requirement on nutritional composition** (i.e. energy and 33 nutrients as specified by Codex) for infant formula before complementary feeding is introduced. In particular, the level of energy and each nutrient must fall within the range specified by Codex;
  - **nutrition labelling requirement for infant formula** before complementary feeding is introduced, by listing the energy and 33 nutrients which are required to be present in infant formula as specified by Codex;
  - **nutrition labelling requirement for follow-up formula** intended for infants and young children under the age of 36 months by listing the energy and 25 nutrients as specified by Codex;
  - **nutrition labelling requirement for foods intended for infants and young children under the age of 36 months** by listing the energy and nutrients required for such foods as specified by Codex.
Nutritional composition & nutrition labelling of formula and foods for infants & young children (III)

- **Timetable**
  - Public consultation: 20 Nov 2012 – 21 Jan 2013
  - Plan to table the legislation at the LegCo in the mid 2013
Veterinary drug residues in food - Harmful substances in food regulations (Cap. 132AF)

- Proposed approach
  - Make reference to Codex standards and supplement with standards of Mainland and other major food exporting countries
Natural toxins (shellfish toxins and mycotoxins) in food - Harmful substances in food regulations (Cap. 132AF)

- Proposed approach
  - Make reference to relevant Codex Standards
    - Shellfish toxins e.g. PSP, DSP, ASP, NSP and AZP
    - Mycotoxins e.g. Aflatoxin, patulin and ochratoxin A
Metallic contamination in food - Food adulteration (metallic contamination) regulations (Cap. 132V)

- Proposed Approach
  - Make reference to relevant Codex Standards
  - Supplement with standards of Mainland and other major food exporting countries
Microbiological quality of food - Microbiological guidelines for ready-to-eat food

- Proposed Approach
  - Making reference to
    - Relevant microbiological criteria established in Codex standards/code of hygienic practices
    - Other national standards/ guidelines i.e. UK Health Protection Agency “Guidelines for Assessing the Microbiological Safety of Ready-to-Eat Foods Placed on the Market” (Nov 2009)
Implication of food safety regulatory initiative on local testing and certification industry
Implication of Food Safety Regulatory Initiative on Local Testing and Certification Industry (I)

- **Additional parameters**
  - Microorganisms
  - Chemical substances
- **Additional commodities**
- **More MRLs/MLs**

needs for testing??
Implication of Food Safety Regulatory Initiative on Local Testing and Certification Industry (II)

- **Food Trade**
  - Requires testing and certification to ensure their products fulfill the local legal food safety requirements

- **Government**
  - New food safety standards require additional testing resources
  - Part of its routine food testing has been outsourced to the local industry since 2008 to relieve the workload of Government Laboratory

- **Local Testing and Certification Industry**
  - Provide business opportunity
Thank you