

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 regulation

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

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- 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

食物名稱
Name of the food

- 須加上可閱讀記，不得誤食變性或有虛假、欺騙或詐騙成分。
- It shall be legibly marked and shall not be false, misleading or deceptive as to the nature of the food.

製造商或包裝商的名稱及地址
Name and address of manufacturer or packer

保質期的說明
Indication of durability

- “此日期之前食用”或“此日期前最佳”。
- “Use by” or “Best before” date.

配料表
List of ingredients

- 配料須由對食物包裝時所占的重量或體積，由大至小依次排列。
- 如含有法例中列明的食物致敏物，必須標示。
- 如使用添加劑，須標明其作用類別和其本身所用名稱或國際編號（不論是否以“E”或“e”為列號）。
- Ingredients should be listed in descending order of weight or volume determined as at the time of their use when the food was packaged.
- Allergenic substances stated in the law should be specified if they are present in the food.
- Functional class of an additive and its specific name or international identification number (with or without the prefix “E” or “e”) should be specified if it is used.

特別貯存方式或指示的陳述
Statement of special conditions for storage or instructions for use

營養標籤
Nutrition Label

- 營養標籤是一種有系統地顯示食品營養資料的方法。
- 營養標籤一般以列表形式顯示有關資料，並加上“營養資料”、“營養成分”或“營養標籤”等標題。
- Nutrition label is a systematic way of presenting nutrition information of food products.
- Nutrition label is usually in a tabular format with a heading like “Nutrition Information”, “Nutrition Facts” or “Nutrition Label”.

能量及營養素
Energy and Nutrients

- 營養標籤必須列出“1+7”的資料，即能量及七種指定營養素的數值（包括蛋白質、碳水化合物、脂肪、飽和脂肪、膽固醇、糖類及鈉）。
- Nutrition label must list out the energy content and values of 7 nutrients specified for labelling (“1+7” namely, energy, total fat, saturated fat, trans fat, cholesterol, carbohydrates, sugars and sodium).

營養聲稱
Nutrition Claims

- 營養聲稱是占顯著營養成分含量的生理作用的說明。
- 食品必須符合特定的條件才可作出營養聲稱。同時，營養聲稱必須列明涉及聲稱的營養素的含量（例如“低膽固醇”的聲稱必須列明膽固醇含量及符合特定的條件）。
- Nutrition claims emphasize the contents or physiological roles of selected nutrients.
- Nutrition claims must meet certain specified conditions. First, the amounts of those nutrients that are the subjects of nutrition claims must be included in the nutrition label (e.g. a can of onion soup with “low cholesterol” claim must list the cholesterol content and meet certain conditions).

食物參考量
Reference Amount of Food

- 能量和營養素數值可以不同的食物參考量來表達，例如以每100克、每100毫升、每食用分量或每包裝。
- Energy and nutrient values can be expressed in different reference amount such as per 100g/mL, per serving or per package.

營養資料 Nutrition Information	
每100克 (3.5 盎司) 淨重	
能量 Energy	77 千卡 (321 千焦) kcal (kJ)
蛋白質 Protein	2.0 克 (g)
脂肪 Fat	0.5 克 (g)
飽和脂肪 Saturated fat	0.1 克 (g)
反式脂肪 Trans fat	0.0 克 (g)
膽固醇 Cholesterol	0.0 毫克 (mg)
碳水化合物 Carbohydrates	10.0 克 (g)
糖 Sugars	0.0 克 (g)
鈉 Sodium	0.0 毫克 (mg)



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

