

Centre for Food Safety
Food and Environmental Hygiene Department
Notes of the Thirty Meeting of the Trade Consultation Forum
held on 13 July 2011 at 2:30 p.m.
in Conference Room at Room 102, 1/F, New Wan Chai Market
258 Queen's Road East, Wan Chai, Hong Kong

Present

Government Representatives

Dr. Y. Y. HO	Consultant (Community Medicine) (Risk Assessment & Communication)	(Chairman)
Dr. Teresa CHOI	Principal Medical Officer (Risk Assessment & Communication)	
Ms. S. C. CHEUNG	Superintendent (Food Surveillance) ¹	
Mr. K. Y. YIM	Chief Health Inspector (Import/Export) ²	
Mr. C. L. CHIU	Chief Health Inspector (Food Labelling)	
Ms. Joan YAU	Scientific Officer (Pesticide Residue)	
Ms. S. W. CHUNG	Superintendent (Risk Communication)	(Secretary)

Trade Representatives

Ms. Katherine POON	A. S. Watson Industries Limited
Ms. Rita CHAN	A. S. Watson Industries Limited
Mr. Terence YUEN	Amoy Food Ltd.
Ms. Mavis CHENG	Amoy Food Ltd.
Ms. YIP Yuk Ying	Atop Consultants Ltd.
Mr. WONG Kai Man	Calbee Four Seas Co. Ltd.
Mr. TSANG Wah Him	Calbee Four Seas Co. Ltd.
Ms. Ming CHEUNG	Campbell Soup Asia Limited
Ms. May LEUNG	Chemical Laboratory (HK) Pte Ltd.
Mr. Garick CHAU	Chewy International Foods Ltd.
Ms. Grace LAU	China Dragon Inspection & Certification (HK) Ltd.
Mr. TO Yui Nam	China Dragon Inspection & Certification (HK) Ltd.
Mr. Dennis CHAN	City Super Limited
Ms. Elaine WONG	CMA Testing and Certification Laboratories

Mr. Cyrus FUNG	CMA Testing and Certification Laboratories
Ms. May KAN	Coca-Cola China Ltd.
Mr. LAY Po Wing	DCH Chong Hong - Food Mart
Mr. CHEUNG Chun Kit	DCH Food Mart
Mr. Roy HOU	Eurofins Hong Kong Ltd.
Ms. NG Wai Kee	Fairwood Holdings Ltd.
Mr. Freddy FONG	Foodscan Analytics Ltd.
Ms. Yvonne CHAN	General Mills Hong Kong
Mr. Henry CHENG	General Mills Hong Kong
Ms. Ramon AU	GlaxoSmithKline Ltd.
Ms. Grace CHAN	GlaxoSmithKline Ltd.
Ms. WONG Wai Ying	Health Affluence Technology Group Co. Ltd.
Ms. Peta WALKER	Herbalife Services Asia Pacific Limited
Mr. TAM Kwok Leung	Hong Kong Chinese Prepared Medicine Traders Association
Ms. Cactus LAI	Hong Kong Retail Management Association
Mr. Peter JOHNSTON	Hong Kong Retail Management Association
Ms. Frenda WONG	Hong Kong Suppliers Association Ltd.
Mr. Stephen LAM	Mannings
Ms. Michelle KWAN	Mannings
Ms. Juliana CHAN	Maxim's Caterers Ltd.
Ms. Carmen WONG	Maxim's Caterers Ltd.
Ms. Eva POON	McDonald's Restaurants (HK) Ltd.
Mr. IP Sui Lun, Terry	McDonald's Restaurants (HK) Ltd.
Ms. Kennie SIU	McDonald's Restaurants (HK) Ltd.
Mr. Jonathan SO	McDonald's Restaurants (HK) Ltd.
Mr. IP Kin Shun	Mitsubishi Corp (HK) Ltd.
Ms. CHEUNG Pui Shan	Mitsubishi Corp (HK) Ltd.
Ms. Eleanor CHAN	Nestle Hong Kong Ltd.
Mr. William KWONG	Nestle Hong Kong Ltd.
Mr. Jonathan CHOW	Nikken's Japanese Food Co., Ltd.
Ms. CHEUNG Chung Man	Pappagallo Pacific Ltd.
Mr. Chris CHAN	Pat Chun Int'l Ltd.
Ms. Amy FU	Pfizer Corporation Hong Kong Ltd.
Mr. Jeffrey BAI	Red Bull Asia Fze
Ms. Elaine HAU	Sino Group Hotels
Ms. Caroline HO	Starbucks (Coffee Concepts HK Ltd.)
Mr. WONG Kam Chuen	Swire Coca-Cola HK

Mr. Leo YUEN	The Association for Hong Kong Catering Services Management Ltd.
Mr. Allen HO	The Dairy Farm Group
Mr. Samuel CHAN	The Garden Co Ltd.
Ms. Jess WONG	The Garden Co Ltd.
Mr. Douglas CHENG	The Garden Co Ltd.
Mr. Perry SIT	The Hong Kong Health Food Association
Mr. Eric AU	Unilever Hong Kong Ltd.
Mr. WONG Yiu Kau	UNY (HK) Co. Ltd.
Mr. Ivan CHAN	Vitasoy International Holdings Ltd.
Mr. Kenneth KWAN	Watami (China) Co. Ltd.
Mr. Stephen CHOI	Wing Wah Food Manufactory Limited
Mr. Philip KWAN	Wrigley Asia Pacific Ltd.

Opening Remarks

The Chairman welcomed all trade representatives to the meeting and introduced government representatives. He thanked trade representatives for their participation at the Regional Symposium held on 1 and 2 June 2011 and the “Use it, Live it” Nutrition Labelling School Project Award Presentation Ceremony held on 8 July 2011.

Confirmation of the Notes of Last Meeting

2. The notes of last meeting were only circulated at the meeting due to the need of withholding unpublished findings concerning iodine exposure on the notes from releasing out prematurely. Amendments to the notes might be proposed to the Secretary of the meeting for follow up actions.

Agenda Item 1

Matters Arising from Notes of Last Meeting

Amendment to Cap. 132AF in respect of Dried Milk, Condensed Milk and Reconstituted Milk

3. Referring to Item 3 of the notes of last meeting, Ms. S. C. CHEUNG advised that the proposed amendment to Cap. 132AF would be scheduled to take effect in January 2012 after vetting by the Legislative Council (LegCo). Trade would be consulted in due course.

Risk Assessment Report on Dietary Iodine Intake in Hong Kong Adults

4. Referring to Item 5 of the notes of last meeting, the Chairman advised that the Risk Assessment report would be released on the same date of the meeting. He foresaw that public demand for salt added with iodine would increase after the report was released and suggested that retailers should offer more options of salt added with iodine to consumers for choice. In this connection, traders were advised to declare clearly the quantity of iodine on the product to facilitate consumers in calculating their daily intake of iodine.

Progress of Working Group on Nutrition Labelling

Small Volume Exemption Application

5. Mr. C. L. CHIU reported that, as at 1 July 2011, about 38,700 applications for Small Volume Exemption (SVE) were received. Among these applications, about 35,400 had been approved and about 2,000 rejected. There were 939 applications withdrawn.

Applications pending processing were 365.

6. A trade representative reminded the need of reviewing whether there was room for reducing the rate of fee chargeable for SVE applications. Mr. C. L. CHIU advised that much administrative work was involved in processing SVE applications and renewal of SVE. He noted that some traders might not make use of SVE but decided to provide nutrition label due to various reasons. The Chairman replied that the level of fee chargeable for SVE application was being reviewed.

Strengthening Enforcement Action

7. Mr. C. L. CHIU continued that it was planned to review the enforcement of Nutrition Labelling (NL) Scheme with a view to tightening up the law enforcement actions, for example, shortening the grace period for rectifications. He invited traders to let him know their views in this respect.

8. Trade representatives advised that there was a need of 21 plus 60 days for traders to rectify discrepancies detected and the length of 21 days was a reasonable period for traders to remove problematic products from shelves. They sought advice on whether the consultation on strengthening the enforcement action had ended. The Chairman advised that the need of tightening up enforcement actions was a response to public appeals. It was therefore necessary to shorten either 21 days or 60 days. Mr. C. L. CHIU advised that the consultation was still ongoing and currently 21 plus 60 days were still adopted for enforcement. Indeed, there was intension to strength law enforcement action in this respect but this would be determined only after collating views of trade. He invited trade

representatives to offer their views to Centre for Food Safety (CFS) to consider. Taking this opportunity, the Chairman thanked trade for their assistance and completed questionnaires in market surveys on the number of prepackaged food products upon the commencement of NL Scheme. The findings of these surveys would be reported to the Working Group (WG) on NL. He appealed to trade for their assistance again in the market survey to be conducted at the Food Expo in August 2011.

Agenda Item 2

Updates on Examination of Radiation Level in Food Imported from Japan

9. Mr. K. Y. YIM reported the updated situation in the examination of radiation level in food imported from Japan. This was an ongoing effort pursuant to the surveillance of fresh produce imported from Japan that had been stepped up since 12 March 2011 and further to the report at the last meeting of Trade Consultation Forum held on 12 May 2011. As at the date of the meeting, about 28,400 food samples from Japan had been tested. So far only three samples imported from Chiba prefecture were found unsatisfactory with the detection of Iodine-131 (I-131) and these samples were spinach, white radish and turnip. The values for all three samples were above the Codex Alimentarius Commission (Codex) standards of I-131:100 Bq/kg. For the remaining samples tested, their results were satisfactory.

10. Mr. K. Y. YIM continued that prohibition order was announced on 23 March 2011 and came into force on 24 March 2011 noon. The prohibition order prohibited importation into Hong Kong and supplying within Hong Kong of food harvested, manufactured, processed or packed on or after 11 March 2011 from five prefectures in Japan, namely Fukushima, Ibaraki, Tochigi, Gunma and Chiba. Food items covered in the prohibition order included the

following:

- a) all fruits and vegetables;
- b) all milk, milk beverages and dried milk; and
- c) all chilled or frozen game, meat and poultry, poultry eggs, and live, chilled or frozen aquatic products unless accompanied by a certificate issued by the competent authority of Japan certifying that the radiation levels do not exceed the standards laid down by the Codex.

11. Mr. K. Y. YIM advised that routine radiological surveillance at retail level had continued but high percentage of surveillance would be accorded to Japanese food. Indeed, enhanced surveillance at retail level on Japanese food had started on 23 March 2011. Close communication with Consulate General of Japan had continued since the last meeting with them on 6 May 2011 and the situation would continue to be closely monitored. In the surveillance, recommendations from international authorities, such as World Health Organization and International Atomic Energy Agency would be taken reference to. CFS would keep in view of the situation and adjust surveillance strategy, if necessary.

12. The Chairman remarked that the surveillance would continue for an extended period in view that some radioactive substances would remain radioactive for a prolonged period in food.

Agenda Item 3

Measures to Follow Up on the Plasticiser Contamination Incident in Taiwan by the Centre for Food Safety

13. Ms. S. C. CHEUNG briefed the meeting on measures undertaken by CFS to follow up the plasticiser contamination incident in Taiwan. On 23 May 2011, CFS was informed by Taiwan that many drinks were found containing plasticisers of di (2-ethylhexyl) phthalate (DEHP), di-isononyl phthalate (DINP) and di-butyl phthalate (DBP). Since 23 May 2011, CFS had adopted a risk-based strategy and strengthened the collection and testing of five food categories announced by the Taiwan authority for plasticisers analyses. Other than food from Taiwan, collection and testing of food were also carried out for food from other countries. The test results on plasticisers were uploaded to CFS website. As of 8 July 2011, a total of 562 samples were collected and 36 samples were found unsatisfactory under the current action level set for DEHP, DINP and DBP. The products that were found unsatisfactory were advised at the meeting.

14. Ms. S. C. CHEUNG continued that, in connection with the plasticiser contamination incident, there were six Section 78B Orders under Section 78C(3) of the Public Health and Municipal Services Ordinance (PHMSO), Cap. 132, issued to recall food from the market or to prohibit the tainted foods from importing and supplying within Hong Kong for which risk assessment showed that long-term consumption of such products may pose a health risk. She pointed out that any person who contravened a term of the Order committed an offence and was liable on conviction to a fine at level six and to imprisonment for 12 months. Arising from this incident, CFS would include plasticisers in routine surveillance programme.

15. Trade representatives sought advice on the subject and suggested the following:

- a) Whether laboratory testing for plasticisers should include a heating process of food samples due to the possibility of plasticisers migrating from containers to food under heat;
- b) The method of laboratory testing adopted by the Government Laboratory (GL) in testing plasticisers for reference of trade;
- c) To announce the results of testing for satisfactory samples with “Passed” only instead of listing out the actual data of testing results for these items;
- d) The causes of discrepancies between the testing results of the GL and trade; and
- e) Whether there was flexibility for the action level;
- f) It would be more reasonable to adopt daily tolerance level instead of daily intake limit as the action level;
- g) Announcement of action level for other plasticisers in addition to the three currently being focused on; and
- h) CFS to share information on methods of laboratory testing discussed at international and regional forums in the second half of 2011.

16. The Chairman replied that plasticisers might be migrated from food containers and added intentionally to food. He undertook to seek advice from GL on the testing method adopted for plasticisers. Regarding the need of listing out the figures for satisfactory samples, the Chairman advised that it was attributed to the advice of The Ombudsman in the Melamine incident occurred in 2008. All food items with satisfactory results were considered safe for general consumption from the angle of risk assessment but the consumer had the liberty of making their own decision on consumption based on the results released. For discrepancies in testing results between GL and trade, the Chairman said that the testing results of GL would be taken as final in case law enforcement actions were required. On

the action level, he advised that it was set making reference to the tolerable daily limit that had been reckoned after studies of animal taking in plasticisers. Once the action level was exceeded, law enforcement action would be taken out, yet the degree of actions would depend on the level detected. When the action level was exceeded to such level that public health was at risk, an order to prohibit the sale of the food would be issued; when the action level was exceeded but it was not considered a high risk, advice on not selling the food instead of an order to prohibit the sale would be issued. Both the order and advice would be released to the media for attention. The Chairman also advised that there was no plan for the time being to test other plasticizers other than the three mentioned. For information sharing, he asked the Secretary of the meeting to arrange sharing information with trade on testing methods once obtained from the GL.

[Post-meeting Note: The method adopted by GL for testing phthalate is summarized as follows:

- a) Deuterated internal standard is added to the food sample before extraction.
- b) Depending on the types of food samples, distilled solvent such as dichloromethane or acetonitrile is used for extraction of phthalates.
- c) The final extract, in an appropriate solvent depending on the determination technique, is then analyzed by LC-MS/MS in MRM mode.
- d) The quantification and confirmation criteria follow the EC directive 2002/657/EC.
- e) For samples with complicated matrices, other analytical techniques such as standard addition method may be used for analysis.
- f) As a precautionary measure, avoid using plastic ware to prevent phthalates contamination.]

Agenda Item 4

Proposed Regulatory Framework for Pesticide Residues in Food in Hong Kong

17. Ms. Joan YAU briefed the meeting about the proposed regulatory framework for pesticide residues in food in Hong Kong, which was discussed in the meeting of the LegCo Panel on Food Safety and Environmental Hygiene held on 12 July 2011. She supplemented that technical meetings and stakeholder consultation on the proposed Regulation had started in January 2011.

18. Ms. Joan YAU advised that the use of pesticides and other chemicals had become a common agricultural practice. Small amounts of pesticide residues might remain in the crops or animal food. The adverse health effects of pesticides depended on the nature of the pesticide, the amount of intake and the duration of exposures. Regarding the regulation of pesticide residues, most of the international regulatory authorities and the Mainland authority had already introduced relevant statutory control. In Hong Kong, the regulation of import, manufacture, sale and supply of pesticides came under Pesticides Ordinance (PO), Cap. 133, which was enforced by Agriculture, Fisheries and Conservation Department, whereas the regulation of food on sale for human consumption must be wholesome, unadulterated and fit for human consumption came under PHMSO, Cap. 132, which was enforced by Food and Environmental Hygiene Department (FEHD). However, currently there was no specific legal provision that regulated the level of pesticide residues in food. The regulation of pesticide residues in food was well developed in the international arena, such as Australia, European Union (EU), Japan, the Mainland, New Zealand, Singapore and the United States of America.

19. Ms. Joan YAU continued that the Government conducted a public consultation exercise on a proposal for regulatory framework for pesticide residues in food in November 2007 to address growing concern about safe use of pesticide in food. Since then, views had been collected from a wide range of stakeholders, experts and the public. During the same period, CFS jointly organised with the European Commission a Regional Symposium on Regulation of Pesticide Residues in Food in 2009 and consulted the Expert Committee on Food Safety. The regulatory framework had been refined and stakeholders had been further consulted. They included trade associations, food manufacturers, food importers, food distributors, retailers, Consulate Generals, local farmers, private laboratories, pesticide suppliers and food safety experts, etc. Since January 2011, a total of 14 briefings and consultation sessions had been conducted.

20. Ms. Joan YAU noted the members that a consultation document was tabled at the meeting. In this consultation document, it was proposed that regulation on pesticide residues in food (the proposed Regulation) should be enacted by Director of Food and Environmental Hygiene (DFEH) under section 55 of the PHMSO, Cap. 132, with a view to better protecting public health, facilitating effective regulation and promoting harmonisation between local and international standards whilst balancing the need of maintaining a stable supply of food in Hong Kong. The main points of the proposed Regulation were as follows:

- a) To define “pesticide” and other related terms in a way consistent with Codex;
- b) To provide a list of maximum residue limits (MRLs) and extraneous maximum residue limits (EMRLs), to adopt MRLs/EMRLs recommended by Codex as the backbone as well as the Codex’s classification of foods;
- c) To prohibit the import and sale of the concerned food for which no MRL/EMRL

had been specified, unless DFEH was satisfied that the detected level would not be dangerous or prejudicial to health;

- d) To provide a list of exempted substances;
- e) To accept applications for adding / revising MRLs and exempted substances;
- f) To dovetail the proposed Regulation with the registration of pesticides for use on food crops under the PO, Cap. 133; and
- g) To commence the proposed Regulation after a two-year grace period.

Details of the main points and penalty were explained at the meeting. The penalty was in line with the penalty for selling food that was unfit for human consumption under section 54 of PHMSO, Cap.132,

21. Ms. Joan YAU pointed out the availability of statutory defences that were provided under Section 71 of PHMSO, Cap. 132, which stipulated conditions under which warranty might be pleaded by the defendant as defence in any proceedings for an offence under the relevant part of the Ordinance. This would also be applicable to the offences under the proposed Regulation. Under Section 70 of PHMSO, Cap.132, it provided that if the defendant could prove that the contravention was due to the act or default of some other person, and that he had used all due diligence to secure that the provisions in question were complied with, he might plead this as a defence. This was applicable to offences under the proposed Regulation.

22. Ms. Joan YAU told the meeting that it was planned to table the proposed Regulation at the LegCo towards the end of 2011 and it was proposed to have a two-year grace period prior to the commencement of the proposed Regulation. The grace period should allow sufficient

time for the trade to comply with the proposed Regulation. During this period, CFS would provide briefings, training and guidelines for different sectors to familiarise them with the proposed Regulation. Meanwhile, interested traders might download the consultation document and pamphlet from Food and Health Bureau and CFS websites, or collect hardcopy from FEHD district offices, district offices of Home Affairs Department and Communication Resource Unit of CFS on 8/F, Fa Yuen Street Municipal Services Building. She invited trade to send the comments on the proposed Regulation by letter, facsimile or email to the CFS before 19 September 2011. She also invited traders to enrol to the forthcoming three public consultation forums to be held on 28 July 2011, 20 August 2011 and 30 August 2011 at Lai Chi Kok Government Offices, Hong Kong Central Library and Hong Kong Science Museum respectively.

23. Trade representatives offered views and raised questions on the proposed Regulation as follows:

- a) MRLs were established by field trials representing good agricultural practice with inputs from toxicological studies. They reflected the broad range of pesticides used in different types of crops. In view that Hong Kong produced virtually no crops, except some organic ones, the proposed Regulation was setting out standards for other countries to comply with if they wanted to export their agricultural products to Hong Kong. There were 300 something pesticides in use but there were thousands of different types of food commodities, which generated millions of MRLs. However, the Codex promulgated limited number of pesticide MRLs for each type of food commodities. There were gaps in MRLs and food commodities and these might be very broad leading to lots of exceptions. There were concerns

with trade of such a situation. FEHD should therefore be careful when establishing offence for selling food detected with pesticide residues that were not listed on the list of MRLs/EMRLs. The principle of comparability, such as an apple was comparable to a pear whereas rice was not comparable to an apple, should be considered. This referred to accepting MRL of a food item on a reasonable basis for applying to another similar one where there was no MRL for pairings under the Codex.

- b) The adoption of standards should take note the polarisation of pesticide standards in the Mainland. A cautious and reasonable approach should be taken when scrutinizing these standards as reasonable or not reasonable for adoption.
- c) The standards adopted by EU were extremely tight for many pesticides, and were much tighter than those of the Codex. However, it was worth to note that Hong Kong did not source all food items from EU. There were many other countries where Hong Kong sourced for food items.
- d) Although “Methamidophos” was prohibited for use in leafy vegetables in the Mainland, it was widely used in rice farming, which contaminated rivers and subsequently leafy vegetables through irrigation with water from downstream rivers. This pesticide would then be detected from leafy vegetables and did not necessarily suggest that it was used in such especially when this pesticide was detected at a low concentration level.
- e) The timetable of regular updates to the list of MRLs/EMRLs.

24. Dr. Teresa CHOI thanked the views and advised the following:

- a) The concerns of food pesticide pairings had been raised at the Technical Meetings

with trade held since January this year and specifically addressed in the Technical WG on Food Classification. Since the regulatory framework would adopt the Codex food classification system which might not cover every single food item, a set of guidelines would be developed by the WG for the trade's reference. It was desirable to set up a comprehensive list of MRLs/EMRLs to address this issue but lots of resources would then be required. In this connection, only the main food commodities that had been identified by members of trade as important would be included in the said guidelines.

- b) Regarding certain pesticide residues, which MRLs/EMRLs had yet to be established, she advised that toxicological data and other related information that were available would be drawn in conducting risk assessment and evaluation on a case by case basis to manage such a situation.
- c) On the adoption of standards, reference to different sources would be taken with the main objective of providing adequate protection to Hong Kong citizens. In this respect, a more open approach was now adopted. Under this approach, traders might request the addition or revision of a specific MRL with adequate scientific information as well as other relevant reasons. Evaluation would then be conducted to determine whether the suggested revision might be incorporated to the list of MRLs/EMRLs.
- d) For the concern about "Methamidophos" or certain pesticides that were no longer in use, since the proposed Regulation was to focus on pesticide residues in food, the attention was on their presence in food and not their use. Such pesticides would therefore continue to be included in the list of MRLs/EMRLs.

[Post-meeting Note: By virtue of the Announcement No. 274 by the Ministry of Agriculture

of the People's Republic of China, a blanket ban was imposed on five highly toxic pesticides, i.e. methamidophos, parathion-methyl, parathion, monocrotopho and phosphamidon.

Since 1 January 2007, registration certificates for products containing the five highly toxic organophosphorus pesticides including methamidophos (a list would be announced separately) had been invalidated and agricultural use of these highly hazardous organophosphorus pesticides had been totally banned. Some capacity to produce these pesticides would be reserved for export only.]

25. The Chairman supplemented that risk assessment would be conducted in the most transparent manner while adopting a framework that was recommended by the Codex, taking scientific data that were endorsed by international, regional or national authorities. He assured that the risk assessment to be conducted could face the challenges of members of World Trade Organization. For pesticides that fell outside the list of MRLs/EMRLs, trade might apply for adding these to the list, though there was a fee chargeable for such applications. For the regular updates, he advised that there was not yet any timetable of regular updates to the list of MRLs/EMRLs. The frequency of updates would depend on the actual circumstances later.

26. A trade representative sought advice on the way in handling perishable food that was detected with pesticide falling outside the scope of the proposed Regulation or not covered by the list of MRLs/EMRLs but the level of residue detected did not exceed the regulatory level.

27. Dr. Teresa CHOI advised that there were two recommendations in handling the situation.

First, it was recommended that trader should submit application for importing the food item when planning to import this item so that risk assessment could be arranged before importing the food. Second, in case the detection of a pesticide-food pair that was not on the MRL/EMRL list, risk assessment would be conducted immediately aiming for a decision be made on the same day on any actions. The guidelines on food classification mentioned earlier would aim at covering as many food items as possible. She suggested that trade should take the current opportunity to inform CFS any food items that were relevant to the food trade for consideration of incorporation into the guidelines. She also pointed out that the framework of guidelines was already presented at the last technical meeting held on 22 June 2011. Trade was welcomed to offer any further views in coming technical meetings.

28. A trade representative sought advice on the following:

- a) Whether registered Chinese medicine would be covered in the proposed Regulation.
- b) Whether trade was capable to provide proof of a pesticide was harmless to humans when submitting application for adding this pesticide to the list of MRLs/EMRLs where there were more than 300 pesticides as listed at Annex I of the consultation document and whether it was able to carry out laboratory testing for so many substances.
- c) The common features of the 300 strong pesticides on the list of MRLs/EMRLs when they were compared with similar lists of other countries, such as the Mainland. There were discrepancies in laboratory testing conducted between the Mainland and Hong Kong. It would create problems when the number of pesticides on the list of MRLs/EMRLs under the proposed Regulation was larger

than that on such list in the Mainland.

29. Dr. Teresa CHOI advised on the following:

- (a) that registered Chinese medicine came under a separate legislation enforced by Department of Health (Note: the Chinese Medicine Regulation under Cap 549). Chinese medicine intended for human consumption as food that fell outside the scope of the said legislation would be considered as food, and hence under the proposed regulatory framework.
- (b) The list of MRLs/EMRLs set up under the proposed Regulation would mean that food containing a level of pesticide residues under the specified value was safe for human consumption. If the pesticide was not found on the list, it might mean that (i) the pesticide was unsafe for human consumption; or (ii) there was not yet available data for setting an appropriate level. Traders might clarify with importers that the pesticide residue in a food item did not exceed the MRL/EMRL on the list in order to comply with the legislation. The need of testing a particular pesticide would depend on the country of origins of the food item and the possibility of contamination. The information should be available from importers. It was not necessary to conduct laboratory testing for all pesticides.
- (c) Regarding the standards in the Mainland, there were two standards, namely national standard or Guobiao and trade or industry standards or Hangbiao. We understand the Mainland was reviewing their standards and incorporate more levels in the national standards. Since Hong Kong also imported food items from other places, it was necessary to include pesticides that might be

used in places other than Mainland. Traders might focus on pesticides that were used in the foods they were dealing with.

30. A trade representative sought advice on the law enforcement arrangement for the proposed Regulation. Dr. Teresa CHOI replied that the CFS would decide on a risk-based food surveillance plan and other factors such as the current priorities and risks identified would be taken into account. The Chairman advised that law enforcement was in fact already in place. There were basically two conditions to take out law enforcement actions: pesticide residues in excess of the respective MRLs/EMRLs on the list and the outcome of risk assessment that was not acceptable for pesticide residues not found from the list of MRLs/EMRLs.

Date of Next Meeting

31. Trade representatives would be notified of the date of next meeting.

32. There being no other business, the meeting was adjourned at 4:50 p.m.