

DRAFT
Centre for Food Safety
Food and Environmental Hygiene Department
Notes of the Fifty Ninth Meeting of the Trade Consultation Forum
held on 22 June 2017 at 10:00 a.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. HO Yuk Yin	Consultant (Community Medicine) (Risk Assessment & Communication)	(Chairman)
Dr. Samuel YEUNG	Principal Medical Officer (Risk Assessment & Communication)	
Ms. CHOW Shuk Man	Scientific Officer (Biotechnology)	
Ms. Joan YAU	Scientific Officer (Standard Setting)2	
Ms. LAI Wing Sau	Chief Health Inspector (Communication & Response)	
Mr. LAI Wing Chi	Superintendent (Risk Communication)	(Secretary)

Trade Representatives

Mr. Andrew WONG	Abbott Nutrition Limited Hong Kong
Ms. YEUNG Yuk Yue	A.S. Watson Industries
Ms. Lilian TANG	Aeon Topvalu (Hong Kong) Co., Ltd.
Ms. Ada YIU	ALS Technichem (HK) Pty Ltd.
Ms. Caroline YUEN	American Consulate General Hong Kong
Mr. Wilson TANG	Australian Consulate-General
Ms. Carol LAI	AUSupreme International Holdings Limited
Ms. Chloe LAW	British Consulate-General HK
Mr. Kenrick CHU	Bureau Veritas Hong Kong Limited
Ms. Joanne LI	Bureau Veritas Hong Kong Limited
Ms. Vincci KO	Cafe de Coral Holdings Ltd.
Ms. Peggy CHAN	Campbell Soup Asia Limited
Ms. LI Siu Ying	CFSS Co., Ltd.
Ms. Christina CHEUNG	China Dragon Inspection & Certification (HK) Ltd.
Mr. WONG Chi	China Inspection Co. Ltd.
Ms. Grace YEE	City'Super Ltd.
Ms. Winnie AU	CMA Testing & Certification Laboratories

Mr. Houston WONG	Consulate General of Canada
Ms. YIU Tsz Yau	Dah Chong Hong
Ms. Clara CHENG	Danone Nurtricia ELN (HK) Ltd.
Ms. Kacila LEUNG	Enviro Labs Ltd.
Mr. HENRY CHENG	Fonterra Brands (Hong Kong) Ltd.
Ms. Doris CHAN	Friesland Campina (Hong Kong) Limited
Mr. Stephen CHOI	FSSI
Ms. Noel HO	Garden Heart Food Ltd.
Ms. LING Pui Yee	Golden Resources Development Ltd.
Ms. CHEUNG Tin Yan	HK Elements Ltd.
Ms. Jessica LEE	HK Organic Certification Centre
Mr. Paddy CHAN	HK Rice Suppliers Asso. Ltd.
Ms. Maria LAI	Hong Kong Health Food Association
Dr. Wilson TSANG	Hong Kong Organic Agriculture & Ecological Research Asso. Ltd.
Mr. WONG Yu Wing	Hong Kong Organic Association
Mr. Peter Johnston	Hong Kong Retail Management Association
Mr. Gary LO	Hong Kong Yakult Co., Ltd.
Ms. Sim FUNG	Hop Fat Co.
Mr. Ronald CHOW	Hung Fook Tong
Ms. CHENG Yin Shan	Hutchison China Meditech Ltd.
Ms. Leona HO	IKEA
Mr. Alan FUNG	Intertek Testing Services HK Ltd.
Ms. AU Wing Sum	Island Shangri-la hotel
Ms. Vissica WONG	Kellogg Asia Marketing Inc.
Ms. Eva POON	McDonald's Restaurants (HK) Ltd.
Mr. WONG Pui Sum	Natural Alliance Co. Ltd.
Mr. Joseph MA	Nestle Hong Kong Ltd.
Mr. Herbert LEE	Nissin Foods Co., Ltd.
Ms. Doris LO	Nu Skin Enterprises Hong Kong, LLC
Ms. Lauren CHAN	Orient EuroPharma Co., Ltd.
Mr. LAW Hoi Sing	Orient EuroPharma Co., Ltd.
Ms. German CHEUNG	Pappagallo Pacific Ltd.
Ms. Ava WONG	Pizza Hut (HK) Management Ltd.
Ms. Pauline NG	Plaza Premium Lounge Management Limited
Ms. Launita CHAN	Polybrands International Ltd.
Ms. Vivian KWOK	Prime SeaSalt International Ltd.
Ms. Sharon MAR	Produce Green Foundation
Mr. Kenneth LAM	Prominent International (Environmental) Ltd.

Mr. CHAN Chit Ming	SGS Hong Kong Ltd.
Mr. Nigel KWAN	Sims Trading Co Ltd.
Mr. AU YEUNG Wing Chi	Sims Trading Co., Ltd.
Mr. Nick LEUNG	Snow Brand HK Co., Ltd.
Mr. WONG Kam Chuen	Swire Coca-Cola HK Ltd.
Mr. POON Kuen Fai	The Association for Hong Kong Catering Services Management Ltd.
Mr. LAI Sing Hin	The Association for Hong Kong Catering Services management Ltd.
Mr. LEE Chun On	The Dairy Farm Company, Limited
Ms. LEUNG See Man	The Dairy Farm Group
Ms. MAN Pui Yee	The Federation of Vegetable Marketing Co-operative Societies Ltd.
Mr. LING Tsun Kit	The Garden Co Ltd.
Mr. Thomas NG	The Hong Kong Food Council
Ms. Anita LAI	The Hong Kong Food Council
Ms. Kammy YEUNG	The Hong Kong Standards and Testing Centre Ltd.
Mr. Attlee LAU	URC Hong Kong Co., Ltd.
Mr. CHAN Chi Kong	Vitasoy International Holdings Ltd.
Ms. Amy FU	Wyeth (Hong Kong) Holding Co. Ltd.
Ms. Jolene MAN	Yuen Loong & Co., Ltd.
Ms. Morna YUEN	Yuen Loong & Co., Ltd.
Ms. WONG Chat Tai	香港新界本地農協會 (黎記農場) (No English name is provided)

Opening Remarks

The Chairman welcomed all trade representatives to the 59th meeting and introduced government representatives to the meeting.

Confirmation of the Notes of Last Meeting

2. The notes of last meeting were confirmed without amendments.

Agenda Item 1

Labelling of Genetically Modified (GM) Food and Pre-market Safety Assessment Scheme (PMSAS)

3. Ms. CHOW Shuk Man briefed the meeting of the labelling of genetically modified (GM) food. GM food referred to any food or food ingredient that was, or was derived from, an organism in which the genetic material had been modified using modern biotechnology. According to the World Health Organization, GM foods currently available on the international market have passed safety assessments conducted by respective food safety authorities and are not likely to present risks for human health. In 2011, the Codex Alimentarius Commission (the Codex) stated that governments were free to decide on whether to label foods derived from modern biotechnology, including foods containing GM organisms. However, it had emphasised that labelling, if pursued, should be carried out in conformity with the texts approved by the Codex to avoid potential trade issues. Different overseas countries had their own approaches for regulating GM food, including voluntary labelling and mandatory labelling. For “Voluntary” labelling approach, only GM foods that were significantly different from their conventional counterpart, in terms of composition, nutritional value and allergenicity, needed to be labelled. There were two categories under “Mandatory” labelling approach. “Pan-labelling”- any food containing GM materials exceeding a threshold value or had significantly different characteristics as a result of genetic modification should be labelled. “Labelling for designated products only”- only the designated products which were genetically modified needed to be labelled.

4. In Hong Kong, a regulatory impact assessment on implementation of mandatory GM food labelling scheme was conducted in 2002. Results showed that there would be significant cost implications to small and medium enterprises and withdrawal of products

from market if mandatory GM food labelling system was adopted locally. The Guidelines on Voluntary Labelling of GM Food (Guidelines) was then issued in 2006 to enhance consumers' knowledge and right to make an informed choice of GM food, and to support the local trade's initiative in setting up a voluntary labelling system for GM food. The purposes of the Guidelines are to set out principles underlying the recommended labelling approaches for GM food and to provide reference for the trade to make truthful and informative labels in a consumer-friendly manner. The Guidelines are applicable to prepackaged food that contains food or food ingredients known to have a GM counterpart. Nevertheless Section 54 of the Public Health and Municipal Services Ordinance (Cap. 132) stipulates that all food for sale must be fit for human consumption. This applies equally to GM and conventional food. Section 61 of the Ordinance stipulates that no person shall give any food sold by him or display with any food exposed for sale by him, a label, which falsely describes the food. The Food and Drugs (Composition and Labelling) Regulations require that any prepackaged food shall be marked and labelled in the prescribed manner. The practices recommended by the Guidelines include: positive GM food labelling for food items with 5% or more GM materials in their respective ingredients; additional declaration on label when significant modifications have taken place; and exemption for certain products. The means and conditions for negative labelling are also provided. Previous studies showed that some samples were found containing more than 5% GM material but with no GM food label. The CFS issued letters to these traders reminding them to label GM food in accordance with the Guidelines. Ms. CHOW Shuk Man continued to brief the meeting of the proposed Pre-market Safety Assessment Scheme (PMSAS). She informed that most of the GM food currently available on the international market have passed risk assessments of the food safety regulatory bodies of other economies and are not likely to be harmful to human health. The Codex had formulated different sets of guidance on the risk assessment of food derived from biotechnology. In addition, WHO was of the view that different GM organisms are

developed in different ways and thus the safety of individual GM food should be assessed on a case-by-case basis. The Codex also recommended member countries to set up a regulatory framework for safety assessment of GM food and establish relevant guidelines for the assessment. The proposed scheme in Hong Kong aims at providing a further mechanism to enhance the food safety control over GM food, and the legal basis for preventing unauthorised GM products from entering the local market. GM food developer intending to place a GM food on the local market would be required to submit an application together with the necessary supporting documentation to the CFS for evaluation. The CFS would determine whether the GM food developer has adequately addressed the safety issues based on Codex principles and guidelines. For GM food that have already been approved for food use by other food safety regulatory authorities, the proposed assessment procedures that would be carried out in Hong Kong would be much simplified. The applicants (i.e. biotechnology companies) would be required to submit approval certificates from other food safety regulatory authorities, if any, and the detailed findings of their evaluation to facilitate the processing and consideration. For GM plants/animals/microorganisms that have not been approved for food use by other food safety authorities, the CFS would take longer time for evaluation as there would be necessity to conduct a complete assessment of the safety of the GM organisms. The onus of making available to the CFS the transgenic information and certified reference materials for the GM food concerned lies with the applicant. The CFS would draw up a list of approved GM food and upload the list on its homepage for the reference of the public and the trade. It would be the responsibilities of food manufacturers and importers of GM food to ensure that their products contain only approved GM food. It was envisaged that the application for PMSAS would normally be submitted by biotechnology companies which developed the GM organisms for food production. As such, the expected impact on traders should be minimised. The CFS has carried on with its efforts in promoting the Guidelines, as well as monitoring international developments in GM

technology and GM food labelling standards with a view to coming up with a proposal for public consultation. The Chairman added that the subject matter would be discussed in the Legislative Council (LegCo) in July 2017.

5. One trade representative asked whether negative GM food labelling could be provided for food items with less than 5% GM materials in their respective ingredients. If it was not recommended the right of knowledge of the general public would be undermined. Ms. CHOW Shuk Man replied that negative labelling would be allowed on condition that the declaration is true and supported by documentations. Use of absolute terms such as “GM free” is not recommended. The trade representative asked whether 5% would be the line for determining whether negative labelling could be allowed. He also pointed out that in some foreign countries the use of the wordings “non-GM” instead of “GM free” would be allowed and asked whether there would be corresponding Chinese translations. Ms. CHOW replied that there is no threshold set for negative labelling. As regards the wordings to be used she quoted that some food items specified a certain ingredient of the food as “non-GM” (with documentary support) instead of specifying the whole food item. The Chairman added that the trade should take measures to ensure that the foods sold were “non-GM” and supported by documentation. For negative labelling the concentration must be below 5% and should be as low as possible. The major concern of the public and LegCo members was the provision of positive labelling.

6. A trade representative compared the situation in Europe with that in Hong Kong. In Europe they were self-sufficient in food provision and imported very little food and practically did not have GM food. Hence GM food labelling in Europe was straightforward. Whereas in Hong Kong we imported most of our foods and some of them came from North America where many food items had GM ingredients. But the ingredients were all mixed up

and the suppliers would not be able to distinguish the GM ingredients from their non-GM counterparts. To test every product from North America would be an impossible task and it would push the importers / retailers into the corner and would also obstruct free trade. Also, GM food was not a food safety issue and had previously been a subject of promotion in Hong Kong because of the benefit of using less pesticide. Of course the general public would welcome GM food labelling but as far as practicality was concerned it was not a good idea. He asked the CFS to bear this in mind when discussing with LegCo and determining the further course of action. The Chairman remarked that under the current Government position, the prime concern was to introduce the PMSAS to ensure food safety. Without such a system, it would be pre-mature to implement any mandatory labelling scheme for GM food. Currently the CFS was promoting the Guidelines on Voluntary Labelling of GM Food and encouraged members of the trade to adhere to the Guidelines.

7. Regarding PMSAS, a trade representative asked whether only biotechnology companies would be of concern and whether importers / retailers would be affected. Ms. CHOW Shuk Man replied that the importers / retailers of GM food needed to ensure that their products contain only approved GM food on the list issued by the CFS. The Chairman remarked that the products could not be put on sale before passing the pre-market safety assessment. But there would be a transitional period to exempt those products already on sale. The companies concerned have to initiate the submission of application for assessment, otherwise their products would not be allowed to be sold. Pre-market safety assessment has already been adopted in many overseas countries. For products already on sale in international markets the requirement would not pose any problem.

8. In response to an enquiry from a trade representative on PMSAS, the Chairman remarked that the requirement was not limited to pre-packaged foods but encompassed all food items. In response to an enquiry from another trade representative, the Chairman

remarked that the biotechnology companies were required to submit the application because it was important for them to provide essential testing information. The time table for implementation had not been fixed yet. In response to an enquiry from another trade representative, the Chairman remarked that the manufacturers in the Mainland should be aware of the GM ingredients allowed to be imported into China.

9. Regarding labelling of GM food, one trade representative asked whether the scope would also be extended to local and Mainland farm products. The Chairman remarked that the scope of the current Guidelines only covered prepackaged foods. As the scheme was voluntary the trade might also do the labelling for non-prepackaged foods if they chose to.

10. In response to an enquiry from a trade representative on negative labelling of GM food, Ms. CHOW Shuk Man replied that since a product would consist of many ingredients, the CFS would recommend only indicating those ingredients concerned as “non GM” instead of indicating the whole product. The trade representative asked whether the organic certificate issued overseas might be regarded as indication that the product concerned was “non GM”, the Chairman remarked that as long as the documentary proof was considered sufficient and that the declaration was true, he might do the negative labelling.

11. In response to an enquiry from a trade representative on PMSAS, the Chairman remarked that approval would only be granted for those GM foods in which all ingredients passed the safety assessment. The lists of approved GM food of overseas countries could not be automatically adopted in Hong Kong. After enactment of the legislation the CFS would take samples from the market and any products found with ingredients not on the approved list would contravene the law and the retailers / wholesalers would be held responsible. Currently the surveillance scheme on GM food was not yet in place. In response to an enquiry from another trade representative on whether low level presence due to

environmental contamination would be tolerated, the Chairman remarked that when the PMSAS was implemented, reference would be made to the Codex guidelines and practices in other countries.

12. In response to an enquiry from a trade representative on positive labelling of GM food, Ms. CHOW Shuk Man replied that making GM food label on the ingredient list was a suggested approach; the label could be marked on any place of the food package.

13. In response to an enquiry from another trade representative, the Chairman said that the PMSAS would be brought to the LegCo for discussion in July 2017, and the LegCo members were also interested to know more about the voluntary labelling of GM food. He introduced Dr. Samuel YEUNG to brief the meeting about the latest developments on GM food labelling in the USA.

14. Dr. Samuel YEUNG informed the meeting that the US Congress had in 2016 passed a legislation mandating a National Bioengineered Food Disclosure Standard. The US Department of Agriculture was required to establish and promulgate regulations on the mandatory disclosure of the existence of GM ingredients in foods within two years.

Agenda Item 2

Proposed Amendments to the Food Adulteration (Metallic Contamination) Regulations

15. The Chairman informed the meeting that the public consultation on the proposed amendments to the Food Adulteration (Metallic Contamination) Regulations had started on 6 June 2017 and would be ended on 5 September 2017. Two public consultation forums would be arranged: the first would be held on 11 July 2017 and the second would be held on 11 August 2017. The trade would be welcome to attend. He would like to take this

opportunity to introduce the contents of the proposed amendments and to hear the views and opinions of the trade. He informed the meeting that discussion of this agenda item would be led by Dr. Samuel YEUNG. Dr. Samuel YEUNG advised the trade to take a look of the consultation document together with the pamphlet distributed, which were also available on the website of the CFS.

16. Ms. Joan YAU briefed the meeting on the proposed amendments to the Food Adulteration (Metallic Contamination) Regulations, Cap. 132V (the Regulations) which regulated the level of metallic contamination in food. Metals are naturally present and ubiquitous in the environment. Metallic contaminants may enter the food supply chain through environmental contamination or during the food production process. They may be present in food in trace amount. For ordinary adults, diet is one of the important sources of exposure to metallic contaminants. The adverse health effects posed by metallic contaminants in food would depend on the chemical nature, and the amount and duration of individual exposure, etc. The following statutory controls over metallic contamination in foods are currently in place: Section 54 of the Public Health and Municipal Services Ordinance (Cap.132) stipulates that all food for sale must be fit for human consumption; Regulation 3 of the Regulations prohibits the import, consignment, delivery, manufacture or sale, for human consumption, of any food containing any metal in such amount as to be dangerous or prejudicial to health; the First and Second Schedules to the Regulations stipulate 19 maximum permitted concentrations of 7 metallic contaminants, namely arsenic, antimony, cadmium, chromium, lead, mercury and tin, in foods. Amongst the 19 existing maximum permitted concentrations, the corresponding food categories of 4 metallic contaminants (namely arsenic, lead, mercury and tin) cover “all food in solid / liquid form”. The current Regulations were enacted in 1960 and the latest major amendments to the First and Second Schedules were made in 1983. It was of concern that some maximum permitted

concentrations stipulated under the Regulations were not in line with the maximum levels (MLs) adopted by Codex; different food descriptions and nomenclatures were used in the Regulations and the Codex standards; and there was no interpretation in the Regulations on how the maximum permitted concentrations could be applied to food in a dried, dehydrated or concentrated form, as well as multi-ingredient products. It would be necessary to enhance and update the Regulations, with a view to better protecting public health, facilitating effective regulation and promoting harmonisation between local and international standards. The directions / principles of the proposed amendments to the Regulations were: (a) to replace the existing food categories of “all food in solid / liquid form” with specific MLs targeting individual food / food groups; (b) to adopt Codex MLs unless otherwise justified – to adopt all except 7 Codex MLs for methylmercury in predatory fish, cadmium in “rice, polished”, and tin in certain meat products in containers other than tinplate containers; (c) to establish MLs for food / food groups which are of significance to the population in Hong Kong and which there is no relevant Codex MLs; (d) to update the food descriptions and nomenclatures in the Regulations, with reference to the available Codex’s food descriptions and nomenclatures or those of other jurisdictions as appropriate; and (e) to incorporate interpretation of MLs into the Regulations, given that there was currently no interpretation in the Regulations on how the maximum permitted concentrations could be applied to food in a dried, dehydrated or concentrated form, as well as multi-ingredient products. The total number of metallic contaminants covered would increase from 7 to 14. There would be 7 additional metals (i.e. barium, boron, copper, manganese, nickel, selenium, and uranium) with Codex MLs set exclusively with regards to “natural mineral waters” and/or “bottled/package drinking waters (other than natural mineral waters)”. The total number of MLs under the Regulations would increase from 19 to 145, which is mainly the result of replacing the existing food categories of “all food in solid / liquid form” with specific MLs targeting individual food / food groups. Of the 145 proposed MLs, 90 of them are more stringent than

the existing maximum permitted concentrations and 6 of them are less stringent. MLs are set for those types of foods on an absolutely necessary basis only. For food / food groups without specific MLs under the Regulations, the CFS would continue to make use of risk assessment as the safety net to assess whether the food concerned would be dangerous to health, striking a balance between safeguarding public health and avoiding undue regulation. The proposed MLs are not likely to affect the food supply in Hong Kong in general. The local testing and laboratory sector would be capable of providing testing services for the metallic contaminants as proposed, provided that the sector is given sufficient time in advance to gear up for making available such testing services. With regard to the vegetables sector, the proposed MLs cover antimony, arsenic, cadmium, chromium, lead, mercury, as well as tin (for canned food only). Seventeen of them are more stringent than the existing maximum permitted concentrations and one is less stringent. Possible sources of contamination during crop production include soil, water, fertilizers and soil additives, etc. Farmers are recommended to observe good agricultural practice (GAP). Vegetables traders, importers, wholesalers and retailers are advised to familiarise themselves with the requirements of the Regulations, and seek clarification from their suppliers to make sure that the food sold complied with the requirements of the local legislation, and keep the transaction documents for record. The CFS would consider providing briefings and guidelines for different sectors as and when appropriate.

17. One trade representative remarked that in replacing the existing food categories of “all food in solid / liquid form” with specific MLs targeting individual food / food groups, it would be difficult for the importers to obtain all relevant information and do the calculations, in particular for foods with multi-ingredients. Dr. Samuel YEUNG replied that the amendments were in line with the current practice of most jurisdictions which did not set MLs for all types of food. The amendments were also in line with the Codex principle that MLs

should only be set for food / food groups in which the contaminants might be found in amounts that are significant for the total exposure of the general local population. In response to the trade representative's enquiry on the enforcement aspect, Dr. YEUNG replied that the enforcement officers would carry out the tasks in accordance with the requirements of the amended legislation.

18. One trade representative quoted the example of determining the level of inorganic arsenic (As_2O_3) in oyster sauce, the current maximum permitted concentration was 0.14 ppm. He urged the Government to adopt the Mainland standard of 0.5 mg/kg of inorganic arsenic in oyster sauce so as to avoid the existence of any 'grey areas' for the traders in meeting the requirements of the Regulations, with the support of various data and information. He also urged the Government to set a standard for testing for the trade to comply with. He would provide his comments in writing. Dr. Samuel YEUNG replied that depending on the impact on public health, the Government would not establish standards for each and every food item. Oyster sauce was not included as a food item for establishing standard under the proposed amendments. The trade representative further commented that the Government should set a standard for 'oyster water' to avoid the existence of 'grey areas' for the traders. He would also provide his comments in writing.

19. One trade representative commented that food safety was important and asked how the amended Regulations would be enforced. She also remarked that the Government should promote organic farming. Dr. Samuel YEUNG replied that the purpose of the proposed amendments was to ensure food safety and safeguard public health. There would not be different standards for organic and conventional farm products under the proposed amendments. The trade representative remarked that setting of standards was good and correct but it was even more important to have effective monitoring and enforcement by the Government. Dr. YEUNG commented that after the enactment of the amended legislation,

the Food and Environmental Hygiene Department (FEHD) would take corresponding enforcement actions.

20. In response to an enquiry from a trade representative on whether there were detailed definitions on the specified food / food groups, Ms. Joan YAU replied that the trade would refer to the relevant Codex standards and classifications for the details. The trade representative further asked whether the Codex had any definition on canned food. Ms. YAU replied that Codex had established various food commodity standards, including canned food. Canned food is generally referred to food products which are processed in an appropriate manner, before or after being hermetically sealed in a container. The CFS would consider providing further information on this aspect in the future regulation / guideline.

21. Another trade representative asked whether there would be separate standards established for health foods. Dr. Samuel YEUNG replied that there would be no change to the scope of food covered in the proposed amendments. Ms. Joan YAU supplemented that there was no internationally accepted definition for health foods. Products falling under the definition of 'food' under Cap. 132 would have to comply with the requirements of the amended legislation. The trade was recommended to adopt the control-at-source approach and check whether the raw ingredients met the standards stipulated in the legislation. Dr. YEUNG added that the traders concerned might seek legal advice to ascertain whether their product(s) fell under the definition of 'food'.

22. One trade representative asked regarding the proposed MLs for vegetables, why the standards for most items were more stringent while the standard for cadmium was relaxed. Dr. Samuel YEUNG replied that the revised standards were based on the Codex standards. The trade representative asked whether the amendment would affect the compliance rate of the imported vegetables. Dr. YEUNG replied that according to CFS' assessment, the

proposed MLs were not likely to affect the food supply in Hong Kong in general.

23. One trade representative asked whether it was possible to continue using the old MLs for ‘all food in solid or liquid forms’ for food products not listed under Annex III to the Consultation Document. He also suggested the provision of testing methods for the reference of the trade. Dr. Samuel YEUNG replied that the old MLs for ‘all food in solid or liquid forms’ were not specific enough and was not in line with the practice of most jurisdictions nowadays. As regards the testing methodology, Ms. Joan YAU said that the CFS would consider providing the necessary information / briefing as and when appropriate. The trade representative quoted the example of tea and remarked that under the existing Regulations maximum permitted concentrations were available for arsenic, lead, mercury and tin. He asked whether there was only one proposed ML for lead but not for other metals in tea leaves under the proposed amendments. As proposed MLs had not been specified for many food items, ‘grey areas’ would be created and a lot of controversies were expected. He wondered whether the existing standards could be retained for food items without specified MLs. Dr. YEUNG replied that one of the proposed principles for the proposed amendments was to replace the existing food category of ‘all food in solid / liquid form’ with specific MLs targeting individual food / food groups. Following the Codex’s principle, it was considered that MLs should only be set for food / food groups in which the contaminants might be found in amounts that were significant for the total exposure of the general local population. Such approach would be conducive to a more focused, tailor-made and proportionate regulation over metallic contamination in food. For food / food groups without specific MLs under the Regulations, the CFS would continue to conduct risk assessment to assess whether the food concerned would be dangerous or prejudicial to health. The trade representative remarked that by adopting the proposed amendments, Hong Kong would be too far ahead of China, the EU and USA in regulation of metallic contaminations in food. He said that risk assessment

had all along been conducted in the past and wondered whether the existing Regulations were adequate to protect public health. Dr. YEUNG remarked that the current Regulations were enacted in 1960 and the latest major amendments to the First and Second Schedules were made in 1983 and hence the amendment was considered necessary. He reiterated that one of the main principles of the proposed amendments was to replace the existing food category ‘all food in solid / liquid form’ with specific MLs targeting individual food / food groups.

24. Another trade representative wanted to know the number of non-compliance cases for vegetables, and whether enactment of the proposed amendments would lead to higher non-compliance rates. Dr. Samuel YEUNG replied that according to the results of the routine food surveillance / baseline studies of the CFS, the levels of metallic contamination in food available in local market could generally comply with the proposed MLs. Ms. Joan YAU said that MLs were established based on Codex’s principle that they were set as low as reasonably achievable (i.e. ALARA). Codex had also recommended setting the ML at a level with a compliance rate of 95% or higher. The CFS had followed Codex’s principle in proposing MLs for food items including vegetables.

25. One trade representative remarked that spinach was not included in the food list of the heavy metal ‘lead’. He asked whether the vegetables concerned would be subject to regulation, what was the ML allowed and whether he had to conduct risk assessment if the metal was found. Ms. Joan YAU explained that Codex had not included spinach in the ML for leafy vegetables because spinach had been considered not of significance in terms of dietary exposure to lead and international trade. For food / food groups without specific MLs under the Regulations, CFS would conduct risk assessment to assess whether the food concerned would be dangerous or prejudicial to health. The trade representative further remarked that fruits were only listed under the heavy metal ‘lead’. He asked whether he had

to conduct risk assessment for fruits for the other 13 heavy metals. Ms. Joan YAU remarked that the proposed amendments had not specified ML for each and every food item but had stipulated that any food should not contain metal in such amount as to be dangerous or prejudicial to health. The traders concerned might consider the need to conduct testing for risk assessment purpose depending on various factors including the information of their products available from their suppliers.

26. Another trade representative reflected that level of cadmium in the food item 'dried lily' was higher than the ML set and it would be difficult to lower the concentration in the product concerned. He asked whether the proposed ML could be relaxed as the consumption amount was small. Dr. Samuel YEUNG requested the trader to provide the relevant data and justifications for CFS' consideration. The CFS would make reference to the Codex guidelines and practices of the Mainland and other countries upon further review.

27. The Chairman concluded that the current proposed amendments posed a major change to the regulation of metallic contaminants in food. It was considered that the past practice of setting maximum permitted concentrations for 'all food in solid or liquid forms' was not the best method of regulation as it is too loose for many products. The Government would like to put more emphasis on regulating those products that have an exposure to the local population of over 5%, and also products which are a matter of concern to the public (e.g. lead in lime preserved egg). Regarding oyster sauce, unless there was data suggesting that the exposure to the local population was over 5%, the product would not be proposed to be regulated based on the aforesaid principle. The current principle is to target our regulatory control over the raw ingredients (i.e. oysters rather than their derived products such as oyster sauce or oyster water). When the amendment legislation is enacted in future, the enforcement action would be revised accordingly. The trade was invited to offer comments

on whether the above principle was reasonable and acceptable. In addition to the two public consultation forums mentioned earlier, the LegCo would organise a public hearing on 3 July 2017 and the trade is welcome to attend and offer their comments.

Agenda Item 3

Import or Sale of Vegetables Supplied from the Mainland to Hong Kong

28. Ms. LAI Wing Sau briefed the meeting of the regulation on the import and sale of vegetables supplied from the Mainland to Hong Kong. The CFS operates a food surveillance programme and based on risk assessment, regularly takes food samples (including vegetables) at import, wholesale and retail levels for analysis to ensure the food is fit for human consumption and complies with local regulations. Under the existing administrative arrangements between the Hong Kong SAR Government and the Mainland regulatory authorities, all imported vegetables have to be sourced from registered farms and processing plants, and each vegetable consignment should be accompanied with export document such as Export Certificate of Vegetables Supplied to Hong Kong and Macau, together with identification tags on the containers showing the source of vegetables. All vegetable consignments from the Mainland via land transport should be imported through the Man Kam To land border and checked by the CFS at the Food Control Office. The CFS would check the seal, verify the correctness of the import document against the vegetable consignment, examine the vegetables and if necessary, and take samples of vegetables for chemical analysis (including pesticide residues).

29. Ms. LAI Wing Sau further said that with a view to protecting public health, the Pesticide Residues in Food Regulation, Cap. 132CM (the Regulation) came into operation on 1 August 2014. Under the Regulation, any person who imports, manufactures or sells any food not in

compliance with the requirements of the Regulation concerning pesticide residues commits an offence. For importers and traders engaged in the import and sale of vegetables supplied from the Mainland, they should import vegetables from farms and processing establishments registered with the State General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) of the People's Republic of China Mainland authority. It would be an offence under the Regulation if the laboratory test result shows that the level of pesticide residues in the vegetables for sale or import exceed the prescribed MRLs/EMRLs. The importers and traders have to assume the legal liability and related penalties in accordance with the Regulation. The list of registered farms and processing plants is available for the public. Under the Food Safety Ordinance, Cap. 612 (FS Ord., Cap. 612), all food importers and food distributors are required to register with the Director of Food and Environmental Hygiene (DFEH) as food importers/distributors. For retail traders engaged in sale and also import of vegetables supplied from the Mainland, they are also required to register with the DFEH as food importers. The FS Ord., Cap. 612 requires any person who, in the course of business, imported, acquired or supplied by wholesale food in Hong Kong to keep transaction records of the business from which it acquires the food and the business to which it supplies the food, and to provide those records for checking upon the request of FEHD officers. The Chairman remarked that when the proposed amendments to the Food Adulteration (Metallic Contamination) Regulations are enacted, the standard on vegetables would become more stringent and the traders should pay special attention to the changes.

30. One trade representative asked whether the 'direct sale' vegetables of the Mainland would also pass through the Man Kam To land border and checked by the CFS. The Chairman and Ms. LAI Wing Sau confirmed that all vegetables imported from the Mainland had to be obtained from registered vegetable farm and processing plants. Vegetable imported by land had to enter Hong Kong through Man Kam To.

31. One trade representative remarked that he understood that the checking done at Man Kam To was not enough. He wondered whether some of the vegetables were originated from illegal sources and recommended strengthening checking at the retail outlets. Another trade representative agreed and remarked that the ‘direct sale’ vegetables were sold at a remarkably low price.

32. In response to the enquiry of another trade representative, the Chairman remarked that if the proposed PMSAS was implemented, all GM vegetables would need to be approved before allowing import into Hong Kong.

Any Other Business

Labelling of Food Additives

33. One trade representative remarked that food manufacturers would usually add ‘food processing aid’ to their food, such as anti-caking agent added to salt. She said that under the current regulations of the Codex and other major jurisdictions like China, EU and USA, it was not necessary to list food processing aid in the final product. In Hong Kong, under the Food and Drugs (Composition and Labelling) Regulations, Cap. 132W, food processing aid are included in the definition of food additives and have to be listed in the product. She asked whether the Government would follow the Codex in the treatment of labelling of such food processing aid. She noticed that many products in the market had not listed anti-caking agents and other additives on their labels. The Chairman replied that enforcement would be based on the legislation in Hong Kong and the Codex guidelines would only serve as a reference. The question would be taken note of and answered in the next meeting.

Food Safety Seminar 2017

34. The Chairman informed the meeting that the Food Safety Seminar 2017 would be held on 7 July 2017 at the Central Library. This is a biennial event with an aim of introducing to the trade the new legislations and guidelines established in the past two years and other areas of concern. The trade would be invited to join and suggestions / contributions to the discussion topics would be welcome. Applications could be made on or before 27 June 2017 and the enrolment form could be found on the CFS web site.

Date of Next Meeting

35. The date of next meeting would be decided later.

36. There being no other business, the meeting was adjourned at 12:43 p.m.