

Food Adulteration (Metallic Contamination) (Amendment) Regulation 2018

1 March 2019

Background

- **The Amendment Regulation**
 - **Publication in the Gazette – 8 Jun 2018**
 - **Tabling at the Legislative Council (LegCo) for negative vetting – 13 Jun 2018**
 - **Completion of scrutiny of the Amendment Regulation – 10 Oct 2018**
 - **Date of commencement – 1 Nov 2019**



Existing Regulations

- Regulation 3(1) of the Regulations prohibits the import, consignment, delivery, manufacture or sale, for human consumption, of any food containing any metal in greater concentration than as prescribed in the First or Second Schedule to the Regulations, or in such amount as to be dangerous or prejudicial to health; and
- The First and Second Schedules to the Regulations stipulate 19 maximum permitted concentrations (MPCs) of seven metallic contaminants, namely arsenic, antimony, cadmium, chromium, lead, mercury and tin, in food.



Principles for amending the Regulations

- 1) to replace the existing food categories of “all food in solid form” and “all food in liquid form” with specific MLs targeting individual food / food groups, with a view to aligning with the Codex principle and modern international regulatory trends of specifying metallic contamination standards for individual food / food groups of significant dietary exposure;
- 2) to adopt Codex MLs unless otherwise justified;
- 3) to establish MLs for food / food groups which are of significance to the population in Hong Kong and for which there are no relevant Codex MLs;
- 4) 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 economies as appropriate; and
- 5) to incorporate interpretation of MLs into the Regulations, given that there is currently no interpretation in the Regulations on how the MPCs can be applied to food in a dried, dehydrated or concentrated form; as well as multi-ingredient products (i.e. compounded food).



Overview of the Amendment Regulation

- **Total number of metallic contaminants increase from the existing 7 to 14**
 - Additional metals: barium, boron, copper, manganese, nickel, selenium and uranium
- **Total number of MLs increase from the existing 19 to 144**
 - Of these 144 MLs, 85 made reference to Codex standards



The Amendment Regulation



Key features

- **Date of commencement**
- **Interpretation**
- **Food prohibited for sale, etc. if its metal content exceeds certain level**
 - Specified food that has gone through a process of drying, dehydration or concentration
 - Portion of the commodity to which the ML applies
 - All ingredients of a compounded food are specified food
- **Food prohibited for sale, etc. if its metal level is dangerous or prejudicial to health**
- **Amendment of Schedules**
- **Provision to provide for a 12-month grace period in relation to certain food**



Extract of Part 2 of the Schedule

Part 2			
Maximum Level of Metal in Food			
Column 1	Column 2	Column 3	Column 4
Metal	Food	Maximum Level (mg/kg)	Note
1. Antimony	Vegetables	1	
	Cereals	1	
	Meat of animal	1	Note 1
	Meat of poultry	1	Note 1
	Fish	1	Note 2
	Crabs, prawns and shrimps	1	Note 3



Part 2 of the Schedule

● Part 2 - Maximum Level of Metal in Food

- 1) Antimony
- 2) Arsenic (expressed as total arsenic)
- 3) Arsenic (expressed as inorganic arsenic)
- 4) Barium
- 5) Boron
- 6) Cadmium
- 7) Chromium
- 8) Copper
- 9) Lead
- 10) Manganese
- 11) Mercury (expressed as methyl-mercury)
- 12) Mercury (expressed as total mercury)
- 13) Mercury (expressed as inorganic mercury)
- 14) Nickel
- 15) Selenium
- 16) Tin
- 17) Uranium



Part 2 of the Schedule

- Note 1: Applies to edible portion after removal of bones (if any) and to fat from the meat.
- Note 2: Applies to edible portion after removal of the digestive tract.
- Note 3: Crabs—applies to whole commodity (including the gonads, liver and other digestive organs) after removal of shell and gills.
- Note 4: Cephalopods—applies to edible portion after removal of shell and viscera.
- Note 5: Scallops—applies to edible portion after removal of shell and viscera.
- Note 6: Sea cucumbers—applies to whole commodity after removal of viscera.
- Note 7: Applies to edible portion after removal of shell (if any) and viscera.
- Note 8: Applies to fruit juices (not concentrated) or products reconstituted to the original juice concentration that are ready to drink. Also applies to nectars that are ready to drink.
- Note 9: Applies to fruits or vegetables (as the case may be).
- Note 10: Applies to products that are, or are reconstituted to be, ready to drink.
- Note 11: Applies to beverages that are, or are reconstituted to be, ready to drink.”.



~ End ~

