

**Centre for Food Safety  
Food and Environmental Hygiene Department**

**Notes of First Technical Meeting with the Trade on  
Proposed Amendments to the Preservatives in Food Regulations held  
on 12 April 2007 at 10:00 am at Conference Hall, 3/F,  
3 Edinburgh Place, Central, Hong Kong**

**Present**

***FEHD***

Dr Y.Y. HO	Consultant (Community Medicine) (Risk Assessment & Communication)	(Chairman)
Dr Terence CHEUNG	Senior Medical Officer (Risk Assessment)	
Mr. C.W. TAM	Senior Superintendent (Centre for Food Safety) <sup>2</sup>	
Mr. F. W. HUI	Chief Health Inspector (Risk Assessment)	
Mr. Johnny Y. K. CHU	Scientific Officer (Risk Assessment) <sup>1</sup>	(Secretary)

***The Trade***

CHEUNG Hiu-ming	A.S.Watson Group
Daniel POON	Aeon Stores (HK) Co Ltd
Linda WAI	Aeon Stores (HK) Co Ltd
Edward CHAK	Aeon Stores (HK) Co Ltd
SIN Tsz-yeung	Aji Ichiban Co Ltd
Julie LAM	Arome Bakery (HK) Co Ltd
LAU Hoi-yin, Kenneth	Asia Seafoods Co.
CHOI Chor-ha	Café De Coral Holdings Ltd
Virginia LEE	Circle K HK Ltd
LAM Nga-lai, Yally	City Super Ltd
CHAN Koon-fung, Vincent	City Super Ltd
WONG Yiu-tung	CMA Testing and Certification Laboratories
LI Chi-yeung	CMA Testing and Certification Laboratories
May KAN	Coca-cola China Ltd
Sam L. Y. CHAN	Dah Chong Hong Ltd
Charles S.H. IP	Dah Chong Hong Ltd

LEUNG Chin-kin	Dah Chong Hong Ltd
LAM Ah-lai, Annie	Dah Chong Hong Ltd
Synson CHAN	First Win Trading Co Ltd
Gordon MA	Four Seas Mercantile Limited
Conrad LAM	Four Seas Mercantile Limited
Ivy NG	Fren Ltd
Park NG	Fren Ltd
Kate LAM	Getz Bros & Co (HK) Ltd
YU Po-choi	Guangnan Hong Co Ltd
Leo YUEN	HK Catering Services Mgt Ltd
Betty LUI	Hong Kong Hotels Association
Ruth YU	Hong Kong Retail Management
Vicky CEN	IFF (China) Ltd
Leon LIU	IFF (China) Ltd
Alison HO	IFF (China) Ltd
LAU Kin-wah	Kowloon Chamber of Commerce
Bonnie WONG	Kraft Foods Ltd
CHENG Man-ying, Fanny	Lam Soon Food Supply Co Ltd
CHU Shu-tak	Lanxess Chemical (Shanghai) Co Ltd
Stephen CHOI	Lee Kum Kee Intl Holdings Ltd
Mona WONG	Lee Kum Kee Intl Holdings Ltd
Rosanne AU YEUNG	Lee Kum Kee Intl Holdings Ltd
Joseph MA	Nestle Hong Kong Ltd
Eleanor CHAN	Nestle Hong Kong Ltd
Loratta LAW	Nestle Hong Kong Ltd
KONG Siu-ching	Hong Kong Catering Industrial Association
YEUNG Wo-sun	San Miguel HK Ltd
Betty LEUNG	Sims Trading Co Ltd
Winner YUEN	Sims Trading Co Ltd
Jessica AU Pui-chi	Super Star Food Manufactory
HO Kwok-ying	The Asia Provisions Co Ltd
Eunice MOK	The Chinese Manufacturers' Association of Hong Kong
Allen HO	The Dairy Farm Croup
Samuel CHAN	The Garden Co Ltd
Kenneth CHAN	The Hong Kong Food Council
AU Hoi-fung, Eric	Unilever Hong Kong Ltd

WONG Kit-yu	Wellcome Co Ltd
NG Wai-ki	Wellcome Co Ltd
Patricia LEUNG	Wellcome Co Ltd

## **Introduction**

1. The Chairman declared the opening of the meeting and briefed trade representatives of the progress of the amendment exercise. Centre for Food Safety (CFS) was going to conduct technical meetings with the trade to go over the detailed amendments with a view to introducing the legislative amendment proposal by the end of 2007. As the proposed amendment was making reference to Codex Alimentarius Commission (Codex) standards, it was planned to incorporate any new version of CODEX GENERAL STANDARD FOR FOOD ADDITIVES (GSFA) that would be formally released in the Codex meeting held in July 2007.
2. The Chairman reported that the Administration had briefed the LegCo Panel on Food Safety and Environmental Hygiene on 10 April 2007 on the results of the public consultation exercise on the proposed amendments. During the Panel meeting, the LegCo members urged the CFS to speed up the implementation of the proposed amendment. During the transition period, food trades would be allowed to comply with either list i.e. the existing (old) and the revised (new) lists of permitted preservatives and antioxidants, with levels of additives allowed under each specified foods/food categories.

## **Presentations**

3. Dr Terence CHEUNG presented the results of the public consultation exercise on proposed amendments to the Preservatives in Food Regulations (Annex I). He went on to address the other comments and suggestions received from the written submissions.
4. Mr CHU presented the paper on comparison between standards of proposed amendment and the existing regulations to the representatives (Annex II).

5. Mr CHU also reminded the trade representatives of the salient points of the proposed amendments as follows :-
- Proposed amendment followed as far as possible the Codex standards, however, preservatives and antioxidants not permitted by Codex but permitted in the Regulations would be retained.
  - The proposed standards of sulphur dioxide used in certain food items, for example in some dried food products, had lower “maximum permitted level” than that of the existing regulation. On the whole, the proposed amendments aimed to provide more choices for the trade to choose from rather than to tighten up the existing requirements.
  - The proposed definition of antioxidant would include those additives which protected food items against colour changes.
  - Whenever there was more than one permitted preservative / antioxidant to be used in the specified food, its maximum permitted level should be calculated as on pro rata basis.

#### Q & A

6. One trade representative expressed concerns about the labelling requirement of ascorbic acid in food since ascorbic acid was one of the substances listed under Annex 4 of the Consultation Paper on Amendment to Preservatives in Food Regulations which was not considered to be preservative or antioxidant under the Regulations.
7. Mr TAM explained that the current grace period of the Food and Drugs (Composition and Labelling) Regulation 2004 would lapse by 9 July 2007. Thereafter, prepackaged food should declare details of the food additives used on their labels, both by its functional class and its specific name or identification number. For labelling purposes, there were a total of 23 functional classes of food additives. In case when ascorbic acid was used as food additive in food which served the function as an antioxidant, it should be labelled by name and by function i.e. “antioxidant” in the package. However, ascorbic acid was excluded from the definition of antioxidant in the Preservatives in Food Regulations.
8. One trade representative enquired about any inconsistency between Annex 4 of the Consultation Paper on Amendment to Preservatives in Food Regulations and the food labelling requirement in place.

9. Mr TAM replied the statutory requirement on marking and labelling of prepackaged foods was laid down in Schedule 3 to the Food and Drugs (Composition and Labelling) Regulations which stated that any additive constituting one of the ingredients of a food shall be listed by its functional class.
10. Mr CHU supplemented that those substances listed under Annex 4 of the Consultation Paper were not considered to be preservatives and antioxidants under the Regulations. Their uses were therefore not specifically controlled by the Regulations and these substances should be used in accordance with good manufacturing practice (GMP). Food businesses still have the legal responsibility to ensure that food so produced is fit for human consumption.
11. The trade representative urged the CFS to follow suit the new Codex standards which adopted every year so as to keep breast of international standards.
12. The Chairman responded that as Codex kept on updating its food standards, there would be a situation when Codex had updated its standard but the local legislation might take some time to adopt them.
13. The trade representative further enquired whether isoascorbic acid (also named as erythorbic acid) was permitted to be used in the new legislations since it was an additive permitted for use in food in general in accordance with GMP under Table Three of GSFA of the Codex.
14. Mr TAM answered that isoascorbic acid was allowed to be used in the existing legislation as well as the new legislation.
15. One trade representative raised the possibility of CFS to work via the China delegation to incorporate comments made by the trade on the GSFA for submission to Codex. The Chairman remarked that any input from trade on this would be welcomed.
16. One trade representative enquired about the categorization of two food products, namely chili bean sauce and ground bean sauce in the new food category system.

17. Mr TAM replied that the categorization of the food should rely on the composition and ingredients of the food.
18. Mr CHU pointed out that descriptors for each food category and sub-category were provided at Annex B of Codex Stan 192-1995, Rev. 7-2006. Thus, the manufacturer when categorizing its food products should make reference to said Annex B.
19. The Chairman recapitulated that the food trade might submit written enquiry to CFS if there was question in considering which category a particular food item should belong to.
20. One trade representative enquired why the flavourings were put into Food Category No. 17.2 of the Regulations.
21. Mr CHU replied that as certain food items in the Regulations are unique to the local setting and might not fit the relevant Codex food category system, a new Food Category No. 17 was created to accommodate these food items.
22. Mr TAM added that flavourings were specified food item No. 24 prescribed in Schedule 1 of the existing Preservatives in Food Regulations. The permitted levels of sulphur dioxide and benzoic acid would remain unchanged in the proposed amendment.
23. Another trade representative enquired whether dimethyl dicarbonate (DMDC) was a permitted preservative for food use in the proposed amendment.
24. Mr CHU replied that permitted level of DMDC in specified food was contained in Food Category No. 14.9, 14.10, 14.12, 14.13, 14.14 and 14.15 of the proposed amendment.
25. One trade representative wondered while the proposed amendments were going to adopt Codex standards, why food items absent in Codex food category system was still retained in the proposed amendments.

26. The Chairman stressed that different countries might have different food standards unique to the countries. Though CFS was making effort to align as far as possible respective food standards with the Codex's, local food without corresponding Codex standards would be retained.
27. The trade representative further asked whether the revised legislation had to pass Legislative Council in the future whenever the CFS updated the existing food standards with the most updated Codex standards.
28. The Chairman replied that all amendment of food-related legislations had to put forth to Legislative Council.
29. One trade representative enquired whether any preservative was permitted to be present on the surface of longans according to Food Category No.4.1 in the proposed amendment.
30. Mr CHU replied that under Annex B of Codex Stan 192-1995, Rev. 7-2006, surface-treated fresh fruit grouped under Codex Food Category No. 04.1.1.2 included apples, oranges, dates and longans. The surface of these fresh fruit might contain prescribed level of sulphur dioxide.
31. Mr TAM added that the inspectors were taking sample of longans for analysis for preservatives. Enforcement action would be taken out if analysis revealed that the fresh fruit contained preservative.
32. One trade representative asked whether the food trade could apply to the CFS for use of the newly adopted preservatives by Codex and/or those permitted preservatives currently permitted in use in other countries e.g. EU.
33. The Chairman replied that CFS would consider substances that had been comprehensively evaluated by the Codex and JECFA and found acceptable for use in foods.
34. The trade representative expressed concerns about the future labelling requirement for the naturally occurring preservatives (such as sulphur dioxide) in food when in excess of the permitted level in the Regulations.

35. Mr. TAM replied that any food additive added to the food and served any of the 23 technical functions should be labelled in accordance with the Food and Drugs (Composition and Labelling) (Amendment) Regulation 2004.
36. Mr CHU reminded that the manufacturer should label the food if a food consists of or contains sulphite in a concentration of 10 ppm or more, the functional class of the sulphite and its name should be specified in the list of ingredient.

**A.O.B.**

37. The Chairman invited the trades' comment on whether the definition of antioxidant should be revised to prohibit the use of carbon monoxide as antioxidant in food in the proposed amendment.
38. The trade representatives had no specific views on the proposed definition.
39. The Chairman said that the transition period in previous amendment exercises, taking into account shelf-lives of food products, was about 1-3 years. He invited trades' comment on how long the transition period should be.
40. One trade representative declared that the shelf-lives of sauce products might vary, for example, oyster sauce might be up to 4 years.
41. One trade representative remarked that the shelf-lives of dried food products might be up to 18 months.
42. One trade representative suggested a 2-year transition period be given.
43. Another trade representative supported a 2-year transition period be given because sufficient time was allowed for the importer to negotiate with the overseas manufacturers for change of package labelling.



## **Adjournment**

44. There being no other business, the meeting was adjourned at 12.30pm.

*Risk Assessment Section*

*FEHD/FPH 8/10/11/2*