

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

**Notes of Second Technical Meeting with the Trade on
Proposed Amendments to the Preservatives in Food Regulations held
on 20 June 2007 at 2:30 pm 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. H. M. LIU	Chief Health Inspector (Food Surveillance)	
Mr. K. W. CHUNG	Chief Health Inspector (Food Labelling)	
Mr. F. W. HUI	Chief Health Inspector (Risk Assessment)	
Mr. Johnny Y. K. CHU	Scientific Officer (Risk Assessment) ¹	(Secretary)

The Trade

Ms. Ruth YU	Hong Kong Retail Management Association
Mr. Albert TANG	Hong Kong Suppliers Association Ltd.
Ms. Frenda WONG	Hong Kong Suppliers Association Ltd.
Mr. LEE Kwong-lam	Kowloon Chamber of Commerce
Ms. Eunice MOK	The Chinese Manufacturers Association of Hong Kong
Mr. Joseph LAU	The Chinese Manufacturers Association of Hong Kong
Mr. Paul LEUNG	The Direct Selling Association of Hong Kong
Mr. LAU Yiu-fai, Ronald	The Hong Kong Food Council Ltd.
Mr. Covingta LEUNG	The Hong Kong Health Food Association
Mr. Perry SIT	The Hong Kong Health Food Association
Mr. LEE KWOK HUNG	The Hong Kong Kowloon Provisions, Wine & Dealers Association
Mr. FUNG Kwok-keung	A.S. Watson Group
Mr. Peter JOHNSTON	A.S. Watson Group
Mr. Edward CHAK	Aeon Stores (HK) Co. Ltd.
Ms. Linda WAI	Aeon Stores (HK) Co. Ltd.
Mr. Ricky PANG	Aeon Stores (HK) Co. Ltd.

Mr. YIM Pak-cheung	Aeon Stores (HK) Co. Ltd.
Mr. LAU Chi-hang	Amoy Food Ltd.
Mr. WONG Wing-yee	Amoy Food Ltd.
Mr. YUEN Kwok-wai	Amoy Food Ltd.
Ms. Ivory KHO	Circle K Convenience Store HK Ltd.
Ms. Virginia LEE	Circle K Convenience Store HK Ltd.
Mr. Vincent CHAN	City Super Ltd.
Ms. May KAN	Coca-Cola China Ltd.
Ms. CHAN Sze-yeg, Wendi	Dah Chong Hong Ltd.
Mr. Charles YIP	Dah Chong Hong Ltd.
Mr. Victor LEE	Dah Chong Hong Ltd.
Mr. Freddy FONG	Foodscan Analytics Ltd.
Mr. Conrad LAM	Four Seas Mercantile Ltd.
Ms. Isis SZE	Goodwell Samcheong Groceny Co. Ltd.
Ms. Elaine HAU	Hong Kong Gold Coast Hotel
Ms. SE Yuet-lin	Ito Ya Japanese Cakes & Bakery Group Ltd.
Ms. NG Pui-kay	Kee Wah Bakery
Ms. Mona WONG	Lee Kum Kee International Holdings Ltd.
Mr. Stephen CHOI	Lee Kum Kee International Holdings Ltd.
Ms. Joanna YIP	Master Kong (HK) Trading Co. Ltd.
Ms. Maggie TSANG	Mannings
Ms. Michelle KWAN	Mannings
Ms. Doris CHAN	Nestle HK Ltd.
Mr. Joseph MA	Nestle HK Ltd.
Ms. LAM Tsz-mau	Nissin Foods Co. Ltd.
Ms. Launita CHAN	Polybrands International Ltd.
Ms. Stephanie SHUM	Saint Honore Cake Shop Ltd.
Mr. YEUNG Wo-sun	San Miguel Brewery HK Ltd.
Mr. HO Kwok-ying	The Asia Provisions Co. Ltd.
Mr. Allen HO	The Dairy Farm Group
Ms. WONG Yuen-che	The Garden Co. Ltd.
Mr. Albert YAN	Unilever Hong Kong Ltd.
Mr. Eric AU	Unilever Hong Kong Ltd.
Ms. Patricia LEUNG	Wellcome Co. Ltd.
Ms. Clement CHAN	Wing Sang Cheong Ltd.
Mr. Raymond CHU	Wing Sang Cheong Ltd.
Mr. Vicent MAK	Wing Wah Food Manufactory Ltd.
Ms. LAM Siu-ping	Winner Food Products Ltd.

Opening Remarks

1. The Chairman welcomed all to the meeting and introduced staff of the Centre for Food Safety (CFS) to the trade representatives.

Agenda Item 1

Confirmation of the Notes of last Meeting

2. The notes of the meeting held on 12 April 2007 were confirmed without amendment.

Agenda Item 2

Proposed Amendment of General Standard for Food Additives (GSFA) by Codex Committee on Food Additives (CCFA)

3. The Chairman informed the trade representatives that the new preservative and antioxidant standards proposed by CCFA, once adopted in the 30th session of Codex Alimentarius Commission (CAC) held in July, would be included in the proposed amendment to the Preservatives in the Food Regulations.
4. Mr. Johnny CHU presented the proposed amendment of GSFA by CCFA. These new preservative and antioxidant standards could also be accessed on the CFS's website.
5. Mr. CHU continued to recapitulate the general principles in making the proposed amendment. Codex Standards was recognized by World Trade Organization (WTO) as international standards to facilitate international commerce and for national food safety regulation. Therefore, Codex Standards, where appropriate, might be taken as reference standards by WTO to settle international trade dispute. He further pointed out that in situation where there were local standards for specific preservatives and antioxidants in specified food items but there were no corresponding Codex standards, those permitted ones currently in the Preservatives in Food Regulations would continue, where appropriate, to be allowed.
6. Mr. CHU explained that in the proposed amendment when BHA, BHT, TBHQ and propyl gallate were permitted to be used in a food item or a

food class, they were permitted to be used singly or in combination. If these additives were used in combination, the sum of the amounts of each such additive in the food expressed as a percentage of the maximum amount permitted of such additive should not be greater than one hundred.

7. Mr. CHU drew the trade representatives' attention to the preservative, propyl para-hydroxybenzoate which had been evaluated by Joint FAO/WHO Expert Committee on Food Additives (JECFA) to have significant toxicological concern. Since CCFA would request CAC to withdraw the existing specification for propyl para-hydroxybenzoate, this preservative would be excluded in the proposed amendment.
8. Mr. CHU also pointed out that in the proposed amendment, food category 11.3 (i.e. Soft white sugar, soft brown sugar, glucose syrup, dried glucose syrup, raw can sugar) would further be subdivided into, subcategory 11.3.1 (i.e. Glucose syrup used in the manufacture of sugar confectionery) & 11.3.2 (i.e. Dried glucose syrup used in the manufacture of sugar confectionery) and the levels of sulphur dioxide permitted for use in these subcategories were 400 mg/kg and 150 mg/kg respectively. The change was in line with food standards of GSFA.

Agenda Item 3

Discussion on the Proposed Amendments

9. The Chairman informed the trade representatives that there would be a transition period to allow the food trade to comply with either list i.e. the existing (old) or the revised (new) lists of permitted preservatives and antioxidants, but not a combination of both.
10. One trade representative enquired on the length of the proposed transition period.
11. The Chairman replied that the transition period in previous amendment exercises lasted for 18 to 24 months. Though Legislative Council (LegCo) members had urged to implement the new legislation with a short grace period like 12 months, CFS would take views from the trade before making recommendation for decision by LegCo.
12. Dr. Terence CHEUNG informed that the Government Laboratory (GL)

was ready to provide analytical service for six of the eleven additional preservatives and antioxidants, namely stannous chloride, ferrous gluconate, tertiary butylhydroquinone, hexamethylene tetramine, isopropyl citrates and thiodipropionates by 2008. The testing methods for the remaining preservatives and antioxidants, namely guaiac resin, formates, lysozyme and pimaricin were being developed. However, dimethyl dicarbonate (DMDC) would decompose in water and specific analytical service was not available internationally.

13. The Chairman remarked that in view of the testing restriction, the Administration was considering to launch the proposed amendment in 2 phases; six additional preservatives and antioxidants would be included and permitted to be used in Phase I while Phase II would include the other five preservatives and antioxidants. It was proposed to implement Phase II in mid-2009.
14. The Chairman also invited trade representatives to provide information on the testing method and the control over the food use of DMDC by overseas authorities.
15. One trade representative raised concerns about non-compliance by some products being imported from countries having a higher regulatory level of preservatives and antioxidants than the Codex Standards in the proposed amendment. The affected list of food categories was submitted to CFS separately before the meeting.
16. The Chairman recapitulated that the proposed amendment was to adopt the Codex GSFA for the sake of international harmonization unless there was strong technological justification to adopt different standards. We had to gather more technological information when considering the overseas standards. Food Surveillance and Control Division would look into the food surveillance programme result and provide enforcement figures of the food items mentioned by the trade representative.
17. The trade representative also enquired whether CFS would maintain the existing defence clause in the new regulation, specifically regulation 8 regarding the defence for the presence in food of preservatives used as a fungicide, insecticide, or rodenticide for the protection of food whilst in

storage.

18. The Chairman replied that there was no intention to change the said defence clause.
19. Mr. CHU introduced that the new food category system in the proposed amendment made reference to Codex GSFA Food Category System. Since Codex GSFA Food Category No. 13 comprised of foodstuff intended for particular nutritional uses, infant food, dietetic foods intended for special medical purposes, food supplements and etc., this food category was excluded in the proposed amendment. Besides, Food Category No. 16 for compound foods was not included in the proposed amendment because there were provisions in the existing regulations to regulate the presence of preservatives/antioxidants in compound foods. Some food items in the Regulations which were unique to the local setting and might not fit the relevant Codex food category system were grouped into a new food category 17.
20. One trade representative enquired why some Codex GSFA categories/subcategories, quoted for example Food Category 01.4 were not found in the proposed amendment.
21. Mr. CHU replied that only food categories / sub-categories in the Codex GSFA with standards on preservatives and antioxidants were included in new food category system.
22. One trade representative suggested CFS to list out all alternative forms of permitted preservatives and antioxidants for each foodstuff in the proposed new food category system.
23. Mr. CHU explained that in the existing regulations (also in the proposed amendment) all alternative forms of preservatives/antioxidants allowed were listed in a separate part of the Schedule. However, it was clumsy to have the alternative forms of each permitted preservative and antioxidant repeated for each individual foodstuff in the categories/subcategories.
24. One trade representative enquired whether CFS would test for the

concentration of preservative of the raw materials used during manufacturing process or the concentration of the preservative in the finished product.

25. Mr. LIU replied that normally food samples taken for analysis would be the finished products for sale for human consumption. The analytical result would be considered as satisfactory so far as the permitted level of preservative found in the food sample did not exceed the statutory level for that specified food as prescribed in the legislation.
26. One trade representative wanted to know any prosecution or the course of action being taken out by CFS when the dissociated forms of water-soluble preservative was detected but not listed out in the food label.
27. The Chairman quoted for example that DMDC would decompose rapidly by hydrolysis to form carbon dioxide and methanol which were natural ingredients in many beverages. Thus, it was difficult to distinguish accurately the added fractions of methanol from the others in the food. Mr. LIU replied that enforcement action on the contravention of preservative in food would be depending on the analytical result and the provisions in the relevant legislation.
28. One trade representative raised concerns about the discrepancies of Chinese translation of some preservatives and antioxidants between the trades and in the Regulations.
29. Mr. CHUNG suggested that the trade to put down the Chinese trade name in bracket immediately following the Chinese name stated in the Regulations when the Food and Drugs (Composition and Labelling) Regulation 2004 took effect on 10 July 2007.
30. One trade representative enquired about the categorization of cake in the existing Regulations and in the new Regulations.
31. Mr. LIU replied that the cake was categorized as flour confectionery under Item 26 in Part 1 of the First Schedule to the existing Regulations. Mr. CHU supplemented that some types of cakes were placed under

Food Category No. 07.2.3 in the GSFA. He recommended the trade representative to check against the Annex A (i.e. Food Category System) of GSFA for confirmation.

32. Mr. CHU recalled an enquiry by a trade representative during last meeting about the flavourings being retained in the proposed amendment. He pointed out that flavourings were food under the definition in Public Health and Municipal Services Ordinance, Cap.132 and specified level of preservative was permitted. If flavourings were excluded from the new legislation, no preservative would be permitted to be used in flavourings.
33. One trade representative enquired whether potassium nitrite/nitrate was permitted to be used.
34. Mr. LIU replied that potassium nitrite and nitrate were permitted to be used as the alternative form in place of sodium nitrate /nitrite specified in Column 2 of Part III of the First Schedule to the existing Regulations.
35. One trade representative enquired the course of action that would be taken by CFS when the food products containing naturally preservative and antioxidant e.g. naturally occurring level of sulphur dioxide in garlic was high.
36. Mr. LIU pointed out that in case the Authority had doubt on whether the preservative detected in the sample would be naturally present in the food product, the Authority might require the manufacturer / importer / vendor concerned to provide information for further investigation.

A.O.B.

37. Dr. CHEUNG informed the meeting that the report on the results of the public consultation would be uploaded onto CFS's website shortly. Consent for disclosure of identities in the consultation report was being sought for the written submissions received. If members of the trade or the public refused to disclose their identities, their names would not be published in the report.
38. The Chairman expected the proposal on the amendment to the

Preservatives in Food Regulations would be finalized in July. Tentatively, the finalised legislative amendment would also be submitted to Legislative Council within this year.

39. The Chairman anticipated that another technical meeting with the trade would be held after the proposed amendment was finalised in late July.

Adjournment

40. There being no other business, the meeting was adjourned at 4:00pm.

Risk Assessment Section

FEHD/FPH 8/10/11/2