

Frequently Asked Questions

Harmful Substances in Food (Amendment) Regulation 2021 (“the Amendment Regulation”)

1. Will it be an offence under the Amendment Regulation if certain harmful substance is detected in a specified food at level exceeding the prescribed maximum concentration?

It will be an offence under the Amendment Regulation when a person imports, consigns, delivers, manufactures or sells for human consumption any specified food which contains a specified harmful substance in excess of the maximum concentration. Offenders are liable to a maximum fine of \$50,000 and six months’ imprisonment upon conviction.

2. Will it be an offence under the Amendment Regulation if a specified harmful substance is detected in a food apparently without relevant maximum concentration laid down in Schedule 1 to the Amendment Regulation?

The general principle for food detected with a specified harmful substance without relevant maximum concentration, as set out in Section 54 of the Public Health and Municipal Services Ordinance, is that all food should be fit for human consumption. In deciding whether the food concerned is fit for human consumption, CFS will conduct risk assessment.

Risk assessment is a science-based method which is well-recognised in the international arena. The acceptability of the potential risks upon consumption of a food sample containing harmful substances is judged on the basis of comparison of relevant health-based guidance values (HBGVs) or reference end-points, with the dietary exposure estimates as appropriate, i.e., the outcome of risk assessment process. CFS conducts risk assessment on the reported level of harmful substance in a food sample based on the available local food consumption pattern and the appropriate HBGVs.

3. At what levels will CFS collect food samples for conducting surveillance for the Amendment Regulation?

Through the Food Surveillance Programme, CFS takes food samples at import, wholesale and retail levels for microbiological testing and chemical

analysis to ensure that food for sale is fit for human consumption and in compliance with relevant food safety regulations, including the Amendment Regulation.

4. What is the follow-up action of CFS for unsatisfactory food samples under its food surveillance programme?

In general, CFS' follow-up actions regarding problem foods include, among other things, tracing the source of the concerned consignment from which unsatisfactory samples are found, informing the relevant authorities of the exporting places to take follow-up actions, requesting the importers / distributors to recall, stop selling and surrender the problem foods for disposal where necessary. If there is sufficient evidence, prosecution would also be instituted. Also, CFS would consider informing the public via various channels. The actions to be taken would be considered on a case-by-case basis.

5. What is “peanut products”?

According to the Harmful Substances in Food Regulations, “peanut products” includes oil of peanut or any product containing peanut as its ingredient.