

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

**Notes of Fifth Technical Meeting with the Trade on
Proposed Amendments to the Preservatives in Food Regulations held
on 29 May 2008 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. Anna WONG	Senior Medical Officer (Risk Communication)	
Mr. F. W. LEE	Senior Chemist (Food Chemistry)	
Ms. Heidi HUNG	Senior Administrative Officer (Centre for Food Safety)	
Ms. S. C. CHEUNG	Chief Health Inspector (Food Surveillance)	
Mr. F. W. HUI	Chief Health Inspector (Risk Assessment)	
Mr. Johnny CHU	Scientific Officer (Risk Assessment)	(Secretary)

The Trade

Mr. Eric W.Y. CHAN	Abbott Nutrition
Ms. LAI Sin-man	A.S. Watson Group (HK) Ltd.
Ms. Carol P.Y. LAW	Aeon Stores (HK) Co Ltd.
Mr. Stanley C.Y. WONG	Aeon Stores (HK) Co Ltd.
Ms. Maggie K. K. LEE	AIC Merchandising (Japan) Ltd.
Ms. Eva POON	Amoy Food Ltd.
Ms. Janet WONG	Amoy Food Ltd.
Ms. MING CHEUNG	Campbell Soup Asia Ltd.
Mr. Garick CHAU	Chewy Intl. Foods Ltd.
Ms. CHIANG Choi-i	China Resources Vanguard(HK) Ltd
Ms. Grace YEE	City Super Ltd.
Mr. Dennis CHAN	City Super Ltd.
Ms. Nikki TO	Classic Fine Foods (HK) Ltd
Ms. Evelyn TANG	Classic Fine Foods (HK) Ltd
Mr. LAU Chi-yan	Classic Fine Foods (HK) Ltd

Mr. CHUNG Chin-ming	Coca-cola China Ltd
Mr. Sam CHAN	Dah Chong Hong, Ltd.
Mr. Kazef CHAN	Dah Chong Hong, Ltd.
Ms. Debby LAW	Fonterra Brands (HK) Ltd.
Ms. Charlotte CHAN	Fonterra Brands (HK) Ltd.
Mr. Conrad LAM	Four Seas Mercantile Ltd
Mr. Jackie LIU	Glaxo Swithkline Ltd
Mr. CHAN Pak-nam, Albert	H.K. Food Science & Technology Association
Ms. Kammy YEUNG	The Hong Kong Standards and Testing Centre Ltd.
Ms. YEUNG Ho-yan	HKCSM
Mr. Frank PAK	Home of Swallows Ltd.
Ms. Carmen NOU	IDS (HK) Ltd.
Ms. Patty LAM	IDS (HK) Ltd.
Ms. Jessica CHUI	Kjeldsen & Co. (HK) Ltd.
Mr. LAU Kin-wah	Kowloon Chamber Of Commerce
Mr. LEE Kwong-lam	Kowloon Chamber Of Commerce
Ms. Maria HO	Lansoon (HK) Ltd.
Mr. CHU Shu-tak	Lanxess HK Co. Ltd.
Mr. Stephen CHOI	Lee Kum Kee Intl. Holdings Ltd.
Mr. Philip KWAN	Mead Johnson
Mr. Joseph MA	Nestle Hong Kong Ltd.
Ms. Doris CHAN	Nestle Hong Kong Ltd.
Mr. HUI Yiu-kai	Nissin Foods Co. Ltd.
Ms. CHEUNG Chung-man	Pappagallo Pacific Ltd.
Ms. LEUNG Po-ting	ParkN Shop
Ms. Launita CHAN	Polybrands Intl. Ltd.
Mr. TANG Kwok-fai	San Miguel Brewery Hong Kong Ltd.
Mr. Wellock LO	Sims Trading Co. Ltd.
Mr. WONG Kam-chuen	Swire Coca-Cola HK Ltd.
Mr. LING I SHU	Taikoo Sugar Ltd.
Ms. CHAU Fung-yin	The Chinese Manufacturers Association of Hong Kong
Mr. Allen HO	The Dairy Farm Group
Mr. Samuel CHAN	The Garden Co. Ltd.
Mr. Perry SIT	The Hong Kong Health Food Association
Ms. Frenda S L WONG	The Kowloon Dairy Ltd.
Ms. HO Nga-yan	The Maxim's Caterers Ltd.
Mr. Eric AU	Unilever Hong Kong Ltd.
Ms. LAM Siu-ping	Winner Food Products Ltd.

Ms. Michelle SIN	Wyeth (HK) Ltd.
Ms. Amella YEUNG	YHS Hong Kong (2000) Pte Ltd.
Mr. Coffee LEUNG	Friesland Foods (HK) 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 20 December 2007 were confirmed without amendment.

Agenda Item 2

Latest Progress of the Amendment Regulation

3. Dr Anna WONG reported that The Preservatives in Food (Amendment) Regulation 2008 (the Amendment Regulation) was gazetted on 18 April 2008. Then, the Amendment Regulation was tabled in Legislative Council on 23 April 2008 for vetting and was subsequently passed on 21 May 2008. The Amendment Regulation would come into operation on 1 July 2008.
4. Dr WONG said that a two-year transitional period till 30 June 2010 was in effect. During this two-year transitional period, foods in Hong Kong should comply wholly with either the existing Regulations or the Amendment Regulation, but not a combination of both. After this transitional period, all food sold in Hong Kong should have to comply with the Amendment Regulation.

Agenda Item 3

Discussion of the Final Draft User Guidelines to the Trade

5. Mr Johnny CHU presented the background of the proposed amendment to the Preservatives in Food Regulations and briefed the trade of the draft User Guidelines (the Guidelines).

6. The Chairman welcomed the trade to give comments on the Guidelines which would be finalized within these two weeks. Afterwards, the finalized Guidelines would be uploaded onto the CFS websites.
7. One trade representative wished to know whether the new food category system in the Amendment Regulation was unique in Hong Kong.
8. Mr CHU replied that the new food category system was made with reference to the General Standard on Food Additives (GSFA) of the Codex Alimentarius Commission (Codex) with modification to suit the local situation. The Mainland and overseas countries liked Australia had adopted the same approach. However, the food category numbers in the Amendment Regulation were different from that of Codex GSFA .
9. Mr CHU further explained that most of the specified foods in the existing regulation were fit into the new food category system. Besides, a new food category No. 15 was added to accommodate those local specified food items not covered by GSFA.
10. One trade representative raised concern about the control over the quality and safety standard of food additives in use in Hong Kong. He quoted Japan and Mainland as examples.
11. Mr LEE explained that the existing food legislations had stipulated that all food supplied in Hong Kong should be fit for human consumption. In this regard, excessive contaminants or harmful substances such as heavy metals contained in the food additives should not be carried over into the final food products.
12. On trade representative enquired about the number of preservatives and antioxidants permitted for use in the Amendment Regulation.
13. Mr CHU said that 12 currently permitted preservatives, 7 currently permitted antioxidant and 11 additional preservatives and antioxidants were permitted for use in food in the Amendment Regulation. However, he recalled that propyl para-hydrobenzoate which had been evaluated by Joint FAO/WHO Expert Committee on Food Additives (JECFA) to have significant toxicological concern had been excluded from the list and

would not be permitted for use in food in the Amendment Regulation.

14. One trade representative enquired about the carry-over effect of preservatives from the raw ingredients into the finished product.
15. Mr CHU replied that the Amendment Regulation permitted a compound food to contain preservatives, if they were permitted to be used in the individual component, at levels in proportion with the amount of that individual component present in the final compound food.
16. Ms CHEUNG explained that the level of preservatives in the end-product should conform to the permitted level listed in the law and CFS would take samples of finished product for testing.
17. One trade representative enquired about the legal responsibility in the event that a food product sold by the retailer was found to contain preservative, but not declared by the manufacturer in its food label.
18. Ms CHEUNG replied that it should be dealt with case by case. However, it should rest on the retailer to prove whether he/she had taken all reasonable steps and exercised reasonable diligence in this regard. She advised the retailer to carry out testing for the purpose of verifying the information provided by the manufacturer in the food label.
19. One trade representative enquired whether there was mechanism to updating the standards in accordance with that of the Codex GSFA.
20. The Chairman replied that all legislative amendments to the food standards would go through the vetting procedure in Legislative Council. Whenever there was revision in the future, the trade would be consulted in advance.
21. One trade representative asked whether the food could be refrained from labelling if it was free of 30 permitted preservatives/antioxidants permitted in the amendment Regulation.
22. Mr CHU replied that there were lists of preservatives and antioxidants not regulated under the Amendment Regulation because they did not fall

within the definitions of antioxidants and preservatives in the Amendment Regulation. However, their uses in food should be labeled by its functional class.

23. One trade representative wanted to know the reason why vitamin E (tocopherol) which was functioned as antioxidant had to be labelled in food.
24. Miss Heidi HUNG replied that the Amendment Regulation contained two lists. One was a list of permitted preservatives and antioxidants with its permitted level in different food categories. The other list was a list of substances not considered as preservatives or antioxidants under the Amendment Regulation. In terms of the level of use of substances contained in the second list, the trade was encouraged to adopt GMP level. On the issue of labelling, which was regulated under a separate regulation, namely the Food and Drugs (Composition and Labelling) Regulations, the trade had to label all additives according to their functional use in the food concerned, in accordance with the relevant Regulations.

Agenda 4

Any Other Business

25. The Chairman informed the meeting that a trade seminar would tentatively be held by the end of June or early of July to introducing the amendment process as well as the content of the User Guidelines.

Adjournment

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

Risk Assessment Section

FEHD/CFS 8/10/11/2/5