Results of the Public Consultation on the Proposed Amendments to the Food Adulteration (Metallic Contamination) Regulations (Cap. 132V)

Purpose

This paper provides an overview of the results of the public consultation on the proposed amendments to the Food Adulteration (Metallic Contamination) Regulations (Cap. 132V) ("the Regulations").

2. It was set out in the Supplement to the Chief Executive's 2024 Policy Address that the Government would review food safety standards for metal content in food under the Regulations with reference to international standards and practices. The Environment and Ecology Bureau and the Centre for Food Safety ("CFS") of the Food and Environmental Hygiene Department have conducted a comprehensive review on the Regulations. The review was conducted with reference to the standards set by the Codex Alimentarius Commission ("Codex"), requirements of Hong Kong's major importing places such as the Mainland, and taking into account dietary habits and styles of the Hong Kong population, risk assessment results, and stakeholders' concerns.

3. We consulted the Panel on Food Safety and Environmental Hygiene on the proposed amendments to the Regulations on 8 October 2024. Members were generally supportive of the Government's proposed amendments. Taking into account the suggestions of the trade and some Panel Members, the Government shortened the consultation period to two months from 16 December 2024 to 16 February 2025. During the period, the CFS organised two consultation forums with some 120 participants including members of the trade and laboratory testing sectors, and a briefing for representatives of Consulate-Generals in Hong Kong. We received oral submissions from the attendees and six written submissions from respondents as listed at **Annex**. The majority of the respondents welcomed the updating of the Regulations by the CFS and supported the proposed amendments. The views received and the Government's responses are summarised below.

The proposed maximum levels of cadmium in edible fungi

4. Most respondents at the consultation forums welcomed and supported the proposal to introduce new maximum levels (MLs) of cadmium in various types of edible fungi by making reference to the latest Mainland

standard "Maximum levels of Contaminants in Foods" (GB 2762-2022). However, one written submission expressed reservation on the proposed increase of relevant MLs of cadmium in edible fungi, which were widely used in Chinese cuisine, for fear of increasing food safety risk.

5. We have reviewed the views of the respondents. Taking account of the fact that Codex[1] does not have an ML of cadmium in edible fungi, that edible fungi in Hong Kong are mainly from the Mainland, and that our assessment of local dietary exposure to cadmium in Hong Kong indicates that adopting the Mainland standards is unlikely to pose health risk to the public, we propose to maintain our original proposal of adopting the latest Mainland standard in setting the ML of cadmium for various types of edible fungi.

The proposed MLs of methylmercury in fish

6. Most respondents supported maintaining the existing ML for fish other than the six specified predatory fish species and welcomed the introduction of an ML for fish balls and fish cakes. For the six specified predatory fish species, we propose to increase the ML of methylmercury with reference to the latest Codex standards. A written submission expressed reservation that the health risk to pregnant women, fetuses and children should not be underestimated and the ML of methylmercury of 0.5mg/kg should be kept for all types of fish.

7. The proposed MLs of methylmercury for the six specified predatory fish species[2] (ranging from 0.8 to 1.7 mg/kg) were made with reference to Codex's principle of "as low as reasonably achievable"[3]. In Hong Kong, since the dietary exposure to methylmercury from consumption of the aforementioned fish species is only about 3% of the total dietary exposure to methylmercury, we expect that increasing the MLs is unlikely to

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[1] Codex, established by the Food and Agriculture Organization of the United Nations (FAO) and the World Health Organization (WHO) in 1960s, is the single most important international source of reference for consumers, food producers, processors, food control agencies and the international trade in developing food associated standards. Currently Codex has 188 member countries and 1 member organisation (the European Union) and is recognised by the WTO as the standard-setting body for food safety.

[2] The six specified fish species are tuna, alfonsino, marlin, shark, orange roughy and pink cusk-eel.

[3] According to the General Standard for Contaminants and Toxins in Food and Feed (CODEX STAN 193-1995), MLs should be set as low as reasonably achievable and at levels necessary to protect the consumer. MLs should be based on Good Manufacturing Practice (GMP) and/or Good Agricultural Practice (GAP) considerations in which the health concerns have been incorporated as a guiding principle to achieve contaminant levels as low as reasonably achievable and necessary to protect the consumer.

have a significant impact on the population's exposure to methylmercury. We will continue to provide dietary advice to local population, especially those groups (e.g. pregnant women) who may be at a higher risk from methylmercury exposure.

Differences in food names from Codex

8. One of the written submissions pointed out that names of some food items in the Regulations were different from those of Codex, e.g. "infant formula and follow-up formula" are known as "infant formula, formula for special medical purposes intended for infants and follow-up formula" in Codex. We consider that food names do not necessarily have to be exactly the same as those in Codex, but it is important that the food items covered and the corresponding MLs are consistent with the Codex standards. Under the Regulations, "infant formula" includes "formula for special medical purposes intended for infants".

Transitional Period

9. We propose a transitional period of 18 months following the commencement of the amended Regulations. During the transitional period, any food item which complies with the requirements of the existing Regulations or the amended Regulations is considered lawful. Upon the lapse of the transitional period, the trade will be required to fully comply with the requirements of the amended Regulations. Three written submissions requested an extension of the transitional period to 24 months. On the other hand, one written submission requested that the proposed MLs be implemented as soon as possible.

10. As the proposed amendments to the Regulations mainly make reference to the Codex standards (i.e. consensus of members) and the standards of major importing areas, the impact on international trade is minimal. We consider that a transitional period of 18 months following the commencement of the amended Regulations is appropriate.

Way Forward

11. We are drafting the Food Adulteration (Metallic Contamination) (Amendment) Regulations 2025 ("the Amendment Regulations"), which will be gazetted and tabled at the Legislative Council for scrutiny in mid-

2025 in accordance with the negative vetting procedure, with a view to bringing the Amendment Regulations into force within 2025. Meanwhile, we will continue to engage the trade and other stakeholders such as laboratory testing sectors to follow up on technical aspects of the Amendment Regulations, and update the relevant guidelines and websites in a timely manner to assist the trade in understanding the amendments and to facilitate their compliance.

Environment and Ecology Bureau
Food and Environmental Hygiene Department
Centre for Food Safety
April 2025

Annex

List of Respondents Providing Written Comments During the Public Consultation Period (in order of date received)

1	中港澳東盟燕窩蟲草蔘茸海味商會
2	Trades from ginseng, dried seafood and food sectors
3	Wyeth (Hong Kong) Holding Company Limited
4	Nestlé Hong Kong Limited
5	The Hong Kong Health Food Association
6	Consumer Council