

Advisory Council on Food and Environmental Hygiene

Priority Setting for Legislative Changes to Food Standards

Purpose

The purpose of this paper is to brief Members on the proposed priority for amending and/or establishing food standards of Hong Kong and the assessment criteria adopted.

Background

2. Currently, most food safety related rules and regulations in Hong Kong are contained in the Public Health and Municipal Services Ordinance (PHMSO), Cap. 132. The Ordinance stipulates that all food on sale must be wholesome, unadulterated and fit for human consumption. There is also a set of subsidiary legislation (at **Annex**) which spells out the standards for specific food products or substances allowed in food.

3. Although amendments¹ have been made to some of the standards during the last few years, many of the standards were developed more than ten years ago and are unable to keep abreast of modern food science as well as to meet today's needs. A review of the food standards in the PHMSO is therefore considered necessary. The review will examine whether public health is adequately protected and consumers' concern on food safety is sufficiently addressed.

4. Effort is also made to keep the local food standards up to date and as far as possible tie in with the latest international development, in particular those developed by the Codex Alimentarius Commission² (the Codex).

¹ Amendments have been made to Harmful Substances in Food Regulations, Sweeteners in Food Regulations and Food and Drugs (Composition and Labelling) Regulations

² The Codex Alimentarius Commission was created in 1963 by the World Health Organization (WHO) and the Food and Agriculture Organization (FAO) to develop food standards, guidelines and related texts.

Criteria of according priority

5. Since a range of standards requires updating/reviewing, there is a need to prioritise the standard setting/reviewing work. The Expert Committee on Food Safety (“the Expert Committee”) of the Centre for Food Safety has discussed and agreed to prioritise the standard using the following criteria:

- (i) Public health concern;
- (ii) Presence as well as the adequacies of local food standards;
- (iii) Presence of international standards (i.e. standards promulgated by the Codex); and
- (iv) Stakeholder concern.

6. Each of the above criteria is being assessed independently with the following consideration:

- (i) Food safety issues that have a high public health concern will be given a higher priority because of the need to safeguard public health;
- (ii) Food safety issues currently do not have local standards will be given a higher priority so as to reflect the need of developing new standards to better protect public health. A higher priority will also be given to food safety issues with existing standards but are considered inadequate to protect public health;
- (iii) Food safety issues that have international standards different from ours will be accorded a higher priority because of the need to tie in with international standards. Codex standards will be referred to because most of the food in Hong Kong are imported (i.e. more than 90% of food are imported) and also Codex is currently the single most important international reference point for developments associated with food standards and settlement of trade disputes; and
- (iv) Food safety issues that have high concern by stakeholders (e.g. consumers, trade) will be given a higher priority. This criterion is considered reasonable because of the need to address the concern of stakeholders and the confidence of the public in food safety.

7. Based on the above four criteria, the Expert Committee proposes

that high priority on updating / developing should be given to the regulatory standards on veterinary drugs residues and pesticides residues³.

Regulation of Veterinary Drug Residues

8. At present, veterinary chemical residues such as veterinary drugs, beta-agonists, hormones and antibiotics as well as some natural toxins such as aflatoxin are regulated by the Harmful substances in Food Regulations (Cap. 132AF).

9. Veterinary drugs are intended to maintain or improve the health of animal species. For food-producing animals a variety of veterinary drugs and feed additives is available for therapeutic and prophylactic purposes and to improve productivity in animal-production systems. Intensive animal farming in many countries has led to a substantial increase in the use of veterinary drugs and growth promoters over the last decades.

Public Health Concern

10. With regard to consumer safety, the main area of concern of the increased veterinary drug use in food-producing animals is the presence of residues in food products of animal origin resulting from direct administration of drugs to animals. Violative levels of drug residues may occur in meat, milk, or eggs when an inappropriate drug is used, when a drug is administered in an inappropriate manner, when an improper dosage is given, when there is blatant abuse of illicit drugs, or when inadequate withdrawal time is observed after proper administration of an animal drug. The other concern is the development of antibiotic resistance in human with the inappropriate use of these drugs in food animals.

11. The Expert Committee considered that the Cap. 132AF is inadequate to provide sufficient protection to public health because it only prohibits the presence or use of a relatively small number of veterinary drugs and in some specified food only. After taking into consideration the other criteria for assessing the priority of amending various food standards, the Expert Committee accorded the highest priority on amending the Harmful Substances in Food Regulations.

³ It should be noted that the priority accorded in this paper only took into account the four listed criteria, and did not include factors such as resources implications (e.g. manpower, time, etc).

Standards for Pesticides in Food

12. It is a common agricultural practice for farmers to use pesticides to protect crops from insect pests, weeds and fungal diseases while they are growing and prevent rats, mice, flies and other insects from contaminating foods whilst they are being stored. This has a positive benefit in terms of public health because fungi, insects and rats, if uncontrolled, can contaminate crops with many natural toxins and pathogenic microorganisms.

13. Despite the beneficial outcomes they bring forth, the use of pesticides, however, is quite controversial. Pesticides may also have potential negative effects, if used indiscriminately, on human life. Consumer exposure to pesticide residues in food, *inter alia*, is an issue that is of considerable interest to consumers, food producers, academics and government agencies.

14. When pesticides are used, small amounts (residues) may remain in food. Pesticide residue present in food may be the result of direct use of pesticide on the food crop, animal feeding on pesticide contaminated feed and environmental contamination. As pesticides are used to kill unwanted pests, weeds and moulds, they can also harm people if used inappropriately. Proper use of pesticides, however, should not pose a risk to the health of people.

15. The health effects of pesticides depend on the type, amount and duration of exposure of pesticide. Some, such as the organophosphates and carbamates, affect the nervous system. Others may irritate the skin or eyes. Some pesticides may be carcinogens. Others may affect the hormone or endocrine system in the body.

16. Except for the general provision under PHMSO that all foods should be wholesome, unadulterated or fit for human consumption, there is no specific subsidiary legislation to control the level of pesticide residues in foods. In other words, unless there is a gross contamination of fruit or vegetables with pesticides to such an extent that the food is deemed unfit for human consumption, no regulatory action can be taken. Hence, the lack of relevant subsidiary legislation on pesticide residues poses problems with regard to enforcement and regulatory control of these agricultural chemicals in food.

17. After considering the criteria for assessing the priority of amending food standards, the Expert Committee considered that a high priority should be accorded to prescribe standards on pesticide residues in the legislation to ensure that the enforcement agency can effectively monitor the safety of substances in the food supply and take the action necessary to protect public health and safety. The Expert Committee has not, however, discussed in detail which part of the legislation should be amended to include standards for pesticide residues in food and this requires further study.

Summary of the Recommendation of the Expert Committee

18. Members of the Expert Committee on Food Safety recommended the Administration to review legislation on both veterinary drugs residues and pesticides residues, with a slightly higher priority for the former.

Way Forward

19. The Administration will consult the Legislative Council Panel on Food Safety and Environmental Hygiene on the proposed priority on reviewing and developing the standards on veterinary drugs and pesticide before commencing the review work. Once policy endorsement is obtained, two working groups, one on veterinary drug residues and one on pesticide residues, will be formed under the Centre for Food Safety to start the review work.

Other On-going Legislative Exercises

20. In December 2006, we have started public consultation on proposed amendments to the Preservatives in Food Regulations. The purpose of the proposed amendment is to update the Preservatives in Food Regulations to tie in with the latest developments in food science and technology and to keep abreast of international standards. Apart from the above legislative exercises, the Administration is also reviewing a number of food safety policies with a view to considering developing a suitable regulatory framework by existing or new legislation. On imported poultry eggs, we are amending laws to stipulate that all imported poultry eggs intended for

human consumption must be covered by import permits issued by the CFS. Before issuing these permits to registered poultry egg importers, the CFS will also require that all poultry eggs must be accompanied with health certificates at the point of import to ensure that they are fit for consumption. We will also study the feasibility of extending a similar regime to other high risk food or food of high public concern, such as farmed aqua products and vegetable, etc. In parallel, we are preparing to develop an Omnibus Bill on food safety to rationalize and improve the existing food safety control mechanism. Under this exercise, we will also amend legislation to empower the Government to prohibit the sale of any food item which may have public health implications.

Advice sought

21. Members are invited to note and comment on the priority for updating and/or establishing local food standards.

**Health, Welfare and Food Bureau
Food and Environmental Hygiene Department
Centre for Food Safety
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Subsidiary Legislations on Food Safety

Abattoirs Regulation

Colouring Matter in Food Regulations (Cap 132 H)⁴

Dried Milk Regulations (Cap 132 R)

Sweeteners in Food Regulations (Cap 132 U)

Food Adulteration (Metallic Contamination) Regulations (Cap 132 V)

Food and Drugs (Composition and Labelling) Regulations (Cap 132 W)

Food Business Regulation

Frozen Confections Regulation

Harmful Substances in Food Regulations (Cap 132 AF)

Imported Game, Meat and Poultry Regulations (Cap 132 AK)

Milk Regulation

Mineral Oil in Food Regulations (Cap 132 AR)

Preservatives in Food Regulations (Cap 132 BD)

Slaughterhouses Regulation

⁴ Regulations in bold are being reviewed by the Expert Committee on Food Safety