

Advisory Council on Food and Environmental Hygiene

**Proposed Legislative Framework for
Pesticide Residues in Food in Hong Kong**

Purpose

The purpose of this paper is to brief Members on the proposed legislative framework for pesticide residues in food in Hong Kong.

Background

2. At present, the import, manufacture, formulation, distribution, sale and supply of pesticides in Hong Kong is regulated under the Pesticides Ordinance (Cap. 133), which is enforced by the Agriculture, Fisheries and Conservation Department. However, there is no specific legal provision directed at controlling the level of pesticide residues in food, except for the general provision under the Public Health and Municipal Services Ordinance (Cap. 132). Cap 132 stipulates that all food on sale must be wholesome, unadulterated and fit for human consumption. In other words, unless there is sufficient evidence to prove that the food, contaminated with pesticide residues, is unfit for human consumption, no regulatory action could be taken. Hence, the lack of relevant subsidiary legislation under Cap. 132 on pesticide residues in food poses problems with regard to regulatory control and enforcement.

3. The Expert Committee on Food Safety (Expert Committee) recommended that a high priority should be accorded to prescribing pesticide residues in food in the legislation, which is endorsed by the Advisory Council on Food and Environmental Hygiene in its 34th meeting in February 2007.

4. To take this initiative forward, a Working Group on Standard Setting for Pesticide Residues in Food (Working Group) has been formed under the Expert

Committee in April 2007. The Working Group comprises representatives from the Agriculture, Fisheries and Conservation Department, the Government Laboratory, and the Centre for Food Safety, as well as members of the Expert Committee. The Working Group has examined the major principles related to regulatory control of pesticide residues in food, factors to be considered in prescribing the framework, and international practice. The Working Group's recommendations have been reported to the Expert Committee on 13 June 2007 and 5 September 2007 and were largely adopted.

Proposed legislative framework for pesticide residues in food

5. The Working Group and the Expert Committee are of the view that the proposed legislative framework for pesticide residues in food in Hong Kong should be able to achieve the following objectives:

- a. better protect public health;
- b. facilitate effective regulatory control;
- c. promote fair trade practices; and
- d. promote harmonization between local and international standards.

6. After taken into account the international practice and the need to achieve the above objectives, the proposed legislative framework is summarised as follows:

- a. to adopt the definition of "pesticides" and other related terms from Codex;
- b. to adopt a "positive list" approach;
- c. to adopt maximum residue level (MRLs) developed by Codex as the backbone;
- d. to develop a "default value" for MRLs not specified in the subsidiary legislation and a list of "exempted substances";
- e. to adopt Codex's classification of food; and
- f. to implement the new subsidiary legislation with a grace period.

Details of the proposed legislative framework for pesticide residues in food in the form of a public consultation paper is prepared at Appendix.

Advice sought

7. Members are invited to comment on the proposed legislative framework for pesticide residues in food.

**Centre for Food Safety
Food and Environmental Hygiene Department
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