

File Ref: HWF 3/3231/05

LEGISLATIVE COUNCIL BRIEF

Public Health and Municipal Services Ordinance (Cap. 132)

PRESERVATIVES IN FOOD (AMENDMENT) REGULATION 2005

INTRODUCTION

On 24 October 2005, the Director of Food and Environmental Hygiene, in exercise of the power under section 55(1) of the Public Health and Municipal Services Ordinance (Cap. 132), made the Preservatives in Food (Amendment) Regulation 2005 (“the Amendment Regulation”) at Annex.

JUSTIFICATIONS

Background

2. The Preservatives in Food Regulations (Cap. 132 Sub. Leg. BD) (“the Regulations”) prohibit the import, manufacture for sale or sale of any food containing “preservatives” or “antioxidants”, unless such food and preservatives and antioxidants have been specified in the Regulations. “Preservative”, as defined by the Regulations, means, in short, “any substance which is capable of inhibiting, retarding or arresting the process of fermentation, acidification or other

deterioration of food or of masking any of the evidence of putrefaction”. “Antioxidant” means, in short, “any substance which delays, retards or prevents the development in food of rancidity or other flavour deterioration due to oxidation”.

3. There are totally 91 specified food and 12 permitted preservatives in Part I of the First Schedule to the Regulations, and 5 specified food with 6 permitted antioxidants in Part II of the First Schedule. All the preservatives and antioxidants contained in the First Schedule are regarded by the Joint Food and Agriculture Organization/ World Health Organization Expert Committee on Food Additives (JECFA), which is an internationally recognized authority for safety evaluation of food additives, as safe for human consumption.

4. In a recent review of the Regulations, it is found that in addition to the preservatives and antioxidants currently specified in the First Schedule to the Regulations, the safety of calcium disodium ethylene diamine tetraacetate (“calcium disodium EDTA”) has been evaluated by the Codex Alimentarius Commission¹. (“Codex”). Calcium disodium EDTA, and its alternative form, disodium EDTA, is used to prolong the shelf-life of food. It is permitted by Codex for specific food applications within the prescribed maximum levels.

Proposed Amendments

5. By making reference to Codex, we propose to update the Regulations by adding calcium disodium EDTA to Part II of the First Schedule to the Regulations as permitted antioxidant to be used in 3 specified food items, namely emulsified sauce (including mayonnaise, salad cream and

¹ The Codex Alimentarius Commission under the United Nations is recognized by the World Health Organization, the Food and Agricultural Organization and the World Trade Organization as the international authority for setting food related standards.

salad dressing), non-emulsified sauce (including ketchup, cream sauce and brown gravy) and preserved fish and fish products, with prescribed maximum levels. Food items and the corresponding amount of calcium disodium EDTA to be allowed would be stipulated in the Amendment Regulation.

THE AMENDMENT REGULATION

6. The Amendment Regulation would come into effect on 23 December 2005.

LEGISLATIVE TIMETABLE

7. The legislative timetable is as follows:-

| | |
|----------------------------|-----------------|
| Publication in the Gazette | 28 October 2005 |
| Tabling at LegCo | 2 November 2005 |

IMPLICATIONS OF THE PROPOSAL

8. The Amendment Regulation is in conformity with the Basic Law, including the provisions concerning human rights. It does not affect the current binding effect of the Regulations or the principal Ordinance. There is also no financial, civil service, economic, productivity and environment implications.

PUBLIC CONSULTATION

9. The amendment is in line with international standard. The trade has been informed of the proposed amendment which would result in a relaxation of restrictions. As this is a technical exercise, public consultation is not considered necessary.

PUBLICITY

10. A spokesman from the Health, Welfare and Food Bureau will be made available to answer media enquiries.

ENQUIRIES

11. Any enquiry on this brief can be addressed to Miss Sally Kan, Assistant Secretary for Health, Welfare and Food (Tel: 2937 8295).

Health, Welfare and Food Bureau
October 2005

PRESERVATIVES IN FOOD (AMENDMENT) REGULATION 2005

(Made by the Director of Food and Environmental Hygiene
under section 55(1) of the Public Health and
Municipal Services Ordinance (Cap. 132))

1. Commencement

This Regulation shall come into operation on 23 December 2005.

2. First Schedule amended

Part II of the First Schedule to the Preservatives in Food Regulations (Cap. 132 sub. leg. BD) is amended –

(a) by adding –

| | | | |
|-----|---|--|-----|
| “6. | Fully preserved (including canned and fermented) fish and fish products, including molluscs, crustaceans and echinoderms | Calcium disodium ethylene diamine tetraacetate | 340 |
| 7. | Emulsified sauces (including mayonnaise, salad cream and salad dressing) | Calcium disodium ethylene diamine tetraacetate | 100 |

| | | | |
|----|--|--|-------|
| 8. | Non-emulsified sauces (including ketchup, cheese sauce, cream sauce and brown gravy) | Calcium disodium ethylene diamine tetraacetate | 750”; |
|----|--|--|-------|

(b) in the Note, by adding –

“(C) For the purpose of computing the amounts in column 3 in relation to items 6, 7 and 8, calcium disodium ethylene diamine tetraacetate shall be calculated in its anhydrous form.

(D) Any food specified in column 1 of items 6, 7 and 8 may have in it or on it disodium ethylene diamine tetraacetate (as an alternative to calcium disodium ethylene diamine tetraacetate). For the purpose of computing the amounts in column 3, disodium ethylene diamine tetraacetate shall be calculated as anhydrous calcium disodium ethylene diamine tetraacetate.”.



Director of Food and Environmental
Hygiene

21 October 2005

Explanatory Note

This Regulation amends Part II of the First Schedule to the Preservatives in Food Regulations (Cap. 132 sub. leg. BD) (“the Regulations”) to add an antioxidant known as calcium disodium ethylene diamine tetraacetate into that Part. By virtue of the amendment and the operation of regulation 3(1) of the Regulations, calcium disodium ethylene diamine tetraacetate of a specified amount may be added into certain specified foods.