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**Meeting of Panel on Food Safety and Environmental Hygiene
on 10 April 2007**

Background Brief prepared by Legislative Council Secretariat

Review of the Preservatives in Food Regulations

Purpose

This paper summarises the issues and concerns raised by the Panel on Food Safety and Environmental Hygiene (the Panel) relating to the review of and proposed scope for the amendments to the Preservatives in Food Regulations (Cap.132BD) ("the Regulations").

Background

2. In Hong Kong, food safety is safeguarded and regulated by the Public Health and Municipal Services Ordinance (Cap.132) ("the Ordinance"). The Ordinance stipulates that all food on sale must be wholesome, unadulterated and fit for human consumption. The regulation of the conditions of the use of preservatives and antioxidants and the maximum levels that the specified food may contain is governed by the Regulations.

3. Under the Regulations, "Preservative" is defined as "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 "any substance which delays, retards or prevents the development in food of rancidity or other flavour deterioration due to oxidation". At present, there are a total of 12 permitted preservatives and 91 specified foods in Part I of the First Schedule to the Regulations, and seven permitted antioxidants and eight specified foods in Part II of the First Schedule.

4. According to the Administration, there is an international trend of removing away from "product-specific" legislation to horizontal provisions aimed at all food types. Under the General Standard on Food Additives (GSFA) of the Codex Alimentarius Commission (Codex), food items are grouped under major food

categories and sub-categories. GSFA contains the list of food additives, including preservatives and antioxidants, permitted for use in food items and sets forth the conditions under which the permitted food additives can be used. Food additives in GSFA have been evaluated by the Joint Food and Agriculture Organisation/World Health Organisation Expert Committee on Food Additives and found acceptable for use in food.

Discussion by the Panel

The Administration's proposals

5. On 14 November 2006, the Administration briefed the Panel on the review of and proposed scope for amendment to the Regulations. The Administration advised that the current Regulations are not in line with GSFA in the following major areas -

- (a) antioxidants under the Regulations do not include those additives which protect food items against colour changes caused by oxidation;
- (b) permitted preservatives and antioxidants under the Regulations are a simple combination of the permitted additives and the specified food items (i.e. product-specific);
- (c) the Regulations do not acknowledge the multifunctional property of additives even if an additive can technologically serve both functions of a preservative and an antioxidant; and
- (d) some common preservatives and antioxidants which are proven safe by international standards e.g. Codex's standards are not included in the Regulations.

6. In view of the deficiencies in the Regulations as compared with the international standards, the Administration proposed to amend the Regulations in the following areas -

- (a) amending the definitions of preservatives and antioxidants to bring them in line with the corresponding definitions in the Codex documents;
- (b) developing a food category system based upon the food category system adopted by Codex for use in GSFA;
- (c) combining Part I and Part II of the First Schedule to the Regulations to combine the lists of preservatives and antioxidants; and
- (d) incorporating those preservatives and antioxidants, as well as their permitted levels of use, that are listed in the Codex's GSFA into the Regulations.

Members' concerns

Use of preservatives and antioxidants in food

7. Some members expressed concern that it was very difficult for consumers to comprehend the names of preservatives and antioxidants which appeared on the labels of food. They were also worried about the safety of food products imported from the Mainland (such as chilled fish) and non-pre-packaged food (such as fermented bean curd and salty pickled cabbages) which would not be subject to the food labelling requirements at retail level.

8. The Administration informed the Panel that, when the Food and Drugs (Composition and Labelling) (Amendment) Regulation 2004 came into force, the grace period of which had been extended until 9 July 2007, food labels of the pre-packaged food should indicate specifically the name or code of the food additive used, and also declare the presence of substances which were known to cause allergy in some individuals. The Centre for Food Safety (CFS) would step up its efforts in educating the public about food safety in respect of the use of preservatives and antioxidants in food. Although the labelling requirements only applied to pre-packaged food, food containing preservatives or antioxidants would be covered by the Regulations irrespective of whether they were pre-packaged or not. Moreover, CFS would conduct regular inspection and testing of food samples of both pre-packaged and non-pre-packaged food in retail sale under its regular food surveillance programme. CFS would also step up inspections to ensure that public health and safety would not be posed at risk when there was an occurrence of food incident.

Use of carbon monoxide and food colour

9. Hon Fred LI expressed concern about the unscrupulous use of carbon monoxide and food colour to conceal the staleness of food by some food traders in the Mainland. The Administration explained that it was an offence under the existing legislation to add preservatives to fresh meat. However, there was presently no specific regulation on the application of carbon monoxide to food. The Administration would consider this issue when reviewing the Regulations. The control of the use of food colour was governed by a separate regulation under the Ordinance.

Legislative timetable

10. Members were of the view that the Administration should introduce the relevant legislative proposal into the Legislative Council (LegCo) as soon as possible in order for Hong Kong to keep abreast of international standards and the latest development in food science and technology. The Administration informed the Panel that a more extensive consultation on the details of the proposed amendments with the

trade and the public would be conducted in the end of 2006. The Administration's plan was to introduce the legislative proposal into LegCo in 2007.

Latest developments

11. The Administration will brief the Panel on 10 April 2007 on the results of the public consultation exercise on the proposed amendments to the Regulations.

Relevant papers

12. The Administration's paper and other relevant papers for the Panel meeting on 14 November 2006 are available on the Council's website at <http://www.legco.gov.hk/english/index.htm>.

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