

**For Discussion
On 13 November 2007**

LegCo Panel on Food Safety and Environmental Hygiene

Proposed Amendments to the Preservatives in Food Regulations

PURPOSE

This paper briefs Members on the latest progress of the proposed amendments to the Preservatives in Food Regulations (Cap. 132BD) (the Regulations).

BACKGROUND

2. The Panel on Food Safety and Environmental Hygiene (Panel) was briefed on 14 November 2006 on the Administration's proposal to amend the Regulations, by making reference to the General Standard on Food Additives (GSFA) and relevant commodity standards of Codex Alimentarius Commission (Codex)¹. The Administration proposed amendments to the Regulations in the following areas–

- (a) Amend the definitions of preservative and antioxidant with reference to the corresponding definitions adopted by the Codex;
- (b) Incorporate those preservatives and antioxidants, as well as their permitted levels, which are listed in the GSFA into the Regulations, unless there are justifications otherwise;
- (c) Amend certain provisions to recognize the multi-functional property of the permitted preservatives and antioxidants; and
- (d) Introduce a Food Category System based on the one adopted by the Codex GSFA.

The proposed amendments will bring about the harmonization of the local

¹ The Codex Alimentarius Commission was established in 1963 by the World Health Organization (WHO) and the Food and Agriculture Organization (FAO) to develop international food standards, guidelines and related texts.

legislation and international development, in terms of the framework of the regulatory regime, the types of preservatives and antioxidants regulated and the levels of the standards; provide the trade and consumers with more choices through permitting the use of preservatives and antioxidants that have been evaluated as safe and permitted for use internationally; and make the Regulations more user-friendly.

3. The Centre for Food Safety (CFS) subsequently sought the views of the trade and the public on the proposed amendments. The results of the consultation, which indicated general support for the proposed amendments, were reported to the Panel on 10 April 2007. Members were supportive of the proposed amendments and urged the Administration to introduce the legislative proposal expeditiously. Members were also concerned about the length of the transition period and requested the Administration to consult the trade on the proposed amendments through the technical meetings.

MAJOR AMENDMENTS TO BE INTRODUCED

4. The gist of the proposed amendments to the Regulations is set out as follows for Members' reference.

Definitions

5. We propose to expand the definition of "antioxidant" to cover also food additives which protect foodstuffs against colour changes. Some examples of permissible antioxidant newly caught by the amended definition include Guaiac resin, Tertiary butylhydroquinone (TBHQ) and Thiodipropionic acid.

Number of permitted preservatives/antioxidants and levels

6. We propose to incorporate those preservatives and antioxidants, as well as their permitted levels of use, in the Codex GSFA into the Regulations. These proposed amendments will bring about an increase of 11 new types of permitted preservatives or antioxidants², while the permissible levels for existing individual preservatives or antioxidants may be unchanged, relaxed or tightened.

Merging of Schedules in the Regulations

7. We propose to combine the existing list of permitted preservatives and

² Guaiac resin, Isopropyl citrates, Stannous chloride, Tertiary butylhydroquinone (TBHQ), Thiodipropionic acid, Dimethyl dicarbonate, Ferrous gluconate, Formic acid, Hexamethylene tetramine, Lysozyme, Pimaricin

that of antioxidants, i.e. Part I and Part II of the First Schedule of the Regulations, in order to recognize the multi-functional property of food additives, to provide flexibility and to provide the trade and the consumers with more choices on the use of preservatives and antioxidants.

Food Category System

8. In place of the current “product-specific” listing, we propose to develop a Food Category System which is based on the one adopted by the Codex GSFA. The Food Category System is designed to allow the identification of individual foods or classes of foods to which preservatives and antioxidants may be added, and its adoption reflects the international trend of moving away from the so-called "product-specific" legislation. This shift from a product-specific list to a food category system means that there will be an increase in the number of foods in which preservatives or antioxidants are allowed. To cater for local needs, there will be a food category in the Food Category System that covers all existing specified food items that do not belong to any of the food categories under the Codex GSFA system.

9. To assist the trade to adapt to changes to be brought about by the amendments, in particular the Food Category System, the Administration will issue a set of Guidelines. The Guidelines will include a food descriptor list providing examples of individual food items included in each food category, in particular local food. The food descriptor list will be drawn up with reference to a similar list issued by the Codex.

TRANSITIONAL ARRANGEMENT

10. Taking into consideration the views of Members and the trade on the transition period and to allow sufficient time for the trade to prepare for the changes, we propose a transition period of two years. In order for the trade and the consumers to benefit from the amendments (which will bring about an increase of 11 new types of permitted preservatives or antioxidants and the relaxation of some of the existing permissible levels), we propose that during the transition period, it is legally in order for any single food item to comply wholly with either the existing Regulations or the amended Regulations. From the perspective of food safety, both the standards under the existing Regulations and the amended Regulations are adequate to safeguard public health. After the transition period comes to an end, the existing Regulations will be repealed and all food must comply with the amended Regulations.

WAY FORWARD

11. The Administration plans to introduce the legislative amendments by early 2008. We will continue to brief the trade on the proposed amendments in detail before the implementation of the new Regulations.

ADVICE SOUGHT

12. Members are invited to comment on the proposed amendments and the way forward.

**Centre for Food Safety
Food and Environmental Hygiene Department
Food and Health Bureau
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