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Panel on Food Safety and Environmental Hygiene

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 12 June 2012**

Regulation of pesticide residues in food

Purpose

This paper gives an account of the past discussions by the Panel on Food Safety and Environmental Hygiene ("the Panel") on the regulation of pesticide residues in food.

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. While the general provision under the Public Health and Municipal Services Ordinance (Cap. 132), which stipulates that all food on sale must be wholesome, unadulterated and fit for human consumption, can be relied on for cases related to pesticide residues in food, there is currently no legal provision that specifically directs at controlling the level of pesticide residues in food. With a view to enhancing the effectiveness of regulatory control and enforcement in this respect, the Administration proposed in November 2007 to put in place a new regulatory framework for pesticide residues in food. In July 2011, the Administration issued a paper entitled "Refined Regulatory Framework for Pesticide Residues in Food in Hong Kong" for public consultation.

Past discussions by the Panel

3. At its meeting on 13 November 2007, the Panel was briefed by the Administration on the above proposed regulatory framework for pesticide residues in food in Hong Kong. As the Mainland was the Hong Kong's major food supplier, there was a view that the proposed pesticide residues standards should synchronize with that on the Mainland. In this regard, members enquired whether the Centre for Food Safety ("CFS") would increase the number of inspections and the number of food samples taken for testing under its food surveillance programme, and whether the implementation of the regulation would have any adverse impact on the number and variety of vegetables and fruits imported from the Mainland.

4. According to the Administration, the Mainland adopted the "non-positive" approach to regulate pesticide residues in food and there were some 100 pesticides listed in the Mainland's national standard for pesticide residues. In the Administration's proposed list of pesticides under the new piece of subsidiary legislation, there would be some 400 pesticides comprising some 200 pesticides on the list of pesticides adopted by Codex Alimentarius Commission ("Codex"), some 100 pesticides adopted by the Mainland and some 100 pesticides adopted by Hong Kong's major food importing countries/places. The Administration had maintained close contact and frequent exchanges with the relevant Mainland authorities on the proposed list of pesticides, including the Guangdong Entry-Exit Inspection and Quarantine Bureau and the Shenzhen Entry-Exit Inspection and Quarantine Bureau ("Shenzhen CIQ"). A meeting with Shenzhen CIQ was held on 12 November 2007 to discuss various issues, including inspection and quarantine requirements and testing of pesticide residues on fruits and vegetables.

5. Given that the current list of pesticides adopted by the Mainland was in line with the standards of Codex, the Administration took the view that its proposed regulatory framework would not have any significant impact on most food products imported from the Mainland. On the other hand, the enactment of the regulatory framework would facilitate the enforcement actions of the Food and Environmental Hygiene Department in regular food inspection and testing of food samples at Man Kam To ("MKT") Boarder Control Point as

there would be clear provisions in the new piece of subsidiary legislation regulating the permitted levels of pesticide residues in food. Apart from conducting tests on imported vegetables and fruits at the import level at MKT Border Control Point, the Administration pointed out that CFS also took samples of vegetables and fruits for testing of pesticide residues and other harmful substances at wholesale and retail levels under its regular food surveillance programme. After the implementation of the new regulatory control over the pesticide residues, the Administration would increase the number of prohibited or restricted chemicals to be tested in food samples. CFS would also make appropriate changes to the types of pesticides to be analyzed from samples taken at the import, wholesale and retail levels.

6. At its meeting on 12 July 2011, the Panel was consulted on the proposed regulation on pesticide residues in food in Hong Kong. According to the Administration, it would embark on a two-month public consultation exercise in mid-July 2011.

7. Hon WONG Kwok-hing raised concern about the possible loophole resulting from the proposed approach that the Director of Food and Environmental Hygiene ("DFEH") would conduct risk assessment for pesticide-food pairs for which no maximum residue limit ("MRL") or extraneous maximum residue limit ("EMRL") was specified in the proposed Regulation.

8. The Panel was advised that the proposed risk assessment approach would cater for new pesticides which were found to be acceptable from public health perspective but not yet included in the list of MRLs/EMRLs. This had addressed the views of the trade, overseas food safety experts and the Panel over the rapid development of new technologies and new pesticides. Members of the trade could also apply to DFEH to add the new MRL to the list if it had been established by Codex or other jurisdictions. As new pesticides and new applications on crops kept emerging, the list of MRLs/EMRLs would be updated regularly.

9. Hon WONG Yung-kan indicated that the local agricultural trade had expressed support for the proposed regulation. Members raised no objection to the Administration's proposals.

Latest development

10. On 26 April 2012, DFEH, in exercise of the power under section 55(1) of Cap. 132, made the Pesticide Residues in Food Regulation ("the Regulation") to prohibit or regulate the addition of any specified substance to food intended for sale for human consumption. The Regulation will come into operation on 1 August 2014. At the House Committee meeting on 11 May 2012, a subcommittee was formed to study in detail the Regulation. The Subcommittee is currently scrutinizing of the Regulation.

Relevant papers

11. A list of the relevant papers on the LegCo website is in the **Appendix**.

Council Business Division 2
Legislative Council Secretariat
6 June 2012

Relevant papers on regulation of pesticide residues in food

Meeting	Date of meeting	Paper
Panel on Food Safety and Environmental Hygiene	13.11.2007 (Item V)	Agenda Minutes CB(2)289/07-08(03)
	15.10.2010 (Item I)	Agenda Minutes CB(2)50/10-11(01)
	12.7.2011 (Item V)	Agenda Minutes CB(2)2305/10-11(04)
Legislative Council	12.1.2011	[Question 16] Asked by: Hon Fred LI Regulation of pesticide residues in food

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