



中華人民共和國香港特別行政區政府總部食物及衛生局
Food and Health Bureau, Government Secretariat
The Government of the Hong Kong Special Administrative Region
The People's Republic of China

Our ref : FH CR 5/1886/07
Your ref: LS/S/24/11-12(01)

電話: 3509 8927
傳真: 2136 3282

By Fax
10 May 2012

Miss Evelyn LEE
Assistant Legal Adviser 10
LegCo Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong.
(Fax No: 2877 5029)

Dear Miss LEE,

Public Health and Municipal Services Ordinance (Cap.132)
Pesticide Residues in Food Regulation (L.N.73 of 2012)

Thank you for your letter of 8 May 2012 concerning the Pesticide Residues in Food Regulation (“the Regulation”).

In relation to your enquiries about the definitions of “*maximum residue limit* and *MRL*” and “*extraneous maximum residue limit* and *EMRL*” in the Regulation, our reply is as follows –

- (a) MRL and EMRL are common terminologies widely used and well understood by international communities, including Codex Alimentarius Commission (“Codex”), the international food standard setting authority, regulatory authorities and the food trade. Codex defines maximum residue limit (MRL) as the maximum concentration of a pesticide residue recommended by Codex to be legally permitted in or on food and agricultural commodities.

Codex defines extraneous maximum residue limit (EMRL) as referring to a pesticide residue or a contaminant arising from environmental sources (including former agricultural uses) other than the use of a pesticide or contaminant substance directly or indirectly on the commodity. It is the maximum concentration of a pesticide residue or contaminant that is recommended by Codex to be legally permitted or recognised as acceptable in or on food and agricultural commodities. Codex has established EMRLs mainly for pesticides that are no longer in use but persistent in the environment. The pesticides with EMRLs in Part 2, Schedule 1 of the Regulation all fall into this category, for example, DDT. In gist, a pesticide which is included in Part 1 (on MRLs) will not be found in Part 2 (on EMRLs) of Schedule 1, and vice versa.

- (b) A key feature of the Regulation is to prescribe specific MRLs and EMRLs for certain pesticide-food pairs as listed respectively in Part 1 and 2 of Schedule 1. Each pesticide-food pair is unique. A food may, however, contain more than one pesticide-food pair. In such case, each pesticide-food pair will be evaluated against the maximum limit as prescribed in Schedule 1 to see if the amount of pesticide residues in the food is permissible under the Regulation. The presence of pesticide residues in food at levels exceeding the prescribed MRLs or EMRLs (as the case may be) is not permitted under the Regulation. We consider that the current definitions of MRL and EMRL, which rightly point to the specific statutory limits by referring to the specific residue definition of a pesticide (the residues of which are found in a food) in column 3 of Schedule 1, would be sufficient to serve the purposes of the Regulation and would not give rise to any difficulty in its application.

The Centre for Food Safety (CFS) will provide briefings, training and guidelines for different sectors to familiarise them with the Regulation prior to its commencement in August 2014. The Government will also make use of different channels such as the website of the CFS to enhance the public's understanding about pesticide residues in food.

I trust the above clarification has addressed your concern. Please feel free to contact me if necessary.

Yours sincerely,



(Clement CHAN)
for Secretary for Food and Health

C.C.

Director of Food and Environmental Hygiene
(Attn: Dr Y Y Ho
Mr Donald Wong)

Fax : 2526 8279
Fax : 2530 1368

Department of Justice
(Attn: Ms Francoise Lam
Ms Carmen Chu)

Fax : 2869 1302
Fax : 2845 2215