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Subcommittee on Pesticide Residues in Food Regulation

Background brief prepared by the Legislative Council Secretariat

Purpose

This paper provides background information relating to the making of Pesticides Residues in Food Regulation (L.N. 73) ("the Regulation") and summarizes past discussion by the Panel on Food Safety and Environmental Hygiene ("the Panel").

Background

2. At present, the import, manufacture, sale and supply of pesticides in Hong Kong are regulated by the Pesticides Ordinance (Cap. 133). The Agriculture, Fisheries and Conservation Department ("AFCD") is responsible for enforcing the relevant provisions. All pesticides intended for sale in Hong Kong must be registered with the Director of Agriculture, Fisheries and Conservation ("DAFC"). Except with a licence issued by DAFC, no person shall import, manufacture, sell or supply registered pesticides. While there are general provisions under the Public Health and Municipal Services Ordinance (Cap. 132) that all food on sale for human consumption must be wholesome, unadulterated and fit for human consumption, there is currently no specific legal provision that regulates the level of pesticide residues in food.

3. The Centre for Food Safety ("CFS") operates a food surveillance programme and regularly takes food samples to test, among others, for pesticide residues following the testing methods and standards recommended by the Codex Alimentarius Commission ("Codex"). However, the lack of a specific legal provision governing pesticide residues in food means that a case-by-case assessment would need to be made in order to substantiate that the concerned food sample is unfit for

human consumption (section 54 of Cap. 132) before CFS can prosecute the food trader concerned. This also deviates from the general principle that pesticide use should be kept at a minimum possible level as recognized by Codex and developed countries. The introduction of specific regulation on pesticide residues in food is therefore considered necessary.

The Regulation

4. The Regulation is made by the Director of Food and Environmental Hygiene ("DFEH") pursuant to section 55(1) of Cap. 132 which provides that the appropriate authority, i.e. DFEH, may make regulations to prohibit or regulate the addition of any specified substance to food intended for sale for human consumption.

5. According to the Administration, the Regulation aims to achieve the following objectives -

- (a) better protect public health;
- (b) facilitate effective regulation of pesticide residues in food; and
- (c) promote harmonization between local and international standards.

In striving to achieve the above objectives, the Administration is mindful of the need to maintain a stable supply of food in Hong Kong.

6. The Regulation will come into operation on 1 August 2014.

Discussion by the Panel

7. 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.

8. Hon WONG Kwok-hing raised concern about the possible loophole resulting from the proposed approach that 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.

9. 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.

10. 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.

Relevant papers

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

Council Business Division 2
Legislative Council Secretariat
21 May 2012

Appendix

Relevant papers on Pesticide Residues in Food Regulation

Meeting	Date of meeting	Paper
Panel on Food Safety and Environmental Hygiene	13.11.2007	Agenda LC Paper No. CB(2)289/07-08(03) Minutes
	12.7.2011	Agenda LC Paper No. CB(2)2305/10-11(04) LC Paper No. CB(2)2305/10-11(05) Minutes
Legislative Council	12.1.2011	Official Record of Proceedings Pages 96-105 ([Question 16] Asked by Hon Fred LI)
House Committee	11.5.2011 (Item III(b))	Agenda LC Paper No. LS60/11-12

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