

**立法會**  
**Legislative Council**

LC Paper No. CB(2)621/13-14(13)

Ref : CB2/PL/FE

**Panel on Food Safety and Environmental Hygiene**

**Background brief prepared by the Legislative Council Secretariat  
for the special meeting on 14 January 2014**

**Regulation of pesticide residues in food in Hong Kong**

**Purpose**

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

**Background**

2. At present, the import, manufacture, sale and supply of pesticides in Hong Kong are regulated under the Pesticides Ordinance (Cap. 133), which is enforced by the Agriculture, Fisheries and Conservation Department. 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.

3. There are general provisions under the Public Health and Municipal Services Ordinance (Cap. 132) ("PHMSO") that all food on sale for human consumption must be wholesome, unadulterated and fit for human consumption. Section 55(1) of PHMSO provides that the appropriate authority, i.e. the Director of Food and Environmental Hygiene ("DFEH") may make regulations to prohibit or regulate the addition of any specified substance to food intended for sale for human consumption.

4. With a view to better protecting public health, facilitating effective regulation of pesticide residues in food and promoting harmonization between local and international standards, the Administration proposed to put in place a new regulatory framework for pesticide residues in food and conducted a public consultation in 2011. On 26 April 2012, DEFH, in exercise of the power under section 55(1) of PHMSO, 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. Upon the expiry of the two-year grace period, the Regulation will come into operation on 1 August 2014.

5. The Regulation specifies in Schedule 1 a list of maximum residue limits ("MRLs") / extraneous maximum residue limits ("EMRLs") for certain pesticide-food pairs (i.e. the maximum concentration of specified pesticide residues permitted in specified food commodities). The presence of any of these pesticide residues in food at levels exceeding the MRLs / EMRLs is not permitted under the Regulation. Schedule 2 to the Regulation specifies a list of exempted pesticides. Unless the pesticide used on a type of food is exempted, only food containing pesticide residues which do not exceed any of the permitted levels specified in Schedule 1 for that food is allowed to be imported and sold. For food containing residue of any pesticide that is neither exempted nor specified in the Regulation, the import and sale of the food concerned is only allowed if consumption of the food is not dangerous or prejudicial to health. A maximum fine of HK\$50,000 and imprisonment of six months may be imposed on any contravention.

6. According to the Administration, before the commencement of the Regulation, suitable measures will be introduced to ensure that a newly registered pesticide for use on local food crops under the Pesticides Ordinance would be properly regulated under the Regulation.

### **Deliberations of the relevant committees**

7. The Panel held three meetings between November 2007 and June 2012 to discuss the proposed regulation on pesticide residues in food in Hong Kong. The Subcommittee formed under the House Committee had also studied the Regulation in detail. The deliberations and concerns of Members are summarized below.

#### List of maximum residue limits and extraneous maximum residue limits

8. According to the Administration, MRL and EMRL were common

terminologies widely used and well understood by international communities, including the Codex Alimentarius Commission ("Codex"), the international food standard setting authority, regulatory authorities and the food trade. Codex defined MRL as the maximum concentration of a pesticide residue recommended by Codex to be legally permitted in or on food and agricultural commodities. Codex defined 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 was the maximum concentration of a pesticide residue or contaminant that was recommended by Codex to be legally permitted or recognized as acceptable in or on food and agricultural commodities.

9. In response to Members' concern about how the list of MRLs / EMRLs was drawn up, the Administration advised that it was based primarily on the available standards recommended by Codex (around 2 800 MRLs / EMRLs), supplemented by standards of the Mainland (around 800 MRLs) and other major food exporting countries to Hong Kong, including the United States and Thailand (around 3 200 MRLs / EMRLs). The Administration had also taken into account the comments received during public consultation exercise conducted in 2011 and included around 300 MRLs / EMRLs in the list. All standards set out in Schedule 1 had been scrutinized by the Centre for Food Safety ("CFS") by conducting risk assessment to ensure that they were adequate to protect public health in Hong Kong. Given the heavy reliance of Hong Kong on imported food, the Administration considered that such an approach would strike a balance between protecting public health and maintaining a stable supply of food in Hong Kong.

#### Exempted pesticides

10. An enquiry was raised about how the list of exempted pesticides specified in Schedule 2 to the Regulation was drawn up. According to the Administration, the purpose of having the list of exempted pesticides in Schedule 2 was to facilitate the use of pesticides by the trade that were natural and the residues of which were identical to or indistinguishable from natural food components. In determining whether a pesticide should be included in Schedule 2, DFEH would consider relevant factors including (a) whether the use of the pesticide would result in residues occurring in food; (b) whether the residues of the pesticide were identical to or indistinguishable from natural food consumption; and (c) whether the residues of the pesticide had any toxicological significance or would be dangerous or prejudicial to human health.

11. Members were also advised that such a list of exempted pesticides was not available from Codex. However, in drawing up the list, the Administration

had made reference to the lists adopted by major food exporting countries and places to Hong Kong, including the Mainland, the United States and Thailand.

#### Updates on Schedules 1 and 2

12. Members noted that the Administration had advised the trade that as new pesticides and new applications on crops keep emerging, the lists of MRLs / EMRLs and exempted pesticides respectively in Schedules 1 and 2 to the Regulation would be updated by DFEH regularly. To this end, traders were welcomed to make proposals accompanied by sufficient supporting information to DFEH for consideration. DFEH might incorporate the proposals received in the next updating exercise of Schedules 1 and 2, taking into account the latest international developments, consistency with the existing list, availability of relevant supporting information and reference materials for testing, and whether the limits concerned could pass risk assessment.

#### Regulation of "green food"

13. There was a concern about the regulation of those food products which were claimed to be "green food". The Administration advised that irrespective of the claims, all food for human consumption needed to comply with the Regulation. The level of pesticide residues in food should not exceed the MRLs / EMRLs stipulated in the Regulation. For pesticide residues which were outside the list of MRLs / EMRLs, a risk assessment approach would be adopted to cater for new pesticides which were found to be acceptable from public health perspective.

#### Tests on pesticide residues

14. In response to Members' concern about how tests on pesticide residue in food were conducted, the Administration advised that CFS would collect food samples for testing of pesticide residues as part of its regular food surveillance programme. Under the risk-based food surveillance programme, samples at import, wholesale and retail levels would be taken for chemical (including pesticide residues) and microbiological testing to ensure that all food complied with local legislative requirements and were fit for human consumption.

15. Some members expressed concern about the testing services on pesticide residues in vegetables and the relevant costs to be incurred by food traders. They sought information on the testing services provided by the Vegetable Marketing Organization ("VMO"), and the follow-up actions taken by VMO and the Administration should the test results indicate the presence of pesticide residues.

16. According to the Administration, VMO was a non-profit making organization, providing trading facilities, pesticide residue testing and accounting services to vegetables wholesalers and buyers. A pesticide residue testing laboratory was set up by VMO to ensure that vegetables marketed through it were wholesome and safe. The testing cost was fully borne by VMO with no extra charge on vegetables wholesalers. If the presence of residues of highly toxic pesticides or excessive level of pesticide residues was shown in test result, VMO would immediately advise the wholesaler concerned to stop selling the vegetables in question and issued a warning letter reminding the wholesaler that the supplying farm should adhere to the principle of safe and proper use of pesticides in vegetable production. VMO would also refer suspected cases to the Food and Environmental Hygiene Department for follow-up actions and step up monitoring and testing of vegetables of the wholesaler concerned.

### **Latest development**

17. The Administration will consult the Panel on the legislative proposals to update the Schedules to the Regulation on 14 January 2014.

### **Relevant papers**

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

**Relevant papers on  
Regulation of pesticide residues in food in Hong Kong**

<b>Committee</b>	<b>Date of meeting</b>	<b>Paper</b>
Panel on Food Safety and Environmental Hygiene	13.11.2007 (Item V)	<a href="#">Agenda</a> <a href="#">Minutes</a>
	12.7.2011 (Item V)	<a href="#">Agenda</a> <a href="#">Minutes</a>
	12.6.2012 (Item VI)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Subcommittee on Pesticide Residues in Food Regulation	--	<a href="#">Report of the Subcommittee on Pesticide Residues in Food Regulation to the House Committee meeting on 22 June 2012</a>