

立法會
Legislative Council

LC Paper No. CB(2)384/14-15(13)

Ref : CB2/PL/FE

Panel on Food Safety and Environmental Hygiene

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 9 December 2014**

Implementation of the Pesticide Residues in Food Regulation (Cap. 132CM)

Purpose

This paper provides background information and highlights the major concerns of members of the Panel on Food Safety and Environmental Hygiene ("the Panel") on issues concerning the implementation of the Pesticide Residues in Food Regulation (Cap. 132CM) ("the Regulation").

Background

2. On 26 April 2012, the Director of Food and Environmental Hygiene, in exercise of the power under section 55(1) of the Public Health and Municipal Services Ordinance (Cap. 132), made the Regulation with a view to strengthening the regulation of pesticide residues in food to protect public health and promote harmonization between local and international standards. The Regulation came into operation in 1 August 2014 after a two-year grace period. There are two Schedules to the Regulation - (a) Schedule 1 specifies a list of maximum residue limits / extraneous maximum residue limits for certain pesticide-food pairs (i.e. the maximum concentration of specified pesticide residues permitted in specified food commodities); and (b) Schedule 2 specifies a list of exempted pesticides. Unless the pesticide used on a type of food is exempted as listed in Schedule 2, 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 any pesticide residue 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.

3. Any person who imports, manufactures or sells any food not in compliance with the requirements of the Regulation concerning pesticide residues commits an offence and is liable to a maximum fine of HK\$50,000 and to imprisonment for six months.

4. Following the implementation of the Regulation on 1 August 2014, there were media reports that the Mainland vegetable traders had temporarily stopped exporting four kinds of vegetable (namely spinach, leaf mustard, green string beans and white string beans) to Hong Kong. However, the Administration had confirmed with the relevant Mainland authorities that no suspension of export had been imposed on the four kinds of vegetable.

5. The Centre for Food Safety ("CFS") detected excessive pesticide residues in vegetable samples on 28 August 2014. The Panel held a special meeting on 3 September 2014 to discuss the supply of vegetables and food safety issues following the implementation of the Regulation.

Deliberations of the Panel

6. Major views and concerns of the Panel members on issues relating to the implementation of the Regulation are summarized below.

Supply of vegetables

7. Noting that the import of the four kinds of vegetable had dropped significantly following the implementation of the Regulation on 1 August 2014, members expressed concern about the impact of the Regulation on the supply and prices of fresh vegetables from the Mainland. There was a view that the substantial increase in the testing costs borne by vegetable importers might affect the prices of imported vegetables and urged the Administration to provide assistance to these vegetable importers.

8. The Administration advised that, on the premise of safeguarding food safety and public health, the number of pesticides being regulated under the Regulation had been increased substantially. Some importers might incur additional operating cost to comply with the new statutory requirements. According to the figures of supply of vegetables recorded at the Vegetable Marketing Organization ("VMO") and the wholesale markets, the overall supply of vegetables had remained stable though there had been a drop in the supply of the four kinds of vegetable concerned. Regarding the assistance provided for

the trade, CFS had conducted a series of briefings for the trade, as well as technical meetings and workshops on pesticides residues testing for the testing industry to help them develop and equip themselves with the relevant laboratory techniques. Food safety experts of CFS had also participated in briefing sessions organized by the Mainland's inspection and quarantine authorities on the requirements of the Regulation for registered vegetable farmers and the operators of the vegetable production and processing establishments in the Mainland.

Control on food safety of imported vegetables at source

9. Concern was raised as to whether CFS had got hold of the basic information on individual registered vegetable farms in the Mainland such as their output amount, the environment of the farms, condition of soil and records of pesticide application, etc. There was also a concern about the effectiveness of the Administration's inspection visits to the registered vegetable farms and production and processing establishments in the Mainland in ensuring food safety at source. An enquiry was raised about the level of involvement of CFS in the selection process of registered farms and production and processing establishments for inspection visits by CFS staff.

10. According to the Administration, the farms and production and processing establishments for inspection visits were selected through an interactive process between CFS and the General Administration of Quality Supervision, Inspection and Quarantine ("AQSIQ"). The choices were made with regard to CFS's views. Inspection visits to registered vegetable farms were only part of the mechanism for monitoring food safety of imported fresh vegetables. The control started at the source of vegetables that all imported fresh vegetables must be supplied from registered vegetable farms. Vegetable production and processing establishments and the Mainland inspection and quarantine authorities regularly took samples of vegetables for testing before the consignments were delivered to the Man Kam To Check Point ("MKTCP"). Food tests were also carried out at the import (i.e. at MKTCP), wholesale and retail levels to safeguard the food safety of vegetables. CFS would step up the public education and publicity work to enhance the public's knowledge of handling fresh vegetables to safeguard public health. The Administration would continue to maintain close liaison with AQSIQ to monitor the safety of vegetables supplied to Hong Kong.

Testing for imported vegetables

11. There was a suggestion that CFS should enhance the sampling programme for food surveillance on imported vegetables, and step up the testing

for imported vegetables by setting up at wholesale vegetable markets new testing facilities similar to the Pesticides Residues Laboratory managed by VMO at the Cheung Sha Wan Vegetable Wholesale Market. The Administration advised that the sampling programme was under continuous review, taking into account factors including the consumption pattern of various kinds of vegetable, the toxicity of pesticides applied and the past surveillance results. The existing monitoring system was considered robust enough to ensure the food safety of imported vegetables. There was no imminent need for providing additional testing facilities at wholesale vegetable markets.

Latest development

12. According to the press release issued by CFS on 27 November 2014, CFS has taken over 8 500 food samples at import, wholesale and retail levels for testing for pesticide residues since the Regulation came into effect on 1 August 2014. A total of 28 vegetable samples have been detected to have excessive pesticide residues and the overall unsatisfactory rate is less than 0.4%. CFS would follow up on the unsatisfactory results, including tracing the sources of the food in question and taking different samples of vegetables for testing so as to protect public health.

13. The Panel will discuss with the Administration the implementation of the Regulation at the meeting on 9 December 2014.

Relevant papers

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

**Relevant papers on the implementation of
the Pesticide Residues in Food Regulation (Cap. 132CM)**

Committee	Date of meeting	Paper
Panel on Food Safety and Environmental Hygiene	3.9.2014 (Item I)	Agenda

Council Business Division 2
Legislative Council Secretariat
4 December 2014