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Panel on Food Safety and Environmental Hygiene

**Information note prepared by the Legislative Council Secretariat
for the meeting on 13 June 2017**

Public consultation on the proposed regulation of metallic contamination in food

The Food Adulteration (Metallic Contamination) Regulations (Cap. 132V) ("the Regulations") regulates the level of metallic contaminants in food and prescribes the maximum permitted concentration of seven specified metals (i.e. antimony, arsenic, cadmium, chromium, lead, mercury and tin) present in specific food types. Their respective maximum permitted concentration is set out in the **Annex**.

2. The subject matter has not been discussed by the Panel on Food Safety and Environmental Hygiene ("the Panel"). That said, when the Panel received the Administration's report on the Centre for Food Safety ("CFS")'s Food Surveillance Programme for 2013 at the meeting on 11 March 2014, there was concern that CFS had adopted laxer standards for certain heavy metal (e.g. cadmium) in food than those of the Codex Alimentarius Commission ("Codex"), the European Union, Australia and the Mainland. Expressing concern about the food safety in Hong Kong, some members called on the Expert Committee on Food Safety ("the Expert Committee") to review and adopt more stringent standards to safeguard public health. The Administration advised that the Expert Committee had commenced a review of the need for revising the maximum permitted levels of heavy metals and other harmful substances in food. It would make reference to standards adopted by Codex and major food exporting countries as well as data from other up-to-date scientific studies and analyses. The Administration undertook to consult members' views on the results of the review once available.

3. At the Council meeting of 4 February 2015, Dr Hon Helena WONG raised an oral question on metal content standards in food. According to the Administration's reply, while the maximum permitted concentration of the seven specified metals present in specific food types had not been modified since the enactment of the Regulations in 1983, the Regulations contained provisions which explicitly prohibited the import, manufacturing and sale of any food containing any metal in such amount as to be dangerous or prejudicial to health. Offenders would be liable to a maximum fine of \$50,000 and imprisonment up to six months. In order to bring the provisions into effect to safeguard food safety, CFS would conduct a risk assessment to determine whether a food item contained any metal in such amount as to be dangerous or prejudicial to health. In doing so, CFS would take into account the health effect of consuming that food item as well as the probable cumulative health effect of consuming such item in ordinary quantity.

4. As regards the discrepancies with Codex's metallic contamination standards, the Administration's advice was that while some standards were more lenient than those of Codex (such as the lead limits in beef, pork and mutton), some were more stringent (such as the cadmium limits in leafy vegetable and rice). It was also noteworthy that the food classification under the laws of Hong Kong and that adopted by Codex were different. The Food and Health Bureau planned to carry out a public consultation exercise in 2017 on proposals to update the maximum permitted concentration of various metallic contaminants as set out in the Regulations, with a view to promoting harmonization between local and international standards and enhancing protection to public health. The approach was to amend the Regulations on the basis of the Codex standards, having regard to local food consumption behaviour.

5. The Administration will brief the Panel on the subject at the meeting on 13 June 2017.

(A) Maximum Permitted Concentration of Certain Metals Naturally Present in Specified Foods

Metal	Description of food	Maximum permitted concentration in parts per million
Arsenic (AS ₂ O ₃)	Solids being fish and fish products	6
	Solids being shellfish and shellfish products	10

(B) Maximum Permitted Concentration of Certain Metals Present in Specified Foods

Metal	Description of food	Maximum permitted concentration in parts per million
Antimony (Sb)	Cereals and vegetables	1
	Fish, crab-meat, oysters, prawns and shrimps	1
	Meat of animal and poultry	1
Arsenic (AS ₂ O ₃)	Solids other than-	
	(i) fish and fish products; and	
	(ii) shellfish and shellfish products	1.4
	All food in liquid form	0.14
Cadmium (Cd)	Cereals and vegetables	0.1
	Fish, crab-meat, oysters, prawns and shrimps	2
	Meat of animal and poultry	0.2
Chromium (Cr)	Cereals and vegetables	1
	Fish, crab-meat, oysters, prawns and shrimps	1
	Meat of animal and poultry	1
Lead (Pb)	All food in solid form	6
	All food in liquid form	1
Mercury (Hg)	All food in solid form	0.5
	All food in liquid form	0.5
Tin (Sn)	All food in solid form	230
	All food in liquid form	230