

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1918/17-18  
(These minutes have been seen  
by the Administration)

Ref : CB2/SS/11/17

**Subcommittee on Food Adulteration (Metallic Contamination)  
(Amendment) Regulation 2018**

**Minutes of meeting  
held on Tuesday, 26 June 2018, at 10:45 am  
in Conference Room 3 of the Legislative Council Complex**

**Members present** : Hon Steven HO Chun-yin, BBS (Chairman)  
Dr Hon Helena WONG Pik-wan (Deputy Chairman)  
Dr Hon KWOK Ka-ki  
Hon HO Kai-ming  
Hon SHIU Ka-fai  
Hon LAU Kwok-fan, MH

**Public Officers attending** : Item II

Mr Eugene FUNG Kin-yip, JP  
Deputy Secretary for Food and Health (Food) 2

Dr HO Yuk-yin, JP  
Controller, Centre for Food Safety  
Food and Environmental Hygiene Department

Dr Samuel YEUNG Tze-kiu  
Consultant (Community Medicine) (Risk Assessment  
and Communication), Centre for Food Safety  
Food and Environmental Hygiene Department

Ms Angie LI Sau-lee  
Senior Government Counsel  
Department of Justice

Miss Bonita WONG Man-yin  
Government Counsel  
Department of Justice

**Clerk in attendance** : Miss Josephine SO  
Chief Council Secretary (2) 2

**Staff in attendance** : Ms Clara TAM  
Assistant Legal Adviser 9

Ms Wendy LO  
Senior Council Secretary (2) 2

Miss Cally LAI  
Legislative Assistant (2) 2

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Action

**I. Election of Chairman and Deputy Chairman**

Election of Chairman

Mr Steven HO, the member who had the highest precedence in Council among members of the Subcommittee present, presided over the election of the Chairman. Mr HO invited nominations for the chairmanship of the Subcommittee.

2. Mr Steven HO was nominated by Mr SHIU Ka-fai and the nomination was seconded by Mr LAU Kwok-fan. Mr Steven HO accepted the nomination. Dr Helena WONG, the member who had the highest precedence in Council among members present other than Mr Steven HO, then presided over the election of the Chairman. As there was no other nomination, Dr WONG declared Mr Steven HO elected as the Chairman of the Subcommittee. Mr HO then took the chair.

Election of Deputy Chairman

3. The Chairman called for nominations for the deputy chairmanship of the Subcommittee. Dr Helena WONG was nominated by Mr SHIU Ka-fai and the nomination was seconded by Mr HO Kai-ming. Dr Helena WONG accepted the nomination. As there was no other nomination, the Chairman declared Dr Helena WONG elected as the Deputy Chairman of the Subcommittee.

## **II. Meeting with the Administration**

(L.N. 113 of 2018, File Ref: FHB/F/5/1/8/2, LC Paper Nos. CB(2)1665/17-18(02)&(03) and LS69/17-18)

4. The Subcommittee deliberated (index of proceedings attached at **Annex A**).

### Follow-up actions required of the Administration

5. The Administration was requested to provide written response to issues arising from the discussion at the meeting as set out in **Annex B**.

*(Post-meeting note: The Chinese and English versions of the Administration's response were issued to members vide LC Paper Nos. CB(2)1746/17-18 and CB(2)1771/17-18 respectively on 4 and 6 July 2018).*

### Legislative timetable

6. The Chairman concluded that the Subcommittee had completed consideration of the policy aspect and examination of the provisions of the Food Adulteration (Metallic Contamination) (Amendment) Regulation 2018 ("the Amendment Regulation").

7. Members agreed that subject to any views members might have on the written response to be provided by the Administration, the Chairman would decide whether a further meeting was necessary.

8. Members noted that the scrutiny period of the Amendment Regulation would expire at the Council meeting of 11 July 2018, and the deadline for giving notice of amendment to the Amendment Regulation was 4 July 2018 if the scrutiny period was not extended. Members agreed that to allow time for the Administration to draw up and members to consider the Administration's written response, a notice would be given for moving a proposed resolution at the Council meeting of 4 July 2018 to extend the period for amending the Amendment Regulation to the first Council meeting of the next session.

*(Post-meeting note: Members were informed vide LC Paper No. CB(2)1777/17-18 issued on 6 July 2018 that the Secretariat had not received by the specified deadline any request from members for holding a meeting to discuss the Administration's written response to the issues raised at the meeting on 26 June 2018. In this connection, the Subcommittee had completed the scrutiny of the Amendment Regulation.)*

Action

**III. Any other business**

9. There being no other business, the meeting ended at 12:54 pm.

Council Business Division 2  
Legislative Council Secretariat  
6 August 2018

**Proceedings of the meeting of the Subcommittee on  
Food Adulteration (Metallic Contamination) (Amendment) Regulation 2018  
on Tuesday, 26 June 2018, at 10:45 am  
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)/Discussion	Action Required
000414 - 000604	Mr Steven HO Mr SHIU Ka-fai Mr LAU Kwok-fan Dr Helena WONG	Election of Chairman	
000605 - 000648	Chairman Dr Helena WONG Mr SHIU Ka-fai Mr HO Kai-ming	Election of Deputy Chairman	
000649 - 001005	Chairman Admin	The Administration's briefing on the Food Adulteration (Metallic Contamination) (Amendment) Regulation 2018 ("the Amendment Regulation").	
001006 - 001819	Chairman Mr SHIU Ka-fai Admin	<p>Mr SHIU Ka-fai said that the trade did not have particular views on the maximum levels ("MLs") for the 14 metallic contaminants in respect of different food/food groups set out in the Amendment Regulation. However, the Hong Kong Dried Sea Food &amp; Grocery Merchants Association Limited ("the Association") had expressed concern whether the regulatory control of metallic contamination in edible fungi in a dried or dehydrated form had been covered under the existing Food Adulteration (Metallic Contamination) Regulations (Cap. 132V) (the Regulations"), or it was a new item to be covered under the Amendment Regulation and whether dried mushrooms (a kind of fungi) currently available for sale in Hong Kong would contain any specified metals in excess of the new standards.</p> <p>Mr SHIU's enquiries and the Administration's responses on:</p> <p>(a) the principles for the application of MLs on food in a dried, dehydrated or concentrated form under the Regulations and the Amendment Regulation; and</p> <p>(b) whether any consultation was conducted with the trade on MLs set for edible fungi.</p>	

Time marker	Speaker	Subject(s)/Discussion	Action Required
		<p>Mr SHIU hoped that arrangements could be made for extending the scrutiny period of the Amendment Regulation from the Council meeting of 11 July 2018 to the first Council meeting of the next session, so as to allow the Subcommittee more time to consider the Amendment Regulation. Mr SHIU advised that the Association had commissioned a laboratory to test the metallic contaminants in edible fungi on sale in the market, with a view to assessing the possible impact of the new MLs for metallic contaminants on the future supply of relevant food.</p>	
001820 - 004029	Chairman Deputy Chairman Admin	<p>While indicating support for updating the standards in the Regulations, the Deputy Chairman expressed worries that relaxing MLs for cadmium in polished rice and leafy vegetables from 0.1 mg/kg to 0.2 mg/kg might expose the general population to a higher health risk. In the Deputy Chairman's view, since the adoption of the existing standard (presented as "maximum permitted concentrations ("MPCs")") for cadmium of 0.1 mg/kg did not have any adverse impact on the supply of rice and leafy vegetables in Hong Kong, it was more appropriate to retain the existing standard for cadmium in polished rice and leafy vegetables for better protection of public health. The Deputy Chairman called on the Administration to consider reverting MLs for cadmium in these two food items to 0.1 mg/kg, or else she would consider moving amendments to the Amendment Regulation to that effect.</p> <p>The Administration's elaboration on the justifications for adopting MLs of 0.2 mg/kg for cadmium in polished rice and leafy vegetables respectively, including the standards of the Codex Alimentarius Commission ("Codex"), local food consumption pattern and dietary practices, results of local risk assessment studies and total diet study conducted in the past, the assessment that the overall quality of rice would unlikely be adversely affected given that the proposed MLs of the other five metallic contaminants on rice would be far more stringent than or the same as the existing standards, as well as the relevant standards of other economies.</p>	

Time marker	Speaker	Subject(s)/Discussion	Action Required
		<p>The Deputy Chairman's enquiry and the Administration's response on the results of tests for metallic contamination in polished rice and leafy vegetables conducted by the Centre for Food Safety ("CFS") under its routine food surveillance programme on samples of such foods taken for laboratory testing in the past few years.</p>	
004030 - 005436	Chairman Admin	<p>The Chairman's enquiries and the Administration's responses on (a) the trend of local consumption of rice in recent decades and (b) intake of cadmium through consumption of rice and other types of foods.</p> <p>The Chairman's view that the Administration should step up publicity to convince the public that MLs of 0.2 mg/kg for cadmium in both polished rice and leafy vegetables were adequate to protect public health and comparable to MLs adopted by other economies.</p>	
005437 - 005912	Chairman Deputy Chairman Admin	<p>The Deputy Chairman's enquiries and the Administration's responses on:</p> <p>(a) the justifications for adopting an ML of 0.35 mg/kg for inorganic arsenic in husked rice, while setting the standard for the same metallic contaminant in polished rice at 0.2 mg/kg; and</p> <p>(b) whether there would be any impact on the supply of husked rice if the standard for inorganic arsenic was tightened from 0.35 mg/kg to 0.2 mg/kg.</p>	
005913 - 011737	Deputy Chairman Chairman Admin	<p>The Deputy Chairman's enquiry and the Administration's response on the justifications for relaxing the standard for cadmium in leafy vegetables from 0.1 mg/kg to 0.2 mg/kg, while tightening the standard for cadmium in bulb vegetables, Brassica vegetables (other than Brassica leafy vegetables), fruiting vegetables (cucurbits) and fruiting vegetables (other than cucurbits and tomatoes) from 0.1 mg/kg to 0.05 mg/kg.</p> <p>The Administration's explanation on the relevant factors taken into account when the existing MPCs for cadmium in polished rice</p>	

Time marker	Speaker	Subject(s)/Discussion	Action Required
		and leafy vegetables at 0.1 mg/kg was set in 1980s, and that the principle was to adopt Codex's standards as far as possible.	
011738 - 012150	Deputy Chairman Chairman The Clerk	Legislative timetable in relation to the Amendment Regulation.	
012151 - 012418	Admin Chairman Deputy Chairman Clerk	Examination of the provisions of the Amendment Regulation (Annex to the Legislative Council Brief: FHB/F/5/1/8/2).  <u>Section 1 - Commencement</u>  The commencement date of the Amendment Regulation.	
012419 - 013436	Admin Chairman Deputy Chairman ALA9	<u>Section 2 - Food Adulteration (Metallic Contamination) Regulations amended</u>  <u>Section 3 - Regulation 2 amended (interpretation)</u>  Discussion on the drafting of the definition of "metal".	
013437 - 013628	Chairman Mr SHIU Ka-fai Deputy Chairman Admin	The Subcommittee's agreement that notice should be given for moving a proposed resolution at the Council meeting of 4 July 2018 to extend the period for amending the Amendment Regulation to the first Council meeting of the next session.	
013629 - 014349	Admin Chairman Deputy Chairman	<u>Section 4 - Regulation 3 substituted</u>  <u>New regulation 3(1)</u>  The Chairman's enquiry and the Administration's response regarding the defences available to persons who contravened regulation 3.  <u>New regulation 3(2)(b)</u>  Discussion on how ML of a specified metal in food products was to be interpreted, in case the food products had gone through a process of drying, dehydration or concentration.  <u>Section 5 - Regulation 3AA added</u>	

Time marker	Speaker	Subject(s)/Discussion	Action Required
014350 - 014658	Admin Chairman Deputy Chairman	<p><u>Sections 6 to 8</u></p> <p><u>Section 9 - Regulation 7 added</u></p> <p>Different grace periods allowed for fresh and non-fresh foods.</p>	
014659 - 015924	Admin Chairman Deputy Chairman	<p><u>Section 10 - First Schedule substituted</u></p> <p>The Deputy Chairman's enquiries and the Administration's responses on (a) MLs set for oysters; (b) the impact on supply of fish if ML for inorganic arsenic in fish was set at 0.1 mg/kg; and (c) the justifications for adopting an ML of 0.5 mg/kg for methylmercury in fish (including predatory fish) to replace the existing MPC of 0.5 mg/kg for total mercury in fish, which was more stringent than the standard of 1 mg/kg for predatory fish adopted by Codex.</p> <p>Extension of the meeting time.</p>	
015925 - 021237	Chairman Deputy Chairman ALA9 Admin	<p>The Administration was requested to provide the following supplementary information:</p> <p>(a) in relation to the 144 MLs for the 14 metallic contaminants in respect of different food/food groups set out in the Amendment Regulation,</p> <p>(i) a stocktake of MLs (i.e. how many and which) that were brought in line with or, vice versa, did not follow the corresponding standards of Codex; and for those MLs which did not follow the relevant Codex standards, whether or not they were more stringent than Codex;</p> <p>(ii) a summary of MLs established for food/food groups which were of significance to the population in Hong Kong and where there was no relevant Codex ML and explanation on how these MLs were established;</p> <p>(iii) a comparison between MLs set out in the Amendment Regulation and the existing MPCs in the Regulations, viz. the respective numbers of MLs which</p>	<b>Admin</b> (Annex B refers)

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)/Discussion</b>	<b>Action Required</b>
		<p>were newly established standards; more stringent than the existing MPCs, less stringent than the existing MPCs or either the same as the existing MPCs; or the food groups of which were not comparable with those of the existing MPCs; and</p> <p>(b) the justifications of adopting an ML of 5 mg/kg for lead in both tea (green, black) and dried chrysanthemum; and the results of tests for metallic contamination (including lead) in tea leaves and dried chrysanthemum conducted by CFS under its routine food surveillance programme on samples of such foods taken for laboratory testing in the past few years.</p>	
021238 - 021402	Chairman	<p>The Chairman's closing remarks.</p> <p>Completion of consideration of the policy aspect and examination of the provisions of the Amendment Regulation.</p>	

**Subcommittee on Food Adulteration (Metallic Contamination)  
(Amendment) Regulation 2018****List of follow-up actions arising from the discussion  
at the meeting on 26 June 2018**

The Administration was requested to provide the following supplementary information:

- (a) in relation to the 144 maximum levels ("MLs") for the 14 metallic contaminants in respect of different food/food groups set out in the Food Adulteration (Metallic Contamination) (Amendment) Regulation 2018 ("the Amendment Regulation"),
  - (i) a stocktake of MLs (i.e. how many and which) that were brought in line with or, vice versa, did not follow the corresponding standards of the Codex Alimentarius Commission ("Codex"); and for those MLs which did not follow the relevant Codex standards, whether or not they were more stringent than Codex;
  - (ii) a summary of MLs established for food/food groups which were of significance to the population in Hong Kong and where there was no relevant Codex ML and explanations on how these MLs were established;
  - (iii) a comparison between MLs set out in the Amendment Regulation and the existing maximum permitted concentrations ("MPCs") in the Food Adulteration (Metallic Contamination) Regulations (Cap. 132V), viz. the respective numbers of MLs which were newly established standards; more stringent than the existing MPCs, less stringent than the existing MPCs or either the same as the existing MPCs; or the food groups of which were not comparable with those of the existing MPCs; and
- (b) the justifications of adopting an ML of 5 mg/kg for lead in both tea (green, black) and dried chrysanthemum; and the results of tests for metallic contamination (including lead) in tea leaves and dried chrysanthemum conducted by the Centre for Food Safety under its routine food surveillance programme on samples of such foods taken for laboratory testing in the past few years.