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## Hong Kong

**Post:** Hong Kong

### Hong Kong Reviewing Metallic Contamination Controls

**Report Categories:**

Sanitary/Phytosanitary/Food Safety

WTO Notifications

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**Report Highlights:**

Hong Kong intends to strengthen its metallic contamination control in food by amending its obsolete Food Adulteration (Metallic Contamination) Regulations which was last updated in 1983. The Hong Kong government (HKG) has launched a 3-month public consultation on the proposed amendments which will last until September 5. The HKG has also notified the World Trade Organization (WTO) of its Regulations amendment initiative by notification SPS/N/HKG/42.

## **Background**

The current statutory control on metallic contamination in foods is covered by the general food regulation which stipulates that all food for sale must be fit for human consumption and the more specific regulation, Food Adulteration (Metallic Contamination). The Metallic regulation stipulates 19 maximum levels with respect to 7 metallic contaminants, namely:

- Arsenic\*
- Antimony
- Cadmium
- Chromium
- Lead \*
- Mercury\*
- Tin\*

\* The corresponding food categories of these 4 metallic contaminants cover all food items while others (without asterisk) refer to specific food categories.

## **Proposed Amendments to the Regulations – Basic Principles**

At a recent HKG-sponsored trade forum, a Hong Kong Center for Food Safety (CFS) official explained that the amendments will bring the regulations into adherence with international practices and the HKG will adopt the following principles in updating the Regulations:

- a) The proposed amendments will set MLs for metallic contaminants with respect to individual food categories. The existing “all food categories” covered by the four metallic contaminants, (namely, arsenic, lead, mercury and tin) will be replaced with specific food items, as appropriate.
- b) To harmonize with international food standards, the proposed amendments will adopt all Codex MLs on metallic contaminants, except for 7 Codex MLs. The HKG explained that these exceptions are based on local dietary considerations. These 7 exceptions are:
  - Codex ML for cadmium in “rice, polished”
  - Codex ML for methylmercury in predatory fish
  - 5 Codex MLs for tin in certain meat products in containers other than tinplate containers.
- c) The proposed amendments establish MLs for certain food groups which are of relevance to the local population based on domestic dietary pattern despite the absence of Codex metallic contaminant ML – food category pairings.
- d) The proposed amendments will update the food descriptions and nomenclatures with reference to those of Codex and of other jurisdictions as appropriate.
- e) The proposed amendments will incorporate interpretation of MLs with reference to Codex

guidance with respect to multi-ingredient products and food in a dried, dehydrated or concentrated form.

## **Comparison between the Proposed Amendments and the Existing Regulations**

Compared to the 7 metallic contaminants covered in the existing Regulations, the proposed amendments raise the number to 14. The proposed additions are:

- Barium
- Boron
- Copper
- Manganese
- Nickel
- Selenium
- Uranium

MLs of these newly added metallic contaminants are set exclusively with regard to “natural mineral waters” and “bottled/packaged drinking waters.”

The proposed amendments increase the number of MLs to 145 compared to the 19 MLs listed in the existing regulations. The increase of MLs is due to the fact that the amendments set MLs for specific food items instead of for “all food in solid/liquid form” as is the case of the existing Regulations.

Of the 145 proposed MLs, 90 of them are more stringent than the existing maximum permitted concentrations and 6 of them are less stringent than the existing maximum permitted concentrations.

## **Highlights**

### *Cadmium in Rice*

Considering the dietary pattern of Hong Kong people, the CFS intends to follow the EU, Korea, China and Singapore by setting the cadmium ML in polished rice at 0.2 mg/kg, which is lower than Codex level of 0.4 mg/kg.

While the proposed ML is more stringent than Codex, it is more lax than the existing level of 0.1 mg/kg.

### *Cadmium in Leafy Vegetables*

The proposed cadmium ML in leafy vegetables conforms to Codex standard of 0.2 mg/kg. This proposed amendment is conducive to U.S. exports because U.S. leafy vegetables have occasionally been detected at cadmium level exceeding the current Hong Kong standard of 0.1 mg/kg. Retailers were asked to remove products from the shelf following each detection which discourages future sales demand.

### *Methylmercury in Predatory Fish*

The CFS proposes the adoption of a more stringent methylmercury ML (0.5 mg/kg) in predatory fish than the Codex standard (1 mg/kg) because a Hong Kong Total Diet Study showed that 11 percent of Hong Kong women aged 20-49, within childbearing age, had dietary exposure to methylmercury at

unsatisfactory level and fish is the major dietary source of methylmercury.

However, the industry reflected that it is unfair to bear the penalty for violation as it has no control on the metallic concentration in predatory fish versus farmed fish.

#### *Lead in a variety of foods*

It is noteworthy that while adhering to the Codex standard, the proposed lead ML in a variety of foods, including produce, seafood and meat products is drastically reduced from 6 mg/kg to levels ranging from 0.05 to 1.5 mg/kg.

**Table : Comparison of MLs among existing Regulations, proposed Amendments and Codex**

Products	Existing Standard (mg/kg)	Proposed Amendments (mg/kg)	Codex (mg/kg)
<b><i>Lead</i></b>			
Fruits	6	0.1	0.1
Leafy vegetables	6	0.3	0.3
Meat of poultry & pigs	6	0.1	0.1
Bivalve molluscs	6	1.5	1.5
<b><i>Cadmium</i></b>			
Rice	0.1	0.2	0.4
Leafy vegetables	0.1	0.2	0.2
<b><i>Methylmercury</i></b>			
Predatory fish	0.5 (mercury ML)	0.5	1*
<b><i>Tin</i></b>	230 (in all foods)	250 (in canned foods)	50 (cooked cured chopped meat, cooked cured ham, cooked cured pork shoulder, corned beef and luncheon meat in containers other than tinplate containers.)

\*Codex has established a guideline level of 1 mg/kg of methylmercury in predatory fish

#### **General Views of the Industry**

At the trade forum, some industry members expressed concern about the detection of metallic contaminants in food whereby no corresponding ML has been stipulated in the regulations. The government official indicated that general food surveillance usually monitors contaminants listed in the regulations. The CFS will initiate testing on unlisted contaminants only when there is public concern over those particular metallic contaminants in certain food products. However, in cases when metallic contaminants are found in food and they do not have a ML listed in the regulations, the CFS will conduct a risk assessment based on local food consumption data. If the risk assessment result shows that the food is considered unfit for human consumption, enforcement actions would be considered.

The CFS officials indicated that based on general food surveillance, most foods available in the domestic market generally could comply with the proposed standards.

### **Time Frame**

At this stage, the Hong Kong government has not specified any time frame for the implementation of the amended regulations. Officials indicated that the consultation will last for three months until September 5, 2017 and the CFS is prepared to report to Legislative Council on the result of public consultation by the end of 2017.

The government pledged that it would provide trade with a grace period to adapt to legislative changes. Based on previous legislative amendment exercises, the grace period usually covers about 18 months. Presently, government officials have not made any indications as to the length of the grace period.

### **Consultation**

The HKG is inviting the public to submit comments on the proposed amendments on or before September 5, 2017 to the following:

Center for Food Safety  
Food and Environmental Hygiene Department  
43/F, Queensway Government Offices  
66 Queensway, Hong Kong  
Fax: 852-28933547  
Email: [metal\\_consultatin@fehd.gov.hk](mailto:metal_consultatin@fehd.gov.hk)

U.S. industries may want to copy comments to ATO Hong Kong at [atohongkong@fas.usda.gov](mailto:atohongkong@fas.usda.gov)

The full consultation is available at the [CFS website](#).