

**Business Facilitation Advisory Committee
Retail Task Force**

Proposed Amendments to the Preservatives in Food Regulations

Purpose

This paper briefs Members on the latest progress of the proposed amendments to the Preservatives in Food Regulations (Cap 132BD).

Background

2. The regulation of the conditions of the use of preservatives and antioxidants and the maximum levels that the specified food may contain is governed by Cap 132BD under the Public Health and Municipal Services Ordinance (Cap 132). Cap 132BD stipulates that any food being imported, manufactured for sale, or sold should only contain permitted preservatives and antioxidants and in the proportion specified.

3. To bring about harmonization of the local legislation and international development, in terms of the framework of the regulatory regime, the types of preservatives and antioxidants regulated and the levels of the standards, the Administration proposes to introduce amendments to Cap 132BD. The proposed amendments are made with reference to the General Standard on Food Additives (GSFA) and relevant standards of Codex Alimentarius Commission (Codex)¹. The proposed amendments will provide the trade and consumers with more choices through permitting the use of more preservatives and antioxidants that have been evaluated as safe and permitted for use internationally.

Major Amendments to be Introduced

4. The gist of the proposed amendments to Cap 132BD is set out as follows:

¹ The Codex Alimentarius Commission was established in 1963 by the World Health Organization (WHO) and the Food and Agriculture Organization (FAO) to develop international food standards, guidelines and related texts.

Definitions

5. We propose to expand the definition of “antioxidant” to cover also food additives which protect foodstuffs against colour changes. Some examples of permissible antioxidant newly included in the amended definition include Guaiac resin, Tertiary butylhydroquinone (TBHQ) and Thiodipropionic acid.

Number of permitted preservatives/antioxidants and levels

6. We propose to incorporate those preservatives and antioxidants, as well as their permitted levels of use, in the Codex GSFA into Cap 132BD. These proposed amendments will bring about an increase of 11 new types of permitted preservatives or antioxidants², while the permissible levels for existing individual preservatives or antioxidants may be unchanged, relaxed or tightened.

Merging of Schedules in Cap 132BD

7. We propose to combine the existing list of permitted preservatives and that of antioxidants, i.e. Part I and Part II of the First Schedule of Cap 132BD, in order to recognize the multi-functional property of food additives, to provide flexibility and to provide the trade and the consumers with more choices on the use of preservatives and antioxidants.

Food Category System

8. In place of the current “product-specific” listing, we propose to develop a Food Category System which is based on the one adopted by the Codex GSFA. The Food Category System is designed to allow the identification of individual foods or classes of foods to which preservatives and antioxidants may be added, and its adoption reflects the international trend of moving away from the so-called “product-specific” legislation. This shift from a product-specific list to a food category system means that there will be an increase in the number of foods in which preservatives or antioxidants are allowed. To cater for local needs, there will be a food category in the Food Category System that covers all existing specified food items that do not belong to any of the food categories under the Codex GSFA system.

9. **To assist the trade to adapt to changes to be brought about by the amendments, in particular the Food Category System, the Centre for Food Safety (CFS) will issue a set of Guidelines.** The Guidelines will include a food descriptor list providing examples of individual food items included in

² Guaiac resin, Isopropyl citrates, Stannous chloride, Tertiary butylhydroquinone (TBHQ), Thiodipropionic acid, Dimethyl dicarbonate, Ferrous gluconate, Formic acid, Hexamethylene tetramine, Lysozyme, Pimaricin

each food category, in particular local food. The food descriptor list will be drawn up with reference to a similar list issued by the Codex.

Consultation

10. To seek the views from members of the public, the trade and other stakeholders on the broad direction and principles of the proposed amendments, CFS published a document in December 2006 for public consultation. Two public forums were organised and four technical meetings were also held with the trade. Majority of the submissions we received during the consultation supported and agreed with the proposed amendments. Some trade representatives requested a longer grace period before implementation of the new requirements. Results of the consultation were reported to the Retail Task Force on 14 May 2007.

Transitional Arrangement

11. Taking into consideration the views of various stakeholders on the transition period and to allow sufficient time for the trade to prepare for the changes, we propose **a transition period of two years**. In order for the trade and the consumers to benefit from the amendments (which will bring about an increase of 11 new types of permitted preservatives or antioxidants and the relaxation of some of the existing permissible levels), we propose that **during the transition period, it is legally in order for any single food item to comply wholly with either the existing Cap 132BD or the amended Cap 132BD**. From the perspective of food safety, both the standards under the existing Cap 132BD and the amended Cap 132BD are adequate to safeguard public health. After the transition period comes to an end, the existing provisions will be repealed and all food must comply with the new requirements.

Way Forward

12. The Administration plans to table the Amendment Regulation to Cap 132BD at the Legislative Council in early 2008.

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January 2008