

Public Consultation on the Refined Regulatory Framework for Pesticide Residues in Food in Hong Kong

Summary of Opinions

On 13 July 2011, the Food and Health Bureau (FHB) and the Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department launched a public consultation on the “Refined Regulatory Framework for Pesticide Residues in Food in Hong Kong” for about two months until 19 September 2011. The proposed regulatory framework aims to better protect public health, facilitate effective regulatory control of pesticide residues in food and promote harmonisation between local and international standards.

2. In the consultation document, it is suggested that a Regulation on Pesticide Residues in Food (the proposed Regulation) under section 55 of the Public Health and Municipal Services Ordinance (Cap.132) with the following key features should be introduced –

- (a) to define “pesticide” and other related terms in a way consistent with the Codex Alimentarius Commission (Codex);
- (b) to provide a list of maximum residue limits (MRLs)/ extraneous maximum residue limits (EMRLs), to adopt MRLs/EMRLs recommended by Codex as the backbone as well as the Codex’s classification of foods;
- (c) to prohibit the import and sale of food with pesticide residues for which no MRL/EMRL has been specified, unless the Director of Food and Environmental Hygiene (DFEH) is satisfied that the detected level will not be dangerous or prejudicial to health;
- (d) to provide a list of exempted substances;
- (e) to accept applications for adding/revising MRLs and exempted substances;
- (f) to dovetail the proposed Regulation with the registration of pesticides for use on local food crops under the Pesticides Ordinance (Cap. 133);

and

(g) to commence the proposed Regulation after a two-year grace period.

3. The Government has received 27 submissions (Annex A) from individuals and organisations, mostly trade associations and consulate generals, during the public consultation period. FHB and CFS have also received views through various channels, including the Legislative Council Panel on Food Safety and Environmental Hygiene, the Retail Task Force under the Business Facilitation Advisory Committee, the Federation of Vegetable Marketing Co-operatives Societies Ltd., the regular trade consultation forums organised by CFS and technical meetings with the food trade. A list of the consultation meetings is at Annex B.

4. The trade and the public in general supported the introduction of a regulatory framework for pesticide residues in food to strengthen the protection of food safety. The majority of views received focused on specific MRLs/EMRLs in the preliminary list mentioned in paragraph 3.8 of the consultation document and sought clarifications on the detailed operation of the framework. The mainstream opinions are summarised in the ensuing paragraphs.

To define “pesticide” and other related terms in a way consistent with Codex

5. Since the majority of fruit and vegetable supplied in Hong Kong are imported from places around the world, there was a consensus that the definitions of “pesticide” and other related terms in the proposed Regulation should be consistent with Codex.

6. Some sought clarification about the scope of the proposed Regulation, for example, whether the definition of “food” covers alcoholic beverages, meat and seafood, and whether food ingredients are covered.

To provide a list of MRLs/EMRLs, to adopt MRLs/EMRLs recommended by Codex as the backbone as well as the Codex’s classification of foods

7. Most supported the proposed two-step approach in formulating the

MRLs/EMRLs list, i.e. to adopt standards recommended by Codex as the backbone, supplemented by related standards of the Mainland and other major food exporting countries to Hong Kong (including the USA and Thailand), and to be followed by scrutiny of the standards by conducting risk assessment to ensure that they are adequate to protect public health in Hong Kong. Some suggested that we should also make reference to standards in other countries, such as Australia, the European Union, Japan, New Zealand and Singapore.

8. A considerable number of respondents from the food trade commented on specific MRLs/EMRLs in the preliminary list mentioned in paragraph 3.8 of the consultation document. Their comments could be broadly categorised into the following two areas –

(a) to relax the limit of specific MRLs in the preliminary list, having regard to comparable standards in other places; and

(b) to add new MRLs which were not in the preliminary list but were allowed in other places.

9. The majority of the trade considered it important for the list to be updated regularly. A couple of respondents suggested updating the list on a yearly basis.

10. A few respondents commented on the proposed food classification system. Some pointed out that a limited number of food commodities were specified in the Codex food classification system, and some vegetables and fruits which were commonly consumed in Hong Kong and fairly unique to Chinese diet might not be covered.

To prohibit the import and sale of food with pesticide residues for which no MRL/EMRL has been specified, unless DFEH is satisfied that the detected level will not be dangerous or prejudicial to health

11. The majority of the trade supported the “modified positive list” approach whereby pesticide residues found outside the MRLs/EMRLs list will be prohibited unless DFEH is satisfied, on the basis of risk assessment, that the detected level will not be dangerous or prejudicial to health. A few were concerned about the details of risk assessment, such as information required

during the process, time needed to generate results, etc. The time required for the risk assessment was of particular concern to traders who were dealing with highly perishable food commodities.

12. Some traders asked whether CFS would conduct risk assessment with information provided by the traders and advise on a particular pesticide-food pair.

13. At the consultation meetings, the testing industry was keen to know whether CFS would set a “detectable level” below which a pesticide-food pair found outside the MRLs/EMRLs list would not be considered as contravening the proposed Regulation.

To provide a list of exempted substances

14. A couple of respondents commented on specific exempted substances in the list and suggested some new exempted substances to be included in the list.

To accept applications for adding/revising MRLs/EMRLs and exempted substances

15. The proposed mechanism to accept applications for adding/revising MRLs/EMRLs and exempted substances received general support from the trade. Most were concerned about details of the mechanism, including application fees, time needed for processing an application, supporting information required, effective date of the new MRL if approved and the availability of an appeal mechanism.

To dovetail the proposed Regulation with the registration of pesticides for use on local food crops under the Pesticides Ordinance (Cap. 133)

16. Respondents had no comments on the proposed dovetailing mechanism with the registration of pesticides for use on food crops under the Pesticides Ordinance (Cap. 133).

To commence the proposed Regulation after a two-year grace period

17. Respondents generally welcomed the proposed two-year grace period.

Some asked whether there would be transitional arrangement for products made before the commencement of the proposed Regulation but imported into Hong Kong after its commencement, particularly processed food which had a relatively long shelf life.

Other views

18. A considerable number of traders urged the Government to provide guidelines on how pesticide residues in processed food would be calculated.

19. Views were also received on the future enforcement arrangements. Some considered that the maximum penalty level should be raised to enhance the protection of public safety. Others suggested stepping up inspection of pesticide residues in vegetables, setting up a dedicated department and more publicity and education on the harmful effects of pesticides.

20. A few were concerned whether the proposed Regulation would lead to increased costs in testing.

Conclusion

21. We are finalising the proposed Regulation on Pesticide Residues in Food taking into account views received during the public consultation. In particular, we are updating the MRLs/EMRLs list to incorporate comments received. We aim to table the proposed Regulation in the Legislative Council within the current legislative session.

**Food and Health Bureau
Centre for Food Safety
March 2012**

Annexes

Annex A – List of Written Submissions Received during Consultation Period

Annex B – List of Public Consultation Forums and Other Consultation Meetings

List of Written Submissions Received during Consultation Period

No.	Name of Individual / Organisation
1.	Stephen CHOI*
2.	American Consulate General, Hong Kong
3.	Consulate-General of Japan in Hong Kong*
4.	劉子健
5.	Australian SPS Contact Point*
6.	Stephen CHOI*
7.	LAU Chi Kin, Vincent
8.	Calbee Four Seas Co. Ltd.
9.	Hong Kong Retail Management Association
10.	Agri-Food & Veterinary Authority, Singapore
11.	Coca-Cola China Ltd.
12.	Japan Crop Protection Association
13.	Australian SPS Contact Point*
14.	Bayer CropScience
15.	Hazelnut Marketing Board
16.	American Potato Trade Alliance
17.	Cranberry Marketing Committee
18.	California Table Grape Commission
19.	Almond Board of California
20.	California Cherry Advisory Board
21.	CropLife Asia
22.	US Hop Industry Plant Protection Committee
23.	Consulate-General of Japan in Hong Kong*
24.	EM Bio Technology Co. Ltd.
25.	Paul Melsom*
26.	Paul Melsom*
27.	BASF Corporation

* The respondents submitted more than one written comments.

List of Public Consultation Forums and Other Consultation Meetings

No.	Date	Name of meeting	Participants
1.	13 July 2011	Trade Consultation Forum	Food traders, food trade associations
2.	28 July 2011	Public Consultation Forum	General public, consulate generals, food traders, testing industry, food trade associations
3.	20 August 2011	Public Consultation Forum	General public, consulate generals, food traders, testing industry, food trade associations
4.	26 August 2011	Meeting of Federation of Vegetables Marketing Cooperative Societies Ltd.	Local farmers
5.	30 August 2011	Public Consultation Forum	General public, consulate generals, food traders, testing industry, food trade associations
6.	6 September 2011	Technical Meeting	Food traders, consulate generals, testing industry, food trade associations
7.	9 September 2011	Trade Consultation Forum	Food traders, food trade associations
8.	16 September 2011	Meeting of the Retail Task Force	Food traders, retail sector, Legislative Council members, consumer interest groups, etc.