

Voluntary Report – Voluntary - Public Distribution

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Report Name: Proposed Amendments to Preservatives in Food Regulation

Country: Hong Kong

Post: Hong Kong

Report Category: WTO Notifications, Agriculture in the News, Sanitary/Phytosanitary/Food Safety

Prepared By: Adeline Ho

Approved By: Jennifer Clever

Report Highlights:

The Hong Kong government (HKG) has launched a public consultation process on proposed amendments to its Preservatives in Food Regulations. Interested parties are welcome to submit comments before August 28, 2023. The HKG notified the World Trade Organization (WTO) of the proposed amendments (G/SPS/N/HKG/48) on May 26, 2023.

The Hong Kong government (HKG) recently conducted a public consultation period inviting the industry and interested parties to comment on proposed amendments to its Preservatives in Food Regulations. This report will provide a summary of the proposed changes. Comments should be submitted to the Centre for Food Safety on or before August 28, 2023, at Preservative_consultation@fehd.gov.hk. U.S. exporters submitting comments are encouraged to copy ATO Hong Kong at atohongkong@usda.gov in their submissions.

HKG notified the World Trade Organization (WTO) of this regulation amendment exercise on May 26, 2023 notification reference G/SPS/N/HKG/48.

Hong Kong's control of preservatives is regulated by the [Preservatives in Food Regulations \(Cap. 132BD\)](#). Cap. 132BD which was first enacted in 1973 and amended in 2008 with reference to the prevailing Codex General Standard for Food Additives (GSFA).

These proposed amendments are one of the initiatives set out in the Chief Executive's 2022 Policy Address to review and update the regulation based on reference to local diets and the General Standard for Contaminants and Toxins in Food and Feed of the Codex Alimentarius Commission. Taking into account Hong Kong dietary habits, the new regulation will provide the new maximum permitted levels (MPLs) to specific preservatives by referencing standards of food additives from mainland China, the United States, European Union (EU), Australia, New Zealand, Singapore and etc.

The Proposed Changes

The HKG intends to enhance protection for consumers, promote harmonization of local and international standards, and facilitate food trade with this review and update of food safety legislation. The amendment will come in phases, the first phase covers preservatives and antioxidants in food. Keeping Codex standards as the backbone, the regulation intends to update the definitions of "preservative" and "antioxidant," update the list of permitted preservatives / antioxidants in the "positive list," and stipulate the MPLs of the permitted preservatives and antioxidants.

1. Update the definitions of "preservative" and "antioxidant."

For substances or food ingredients carrying out a preservative function that are currently excluded from the definition under Cap. 132BD, such as salt, sugar and alcohol, will continue to exclude from the definition. Below are the new definitions on "preservative" and "antioxidant".

- Preservative means any substance, not normally consumed as a food by itself nor used as a typical ingredient of the food, which is added to, or used in or on, food at any food processing stage to prolong its shelf life by protecting against deterioration caused by microorganisms, but does not include —
 - (a) common salt (sodium chloride);
 - (b) sugars;
 - (c) alcohol or potable spirits, isopropyl alcohol, monoacetin;
 - (d) herbs or hop extract;

- (e) spices or essential oils when used for flavoring purposes;
- (f) any substance added to food by the process of curing known as smoking; or
- (g) any vitamins and minerals added to food as nutrients.

- Antioxidant means any substance, not normally consumed as a food by itself nor used as a typical ingredient of the food, which is added to, or used in or on, food at any food processing stage to prolong its shelf life by protecting against deterioration caused by oxidation but does not include any vitamins and minerals added to food as nutrients.

2. Update the list of permitted preservatives / antioxidants in the “positive list”

The number of permitted preservatives / antioxidants listed in the amended Cap. 132BD will increase from 32 to 58, comprising 29 current regulated and 29 newly added substances. Among them, 24 are GMP additives which will be set out in a separate list in the amended Cap. 132BD. GMP additives are acceptable for use in foods in general when used at *quantum satis* levels and in accordance with GMP principles. Go to [consultation paper](#) Annex III to check all 58 permitted substances and Annex V for the 24 GMP additives. While it is important to note that copper carbonate, diphenyl, and formic acid are proposed to remove from the list because they are no longer commonly used in international trade. Below is a quick reference on the breakdown.

Number of preservatives / antioxidants under existing Cap.132BD	32
Number of new preservatives / antioxidants	29 (25 + 4)
Number of removed preservatives / antioxidants under existing Cap.132BD	3
Total number of proposed preservatives / antioxidants	58

3. Stipulate the MPLs of the permitted preservatives and antioxidants

The update of MPLs on the permitted preservatives and antioxidants for specified food will reference the latest Codex GSFA and relevant commodity standards of food trading partners, in particularly with Mainland China due to similar local dietary practices. The number of “additive-food” pairs will increase from currently some 900 to around 2,000. Around 80 percent are adopted from Codex GSFA, and 17 percent referencing from Mainland. The remaining “additive-food” pairs are adopted with reference to the standards of our other major food trading partners. For details of the 2,000 “additive-food” pairs, please check [consultation paper](#) Annex IV.

Timeframe

The public consultation will end on August 28, 2023. HKG estimated the amendment to pass by end of 2023 / early 2024. There will be a grace period of 18 months after the enactment of the amended regulation for the industry to cope with the changes. Meanwhile, industry partners are welcomed to join the public consultation forum to gather more information of this proposal. The link to registration is included [here](#). To reach the Centre for Food Safety for enquiries and comment, please email at Preservative_consultation@fehd.gov.hk on or before August 28, 2023. U.S. exporters submitting comments are encouraged to copy ATO Hong Kong at atohongkong@usda.gov in their submissions.

Details

Detailed information on the proposed amendments is contained in the consultation paper which could be retrieved at this [link](#). For reference and comparison, additional details can be found in the [press release](#) and [existing user guide](#) on Preservatives in Food Regulations.

Attachments:

No Attachments.