

By email and By mail

12 March 2021

Centre for Food Safety  
Food and Environmental Hygiene Department  
43/F, Queensway Government Offices,  
66 Queensway, Hong Kong

Dear Sir/ Madam,

**Re: Views from Hong Kong Suppliers Association for Public Consultation on  
Proposed Amendments to the Harmful Substances in Food Regulations**

Hong Kong Suppliers Association (“HKSA”) is a trade association with a broad spectrum of suppliers, including food suppliers and manufacturers. In response to the Public Consultation on the Proposed Amendments to the Harmful Substances in Food Regulations (“the Proposed Amendments”), we would like to put forth our views, and would appreciate if the Centre for Food Safety (“CFS”) would consider our views on the topic of harmful substances in food.

We understand CFS’ objective to safeguard public health and food safety, which HKSA also shares the same concern, and we are also in support of CFS’ direction to take reference to international practices when formulating the Proposed Amendments. However, for the details of the Proposed Amendments, we believe that certain areas should be taken into consideration to enable an effective regulation for the benefit of our consumers, industry players and the whole society.

To start with, while the Proposed Amendments proposed to regard partially hydrogenated oils (“PHOs”) as a prohibited substance by prohibiting the import of any edible fats and oils containing PHOs and the sale of any food containing PHOs, it is believe that a clear definition of PHOs, especially regarding its iodine value, would ensure a clear understanding among industry players.

Secondly, in regard to the “aflatoxins, total”, HKSA does not agree to significantly tighten up the maximum level (“ML”) for it in any food other than specific foods from 15 µg/kg under the existing Regulations to 5 µg/kg. As the Proposed Amendments also provide, there has not yet been any relevant standard in wide countries including Australia / New Zealand, Canada, the European Union (“EU”) and the Mainland. There is also an obvious deviation between the proposed ML and that in other developed countries such as the United States, Korea and Japan.

Thirdly, concerning the scope of coverage for condiments in relations to the 3-chloro-1,2-propanediol (“3-MCPD”), while the Proposed Amendments suggested to apply to all condiments imported to or sold in Hong Kong (regardless of whether they contain acid-hydrolysed vegetable proteins (“acid-HVPs”)), HKSA believes that it should only be applicable to condiments containing acid-HVPs, which is to align with the relevant standards such as CODEX.

Meanwhile, with reference to the Proposed Amendments, it is found that not all substances are indicated whether the Maximum Level (ML) applies to finished product as sold or as consumed. HKSA would suggest CFS to clarify and define for clarity purpose. In addition, it is important to consider the nature and form of the foodstuff when establishing the ML, and to indicate the condition in the regulation.

Considering the Proposed Amendments for formula products, for "aflatoxins, total", a ML is not commonly applied on infant formulae, follow-up formulae and dried milk among international standards. Therefore, the Proposed Amendment is suggested to follow the international direction accordingly. Also for the limit on Aflatoxin B<sub>1</sub>, as there is no such limit set forth in the EU regulations for infant formulae and follow-up formulae, we believe that our Hong Kong regulation shall align the same practice as well.

Last but not least, it is widely understandable that a sufficient grace period is important for a smooth market transition. Thus, HKSA supports CFS to provide an 18-month grace period for the industry and all relevant stakeholders to get prepared for the updated food safety standards.

If you have any question on our views, please contact me directly at:

Email:

Phone:

Thank you for your attention.

Yours faithfully,

Albert Tang  
Chairman  
Government Policy Committee  
Hong Kong Suppliers Association