

# Harmful Substances in Food (Amendment) Regulation 2021 gazetted

The Government gazetted today (June 11) the Harmful Substances in Food (Amendment) Regulation 2021 to strengthen the regulation of harmful substances such as industrially produced trans fats and mycotoxins in food.

A Government spokesman said, "We conducted a three-month public consultation from December 11, 2020, to March 15, 2021, on the proposed amendments to the Harmful Substances in Food Regulations (Cap. 132AF). The respondents generally welcomed and supported the proposed amendments and considered that the proposals could better protect public health. Meanwhile, we have also taken into account several technical comments raised by some respondents and solicited support from the Legislative Council Panel on Food Safety and Environmental Hygiene in April 2021 to formulate the updated proposals, as reflected in the Amendment Regulation."

The Amendment Regulation aims at updating and strengthening the regulatory control of three types of mycotoxins, i.e. aflatoxins, deoxynivalenol (also known as vomitoxin) and patulin, in food; as well as setting or updating the maximum levels for five other harmful substances (i.e. benzo[a]pyrene, glycidyl fatty acid esters, melamine, 3-monochloropropane-1,2-diol and erucic acid) in edible fats and oils, condiments or formula products intended for infants.

With reference to the recommendation of the World Health Organization (WHO), the Amendment Regulation also specifies partially hydrogenated oils, i.e. the main source of industrially produced trans fatty acids (IP-TFAs), as a prohibited substance in food, with a view to meeting the WHO's goal of eliminating IP-TFAs from the global food supply by 2023. To align with the prevailing international standards and practices, the Government also published in the Gazette today the Food and Drugs (Composition and Labelling) (Amendment) Regulation 2021 to stipulate that any prepackaged food containing hydrogenated oils, e.g. fully hydrogenated oil, must be indicated accordingly in the list of ingredients.

"We consider that the two Amendment Regulations should be implemented as soon as practicable. Meanwhile, in view of the business environment under the COVID-19 pandemic, we also have to duly consider the need of allowing sufficient time for the trade to get prepared for the updated food safety standards. On balance, we propose to implement the Amendment Regulations in two phases for the provisions relating to specifying partially hydrogenated oils as a prohibited substance in food and the related marking and labelling requirement to come into operation on December 1, 2023, and all other provisions to come into operation on June 1, 2023," the spokesman said.

The two Amendment Regulations will be tabled in the Legislative Council on June 16 for negative vetting.