

Harmful Substances in Food (Amendment) Regulation 2021 to commence in phases in 2023

A Government spokesman said today (July 19) that the Harmful Substances in Food (Amendment) Regulation 2021 (the Amendment Regulation) was passed by the Legislative Council (LegCo) last Wednesday (July 14) to enhance the regulation of harmful substances such as industrially produced trans fats and mycotoxins in food. The Amendment Regulation specifies partially hydrogenated oils (PHO), the main source of industrially produced trans fatty acids (IP-TFAs), as a prohibited substance in food, and the relevant provisions will come into operation on December 1, 2023. The other provisions stipulating the maximum levels of other harmful substances in food will all come into operation on June 1, 2023.

The spokesman said, "To meet the World Health Organization (WHO)'s goal of eliminating IP-TFAs from the global food supply by 2023, and in line with one of the key measures under Towards 2025: Strategy and Action Plan to Prevent and Control Non-communicable Disease in Hong Kong (SAP), announced by the Government in 2018, we have taken legislative action to impose a ban on PHO in the local food supply by stipulating it under the Amendment Regulation, so as to eliminate IP-TFAs at source to protect public health. The commencement date of December 1, 2023, will allow sufficient time for the trade to get prepared for the new requirements while fully meeting the targets set by the WHO and the SAP in Hong Kong."

The spokesman added, "Along with the Amendment Regulation, the Food and Drugs (Composition and Labelling) (Amendment) Regulation 2021 was also made by the Government and passed by the LegCo at the same time. It stipulates that any prepackaged food containing hydrogenated oils, e.g. fully hydrogenated oil, must be indicated accordingly in the list of ingredients. This aligns with the prevailing international standards and practices, and will commence on the same date as the provisions on banning PHO, i.e. December 1, 2023."

The Amendment Regulation also updates and strengthens the regulatory control of three types of mycotoxins, i.e. aflatoxins, deoxynivalenol (also known as vomitoxin) and patulin, in food, as well as sets or updates 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. Having regard to the arrangement of relevant legislative amendments in the past and the business environment under the COVID-19 pandemic, the maximum levels of these substances in food will come into force on June 1, 2023, with a view to implementing the relevant provisions in the Amendment Regulation as soon as practicable for ensuring food safety in Hong Kong.