

**Business Facilitation Advisory Committee
Wholesale and Retail Task Force**

Implementation of the Pesticide Residues in Food Regulation

Purpose

This paper briefs Members on the supply of vegetables, food safety issues and trade facilitation measures in connection with the implementation of the Pesticide Residues in Food Regulation (Cap. 132CM) (the Regulation) on 1 August 2014.

Background

2. On 26 April 2012, the Director of Food and Environmental Hygiene (DFEH), in exercise of the power under section 55(1) of the Public Health and Municipal Services Ordinance (Cap. 132), made the Regulation. The Legislative Council completed scrutiny of the Regulation in June 2012 and the Regulation came into operation on 1 August 2014 after a two-year grace period.

3. The Regulation aims to strengthen the regulation of pesticide residues in food to protect public health and promote harmonisation between local and international standards. In striving to achieve the above objectives, the Government is mindful of the need to maintain stable supply of food in Hong Kong.

4. The standards for pesticide residues in food developed by the Codex Alimentarius Commission (Codex)¹ form the backbone of the regulatory framework under the Regulation. The Regulation specifies in Schedule 1 a list of maximum residue limits (MRLs)² and extraneous maximum residue limits (EMRLs)³ for certain pesticide-food pairs, i.e. the maximum concentration of

¹ Codex was established by the Food and Agriculture Organization (FAO) and the World Health Organization (WHO) of the United Nations in the 1960s and has been the single most important international reference point for consumers, food producers, processors, national food control agencies and the international food trade in developing food associated standards.

² MRL is the maximum concentration of specified pesticide residues legally permitted in specified food commodities.

³ EMRL refers to a pesticide residue arising from environmental sources (including former agricultural uses) other than the use of a pesticide directly or indirectly on the commodity. It is the maximum concentration of specified pesticide residues legally permitted in specified food commodities.

specified pesticide residues permitted in specific food commodities. The formulation of Schedule 1 to the Regulation was based primarily on the available standards recommended by Codex in 2011, supplemented by standards of the Mainland and other major food exporting countries to Hong Kong available at that time, while taking into consideration comments received during the public consultation held between July and September 2011. These standards have been scrutinised by conducting risk assessment to ensure that they are adequate to protect public health in Hong Kong, taking into account the heavy reliance of Hong Kong on imported food.

5. Schedule 2 to the Regulation specifies a list of exempted pesticides with no MRLs/EMRLs. These are pesticides that are natural and the residues of which are identical to or indistinguishable from natural food components. Exemption of these natural pesticides is intended to facilitate their use by the trade.

6. The general principle of the Regulation is that except for exempted pesticides, import or sale of food containing pesticide residues with no specified MRLs/EMRLs in Schedule 1 is only allowed if the consumption of the food concerned is not dangerous or prejudicial to health. Based on risk assessment, the Centre for Food Safety (CFS) will decide whether the consumption of the food concerned is dangerous or prejudicial to health.

7. Any person who imports, manufactures or sells any food not in compliance with the requirements of the Regulation concerning pesticide residues commits an offence and is liable to a maximum fine of \$50,000 and to imprisonment for six months.

The Supply Situation

8. The Government has taken into account the importance of maintaining a stable food supply when formulating the Regulation. Due to the heavy reliance of Hong Kong on imported food, the formulation of Schedule 1 to the Regulation was based primarily on the available standards recommended by Codex in 2011, supplemented by standards of the Mainland and other major food exporting countries (e.g. USA and Thailand) to Hong Kong available at that time, while taking into consideration comments received during the public consultation held between July and September 2011.

9. Since the Regulation came into effect, the Government has been monitoring the supply of vegetables at the wholesale level through the Agriculture, Fisheries and Conservation Department (AFCD). The figures

indicate that since the implementation of the Regulation on 1 August and up to 22 August 2014, vegetable supply has remained stable. During this period, the average daily throughput at the wholesale markets was comparable to those in January-July 2013 and August 2013.

Average Daily Throughput at Wholesale Markets (Tonne)			Comparison between (a) and (b)	Comparison between (a) and (c)
1-22 August 2014 (a)	January-July 2014 (b)	August 2013 (c)		
1 035	1 061	1 070	-2.45%	-3.27%

10. Early in August, there were reports that following the implementation of the Regulation, the Mainland's inspection and quarantine authorities have suspended the export of four kinds of vegetables (viz. spinach, leaf mustard, green string beans and white string beans) to Hong Kong. In light of the report, CFS has promptly liaised with the Mainland authorities and confirmed that the Mainland enterprises have not been ordered to suspend the supply of vegetables such as spinach, leaf mustard, green string beans and white string beans to Hong Kong.

11. In view of public concern, the Vegetable Marketing Organization (VMO) and the Government wholesale markets were asked to pay special attention to the throughput of these four kinds of vegetables. Information of VMO shows that from 1 to 22 August 2014, the average daily sales volume of these four kinds of vegetables declined by 18% to 47% when compared with July 2014.

12. As for Government wholesale markets, AFCD collects figures on the throughput starting from 8 August 2014. According to the sales figures collected, the sales volume of green string beans between 15 and 21 August 2014 showed an increase of 29% when compared with the volume recorded in the previous seven days, whilst decreases ranging from 9% to 25% were seen in the sales volume of the other three kinds of vegetables.

13. The supply of vegetables is affected by a number of factors including weather, harvest, demand and consumption pattern of the public etc.

Food Safety

14. Through control at source and conducting relevant food surveillance at the import, wholesale and retail levels, CFS ensures the food safety of vegetables imported to Hong Kong.

Control at Source

15. As regards control at source, the Government and the Mainland authorities have established administrative arrangements under which vegetables supplied to Hong Kong must come from registered vegetable farms and production and processing establishments under the supervision of the relevant Entry-exit Inspection and Quarantine Bureau in accordance with the requirements set out in the Administrative Measures on the Quarantine of the Vegetables Supplied to Hong Kong and Macao. The Government has also met Consulate-Generals of various jurisdictions to brief on the implementation of the Regulation and reiterate the importance of control at source.

Import Arrangements

16. All fresh vegetables entering Hong Kong via the land route must be imported through Man Kam To as designated. The inspection and quarantine authorities in the Mainland will conduct random inspection and testing of vegetables so that only consignments that come with intact seals and satisfy the inspection requirement are allowed to enter Hong Kong. CFS officers will inspect the vehicles when they arrive at the Man Kam To Food Control Office. They will conduct checks to see if the seal on the vehicle remains intact and whether the consignment tallies with the accompanying documents, inspect the vegetables and adopt a risk-based approach in taking vegetable samples for quick tests for pesticide residues and comprehensive chemical analysis. CFS will keep in close contact and collaboration with the Mainland authorities and the trade to exchange intelligence.

17. CFS will detain any consignment from unknown sources or consignment that does not tally with its accompanying documents. If the test result of a vegetable sample is found to be unsatisfactory, CFS will destroy the vegetable consignment concerned and inform the relevant Mainland authorities for investigation and follow-up actions. Information about the identity of the vegetable farm and production and processing establishment concerned, as well as the vegetable vehicle involved will also be recorded to facilitate detention of their next vegetable consignment supplied to Hong Kong.

Surveillance at Import, Wholesale and Retail Levels

18. CFS' Food Surveillance Programme monitors food on sale to ensure its compliance with legal requirements and fitness for human consumption. CFS takes food samples at the import, wholesale and retail levels and adopts a risk-based approach in determining the types of samples to be collected, the frequency and number of samples taken for testing, and the types of laboratory analysis to be conducted. The sampling programme is

under regular review, taking into account factors including past food surveillance results, local and overseas food incidents as well as relevant risk analysis.

19. During the period from 1 August 2014 when the Regulation came into operation to 28 August 2014, CFS completed pesticide residue test for 961 vegetable samples collected at the import, wholesale and retail levels in accordance with the Regulation. During the same period, CFS also collected 831 vegetable samples at Man Kam To Food Control Office for quick pesticide residue tests. Among the total number of 1 792 samples, two white string bean samples were found to be unsatisfactory (press release at [Annex](#)). The remaining samples were all satisfactory.

20. In addition, there is a pesticide residue testing laboratory at the Cheung Sha Wan Wholesale Vegetable Market under the management of VMO, which is responsible for testing and monitoring the pesticide residues in the vegetables sold at the market, so as to provide quality assurance service to its customers. The results of the tests conducted since the implementation of the Regulation and up to 26 August were all satisfactory.

Trade Facilitation Measures

Proposal on MRLs/EMRLs

21. Members of the trade have expressed concern on whether there will be a channel for them to comment on the existing MRLs/EMRLs, and to propose new MRLs/EMRLs and exempted pesticides for inclusion in Schedules 1 and 2 by DFEH. To this end, traders are welcomed to submit proposals by making reference to the “Guide to the Proposal for Addition or Revision of Maximum Residue Limits (MRLs) and Extraneous Maximum Residue Limits (EMRLs) and Addition of Exempted Pesticides under the Pesticide Residues in Food Regulation (Cap. 132CM)” and accompanied by sufficient supporting information to DFEH for consideration. DFEH will consider the proposals on a case-by-case basis and suitably incorporate the proposals received in Schedules 1 and/or 2 in the next updating exercise, taking into account the latest international developments, consistency with the existing Schedules, availability of relevant supporting information and reference materials for testing, and whether the limits concerned have passed the scrutiny of risk assessment based on the local food consumption patterns.

Testing Capabilities of Local Testing Services Sector

22. The trade has also expressed their concern about the testing capabilities of local testing services sector in respect of pesticide residues covered by the Regulation. To prepare the trade for the commencement of the Regulation, CFS has conducted a series of briefings for the trade. Technical meetings and workshops on pesticide residues testing have been organised for the local testing services sector to facilitate them to develop and equip themselves with the relevant testing techniques. The meetings and workshops covered the reference testing methods of the major national authorities and international organisations related to the regulatory framework, other reference methods or technical criteria, as well as the related equipment and standard reference materials. All information is available on the CFS website. Laboratories may, based on their needs, actual requirements, equipment and resources available, either make reference to national or international technical criteria and reference testing methods, or adopt appropriate test methods and fulfill the specified quality requirements. The Government Laboratory will provide further information and conduct focused discussions on testing methods with the trade as necessary.

23. We understand that there are currently a few private laboratories providing testing services for pesticide residues in food in Hong Kong, and at least four of them have been accredited under the voluntary accreditation scheme operated by the Hong Kong Accreditation Service to provide such services.

Preparations during the grace period

24. Since the Regulation involves certain technical provisions (such as interpretation of MRLs/EMRLs for processed food and compound food etc.), the trade has expressed concerns on how to get prepared during the two-year grace period in order to comply with the Regulation. In response to the trade concerns about the Regulation, CFS has conducted a series of briefings for the trade and other stakeholders to prepare them for the commencement of the Regulation on 1 August 2014. To assist the trade in complying with the requirements of the Regulation, CFS has also prepared guidelines on the interpretation of MRLs/EMRLs in the Regulation as well as use of the Codex's food classification to identify the appropriate pesticide residue limits etc. Furthermore, CFS has, in collaboration with the the General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ), organised briefings for the inspection and quarantine authorities and food exporters in the Mainland to assist them getting prepared for the implementation of the Regulation.

25. CFS has also set up a webpage of “Pesticide Residues in Food Regulation” in its website⁴ providing frequently asked questions and answers related to the regulation for reference by the trade and general public. The Hong Kong Pesticide MRL Database is available on the webpage to assist the trade and the general public in finding relevant MRLs/EMRLs for pesticide-food pairs concerned. Details of the Regulation and relevant guidelines have also been uploaded to CFS’ website.

Advice Sought

26. Members are invited to note and comment on the contents of this paper.

Centre for Food Safety
Food and Environmental Hygiene Department
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⁴ CFS’ website: www.cfs.gov.hk

Excessive pesticide residues found in two vegetable samples by CFS

The Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department (FEHD) today (August 28) found that the levels of pesticide residues of two vegetable samples exceeded the legal limits. Prosecution will be taken against the vendors concerned.

A spokesman of the CFS said, "Through its regular food surveillance programme, the CFS collected the white string pods samples from two different retailers in Yau Ma Tei and Sha Tin. Test results showed that a sample was found to contain Acephate, Carbofuran and Methamidophos at levels of 4.3 parts per million (ppm), 0.36 ppm and 0.34 ppm respectively. Another sample was found to contain Carbofuran at a level of 0.17 ppm.

According to the preliminary information provided by the vendors concerned, the vegetables concerned were from the Mainland. Yet, the exact source of origin has yet to be confirmed. The CFS is liaising with the Mainland authority to follow up on the incident."

According to the Pesticide Residues in Food Regulation (Cap. 132CM) (the Regulation), the maximum residue limits for the three pesticide residues, namely Acephate, Methamidophos and Carbofuran, for string beans are 1ppm, 0.05ppm and 0.1ppm respectively.

"Based on the levels of pesticide residues detected, they will not pose adverse health effects to consumers upon normal consumption," the spokesman said.

The CFS will undertake prosecution action and will continue to monitor the situation. Follow-up samples will be taken from the vendors concerned for testing if the same product is found available for sale.

Since the Regulation has come into effect on August 1, the CFS has taken over 960 samples, comprising about 50 different kinds of vegetables and fruits at import, wholesale and retail levels for testing of pesticide residues. Apart from the above two unsatisfactory samples, the CFS, so far, has not found any other samples that failed the tests.

Any person who imports, manufactures or sells any food not in compliance with the requirements of the Regulation concerning pesticide residues commits an offence and is liable to a maximum fine of \$50,000 and to imprisonment for six months.

The CFS will continue to safeguard food safety and public health by taking different samples of vegetables, especially white string pods, for testing through its regular Food Surveillance Programme.

To minimise the health risk posed by consuming vegetables contaminated by pesticide residues, the public may rinse vegetables for several times under running water before soaking them in water for one hour, or blanch the vegetables in boiling water for one minute and discard the water, or doing both to further minimise the risk.

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