

# Preservative in Food (Amendment) Regulation 2024

**3<sup>rd</sup> Technical Meeting**  
**15 November 2024**

# Background

- The Amendment Regulation
  - Publication in the Gazette: 10 Oct 2024
  - Tabling at the LegCo for negative vetting: 16 Oct 2024
  - Completion of scrutiny of the Amendment Regulation by LegCo: 13 Nov 2024
  - Date of commencement: 30 Dec 2024
    - The 24-month transitional period will end on 29 Dec 2026

# Review of Cap. 132BD

## ● Aims:

- Keeping local food safety standards on par with international standards
- Enhancing consumer protection
- Facilitating the food trade

## ● Principles:

- Kept the Codex standards as the backbone
- Supplemented with the standards adopted by the Mainland and by Hong Kong's other major food trading partners

# Major areas of the amendments

- Updating of definitions of “preservative” and “antioxidant”
- Updating the list of permitted preservatives or permitted antioxidants in the “positive list”
- Updating the MPLs of the permitted preservatives or permitted antioxidants
  - Including the list of GMP additives
- Providing exemption for “Food for Special Medical Purposes (FSMP)”
- Updating food category system and terminology

# Overview of the Amendment Regulation

- No. of permitted preservatives and permitted antioxidants listed in Cap. 132BD will increase from 32 to **58**
  - **29** currently permitted under Cap. 132BD
    - Removed 3 additives (namely copper carbonate, diphenyl and formic acid)
  - **29** newly added
    - Including 25 additives currently fall outside the definitions of “preservative” and “antioxidant” in Cap. 132BD
  - **24** are GMP additives [see Schedule 1B]
    - Not apply to any relevant food of a scheduled food category that is also specified in Schedule 1C
- No. of “additive-food” pairs would increase from currently around 900 to **around 2000** [see Schedule 1]

# Amendment Regulation

# Commencement

- Comes into operation on 30 December 2024
  - For transitional period arrangement, see section 8

# Section 3 amends interpretation (1)

- Updated definitions

- 1) “antioxidant”, “preservative”

- Updated with reference to the Codex definitions
  - Would bring more additives into the regulatory regime of Cap. 132BD
  - Certain common food ingredients with preservative function (such as salt, sugar and alcohol) would continue to be excluded from the definition of “preservative”

Certain preservatives and antioxidants which are capable of performing functions besides preservation or antioxidation – i.e. multi-functional additives

- Codex sets a single MPL for each “additive-food” pair, regardless of the actual function to be carried out by adding such additive in the food
- The existing Cap. 132BD is already following such practice
- Kept intact with the updated definitions of “preservative” and “antioxidant”

# Section 3 amends interpretation (2)

## ● Updated definitions

- 2) “permitted antioxidant”, “permitted preservative”, “permitted food additive”, “maximum permitted level”
  - Because of the newly added list of GMP additives (see the new Schedule 1B)

## ● New definitions

- Food is defined to excluded “Food for medical purposes” (FSMP)
  - FSMP will be exempted from Cap. 132BD
- “food additive group” and “participating additive” (see the updated Schedule 1A)
  - The existing definition of “alternative form” is repealed

# Section 4 repeals section 2A of Cap. 132BD (prescribes the use of alternative forms)

## Existing Cap. 132BD Schedule 1A

[ss. 2 & 2A

Item	Column 1 Permitted food additive (with INS no.) specified for it in Schedule 1	Column 2 Alternative form (with INS no.) in which the permitted food additive may be used (to be calculated as the permitte food additive shown in column 1)
1.	Sorbic acid (200)	Sodium sorbate (201) Potassium sorbate (202) Calcium sorbate (203)
2.	Benzoic acid (210)	Sodium benzoate (211) Potassium benzoate (212) Calcium benzoate (213)
3.	Ethyl para-hydroxybenzoate (214)	Sodium ethyl para-hydroxybenzoa (215)
4.	Methyl para-hydroxybenzoate (218)	Sodium methyl para-hydroxybenzoa (219)

**Section 10 replaces the  
existing Schedule 1A**

## Amendment Regulation "Schedule 1A

[s. 2]

### Participating Additives of Food Additive Groups

Item	Column 1 Food additive group (INS nos.)	Column 2 Participating additives (INS nos.)
1.	Sorbates (200-203)	Sorbic acid (200) Sodium sorbate (201) Potassium sorbate (202) Calcium sorbate (203)
2.	Benzoates (210-213)	Benzoic acid (210) Sodium benzoate (211) Potassium benzoate (212) Calcium benzoate (213)
3.	Hydroxybenzoates, para- (214, 215, 218 & 219)	Ethyl para-hydroxybenzoate (214) Sodium ethyl para- hydroxybenzoate (215) Methyl para- hydroxybenzoate (218)

# Section 5(1) refers to the list of GMP additives

- To be added the list of GMP additives (see the new Schedule 1B)
  - A total of 24 additives that are acceptable for general use in foods when used in accordance with GMP principles
  - JECFA has conducted risk assessments on these additives and concluded as not representing a hazard to health
  - However, such general permission for use does not apply to certain food categories or individual food items (added the new Schedule 1C)

# Extracts of Schedules 1B / 1C

## “Schedule 1B

[ss. 2 & 3]

### Food Additives Permitted under Section 3(2A) for Use in Food in accordance with GMP Principles

Column 1	Column 2
Item	Permitted food additive (INS no.)
1.	Acetic acid, glacial (260)
2.	Potassium acetate (261(i))
3.	Sodium acetate (262(i))
4.	Calcium acetate (263)
5.	Propionic acid (280)
6.	Sodium propionate (281)
7.	Calcium propionate (282)
8.	Potassium propionate (283)

i.e. GMP additives can be applied to the food sub-category “1.1.4 Flavoured fluid milk drinks”

1.1.4 not listed



## Schedule 1C

[s. 3]

### Food Excluded from Operation of Section 3(2A)

Column 1	Column 2
Food category no. (as assigned by Schedule 1)	Food category or sub-category
1.1.1	Fluid milk (plain), including skimmed, partly skimmed and whole milk
1.1.2	Other fluid milk (plain) (e.g. plain reconstituted fluid milks, non-flavoured vitamin and mineral fortified fluid milks, lactose reduced milk and plain milk-based beverages), excluding products of food categories 1.1.1, 1.1.3 and 1.2 and their sub-categories (if applicable)
1.1.3	Fluid buttermilk (plain)
1.2	Fermented and renneted milk products (plain), excluding flavoured products of food category 1.1.4 and its sub-categories (if applicable), and desserts of food category 1.7 and its sub-categories (if applicable)

# Section 5(2) updates section 3(8) of Cap. 132BD

- Regarding nisin in canned food
  - The existing section 3(8) permits:
    - 1) Canned food to contain nisin; and
    - 2) Other food to contain nisin where it is introduced in the preparation of that food by the use of canned food containing nisin
  - By this amendment, various “nisin-food” pairs are added to the updated Schedule 1 to specify the nisin MPLs for certain food categories or sub-categories
  - Hence section 3(8) is correspondingly updated, with the addition of section 3(8A) to prescribe that the level of nisin that may be present in (i) and (ii) above is limited to that MPL, if applicable

# Section 5(3) updates section 3(9) of Cap. 132BD

- Concerning the levels of permitted preservatives and permitted antioxidant in “compounded food”
  - “Compounded food” refers to food containing 2 or more ingredients
  - The existing Cap. 132BD permits a compounded food to contain preservatives and/or antioxidants, if they are permitted to be used in the individual ingredient at levels in proportion with the amount of that individual ingredient present in the final compounded food
  - Updates section 3(9) to prescribe that compounded food may contain GMP additives, unless the ingredient used is a relevant food specified in Schedule 1C

# Section 6 amends section 4 of Cap. 132BD

- Food containing antioxidant not to be recommended for babies and young children
  - The existing section 4 of Cap. 132BD prohibits the description or advertisement of any food as being food intended mainly for babies and young children, if it has in it or on it any added antioxidant
  - Certain newly added antioxidants would be listed in the updated Schedule 1 as applicable to “Food intended to be consumed principally by persons under the age of 36 months” (the new food category 13
    - e.g. acetic acid, ascorbic acid, citric acid, etc.
  - Amends section 4 of Cap. 132BD, so that any food falling within food category 13 or its sub-categories in the new Schedule 1 shall be excluded from the prohibition on description or advertisement under that section 4

# Section 7 repeals section 10A of Cap. 132BD

- Section 10A of the existing Cap. 132BD is a transitional provision for an earlier amendment and its effect has already expired
  - See Section 8 for the transitional provisions for the Amendment Regulation 2024

# Section 8 provides a transitional arrangement of 24 months

- The commencement of the Amendment Regulation (i.e. 30 December 2024) will be followed by the 24-month transitional period, which will end on 29 December 2026
- During the transitional period, any single food item may be legally imported or sold if it complies wholly with the requirements of either the existing or the amended Cap. 132BD
  - If two food additives are added to a particular food item, it is not acceptable for one to comply with the requirements of the existing Cap. 132BD and the other to comply with the requirements of the amended Cap. 132BD
- After the end of the transitional period, the trade should fully comply with the requirements of the amended Cap. 132BD

# Section 9 replaces the existing Schedule 1

- To update or prescribe the MPLs for around 2000 “additive-food” pairs
  - Extract

With reference to the Codex standards to update the food category system

Including food additive groups

“Schedule 1

[ss. 2, 3, 4 & 11 & Sch. 1C]

Food which may Contain Food Additive and the Description and Proportion of Food Additive in Each Case

Column 1		Column 2		Column 3	Column 4
No.	Food category or sub-category	Permitted food additives		Maximum permitted level (mg/kg, unless otherwise specified)	Note
		INS nos.	Name		
1.6.2.1	Ripened cheese, including rind	200–203	Sorbates	3 000	Note 9
		234	Nisin	12.5	
		235	Natamycin (pimaricin)	40	Notes 16 and 17
		239	Hexamethylene tetramine	25	Notes 24 and 25

- Note 1 As phosphorus.
- Note 2 For use in sterilized and ultra-heat treated (UHT) milks only.
- Note 3 Excluding lactose reduced milks.
- Note 4 Excluding all fluid milks that are not vitamin or mineral fortified.
- Note 5 Except that the maximum permitted level for use in lactose reduced milks is 500 mg/kg.



# Comparison of existing Cap. 132BD and Amendment Regulation: permitted preservatives and antioxidants

Preservatives and antioxidants permitted under existing Cap. 132BD	<u>New</u> preservatives and antioxidants permitted under Amendment Regulation
<ol style="list-style-type: none"> <li>1. Benzoates</li> <li>2. Butylated hydroxyanisole (BHA)</li> <li>3. Butylated hydroxytoluene (BHT)</li> <li>4. Calcium propionate</li> <li>5. Dimethyl dicarbonate</li> <li>6. Dodecyl gallate</li> <li>7. Ethoxyquin</li> <li>8. Ethylenediaminetetraacetates</li> <li>9. Ferrous gluconate</li> <li>10. Guaiac resin</li> <li>11. Hexamethylene tetramine</li> <li>12. Hydroxybenzoates, para-</li> <li>13. Isopropyl citrates</li> <li>14. Lysozyme</li> <li>15. Natamycin (pimaricin)</li> <li>16. Nisin</li> <li>17. Nitrates</li> <li>18. Nitrites</li> <li>19. Octyl gallate</li> <li>20. ortho-Phenylphenols</li> <li>21. Potassium propionate</li> <li>22. Propionic acid</li> <li>23. Propyl gallate</li> <li>24. Sodium propionate</li> <li>25. Sorbates</li> <li>26. Stannous chloride</li> <li>27. Sulphites</li> <li>28. Tertiary butylhydroquinone (TBHQ)</li> <li>29. Thiodipropionates</li> <li>30. <del>Copper carbonate (proposed to remove)</del></li> <li>31. <del>Diphenyl (proposed to remove)</del></li> <li>32. <del>Formic acid (proposed to remove)</del></li> </ol>	<div style="border: 1px solid green; padding: 5px; width: fit-content; margin: 0 auto;">GMP additives</div> <ol style="list-style-type: none"> <li>1. Acetic acid, glacial</li> <li>2. Ascorbic acid, L-</li> <li>3. Ascorbyl esters</li> <li>4. Calcium acetate</li> <li>5. Calcium ascorbate</li> <li>6. Calcium lactate</li> <li>7. Carbon dioxide</li> <li>8. Citric acid</li> <li>9. Citric and fatty acid esters of glycerol</li> <li>10. Erythorbic acid (isoascorbic acid)</li> <li>11. Glucose oxidase</li> <li>12. Lecithins</li> <li>13. Nitrous oxide</li> <li>14. Phosphates</li> <li>15. Potassium acetate</li> <li>16. Potassium lactate</li> <li>17. Sodium acetate</li> <li>18. Sodium ascorbate</li> <li>19. Sodium diacetate</li> <li>20. Sodium erythorbate (sodium isoascorbate)</li> <li>21. Sodium lactate</li> <li>22. Tartrates</li> <li>23. Tocopherols</li> <li>24. Tricalcium citrate</li> <li>25. Tripotassium citrate</li> <li>26. Benzoyl peroxide (Newly added from Codex standard)</li> <li>27. Lauric arginate ethyl ester (Newly added from Codex standard)</li> <li>28. Rosemary extract (Newly added from other standards)</li> <li>29. Stearyl citrate (Newly added from Codex standard)</li> </ol>

# Thank you