

1 Attachment



HKSA Submission on Preservatives in Food Regulation.pdf

Dear Sir/Madam,

Attached please find HKSA Submission in Response to the Proposed Amendments of the Preservatives in Food Regulation.

Thank you for your attention.

Yours faithfully,

Ivy Fu

Secretary of Albert Tang

Hong Kong Suppliers Association

BY EMAIL

Centre for Food Safety  
Food and Environmental Hygiene Department

August 28, 2023

Dear Sir/ Madam,

**Re: Submission in Response to the Proposed Amendments of the Preservatives in Food Regulation (Cap. 132BD)**

Hong Kong Suppliers Association (“Association” / “HKSA”) understands that the Administration launched a public consultation on the Proposed Amendments of the Preservatives in Food Regulation (Cap. 132BD), our Association would like to share our views as below for the Center for Food Safety (“CFS”)’s kind consideration.

**1) To add food category 13 “Foodstuffs intended for particular nutritional uses” as in the food category system in the Codex General Standard for Food Additives**

Preservatives and antioxidants are commonly used in this food category like special medical foods, food supplement, etc. It is important to include this category and the related usage requirement in the Proposed Amendments, and especially many common preservatives or antioxidants like tocopherols, ascorbates which under the current regulation, though excluded from the definition of preservatives/antioxidants, are allowed for use in different categories of food. Now with the Proposed Amendments to change to regulate these additives in the permitted list (either with maximum prescribed levels or GMP food additives), and if the permitted list does not cover this food category, it would mean that many special medical foods and food supplements containing antioxidants/preservatives can no longer be sold or imported into Hong Kong in the future. This will severely impact those people that have special dietary needs.

It is suggested to follow Codex to add category 13 to the food categorization system, as below:

Foodstuffs intended for particular nutritional uses	13.0
3 Infant formulae, follow-up formulae, and formulae for special medical purposes for infants	13.1
3 Infant formulae	13.1.1
3 Follow-up formulae	13.1.2
3 Formulae for special medical purposes for infants	13.1.3
3 Complementary foods for infants and young children	13.2
Dietetic foods intended for special medical purposes (excluding products of food category 13.1)	13.3
Dietetic formulae for slimming purposes and weight reduction	13.4
Dietetic foods (e.g. supplementary foods for dietary use) excluding products of food categories 13.1 - 13.4 and 13.6	13.5
Food supplements	13.6

## 2) Longer Grace Period (30 months) Needed

As a large number of commonly used antioxidants and preservatives e.g. tocopherols, which currently being excluded from the definition of antioxidants and preservatives, are now included in the proposed Regulation and regulated in the positive list, this would have an impact on the product formulation, raw materials selection and labelling; this together with the need to liaise with different overseas manufacturers, will require a lot of preparation which takes up considerable time. In addition, some of the affected products have a shelf life of 2 years or more. A transition period of 18 months is not sufficient.

The earlier Hazardous Substances in Food (Amendment) Regulation 2021 (the "Amendment Regulation") was gazetted on 11 June 2021. The labelling requirements are scheduled to come into effect on 1 December 2023 which also allows 30 months grace period. The industry has already invested significant resources in reviewing and changing their formulations/labelling. If the transition period is only 18 months, there is not sufficient time to sell off these newly updated products in the market and thus will lead to a lot of wastage.

In addition, the Proposed Amendment only explains the updated standards to the Codex Alimentarius Commission standards supplemented by the standards of the Mainland and other major food trading partners, but does not clearly set out what the changes are and the standards on which they are based. This greatly increases the time and difficulty of the assessment.

With the above, it is proposed that the Proposed Amendments should not come into effect until at least 30 months after the amendment of the Regulation is gazetted, so as not only to reduce the waste of large quantities of food and packaging materials caused by the amendment of the Regulation, but also to provide sufficient and reasonable grace period to allow ample time for the industry to prepare for the latest requirements and facilitate a smooth transition in the market. We do hope this is acceptable and especially the Proposed Amendments is not due to any food safety concern.

**3) To consider the Standards of U.S. Food and Drug Administration in Category "13.2 Complementary Food for Infants and Young Children"**

US is the major importing country in HK for baby food particularly food preparation for infants<sup>i</sup>. It accounts for over 53% of total import of the category in 2017 December. For the year 2017, the total import of the category from US is 2,464,410 kg which accounts for over 40% of total import of the category. US is the number one export country of the category to Hong Kong, the demand of Hong Kong consumers on Complementary foods for infants and young children cannot be neglected.

However, US FDA food additive standard haven't been fully considered. According to "Proposed Amendments", for example, MPL of Tocopherols (INS307a,b,c) in category "13.2 Complementary foods for infants and young children" are 300 mg/kg. While in US FDA standard 21 CFR 182.3890<sup>ii</sup> & 21 CFR 182.8890<sup>iii</sup>, Tocopherols are GRAS (Generally Recognized as Safe) and can be used in accordance with good manufacturing practice (GMP), there is no MPL established. In this case, Codex standard for Tocopherols is more stringent requirement than US, the current US baby food will no longer be allowed to import into HK. The gap between Codex and US FDA standard on additives will impose great impact on the export of US Complementary foods for infants and young children into Hong Kong.

We recommend the CFS to consider applying US FDA standard in Complementary foods for infants and young children in "Proposed Amendments", listing Tocopherols (INS307a,b,c) as GMP additives for "13.2 Complementary foods for infants and young children".

Yours faithfully,

---

Albert Tang  
Chairman, Government Policy Committee

---

<sup>i</sup> According to latest issue 2017 December Hong Kong Merchandise Trade Statistics – Imports from the HKSAR Census and Statistics Department<sup>[1]</sup>, the import of category 09893 "FOOD PREPARATIONS FOR INFANTS, FOR RETAIL SALE, OF FLOUR MEAL, STARCH OR MALT EXTRACT, N.E.S. (KG)" from USA is 278,717 kg. [Hong Kong Merchandise Trade Statistics Imports December 2017](#)

<sup>ii</sup> Code of Federal Regulations Title 21, part 182 -- Substances Generally Recognized as Safe, Subpart D, 182.3890

<sup>iii</sup> [Code of Federal Regulations Title 21, part 182 -- Substances Generally Recognized as Safe, Subpart I, 182.8890](#)