

1 Attachment



RE Proposed Amendments to Cap. 132BD (Vitasoy) 2nd.pdf

Dear Sir/Madam,

I am writing in response to the proposed amendments to the Preservatives in Food Regulation (Cap. 132BD). Please refer to attached letter for detail.

Thanks for your attention.

Should you have any questions, please do not hesitate to contact me. Thanks.



Aya Cheung

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Vitasoy International Holdings Ltd.

Re: Proposed Amendments to the Preservatives in Food Regulation (Cap. 132BD)
2nd submission of consultation letter (Vitasoy)
回覆：食物中防腐劑規例（第 132BD 章）的建議修訂
第二次提交諮詢信（維他奶）

Dear Food and Environmental Hygiene Department,
尊敬的食物環境衛生署：

Thanks for engaging us for the *Public Consultation Forums on Proposed Amendments to the Preservatives in Food Regulation (Cap. 132BD)* (proposed amendment to Cap. 132BD) on June and the 1st technical meeting and other circumstances meetings. The consultation forum provided the necessary background information for trades about proposed Cap 132BD, while the first technical meeting further explained the interpretation on the proposed regulation. Therefore, I am writing in response to above meetings with providing some concerns and comments.

感謝您邀請我們參加六月舉行的《食物規例》防腐劑（第 132BD 章）建議修訂公眾諮詢論壇（第 132BD 章的擬議修訂）以及第一次技術會議和其他情況會議。諮詢論壇為業界提供了有關擬議第 132BD 章的必要背景資料，而第一次技術會議則進一步解釋了對擬議法規的解釋。因此，我寫信回應上述會議，提出一些關切和意見。

Firstly, during the meetings, FEHD clarified that once the proposed amendment to Cap. 132BD scoped food additives are used, the food additives have to follow the maximum dosage which specified in Annex IV, even though the food additives are used as other functional classes. For example, citric acid is listed under specified food catalogues in Annex IV, it is usually used as acidic regulator in many processed food. Regard to this point, there was no explicitly written that food additives with functions other than antioxidant and preservative still need to follow the Annex IV food catalogues and maximum dosages in the proposed amendment to Cap. 132BD. Also, in the abovementioned case, FEHD is still under consideration of the use of such as “No preservative added” can be used. For this points, since the application of such kind of food additives is originally not performing functions neither preservative nor anti-oxidant, trade suggested that using claim like “No preservative added” should be acceptable. In addition, when food additive functional class is “antioxidant”, trade also suggested that the claim “No preservative added” can be applied on labelling of any advertisement. This is because the definition and the principle of mechanism of “antioxidant” and “preservative” are totally different.

首先，食環署在會議上澄清，一旦使用第 132BD 章的擬議修訂範圍內的食物添加劑，即使食物添加劑用作其他功能類別，該食物添加劑也必須遵守附件 IV 所訂明的最大劑量。例如，檸檬酸被列入附件 IV 的指定食品目錄中，它通常在許多加工食品中用作酸性調節劑。關於這一點，在第 132BD 章的擬議修訂中沒有明確規定具有抗氧化劑和防腐劑以外功能的食物添加劑仍需要遵循附件 IV 食品目錄和最大劑量。另外，在上述情況下，食環署仍在考慮使用「不添加防腐劑」等字眼。對此，由於該類食品添

加劑的使用本來就沒有起到防腐或抗氧化的作用，業界建議使用「不添加防腐劑」等聲稱是可以接受的。此外，當食品添加劑功能類別為「抗氧化劑」時，業界和生產商也建議在任何廣告標籤上都可以使用「不添加防腐劑」的說法。這是因為「抗氧化劑」和「防腐劑」的定義和作用原理完全不同。

Secondly, food additive listed in Annex V (GMP additives) are preservatives and antioxidants that are acceptable for use in foods in general when used at *quantum satis levels*, unless otherwise specified. However, by checking specified food catalogues in Annex IV, some GMP additives appear and in GMP level. After clarification from FEHD in the technical meetings or other circumstances, the abovementioned case happen because the used of that GMP additives against that specified food catalogues in Annex IV have been reviewed in safety panel and concluded again that GMP level can be applied. However, the meaning of such indication in Annex IV have no different when simply listed in Annex V, duplicated listing which may cause confusion to trade and industries. To reduce these confusion, it is suggested to remove all GMP additives with GMP level and contemporarily listed in both Annex IV and Annex V from the list of Annex IV, only retain those GMP additives in Annex V. This suggestion can simplify the Annex IV list and help trade and industries to follow the list more easily. This is because trade only concern about the maximum usage level in specified food catalogs, but may not feel great interest in the reviewed process behind.

其次，附件 V（GMP 添加劑）中列出的食品添加劑是防腐劑和抗氧化劑，除非另有規定，在定量使用時通常可以在食品中使用。然而，透過檢查附件 V 規定的食品目錄，發現有部分 GMP 添加劑出現，且處於 GMP 的使用量。經食環署在技術會議或其他情況下作出澄清，出現上述情況是因為該 GMP 添加劑的使用符合附件 IV 指定食品目錄的要求，並已經過安全小組審查，並再次得出可適用 GMP 水平的結論。然而，附件 IV 中的此類標識與附件 V 中簡單列出的含義沒有區別，重複列表可能會造成業界和生產商的混亂。為了減少這些混亂，建議從附件 IV 清單中刪除所有具有 GMP 使用量並同時列於附件 IV 和附件 V 的 GMP 添加劑，僅保留附件 V 中的 GMP 添加劑。該建議可以簡化附件 IV 清單並幫助貿易和工業更容易遵循清單。這是因為業界只關心指定食品目錄中的最高使用水平，但可能對背後的審查過程不感興趣。

Thirdly, it would be very appreciate to see FEHD arrange several session of public consultation and technical meeting, and engage trade and industries to attend. During the meeting, FEHD representatives provided response to trade questions and clarification, this is very helpful to enhance trade understanding on the proposed amendment of regulation. It would be much better if the note of minutes of the meeting would be available for trade and industries reference.

第三，非常歡迎食環署安排多場公眾諮詢及技術會議，並邀請業界參與。會議期間，食環署代表就業界提出的問題回應及澄清，有助於增進業界對規例修訂建議的了解。如果會議紀錄可供貿易和工業參考，那就更好了。

In conclusion, because of the great amount of comments for the proposed amendment to Cap. 132BD, trades suggested that FEHD would provide consolidation FAQ as

earlier as possible, which would help trades to understand more about FEHD thoughts. Trade can implement corresponding measures accordingly.

總而言之，由於第 132BD 章的擬議修訂意見較多，業界建議食環署儘早提供綜合常見問題，以有助業界更多了解食環署的想法。業界可據此採取相應措施。

Thanks for your time and attention.

感謝您的時間和關注。

For and on behalf of
Vitasoy International Holdings Limited
為了並代表
維他奶國際集團有限公司

Aya Cheung
Group Assistant Manager, Regulatory Affairs