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Hong Kong

FAIRS Subject Report

Amended Preservatives Regulation Effective July 1, 2008

2008

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Report Highlights:

U.S. packaged food exports to Hong Kong may be affected by the Hong Kong government's (HKG) amended Preservatives Regulation, which became effective July 1, 2008. The amended regulation's maximum permitted level for preservatives allowed in certain foods in Hong Kong may be lower than, in some cases, the U.S. standard. Also, there is one preservative (propyl para-hydroxybenzoate) no longer allowed for use, while there are eleven additional preservatives permitted in the new standard. Compared to the original regulation, the amended regulation adopted a food category system based on Codex's GSFA (Codex General Standard for Food Additives). It also incorporated those preservatives and antioxidants, as well as their permitted levels of use, in GSFA. To help trade to better understand the amended regulation, the HKG issued a "User Guideline", which provides the definition of each food category of the newly adopted food category system. Hong Kong's Preservatives Regulation adopts the principle of the positive list. The HKG is providing a two-year transitional period to trade to allow them to prepare for the changes brought about by the amended regulation. During this transitional period, Hong Kong's food supplies may comply with either the original regulation or the newly amended regulation.

Includes PSD Changes: No
Includes Trade Matrix: No
Trade Report
Hong Kong [HK1]
[HK]

U.S. packaged food exports to Hong Kong may be affected by the amended Preservatives Regulation, which became effective July 1, 2008. The amended regulation's maximum permitted level for preservatives allowed in certain foods in Hong Kong could be lower than the U.S. standard. Also, there is one preservative (propyl para-hydroxybenzoate) no longer allowed for use, and eleven additional preservatives permitted in the new standard (as listed in this report below). Compared to the original regulation, the amended regulation adopted a food category system based on Codex's GSFA (Codex General Standard for Food Additives). It also incorporated those preservatives and antioxidants, as well as their permitted levels of use, in GSFA. (See gain report HK#7018)

To help trade better understand the amended regulation, the HKG issued a "User Guideline", which provides the definition of each food category of the newly adopted food category system. Also, the Guidelines include some questions and answers pertaining to the amended regulations. The full Guidelines are available at the following website:
http://www.cfs.gov.hk/english/whatsnew/whatsnew_fstr/files/User_Guideline_e.pdf

Hong Kong's Preservatives Regulation adopts the principle of a positive list. In other words, Hong Kong does not allow any preservatives or antioxidants in foods if they are not expressly permitted by the Preservatives Regulation. The list of permitted preservatives and their maximum permitted levels may be retrieved from the following website:
<http://www.legco.gov.hk/yr07-08/english/subleg/negative/In085-08-e.pdf>

The amended Preservatives Regulation will be available at <http://www.legislation.gov.hk/eng/home.htm> - CAP 132BD PRESERVATIVES IN FOOD REGULATIONS. (The website has not yet been updated with the amended regulation as of the date of report.)

Additional/Discontinued Preservatives

The amendment of the Preservatives Regulation removed one preservative, namely propyl para-hydroxybenzoate, from the permitted list but added eleven preservatives, which were previously not allowed to use in foods for sale in Hong Kong. These eleven additional preservatives are :

Guaiac resin
Isopropyl citrates
Stannous chloride
Tertiary butylhydroquinone (TBHQ)
Thiodipropionic acid
Dimethyl dicarbonate
Ferrous gluconate
Formic acid
Hexamethylene tetramine
Lysozyme
Pimaricin

Food Additives not Covered by the Amended Preservatives Regulation

The following food additives are not included in the definition of preservative or antioxidant under the amended regulation. They are therefore not being regulated by the amended Preservatives Regulation and are allowed for use in foods in general, subject to Hong Kong's general food law.

The following food additives are excluded as antioxidants:

Lecithin

Ascorbic acid or salts or esters of ascorbic acid

Tocopherols

Erythorbic acid, citric acid, tartaric acid, phosphoric acid, lactic acid or the calcium, potassium or sodium salts of any such acid

Calcium, potassium or sodium salts of gluconic acid

Acetic and fatty acid esters of glycerol, lactic and fatty acid esters of glycerol or citric and fatty acid esters of glycerol

Glucose oxidase derived from *Aspergillus niger* var

The following food additives are excluded as preservatives:

Any permitted coloring matter

Common salt (sodium chloride)

Lecithin, sugars or tocopherols

Nicotinic acid or its amide

Vinegar or acetic acid, lactic acid, ascorbic acid, citric acid, malic acid, phosphoric acid, polyphosphoric acid or tartaric acid or the calcium, potassium or sodium salts of any of the acids specified in this paragraph

Glycerol, alcohol, or potable spirits, isopropyl alcohol, propylene glycol, monoacetin, diacetin or triacetin

Herbs or hop extract

Spices or essential oils when used for flavoring purposes

Any substance added to food by the process of curing known as smoking

Carbon dioxide, nitrogen or hydrogen when used in the packing of food in hermetically sealed containers

Nitrous oxide when used in the making of whipped cream

Glucose oxidase derived from *Aspergillus niger* var

Transitional Arrangement

The HKG provides for a two-year transitional period to trade to allow them to prepare for the changes brought about by the amended regulation. During this transitional period, food may comply with either the original regulation or the newly amended regulation. Upon conclusion of the transitional period, the original regulation will be repealed and all food must comply with the newly amended regulation. The transitional period began on July 1, 2008 and will end on June 30, 2010.