

**L.N. 86 of 2021**

**Harmful Substances in Food (Amendment) Regulation  
2021**

(Made by the Secretary for Food and Health under section 55 of the Public Health and Municipal Services Ordinance (Cap. 132))

**1. Commencement**

- (1) Subject to subsection (2), this Regulation comes into operation on 1 June 2023.
- (2) Sections 3(3), 4 and 5 come into operation on 1 December 2023.

**2. Harmful Substances in Food Regulations amended**

The Harmful Substances in Food Regulations (Cap. 132 sub. leg. AF) are amended as set out in sections 3 to 6.

**3. Regulation 2 amended (interpretation)**

- (1) Regulation 2, Chinese text, definition of 機場貨物轉運區—

**Repeal**

“涵義。”

**Substitute**

“涵義；”。

- (2) Regulation 2—

**Add in alphabetical order**

“*follow-up formula* (較大嬰兒及幼兒配方產品) has the meaning given by regulation 2(1) of the Food and

Drugs (Composition and Labelling) Regulations (Cap. 132 sub. leg. W);

*infant formula* (嬰兒配方產品) has the meaning given by regulation 2(1) of the Food and Drugs (Composition and Labelling) Regulations (Cap. 132 sub. leg. W);

*low erucic acid rapeseed oil* (低芥酸菜籽油) means any vegetable oil produced from low erucic acid oil-bearing seeds of varieties derived from the *Brassica napus* L., *Brassica rapa* L. and *Brassica juncea* L., species;”.

(3) Regulation 2—

**Add in alphabetical order**

“*partially hydrogenated oil* (部分氫化油) means any oil or fat that has undergone the process of hydrogenation but is not fully saturated as a result of that process;”.

**4. Regulation 3A amended (prohibition of import and sale of fish, meat or milk etc. containing prohibited substances)**

(1) Regulation 3A, heading—

**Repeal**

“fish, meat or milk”

**Substitute**

“certain food or oil”.

(2) Regulation 3A—

**Renumber the regulation as regulation 3A(1).**

(3) After regulation 3A(1)—

**Add**

“(2) A person must not import for human consumption any oil or fat or a mixture of oil and fat containing partially hydrogenated oil.

- (3) A person must not sell, or consign or deliver for sale, for human consumption any food (including any oil or fat or a mixture of oil and fat) containing partially hydrogenated oil.”.

**5. Regulation 3B amended (application to air transit or air transshipment cargo)**

- (1) Regulation 3B(1)—

**Repeal**

“Regulation 3 does”

**Substitute**

“Regulations 3 and 3A do”.

- (2) Regulation 3B(1)—

**Repeal**

“in that regulation”

**Substitute**

“in those regulations”.

- (3) Regulation 3B(1)—

**Repeal**

“of regulation 3”

**Substitute**

“of regulations 3 and 3A”.

- (4) Regulation 3B(1)—

**Repeal**

“that regulation has”

**Substitute**

“those regulations have”.

- (5) Regulation 3B(2)(a)—

**Repeal**

“regulation 3”

**Substitute**

“regulation 3 or 3A”.

**6. Schedule 1 amended (maximum concentration of certain substances present in specified foods)**

(1) Schedule 1—

**Repeal item 1****Substitute**

“1.	Aflatoxin B <sub>1</sub>	Infant formula and follow-up formula other than formula manufactured from milk proteins	0.1 microgram per kilogram of the food. (Note 1)
		Any other food intended to be consumed principally by persons under the age of 36 months other than infant formula and follow-up formula manufactured from milk proteins	0.1 microgram per kilogram of the food. (Note 2)

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Section 6

1A.	Aflatoxin M <sub>1</sub>	Infant formula and follow-up formula intended to be consumed principally by persons under the age of 12 months	0.025 microgram per kilogram of the food. (Note 1)	
		Any other milk or dried milk	0.5 microgram per kilogram of the food. (Note 1)	
1B.	Aflatoxins, total	Sum of aflatoxins B <sub>1</sub> , B <sub>2</sub> , G <sub>1</sub> and G <sub>2</sub>	<p data-bbox="547 744 733 948">Non-ready-to-eat almonds, Brazil nuts, hazelnuts, peanuts and pistachios</p> <p data-bbox="547 987 746 1227">Non-ready-to-eat peanut products and products of almonds, Brazil nuts, hazelnuts and pistachios</p> <p data-bbox="547 1266 629 1298">Spices</p>	<p data-bbox="781 744 967 843">15 micrograms per kilogram of the food.</p> <p data-bbox="781 987 967 1086">15 micrograms per kilogram of the food.</p> <p data-bbox="781 1266 967 1364">15 micrograms per kilogram of the food.</p>

	Any other food	10 micrograms per kilogram of the food.”.
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(2) Schedule 1, after item 4—

**Add**

“4A. Benzo[a]pyrene	Oil or fat or any mixture of oil and fat	5 micrograms per kilogram of the food.
	Infant formula and follow-up formula intended to be consumed principally by persons under the age of 12 months	1 microgram per kilogram of the food.”.

(3) Schedule 1, after item 11—

**Add**

“11A. Deoxynivalenol	Cereal-based foods intended to be consumed principally by persons under the age of 36 months	200 micrograms per kilogram of the food. (Note 2)”.
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## (4) Schedule 1—

**Repeal item 17****Substitute**

“17.	Erucic acid	The fatty acid cis-docos-13-enoic acid	Low erucic acid rapeseed oil	2 per centum by weight of its fatty acid content.
			Any other oil or fat or any mixture of oil and fat	5 per centum by weight of its fatty acid content.
			Any food to which oil or fat or a mixture of oil and fat has been added	5 per centum by weight of its fatty acid content of all the oils and fats in the food.”.

## (5) Schedule 1, after item 22—

**Add**

“22A.	Glycidyl fatty acid esters	Glycidyl fatty acid esters expressed as glycidol	Powdered infant formula and powdered follow-up formula intended to be consumed principally by persons under the age of 12 months	50 micrograms per kilogram of the food.
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Section 6

Liquids infant formula and liquid follow-up formula intended to be consumed principally by persons under the age of 12 months	6 micrograms per kilogram of the food.”.
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(6) Schedule 1—

**Repeal item 26B**

**Substitute**

“26B. Melamine

Liquids infant formula and liquid follow-up formula intended to be consumed principally by persons under the age of 12 months	0.15 milligram per kilogram of the food.
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Milk other than liquid infant formula and liquid follow-up formula intended to be consumed principally by persons under the age of 12 months	1 milligram per kilogram of the food.
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Section 6

Any other food intended to be consumed principally by persons under the age of 36 months

1 milligram per kilogram of the food.

Any food intended to be consumed principally by pregnant or lactating women

1 milligram per kilogram of the food.

Any other food

2.5 milligrams per kilogram of the food.”.

(7) Schedule 1, after item 30—

**Add**

“30A. Patulin

Apple juice and other beverages to which apple juice has been added

50 micrograms per kilogram of the food.  
(Note 1)”.

(8) Schedule 1, after item 39—

**Add**

Section 6

“40.	3- monochloropropane- 1,2-diol	Solid condiments containing acid hydrolysed vegetable proteins	1 milligram per kilogram of the food.
		Any other condiments containing acid hydrolysed vegetable proteins	0.4 milligram per kilogram of the food.”.

(9) At the end of Schedule 1—

**Add**

“Note 1: The maximum concentration applies to the food that is, or is reconstituted to be, ready for consumption.

Note 2: The maximum concentration applies to the dry matter of the food.”.

Professor Sophia CHAN Siu-chee  
Secretary for Food and Health

7 June 2021

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## Explanatory Note

This Regulation is made under section 55 of the Public Health and Municipal Services Ordinance (Cap. 132) to amend the Harmful Substances in Food Regulations (Cap. 132 sub. leg. AF) (*principal Regulations*). The purposes of the Regulation are to—

- (a) amend Schedule 1 to the principal Regulations to—
    - (i) update the maximum permitted concentration of 3 harmful substances, namely, aflatoxins, erucic acid and melamine, in food; and
    - (ii) introduce the maximum permitted concentration of 5 harmful substances, namely, benzo[a]pyrene, deoxynivalenol, glycidyl fatty acid esters, patulin and 3-monochloropropane-1,2-diol, in food; and
  - (b) amend regulation 3A of the principal Regulations to prohibit—
    - (i) the import for human consumption of oil or fat, or a mixture of both, that contains partially hydrogenated oil; and
    - (ii) the sale or consignment or delivery for sale for human consumption of any food containing partially hydrogenated oil,and consequentially amend regulation 3B of the principal Regulations.
2. The provisions of the Regulation relating to partially hydrogenated oil will come into operation on 1 December 2023. The other provisions of the Regulation will come into operation on 1 June 2023.