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Updates - Hong Kong's Pesticide Residues in Food Regulation Enacted

Report Categories:

Agriculture in the News

FAIRS Subject Report

Sanitary/Phytosanitary/Food Safety

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Report Highlights:

The Hong Kong government notifies WTO members that it enacted its first-ever Pesticide Residues in Food Regulation in June 2012. The Regulation will enter into force on August 1, 2014, following a two-year grace period which is provided to trade to familiarize themselves with the new Regulation. The Hong Kong government is planning to include the July 2013 Codex MRL updates on Hong Kong's pesticide list before implementation in 2014. U.S. industry is encouraged to submit further MRL additions/amendments, if any, to the HKG before July 2013 for their consideration to be incorporated in the Regulation's Schedule, which is to be passed by the Legislative Council prior to August 2014.

Summary

The Hong Kong government introduced the Pesticide Residues in Food Regulation to the Legislative Council in May 2012. It was enacted with no amendments being made before the deadline of June 6. This is Hong Kong's first-ever piece of regulation specifically governing pesticide residues in food and will enter into force on August 1, 2014, following a two-year grace period. The Hong Kong government notifies WTO members in June following the enactment of the Regulation.

The Hong Kong government first introduced a public consultation on its proposed regulatory framework for pesticide residues in food in 2007. After public discussion and consultations, the proposed framework finally has been modified to its present format. The final list of maximum residue limits (MRLs) consists of 360 pesticides and residue limits for over 7,000 pesticide-food pairs. The list is basically based on MRLs and extraneous maximum residue limits (EMRLs) recommended by Codex supplemented by those adopted by China, the U.S. and Thailand as they are major produce suppliers to Hong Kong. The Regulation also includes a list of 78 exempted pesticides.

The MRL/EMRLs and Exemption Lists included in the Regulation are available at the following link:

http://www.cfs.gov.hk/english/whatsnew/whatsnew_fstr/files/MRL_Schedule_1_2_e.pdf

Under the Regulation, the Hong Kong government will incorporate Codex updates into Hong Kong's Regulation in the future but there are no specifics as to how frequent it will be updated. Also, there exists a mechanism which allows applications for new/revised MRLs/EMRLs and exempted pesticides. All applications will be free of charge.

However, the Hong Kong government is planning to include the July 2013 Codex MRL updates on Hong Kong's pesticide list before implementation in 2014. U.S. industry is encouraged to submit further MRL additions/amendments, if any, to the HKG before July 2013 for their consideration to be incorporated in the Regulation's Schedule, which is to be passed by the Legislative Council prior to August 2014.

Key features of the Regulation

- To define "pesticide" and other related terms in a way consistent with the Codex Alimentarius Commission (Codex);
- To provide a list of maximum residue limits (MRLs)/extraneous maximum residue limits

(EMRLs), to adopt MRLs/EMRLs recommended by Codex as the backbone as well as the Codex classification of foods;

- To prohibit the import and sale of the concerned food for which no MRL/EMRL has been specified, unless the Director of Food and Environmental Hygiene (DFEH) is satisfied that the detected level will not be dangerous or prejudicial to health;
- To provide a list of exempted substances;
- To commence the proposed Regulation after a two-year grace period.