

L.N. 113 of 2018

**Food Adulteration (Metallic Contamination)
(Amendment) Regulation 2018**

Contents

Section	Page
1. Commencement	B3573
2. Food Adulteration (Metallic Contamination) Regulations amended	B3573
3. Regulation 2 amended (interpretation)	B3573
4. Regulation 3 substituted	B3573
3. Food prohibited for sale, etc. if its metal content exceeds certain level	B3575
5. Regulation 3AA added	B3577
3AA. Food prohibited for sale, etc. if its metal level is dangerous or prejudicial to health	B3577
6. Regulation 3A amended (application to air transit or air transshipment cargo)	B3579
7. Regulation 4 amended (amendment of Schedules)	B3581
8. Regulation 5 amended (offences and penalties)	B3581
9. Regulation 7 added	B3581
7. Continued application of old standard until 31 October 2020	B3583

Food Adulteration (Metallic Contamination) (Amendment) Regulation 2018

L.N. 113 of 2018
B3571

Section	Page
10.	First Schedule substitutedB3583
	Schedule Maximum Level of MetalB3585
11.	Second Schedule repealed (maximum permitted concentration of certain metals present in specified foods)B3611

Food Adulteration (Metallic Contamination) (Amendment) Regulation 2018

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

1. Commencement

This Regulation comes into operation on 1 November 2019.

2. Food Adulteration (Metallic Contamination) Regulations amended

The Food Adulteration (Metallic Contamination) Regulations (Cap. 132 sub. leg. V) are amended as set out in sections 3 to 11.

3. Regulation 2 amended (interpretation)

(1) Regulation 2, definition of *metal*—

Repeal

“chemical compounds of the metal”

Substitute

“antimony, arsenic, boron and selenium”.

(2) Regulation 2—

Add in alphabetical order

“*maximum level* (上限)—see regulation 3;”.

4. Regulation 3 substituted

Regulation 3—

Repeal the regulation

Substitute

“3. Food prohibited for sale, etc. if its metal content exceeds certain level

- (1) A person must not import, consign, deliver, manufacture or sell for human consumption any specified food or compounded food which contains a specified metal in excess of the maximum level.
- (2) For paragraph (1)—
 - (a) the maximum level of each specified metal in each specified food is specified in Part 2 of the Schedule;
 - (b) the maximum level of a specified metal in a specified food that has gone through a process of drying, dehydration or concentration is to be proportionally adjusted according to the change in the concentration of the metal in the food caused by the process.
- (3) For paragraph (1), the maximum level of a specified metal in each specified food applies to—
 - (a) the edible portion of the food; or
 - (b) if applicable, the portion of the food specified in, or the food in the form specified in, a note referred to in column 4 of Part 2 of the Schedule in relation to the food.
- (4) For paragraph (1), if all ingredients of a compounded food are specified food, the maximum level of a specified metal in the compounded food is the sum of the maximum level of the specified metal in each ingredient multiplied by the proportion, by weight, of the ingredient in the compounded food.
- (5) In this regulation—

compounded food (複合食品) means food containing 2 or more ingredients;

ingredient (配料)—

- (a) means any substance which—
 - (i) is used in the manufacture or preparation of food; and
 - (ii) becomes part of the food as finished, even if in altered form; but
- (b) excludes any additive within the meaning of regulation 2(1) of the Food and Drugs (Composition and Labelling) Regulations (Cap. 132 sub. leg. W);

specified food (指明食物) means any food specified in column 2 of Part 2 of the Schedule;

specified metal (指明金屬) means a metal specified in column 1 of Part 2 of the Schedule.”.

5. Regulation 3AA added

After regulation 3—

Add

“3AA. Food prohibited for sale, etc. if its metal level is dangerous or prejudicial to health

- (1) A person must not import, consign, deliver, manufacture or sell for human consumption any food containing any metal in an amount that is dangerous or prejudicial to health.
- (2) In determining whether an item of food contains a metal in an amount that is dangerous or prejudicial to health, regard must be had to—

- (a) the probable effect of that item on the health of a person consuming it; and
- (b) the probable cumulative effect of food the composition of which is substantially the same as that item on the health of a person consuming the food in ordinary quantities.”.

6. Regulation 3A amended (application to air transit or air transshipment cargo)

- (1) Regulation 3A(1)—

Repeal

“Regulation 3 does not”

Substitute

“Regulations 3 and 3AA do not”.

- (2) Regulation 3A(1), English text—

Repeal

“in that regulation”

Substitute

“in those regulations”.

- (3) Regulation 3A(1)—

Repeal

“regulation 3”

Substitute

“regulations 3 and 3AA”.

- (4) Regulation 3A(1)—

Repeal

“that regulation has”

Substitute

“those regulations have”.

- (5) Regulation 3A(2)(a), after “regulation 3”—

Add

“or 3AA”.

7. Regulation 4 amended (amendment of Schedules)

- (1) Regulation 4, heading—

Repeal

“Schedules”

Substitute

“Schedule”.

- (2) Regulation 4—

Repeal

“concentrations specified in Column C of the First and Second Schedules”

Substitute

“maximum levels specified in column 3 of Part 2 of the Schedule”.

8. Regulation 5 amended (offences and penalties)

Regulation 5—

Repeal

“any of the provisions of regulation 3”

Substitute

“regulation 3 or 3AA”.

9. Regulation 7 added

After regulation 6—

Add

“7. Continued application of old standard until 31 October 2020

- (1) During the period between 1 November 2019 and 31 October 2020 (both dates inclusive), a person who does an act in relation to any food (other than any food specified in paragraph (2)) that contains a metal at any level is taken not to have contravened regulation 3 if doing the act immediately before 1 November 2019 would not have contravened these Regulations as in force immediately before 1 November 2019.
- (2) The food are fruit and vegetable and their juice, meat and edible offal of animal and poultry, aquatic animal and poultry egg which—
 - (a) has not been subjected to a process of preservation; or
 - (b) has been preserved by chilling but not freezing.”.

10. First Schedule substituted

First Schedule—

Repeal the Schedule

Substitute

“Schedule

[regs. 3 & 4]

Maximum Level of Metal

Part 1

Interpretation

1. Interpretation

In this Schedule—

aquatic animals (水生動物)—

(a) includes—

(i) fish;

(ii) crustaceans;

(iii) molluscs, including bivalve molluscs, cephalopods, gastropods; and

(iv) any other aquatic invertebrate animals; but

(b) does not include amphibians, marine mammals or reptiles;

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);

milk (奶類) means the normal mammary secretion of milking animals that is—

- (a) obtained from one or more milkings without either addition or extraction; and
- (b) intended for consumption as liquid milk or for further processing;

secondary milk products (二次加工奶製品) means skimmed milk, partly skimmed milk, evaporated milk and milk powder.

Part 2

Maximum Level of Metal in Food

Column 1	Column 2	Column 3	Column 4
Metal	Food	Maximum Level (mg/kg)	Note
1. Antimony	Vegetables	1	
	Cereals	1	
	Meat of animal	1	Note 1
	Meat of poultry	1	Note 1
	Fish	1	Note 2
	Crabs, prawns and shrimps	1	Note 3
	Oysters	1	
	Bottled or packaged drinking waters, other than natural mineral waters	0.02	

Food Adulteration (Metallic Contamination) (Amendment) Regulation 2018

L.N. 113 of 2018

Section 10

B3589

Column 1	Column 2	Column 3	Column 4
Metal	Food	Maximum Level (mg/kg)	Note
	Natural mineral waters	0.005	
2. Arsenic (expressed as total arsenic)	Vegetables	0.5	
	Cereals, other than rice	0.5	
	Meat of animal	0.5	Note 1
	Edible offal of animal	0.5	
	Meat of poultry	0.5	Note 1
	Edible offal of poultry	0.5	
	Edible fats and oils, other than fish oil	0.1	
	Fat spreads and blended spreads	0.1	
	Salt, food grade	0.5	
	Bottled or packaged drinking waters, other than natural mineral waters	0.01	
	Natural mineral waters	0.01	
3. Arsenic (expressed as inorganic arsenic)	Husked rice	0.35	
	Polished rice	0.2	
	Aquatic animals, other than fish	0.5	Notes 3, 4, 5 and 6
	Fish	0.1	Note 2

Food Adulteration (Metallic Contamination) (Amendment) Regulation 2018

L.N. 113 of 2018

Section 10

B3591

Column 1	Column 2	Column 3	Column 4
Metal	Food	Maximum Level (mg/kg)	Note
	Fish oil	0.1	
	Seaweed	1	
4. Barium	Bottled or packaged drinking waters, other than natural mineral waters	1.3	
	Natural mineral waters	0.7	
5. Boron	Bottled or packaged drinking waters, other than natural mineral waters	2.4	
	Natural mineral waters	5	
6. Cadmium	Bulb vegetables	0.05	
	Brassica vegetables, other than Brassica leafy vegetables	0.05	
	Fruiting vegetables, Cucurbits	0.05	
	Fruiting vegetables, other than Cucurbits and tomatoes	0.05	

Food Adulteration (Metallic Contamination) (Amendment) Regulation 2018

L.N. 113 of 2018

Section 10

B3593

Column 1	Column 2	Column 3	Column 4
Metal	Food	Maximum Level (mg/kg)	Note
	Leafy vegetables (including Brassica leafy vegetables)	0.2	
	Legume vegetables	0.1	
	Pulses	0.1	
	Root and tuber vegetables	0.1	
	Stalk and stem vegetables	0.1	
	Vegetables unless otherwise specified	0.1	
	Cereals, other than buckwheat, cañihua, quinoa, wheat and rice	0.1	
	Wheat	0.2	
	Husked rice	0.2	
	Polished rice	0.2	
	Meat of cattle, pigs, goat and sheep	0.05	Note 1
	Liver of cattle, pigs, goat and sheep	0.5	
	Kidney of cattle, pigs, goat and sheep	1	

Food Adulteration (Metallic Contamination) (Amendment) Regulation 2018

L.N. 113 of 2018

Section 10

B3595

Column 1	Column 2	Column 3	Column 4
Metal	Food	Maximum Level (mg/kg)	Note
	Meat of poultry	0.05	Note 1
	Liver of poultry	0.5	
	Kidney of poultry	1	
	Fish	0.1	Note 2
	Crustaceans	2	Note 3
	Bivalve molluscs	2	Note 5
	Cephalopods	2	Note 4
	Gastropods	2	Note 7
	Salt, food grade	0.5	
	Bottled or packaged drinking waters, other than natural mineral waters	0.003	
	Natural mineral waters	0.003	
7. Chromium	Vegetables, other than pulses	0.5	
	Pulses	1	
	Cereals	1	
	Meat of animal	1	Note 1
	Meat of poultry	1	Note 1
	Fish	1	Note 2

Food Adulteration (Metallic Contamination) (Amendment) Regulation 2018

L.N. 113 of 2018

Section 10

B3597

Column 1	Column 2	Column 3	Column 4
Metal	Food	Maximum Level (mg/kg)	Note
	Crabs, prawns and shrimps	1	Note 3
	Oysters	1	
	Bottled or packaged drinking waters, other than natural mineral waters	0.05	
	Natural mineral waters	0.05	
8.	Copper		
	Bottled or packaged drinking waters, other than natural mineral waters	2	
	Natural mineral waters	1	
9.	Lead		
	Fruits, other than cranberry, currants and elderberry	0.1	
	Cranberry	0.2	
	Currants	0.2	
	Elderberry	0.2	
	Fruit juices, other than fruit juices exclusively from berries and other small fruits	0.03	Note 8

Food Adulteration (Metallic Contamination) (Amendment) Regulation 2018

L.N. 113 of 2018
B3599

Section 10

Column 1	Column 2	Column 3	Column 4
Metal	Food	Maximum Level (mg/kg)	Note
	Fruit juices exclusively from berries and other small fruits	0.05	Note 8
	Canned fruits	0.1	Note 9
	Jams, jellies and marmalades	0.4	
	Table olives	0.4	
	Mango chutney	1	
	Bulb vegetables	0.1	
	Brassica vegetables, other than Brassica leafy vegetables	0.1	
	Fruiting vegetables, Cucurbits	0.05	
	Fruiting vegetables, other than Cucurbits	0.05	
	Leafy vegetables (including Brassica leafy vegetables), other than spinach	0.3	
	Legume vegetables	0.1	
	Pulses	0.1	
	Root and tuber vegetables	0.1	

Food Adulteration (Metallic Contamination) (Amendment) Regulation 2018

L.N. 113 of 2018

Section 10

B3601

Column 1	Column 2	Column 3	Column 4
Metal	Food	Maximum Level (mg/kg)	Note
	Edible fungi	1	
	Canned vegetables	0.1	Note 9
	Tomatoes, preserved by heat treatment and hermetically sealed	0.05	
	Pickled cucumbers (also known as cucumber pickles)	0.1	
	Cereal grains, other than buckwheat, cañihua and quinoa	0.2	
	Canned chestnuts and canned chestnuts puree	0.05	
	Coffee beans	0.5	
	Coffee beverages	0.2	Note 11
	Meat of cattle, pig, goat and sheep	0.1	Note 1
	Edible offal of cattle	0.5	
	Edible offal of pig	0.5	
	Meat of poultry	0.1	Note 1
	Edible offal of poultry	0.5	
	Poultry eggs	0.2	
	Lime preserved eggs	0.5	

Food Adulteration (Metallic Contamination) (Amendment) Regulation 2018

L.N. 113 of 2018

Section 10

B3603

Column 1	Column 2	Column 3	Column 4
Metal	Food	Maximum Level (mg/kg)	Note
	Aquatic animals, other than fish, crustaceans and bivalve molluscs	1	Notes 6 and 7
	Fish	0.3	Note 2
	Crustaceans	0.5	Note 3
	Bivalve molluscs	1.5	Note 5
	Tea, Green, Black	5	
	Broadleaf Holly leaves	2	
	Dried chrysanthemum	5	
	Tea beverages made from Tea, Green, Black	0.2	Note 11
	Milk	0.02	
	Secondary milk products	0.02	Note 10
	Infant formula and follow-up formula	0.01	Note 10
	Edible fats and oils	0.1	
	Fat spreads and blended spreads	0.1	
	Salt, food grade	2	

Food Adulteration (Metallic Contamination) (Amendment) Regulation 2018

L.N. 113 of 2018

Section 10

B3605

Column 1	Column 2	Column 3	Column 4
Metal	Food	Maximum Level (mg/kg)	Note
	Bottled or packaged drinking waters, other than natural mineral waters	0.01	
	Natural mineral waters	0.01	
	Carbonated beverages	0.2	Note 11
	Wine	0.2	
10. Manganese	Natural mineral waters	0.4	
11. Mercury (expressed as methyl-mercury)	Fish	0.5	Note 2
12. Mercury (expressed as total mercury)	Vegetables, other than edible fungi	0.01	
	Edible fungi	0.1	
	Rice, husked rice, polished rice, maize, maize flour, wheat, wheat flour	0.02	
	Meat of animal	0.05	Note 1
	Edible offal of animal	0.05	
	Meat of poultry	0.05	Note 1
	Edible offal of poultry	0.05	

Food Adulteration (Metallic Contamination) (Amendment) Regulation 2018

L.N. 113 of 2018

Section 10

B3607

Column 1	Column 2	Column 3	Column 4
Metal	Food	Maximum Level (mg/kg)	Note
	Poultry eggs	0.05	
	Aquatic animals, other than fish	0.5	Notes 3, 4, 5 and 6
	Milk	0.01	
	Secondary milk products	0.01	Note 10
	Salt, food grade	0.1	
	Natural mineral waters	0.001	
13.	Mercury (expressed as inorganic mercury)	Bottled or packaged drinking waters, other than natural mineral waters	0.006
14.	Nickel	Bottled or packaged drinking waters, other than natural mineral waters	0.07
		Natural mineral waters	0.02
15.	Selenium	Bottled or packaged drinking waters, other than natural mineral waters	0.04
		Natural mineral waters	0.01

Food Adulteration (Metallic Contamination) (Amendment) Regulation 2018

L.N. 113 of 2018

Section 10

B3609

Column 1	Column 2	Column 3	Column 4
Metal	Food	Maximum Level (mg/kg)	Note
16. Tin	Canned foods, other than canned beverages	250	
	Canned beverages	150	Note 11
17. Uranium	Bottled or packaged drinking waters, other than natural mineral waters	0.03	

Note 1: Applies to edible portion after removal of bones (if any) and to fat from the meat.

Note 2: Applies to edible portion after removal of the digestive tract.

Note 3: Crabs—applies to whole commodity (including the gonads, liver and other digestive organs) after removal of shell and gills.

Note 4: Cephalopods—applies to edible portion after removal of shell and viscera.

Note 5: Scallops—applies to edible portion after removal of shell and viscera.

Note 6: Sea cucumbers—applies to whole commodity after removal of viscera.

Note 7: Applies to edible portion after removal of shell (if any) and viscera.

Note 8: Applies to fruit juices (not concentrated) or products reconstituted to the original juice concentration that are ready to drink. Also applies to nectars that are ready to drink.

Note 9: Applies to fruits or vegetables (as the case may be).

Note 10: Applies to products that are, or are reconstituted to be, ready to drink.

Note 11: Applies to beverages that are, or are reconstituted to be, ready to drink.”.

11. Second Schedule repealed (maximum permitted concentration of certain metals present in specified foods)

Second Schedule—

Repeal the Schedule.

Professor Sophia CHAN Siu-chee
Secretary for Food and Health

31 May 2018

Explanatory Note

This Regulation is made under section 55 of the Public Health and Municipal Services Ordinance (Cap. 132) to amend the Food Adulteration (Metallic Contamination) Regulations (Cap. 132 sub. leg. V). The purposes of the Regulation are to—

- (a) repeal the maximum permitted concentration of metal naturally present in food;
- (b) replace the existing food categories with individual food or food groups;
- (c) provide for the maximum level of metal that is allowed to be contained in each food or food groups (*new maximum levels*);
- (d) provide for the principles to determine the maximum level of metal in relation to compounded food or food that is in a dried, dehydrated or concentrated form; and
- (e) provide for a 12-month grace period in relation to certain food, during which the new maximum levels do not apply.