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Report Highlights:

This report provides an update on the Hong Kong government's earlier intention to regulate edible oil and draws U.S. industry's attention to Hong Kong's setting of the maximum level of certain substances in these products. Instead of setting up a new regulation specifically for edible oil along with mandatory certification, the Hong Kong government finally decided to regulate metallic contaminants (arsenic and lead) and harmful substances (erucic acid, aflatoxins and benzo[a]pyrene) in edible fats and oils through legislative amendments of two existing regulations. In addition, mandatory certification, which was initially proposed, was dropped. While Hong Kong has already set up the standard for arsenic and lead in edible fats and oils, it is now in the process of setting up standards for erucic acid, aflatoxin, and benzo[a]pyrene. U.S. industry may want to express their concerns, if any, to the Hong Kong government via the Agricultural Trade Office.

Background

In early September, Taiwan officials recalled hundreds of food items after discovering they were manufactured with lard prohibited for use in human consumption. The lard was made from recycled cooking oil collected in Hong Kong and manufactured for use in animal feed. However, the lard was subsequently relabeled for human consumption and exported to Taiwan where it was used to make a variety of baked and noodle products. These products were distributed in Taiwan and exported to Hong Kong. Subsequently, the Hong Kong government (HKG) banned the import of affected food products from Taiwan and considered imposing regulatory control on edible fats and oils.

The HKG launched public consultation on its proposed regulatory control on edible fats and oils in 2015. The HKG notified this potential measure to the World Trade Organization (WTO) via SPS/N/HKG/41 and TBT/N/HKG48. The proposed regulatory control consists of two parts: new statutory standards, and new certification requirement.

U.S. Response and the Latest Development of Hong Kong's Regulating Edible Fats and Oils

The U.S. government and U.S. industry submitted comments to the HKG in response to the WTO notifications. The industry opined that mandatory certification was not necessary as the food incident in 2014 involving the recycled substandard oil was apparently a deliberate act of intentional economic adulteration having nothing to do with the normal inherent product risks associated with edible fats and oils. In a separate submission, the U.S. government questioned the maximum level for aflatoxins and benzo[a]pyrene in fats and oils, given the absence of a corresponding Codex standard.

Following the public consultation, the HKG agreed to the U.S. industry's submitted views and discarded the intention to impose mandatory certification requirements for edible oil, including for both imports and domestic trading activities. On regulating the safety standard, the HKG decided not to set up a separate regulation specifically for edible oil, but to amend the existing regulations (metallic contamination and harmful substances) to set up a regulatory standard for arsenic lead, erucic acid, aflatoxins, and benzo[a]pyrene in edible fats and oils.

Currently, the HKG already amended the Food Adulteration (Metallic Contamination) Regulations and it will be fully implemented on November 1, 2020. With its full implementation, arsenic (expressed as total arsenic) and lead in edible fats and oils will be regulated at a maximum level of 0.1 mg/kg.

Further Legislative Amendment in Regulating Edible Fats and Oil

Having set up the maximum limit of arsenic and lead in edible fats and oils by means of amending the Food Adulteration (Metallic Contamination) Regulations, the Hong Kong government is now in the process of amending the Harmful Substances in Food Regulations to stipulate the maximum level of erucic acid, aflatoxins, and benzo[a]pyrene in edible fats and oils along with other harmful substances. The HKG intends to launch a public consultation in 2020.

While the maximum level of regulated harmful substances relating to edible fats and oils are not yet announced, a clue could be obtained by referencing the proposed standard announced in 2015. U.S. industry may want to express their concerns, if any, to the Hong Kong government via the Agricultural Trade Office.

The HKG's proposed regulating standard of edible fats and oil announced in 2015 are as follows:

	Description of Food	**Maximum Level**
Erucic acid	Low-erucic acid rapeseed oil or any food to which low-erucic acid rapeseed oil but no other edibles fats and oils has been added	2 per centum by weight of their fatty acid content
	Any food to which edible fats and oils or a mixture thereof has been added except any food to which low-erucic acid rapeseed oil but no other edibles fats and oils has been added	5 per centum by weight of their fatty acid content
	Any edible fats and oils or any mixture thereof except low-erucic acid rapeseed oil	5 per centum by weight of their fatty acid content
Aflatoxins	Edible fats and oils	5 micrograms aflatoxins, total (B1+B2+G1+G2) per kilogram of the food
Benzo[a]pyrene	Edible fats and oils	5 micrograms per kilogram of the food

Trade Guidelines on the Use of Deep-frying Oil

While the safety standard of edible fats and oils are covered by legislation, the Hong Kong government published a "Trade Guidelines on the Use of Deep-frying Oil" to respond to the food scandal in 2014 in connection with the safety standard of reused oil or cooking oil in use. Given the lack of a referencing standard by Codex, the HKG adopted total polar compounds (TPC) and/or acid value as quality indicators for reused oil (chemical compounds formed during deep-frying are mostly polar).

The Guidelines can be retrieved at the following link.

Attachments:

No Attachments.