

**Food Adulteration (Metallic Contamination) Regulations**  
**Chapter 132v (Section 55(1))**  
[27 May 1983]  
(L.N. 173 of 1983)

**FOOD ADULTERATION (METALLIC CONTAMINATION) REGULATIONS - REGULATION 1**

**Citation** VerDate:30/06/1997

These regulations may be cited as the Food Adulteration (Metallic Contamination) Regulations.

**FOOD ADULTERATION (METALLIC CONTAMINATION) REGULATIONS - REGULATION 2**

**Interpretation** VerDate:26/05/2000

In these regulations, unless the context otherwise requires-

"air transshipment cargo" has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap 60); (29 of 2000 s. 5)

"air transit cargo" means any article in transit that is both imported and consigned for export in an aircraft; (29 of 2000 s. 5)

"article in transit" has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap 60); (29 of 2000 s. 5)

"cargo transshipment area of Hong Kong International Airport" (has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap 60); (29 of 2000 s. 5)

"metal" (includes chemical compounds of the metal;

"sell" includes offer, or expose for sale or have in possession for the purpose of sale.

(L.N. 67 of 1985)

**FOOD ADULTERATION (METALLIC CONTAMINATION) REGULATIONS - REGULATION 3**

**Prohibition of sale etc. of food containing metals except where naturally present up to certain limits** VerDate:30/06/1997

(1) No person shall import, consign, deliver, manufacture or sell, for human consumption,-

(a) any food of a description specified in Column B of the First Schedule which contains any metal specified opposite thereto in Column A of that Schedule unless such metal is naturally present in such food in a concentration not greater than that specified opposite thereto in Column C of that Schedule; or

(b) any food of a description specified in Column B of the Second Schedule which contains any metal specified opposite thereto in Column A in greater concentration than is specified opposite thereto in Column C; or

(c) any food containing any metal in such amount as to be dangerous or prejudicial to health.

(2) In determining for the purposes of paragraph (1)(c) whether an item of food contains a metal in such amount as to be dangerous or prejudicial to health, regard shall be had not only to the probable effect of that item on the health of a person consuming it, but also to the probable cumulative effect of items of substantially the same composition on the health of a person consuming such items in ordinary quantities.

**FOOD ADULTERATION (METALLIC CONTAMINATION) REGULATIONS - REGULATION 3A**  
**Application to air transit or air transshipment cargo** VerDate:26/05/2000

(1) Regulation 3 does not apply in relation to the import of any food referred to in that regulation that is air transit cargo or air transshipment cargo; but if at any time between its being brought into and taken out of Hong Kong such food is removed from the cargo transshipment area of Hong Kong International Airport then, for the purposes of regulation 3-

(a) the food is deemed to be imported at the time of such removal;  
and

(b) the person who brought the food, or caused it to be brought, into Hong Kong as air transit cargo or air transshipment cargo is deemed to be the person who imports the food at the time of its removal, and, except to that extent, that regulation has effect as if this paragraph had not been enacted.

(2) In proceedings against a person for an offence under regulation 5, being proceedings-

(a) in relation to the import of any food referred to in regulation 3 that is air transit cargo or air transshipment cargo; and

(b) in which it is necessary for the prosecution to prove that, at any time between its being brought into and taken out of Hong Kong, the food was removed from the cargo transshipment area of Hong Kong International Airport, it is a defence for the person to show that he took all reasonable steps and exercised reasonable diligence to avoid such removal occurring.

(3) Where in any proceedings the defence provided by paragraph (2) involves an allegation that the commission of the offence was due to-

(a) the act or default of another person; or

(b) reliance on information given by another person, the defendant is not, without the leave of the court, entitled to rely on the defence unless, not less than 10 days before the hearing of the proceedings, he has served a notice in writing on the prosecutor giving all particulars of-

(i) the person who committed the act or default or gave the information; and

(ii) the act, default or information, of which he is aware at the time he serves the notice.

(4) A person is not entitled to rely on the defence provided by paragraph (2) by reason of his reliance on information supplied by another person, unless he shows that it was reasonable in all the circumstances for him to have relied on the information, having regard in particular to-

(a) the steps which he took, and those which might reasonably have been taken, for the purpose of verifying the information; and

(b) whether he had any reason to disbelieve the information.

(29 of 2000 s. 5)

**FOOD ADULTERATION (METALLIC CONTAMINATION) REGULATIONS - REGULATION 4**

**Amendment of Schedules** VerDate:01/01/2000

The Director of Food and Environmental Hygiene may, by notice published in the Gazette, amend the concentrations specified in Column C of the First and Second Schedules.

(L.N. 67 of 1985; L.N. 85 of 1990; 78 of 1999 s. 7)

**FOOD ADULTERATION (METALLIC CONTAMINATION) REGULATIONS - REGULATION 5**

**Offences and penalties** VerDate:30/06/1997

Any person who contravenes any of the provisions of regulation 3 commits an offence and is liable to a fine at level 5 and to imprisonment for 6 months.

(L.N. 329 of 1987; L.N. 177 of 1996)

**FOOD ADULTERATION (METALLIC CONTAMINATION) REGULATIONS - REGULATION 6**

**Name in which proceedings may be brought** VerDate:01/01/2000

Without prejudice to the provisions of any other enactment relating to the prosecution of criminal offences, and without prejudice to the powers of the Secretary for Justice in relation to the prosecutions of criminal offences, prosecutions for an offence under any of the provisions of these regulations may be brought in the name of the Director of Food and Environmental Hygiene.

(L.N. 362 of 1997; 78 of 1999 s. 7)

## FOOD ADULTERATION (METALLIC CONTAMINATION) REGULATIONS - SCHEDULE 1

MAXIMUM PERMITTED CONCENTRATION OF CERTAIN METALS NATURALLY PRESENT IN SPECIFIED FOODS

[regulation 3]

A Metal	B Description of food	C Maximum permitted concentration in parts per million
Arsenic (As <sub>2</sub> O <sub>3</sub> )	Solids being fish and fish products	6
	Solids being shellfish and shellfish products	10

## FOOD ADULTERATION (METALLIC CONTAMINATION) REGULATIONS - SCHEDULE 2

MAXIMUM PERMITTED CONCENTRATION OF CERTAIN METALS PRESENT IN SPECIFIED FOODS

[regulation 3]

A Metal	B Description of food	C Maximum permitted concentration in parts per million
Antimony (Sb)	Cereals and vegetables	1
	Fish, crab-meat, oysters, prawns and shrimps	1
	Meat of animal and poultry	1
Arsenic (As <sub>2</sub> O <sub>3</sub> )	Solids other than-	1.4
	(i) fish and fish products; and (ii) shellfish and shellfish products All food in liquid form	0.14
Cadmium (Cd)	Cereals and vegetables	0.1
	Fish, crab-meat, oysters, prawns and shrimps	2
	Meat of animal and poultry	0.2
Chromium (Cr)	Cereals and vegetables	1
	Fish, crab-meat, oysters, prawns and shrimps	1
	Meat of animal and poultry	1
Lead (Pb)	All food in solid form All food in liquid form	
Mercury (Hg)	All food in solid form	
	All food in liquid form	

Tin (Sn)	All food in solid form All food in liquid	
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