

**HARMFUL SUBSTANCES IN FOOD REGULATIONS
- CHAPTER 132AF**

LONG TITLE

Empowering section VerDate:30/06/1997

(Cap 132, section 55(1))

[27 May 1983]

(Originally L.N. 174 of 1983)

REGULATION 1

Citation and commencement VerDate:30/06/1997

- (1) These regulations may be cited as the Harmful Substances in Food Regulations.
- (2) Regulation 3 insofar as it applies to item 2 in the First Schedule came into effect on 1 January 1985.

REGULATION 2

Interpretation VerDate:28/11/2008

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)

"fatty acid" means any carboxylic acid obtained by the hydrolysis of oil or fat, and includes any such acid existing in a free state in oil or fat;

"fish" does not include live fish other than shell fish; (L.N. 173 of 1986)

"food animal" means an animal or bird commonly kept for the purpose of providing food for human consumption; (L.N. 148 of 2001)

"meat" means the flesh or other edible part (including blood) of-

- (a) any animal; or

(b) any bird,
intended for human consumption; (L.N. 173 of 1986)

"milk" means cows milk, buffaloes milk and goats milk, and includes cream, separated milk and milk beverage, but does not include dried milk, condensed milk or reconstituted milk; (L.N. 215 of 2008 and L.N. 253 of 2008)

"milk beverage" means any beverage resulting from combining liquid milk fat with other solids derived from milk, whether exclusive of any food additive or otherwise; (L.N. 215 of 2008 and L.N. 253 of 2008)

"oil or fat" means oil or fat derived from any animal, bird, fish or plant but does not include any essential oil;

"peanut" means groundnut or the seed of *Arachis hypogaea* L.;

"peanut products" includes oil of peanut or any product containing peanut as its ingredient;

"sell" includes offer, or expose for sale or have in possession for sale.
(L.N. 67 of 1985; L.N. 331 of 1987; L.N. 148 of 2001)

REGULATION 3

Prohibition of import and sale of food containing certain substances in excessive concentrations
VerDate:31/12/2001

No person shall import, consign, deliver, manufacture or sell, for human consumption, any food of a description specified in Column D of the First Schedule which contains any substance specified opposite thereto in Column B, or the description of such substance in Column C, in greater concentration than is specified opposite thereto in Column E.
(L.N. 148 of 2001)

REGULATION 3A

Prohibition of import and sale of fish, meat or milk containing prohibited substances VerDate:31/12/2001

No person shall import, sell or consign or deliver for sale for human consumption, any fish, meat or milk which contains any substance specified in the Second Schedule.
(L.N. 148 of 2001; L.N. 230 of 2001)

REGULATION 3B

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)

REGULATION 4

Amendment of First Schedule VerDate:31/12/2001

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

(L.N. 67 of 1985; L.N. 173 of 1986; L.N. 85 of 1990; 78 of 1999 s. 7; L.N. 148 of 2001)

REGULATION 5

Offence and penalties VerDate:30/06/1997

Any person who contravenes regulation 3 or 3A commits an offence and is liable to a fine at level 5 and to imprisonment for 6 months.

(L.N. 173 of 1986; L.N. 331 of 1987; L.N. 177 of 1996)

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)

SCHEDULE 1

MAXIMUM CONCENTRATION OF CERTAIN SUBSTANCES PRESENT IN SPECIFIED FOODS

VerDate:23/09/2008

[regulations 3 & 4]

A	B	C	D	E
Item	Substance	Description of substance	Description of food	Maximum concentration
1.	Aflatoxin	Group of bis-Furanocoumarin compounds and includes aflatoxin B1, B2, G1, G2, M1, M2, P1 and aflatoxicol	Any food other than peanut or its products Peanuts or peanut products	15 micrograms per kilogram of the food 20 micrograms per kilogram of the food.
2.	Amoxicillin		Muscle, liver and	50 micrograms per

			kidney of all food animals Milk	kilogram of the food. 4 micrograms per kilogram of the food.
3.	Ampicillin		Muscle, liver and kidney of all food animals Milk	50 micrograms per kilogram of the food. 4 micrograms per kilogram of the food.
4.	Bacitracin		Muscle, liver and kidney of bovine, porcine and poultry Milk	500 micrograms per kilogram of the food. 500 micrograms per kilogram of the food.
5.	Benzylpenicillin		Muscle, liver and kidney of all food animals Milk	50 micrograms per kilogram of the food. 4 micrograms per kilogram of the food.
6.	Carbadox	Quinoxaline-2-carboxylic acid	Muscle of porcine Liver of porcine	5 micrograms per kilogram of the food. 30 micrograms per kilogram of the food.
7.	Ceftiofur	Desfuroylceftiofur	Muscle of bovine and porcine Liver of bovine and porcine Kidney of bovine and porcine Milk	1000 micrograms per kilogram of the food. 2000 micrograms per kilogram of the food. 6000 micrograms per kilogram of the food. 100 micrograms per kilogram of the food.

8.	Chlortetracycline	Sum of the parent drug and its 4-epimers	Muscle of all food animals	100 micrograms per kilogram of the food.
			Liver of all food animals	300 micrograms per kilogram of the food.
			Kidney of all food animals	600 micrograms per kilogram of the food.
			Milk	100 micrograms per kilogram of the food.
9.	Cloxacillin	Muscle, liver and kidney of all food animals	300 micrograms per kilogram of the food.	
		Milk	30 micrograms per kilogram of the food.	
10.	Colistin	Muscle and liver of bovine, porcine and poultry	150 micrograms per kilogram of the food.	
		Kidney of bovine, porcine and poultry	200 micrograms per kilogram of the food.	
		Milk	50 micrograms per kilogram of the food.	
11.	Danofloxacin	Muscle of bovine and poultry	200 micrograms per kilogram of the food.	
		Muscle of porcine	100 micrograms per kilogram of the food.	
		Liver of bovine and poultry	400 micrograms per kilogram of the food.	
		Liver of porcine	50 micrograms per kilogram of the food.	
		Kidney of bovine and	400 micrograms per	

			poultry	kilogram of the food.
			Kidney of porcine	200 micrograms per kilogram of the food.
12.	Dicloxacillin		Muscle, liver and kidney of all food animals	300 micrograms per kilogram of the food.
			Milk	30 micrograms per kilogram of the food.
13.	Dihydro-streptomycin	Sum of dihydrostreptomycin and streptomycin	Muscle and liver of bovine, porcine and poultry	500 micrograms per kilogram of the food.
			Kidney of bovine, porcine and poultry	1000 micrograms per kilogram of the food.
			Milk	200 micrograms per kilogram of the food.
14.	Dimetridazole		Muscle, liver and kidney of porcine and poultry	5 micrograms per kilogram of the food.
15.	Doxycycline		Muscle of bovine, porcine and poultry	100 micrograms per kilogram of the food.
			Liver of bovine, porcine and poultry	300 micrograms per kilogram of the food.
			Kidney of bovine, porcine and poultry	600 micrograms per kilogram of the food.

16.	Enrofloxacin	Sum of enrofloxacin and ciprofloxacin	Muscle of bovine, porcine and poultry	100 micrograms per kilogram of the food.
			Liver of bovine	300 micrograms per kilogram of the food.
			Liver of porcine and poultry	200 micrograms per kilogram of the food.
			Kidney of bovine	200 micrograms per kilogram of the food.
			Kidney of porcine and poultry	300 micrograms per kilogram of the food.
			Milk	100 micrograms per kilogram of the food.
17.	Erucic acid	The fatty acid cis-docos-13-enoic acid	Any food to which oil or fat or a mixture thereof has been added	5 per centum by weight of their fatty acid content of all the oils and fats in the food.
			Any oil or fat or any mixture thereof	5 per centum by weight of their fatty acid content.
18.	Erythromycin		Muscle, liver and kidney of bovine, porcine and poultry	400 micrograms per kilogram of the food.
			Milk	40 micrograms per kilogram of the food.
19.	Flumequine		Muscle and liver of bovine, porcine and poultry	500 micrograms per kilogram of the food.
			Kidney of bovine, porcine and poultry	3000 micrograms per kilogram of the food.
20.	Furaltadone		Muscle of porcine and poultry	0 microgram per kilogram of the food.
21.	Furazolidone		Muscle, liver and kidney of bovine, porcine and poultry	0 microgram per kilogram of the food.
22.	Gentamicin		Muscle of bovine,	100 micrograms per

			porcine and poultry	kilogram of the food.
			Liver of bovine and porcine	2000 micrograms per kilogram of the food.
			Kidney of bovine and porcine	5000 micrograms per kilogram of the food.
			Liver and kidney of poultry	100 micrograms per kilogram of the food.
			Milk	200 micrograms per kilogram of the food.
23.	Ivermectin	22, 23-Dihydro-avermectin B1a (H2B1a)	Liver of bovine	100 micrograms per kilogram of the food.
			Liver of porcine	15 micrograms per kilogram of the food.
24.	Josamycin		Muscle and liver of poultry	200 micrograms per kilogram of the food.
			Kidney of poultry	400 micrograms per kilogram of the food.
25.	Kitasamycin		Muscle, liver and kidney of porcine and poultry	200 micrograms per kilogram of the food.
26.	Lincomycin		Muscle of bovine, porcine and poultry	100 micrograms per kilogram of the food.
			Liver of bovine, porcine and poultry	500 micrograms per kilogram of the food.
			Kidney of bovine, porcine and poultry	1500 micrograms per kilogram of the food.
			Milk	150 micrograms per kilogram of the food.
26A.	Malachite green	Sum of malachite green and leucomalachite green	Any food (including live fish, live reptiles and live poultry)	0 microgram per kilogram of the food.

26B.	Melamine		(L.N. 137 of 2005)	Milk	1 milligram per kilogram of the food.
				Any food intended to be consumed principally by persons of an age group into which children under the age of 36 months fall	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.
27.	Metronidazole		(L.N. 215 of 2008)	Muscle, liver and kidney of porcine and poultry	0 microgram per kilogram of the food.
28.	Neomycin			Muscle and liver of bovine, porcine and poultry	500 micrograms per kilogram of the food.
				Kidney of bovine, porcine and poultry	10000 micrograms per kilogram of the food.
				Milk	500 micrograms per kilogram of the food.
29.	Oxolinic acid			Muscle of bovine, porcine and poultry	100 micrograms per kilogram of the food.
				Liver and kidney of bovine, porcine and poultry	150 micrograms per kilogram of the food.
30.	Oxytetracycline	Sum of parent drug and its 4-epimer		Muscle of all food animals	100 micrograms per kilogram of the food.
				Liver of all food animals	300 micrograms per kilogram of the food.
				Kidney of all food animals	600 micrograms per kilogram of the food.
				Milk	100 micrograms per kilogram of the food.

31.	Sarafloxacin		Muscle of poultry	10 micrograms per kilogram of the food.
			Liver and kidney of poultry	80 micrograms per kilogram of the food.
32.	Spectinomycin		Muscle of bovine, porcine and poultry	500 micrograms per kilogram of the food.
			Liver of bovine, porcine and poultry	2000 micrograms per kilogram of the food.
			Kidney of bovine, porcine and poultry	5000 micrograms per kilogram of the food.
			Milk	200 micrograms per kilogram of the food.
33.	Streptomycin	Sum of dihydro-streptomycin and streptomycin	Muscle and liver of bovine, porcine and poultry	500 micrograms per kilogram of the food.
			Kidney of bovine, porcine and poultry	1000 micrograms per kilogram of the food.
			Milk	200 micrograms per kilogram of the food.
34.	Sulfonamides	Sum of all Substances belonging to the sulfonamide group	Muscle, liver and kidney of all food animals	100 micrograms per kilogram of the food.
			Milk	100 micrograms per kilogram of the food.
35.	Tetracycline	Sum of parent drug and its 4-epimer	Muscle of all food animals	100 micrograms per kilogram of the food.
			Liver of all food animals	300 micrograms per kilogram of the food.

		Kidney of all food animals	600 micrograms per kilogram of the food.
		Milk	100 micrograms per kilogram of the food.
36.	Tiamulin Sum of metabolites that may be hydrolysed to 8-alpha-hydroxymutillin	Muscle of porcine and poultry	100 micrograms per kilogram of the food.
		Liver of porcine	500 micrograms per kilogram of the food.
		Liver of poultry	1000 micrograms per kilogram of the food.
37.	Trimethoprim	Muscle, liver and kidney of bovine, porcine and poultry	50 micrograms per kilogram of the food.
		Milk	50 micrograms per kilogram of the food.
38.	Tylosin	Muscle, liver and kidney of bovine, porcine and poultry	200 micrograms per kilogram of the food.
		Milk	50 micrograms per kilogram of the food.
39.	Virginiamycin	Muscle of porcine	100 micrograms per kilogram of the food.
		Liver of porcine	300 micrograms per kilogram of the food.
		Kidney of porcine	400 micrograms per kilogram of the food.

(First Schedule replaced L.N. 148 of 2001)

SCHEDULE 2
PROHIBITED SUBSTANCES VerDate:31/12/2001

[regulation 3A]

1. Dienoestrol ((E,E)-4,4'-(diethylideneethylene) diphenol) including salts and esters thereof.
2. Diethylstilboestrol ((E)-B-diethylstilbene-4,4'-diol) including salts and esters thereof.

3. Hexoestrol (meso-4,4'-(1,2-diethylethylene) diphenol) including salts and esters thereof.
4. Avoparcin. (L.N. 148 of 2001)
5. Clenbuterol. (L.N. 148 of 2001)
6. Chloramphenicol. (L.N. 148 of 2001)
7. Salbutamol. (L.N. 148 of 2001)
(L.N. 173 of 1986)