

Harmful Substances in Food Regulations

(Cap. 132 sub. leg. AF)

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Harmful Substances in Food Regulations

(Cap. 132, section 55(1))

[27 May 1983]

(Format changes—E.R. 2 of 2012)

1. Citation and commencement

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

(E.R. 2 of 2012)

2. Interpretation

In these regulations, unless the context otherwise requires—

air transshipment cargo (航空轉運貨物) 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 (航空過境貨物) means any article in transit that is both imported and consigned for export in an aircraft; *(29 of 2000 s. 5)*

article in transit (過境物品) 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 (機場貨物轉運區) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60); *(29 of 2000 s. 5)*

condensed milk (煉奶) means milk which has been condensed by the evaporation of a portion of its water content, whether or not sugar has been added, and includes—

- (a) any such milk made from skimmed milk or partly skimmed milk; and
- (b) evaporated milk; (*L.N. 173 of 2011*)

dried milk (奶粉) means milk which has been concentrated in the form of solid or powder by removal of water, whether or not it has been sweetened, modified or compounded, and includes any such milk made from skimmed milk or partly skimmed milk; (*L.N. 173 of 2011*)

fatty acid (脂肪酸) 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 (魚) does not include live fish other than shell fish; (*L.N. 173 of 1986*)

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

meat (肉類) means the flesh or other edible part (including blood) of— (*L.N. 148 of 2001*)

- (a) any animal; or
- (b) any bird,

intended for human consumption; (*L.N. 173 of 1986*)

milk (奶類) 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 (奶類飲品) 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 (油或脂肪) means oil or fat derived from any animal, bird, fish or plant but does not include any essential oil;

peanut (花生) means groundnut or the seed of *Arachis hypogaea* L.;

peanut products (花生產品) includes oil of peanut or any product containing peanut as its ingredient;

reconstituted milk (再造奶) means products resulting from the recombining with water of milk constituents, namely, milk fat and other solids derived from milk exclusive of any other substance, and includes the products resulting from the melting of frozen concentrated milk; (*L.N. 173 of 2011*)

sell (售賣) includes offer, or expose for sale or have in possession for sale; (*L.N. 173 of 2011*)

skimmed milk (脫脂奶) includes separated milk and machine skimmed milk. (*L.N. 173 of 2011*)

(*L.N. 67 of 1985; L.N. 331 of 1987; L.N. 148 of 2001; E.R. 2 of 2012*)

3. Prohibition of import and sale of food containing certain substances in excessive concentrations

A person must not import, consign, deliver, manufacture or sell, for human consumption, any food of a description specified in Column D of Schedule 1 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; L.N. 173 of 2011; E.R. 2 of 2012*)

3A. Prohibition of import and sale of fish, meat or milk etc. containing prohibited substances

(L.N. 173 of 2011)

A person must not import, sell or consign or deliver for sale for human consumption, any fish, meat, milk, dried milk, condensed milk or reconstituted milk which contains any substance specified in Schedule 2.

(L.N. 148 of 2001; L.N. 230 of 2001; L.N. 173 of 2011; E.R. 2 of 2012)

3B. Application to air transit or air transshipment cargo

- (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)

4. Amendment of Schedule 1

The Director of Food and Environmental Hygiene may, by notice published in the Gazette, amend the concentrations specified in Column E of Schedule 1.

(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; E.R. 2 of 2012)

5. Offence and penalties

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)

6. Name in which proceedings may be brought

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)

Harmful Substances in Food Regulations

Schedule 1

S1-2

Cap. 132AF

Schedule 1

[regs. 3 & 4]

Maximum Concentration of Certain Substances Present in Specified Foods

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 B ₁ , B ₂ , G ₁ , G ₂ , M ₁ , M ₂ , P ₁ and aflatoxicol	Any food other than peanut or its products	15 micrograms per kilogram of the food.
			Peanuts or peanut products	20 micrograms per kilogram of the food.
2.	Amoxycillin		Muscle, liver and kidney of all food animals	50 micrograms per kilogram of the food.
			Milk	4 micrograms per kilogram of the food.
3.	Ampicillin		Muscle, liver and kidney of all food animals	50 micrograms per kilogram of the food.
			Milk	4 micrograms per kilogram of the food.

Last updated date
2.8.2012

Harmful Substances in Food Regulations

Schedule 1

S1-4

Cap. 132AF

A	B	C	D	E
Item	Substance	Description of substance	Description of food	Maximum concentration
4.	Bacitracin		Muscle, liver and kidney of bovine, porcine and poultry	500 micrograms per kilogram of the food.
			Milk	500 micrograms per kilogram of the food.
5.	Benzylpenicillin		Muscle, liver and kidney of all food animals	50 micrograms per kilogram of the food.
			Milk	4 micrograms per kilogram of the food.
6.	Carbadox	Quinoxaline-2-carboxylic acid	Muscle of porcine	5 micrograms per kilogram of the food.
			Liver of porcine	30 micrograms per kilogram of the food.
7.	Ceftiofur	Desfuroylceftiofur	Muscle of bovine and porcine	1 000 micrograms per kilogram of the food.
			Liver of bovine and porcine	2 000 micrograms per kilogram of the food.
			Kidney of bovine and porcine	6 000 micrograms per kilogram of the food.

Last updated date
2.8.2012

Harmful Substances in Food Regulations

Schedule 1

S1-6

Cap. 132AF

A	B	C	D	E
Item	Substance	Description of substance	Description of food	Maximum concentration
			Milk	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.

Harmful Substances in Food Regulations

Schedule 1

S1-8

Cap. 132AF

A	B	C	D	E
Item	Substance	Description of substance	Description of food	Maximum concentration
			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 poultry	400 micrograms per 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.

Last updated date
2.8.2012

Harmful Substances in Food Regulations

Schedule 1

S1-10

Cap. 132AF

A	B	C	D	E
Item	Substance	Description of substance	Description of food	Maximum concentration
13.	Dihydro-streptomycin	Sum of dihydrostrepto-mycin and streptomycin	Muscle and liver of bovine, porcine and poultry	500 micrograms per kilogram of the food.
			Kidney of bovine, porcine and poultry	1 000 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.

Harmful Substances in Food Regulations

Schedule 1

S1-12

Cap. 132AF

A	B	C	D	E
Item	Substance	Description of substance	Description of food	Maximum concentration
			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.

Last updated date
2.8.2012

Harmful Substances in Food Regulations

Schedule 1

S1-14

Cap. 132AF

A	B	C	D	E
Item	Substance	Description of substance	Description of food	Maximum concentration
			Kidney of bovine, porcine and poultry	3 000 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, porcine and poultry	100 micrograms per kilogram of the food.
			Liver of bovine and porcine	2 000 micrograms per kilogram of the food.
			Kidney of bovine and porcine	5 000 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.

Last updated date
2.8.2012

Harmful Substances in Food Regulations

Schedule 1

S1-16

Cap. 132AF

A	B	C	D	E
Item	Substance	Description of substance	Description of food	Maximum concentration
			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	1 500 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. <i>(L.N. 137 of 2005)</i>

Last updated date
2.8.2012

Harmful Substances in Food Regulations

Schedule 1

S1-18

Cap. 132AF

A	B	C	D	E
Item	Substance	Description of substance	Description of food	Maximum concentration
26B.	Melamine		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. <i>(L.N. 215 of 2008)</i>
27.	Metronidazole		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	10 000 micrograms per kilogram of the food.
			Milk	500 micrograms per kilogram of the food.

Last updated date
2.8.2012

Harmful Substances in Food Regulations

Schedule 1

S1-20

Cap. 132AF

A	B	C	D	E
Item	Substance	Description of substance	Description of food	Maximum concentration
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.

Harmful Substances in Food Regulations

Schedule 1

S1-22

Cap. 132AF

A	B	C	D	E
Item	Substance	Description of substance	Description of food	Maximum concentration
			Liver of bovine, porcine and poultry	2 000 micrograms per kilogram of the food.
			Kidney of bovine, porcine and poultry	5 000 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	1 000 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.

Harmful Substances in Food Regulations

Schedule 1

S1-24

Cap. 132AF

A	B	C	D	E
Item	Substance	Description of substance	Description of food	Maximum concentration
			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-hydroxymutilin	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	1 000 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.

Harmful Substances in Food Regulations

Schedule 1

S1-26

Cap. 132AF

A	B	C	D	E
Item	Substance	Description of substance	Description of food	Maximum concentration
			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.

(Schedule 1 replaced L.N. 148 of 2001)

Schedule 2

[reg. 3A]

Prohibited Substances

1. Dienoestrol ((E,E)-4,4'-(diethylideneethylene) diphenol) including salts and esters thereof.
2. Diethylstilboestrol ((E)- $\alpha\beta$ -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*)