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Proposed Regulation of GM Food

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Approved By:

Erich Kuss

Prepared By:

Caroline Yuen

Report Highlights:

The Hong Kong Government has announced its intention to regulate genetically modified (GM) food by introducing a mandatory pre-market safety assessment scheme (PMSAS) in Hong Kong. According to HKG's proposed regulatory framework, a GM food developer would need to apply to the Hong Kong government if any food products containing its GM ingredients are to be sold in Hong Kong. The HKG further stated that there is no plan for mandatory labeling for GM products.

Background

Currently, the Hong Kong Government (HKG) does not have any specific biotechnology regulations with regard to the labeling of GM food products. It makes no distinction between conventional and GM foods. They are subject to the same food safety regulation.

There have always been calls in the public urging the HKG to step up regulating GM food. The green groups, consumer representatives and certain members of the Legislative Council have repeatedly expressed their urge for mandatory labeling for GM products over the years. Their primary argument is that consumers should be provided with adequate information to make informed food choices.

In response, the HKG introduced voluntary labeling of GM products as a viable alternative for the trade. The guidelines on labeling for biotech foods, released in 2006, are advisory in nature and do not have any legal effect. The threshold level applied in the guidelines for labeling purpose is 5 percent, in respect of individual food ingredient. Negative labeling is not recommended.

Meanwhile, the HKG explained that they do not see the pressing need to introduce mandatory labeling for GM food because of the lack of international consensus on this subject. They also acknowledged the huge cost and burden that would be added to traders in the event of mandatory GM labeling since Hong Kong mostly relies on food imports. Traders would find it difficult to prepare GM labels with respect to GM ingredients contained in the food which are originated from countries where GM labeling is not required.

Pre-market Safety Assessment Scheme (PMSAS)

In 2003, the HKG proposed its regulatory framework for GM foods, which was to include a pre-market safety assessment scheme supplemented by voluntary labeling. While the voluntary labeling guideline was released in 2006, the PMSAS was shelved until the recent announcement of the HKG's intention to have it adopted in Hong Kong as a tool to ensure the safety of GM food and provide as a legal basis to prevent unauthorized GM products from entering the local market.

According to HKG's proposed regulatory framework, a GM food developer should apply to the Hong Kong government if any food products containing its GM ingredients are to be sold in Hong Kong. The GM food developer is required to submit an application and provide supporting documentation to the Center for Food Safety for evaluation in the context of Codex principles and guidelines. GM food which consists of, or is derived from, GM microorganisms, plants and animals, must pass the safety assessment before it may be sold in Hong Kong.

As the application for PMSAS will be submitted by biotechnology companies which develop the GM organisms for food production, the HKG did not expect the scheme will have any impact on traders,

importers, distributors and retailers as far as application is concerned.

The HKG also believed that the impact on the applicant, that is, the biotechnology companies would be insignificant because GM ingredients getting into Hong Kong should have already been evaluated by overseas authorities. According to the HKG estimation, there are about 70 types of GM plants which have been commercialized in the international market for food use. They were developed by five biotechnology companies. HKG said the future assessment procedures applied on GM ingredients which have been evaluated by overseas authorities will be simplified, provided that the principles adopted by overseas authorities in question are similar to those of Codex.

If the GM plants/animals/microorganisms have been evaluated by other regulatory agencies, the applicants should submit approval certificates and evaluation findings. The CFS indicated that they will evaluate the application by making reference to the safety assessment conducted by other regulatory authorities.

For the application of GM plants/animals/microorganisms that have not been approved elsewhere, the CFS estimated that they will take a longer time for full evaluation. However, they think Hong Kong will hardly be the first place that any GM food developer will be introducing their GM products.

At this stage, the CFS has not determined whether any application fee is required.

The CFS pledged that they will devise suitable transitional arrangement for GM food that is already on the market at the time when the new PMSAS comes into operation.

After the implementation of PMSAS, the CFS will draw up a list of approved GM food and upload the list on its homepage for the reference of the public and the trade. Hong Kong food manufacturers and importers will be responsible to ensure that their products contain only approved GM food.

Although the HKG tried to assure the trade that the application burden is on GM developers, the trade does not feel comfortable if the future law will make them accountable when their products are found containing GM ingredients which have not been registered in Hong Kong. Traders felt that it is beyond their knowledge and power to ask GM developers to apply to the HKG. HKG officials at the open forum failed to say which party will be held responsible in a scenario that a product selling in Hong Kong contains unregistered GM ingredients as details of the regulation have not been drafted.

Prospects for Mandatory Labeling

At an open forum, when asked about if mandatory labeling is coming in the pipeline, the HKG stated it had no such intention at the moment. However, the government official further explained that PMSAS is a first step and would be a prerequisite for adopting mandatory labeling in the case of Hong Kong because government testing laboratory currently does not have adequate knowhow to verify the existence of GM ingredients in an end product. With the introduction of PMSAS, applicants will have to submit all supporting and evaluation documents pertaining to commercialized GM plants/animals/microorganisms to the HKG. The submitted documents will provide testing methods

and reference. By then, the HKG would be equipped with the necessary knowledge and develop testing capacity for the introduction of mandatory labeling for GM products in the future. But again, the HKG reiterated that they do not have any plan for mandatory labeling at this stage.

Timeframe

The HKG is planning to launch a public consultation on their intention to introduce the PMSAS in the second half of 2013. There is no set timeframe for the introduction of the new regulation. It is expected that a grace period of two years may be provided after the enactment of the new regulation.