

**For Discussion on  
29 June 2004**

**LegCo Panel on Food Safety and Environmental Hygiene**

**Regulatory Control of Lunch Box Suppliers**

**Purpose**

This paper briefs Members on the regulatory control of lunch boxes and reports on the findings in respect of a food poisoning incident that took place recently at a school in Tsueng Kwan O.

**Regulatory Control of Lunch Box Suppliers**

2. Under section 31 of the Food Business Regulation, any person who intends to prepare or manufacture food for sale for human consumption off the premises is required to obtain a food factory licence from the Food and Environmental Hygiene Department (FEHD). Operating a food factory without a licence is an offence and is subject to a maximum penalty of \$50,000 and imprisonment of 6 months. A daily fine of \$900 may also be imposed.

3. A food factory licensee has to comply with requirements and conditions on food hygiene and building and fire safety. Food factory licensees who wish to supply lunch boxes have to obtain endorsement from FEHD and to comply with additional licensing conditions governing –

- (a) temperature at which the meals are stored from the point after the completion of food preparation up to the distribution of the meals to consumers for their consumption. Hot meals have to be kept at a temperature above 63°C while meals eaten cold have to be kept at a temperature below 4°C;

- (b) vehicles and equipment used for delivery;
- (c) meal boxes; and
- (d) records on the suppliers of food ingredients and details of places to which the meals are supplied.

The additional licensing conditions are at **Annex**.

4. Apart from prosecutions in accordance with legal provisions, breaches of licensing requirements or conditions will attract the award of verbal/written warnings to the licensee. The accumulation of three written warnings in a period of six months will lead to cancellation of a licence.

5. To ensure compliance of all legal provisions and licensing requirements by the licensees of food factories supplying lunch boxes, FEHD Health Inspectors carry out field inspections on a regular basis, from once every 4 weeks to once every 12 weeks, dependent upon their risk potential. At present, there are 103 licensed food factories that are endorsed to supply lunch boxes to schools. 1 054 inspections were conducted to these licensed food factories in the last 12 months.

### **Guidelines for Schools**

6. The Education and Manpower Bureau (EMB) issues guidelines to schools on meal arrangements based on input provided by FEHD. These include good practice in administrative arrangements, ways to cultivate healthy eating habits of students, hygiene practice at tuck shops and advice on the procurement of lunch boxes. Schools are reminded to order lunch boxes and cooked food from licensed food suppliers with endorsement for the manufacture and preparation of lunch boxes. They are further advised to request the food suppliers to provide documents to prove that they possess valid food factory licences with the relevant endorsement and to pay attention to the method of packing and transportation used by the food suppliers. EMB is updating these guidelines and will issue them to schools shortly.

7. In addition, FEHD has produced a leaflet entitled “Guidelines on How to Ensure Lunch Boxes Ordered are Safe” for distribution to schools. The leaflet provides useful tips on selecting lunch box suppliers and guidelines on how lunch boxes should be kept at the place of consumption.

### **Recent Incident**

8. A food poisoning outbreak occurred at a school in Tsueng Kwan O on 24 May 2004. 101 students and one staff member of the school were affected. The affected individuals exhibited symptoms such as abdominal pain, nausea, vomiting and diarrhea. 58 attended Accident and Emergency wards of hospitals. All of the affected individuals had consumed sushi from lunch boxes. The incubation period and symptoms exhibited by the affected individuals suggested that the food poisoning outbreak was likely to be caused by the bacteria *Staphylococcus aureus*. All four sushi lunch boxes left from the affected school were collected and found to be positive for *Staphylococcus aureus*.

9. Following notification by the Department of Health (DH), FEHD conducted investigation at the food factory which supplied lunch boxes to the school (hereinafter referred to as “Company A”) and noted that the sushi lunch boxes were prepared and delivered to the school from another food factory (hereinafter referred to as “Company B”). Company A is a licensed food factory with endorsement to supply lunch boxes. Company B is also a licensed food factory with endorsement to supply sushi. FEHD’s investigation at Company B found the food room dirty and suggested that improper holding temperature of the sushi lunch box could have contributed to the food poisoning outbreak.

### **Follow-up Actions**

10. Based on FEHD’s investigation results, prosecution has been instituted against Company B under section 15 of the Food Business Regulation for failure to maintain its food room clean. In addition, a verbal warning has been issued to Company B for contravening the

licensing condition that meals to be eaten cold should be kept and delivered at a temperature below 4°C. Health advice on food safety and prevention of bacterial food poisoning were provided to the management and staff of the two food factories concerned during FEHD's investigation.

11. Laboratory results of the food samples taken by FEHD, together with the epidemiological findings of DH, supported the postulation of *Staphylococcus aureus* as the cause of this food poisoning outbreak. FEHD is assessing the available evidence for instituting prosecutions against the two food factories concerned.

12. We note that there are concerns about suppliers of lunch boxes engaging sub-contractors to produce food or meals. We have examined whether there are grey areas arising from such practice from the regulatory point of view. Section 54 of the Public Health and Municipal Services Ordinance (Cap. 132) prohibits any person to sell, offer for sale or possess for the purpose of sale or preparation for sale any food which is unfit for human consumption. Contravention of the provision is an offence and is subject to a maximum fine of \$50,000 and imprisonment of 6 months. Under this provision, it is the responsibility of a food supplier to ensure that the food supplied is fit for consumption by the end users, even though the food is prepared by another licensed food factory under instruction by the supplier. The licensed food factory which has manufactured and prepared the food should ensure that the manufacturing and preparation of food comply with all the prescribed licensing conditions. Upon the occurrence of a food poisoning case, both the food supplier and the licensed food factory concerned will be liable for prosecution if there is sufficient evidence to prove that the food supplied by them was unfit. We therefore consider that there is sufficient safeguard under the existing legislation to hold those responsible liable for selling unfit food. Under the circumstances, we consider it unnecessary to impose a blanket prohibition against subcontracting arrangements for licensed food suppliers, as this may have other implications affecting the normal operations in the food trade.

13. We will continue to closely monitor the operations of licensed food factories and take stringent enforcement action against those which contravene hygiene and food safety requirements and conditions.

Health, Welfare and Food Bureau  
Food and Environmental Hygiene Department  
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**Additional Licensing Conditions for Food Factories Supplying Meal Boxes**

**供應飯盒的食物製造廠須遵守的附加持牌條件**

- \*. In the course of transportation, all hot food or meals shall be delivered in closely covered insulated containers or food warming devices and maintained at a temperature above 63°C.  
在運送經煮熟的食物或膳食的過程，必須把食物或膳食存放於密封的保溫容器或食物保暖器內，溫度必須保持在攝氏 63 度以上。
- \*. All hot food or meals shall be kept at a temperature above 63°C in insulated containers or food warming devices after cooking and upon arrival at the destination, until they are distributed to consumers for immediate consumption.  
在把經煮熟的食物或膳食在運送到目的地後，直至分發給顧客即時食用前，必須把食物或膳食存放於溫度保持在攝氏 63 度以上的保溫容器或食物保暖器內。
- \*. In the course of transportation, all food or meals to be eaten cold shall be delivered in closely covered insulated containers or food refrigerating devices and maintained at a temperature below 4°C.  
在運送冷凍食物或膳食的過程，必須把食物或膳食存放於密封的保溫容器或食物冷藏器內，溫度必須保持在攝氏 4 度以下。
- \*. All food or meals to be eaten cold shall be kept at a temperature below 4°C in insulated containers or food refrigerating devices after preparation and upon arrival at the destination, until they are distributed to consumers for immediate consumption.  
在把冷凍食物或膳食在運送到目的地後，直至分發給顧客即時食用前，必須把食物或膳食存放於溫度保持在攝氏 4 度以下的保溫容器或食物冷藏器內。
- \*. Thermometers should be used to record the temperatures of the containers in each delivery. Tightly covered containers, and food warming and insulating or refrigerating devices for food or meals must be securely fastened and properly packed in the vehicle to prevent spillage or contamination during transportation.  
每次運送均應以溫度計記錄容器的溫度。必須將存放食物或膳食的密封容器、食物保暖及保溫器或冷藏器穩固地繫於車上，並妥為包裝，以免於運送途中溢漏或受污染。

- \*. Vehicles or equipment used for the delivery of food or meals shall be cleansed with water and anti-bacterial detergent at least once daily.  
用作運送食物或膳食的車輛或設備，必須每日用水及防菌清潔劑清洗最少一次。
- \*. Food containers must be made of material which will not release toxic chemicals into food as a result of changes in temperature or acidity in the food. Reusable meal boxes must be thoroughly cleansed with water and detergent and sterilized with bactericidal agent after each use.  
食物容器必須以能耐食物的溫度及酸度而不會釋出有毒化學物質的材料製造。每次使用可再用的飯盒後，必須徹底用水及清潔劑清洗，並以殺菌劑消毒。
- \*. Meal boxes should be kept inside dust, rodent and fly proof containers before use.  
飯盒在使用前必須存放在可防塵、防鼠及防蠅的容器內。
- \*. Records showing dates, type and quantities of food, particulars of suppliers of food ingredients, and the names and addresses of all schools or places to which food or meals are supplied, shall be kept for not less than 30 days. Such records shall be made available for inspection on demand by any health officer, health inspector or authorized public officer.  
必須存備紀錄，註明向有關學校或地方供應食物或膳食的日期、食物類別和供應量，以及有關名稱和地址；並列明食物材料供應商的資料。該等紀錄必須最少保存 30 天，以及隨時可應要求交給衛生人員、衛生督察或獲授權的公職人員查閱。