

HONG KONG
Suppliers Association Ltd. **HKSA**
香港供應商協會有限公司

<http://www.hksuppliers.com.hk>

January 10, 2009

Legislative Council
Subcommittee
Public Health and Municipal Services
(Amendment) Bill 2008
Fax no.: 25090775

Dear Sir/Madam,

**Re: Comments by the Hong Kong Suppliers Association
on the Proposed Food Safety Bill**

The Hong Kong Suppliers Association request a clarification on the "Reasonable Grounds" that the Director of Food and Environmental Hygiene can use to make orders administratively to prohibit the import and supply of any food that any food supplied be recalled in the manner specified in the order.

To our interpretation, the ground to prohibit sales and recall of products should be harmful and dangerous to public health when sell and consumed by the Hong Kong public. The Administration is authorized to exercise such cease sales and recall power on "Reasonable Grounds" before it is proven to be harmful and dangerous to the health of the Hong Kong public. The Administration had pointed out that there could be many and various reasonable grounds. It is only fair that if the reasonable ground is proven to be not reasonable because the foods is not dangerous or harmful to public health and comply with the Hong Kong law and regulation, the Administration should compensate for losses since a wrongful decision had been made based on reasonable grounds at the time the order was made. The compensation should not limit to monetary compensation. Announcement should be made to the public and in the Press to clarify that the order is withdrawn in the same publicity magnitude when the order was made.

Thank you for your attention.

On and for behalf of
Hong Kong Suppliers Association

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