

**立法會**  
**Legislative Council**

LC Paper No. LS77/10-11

**Paper for the Panel on Food Safety  
and Environmental Hygiene**

**Two further orders made under section 78B of the  
Public Health and Municipal Services Ordinance (Cap. 132)  
(G.N. (E.) 22 and G.N. (E.) 23 of 2011)  
gazetted on 9 June 2011 and 10 June 2011**

Further to the Legal Service Division Report to the House Committee Meeting on 3 June 2011 (LC Paper No. LS71/10-11), two further section 78B orders have been gazetted on 9 and 10 June 2011 respectively.

2. The Administration will brief the Panel on Food Safety and Environmental Hygiene on measures to follow up on the plasticizer contamination incident in Taiwan including the section 78B orders gazetted at the Panel meeting to be held on 14 June 2011.

Section 78B orders gazetted on 9 June 2011 and 10 June 2011

3. The two section 78B orders were published respectively as General Notices in the Gazette Extraordinary on 9 June 2011 (G.N. (E.) 22 of 2011) (the 9 June Order) and 10 June 2011 (G.N. (E.) 23 of 2011) (the 10 June Order). Under the two Orders -

- (a) all persons are prohibited from importing into Hong Kong the food specified in Annex A to the Orders, that is intended for human consumption, for the period from 12:00 noon on 9 June 2011 and 12:00 noon on 10 June 2011 respectively until further notice;
- (b) all persons are prohibited from supplying<sup>1</sup> within Hong Kong the food specified in Annex A to the Orders, that is intended for human consumption, for the period from 12:00 noon on 9 June 2011 and

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<sup>1</sup> According to section 78A of Cap. 132, "supplying" means (a) selling the food; (b) offering, keeping or exhibiting the food for trade, (c) exchanging or disposing of the food for consideration; (d) transmitting, conveying or delivering the food in pursuance of (i) a sale; or (ii) an exchange or disposal for consideration; or (e) for commercial purposes, giving the food as a prize or making a gift of the food.

12:00 noon on 10 June 2011 respectively until further notice; and

- (c) the food specified in Annex A to the Orders, that is intended for human consumption and has been supplied, is to be recalled in the manner specified in Annex C to the Orders, within a period of 30 days from 12:00 noon on 9 June 2011 and within a period of 30 days from 12:00 noon on 10 June 2011 respectively.

4. The effect of the two Orders is, unless accompanied by a certificate issued by the relevant Taiwanese authority certifying that the levels of di(2-ethylhexyl)phthalate (DEHP) do not exceed 1.5 parts per million (ppm), to prohibit the import into and supply of, and to recall the food specified in Annex A to the 9 June Order, namely ORIYEN Nutri Grow Orange Drink Premix (Boy) and Mango Syrup, and to the 10 June Order, namely Fruit syrup (濃糖果漿) of all flavors and Peach conc. juice (水蜜桃汁).

5. Annex B to the two Orders sets out the reasons for, and the principal factors that led to, making the two Orders, which relates to the excessive level of DEHP. According to the health effects set out in Annex B to the two Orders, the acute oral toxicity of DEHP is low. As for chronic toxicity, DEHP was found to affect the liver and kidney as well as the reproduction and development of experimental animals. The International Agency for Research on Cancer concluded DEHP is possibly carcinogenic to humans. Annex C to the two Orders set out the manner in which a recall should be conducted.

6. The 9 June Order took effect at 12:00 noon on 9 June 2011. The 10 June Order took effect at 12:00 noon on 10 June 2011.

7. For background to section 78B orders, their enforcement and the right of appeal, please refer to LC Paper No. LS71/10-11 referred to above.

8. Members may refer to the LegCo Brief (ref: FHB CR 11/1886/05 Pt.3) issued by the Food and Health Bureau dated 13 June 2011 for background information about the two Orders.

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